

As Pending in the Senate Finance Committee

132nd General Assembly

Regular Session

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Sub. H. B. No. 49

Representative Smith, R.

**Cosponsors: Representatives Duffey, Ginter, Hambley, Hill, Lanese,
Manning, McColley, Patton, Perales, Reineke, Ryan, Scherer, Sprague**

Speaker Rosenberger

A B I L L

To amend sections 101.34, 102.02, 102.022, 102.03, 1
103.41, 103.42, 105.41, 107.031, 107.35, 109.572, 2
109.5721, 109.71, 109.802, 109.803, 111.42, 3
111.43, 111.44, 111.45, 113.061, 119.06, 120.08, 4
120.18, 120.28, 120.33, 120.34, 120.35, 120.36, 5
121.40, 121.48, 122.01, 122.071, 122.08, 122.081, 6
122.17, 122.171, 122.174, 122.175, 122.33, 7
122.641, 122.85, 122.86, 122.98, 123.01, 123.20, 8
123.21, 124.384, 124.823, 124.93, 125.035, 125.04, 9
125.061, 125.18, 125.22, 125.28, 126.11, 126.22, 10
126.35, 131.23, 131.33, 131.35, 131.44, 131.51, 11
133.022, 133.06, 133.061, 135.143, 135.182, 12
135.45, 135.63, 135.71, 143.01, 151.03, 152.08, 13
153.02, 154.11, 166.08, 166.11, 167.03, 173.01, 14
173.14, 173.15, 173.17, 173.19, 173.20, 173.21, 15
173.22, 173.24, 173.27, 173.28, 173.38, 173.381, 16
173.42, 173.424, 173.48, 173.51, 173.55, 173.99, 17
183.51, 191.04, 191.06, 305.05, 307.283, 307.678, 18
307.93, 307.984, 319.11, 319.26, 319.54, 321.26, 19
321.27, 321.37, 321.46, 323.01, 323.32, 329.03, 20
329.04, 329.051, 329.06, 340.03, 340.032, 340.033, 21

340.08, 341.12, 341.121, 341.25, 503.56, 505.94,	22
507.12, 507.13, 703.20, 703.21, 705.22, 713.01,	23
715.014, 718.01, 718.02, 718.06, 718.08, 718.27,	24
718.60, 725.01, 725.04, 733.44, 733.46, 733.78,	25
733.81, 763.01, 763.07, 901.04, 901.43, 909.10,	26
911.11, 924.01, 924.09, 927.55, 939.02, 940.15,	27
941.12, 941.55, 943.23, 947.06, 1121.10, 1121.24,	28
1121.30, 1123.01, 1123.02, 1123.03, 1155.07,	29
1155.10, 1163.09, 1163.13, 1181.06, 1349.21,	30
1503.05, 1503.141, 1505.09, 1506.23, 1509.02,	31
1509.071, 1509.28, 1513.18, 1513.20, 1513.25,	32
1513.27, 1513.28, 1513.30, 1513.31, 1513.32,	33
1513.33, 1513.37, 1514.03, 1514.051, 1514.06,	34
1514.071, 1514.11, 1514.46, 1521.06, 1521.063,	35
1531.01, 1531.06, 1533.11, 1533.12, 1561.14,	36
1561.16, 1561.17, 1561.18, 1561.19, 1561.20,	37
1561.21, 1561.22, 1561.26, 1561.45, 1561.46,	38
1561.48, 1721.01, 1721.10, 1733.04, 1733.24,	39
1751.72, 1751.75, 1923.12, 1923.13, 1923.14,	40
2151.353, 2151.417, 2151.43, 2151.49, 2301.56,	41
2305.02, 2305.113, 2329.211, 2329.271, 2329.31,	42
2329.311, 2329.44, 2329.66, 2743.48, 2743.75,	43
2925.01, 2925.23, 2929.15, 2929.20, 2929.34,	44
2941.51, 2953.25, 2967.193, 3109.15, 3111.04,	45
3113.06, 3113.07, 3119.05, 3121.03, 3301.0710,	46
3301.0711, 3301.0712, 3301.0714, 3301.0715,	47
3302.01, 3302.03, 3302.151, 3303.20, 3304.11,	48
3304.12, 3304.14, 3304.15, 3304.17, 3304.171,	49
3304.18, 3304.182, 3304.19, 3304.20, 3304.21,	50
3304.22, 3304.27, 3304.28, 3304.29, 3304.30,	51
3304.31, 3304.41, 3309.23, 3309.374, 3309.661,	52
3310.16, 3310.52, 3311.06, 3311.751, 3311.86,	53
3313.372, 3313.411, 3313.413, 3313.46, 3313.5310,	54

3313.603, 3313.608, 3313.6012, 3313.6023,	55
3313.618, 3313.6110, 3313.6410, 3313.713,	56
3313.717, 3313.751, 3313.813, 3313.89, 3313.902,	57
3314.016, 3314.03, 3314.08, 3314.26, 3316.20,	58
3317.01, 3317.013, 3317.014, 3317.017, 3317.02,	59
3317.021, 3317.022, 3317.024, 3317.025, 3317.0212,	60
3317.0218, 3317.06, 3317.16, 3318.01, 3318.011,	61
3318.02, 3318.021, 3318.022, 3318.024, 3318.03,	62
3318.031, 3318.032, 3318.033, 3318.034, 3318.035,	63
3318.036, 3318.04, 3318.041, 3318.042, 3318.05,	64
3318.051, 3318.052, 3318.054, 3318.06, 3318.061,	65
3318.07, 3318.08, 3318.081, 3318.082, 3318.083,	66
3318.084, 3318.086, 3318.091, 3318.10, 3318.11,	67
3318.112, 3318.12, 3318.121, 3318.13, 3318.15,	68
3318.16, 3318.18, 3318.22, 3318.25, 3318.26,	69
3318.311, 3318.351, 3318.36, 3318.362, 3318.363,	70
3318.364, 3318.37, 3318.371, 3318.38, 3318.40,	71
3318.41, 3318.42, 3318.43, 3318.46, 3318.48,	72
3318.49, 3318.50, 3318.60, 3318.61, 3318.62,	73
3318.70, 3318.71, 3319.111, 3319.22, 3319.227,	74
3319.26, 3319.271, 3319.291, 3319.61, 3321.19,	75
3323.052, 3326.01, 3326.03, 3326.032, 3326.04,	76
3326.09, 3326.10, 3326.101, 3326.11, 3326.33,	77
3326.41, 3327.08, 3333.048, 3333.121, 3333.122,	78
3333.31, 3333.39, 3333.91, 3333.92, 3345.061,	79
3345.14, 3345.35, 3345.45, 3354.01, 3354.09,	80
3357.01, 3357.09, 3357.19, 3358.01, 3358.08,	81
3365.01, 3365.03, 3365.04, 3365.05, 3365.06,	82
3365.07, 3365.12, 3365.15, 3503.16, 3506.01,	83
3506.06, 3506.07, 3513.02, 3513.30, 3513.301,	84
3513.312, 3517.17, 3701.021, 3701.243, 3701.601,	85
3701.611, 3701.65, 3701.83, 3701.881, 3702.304,	86
3702.307, 3702.52, 3702.72, 3704.01, 3704.035,	87

3704.111, 3705.07, 3705.08, 3705.09, 3705.10,	88
3706.05, 3706.27, 3707.58, 3710.01, 3710.02,	89
3710.04, 3710.05, 3710.051, 3710.06, 3710.07,	90
3710.08, 3710.09, 3710.10, 3710.11, 3710.12,	91
3710.13, 3710.14, 3710.15, 3710.17, 3710.19,	92
3710.99, 3713.04, 3715.021, 3715.041, 3719.04,	93
3719.07, 3719.08, 3721.02, 3721.031, 3721.21,	94
3721.22, 3721.23, 3721.24, 3721.25, 3721.32,	95
3727.45, 3727.54, 3729.08, 3734.02, 3734.041,	96
3734.05, 3734.06, 3734.15, 3734.42, 3734.57,	97
3734.576, 3734.82, 3734.901, 3734.9011, 3735.31,	98
3735.33, 3735.40, 3735.41, 3735.66, 3735.661,	99
3735.672, 3737.21, 3742.01, 3742.02, 3742.31,	100
3742.35, 3742.36, 3742.41, 3742.42, 3742.50,	101
3742.51, 3745.012, 3745.016, 3745.11, 3751.01,	102
3751.02, 3751.03, 3751.04, 3751.05, 3751.10,	103
3751.11, 3769.087, 3770.02, 3770.03, 3770.22,	104
3794.03, 3923.041, 3937.32, 4104.15, 4104.18,	105
4105.17, 4109.06, 4112.05, 4117.01, 4141.29,	106
4141.43, 4141.51, 4301.22, 4301.43, 4301.62,	107
4303.05, 4303.181, 4303.209, 4303.26, 4303.271,	108
4501.044, 4501.045, 4503.02, 4503.038, 4503.04,	109
4503.042, 4503.066, 4503.08, 4503.10, 4503.101,	110
4503.15, 4503.503, 4503.63, 4503.65, 4503.77,	111
4503.83, 4505.06, 4508.02, 4510.022, 4511.19,	112
4709.02, 4709.05, 4709.07, 4709.08, 4709.09,	113
4709.10, 4709.12, 4709.13, 4709.14, 4709.23,	114
4713.01, 4713.02, 4713.03, 4713.04, 4713.05,	115
4713.06, 4713.07, 4713.071, 4713.08, 4713.081,	116
4713.082, 4713.09, 4713.10, 4713.11, 4713.13,	117
4713.141, 4713.17, 4713.20, 4713.22, 4713.24,	118
4713.25, 4713.28, 4713.29, 4713.30, 4713.31,	119
4713.32, 4713.34, 4713.35, 4713.37, 4713.39,	120

4713.41, 4713.44, 4713.45, 4713.48, 4713.50,	121
4713.51, 4713.55, 4713.56, 4713.57, 4713.58,	122
4713.59, 4713.61, 4713.62, 4713.63, 4713.64,	123
4713.641, 4713.65, 4713.66, 4713.68, 4713.69,	124
4715.13, 4715.14, 4715.16, 4715.21, 4715.24,	125
4715.27, 4715.362, 4715.363, 4715.369, 4715.37,	126
4715.53, 4715.62, 4715.63, 4717.01, 4717.02,	127
4717.03, 4717.04, 4717.05, 4717.06, 4717.07,	128
4717.08, 4717.09, 4717.10, 4717.11, 4717.13,	129
4717.14, 4717.15, 4717.16, 4717.21, 4717.23,	130
4717.24, 4717.25, 4717.26, 4717.27, 4717.28,	131
4717.30, 4717.32, 4717.33, 4717.35, 4717.36,	132
4723.05, 4723.32, 4723.50, 4725.01, 4725.02,	133
4725.04, 4725.05, 4725.06, 4725.07, 4725.08,	134
4725.09, 4725.091, 4725.092, 4725.10, 4725.11,	135
4725.12, 4725.121, 4725.13, 4725.15, 4725.16,	136
4725.17, 4725.171, 4725.18, 4725.19, 4725.20,	137
4725.21, 4725.22, 4725.23, 4725.24, 4725.26,	138
4725.27, 4725.28, 4725.29, 4725.31, 4725.33,	139
4725.34, 4725.40, 4725.41, 4725.411, 4725.44,	140
4725.48, 4725.49, 4725.50, 4725.501, 4725.51,	141
4725.52, 4725.53, 4725.531, 4725.54, 4725.55,	142
4725.57, 4725.61, 4729.01, 4729.06, 4729.08,	143
4729.09, 4729.11, 4729.12, 4729.13, 4729.15,	144
4729.16, 4729.51, 4729.52, 4729.53, 4729.54,	145
4729.552, 4729.56, 4729.561, 4729.57, 4729.571,	146
4729.58, 4729.59, 4729.60, 4729.61, 4729.62,	147
4729.67, 4729.75, 4729.77, 4729.78, 4729.80,	148
4729.82, 4729.83, 4729.84, 4729.85, 4729.86,	149
4730.05, 4730.40, 4731.051, 4731.056, 4731.07,	150
4731.071, 4731.081, 4731.091, 4731.092, 4731.10,	151
4731.14, 4731.142, 4731.143, 4731.15, 4731.22,	152
4731.221, 4731.222, 4731.223, 4731.224, 4731.225,	153

4731.23, 4731.24, 4731.25, 4731.26, 4731.281,	154
4731.282, 4731.291, 4731.292, 4731.293, 4731.294,	155
4731.295, 4731.296, 4731.298, 4731.299, 4731.341,	156
4731.36, 4731.41, 4731.43, 4731.51, 4731.52,	157
4731.531, 4731.56, 4731.573, 4731.60, 4731.61,	158
4731.65, 4731.66, 4731.67, 4731.68, 4731.76,	159
4731.82, 4731.85, 4735.01, 4736.01, 4736.02,	160
4736.03, 4736.05, 4736.06, 4736.07, 4736.08,	161
4736.09, 4736.10, 4736.11, 4736.12, 4736.13,	162
4736.14, 4736.15, 4736.17, 4736.18, 4743.05,	163
4745.01, 4745.02, 4745.04, 4747.04, 4747.05,	164
4747.06, 4747.07, 4747.08, 4747.10, 4747.11,	165
4747.12, 4747.13, 4747.14, 4747.16, 4747.17,	166
4749.031, 4751.03, 4751.04, 4751.10, 4751.14,	167
4751.99, 4752.01, 4752.03, 4752.04, 4752.05,	168
4752.06, 4752.08, 4752.09, 4752.11, 4752.12,	169
4752.13, 4752.14, 4752.15, 4752.17, 4752.18,	170
4752.19, 4752.20, 4753.05, 4753.06, 4753.07,	171
4753.071, 4753.072, 4753.073, 4753.08, 4753.09,	172
4753.091, 4753.10, 4753.101, 4753.11, 4753.12,	173
4753.15, 4753.16, 4755.02, 4755.03, 4755.031,	174
4755.06, 4755.061, 4755.07, 4755.08, 4755.09,	175
4755.10, 4755.11, 4755.111, 4755.12, 4755.41,	176
4755.411, 4755.412, 4755.42, 4755.421, 4755.43,	177
4755.431, 4755.44, 4755.441, 4755.45, 4755.451,	178
4755.46, 4755.47, 4755.471, 4755.482, 4755.51,	179
4755.511, 4755.52, 4755.53, 4755.61, 4755.62,	180
4755.63, 4755.64, 4755.65, 4755.66, 4755.70,	181
4755.71, 4755.99, 4759.02, 4759.05, 4759.06,	182
4759.061, 4759.07, 4759.08, 4759.09, 4759.10,	183
4759.11, 4759.12, 4761.03, 4761.031, 4761.04,	184
4761.05, 4761.051, 4761.06, 4761.07, 4761.08,	185
4761.09, 4761.10, 4761.11, 4761.12, 4761.13,	186

4761.14, 4761.18, 4762.14, 4765.01, 4765.02,	187
4776.01, 4776.02, 4776.04, 4776.20, 4779.02,	188
4779.08, 4779.09, 4779.091, 4779.10, 4779.11,	189
4779.12, 4779.13, 4779.15, 4779.17, 4779.18,	190
4779.20, 4779.23, 4779.24, 4779.25, 4779.26,	191
4779.27, 4779.28, 4779.29, 4779.30, 4779.31,	192
4779.32, 4779.33, 4779.34, 4781.04, 4781.07,	193
4781.121, 4905.02, 4906.01, 4906.10, 4906.13,	194
4911.021, 4921.01, 4921.19, 4921.21, 4923.02,	195
4923.99, 4927.13, 5101.09, 5101.16, 5101.17,	196
5101.18, 5101.181, 5101.184, 5101.20, 5101.201,	197
5101.214, 5101.23, 5101.241, 5101.26, 5101.27,	198
5101.28, 5101.32, 5101.33, 5101.35, 5101.36,	199
5101.61, 5101.802, 5107.05, 5107.10, 5108.01,	200
5117.10, 5119.01, 5119.22, 5119.221, 5119.34,	201
5119.41, 5120.035, 5120.22, 5120.55, 5122.32,	202
5123.01, 5123.377, 5123.378, 5123.38, 5123.46,	203
5123.47, 5123.60, 5126.0221, 5126.042, 5126.054,	204
5149.10, 5149.311, 5149.36, 5160.052, 5160.37,	205
5160.40, 5160.401, 5162.021, 5162.12, 5162.40,	206
5162.41, 5162.52, 5162.66, 5162.70, 5163.03,	207
5164.01, 5164.31, 5164.34, 5164.341, 5164.342,	208
5164.37, 5164.57, 5164.70, 5164.752, 5164.753,	209
5165.01, 5165.106, 5165.1010, 5165.15, 5165.151,	210
5165.153, 5165.154, 5165.157, 5165.16, 5165.17,	211
5165.19, 5165.192, 5165.21, 5165.23, 5165.25,	212
5165.34, 5165.37, 5165.41, 5165.42, 5165.52,	213
5166.01, 5166.121, 5166.16, 5166.22, 5166.30,	214
5166.40, 5166.408, 5167.01, 5167.03, 5167.04,	215
5167.30, 5168.01, 5168.02, 5168.06, 5168.07,	216
5168.09, 5168.10, 5168.11, 5168.14, 5168.26,	217
5168.99, 5502.01, 5502.13, 5502.68, 5503.02,	218
5515.07, 5575.02, 5575.03, 5577.081, 5595.03,	219

5595.06, 5595.13, 5703.052, 5703.053, 5703.054,	220
5703.056, 5703.19, 5703.21, 5703.26, 5703.371,	221
5703.50, 5703.57, 5703.70, 5703.75, 5705.03,	222
5705.16, 5709.12, 5709.17, 5709.212, 5709.45,	223
5709.62, 5709.63, 5709.632, 5709.64, 5709.68,	224
5709.92, 5713.051, 5713.31, 5713.33, 5713.34,	225
5715.01, 5715.19, 5715.20, 5715.27, 5715.39,	226
5717.01, 5725.33, 5725.98, 5726.98, 5727.26,	227
5727.28, 5727.31, 5727.311, 5727.38, 5727.42,	228
5727.47, 5727.48, 5727.53, 5727.60, 5727.80,	229
5727.81, 5729.98, 5731.46, 5731.49, 5735.02,	230
5736.06, 5739.01, 5739.02, 5739.021, 5739.023,	231
5739.025, 5739.026, 5739.029, 5739.033, 5739.09,	232
5739.122, 5739.13, 5739.132, 5739.30, 5741.021,	233
5741.022, 5741.12, 5743.01, 5743.03, 5743.081,	234
5743.15, 5743.51, 5743.61, 5743.62, 5743.63,	235
5747.02, 5747.06, 5747.08, 5747.113, 5747.122,	236
5747.50, 5747.502, 5747.51, 5747.53, 5747.70,	237
5747.98, 5749.01, 5749.02, 5749.03, 5749.04,	238
5749.06, 5749.17, 5751.02, 5903.11, 5919.34,	239
5923.05, 6111.03, 6111.036, 6111.04, 6111.046,	240
6111.14, 6111.30, 6117.38, 6301.01, 6301.02,	241
6301.03, 6301.04, 6301.05, 6301.06, 6301.061,	242
6301.07, 6301.08, 6301.09, 6301.11, 6301.12, and	243
6301.18; to amend, for the purpose of adopting new	244
section numbers as indicated in parentheses,	245
sections 103.42 (103.416), 152.08 (123.011),	246
3742.49 (3742.44), 3742.50 (3742.45), 3742.51	247
(3742.46), 4731.081 (4731.08), 4731.091 (4731.09),	248
and 4731.092 (4731.091); to enact new sections	249
3742.43 and 5739.18 and sections 9.58, 9.581,	250
9.582, 9.583, 9.584, 107.036, 107.56, 109.46,	251
122.15, 122.151, 122.152, 122.153, 122.154,	252

122.155, 122.156, 125.03, 125.051, 125.32, 125.66,	253
125.661, 135.77, 135.771, 135.772, 135.773,	254
135.774, 135.78, 166.50, 190.01, 190.02, 313.132,	255
503.70, 718.80, 718.81, 718.82, 718.83, 718.84,	256
718.85, 718.851, 718.86, 718.87, 718.88, 718.89,	257
718.90, 718.91, 718.92, 718.93, 718.94, 718.95,	258
924.211, 1121.29, 1501.08, 2967.122, 3311.27,	259
3313.5315, 3313.6112, 3313.6113, 3313.821,	260
3313.904, 3314.29, 3317.062, 3318.037, 3318.421,	261
3323.022, 3332.071, 3333.0414, 3333.0415,	262
3333.051, 3333.052, 3333.166, 3333.45, 3333.94,	263
3333.951, 3345.025, 3345.57, 3345.58, 3345.59,	264
3347.091, 3365.091, 3701.12, 3701.144, 3701.916,	265
3715.08, 3729.14, 3745.018, 3901.89, 3901.90,	266
4501.07, 4504.201, 4715.70, 4717.051, 4717.41,	267
4723.51, 4723.52, 4725.031, 4725.032, 4725.63,	268
4725.64, 4725.65, 4725.66, 4725.67, 4729.021,	269
4729.23, 4729.24, 4729.772, 4730.55, 4730.56,	270
4731.04, 4731.83, 4744.02, 4744.06, 4744.07,	271
4744.10, 4744.12, 4744.14, 4744.16, 4744.18,	272
4744.20, 4744.24, 4744.28, 4744.30, 4744.36,	273
4744.40, 4744.48, 4744.50, 4744.54, 4745.021,	274
4747.051, 4751.043, 4751.044, 4752.22, 4752.24,	275
4753.061, 4759.011, 4759.051, 4761.011, 4761.032,	276
4781.281, 4781.56, 4781.57, 4901.041, 5101.074,	277
5116.01, 5116.02, 5116.03, 5116.06, 5116.10,	278
5116.11, 5116.12, 5116.20, 5116.21, 5116.22,	279
5116.23, 5116.24, 5116.25, 5119.011, 5119.19,	280
5119.48, 5119.89, 5120.68, 5149.38, 5153.113,	281
5162.16, 5162.65, 5164.10, 5164.29, 5164.78,	282
5165.36, 5165.361, 5166.37, 5166.38, 5167.121,	283
5167.18, 5167.34, 5168.75, 5168.76, 5168.77,	284
5168.78, 5168.79, 5168.80, 5168.81, 5168.82,	285

5168.83, 5168.84, 5168.85, 5168.86, 5501.91,	286
5502.1321, 5511.11, 5516.20, 5703.0510, 5705.233,	287
5709.48, 5709.49, 5709.50, 5747.031, 5747.503,	288
5747.504, 5748.10, 5907.17, 6111.61, 6111.62,	289
6301.111, 6301.112, 6301.20, and 6301.21; to	290
repeal sections 123.27, 152.01, 152.02, 152.04,	291
152.05, 152.06, 152.07, 152.09, 152.091, 152.10,	292
152.11, 152.12, 152.13, 152.14, 152.15, 152.16,	293
152.17, 152.18, 152.19, 152.21, 152.22, 152.23,	294
152.24, 152.241, 152.242, 152.26, 152.27, 152.28,	295
152.31, 152.32, 152.33, 173.53, 330.01, 330.02,	296
330.04, 330.05, 330.07, 340.091, 759.24, 763.02,	297
763.05, 901.90, 921.60, 921.61, 921.62, 921.63,	298
921.64, 921.65, 1181.16, 1181.17, 1181.18,	299
1501.022, 1506.24, 1513.181, 3301.28, 3317.018,	300
3317.019, 3317.026, 3317.027, 3318.19, 3318.30,	301
3318.31, 3319.223, 3333.13, 3704.144, 3706.26,	302
3712.042, 3719.02, 3719.021, 3719.03, 3719.031,	303
3727.33, 3727.331, 3727.34, 3727.35, 3727.36,	304
3727.37, 3727.38, 3727.39, 3727.391, 3727.40,	305
3727.41, 3734.821, 3742.43, 3742.44, 3742.45,	306
3742.46, 3742.47, 3742.48, 4709.04, 4709.06,	307
4709.26, 4709.27, 4725.03, 4725.42, 4725.43,	308
4725.45, 4725.46, 4725.47, 4729.14, 4731.08,	309
4731.09, 4731.11, 4731.12, 4731.13, 4731.141,	310
4731.29, 4731.53, 4731.54, 4731.55, 4731.57,	311
4731.571, 4736.04, 4736.16, 4747.03, 4753.03,	312
4753.04, 4755.01, 4759.03, 4759.04, 4761.02,	313
4761.15, 4761.16, 4779.05, 4779.06, 4779.07,	314
4779.16, 4779.21, 4779.22, 4921.15, 4921.16,	315
5115.01, 5115.02, 5115.03, 5115.04, 5115.05,	316
5115.06, 5115.07, 5115.20, 5115.22, 5115.23,	317
5162.54, 5164.88, 5164.881, 5164.90, 5166.13,	318

5739.18, 5747.056, 6111.033, and 6111.40 of the 319
Revised Code; to amend the version of section 320
5735.07 of the Revised Code that is scheduled to 321
take effect January 1, 2018; to amend sections 322
102.02, 109.572, 111.15, 119.01, 121.07, 131.11, 323
135.03, 135.032, 135.182, 135.32, 135.321, 135.51, 324
135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 325
755.141, 902.01, 924.10, 924.26, 924.45, 1101.01, 326
1101.02, 1101.03, 1101.15, 1101.16, 1103.01, 327
1103.02, 1103.03, 1103.06, 1103.07, 1103.08, 328
1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 329
1103.16, 1103.18, 1103.19, 1103.20, 1103.21, 330
1105.01, 1105.02, 1105.03, 1105.04, 1105.08, 331
1105.10, 1105.11, 1107.03, 1107.05, 1107.07, 332
1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 333
1109.02, 1109.03, 1109.05, 1109.08, 1109.10, 334
1109.15, 1109.16, 1109.17, 1109.22, 1109.23, 335
1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 336
1109.33, 1109.34, 1109.35, 1109.36, 1109.39, 337
1109.40, 1109.43, 1109.44, 1109.45, 1109.47, 338
1109.48, 1109.49, 1109.53, 1109.54, 1109.55, 339
1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 340
1109.69, 1111.01, 1111.02, 1111.03, 1111.04, 341
1111.06, 1111.07, 1111.08, 1111.09, 1113.01, 342
1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 343
1115.01, 1115.05, 1115.06, 1115.07, 1115.11, 344
1115.111, 1115.14, 1115.15, 1115.20, 1115.23, 345
1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 346
1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 347
1121.02, 1121.05, 1121.06, 1121.10, 1121.12, 348
1121.13, 1121.15, 1121.16, 1121.17, 1121.18, 349
1121.21, 1121.23, 1121.24, 1121.26, 1121.30, 350
1121.33, 1121.34, 1121.38, 1121.41, 1121.43, 351

1121.45, 1121.47, 1121.48, 1121.50, 1121.56,	352
1123.01, 1123.02, 1123.03, 1125.01, 1125.03,	353
1125.04, 1125.05, 1125.06, 1125.09, 1125.10,	354
1125.11, 1125.12, 1125.13, 1125.14, 1125.17,	355
1125.18, 1125.19, 1125.20, 1125.21, 1125.22,	356
1125.23, 1125.24, 1125.25, 1125.26, 1125.27,	357
1125.28, 1125.29, 1125.30, 1125.33, 1181.01,	358
1181.02, 1181.03, 1181.04, 1181.05, 1181.06,	359
1181.07, 1181.10, 1181.11, 1181.21, 1181.25,	360
1349.16, 1509.07, 1509.225, 1510.09, 1514.04,	361
1707.03, 1901.31, 2335.25, 3351.07, 3767.41,	362
4303.293, and 5814.01; to amend, for the purpose	363
of adopting new section numbers as shown in	364
parentheses, sections 1103.01 (1113.01), 1103.06	365
(1113.04), 1103.08 (1113.12), 1103.09 (1113.13),	366
1103.11 (1113.11), 1103.13 (1113.14), 1103.14	367
(1113.15), 1103.15 (1113.16), 1103.16 (1113.17),	368
1103.21 (1117.07), and 1113.01 (1113.02); to enact	369
new section 1121.52 and sections 1101.05, 1103.99,	370
1109.021, 1109.04, 1109.151, 1109.441, 1109.62,	371
1114.01, 1114.02, 1114.03, 1114.04, 1114.05,	372
1114.06, 1114.07, 1114.08, 1114.09, 1114.10,	373
1114.11, 1114.12, 1114.16, 1115.02, 1115.03,	374
1115.24, 1116.01, 1116.02, 1116.05, 1116.06,	375
1116.07, 1116.08, 1116.09, 1116.10, 1116.11,	376
1116.12, 1116.13, 1116.16, 1116.18, 1116.19,	377
1116.20, 1116.21, 1121.19, and 1121.29; and to	378
repeal sections 1105.06, 1107.01, 1109.60,	379
1115.18, 1115.19, 1115.25, 1121.52, 1133.01,	380
1133.02, 1133.03, 1133.04, 1133.05, 1133.06,	381
1133.07, 1133.08, 1133.09, 1133.10, 1133.11,	382
1133.12, 1133.13, 1133.14, 1133.15, 1133.16,	383
1151.01, 1151.02, 1151.03, 1151.04, 1151.05,	384

1151.051, 1151.052, 1151.053, 1151.06, 1151.07,	385
1151.08, 1151.081, 1151.09, 1151.091, 1151.10,	386
1151.11, 1151.12, 1151.13, 1151.14, 1151.15,	387
1151.16, 1151.17, 1151.18, 1151.19, 1151.191,	388
1151.192, 1151.20, 1151.201, 1151.21, 1151.22,	389
1151.23, 1151.231, 1151.24, 1151.25, 1151.26,	390
1151.27, 1151.28, 1151.29, 1151.291, 1151.292,	391
1151.293, 1151.294, 1151.295, 1151.296, 1151.297,	392
1151.298, 1151.299, 1151.2910, 1151.2911, 1151.30,	393
1151.31, 1151.311, 1151.312, 1151.32, 1151.321,	394
1151.323, 1151.33, 1151.34, 1151.341, 1151.342,	395
1151.343, 1151.344, 1151.345, 1151.346, 1151.347,	396
1151.348, 1151.349, 1151.35, 1151.36, 1151.361,	397
1151.37, 1151.38, 1151.39, 1151.40, 1151.41,	398
1151.411, 1151.42, 1151.44, 1151.45, 1151.46,	399
1151.47, 1151.471, 1151.48, 1151.49, 1151.51,	400
1151.52, 1151.53, 1151.54, 1151.55, 1151.60,	401
1151.61, 1151.62, 1151.63, 1151.64, 1151.66,	402
1151.71, 1151.72, 1151.99, 1153.03, 1153.05,	403
1153.06, 1153.07, 1153.99, 1155.01, 1155.011,	404
1155.02, 1155.021, 1155.03, 1155.05, 1155.07,	405
1155.071, 1155.08, 1155.09, 1155.091, 1155.10,	406
1155.11, 1155.12, 1155.15, 1155.16, 1155.17,	407
1155.18, 1155.20, 1155.21, 1155.23, 1155.24,	408
1155.25, 1155.26, 1155.27, 1155.28, 1155.31,	409
1155.35, 1155.37, 1155.41, 1155.42, 1155.43,	410
1155.44, 1155.45, 1155.46, 1155.47, 1157.01,	411
1157.03, 1157.04, 1157.05, 1157.06, 1157.09,	412
1157.10, 1157.11, 1157.12, 1157.13, 1157.14,	413
1157.17, 1157.18, 1157.19, 1157.20, 1157.21,	414
1157.22, 1157.23, 1157.24, 1157.25, 1157.26,	415
1157.27, 1157.28, 1157.29, 1157.30, 1157.33,	416
1161.01, 1161.02, 1161.03, 1161.04, 1161.05,	417

1161.06, 1161.07, 1161.071, 1161.08, 1161.09,	418
1161.10, 1161.11, 1161.111, 1161.12, 1161.13,	419
1161.14, 1161.15, 1161.16, 1161.17, 1161.18,	420
1161.19, 1161.20, 1161.21, 1161.22, 1161.23,	421
1161.24, 1161.25, 1161.26, 1161.27, 1161.28,	422
1161.29, 1161.30, 1161.31, 1161.32, 1161.33,	423
1161.34, 1161.35, 1161.36, 1161.37, 1161.38,	424
1161.39, 1161.40, 1161.41, 1161.42, 1161.43,	425
1161.44, 1161.441, 1161.45, 1161.46, 1161.47,	426
1161.48, 1161.49, 1161.50, 1161.51, 1161.52,	427
1161.53, 1161.54, 1161.55, 1161.56, 1161.57,	428
1161.58, 1161.59, 1161.60, 1161.601, 1161.61,	429
1161.62, 1161.63, 1161.631, 1161.64, 1161.65,	430
1161.66, 1161.67, 1161.68, 1161.69, 1161.70,	431
1161.71, 1161.72, 1161.73, 1161.74, 1161.75,	432
1161.76, 1161.77, 1161.78, 1161.79, 1161.80,	433
1161.81, 1163.01, 1163.02, 1163.03, 1163.04,	434
1163.05, 1163.07, 1163.09, 1163.10, 1163.11,	435
1163.12, 1163.121, 1163.13, 1163.14, 1163.15,	436
1163.19, 1163.20, 1163.21, 1163.22, 1163.24,	437
1163.25, 1163.26, 1163.27, 1165.01, 1165.03,	438
1165.04, 1165.05, 1165.06, 1165.09, 1165.10,	439
1165.11, 1165.12, 1165.13, 1165.14, 1165.17,	440
1165.18, 1165.19, 1165.20, 1165.21, 1165.22,	441
1165.23, 1165.24, 1165.25, 1165.26, 1165.27,	442
1165.28, 1165.29, 1165.30, 1165.33, 1181.16,	443
1181.17, 1181.18, and 3333.93 of the Revised Code;	444
to amend sections 1923.02, 3781.06, 4505.181,	445
4781.04, 4781.06, 4781.07, 4781.08, 4781.09,	446
4781.10, 4781.11, 4781.12, 4781.121, 4781.14,	447
4781.17, 4781.18, 4781.19, 4781.20, 4781.21,	448
4781.22, 4781.23, 4781.25, 4781.26, 4781.27,	449
4781.28, 4781.29, 4781.31, 4781.32, 4781.33,	450

4781.34, 4781.35, 4781.37, 4781.38, 4781.39, and 451
4781.45; to enact new section 4781.54 and section 452
4781.011; and to repeal sections 4781.02, 4781.03, 453
4781.05, 4781.13, 4781.54, and 4781.55 of the 454
Revised Code; to amend sections 329.04 and 2329.66 455
of the Revised Code effective December 31, 2017; 456
to repeal the version of section 118.023 of the 457
Revised Code that is scheduled to take effect 458
September 29, 2017; to amend sections 109.572, 459
121.22, 3701.83, 4713.10, 4713.56, 4731.07, 460
4731.224, and 4776.01 of the Revised Code 461
effective January 21, 2018; to amend section 462
5101.61 and to amend, for the purpose of adopting 463
a new section number as indicated in parentheses, 464
section 5101.61 (5101.63) of the Revised Code 465
effective one year after the effective date of 466
this act; to repeal sections 103.44, 103.45, 467
103.46, 103.47, 103.48, 103.49, and 103.50 of the 468
Revised Code effective October 1, 2017; to repeal 469
section 5166.35 of the Revised Code effective 470
January 1, 2019; to amend for the purpose of 471
codifying and changing the number of Section 472
369.540 of Am. Sub. H.B. 64 of the 131st General 473
Assembly to section 3333.95 of the Revised Code; 474
to amend for the purpose of codifying and changing 475
the number of Section 529.10 of S.B. 310 of the 476
131st General Assembly to section 123.211 of the 477
Revised Code; to amend Sections 205.10, 205.20, 478
and 812.50 of Sub. H.B. 26 of the 132nd General 479
Assembly, Sections 125.13 and 327.270 of Am. Sub. 480
H.B. 64 of the 131st General Assembly, Section 481
253.330 of Am. Sub. S.B. 260 of the 131st General 482
Assembly, Sections 207.440, 213.10, 213.20, 483

217.10, 221.20, 227.10, 229.10, and 229.30 of S.B. 484
310 of the 131st General Assembly, Sections 485
203.10, 207.290, 221.10, 223.10, and 239.10 of 486
S.B. 310 of the 131st General Assembly, as 487
subsequently amended, Sections 125.10 and 125.11 488
of Am. Sub. H.B. 59 of the 130th General Assembly, 489
as subsequently amended, Section 2 of Am. Sub. 490
S.B. 1 of the 130th General Assembly, as 491
subsequently amended, Section 3 of Sub. S.B. 9 of 492
the 130th General Assembly, and Section 7 of Sub. 493
H.B. 532 of the 129th General Assembly, as 494
subsequently amended; to repeal Section 7 of Am. 495
Sub. H.B. 52 of the 131st General Assembly and 496
Section 745.20 of Sub. H.B. 26 of the 132nd 497
General Assembly; and to repeal Section 757.120 of 498
the act effective August 10, 2018 to make 499
operating appropriations for the biennium 500
beginning July 1, 2017, and ending June 30, 2019, 501
and to provide authorization and conditions for 502
the operation of state programs. 503

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

Section 101.01. That sections 101.34, 102.02, 102.022, 504
102.03, 103.41, 103.42, 105.41, 107.031, 107.35, 109.572, 505
109.5721, 109.71, 109.802, 109.803, 111.42, 111.43, 111.44, 506
111.45, 113.061, 120.08, 120.18, 120.28, 120.33, 120.34, 120.35, 507
120.36, 121.40, 121.48, 122.01, 122.071, 122.08, 122.081, 122.17, 508
122.171, 122.174, 122.175, 122.33, 122.641, 122.85, 122.86, 509
122.98, 123.01, 123.20, 123.21, 124.384, 124.823, 124.93, 125.035, 510
125.04, 125.061, 125.18, 125.22, 125.28, 126.11, 126.22, 126.35, 511
131.23, 131.33, 131.35, 131.44, 131.51, 133.022, 133.06, 133.061, 512
135.143, 135.182, 135.45, 135.63, 135.71, 143.01, 151.03, 152.08, 513

153.02, 154.11, 166.08, 166.11, 167.03, 173.01, 173.14, 173.15, 514
173.17, 173.19, 173.20, 173.21, 173.22, 173.24, 173.27, 173.28, 515
173.38, 173.381, 173.42, 173.424, 173.48, 173.51, 173.55, 173.99, 516
183.51, 191.04, 191.06, 305.05, 307.283, 307.678, 307.93, 307.984, 517
319.11, 319.26, 319.54, 321.26, 321.27, 321.37, 321.46, 323.01, 518
323.32, 329.03, 329.04, 329.051, 329.06, 340.03, 340.032, 340.033, 519
340.08, 341.12, 341.121, 341.25, 503.56, 505.94, 507.12, 507.13, 520
703.20, 703.21, 705.22, 713.01, 715.014, 718.01, 718.02, 718.06, 521
718.08, 718.27, 718.60, 725.01, 725.04, 733.44, 733.46, 733.78, 522
733.81, 763.01, 763.07, 901.04, 901.43, 909.10, 911.11, 924.01, 523
924.09, 927.55, 939.02, 940.15, 941.12, 941.55, 943.23, 947.06, 524
1121.10, 1121.24, 1121.30, 1123.01, 1123.02, 1123.03, 1155.07, 525
1155.10, 1163.09, 1163.13, 1181.06, 1349.21, 1503.05, 1503.141, 526
1505.09, 1506.23, 1509.02, 1509.071, 1509.28, 1513.18, 1513.20, 527
1513.25, 1513.27, 1513.28, 1513.30, 1513.31, 1513.32, 1513.33, 528
1513.37, 1514.03, 1514.051, 1514.06, 1514.071, 1514.11, 1514.46, 529
1521.06, 1521.063, 1531.01, 1531.06, 1533.11, 1533.12, 1561.14, 530
1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 531
1561.26, 1561.45, 1561.46, 1561.48, 1721.01, 1721.10, 1733.04, 532
1733.24, 1751.72, 1751.75, 1923.12, 1923.13, 1923.14, 2151.353, 533
2151.417, 2151.43, 2151.49, 2301.56, 2305.02, 2329.211, 2329.271, 534
2329.31, 2329.311, 2329.44, 2329.66, 2743.48, 2743.75, 2925.01, 535
2925.23, 2929.15, 2929.20, 2929.34, 2941.51, 2953.25, 2967.193, 536
3109.15, 3111.04, 3113.06, 3113.07, 3119.05, 3121.03, 3301.0710, 537
3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.01, 3302.03, 538
3302.151, 3303.20, 3304.11, 3304.12, 3304.14, 3304.15, 3304.17, 539
3304.171, 3304.18, 3304.182, 3304.19, 3304.20, 3304.21, 3304.22, 540
3304.27, 3304.28, 3304.29, 3304.30, 3304.31, 3304.41, 3309.23, 541
3309.374, 3309.661, 3310.16, 3310.52, 3311.06, 3311.751, 3311.86, 542
3313.372, 3313.411, 3313.413, 3313.46, 3313.5310, 3313.603, 543
3313.6012, 3313.6023, 3313.618, 3313.6110, 3313.6410, 3313.713, 544
3313.717, 3313.751, 3313.813, 3313.89, 3313.902, 3314.016, 545

3314.03, 3314.08, 3314.26, 3316.20, 3317.01, 3317.013, 3317.014,	546
3317.017, 3317.02, 3317.021, 3317.022, 3317.024, 3317.025,	547
3317.0212, 3317.0218, 3317.06, 3317.16, 3318.01, 3318.011,	548
3318.02, 3318.021, 3318.022, 3318.024, 3318.03, 3318.031,	549
3318.032, 3318.033, 3318.034, 3318.035, 3318.036, 3318.04,	550
3318.041, 3318.042, 3318.05, 3318.051, 3318.052, 3318.054,	551
3318.06, 3318.061, 3318.07, 3318.08, 3318.081, 3318.082, 3318.083,	552
3318.084, 3318.086, 3318.091, 3318.10, 3318.11, 3318.112, 3318.12,	553
3318.121, 3318.13, 3318.15, 3318.16, 3318.18, 3318.22, 3318.25,	554
3318.26, 3318.311, 3318.351, 3318.36, 3318.362, 3318.363,	555
3318.364, 3318.37, 3318.371, 3318.38, 3318.40, 3318.41, 3318.42,	556
3318.43, 3318.46, 3318.48, 3318.49, 3318.50, 3318.60, 3318.61,	557
3318.62, 3318.70, 3318.71, 3319.111, 3319.22, 3319.227, 3319.26,	558
3319.271, 3319.291, 3319.61, 3321.19, 3323.052, 3326.01, 3326.03,	559
3326.032, 3326.04, 3326.09, 3326.10, 3326.101, 3326.11, 3326.33,	560
3326.41, 3327.08, 3333.048, 3333.121, 3333.122, 3333.31, 3333.39,	561
3333.91, 3333.92, 3345.061, 3345.14, 3345.35, 3345.45, 3354.01,	562
3354.09, 3357.01, 3357.09, 3357.19, 3358.01, 3358.08, 3365.01,	563
3365.03, 3365.04, 3365.05, 3365.06, 3365.07, 3365.12, 3365.15,	564
3503.16, 3506.01, 3506.06, 3506.07, 3513.02, 3513.30, 3513.301,	565
3513.312, 3517.17, 3701.021, 3701.243, 3701.601, 3701.611,	566
3701.65, 3701.83, 3701.881, 3702.304, 3702.307, 3702.52, 3702.72,	567
3704.01, 3704.035, 3704.111, 3705.07, 3705.08, 3705.09, 3705.10,	568
3706.05, 3706.27, 3707.58, 3710.01, 3710.02, 3710.04, 3710.05,	569
3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 3710.11,	570
3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, 3710.99,	571
3713.04, 3715.021, 3715.041, 3719.04, 3719.07, 3719.08, 3721.02,	572
3721.031, 3721.21, 3721.22, 3721.23, 3721.24, 3721.25, 3721.32,	573
3727.45, 3727.54, 3729.08, 3734.02, 3734.041, 3734.05, 3734.06,	574
3734.15, 3734.42, 3734.57, 3734.576, 3734.82, 3734.901, 3734.9011,	575
3735.31, 3735.33, 3735.40, 3735.41, 3735.66, 3735.661, 3735.672,	576
3737.21, 3742.01, 3742.02, 3742.31, 3742.35, 3742.36, 3742.41,	577

3742.42, 3742.50, 3742.51, 3745.012, 3745.016, 3745.11, 3751.01, 578
3751.02, 3751.03, 3751.04, 3751.05, 3751.10, 3751.11, 3769.087, 579
3770.02, 3770.03, 3770.22, 3794.03, 3923.041, 3937.32, 4104.15, 580
4104.18, 4105.17, 4109.06, 4112.05, 4117.01, 4141.29, 4141.43, 581
4141.51, 4301.22, 4301.43, 4301.62, 4303.05, 4303.181, 4303.209, 582
4303.26, 4303.271, 4501.044, 4501.045, 4503.02, 4503.038, 4503.04, 583
4503.042, 4503.066, 4503.08, 4503.10, 4503.101, 4503.15, 4503.503, 584
4503.63, 4503.65, 4503.77, 4503.83, 4505.06, 4508.02, 4510.022, 585
4511.19, 4709.02, 4709.05, 4709.07, 4709.08, 4709.09, 4709.10, 586
4709.12, 4709.13, 4709.14, 4709.23, 4713.01, 4713.02, 4713.03, 587
4713.04, 4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 588
4713.082, 4713.09, 4713.10, 4713.11, 4713.13, 4713.141, 4713.17, 589
4713.20, 4713.22, 4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 590
4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 591
4713.44, 4713.45, 4713.48, 4713.50, 4713.51, 4713.55, 4713.56, 592
4713.57, 4713.58, 4713.59, 4713.61, 4713.62, 4713.63, 4713.64, 593
4713.641, 4713.65, 4713.66, 4713.68, 4713.69, 4715.13, 4715.14, 594
4715.16, 4715.21, 4715.24, 4715.27, 4715.362, 4715.363, 4715.369, 595
4715.37, 4715.53, 4715.62, 4715.63, 4717.01, 4717.02, 4717.03, 596
4717.04, 4717.05, 4717.06, 4717.07, 4717.08, 4717.09, 4717.10, 597
4717.11, 4717.13, 4717.14, 4717.15, 4717.16, 4717.21, 4717.23, 598
4717.24, 4717.25, 4717.26, 4717.27, 4717.28, 4717.30, 4717.32, 599
4717.33, 4717.35, 4717.36, 4723.05, 4723.32, 4723.50, 4729.01, 600
4729.06, 4729.08, 4729.09, 4729.11, 4729.12, 4729.13, 4729.15, 601
4729.16, 4729.51, 4729.52, 4729.53, 4729.54, 4729.552, 4729.56, 602
4729.561, 4729.57, 4729.571, 4729.58, 4729.59, 4729.60, 4729.61, 603
4729.62, 4729.67, 4729.75, 4729.77, 4729.78, 4729.80, 4729.82, 604
4729.83, 4729.84, 4729.86, 4730.05, 4730.40, 4731.056, 4731.07, 605
4731.081, 4731.091, 4731.092, 4731.10, 4731.14, 4731.142, 606
4731.143, 4731.15, 4731.22, 4731.221, 4731.222, 4731.223, 607
4731.224, 4731.225, 4731.23, 4731.26, 4731.281, 4731.282, 608
4731.291, 4731.292, 4731.293, 4731.294, 4731.295, 4731.296, 609

4731.298, 4731.299, 4731.341, 4731.36, 4731.41, 4731.43, 4731.51, 610
4731.52, 4731.531, 4731.56, 4731.573, 4731.60, 4731.61, 4731.65, 611
4731.66, 4731.67, 4731.68, 4731.76, 4731.82, 4731.85, 4735.01, 612
4736.01, 4736.02, 4736.03, 4736.05, 4736.06, 4736.07, 4736.08, 613
4736.09, 4736.10, 4736.11, 4736.12, 4736.13, 4736.14, 4736.15, 614
4736.17, 4736.18, 4745.01, 4749.031, 4751.03, 4751.04, 4751.10, 615
4751.14, 4751.99, 4762.14, 4765.01, 4765.02, 4776.01, 4776.02, 616
4776.04, 4776.20, 4781.04, 4781.07, 4781.121, 4905.02, 4906.01, 617
4906.10, 4906.13, 4911.021, 4921.01, 4921.19, 4921.21, 4923.02, 618
4923.99, 4927.13, 5101.09, 5101.16, 5101.17, 5101.18, 5101.181, 619
5101.184, 5101.20, 5101.201, 5101.214, 5101.23, 5101.241, 5101.26, 620
5101.27, 5101.28, 5101.32, 5101.33, 5101.35, 5101.36, 5101.61, 621
5101.802, 5107.05, 5107.10, 5108.01, 5117.10, 5119.01, 5119.22, 622
5119.221, 5119.34, 5119.41, 5120.035, 5120.22, 5120.55, 5122.32, 623
5123.01, 5123.377, 5123.378, 5123.38, 5123.47, 5123.60, 5126.0221, 624
5126.042, 5126.054, 5149.10, 5149.311, 5149.36, 5160.052, 5160.37, 625
5160.40, 5160.401, 5162.021, 5162.12, 5162.40, 5162.41, 5162.52, 626
5162.66, 5162.70, 5163.03, 5164.01, 5164.31, 5164.34, 5164.341, 627
5164.342, 5164.37, 5164.57, 5164.70, 5164.752, 5164.753, 5165.01, 628
5165.106, 5165.1010, 5165.15, 5165.151, 5165.153, 5165.154, 629
5165.157, 5165.16, 5165.17, 5165.19, 5165.192, 5165.21, 5165.23, 630
5165.25, 5165.34, 5165.37, 5165.41, 5165.42, 5165.52, 5166.01, 631
5166.121, 5166.16, 5166.22, 5166.30, 5166.40, 5166.408, 5167.01, 632
5167.03, 5167.04, 5167.30, 5168.01, 5168.02, 5168.06, 5168.07, 633
5168.09, 5168.10, 5168.11, 5168.14, 5168.26, 5168.99, 5502.01, 634
5502.13, 5502.68, 5503.02, 5515.07, 5575.02, 5575.03, 5577.081, 635
5595.03, 5595.06, 5595.13, 5703.052, 5703.053, 5703.054, 5703.056, 636
5703.19, 5703.21, 5703.26, 5703.371, 5703.50, 5703.57, 5703.70, 637
5703.75, 5705.03, 5705.16, 5709.12, 5709.17, 5709.212, 5709.45, 638
5709.62, 5709.63, 5709.632, 5709.64, 5709.68, 5709.92, 5713.051, 639
5713.31, 5713.33, 5713.34, 5715.01, 5715.19, 5715.20, 5715.27, 640
5715.39, 5717.01, 5725.33, 5725.98, 5726.98, 5727.26, 5727.28, 641

5727.31, 5727.311, 5727.38, 5727.42, 5727.47, 5727.48, 5727.53, 642
5727.60, 5727.80, 5727.81, 5729.98, 5731.46, 5731.49, 5735.02, 643
5736.06, 5739.01, 5739.02, 5739.021, 5739.023, 5739.025, 5739.026, 644
5739.029, 5739.033, 5739.09, 5739.122, 5739.13, 5739.132, 5739.30, 645
5741.021, 5741.022, 5741.12, 5743.01, 5743.03, 5743.081, 5743.15, 646
5743.51, 5743.61, 5743.62, 5743.63, 5747.02, 5747.06, 5747.08, 647
5747.113, 5747.122, 5747.50, 5747.502, 5747.51, 5747.53, 5747.70, 648
5747.98, 5749.01, 5749.02, 5749.03, 5749.04, 5749.06, 5749.17, 649
5751.02, 5903.11, 5919.34, 5923.05, 6111.03, 6111.036, 6111.04, 650
6111.046, 6111.14, 6111.30, 6117.38, 6301.01, 6301.02, 6301.03, 651
6301.04, 6301.05, 6301.06, 6301.061, 6301.07, 6301.08, 6301.09, 652
6301.11, 6301.12, and 6301.18 be amended; sections 103.42 653
(103.416), 152.08 (123.011), 3742.49 (3742.44), 3742.50 (3742.45), 654
3742.51 (3742.46), 4731.081 (4731.08), 4731.091 (4731.09), and 655
4731.092 (4731.091) be amended for the purpose of adopting new 656
section numbers as indicated in parentheses; and new sections 657
3742.43 and 5739.18 and sections 9.58, 9.581, 9.582, 9.583, 9.584, 658
107.036, 107.56, 109.46, 122.15, 122.151, 122.152, 122.153, 659
122.154, 122.155, 122.156, 125.03, 125.051, 125.32, 125.66, 660
125.661, 135.77, 135.771, 135.772, 135.773, 135.774, 135.78, 661
166.50, 190.01, 190.02, 313.132, 503.70, 718.80, 718.81, 718.82, 662
718.83, 718.84, 718.85, 718.851, 718.86, 718.87, 718.88, 718.89, 663
718.90, 718.91, 718.92, 718.93, 718.94, 718.95, 924.211, 1121.29, 664
1501.08, 2967.122, 3311.27, 3313.5315, 3313.6112, 3313.6113, 665
3313.821, 3313.904, 3314.29, 3317.062, 3318.037, 3318.421, 666
3323.022, 3332.071, 3333.0414, 3333.0415, 3333.051, 3333.052, 667
3333.166, 3333.45, 3333.94, 3333.951, 3345.025, 3345.57, 3345.58, 668
3345.59, 3347.091, 3365.091, 3701.12, 3701.144, 3701.916, 3715.08, 669
3729.14, 3745.018, 3901.89, 3901.90, 4501.07, 4504.201, 4715.70, 670
4717.051, 4717.41, 4723.51, 4723.52, 4729.23, 4729.24, 4729.772, 671
4730.55, 4730.56, 4731.04, 4731.83, 4751.043, 4751.044, 4781.281, 672
4781.56, 4781.57, 4901.041, 5101.074, 5116.01, 5116.02, 5116.03, 673

5116.06, 5116.10, 5116.11, 5116.12, 5116.20, 5116.21, 5116.22, 674
5116.23, 5116.24, 5116.25, 5119.011, 5119.19, 5119.48, 5119.89, 675
5120.68, 5149.38, 5153.113, 5162.16, 5162.65, 5164.10, 5164.29, 676
5164.78, 5165.36, 5165.361, 5166.37, 5166.38, 5167.121, 5167.18, 677
5167.34, 5168.75, 5168.76, 5168.77, 5168.78, 5168.79, 5168.80, 678
5168.81, 5168.82, 5168.83, 5168.84, 5168.85, 5168.86, 5501.91, 679
5502.1321, 5511.11, 5516.20, 5703.0510, 5705.233, 5709.48, 680
5709.49, 5709.50, 5747.031, 5747.503, 5747.504, 5748.10, 5907.17, 681
6111.61, 6111.62, 6301.111, 6301.112, 6301.20, and 6301.21 of the 682
Revised Code be enacted to read as follows: 683

Sec. 9.58. As used in sections 9.58 to 9.584 of the Revised 684
Code: 685

(A) "Eligible project" means any capital improvement project 686
located in this state that is designed to enhance, aid, provide, 687
or promote transportation, economic development, housing, health 688
care, recreation, education, government operations, culture, 689
research, or purposes or activities authorized by Section 13 or 16 690
of Article VIII, Ohio Constitution. 691

(B) "Foreign entity" means a state of the United States other 692
than this state, or a political subdivision or governmental entity 693
created by, or pursuant to the laws of, a state of the United 694
States other than this state. The term does not include a foreign 695
nation. 696

(C) "Governmental agency" means a department, division, or 697
other unit of state government of this state or a municipal 698
corporation, county, township, port authority, transportation 699
improvement district, water or sewer district, solid waste 700
management district, school district or other public school, 701
health district, park district, soil and water conservation 702
district, water conservancy district, regional transit authority, 703

airport authority, or other political subdivision or public 704
corporation, district, agency, authority, or commission created 705
pursuant to the laws of this state or pursuant to an interstate 706
compact or agreement authorized under the laws of this state. 707

Sec. 9.581. (A) A foreign entity shall not directly or 708
indirectly provide financing for an eligible project, through 709
bonded indebtedness or otherwise, unless the foreign entity does 710
both of the following: 711

(1) Within two business days after the foreign entity 712
initially contacts or is contacted by the person or governmental 713
agency proposing the project, the foreign entity notifies either 714
of the following, as applicable, of its interest in the project: 715

(a) If the project will be located within the territory of a 716
port authority, the port authority; 717

(b) If the project will not be located within the territory 718
of a port authority, the county within which the project will be 719
located. 720

(2) Upon entering into a financing agreement, the foreign 721
entity provides written confirmation to the port authority or 722
county, as applicable, that an agreement has been reached and that 723
all of the following conditions are met: 724

(a) The interest or interest equivalent payable on the 725
financing is intended to be excluded from gross income for federal 726
income tax purposes. 727

(b) The financing for the project does not require public 728
approval under section 147(f) of Title 26 of the United States 729
Code and is not a current refunding of a project that required 730
such public approval. 731

(c) The laws of the foreign entity do not prohibit this state 732
or a political subdivision or governmental entity created by, or 733

pursuant to the laws of, this state from providing similar 734
financing for a capital improvement project located in that 735
foreign entity or place more onerous conditions or restrictions on 736
providing that financing than those set forth in division (A) of 737
this section. 738

(B) Division (A) of this section does not apply if, in 739
addition to financing the project in this state, the foreign 740
entity is currently financing a similar project for the same 741
person in another state. 742

Sec. 9.582. A governmental agency shall not directly or 743
indirectly utilize a foreign entity to provide financing for an 744
eligible project, through the issuance of bonded indebtedness or 745
otherwise, unless the foreign entity complies with section 9.581 746
of the Revised Code. 747

Sec. 9.583. If a foreign entity provides financing for an 748
eligible project without complying with section 9.581 of the 749
Revised Code, the foreign entity shall pay to the appropriate port 750
authority or county an amount equal to seventy-five per cent of 751
all fees charged by the foreign entity to provide the financing, 752
as and when those fees accrue, or, if greater in the aggregate, an 753
amount equal to all fees the port authority or county would have 754
charged to provide the financing based on a predetermined fee 755
schedule, as and when those fees would become due under that 756
schedule. 757

Sec. 9.584. If a foreign entity provides financing for an 758
eligible project without complying with section 9.581 of the 759
Revised Code, the director of development services or the 760
appropriate port authority or county may bring an action for 761
injunctive relief pursuant to Chapter 2727. of the Revised Code 762
against the foreign entity. Upon proof by clear and convincing 763

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

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

In the first regular session of each general assembly, the speaker of the house of representatives shall appoint the chairperson of the committee from among the house members of the committee, and the president of the senate shall appoint the vice-chairperson of the committee from among the senate members of the committee. In the second regular session of each general assembly, the president of the senate shall appoint the chairperson of the committee from among the senate members of the committee, and the speaker of the house of representatives shall appoint the vice-chairperson of the committee from among the house

members of the committee. The chairperson, vice-chairperson, and 796
members of the committee shall serve until their respective 797
successors are appointed or until they are no longer members of 798
the general assembly. 799

The committee shall meet at the call of the chairperson or 800
upon the written request of seven members of the committee. 801

(B) The joint legislative ethics committee: 802

(1) Shall recommend a code of ethics that is consistent with 803
law to govern all members and employees of each house of the 804
general assembly and all candidates for the office of member of 805
each house; 806

(2) May receive and hear any complaint that alleges a breach 807
of any privilege of either house, or misconduct of any member, 808
employee, or candidate, or any violation of the appropriate code 809
of ethics; 810

(3) May obtain information with respect to any complaint 811
filed pursuant to this section and to that end may enforce the 812
attendance and testimony of witnesses, and the production of books 813
and papers; 814

(4) May recommend whatever sanction is appropriate with 815
respect to a particular member, employee, or candidate as will 816
best maintain in the minds of the public a good opinion of the 817
conduct and character of members and employees of the general 818
assembly; 819

(5) May recommend legislation to the general assembly 820
relating to the conduct and ethics of members and employees of and 821
candidates for the general assembly; 822

(6) Shall employ an executive director for the committee and 823
may employ other staff as the committee determines necessary to 824
assist it in exercising its powers and duties. The executive 825

director and staff of the committee shall be known as the office 826
of legislative inspector general. At least one member of the staff 827
of the committee shall be an attorney at law licensed to practice 828
law in this state. The appointment and removal of the executive 829
director shall require the approval of at least eight members of 830
the committee. 831

(7) May employ a special counsel to assist the committee in 832
exercising its powers and duties. The appointment and removal of a 833
special counsel shall require the approval of at least eight 834
members of the committee. 835

(8) Shall act as an advisory body to the general assembly and 836
to individual members, candidates, and employees on questions 837
relating to ethics, possible conflicts of interest, and financial 838
disclosure; 839

(9) Shall provide for the proper forms on which a statement 840
required pursuant to section 102.02 or 102.021 of the Revised Code 841
shall be filed and instructions as to the filing of the statement; 842

(10) Exercise the powers and duties prescribed under sections 843
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 844
sections 121.60 to 121.69 of the Revised Code; 845

(11) Adopt, in accordance with section 111.15 of the Revised 846
Code, any rules that are necessary to implement and clarify 847
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 848

(C) There is hereby created in the state treasury the joint 849
legislative ethics committee fund. All money collected from 850
registration fees and late filing fees prescribed under sections 851
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 852
into the state treasury to the credit of the fund. Money credited 853
to the fund and any interest and earnings from the fund shall be 854
used solely for the operation of the joint legislative ethics 855
committee and the office of legislative inspector general and for 856

the purchase of data storage and computerization facilities for 857
the statements filed with the committee under sections 101.73, 858
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 859

(D) The chairperson of the joint legislative ethics committee 860
shall issue a written report, not later than the thirty-first day 861
of January of each year, to the speaker and minority leader of the 862
house of representatives and to the president and minority leader 863
of the senate that lists the number of committee meetings and 864
investigations the committee conducted during the immediately 865
preceding calendar year and the number of advisory opinions it 866
issued during the immediately preceding calendar year. 867

(E) Any investigative report that contains facts and findings 868
regarding a complaint filed with the joint legislative ethics 869
committee and that is prepared by the staff of the committee or a 870
special counsel to the committee shall become a public record upon 871
its acceptance by a vote of the majority of the members of the 872
committee, except for any names of specific individuals and 873
entities contained in the report. If the committee recommends 874
disciplinary action or reports its findings to the appropriate 875
prosecuting authority for proceedings in prosecution of the 876
violations alleged in the complaint, the investigatory report 877
regarding the complaint shall become a public record in its 878
entirety. 879

(F)(1) Any file obtained by or in the possession of the 880
former house ethics committee or former senate ethics committee 881
shall become the property of the joint legislative ethics 882
committee. Any such file is confidential if either of the 883
following applies: 884

(a) It is confidential under section 102.06 of the Revised 885
Code or the legislative code of ethics. 886

(b) If the file was obtained from the former house ethics 887

committee or from the former senate ethics committee, it was 888
confidential under any statute or any provision of a code of 889
ethics that governed the file. 890

(2) As used in this division, "file" includes, but is not 891
limited to, evidence, documentation, or any other tangible thing. 892

(G) There is hereby created in the state treasury the joint 893
legislative ethics committee investigative and financial 894
disclosure fund. Investment earnings of the fund shall be credited 895
to the fund. ~~Money in~~ All moneys credited to the fund shall be 896
used solely for ~~the operations~~ expenses related to the 897
investigative and financial disclosure functions of the committee 898
~~in conducting investigations.~~ 899

Sec. 102.02. (A)(1) Except as otherwise provided in division 900
(H) of this section, all of the following shall file with the 901
appropriate ethics commission the disclosure statement described 902
in this division on a form prescribed by the appropriate 903
commission: every person who is elected to or is a candidate for a 904
state, county, or city office and every person who is appointed to 905
fill a vacancy for an unexpired term in such an elective office; 906
all members of the state board of education; the director, 907
assistant directors, deputy directors, division chiefs, or persons 908
of equivalent rank of any administrative department of the state; 909
the president or other chief administrative officer of every state 910
institution of higher education as defined in section 3345.011 of 911
the Revised Code; the executive director and the members of the 912
capitol square review and advisory board appointed or employed 913
pursuant to section 105.41 of the Revised Code; all members of the 914
Ohio casino control commission, the executive director of the 915
commission, all professional employees of the commission, and all 916
technical employees of the commission who perform an internal 917
audit function; the individuals set forth in division (B)(2) of 918

section 187.03 of the Revised Code; the chief executive officer 919
and the members of the board of each state retirement system; each 920
employee of a state retirement board who is a state retirement 921
system investment officer licensed pursuant to section 1707.163 of 922
the Revised Code; the members of the Ohio retirement study council 923
appointed pursuant to division (C) of section 171.01 of the 924
Revised Code; employees of the Ohio retirement study council, 925
other than employees who perform purely administrative or clerical 926
functions; the administrator of workers' compensation and each 927
member of the bureau of workers' compensation board of directors; 928
the bureau of workers' compensation director of investments; the 929
chief investment officer of the bureau of workers' compensation; 930
all members of the board of commissioners on grievances and 931
discipline of the supreme court and the ethics commission created 932
under section 102.05 of the Revised Code; every business manager, 933
treasurer, or superintendent of a city, local, exempted village, 934
joint vocational, or cooperative education school district or an 935
educational service center; every person who is elected to or is a 936
candidate for the office of member of a board of education of a 937
city, local, exempted village, joint vocational, or cooperative 938
education school district or of a governing board of an 939
educational service center that has a total student count of 940
twelve thousand or more as most recently determined by the 941
department of education pursuant to section 3317.03 of the Revised 942
Code; every person who is appointed to the board of education of a 943
municipal school district pursuant to division (B) or (F) of 944
section 3311.71 of the Revised Code; all members of the board of 945
directors of a sanitary district that is established under Chapter 946
6115. of the Revised Code and organized wholly for the purpose of 947
providing a water supply for domestic, municipal, and public use, 948
and that includes two municipal corporations in two counties; 949
every public official or employee who is paid a salary or wage in 950
accordance with schedule C of section 124.15 or schedule E-2 of 951

section 124.152 of the Revised Code; members of the board of 952
trustees and the executive director of the southern Ohio 953
agricultural and community development foundation; all members 954
appointed to the Ohio livestock care standards board under section 955
904.02 of the Revised Code; all entrepreneurs in residence 956
assigned by the LeanOhio office in the department of 957
administrative services under section 125.65 of the Revised Code 958
and every other public official or employee who is designated by 959
the appropriate ethics commission pursuant to division (B) of this 960
section. 961

(2) The disclosure statement shall include all of the 962
following: 963

(a) The name of the person filing the statement and each 964
member of the person's immediate family and all names under which 965
the person or members of the person's immediate family do 966
business; 967

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 968
section and except as otherwise provided in section 102.022 of the 969
Revised Code, identification of every source of income, other than 970
income from a legislative agent identified in division 971
(A)(2)(b)(ii) of this section, received during the preceding 972
calendar year, in the person's own name or by any other person for 973
the person's use or benefit, by the person filing the statement, 974
and a brief description of the nature of the services for which 975
the income was received. If the person filing the statement is a 976
member of the general assembly, the statement shall identify the 977
amount of every source of income received in accordance with the 978
following ranges of amounts: zero or more, but less than one 979
thousand dollars; one thousand dollars or more, but less than ten 980
thousand dollars; ten thousand dollars or more, but less than 981
twenty-five thousand dollars; twenty-five thousand dollars or 982
more, but less than fifty thousand dollars; fifty thousand dollars 983

or more, but less than one hundred thousand dollars; and one 984
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 985
section shall not be construed to require a person filing the 986
statement who derives income from a business or profession to 987
disclose the individual items of income that constitute the gross 988
income of that business or profession, except for those individual 989
items of income that are attributable to the person's or, if the 990
income is shared with the person, the partner's, solicitation of 991
services or goods or performance, arrangement, or facilitation of 992
services or provision of goods on behalf of the business or 993
profession of clients, including corporate clients, who are 994
legislative agents. A person who files the statement under this 995
section shall disclose the identity of and the amount of income 996
received from a person who the public official or employee knows 997
or has reason to know is doing or seeking to do business of any 998
kind with the public official's or employee's agency. 999

(ii) If the person filing the statement is a member of the 1000
general assembly, the statement shall identify every source of 1001
income and the amount of that income that was received from a 1002
legislative agent during the preceding calendar year, in the 1003
person's own name or by any other person for the person's use or 1004
benefit, by the person filing the statement, and a brief 1005
description of the nature of the services for which the income was 1006
received. Division (A)(2)(b)(ii) of this section requires the 1007
disclosure of clients of attorneys or persons licensed under 1008
section 4732.12 of the Revised Code, or patients of persons 1009
~~certified~~ licensed under section 4731.14 of the Revised Code, if 1010
those clients or patients are legislative agents. Division 1011
(A)(2)(b)(ii) of this section requires a person filing the 1012
statement who derives income from a business or profession to 1013
disclose those individual items of income that constitute the 1014
gross income of that business or profession that are received from 1015
legislative agents. 1016

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 1017
of this section, division (A)(2)(b)(i) of this section applies to 1018
attorneys, physicians, and other persons who engage in the 1019
practice of a profession and who, pursuant to a section of the 1020
Revised Code, the common law of this state, a code of ethics 1021
applicable to the profession, or otherwise, generally are required 1022
not to reveal, disclose, or use confidences of clients, patients, 1023
or other recipients of professional services except under 1024
specified circumstances or generally are required to maintain 1025
those types of confidences as privileged communications except 1026
under specified circumstances. Division (A)(2)(b)(i) of this 1027
section does not require an attorney, physician, or other 1028
professional subject to a confidentiality requirement as described 1029
in division (A)(2)(b)(iii) of this section to disclose the name, 1030
other identity, or address of a client, patient, or other 1031
recipient of professional services if the disclosure would 1032
threaten the client, patient, or other recipient of professional 1033
services, would reveal details of the subject matter for which 1034
legal, medical, or professional advice or other services were 1035
sought, or would reveal an otherwise privileged communication 1036
involving the client, patient, or other recipient of professional 1037
services. Division (A)(2)(b)(i) of this section does not require 1038
an attorney, physician, or other professional subject to a 1039
confidentiality requirement as described in division 1040
(A)(2)(b)(iii) of this section to disclose in the brief 1041
description of the nature of services required by division 1042
(A)(2)(b)(i) of this section any information pertaining to 1043
specific professional services rendered for a client, patient, or 1044
other recipient of professional services that would reveal details 1045
of the subject matter for which legal, medical, or professional 1046
advice was sought or would reveal an otherwise privileged 1047
communication involving the client, patient, or other recipient of 1048
professional services. 1049

(c) The name of every corporation on file with the secretary 1050
of state that is incorporated in this state or holds a certificate 1051
of compliance authorizing it to do business in this state, trust, 1052
business trust, partnership, or association that transacts 1053
business in this state in which the person filing the statement or 1054
any other person for the person's use and benefit had during the 1055
preceding calendar year an investment of over one thousand dollars 1056
at fair market value as of the thirty-first day of December of the 1057
preceding calendar year, or the date of disposition, whichever is 1058
earlier, or in which the person holds any office or has a 1059
fiduciary relationship, and a description of the nature of the 1060
investment, office, or relationship. Division (A)(2)(c) of this 1061
section does not require disclosure of the name of any bank, 1062
savings and loan association, credit union, or building and loan 1063
association with which the person filing the statement has a 1064
deposit or a withdrawable share account. 1065

(d) All fee simple and leasehold interests to which the 1066
person filing the statement holds legal title to or a beneficial 1067
interest in real property located within the state, excluding the 1068
person's residence and property used primarily for personal 1069
recreation; 1070

(e) The names of all persons residing or transacting business 1071
in the state to whom the person filing the statement owes, in the 1072
person's own name or in the name of any other person, more than 1073
one thousand dollars. Division (A)(2)(e) of this section shall not 1074
be construed to require the disclosure of debts owed by the person 1075
resulting from the ordinary conduct of a business or profession or 1076
debts on the person's residence or real property used primarily 1077
for personal recreation, except that the superintendent of 1078
financial institutions shall disclose the names of all 1079
state-chartered savings and loan associations and of all service 1080
corporations subject to regulation under division (E)(2) of 1081

section 1151.34 of the Revised Code to whom the superintendent in 1082
the superintendent's own name or in the name of any other person 1083
owes any money, and that the superintendent and any deputy 1084
superintendent of banks shall disclose the names of all 1085
state-chartered banks and all bank subsidiary corporations subject 1086
to regulation under section 1109.44 of the Revised Code to whom 1087
the superintendent or deputy superintendent owes any money. 1088

(f) The names of all persons residing or transacting business 1089
in the state, other than a depository excluded under division 1090
(A)(2)(c) of this section, who owe more than one thousand dollars 1091
to the person filing the statement, either in the person's own 1092
name or to any person for the person's use or benefit. Division 1093
(A)(2)(f) of this section shall not be construed to require the 1094
disclosure of clients of attorneys or persons licensed under 1095
section 4732.12 of the Revised Code, or patients of persons 1096
~~certified~~ licensed under section 4731.14 of the Revised Code, nor 1097
the disclosure of debts owed to the person resulting from the 1098
ordinary conduct of a business or profession. 1099

(g) Except as otherwise provided in section 102.022 of the 1100
Revised Code, the source of each gift of over seventy-five 1101
dollars, or of each gift of over twenty-five dollars received by a 1102
member of the general assembly from a legislative agent, received 1103
by the person in the person's own name or by any other person for 1104
the person's use or benefit during the preceding calendar year, 1105
except gifts received by will or by virtue of section 2105.06 of 1106
the Revised Code, or received from spouses, parents, grandparents, 1107
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1108
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1109
fathers-in-law, mothers-in-law, or any person to whom the person 1110
filing the statement stands in loco parentis, or received by way 1111
of distribution from any inter vivos or testamentary trust 1112
established by a spouse or by an ancestor; 1113

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

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

(j) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code

or division (G)(2) of section 121.63 of the Revised Code, all of 1146
the nondisputed information contained in the statement delivered 1147
to that public official or employee by the legislative agent, 1148
executive agency lobbyist, or employer under division (F)(2) of 1149
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 1150

(3) A person may file a statement required by this section in 1151
person, by mail, or by electronic means. 1152

(4) A person who is required to file a statement under this 1153
section shall file that statement according to the following 1154
deadlines, as applicable: 1155

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 1156
and (d) of this section, the person shall file the statement not 1157
later than the fifteenth day of May of each year. 1158

(b) A Subject to divisions (A)(4)(b)(i) and (ii) of this 1159
section, a person who is a candidate for elective office shall 1160
file the statement no later than the thirtieth day before the 1161
primary, special, or general election at which the candidacy is to 1162
be voted on, whichever election occurs soonest, ~~except that a~~ 1163

(i) A person who is a write-in candidate shall file the 1164
statement no later than the twentieth day before the earliest 1165
election at which the person's candidacy is to be voted on. 1166

(ii) A person who is a candidate for the nomination of a 1167
political party for an office and who subsequently receives a 1168
certificate of nomination under section 3513.02, 3513.30, 1169
3513.301, or 3513.312 of the Revised Code because the person's 1170
primary race is uncontested shall file the statement no later than 1171
the thirtieth day before the primary election at which the 1172
person's candidacy would have been voted on if the race had been 1173
contested. 1174

(c) A person who is appointed to fill a vacancy for an 1175
unexpired term in an elective office shall file the statement 1176

within fifteen days after the person qualifies for office. 1177

(d) A person who is appointed or employed after the fifteenth 1178
day of May, other than a person described in division (A)(4)(c) of 1179
this section, shall file an annual statement within ninety days 1180
after appointment or employment. 1181

(5) No person shall be required to file with the appropriate 1182
ethics commission more than one statement or pay more than one 1183
filing fee for any one calendar year. 1184

(6) The appropriate ethics commission, for good cause, may 1185
extend for a reasonable time the deadline for filing a statement 1186
under this section. 1187

(7) A statement filed under this section is subject to public 1188
inspection at locations designated by the appropriate ethics 1189
commission except as otherwise provided in this section. 1190

(B) The Ohio ethics commission, the joint legislative ethics 1191
committee, and the board of commissioners on grievances and 1192
discipline of the supreme court, using the rule-making procedures 1193
of Chapter 119. of the Revised Code, may require any class of 1194
public officials or employees under its jurisdiction and not 1195
specifically excluded by this section whose positions involve a 1196
substantial and material exercise of administrative discretion in 1197
the formulation of public policy, expenditure of public funds, 1198
enforcement of laws and rules of the state or a county or city, or 1199
the execution of other public trusts, to file an annual statement 1200
under division (A) of this section. The appropriate ethics 1201
commission shall send the public officials or employees written 1202
notice of the requirement not less than thirty days before the 1203
applicable filing deadline unless the public official or employee 1204
is appointed after that date, in which case the notice shall be 1205
sent within thirty days after appointment, and the filing shall be 1206
made not later than ninety days after appointment. 1207

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

not be made subject to public inspection, except as is necessary 1241
for the enforcement of Chapters 102. and 2921. of the Revised Code 1242
and except as otherwise provided in this division. 1243

(C) No person shall knowingly fail to file, on or before the 1244
applicable filing deadline established under this section, a 1245
statement that is required by this section. 1246

(D) No person shall knowingly file a false statement that is 1247
required to be filed under this section. 1248

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1249
section, the statement required by division (A) or (B) of this 1250
section shall be accompanied by a filing fee of sixty dollars. 1251

(2) The statement required by division (A) of this section 1252
shall be accompanied by the following filing fee to be paid by the 1253
person who is elected or appointed to, or is a candidate for, any 1254
of the following offices: 1255

For state office, except member of the		1256
state board of education	\$95	1257
For office of member of general assembly	\$40	1258
For county office	\$60	1259
For city office	\$35	1260
For office of member of the state board		1261
of education	\$35	1262
For office of member of a city, local,		1263
exempted village, or cooperative		1264
education board of		1265
education or educational service		1266
center governing board	\$30	1267
For position of business manager,		1268
treasurer, or superintendent of a		1269
city, local, exempted village, joint		1270
vocational, or cooperative education		1271

school district or	1272
educational service center	\$30 1273
(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.	1274 1275 1276 1277
(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.	1278 1279 1280 1281 1282
(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.	1283 1284 1285 1286 1287 1288
(G)(1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.	1289 1290 1291 1292
(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs, or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.	1293 1294 1295 1296 1297 1298 1299 1300 1301
(3) The joint legislative ethics committee shall deposit all	1302

receipts it receives from the payment of financial disclosure 1303
statement filing fees under divisions (E) and (F) of this section 1304
into the joint legislative ethics committee investigative and 1305
financial disclosure fund. 1306

(H) Division (A) of this section does not apply to a person 1307
elected or appointed to the office of precinct, ward, or district 1308
committee member under Chapter 3517. of the Revised Code; a 1309
presidential elector; a delegate to a national convention; village 1310
or township officials and employees; any physician or psychiatrist 1311
who is paid a salary or wage in accordance with schedule C of 1312
section 124.15 or schedule E-2 of section 124.152 of the Revised 1313
Code and whose primary duties do not require the exercise of 1314
administrative discretion; or any member of a board, commission, 1315
or bureau of any county or city who receives less than one 1316
thousand dollars per year for serving in that position. 1317

Sec. 102.022. Each person who is an officer or employee of a 1318
political subdivision, who receives compensation of less than 1319
sixteen thousand dollars a year for holding an office or position 1320
of employment with that political subdivision, and who is required 1321
to file a statement under section 102.02 of the Revised Code; each 1322
member of the board of trustees of a state institution of higher 1323
education as defined in section 3345.011 of the Revised Code who 1324
is required to file a statement under section 102.02 of the 1325
Revised Code; and each individual set forth in division (B)(2) of 1326
section 187.03 of the Revised Code who is required to file a 1327
statement under section 102.02 of the Revised Code, shall include 1328
in that statement, in place of the information required by 1329
divisions (A)(2)(b), (g), (h), and (i) of that section, the 1330
following information: 1331

(A) Exclusive of reasonable expenses, identification of every 1332
source of income over five hundred dollars received during the 1333

preceding calendar year, in the officer's or employee's own name 1334
or by any other person for the officer's or employee's use or 1335
benefit, by the person filing the statement, and a brief 1336
description of the nature of the services for which the income was 1337
received. This division shall not be construed to require the 1338
disclosure of clients of attorneys or persons licensed under 1339
section 4732.12 of the Revised Code or patients of persons 1340
~~certified~~ licensed under section 4731.14 of the Revised Code. This 1341
division shall not be construed to require a person filing the 1342
statement who derives income from a business or profession to 1343
disclose the individual items of income that constitute the gross 1344
income of the business or profession. 1345

(B) The source of each gift of over five hundred dollars 1346
received by the person in the officer's or employee's own name or 1347
by any other person for the officer's or employee's use or benefit 1348
during the preceding calendar year, except gifts received by will 1349
or by virtue of section 2105.06 of the Revised Code, received from 1350
parents, grandparents, children, grandchildren, siblings, nephews, 1351
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1352
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1353
any person to whom the person filing the statement stands in loco 1354
parentis, or received by way of distribution from any inter vivos 1355
or testamentary trust established by a spouse or by an ancestor. 1356

Sec. 102.03. (A)(1) No present or former public official or 1357
employee shall, during public employment or service or for twelve 1358
months thereafter, represent a client or act in a representative 1359
capacity for any person on any matter in which the public official 1360
or employee personally participated as a public official or 1361
employee through decision, approval, disapproval, recommendation, 1362
the rendering of advice, investigation, or other substantial 1363
exercise of administrative discretion. 1364

(2) For twenty-four months after the conclusion of service, 1365
no former commissioner or attorney examiner of the public 1366
utilities commission shall represent a public utility, as defined 1367
in section 4905.02 of the Revised Code, or act in a representative 1368
capacity on behalf of such a utility before any state board, 1369
commission, or agency. 1370

(3) For twenty-four months after the conclusion of employment 1371
or service, no former public official or employee who personally 1372
participated as a public official or employee through decision, 1373
approval, disapproval, recommendation, the rendering of advice, 1374
the development or adoption of solid waste management plans, 1375
investigation, inspection, or other substantial exercise of 1376
administrative discretion under Chapter 343. or 3734. of the 1377
Revised Code shall represent a person who is the owner or operator 1378
of a facility, as defined in section 3734.01 of the Revised Code, 1379
or who is an applicant for a permit or license for a facility 1380
under that chapter, on any matter in which the public official or 1381
employee personally participated as a public official or employee. 1382

(4) For a period of one year after the conclusion of 1383
employment or service as a member or employee of the general 1384
assembly, no former member or employee of the general assembly 1385
shall represent, or act in a representative capacity for, any 1386
person on any matter before the general assembly, any committee of 1387
the general assembly, or the controlling board. Division (A)(4) of 1388
this section does not apply to or affect a person who separates 1389
from service with the general assembly on or before December 31, 1390
1995. As used in division (A)(4) of this section "person" does not 1391
include any state agency or political subdivision of the state. 1392

(5) As used in divisions (A)(1), (2), and (3) of this 1393
section, "matter" includes any case, proceeding, application, 1394
determination, issue, or question, but does not include the 1395
proposal, consideration, or enactment of statutes, rules, 1396

ordinances, resolutions, or charter or constitutional amendments. 1397
As used in division (A)(4) of this section, "matter" includes the 1398
proposal, consideration, or enactment of statutes, resolutions, or 1399
constitutional amendments. As used in division (A) of this 1400
section, "represent" includes any formal or informal appearance 1401
before, or any written or oral communication with, any public 1402
agency on behalf of any person. 1403

(6) Nothing contained in division (A) of this section shall 1404
prohibit, during such period, a former public official or employee 1405
from being retained or employed to represent, assist, or act in a 1406
representative capacity for the public agency by which the public 1407
official or employee was employed or on which the public official 1408
or employee served. 1409

(7) Division (A) of this section shall not be construed to 1410
prohibit the performance of ministerial functions, including, but 1411
not limited to, the filing or amendment of tax returns, 1412
applications for permits and licenses, incorporation papers, and 1413
other similar documents. 1414

(8) Division (A) of this section does not prohibit a 1415
nonelected public official or employee of a state agency, as 1416
defined in section 1.60 of the Revised Code, from becoming a 1417
public official or employee of another state agency. Division (A) 1418
of this section does not prohibit such an official or employee 1419
from representing or acting in a representative capacity for the 1420
official's or employee's new state agency on any matter in which 1421
the public official or employee personally participated as a 1422
public official or employee at the official's or employee's former 1423
state agency. However, no public official or employee of a state 1424
agency shall, during public employment or for twelve months 1425
thereafter, represent or act in a representative capacity for the 1426
official's or employee's new state agency on any audit or 1427
investigation pertaining to the official's or employee's new state 1428

agency in which the public official or employee personally 1429
participated at the official's or employee's former state agency 1430
through decision, approval, disapproval, recommendation, the 1431
rendering of advice, investigation, or other substantial exercise 1432
of administrative discretion. 1433

(9) Division (A) of this section does not prohibit a 1434
nonelected public official or employee of a political subdivision 1435
from becoming a public official or employee of a different 1436
department, division, agency, office, or unit of the same 1437
political subdivision. Division (A) of this section does not 1438
prohibit such an official or employee from representing or acting 1439
in a representative capacity for the official's or employee's new 1440
department, division, agency, office, or unit on any matter in 1441
which the public official or employee personally participated as a 1442
public official or employee at the official's or employee's former 1443
department, division, agency, office, or unit of the same 1444
political subdivision. As used in this division, "political 1445
subdivision" means a county, township, municipal corporation, or 1446
any other body corporate and politic that is responsible for 1447
government activities in a geographic area smaller than that of 1448
the state. 1449

(10) No present or former Ohio casino control commission 1450
official shall, during public service or for two years thereafter, 1451
represent a client, be employed or compensated by a person 1452
regulated by the commission, or act in a representative capacity 1453
for any person on any matter before or concerning the commission. 1454

No present or former commission employee shall, during public 1455
employment or for two years thereafter, represent a client or act 1456
in a representative capacity on any matter in which the employee 1457
personally participated as a commission employee through decision, 1458
approval, disapproval, recommendation, the rendering of advice, 1459
investigation, or other substantial exercise of administrative 1460

discretion. 1461

(B) No present or former public official or employee shall 1462
disclose or use, without appropriate authorization, any 1463
information acquired by the public official or employee in the 1464
course of the public official's or employee's official duties that 1465
is confidential because of statutory provisions, or that has been 1466
clearly designated to the public official or employee as 1467
confidential when that confidential designation is warranted 1468
because of the status of the proceedings or the circumstances 1469
under which the information was received and preserving its 1470
confidentiality is necessary to the proper conduct of government 1471
business. 1472

(C) No public official or employee shall participate within 1473
the scope of duties as a public official or employee, except 1474
through ministerial functions as defined in division (A) of this 1475
section, in any license or rate-making proceeding that directly 1476
affects the license or rates of any person, partnership, trust, 1477
business trust, corporation, or association in which the public 1478
official or employee or immediate family owns or controls more 1479
than five per cent. No public official or employee shall 1480
participate within the scope of duties as a public official or 1481
employee, except through ministerial functions as defined in 1482
division (A) of this section, in any license or rate-making 1483
proceeding that directly affects the license or rates of any 1484
person to whom the public official or employee or immediate 1485
family, or a partnership, trust, business trust, corporation, or 1486
association of which the public official or employee or the public 1487
official's or employee's immediate family owns or controls more 1488
than five per cent, has sold goods or services totaling more than 1489
one thousand dollars during the preceding year, unless the public 1490
official or employee has filed a written statement acknowledging 1491
that sale with the clerk or secretary of the public agency and the 1492

statement is entered in any public record of the agency's 1493
proceedings. This division shall not be construed to require the 1494
disclosure of clients of attorneys or persons licensed under 1495
section 4732.12 of the Revised Code, or patients of persons 1496
~~certified~~ licensed under section 4731.14 of the Revised Code. 1497

(D) No public official or employee shall use or authorize the 1498
use of the authority or influence of office or employment to 1499
secure anything of value or the promise or offer of anything of 1500
value that is of such a character as to manifest a substantial and 1501
improper influence upon the public official or employee with 1502
respect to that person's duties. 1503

(E) No public official or employee shall solicit or accept 1504
anything of value that is of such a character as to manifest a 1505
substantial and improper influence upon the public official or 1506
employee with respect to that person's duties. 1507

(F) No person shall promise or give to a public official or 1508
employee anything of value that is of such a character as to 1509
manifest a substantial and improper influence upon the public 1510
official or employee with respect to that person's duties. 1511

(G) In the absence of bribery or another offense under the 1512
Revised Code or a purpose to defraud, contributions made to a 1513
campaign committee, political party, legislative campaign fund, 1514
political action committee, or political contributing entity on 1515
behalf of an elected public officer or other public official or 1516
employee who seeks elective office shall be considered to accrue 1517
ordinarily to the public official or employee for the purposes of 1518
divisions (D), (E), and (F) of this section. 1519

As used in this division, "contributions," "campaign 1520
committee," "political party," "legislative campaign fund," 1521
"political action committee," and "political contributing entity" 1522
have the same meanings as in section 3517.01 of the Revised Code. 1523

(H)(1) No public official or employee, except for the 1524
president or other chief administrative officer of or a member of 1525
a board of trustees of a state institution of higher education as 1526
defined in section 3345.011 of the Revised Code, who is required 1527
to file a financial disclosure statement under section 102.02 of 1528
the Revised Code shall solicit or accept, and no person shall give 1529
to that public official or employee, an honorarium. Except as 1530
provided in division (H)(2) of this section, this division and 1531
divisions (D), (E), and (F) of this section do not prohibit a 1532
public official or employee who is required to file a financial 1533
disclosure statement under section 102.02 of the Revised Code from 1534
accepting and do not prohibit a person from giving to that public 1535
official or employee the payment of actual travel expenses, 1536
including any expenses incurred in connection with the travel for 1537
lodging, and meals, food, and beverages provided to the public 1538
official or employee at a meeting at which the public official or 1539
employee participates in a panel, seminar, or speaking engagement 1540
or provided to the public official or employee at a meeting or 1541
convention of a national organization to which any state agency, 1542
including, but not limited to, any state legislative agency or 1543
state institution of higher education as defined in section 1544
3345.011 of the Revised Code, pays membership dues. Except as 1545
provided in division (H)(2) of this section, this division and 1546
divisions (D), (E), and (F) of this section do not prohibit a 1547
public official or employee who is not required to file a 1548
financial disclosure statement under section 102.02 of the Revised 1549
Code from accepting and do not prohibit a person from promising or 1550
giving to that public official or employee an honorarium or the 1551
payment of travel, meal, and lodging expenses if the honorarium, 1552
expenses, or both were paid in recognition of demonstrable 1553
business, professional, or esthetic interests of the public 1554
official or employee that exist apart from public office or 1555
employment, including, but not limited to, such a demonstrable 1556

interest in public speaking and were not paid by any person or 1557
other entity, or by any representative or association of those 1558
persons or entities, that is regulated by, doing business with, or 1559
seeking to do business with the department, division, institution, 1560
board, commission, authority, bureau, or other instrumentality of 1561
the governmental entity with which the public official or employee 1562
serves. 1563

(2) No person who is a member of the board of a state 1564
retirement system, a state retirement system investment officer, 1565
or an employee of a state retirement system whose position 1566
involves substantial and material exercise of discretion in the 1567
investment of retirement system funds shall solicit or accept, and 1568
no person shall give to that board member, officer, or employee, 1569
payment of actual travel expenses, including expenses incurred 1570
with the travel for lodging, meals, food, and beverages. 1571

(I) A public official or employee may accept travel, meals, 1572
and lodging or expenses or reimbursement of expenses for travel, 1573
meals, and lodging in connection with conferences, seminars, and 1574
similar events related to official duties if the travel, meals, 1575
and lodging, expenses, or reimbursement is not of such a character 1576
as to manifest a substantial and improper influence upon the 1577
public official or employee with respect to that person's duties. 1578
The house of representatives and senate, in their code of ethics, 1579
and the Ohio ethics commission, under section 111.15 of the 1580
Revised Code, may adopt rules setting standards and conditions for 1581
the furnishing and acceptance of such travel, meals, and lodging, 1582
expenses, or reimbursement. 1583

A person who acts in compliance with this division and any 1584
applicable rules adopted under it, or any applicable, similar 1585
rules adopted by the supreme court governing judicial officers and 1586
employees, does not violate division (D), (E), or (F) of this 1587
section. This division does not preclude any person from seeking 1588

an advisory opinion from the appropriate ethics commission under 1589
section 102.08 of the Revised Code. 1590

(J) For purposes of divisions (D), (E), and (F) of this 1591
section, the membership of a public official or employee in an 1592
organization shall not be considered, in and of itself, to be of 1593
such a character as to manifest a substantial and improper 1594
influence on the public official or employee with respect to that 1595
person's duties. As used in this division, "organization" means a 1596
church or a religious, benevolent, fraternal, or professional 1597
organization that is tax exempt under subsection 501(a) and 1598
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 1599
"Internal Revenue Code of 1986." This division does not apply to a 1600
public official or employee who is an employee of an organization, 1601
serves as a trustee, director, or officer of an organization, or 1602
otherwise holds a fiduciary relationship with an organization. 1603
This division does not allow a public official or employee who is 1604
a member of an organization to participate, formally or 1605
informally, in deliberations, discussions, or voting on a matter 1606
or to use the public official's or employee's official position 1607
with regard to the interests of the organization on the matter if 1608
the public official or employee has assumed a particular 1609
responsibility in the organization with respect to the matter or 1610
if the matter would affect that person's personal, pecuniary 1611
interests. 1612

(K) It is not a violation of this section for a prosecuting 1613
attorney to appoint assistants and employees in accordance with 1614
division (B) of section 309.06 and section 2921.421 of the Revised 1615
Code, for a chief legal officer of a municipal corporation or an 1616
official designated as prosecutor in a municipal corporation to 1617
appoint assistants and employees in accordance with sections 1618
733.621 and 2921.421 of the Revised Code, for a township law 1619
director appointed under section 504.15 of the Revised Code to 1620

appoint assistants and employees in accordance with sections 1621
504.151 and 2921.421 of the Revised Code, or for a coroner to 1622
appoint assistants and employees in accordance with division (B) 1623
of section 313.05 of the Revised Code. 1624

As used in this division, "chief legal officer" has the same 1625
meaning as in section 733.621 of the Revised Code. 1626

(L) No present public official or employee with a casino 1627
gaming regulatory function shall indirectly invest, by way of an 1628
entity the public official or employee has an ownership interest 1629
or control in, or directly invest in a casino operator, management 1630
company, holding company, casino facility, or gaming-related 1631
vendor. No present public official or employee with a casino 1632
gaming regulatory function shall directly or indirectly have a 1633
financial interest in, have an ownership interest in, be the 1634
creditor or hold a debt instrument issued by, or have an interest 1635
in a contractual or service relationship with a casino operator, 1636
management company, holding company, casino facility, or 1637
gaming-related vendor. This section does not prohibit or limit 1638
permitted passive investing by the public official or employee. 1639

As used in this division, "passive investing" means 1640
investment by the public official or employee by means of a mutual 1641
fund in which the public official or employee has no control of 1642
the investments or investment decisions. "Casino operator," 1643
"holding company," "management company," "casino facility," and 1644
"gaming-related vendor" have the same meanings as in section 1645
3772.01 of the Revised Code. 1646

(M) A member of the Ohio casino control commission, the 1647
executive director of the commission, or an employee of the 1648
commission shall not: 1649

(1) Accept anything of value, including but not limited to a 1650
gift, gratuity, emolument, or employment from a casino operator, 1651

management company, or other person subject to the jurisdiction of 1652
the commission, or from an officer, attorney, agent, or employee 1653
of a casino operator, management company, or other person subject 1654
to the jurisdiction of the commission; 1655

(2) Solicit, suggest, request, or recommend, directly or 1656
indirectly, to a casino operator, management company, or other 1657
person subject to the jurisdiction of the commission, or to an 1658
officer, attorney, agent, or employee of a casino operator, 1659
management company, or other person subject to the jurisdiction of 1660
the commission, the appointment of a person to an office, place, 1661
position, or employment; 1662

(3) Participate in casino gaming or any other amusement or 1663
activity at a casino facility in this state or at an affiliate 1664
gaming facility of a licensed casino operator, wherever located. 1665

In addition to the penalty provided in section 102.99 of the 1666
Revised Code, whoever violates division (M)(1), (2), or (3) of 1667
this section forfeits the individual's office or employment. 1668

Sec. 103.41. (A) As used in sections 103.41 to ~~103.415~~ 1669
103.416 of the Revised Code: 1670

(1) "JMOC" means the joint medicaid oversight committee 1671
created under this section. 1672

(2) "State and local government medicaid agency" means all of 1673
the following: 1674

(a) The department of medicaid; 1675

(b) The office of health transformation; 1676

(c) Each state agency and political subdivision with which 1677
the department of medicaid contracts under section 5162.35 of the 1678
Revised Code to have the state agency or political subdivision 1679
administer one or more components of the medicaid program, or one 1680
or more aspects of a component, under the department's 1681

supervision; 1682

(d) Each agency of a political subdivision that is 1683
responsible for administering one or more components of the 1684
medicaid program, or one or more aspects of a component, under the 1685
supervision of the department or a state agency or political 1686
subdivision described in division (A)(2)(c) of this section. 1687

(B) There is hereby created the joint medicaid oversight 1688
committee. JMOC shall consist of the following members: 1689

(1) Five members of the senate appointed by the president of 1690
the senate, three of whom are members of the majority party and 1691
two of whom are members of the minority party; 1692

(2) Five members of the house of representatives appointed by 1693
the speaker of the house of representatives, three of whom are 1694
members of the majority party and two of whom are members of the 1695
minority party. 1696

(C) The term of each JMOC member shall begin on the day of 1697
appointment to JMOC and end on the last day that the member serves 1698
in the house (in the case of a member appointed by the speaker) or 1699
senate (in the case of a member appointed by the president) during 1700
the general assembly for which the member is appointed to JMOC. 1701
The president and speaker shall make the initial appointments not 1702
later than fifteen days after March 20, 2014. However, if this 1703
section takes effect before January 1, 2014, the president and 1704
speaker shall make the initial appointments during the period 1705
beginning January 1, 2014, and ending January 15, 2014. The 1706
president and speaker shall make subsequent appointments not later 1707
than fifteen days after the commencement of the first regular 1708
session of each general assembly. JMOC members may be reappointed. 1709
A vacancy on JMOC shall be filled in the same manner as the 1710
original appointment. 1711

(D) In odd-numbered years, the speaker shall designate one of 1712

the majority members from the house as the JMOC chairperson and 1713
the president shall designate one of the minority members from the 1714
senate as the JMOC ranking minority member. In even-numbered 1715
years, the president shall designate one of the majority members 1716
from the senate as the JMOC chairperson and the speaker shall 1717
designate one of the minority members from the house as the JMOC 1718
ranking minority member. 1719

(E) In appointing members from the minority, and in 1720
designating ranking minority members, the president and speaker 1721
shall consult with the minority leader of their respective houses. 1722

(F) JMOC shall meet at the call of the JMOC chairperson. The 1723
chairperson shall call JMOC to meet not less often than once each 1724
calendar month, unless the chairperson and ranking minority member 1725
agree that the chairperson should not call JMOC to meet for a 1726
particular month. 1727

(G) Notwithstanding section 101.26 of the Revised Code, the 1728
members, when engaged in their duties as members of JMOC on days 1729
when there is not a voting session of the member's house of the 1730
general assembly, shall be paid at the per diem rate of one 1731
hundred fifty dollars, and their necessary traveling expenses, 1732
which shall be paid from the funds appropriated for the payment of 1733
expenses of legislative committees. 1734

(H) JMOC may employ professional, technical, and clerical 1735
employees as are necessary for JMOC to be able successfully and 1736
efficiently to perform its duties. All such employees are in the 1737
unclassified service and serve at JMOC's pleasure. JMOC may 1738
contract for the services of persons who are qualified by 1739
education and experience to advise, consult with, or otherwise 1740
assist JMOC in the performance of its duties. 1741

(I) The JMOC chairperson, when authorized by JMOC and the 1742
president and speaker, may issue subpoenas and subpoenas duces 1743

tecum in aid of JMOC's performance of its duties. A subpoena may 1744
require a witness in any part of the state to appear before JMOC 1745
at a time and place designated in the subpoena to testify. A 1746
subpoena duces tecum may require witnesses or other persons in any 1747
part of the state to produce books, papers, records, and other 1748
tangible evidence before JMOC at a time and place designated in 1749
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 1750
be issued, served, and returned, and has consequences, as 1751
specified in sections 101.41 to 101.45 of the Revised Code. 1752

(J) The JMOC chairperson may administer oaths to witnesses 1753
appearing before JMOC. 1754

Sec. 103.42 103.416. ~~(A) During the period beginning July 1,~~ 1755
~~2015, and ending June 30, 2018, the joint medicaid oversight~~ 1756
~~committee JMOC~~ on a quarterly basis shall monitor the actions of 1757
the department of medicaid under section 5167.04 of the Revised 1758
Code in preparing to implement ~~and implementing~~ inclusion of 1759
alcohol, drug addiction, and mental health services covered by 1760
medicaid in the care management system established under section 1761
5167.03 of the Revised Code. 1762

~~(B)(1) The committee shall review any proposal by the~~ 1763
~~department to include all or part of the services in all or part~~ 1764
~~of the system before January 1, 2018. In conducting its review,~~ 1765
~~the committee shall consider all of the following for each service~~ 1766
~~to be included:~~ 1767

~~(a) The proposed timeline for including the service;~~ 1768

~~(b) Any issues related to medicaid recipients' access to the~~ 1769
~~service;~~ 1770

~~(c) The adequacy of the network of providers of the service;~~ 1771

~~(d) Payment levels for the service.~~ 1772

~~(2) The committee shall vote on whether to approve or~~ 1773

~~disapprove the proposal. If a majority of the committee members 1774
approve the proposal, the committee shall notify the department 1775
and the proposal may be implemented. 1776~~

~~(C) Beginning July 1, 2018, the committee Code. When the 1777
inclusion of the services in the system begins to be implemented, 1778
JMOC on a periodic basis shall monitor the department's inclusion 1779
of the services in the system. 1780~~

Sec. 105.41. (A) There is hereby created in the legislative 1781
branch of government the capitol square review and advisory board, 1782
consisting of twelve members as follows: 1783

(1) Two members of the senate, appointed by the president of 1784
the senate, both of whom shall not be members of the same 1785
political party; 1786

(2) Two members of the house of representatives, appointed by 1787
the speaker of the house of representatives, both of whom shall 1788
not be members of the same political party; 1789

(3) Four members appointed by the governor, with the advice 1790
and consent of the senate, not more than three of whom shall be 1791
members of the same political party, one of whom shall be the 1792
chief of staff of the governor's office, one of whom shall 1793
represent the Ohio arts council, one of whom shall represent the 1794
Ohio history connection, and one of whom shall represent the 1795
public at large; 1796

(4) One member, who shall be a former president of the 1797
senate, appointed by the current president of the senate. If the 1798
current president of the senate, in the current president's 1799
discretion, decides for any reason not to make the appointment or 1800
if no person is eligible or available to serve, the seat shall 1801
remain vacant. 1802

(5) One member, who shall be a former speaker of the house of 1803

representatives, appointed by the current speaker of the house of 1804
representatives. If the current speaker of the house of 1805
representatives, in the current speaker's discretion, decides for 1806
any reason not to make the appointment or if no person is eligible 1807
or available to serve, the seat shall remain vacant. 1808

(6) The clerk of the senate and the clerk of the house of 1809
representatives. 1810

(B) Terms of office of each appointed member of the board 1811
shall be for three years, except that members of the general 1812
assembly appointed to the board shall be members of the board only 1813
so long as they are members of the general assembly and the chief 1814
of staff of the governor's office shall be a member of the board 1815
only so long as the appointing governor remains in office. Each 1816
member shall hold office from the date of the member's appointment 1817
until the end of the term for which the member was appointed. In 1818
case of a vacancy occurring on the board, the president of the 1819
senate, the speaker of the house of representatives, or the 1820
governor, as the case may be, shall in the same manner prescribed 1821
for the regular appointment to the commission, fill the vacancy by 1822
appointing a member. Any member appointed to fill a vacancy 1823
occurring prior to the expiration of the term for which the 1824
member's predecessor was appointed shall hold office for the 1825
remainder of the term. Any appointed member shall continue in 1826
office subsequent to the expiration date of the member's term 1827
until the member's successor takes office, or until a period of 1828
sixty days has elapsed, whichever occurs first. 1829

(C) The board shall hold meetings in a manner and at times 1830
prescribed by the rules adopted by the board. A majority of the 1831
board constitutes a quorum, and no action shall be taken by the 1832
board unless approved by at least six members or by at least seven 1833
members if a person is appointed under division (A)(4) or (5) of 1834
this section. At its first meeting, the board shall adopt rules 1835

for the conduct of its business and the election of its officers, 1836
and shall organize by selecting officers other than a chairperson 1837
as it considers necessary. In odd-numbered years, the majority 1838
member from the senate shall serve as chairperson; in 1839
even-numbered years, the majority member from the house of 1840
representatives shall serve as chairperson. Board members shall 1841
serve without compensation but shall be reimbursed for actual and 1842
necessary expenses incurred in the performance of their duties. 1843

(D) The board may do any of the following: 1844

(1) Employ or hire on a consulting basis professional, 1845
technical, and clerical employees as are necessary for the 1846
performance of its duties. All employees of the board are in the 1847
unclassified service and serve at the pleasure of the board. For 1848
purposes of section 4117.01 of the Revised Code, employees of the 1849
board shall be considered employees of the general assembly, 1850
except that employees who are covered by a collective bargaining 1851
agreement on September 29, 2011, shall remain subject to the 1852
agreement until the agreement expires on its terms, and the 1853
agreement shall not be extended or renewed. Upon expiration of the 1854
agreement, the employees are considered employees of the general 1855
assembly for purposes of section 4117.01 of the Revised Code and 1856
are in the unclassified service and serve at the pleasure of the 1857
board. 1858

(2) Hold public hearings at times and places as determined by 1859
the board; 1860

(3) Adopt, amend, or rescind rules necessary to accomplish 1861
the duties of the board as set forth in this section; 1862

(4) Sponsor, conduct, and support such social events as the 1863
board may authorize and consider appropriate for the employees of 1864
the board, employees and members of the general assembly, 1865
employees of persons under contract with the board or otherwise 1866

engaged to perform services on the premises of capitol square, or 1867
other persons as the board may consider appropriate. Subject to 1868
the requirements of Chapter 4303. of the Revised Code, the board 1869
may provide beer, wine, and intoxicating liquor, with or without 1870
charge, for those events and may use funds only from the sale of 1871
goods and services fund to purchase the beer, wine, and 1872
intoxicating liquor the board provides; 1873

(5) Purchase a warehouse in which to store items of the 1874
capitol collection trust and, whenever necessary, equipment or 1875
other property of the board. 1876

(E) The board shall do all of the following: 1877

(1) Have sole authority to coordinate and approve any 1878
improvements, additions, and renovations that are made to the 1879
capitol square. The improvements shall include, but not be limited 1880
to, the placement of monuments and sculpture on the capitol 1881
grounds. 1882

(2) ~~Subject to section 3353.07 of the Revised Code, operate~~ 1883
Operate the capitol square, and have sole authority to regulate 1884
all uses of the capitol square. The uses shall include, but not be 1885
limited to, the casual and recreational use of the capitol square. 1886

(3) Employ, fix the compensation of, and prescribe the duties 1887
of the executive director of the board and other employees the 1888
board considers necessary for the performance of its powers and 1889
duties; 1890

(4) Establish and maintain the capitol collection trust. The 1891
capitol collection trust shall consist of furniture, antiques, and 1892
other items of personal property that the board shall store in 1893
suitable facilities until they are ready to be displayed in the 1894
capitol square. 1895

(5) Perform repair, construction, contracting, purchasing, 1896
maintenance, supervisory, and operating activities the board 1897

determines are necessary for the operation and maintenance of the 1898
capitol square; 1899

(6) Maintain and preserve the capitol square, in accordance 1900
with guidelines issued by the United States secretary of the 1901
interior for application of the secretary's standards for 1902
rehabilitation adopted in 36 C.F.R. part 67; 1903

(7) Plan and develop a center at the capitol building for the 1904
purpose of educating visitors about the history of Ohio, including 1905
its political, economic, and social development and the design and 1906
erection of the capitol building and its grounds. 1907

(F)(1) The board shall lease capital facilities improved by 1908
the department of administrative services or financed by the 1909
treasurer of state pursuant to Chapter 154. of the Revised Code 1910
for the use of the board, and may enter into any other agreements 1911
with the department, the Ohio public facilities commission, or any 1912
other authorized governmental agency ancillary to improvement, 1913
financing, or leasing of those capital facilities, including, but 1914
not limited to, any agreement required by the applicable bond 1915
proceedings authorized by Chapter 154. of the Revised Code. Any 1916
lease of capital facilities authorized by this section shall be 1917
governed by Chapter 154. of the Revised Code. 1918

(2) Fees, receipts, and revenues received by the board from 1919
the state underground parking garage constitute available receipts 1920
as defined in section 154.24 of the Revised Code, and may be 1921
pledged to the payment of bond service charges on obligations 1922
issued by the treasurer of state pursuant to Chapter 154. of the 1923
Revised Code to improve, finance, or purchase capital facilities 1924
useful to the board. The treasurer of state may, with the consent 1925
of the board, provide in the bond proceedings for a pledge of all 1926
or a portion of those fees, receipts, and revenues as the 1927
treasurer of state determines. The treasurer of state may provide 1928
in the bond proceedings or by separate agreement with the board 1929

for the transfer of those fees, receipts, and revenues to the 1930
appropriate bond service fund or bond service reserve fund as 1931
required to pay the bond service charges when due, and any such 1932
provision for the transfer of those fees, receipts, and revenues 1933
shall be controlling notwithstanding any other provision of law 1934
pertaining to those fees, receipts, and revenues. 1935

(3) All moneys received by the treasurer of state on account 1936
of the board and required by the applicable bond proceedings or by 1937
separate agreement with the board to be deposited, transferred, or 1938
credited to the bond service fund or bond service reserve fund 1939
established by the bond proceedings shall be transferred by the 1940
treasurer of state to such fund, whether or not it is in the 1941
custody of the treasurer of state, without necessity for further 1942
appropriation. 1943

(G)(1) Except as otherwise provided in division (G)(2) of 1944
this section, all fees, receipts, and revenues received by the 1945
board from the state underground parking garage shall be deposited 1946
into the state treasury to the credit of the underground parking 1947
garage operating fund, which is hereby created, to be used for the 1948
purposes specified in division (F) of this section and for the 1949
operation and maintenance of the garage. All investment earnings 1950
of the fund shall be credited to the fund. 1951

(2) There is hereby created the parking garage automated 1952
equipment fund, which shall be in the custody of the treasurer of 1953
state but shall not be part of the state treasury. Money in the 1954
fund shall be used to purchase the automated teller machine 1955
quality dollar bills needed for operation of the parking garage 1956
automated equipment. The fund shall consist of fees, receipts, or 1957
revenues received by the board from the state underground parking 1958
garage; provided, however, that the total amount deposited into 1959
the fund at any one time shall not exceed ten thousand dollars. 1960
All investment earnings of the fund shall be credited to the fund. 1961

(H) All donations received by the board shall be deposited 1962
into the state treasury to the credit of the capitol square 1963
renovation gift fund, which is hereby created. The fund shall be 1964
used by the board as follows: 1965

(1) To provide part or all of the funding related to 1966
construction, goods, or services for the renovation of the capitol 1967
square; 1968

(2) To purchase art, antiques, and artifacts for display at 1969
the capitol square; 1970

(3) To award contracts or make grants to organizations for 1971
educating the public regarding the historical background and 1972
governmental functions of the capitol square. Chapters 125., 127., 1973
and 153. and section 3517.13 of the Revised Code do not apply to 1974
purchases made exclusively from the fund, notwithstanding anything 1975
to the contrary in those chapters or that section. All investment 1976
earnings of the fund shall be credited to the fund. 1977

(I) Except as provided in divisions (G), (H), and (J) of this 1978
section, all fees, receipts, and revenues received by the board 1979
shall be deposited into the state treasury to the credit of the 1980
sale of goods and services fund, which is hereby created. Money 1981
credited to the fund shall be used solely to pay costs of the 1982
board other than those specified in divisions (F) and (G) of this 1983
section. All investment earnings of the fund shall be credited to 1984
the fund. 1985

(J) There is hereby created in the state treasury the capitol 1986
square improvement fund, to be used by the board to pay 1987
construction, renovation, and other costs related to the capitol 1988
square for which money is not otherwise available to the board. 1989
Whenever the board determines that there is a need to incur those 1990
costs and that the unencumbered, unobligated balance to the credit 1991
of the underground parking garage operating fund exceeds the 1992

amount needed for the purposes specified in division (F) of this 1993
section and for the operation and maintenance of the garage, the 1994
board may request the director of budget and management to 1995
transfer from the underground parking garage operating fund to the 1996
capitol square improvement fund the amount needed to pay such 1997
construction, renovation, or other costs. The director then shall 1998
transfer the amount needed from the excess balance of the 1999
underground parking garage operating fund. 2000

(K) As the operation and maintenance of the capitol square 2001
constitute essential government functions of a public purpose, the 2002
board shall not be required to pay taxes or assessments upon the 2003
square, upon any property acquired or used by the board under this 2004
section, or upon any income generated by the operation of the 2005
square. 2006

(L) As used in this section, "capitol square" means the 2007
capitol building, senate building, capitol atrium, capitol 2008
grounds, the state underground parking garage, and the warehouse 2009
owned by the board. 2010

(M) The capitol annex shall be known as the senate building. 2011

(N) Any person may possess a firearm in a motor vehicle in 2012
the state underground parking garage at the state capitol 2013
building, if the person's possession of the firearm in the motor 2014
vehicle is not in violation of section 2923.16 of the Revised Code 2015
or any other provision of the Revised Code. Any person may store 2016
or leave a firearm in a locked motor vehicle that is parked in the 2017
state underground parking garage at the state capitol building, if 2018
the person's transportation and possession of the firearm in the 2019
motor vehicle while traveling to the garage was not in violation 2020
of section 2923.16 of the Revised Code or any other provision of 2021
the Revised Code. 2022

Sec. 107.031. ~~Until the first committee appointed under~~ 2023

~~division (C) of section 3317.012 of the Revised Code to reexamine~~ 2024
~~the cost of an adequate education makes its report to the office~~ 2025
~~of budget and management and the general assembly, the~~ 2026
The 2026
governor shall ensure that among the various budget 2027
recommendations made by the governor and the director of budget 2028
and management to the general assembly each biennium there are 2029
recommendations for appropriations to the Ohio ~~school~~ facilities 2030
construction commission, aggregating not less than three hundred 2031
million dollars per fiscal year, ~~excluding recommendations for~~ 2032
~~appropriations from the education facilities trust fund, created~~ 2033
~~in section 183.26 of the Revised Code,~~ for constructing, 2034
acquiring, replacing, reconstructing, or adding to classroom 2035
facilities, as such term is defined in section 3318.01 of the 2036
Revised Code. 2037

Sec. 107.036. (A) For each business incentive tax credit, the 2038
main operating appropriations act shall contain a detailed 2039
estimate of the total amount of credits that may be authorized in 2040
each year, an estimate of the amount of credits expected to be 2041
claimed in each year, and an estimate of the amount of credits 2042
expected to remain outstanding at the end of the biennium. The 2043
governor shall include such estimates in the state budget 2044
submitted to the general assembly pursuant to section 107.03 of 2045
the Revised Code. 2046

(B) As used in this section, "business incentive tax credit" 2047
means all of the following: 2048

(1) The job creation tax credit under section 122.17 of the 2049
Revised Code; 2050

(2) The job retention tax credit under section 122.171 of the 2051
Revised Code; 2052

(3) The historic preservation tax credit under section 2053
149.311 of the Revised Code; 2054

(4) The motion picture tax credit under section 122.85 of the Revised Code; 2055
2056

(5) The new markets tax credit under section 5725.33 of the Revised Code; 2057
2058

(6) The research and development credit under section 166.21 of the Revised Code; 2059
2060

(7) The small business investment credit under section 122.86 of the Revised Code. 2061
2062

Sec. 107.35. ~~Not later than December 31, 2014, the~~ The 2063
governor's office of workforce transformation, with staff support 2064
and assistance from the departments of job and family services 2065
~~and, education, and the Ohio board of regents higher education,~~ 2066
and the opportunities for Ohioans with disabilities agency, shall 2067
establish criteria to use for evaluating the performance of state 2068
and local workforce programs using basic, aligned workforce 2069
measures related to system efficiency and effectiveness. The 2070
office shall include in the criteria a measure to determine the 2071
effectiveness of a workforce program in transitioning individuals 2072
participating in any federal, state, or local means-tested public 2073
assistance program to unsubsidized employment. The office shall 2074
develop and make available on the internet through a web site a 2075
public dashboard to display metrics regarding the state's 2076
administration of primary workforce programs, including the 2077
following programs: 2078

(A) The adult basic and literacy education program; 2079

(B) Programs administered under the federal "Carl D. Perkins 2080
Career and Technical Education Act of 2006," 120 Stat. 683, 20 2081
U.S.C. 2301 et seq., as amended; 2082

(C) State aid and scholarships ~~within the Ohio board of~~ 2083
regents administered by the department of higher education; 2084

(D) Programs administered under title I of the federal 2085
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801~~ 2086
~~et seq., as amended~~ "Workforce Innovation and Opportunity Act," 29 2087
U.S.C. 3101 et seq.; 2088

(E) The state vocational rehabilitation program administered 2089
under title I of the federal "Rehabilitation Act of 1973," 29 2090
U.S.C. 701, et seq. 2091

Sec. 107.56. (A) As used in this section, "board or 2092
commission" means any of the following: 2093

(1) The accountancy board; 2094

(2) The architects board; 2095

(3) The state cosmetology and barber board; 2096

(4) The board of embalmers and funeral directors; 2097

(5) The board of executives of long-term services and 2098
supports; 2099

(6) The crematory review board; 2100

(7) The motor vehicle dealers board; 2101

(8) The motor vehicle repair board; 2102

(9) The motor vehicle salvage dealer's licensing board; 2103

(10) The Ohio athletic commission; 2104

(11) The Ohio construction industry licensing board; 2105

(12) The Ohio landscape architects board; 2106

(13) The Ohio real estate commission; 2107

(14) The real estate appraiser board; 2108

(15) The state auctioneers commission; 2109

(16) The state speech and hearing professionals board; 2110

(17) The state board of education; 2111

<u>(18) The state board of emergency medical, fire, and transportation services;</u>	2112
	2113
<u>(19) The board of nursing;</u>	2114
<u>(20) The state board of pharmacy;</u>	2115
<u>(21) The state board of registration for professional engineers and surveyors;</u>	2116
	2117
<u>(22) The state board of psychology;</u>	2118
<u>(23) The state chiropractic board;</u>	2119
<u>(24) The state dental board;</u>	2120
<u>(25) The state medical board;</u>	2121
<u>(26) The state veterinary medical licensing board;</u>	2122
<u>(27) The state vision professionals board;</u>	2123
<u>(28) The counselor, social worker, and marriage and family therapist board;</u>	2124
	2125
<u>(29) The chemical dependency professionals board;</u>	2126
<u>(30) The state physical health services board;</u>	2127
<u>(31) Any other multi-member body created under state law that licenses or otherwise regulates an occupation or industry to which one or more members of the body belongs.</u>	2128
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	2130
<u>(B) The common sense initiative office shall review an action taken or proposed by a board or commission that is subject to review under this section and that is referred to the office pursuant to division (C) of this section.</u>	2131
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	2134
<u>(1) The following actions are subject to review under this section:</u>	2135
	2136
<u>(a) Any action that directly or indirectly has an effect of any of the following:</u>	2137
	2138
<u>(i) Fixing prices, limiting price competition, or increasing</u>	2139

<u>prices in this state for the goods or services that are provided</u>	2140
<u>by the occupation or industry regulated by the board or</u>	2141
<u>commission;</u>	2142
(ii) <u>Dividing, allocating, or assigning customers, potential</u>	2143
<u>customers, or geographic markets in this state among members of</u>	2144
<u>the occupation or industry regulated by the board or commission;</u>	2145
(iii) <u>Excluding present or potential competitors from the</u>	2146
<u>occupation or industry regulated by the board or commission;</u>	2147
(iv) <u>Limiting the output or supply in this state of any good</u>	2148
<u>or service provided by the members of the occupation or industry</u>	2149
<u>regulated by the board or commission.</u>	2150
(b) <u>Any other activity that could be subject to state or</u>	2151
<u>federal antitrust law if the action were undertaken by a private</u>	2152
<u>person or combination of private persons.</u>	2153
(2) <u>Except as provided in division (H) of this section, the</u>	2154
<u>following actions are not subject to review under this section:</u>	2155
(a) <u>Denying an application to obtain a license because the</u>	2156
<u>applicant has violated or has not complied with the Ohio Revised</u>	2157
<u>Code or the Ohio Administrative Code;</u>	2158
(b) <u>Taking disciplinary action against an individual or</u>	2159
<u>corporation that is licensed by a board or commission for</u>	2160
<u>violations of the Ohio Revised Code or the Ohio Administrative</u>	2161
<u>Code.</u>	2162
(C)(1) <u>The following persons or entities may refer an action</u>	2163
<u>to the office for review under this section:</u>	2164
(a) <u>A board or commission that has taken or is proposing to</u>	2165
<u>take an action;</u>	2166
(b) <u>A person who is affected by an action taken by a board or</u>	2167
<u>commission or is likely to be affected by an action proposed by a</u>	2168
<u>board or commission;</u>	2169

(c) A person who has been granted a stay pursuant to division (G) of this section. 2170
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(2) A board or commission or person who refers an action to the office shall prepare a brief statement explaining the action and its consistency or inconsistency with state or federal antitrust law and file the statement with the office. If the action is in writing, the board or commission or person shall attach a copy of it to the statement. The person shall transmit a copy of the statement to the board or commission. 2172
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(3) The referral of an action by a board or commission for review by the office does not constitute an admission that the action violates any state or federal law. 2179
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(4) A person who is affected by an action taken by a board or commission or is likely to be affected by an action proposed by a board or commission shall refer the action to the office for review within thirty days after receiving notice of the action or proposed action. 2182
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(5) If an ongoing action or an action proposed by a board or commission is referred to the office for review under this section, the board or commission shall cease the ongoing action or not take the proposed action until the office has approved of the action pursuant to division (E) of this section and prepared and transmitted the memorandum required under division (F) of this section. 2187
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(D) The office shall determine whether an action referred to the office under this section is supported by, and consistent with, a clearly articulated state policy as expressed in the statutes creating the board or commission or the statutes and rules setting forth the board's or commission's powers, authority, and duties. If the office finds this to be the case, the office shall determine whether the clearly articulated state policy is 2194
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merely a pretext by which the board or commission enables the 2201
members of an occupation or industry the board or commission 2202
regulates to engage in anticompetitive conduct that could be 2203
subject to state or federal antitrust law if the action were taken 2204
by a private person or combination of private persons. 2205

(E) After making the determinations required under division 2206
(D) of this section, the office shall take one of the following 2207
actions: 2208

(1) Approve the board or commission action if the office 2209
determines that the action is pursuant to a clearly articulated 2210
state policy and that the policy is not a pretext as described in 2211
division (D) of this section. If the office approves the board's 2212
or commission's action, the board or commission may proceed to 2213
take or may continue the action. 2214

(2) Disapprove the board or commission action if the office 2215
determines that the action is not pursuant to a clearly 2216
articulated state policy or that if it is pursuant to a clearly 2217
articulated state policy, that policy is a pretext as described in 2218
division (D) of this section. If the office disapproves the 2219
board's or commission's action, the action is void. 2220

(F) The office shall prepare a memorandum that explains the 2221
office's approval or disapproval. The office shall transmit a copy 2222
of the memorandum to the person and the board or commission or to 2223
the board or commission if only the board or commission is 2224
involved. The office shall post the memorandum on the web site 2225
maintained by the office. 2226

(G)(1) A person having standing to commence and prosecute a 2227
state or federal antitrust action against a board or commission 2228
shall exhaust the remedies provided by this section before 2229
commencing such an action. This division shall not apply to the 2230
attorney general, a county prosecuting attorney, or any assistant 2231

prosecutor designated to assist a county prosecuting attorney. 2232

(2) The state, a board or commission, or a member of a board 2233
or commission in the member's official capacity, may request a 2234
stay of any lawsuit alleging that a board or commission engaged in 2235
anticompetitive conduct by taking an action described in division 2236
(B)(1) or (2) of this section that has not been previously 2237
reviewed by the office under this section. If the lawsuit was 2238
initiated by a person other than the attorney general, a county 2239
prosecuting attorney, or any assistant prosecutor designated to 2240
assist a county prosecuting attorney, the court shall grant the 2241
request. If the lawsuit was initiated by the attorney general, a 2242
county prosecuting attorney, or any assistant prosecutor 2243
designated to assist a county prosecuting attorney, the court 2244
shall deny the request. Any stay granted under this division will 2245
continue in effect until the office has prepared and transmitted 2246
the memorandum required under division (F) of this section. 2247

(H) The office shall review any action referred to the office 2248
by a party who has been granted a stay pursuant to division (G) of 2249
this section. 2250

(I) Notwithstanding any provision of this section to the 2251
contrary, an action taken by a board or commission is not subject 2252
to review under this section if the members of the board or 2253
commission who are members of the occupation or industry affected 2254
by the action are prohibited by statute from hearing, considering, 2255
deciding, or otherwise participating in the action. 2256

(J) The office shall adopt rules under Chapter 119. of the 2257
Revised Code that are necessary for the implementation and 2258
administration of this section. 2259

Sec. 109.46. (A) As used in this section, "domestic violence 2260
program" means any of the following: 2261

(1) The nonprofit state domestic violence coalition 2262
designated by the family and youth services bureau of the United 2263
States department of health and human services; 2264

(2) A program operated by a nonprofit entity the primary 2265
purpose of which is to provide a broad range of services to 2266
victims of domestic violence that may include, but are not limited 2267
to, hotlines, emergency shelters, victim advocacy and support, 2268
justice systems advocacy, individual and group counseling for 2269
adults and children, or transitional service and education to 2270
prevent domestic violence. The program may provide some or all of 2271
the services described in this division. 2272

(B)(1) There is hereby created in the state treasury the 2273
domestic violence program fund consisting of money appropriated to 2274
the fund by the general assembly or donated to the fund. The 2275
attorney general shall administer the domestic violence program 2276
fund. The attorney general may not use more than five per cent of 2277
the moneys appropriated or deposited into the fund to pay costs 2278
associated with administering the fund, and shall use at least 2279
ninety-five per cent of the moneys appropriated or deposited into 2280
the fund for the purpose of providing funding to domestic violence 2281
programs under this section. 2282

(2) The attorney general shall adopt rules pursuant to 2283
Chapter 119. of the Revised Code that shall establish procedures 2284
for domestic violence programs to apply to the attorney general 2285
for funding from the domestic violence program fund and procedures 2286
for the attorney general to distribute money out of the fund to 2287
domestic violence programs. 2288

(C)(1) Priority of funding from the domestic violence program 2289
fund shall be given to the domestic violence programs in existence 2290
on and after July 1, 2017. 2291

(2) A domestic violence program that receives funds from the 2292

domestic violence program fund shall use the funds received for 2293
the following purposes: 2294

(a) To provide training and technical assistance to service 2295
providers, if the program that receives the funds is the nonprofit 2296
state domestic violence coalition specified in division (A)(1) of 2297
this section; 2298

(b) To provide services to victims of domestic violence, 2299
including, but not limited to, education to prevent domestic 2300
violence, if the program that receives the funds is a nonprofit 2301
entity described in division (A)(2) of this section. Funds 2302
received under this division may also be used for general 2303
operating support, including capital improvements and primary 2304
prevention and risk reduction programs for the general population. 2305

(D)(1) There is hereby established in the office of the 2306
attorney general the domestic violence advisory board. The board 2307
shall consist of four members appointed by the attorney general as 2308
follows: 2309

(a) One representative from the nonprofit state domestic 2310
violence coalition specified in division (A)(1) of this section; 2311

(b) One representative each from a rural and an urban 2312
nonprofit entity described in division (A)(2) of this section; 2313

(c) One survivor of domestic violence. 2314

(2) The domestic violence advisory board shall do both of the 2315
following: 2316

(a) Provide advice and counsel to the attorney general in 2317
determining the needs of victims of domestic violence and 2318
developing a policy for the attorney general in the administration 2319
of the domestic violence program fund created under this section; 2320

(b) Make recommendations to the attorney general in the 2321
distribution of domestic violence program funds under this 2322

section. 2323

(3) The members of the domestic violence advisory board shall 2324
serve without compensation, but shall be reimbursed for travel and 2325
other necessary expenses that are incurred in the conduct of their 2326
official duties as members of the board. The members of the board 2327
shall serve at the pleasure of the attorney general. 2328

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2329
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2330
a completed form prescribed pursuant to division (C)(1) of this 2331
section, and a set of fingerprint impressions obtained in the 2332
manner described in division (C)(2) of this section, the 2333
superintendent of the bureau of criminal identification and 2334
investigation shall conduct a criminal records check in the manner 2335
described in division (B) of this section to determine whether any 2336
information exists that indicates that the person who is the 2337
subject of the request previously has been convicted of or pleaded 2338
guilty to any of the following: 2339

(a) A violation of section 2903.01, 2903.02, 2903.03, 2340
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2341
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2342
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2343
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2344
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2345
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2346
2925.06, or 3716.11 of the Revised Code, felonious sexual 2347
penetration in violation of former section 2907.12 of the Revised 2348
Code, a violation of section 2905.04 of the Revised Code as it 2349
existed prior to July 1, 1996, a violation of section 2919.23 of 2350
the Revised Code that would have been a violation of section 2351
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2352
had the violation been committed prior to that date, or a 2353

violation of section 2925.11 of the Revised Code that is not a 2354
minor drug possession offense; 2355

(b) A violation of an existing or former law of this state, 2356
any other state, or the United States that is substantially 2357
equivalent to any of the offenses listed in division (A)(1)(a) of 2358
this section; 2359

(c) If the request is made pursuant to section 3319.39 of the 2360
Revised Code for an applicant who is a teacher, any offense 2361
specified in section 3319.31 of the Revised Code. 2362

(2) On receipt of a request pursuant to section 3712.09 or 2363
3721.121 of the Revised Code, a completed form prescribed pursuant 2364
to division (C)(1) of this section, and a set of fingerprint 2365
impressions obtained in the manner described in division (C)(2) of 2366
this section, the superintendent of the bureau of criminal 2367
identification and investigation shall conduct a criminal records 2368
check with respect to any person who has applied for employment in 2369
a position for which a criminal records check is required by those 2370
sections. The superintendent shall conduct the criminal records 2371
check in the manner described in division (B) of this section to 2372
determine whether any information exists that indicates that the 2373
person who is the subject of the request previously has been 2374
convicted of or pleaded guilty to any of the following: 2375

(a) A violation of section 2903.01, 2903.02, 2903.03, 2376
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2377
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2378
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2379
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2380
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2381
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2382
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2383
2925.22, 2925.23, or 3716.11 of the Revised Code; 2384

(b) An existing or former law of this state, any other state, 2385
or the United States that is substantially equivalent to any of 2386
the offenses listed in division (A)(2)(a) of this section. 2387

(3) On receipt of a request pursuant to section 173.27, 2388
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 2389
or 5123.169 of the Revised Code, a completed form prescribed 2390
pursuant to division (C)(1) of this section, and a set of 2391
fingerprint impressions obtained in the manner described in 2392
division (C)(2) of this section, the superintendent of the bureau 2393
of criminal identification and investigation shall conduct a 2394
criminal records check of the person for whom the request is made. 2395
The superintendent shall conduct the criminal records check in the 2396
manner described in division (B) of this section to determine 2397
whether any information exists that indicates that the person who 2398
is the subject of the request previously has been convicted of, 2399
has pleaded guilty to, or (except in the case of a request 2400
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2401
Code) has been found eligible for intervention in lieu of 2402
conviction for any of the following, regardless of the date of the 2403
conviction, the date of entry of the guilty plea, or (except in 2404
the case of a request pursuant to section 5164.34, 5164.341, or 2405
5164.342 of the Revised Code) the date the person was found 2406
eligible for intervention in lieu of conviction: 2407

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2408
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2409
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2410
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2411
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2412
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2413
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2414
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2415
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2416

2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2417
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2418
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2419
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2420
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2421
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2422
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2423
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2424
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2425
2927.12, or 3716.11 of the Revised Code; 2426

(b) Felonious sexual penetration in violation of former 2427
section 2907.12 of the Revised Code; 2428

(c) A violation of section 2905.04 of the Revised Code as it 2429
existed prior to July 1, 1996; 2430

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 2431
the Revised Code when the underlying offense that is the object of 2432
the conspiracy, attempt, or complicity is one of the offenses 2433
listed in divisions (A)(3)(a) to (c) of this section; 2434

(e) A violation of an existing or former municipal ordinance 2435
or law of this state, any other state, or the United States that 2436
is substantially equivalent to any of the offenses listed in 2437
divisions (A)(3)(a) to (d) of this section. 2438

(4) On receipt of a request pursuant to section 2151.86 of 2439
the Revised Code, a completed form prescribed pursuant to division 2440
(C)(1) of this section, and a set of fingerprint impressions 2441
obtained in the manner described in division (C)(2) of this 2442
section, the superintendent of the bureau of criminal 2443
identification and investigation shall conduct a criminal records 2444
check in the manner described in division (B) of this section to 2445
determine whether any information exists that indicates that the 2446
person who is the subject of the request previously has been 2447

convicted of or pleaded guilty to any of the following: 2448

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2449
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2450
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2451
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2452
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2453
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2454
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2455
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2456
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2457
of the Revised Code, a violation of section 2905.04 of the Revised 2458
Code as it existed prior to July 1, 1996, a violation of section 2459
2919.23 of the Revised Code that would have been a violation of 2460
section 2905.04 of the Revised Code as it existed prior to July 1, 2461
1996, had the violation been committed prior to that date, a 2462
violation of section 2925.11 of the Revised Code that is not a 2463
minor drug possession offense, two or more OVI or OVUAC violations 2464
committed within the three years immediately preceding the 2465
submission of the application or petition that is the basis of the 2466
request, or felonious sexual penetration in violation of former 2467
section 2907.12 of the Revised Code; 2468

(b) A violation of an existing or former law of this state, 2469
any other state, or the United States that is substantially 2470
equivalent to any of the offenses listed in division (A)(4)(a) of 2471
this section. 2472

(5) Upon receipt of a request pursuant to section 5104.013 of 2473
the Revised Code, a completed form prescribed pursuant to division 2474
(C)(1) of this section, and a set of fingerprint impressions 2475
obtained in the manner described in division (C)(2) of this 2476
section, the superintendent of the bureau of criminal 2477
identification and investigation shall conduct a criminal records 2478
check in the manner described in division (B) of this section to 2479

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

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

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

division (A)(5)(a) of this section. 2512

(6) Upon receipt of a request pursuant to section 5153.111 of 2513
the Revised Code, a completed form prescribed pursuant to division 2514
(C)(1) of this section, and a set of fingerprint impressions 2515
obtained in the manner described in division (C)(2) of this 2516
section, the superintendent of the bureau of criminal 2517
identification and investigation shall conduct a criminal records 2518
check in the manner described in division (B) of this section to 2519
determine whether any information exists that indicates that the 2520
person who is the subject of the request previously has been 2521
convicted of or pleaded guilty to any of the following: 2522

(a) A violation of section 2903.01, 2903.02, 2903.03, 2523
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2524
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2525
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2526
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2527
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2528
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2529
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2530
felonious sexual penetration in violation of former section 2531
2907.12 of the Revised Code, a violation of section 2905.04 of the 2532
Revised Code as it existed prior to July 1, 1996, a violation of 2533
section 2919.23 of the Revised Code that would have been a 2534
violation of section 2905.04 of the Revised Code as it existed 2535
prior to July 1, 1996, had the violation been committed prior to 2536
that date, or a violation of section 2925.11 of the Revised Code 2537
that is not a minor drug possession offense; 2538

(b) A violation of an existing or former law of this state, 2539
any other state, or the United States that is substantially 2540
equivalent to any of the offenses listed in division (A)(6)(a) of 2541
this section. 2542

(7) On receipt of a request for a criminal records check from 2543

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

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

theft, receiving stolen property, embezzlement, forgery, fraud, 2577
passing bad checks, money laundering, or drug trafficking, or any 2578
criminal offense involving money or securities, as set forth in 2579
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2580
the Revised Code; or any existing or former law of this state, any 2581
other state, or the United States that is substantially equivalent 2582
to those offenses. 2583

(9) On receipt of a request for a criminal records check from 2584
the treasurer of state under section 113.041 of the Revised Code 2585
or from an individual under section 4701.08, 4715.101, 4717.061, 2586
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 2587
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2588
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 2589
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2590
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 2591
or 4783.04 of the Revised Code, accompanied by a completed form 2592
prescribed under division (C)(1) of this section and a set of 2593
fingerprint impressions obtained in the manner described in 2594
division (C)(2) of this section, the superintendent of the bureau 2595
of criminal identification and investigation shall conduct a 2596
criminal records check in the manner described in division (B) of 2597
this section to determine whether any information exists that 2598
indicates that the person who is the subject of the request has 2599
been convicted of or pleaded guilty to any criminal offense in 2600
this state or any other state. Subject to division (F) of this 2601
section, the superintendent shall send the results of a check 2602
requested under section 113.041 of the Revised Code to the 2603
treasurer of state and shall send the results of a check requested 2604
under any of the other listed sections to the licensing board 2605
specified by the individual in the request. 2606

(10) On receipt of a request pursuant to section 1121.23, 2607
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2608

Code, a completed form prescribed pursuant to division (C)(1) of 2609
this section, and a set of fingerprint impressions obtained in the 2610
manner described in division (C)(2) of this section, the 2611
superintendent of the bureau of criminal identification and 2612
investigation shall conduct a criminal records check in the manner 2613
described in division (B) of this section to determine whether any 2614
information exists that indicates that the person who is the 2615
subject of the request previously has been convicted of or pleaded 2616
guilty to any criminal offense under any existing or former law of 2617
this state, any other state, or the United States. 2618

(11) On receipt of a request for a criminal records check 2619
from an appointing or licensing authority under section 3772.07 of 2620
the Revised Code, a completed form prescribed under division 2621
(C)(1) of this section, and a set of fingerprint impressions 2622
obtained in the manner prescribed in division (C)(2) of this 2623
section, the superintendent of the bureau of criminal 2624
identification and investigation shall conduct a criminal records 2625
check in the manner described in division (B) of this section to 2626
determine whether any information exists that indicates that the 2627
person who is the subject of the request previously has been 2628
convicted of or pleaded guilty or no contest to any offense under 2629
any existing or former law of this state, any other state, or the 2630
United States that is a disqualifying offense as defined in 2631
section 3772.07 of the Revised Code or substantially equivalent to 2632
such an offense. 2633

(12) On receipt of a request pursuant to section 2151.33 or 2634
2151.412 of the Revised Code, a completed form prescribed pursuant 2635
to division (C)(1) of this section, and a set of fingerprint 2636
impressions obtained in the manner described in division (C)(2) of 2637
this section, the superintendent of the bureau of criminal 2638
identification and investigation shall conduct a criminal records 2639
check with respect to any person for whom a criminal records check 2640

is required under that section. The superintendent shall conduct 2641
the criminal records check in the manner described in division (B) 2642
of this section to determine whether any information exists that 2643
indicates that the person who is the subject of the request 2644
previously has been convicted of or pleaded guilty to any of the 2645
following: 2646

(a) A violation of section 2903.01, 2903.02, 2903.03, 2647
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2648
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2649
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2650
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2651
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2652
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2653
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2654
2925.22, 2925.23, or 3716.11 of the Revised Code; 2655

(b) An existing or former law of this state, any other state, 2656
or the United States that is substantially equivalent to any of 2657
the offenses listed in division (A)(12)(a) of this section. 2658

(13) On receipt of a request pursuant to section 3796.12 of 2659
the Revised Code, a completed form prescribed pursuant to division 2660
(C)(1) of this section, and a set of fingerprint impressions 2661
obtained in a manner described in division (C)(2) of this section, 2662
the superintendent of the bureau of criminal identification and 2663
investigation shall conduct a criminal records check in the manner 2664
described in division (B) of this section to determine whether any 2665
information exists that indicates that the person who is the 2666
subject of the request previously has been convicted of or pleaded 2667
guilty to the following: 2668

(a) A disqualifying offense as specified in rules adopted 2669
under division (B)(2)(b) of section 3796.03 of the Revised Code if 2670
the person who is the subject of the request is an administrator 2671
or other person responsible for the daily operation of, or an 2672

owner or prospective owner, officer or prospective officer, or 2673
board member or prospective board member of, an entity seeking a 2674
license from the department of commerce under Chapter 3796. of the 2675
Revised Code; 2676

(b) A disqualifying offense as specified in rules adopted 2677
under division (B)(2)(b) of section 3796.04 of the Revised Code if 2678
the person who is the subject of the request is an administrator 2679
or other person responsible for the daily operation of, or an 2680
owner or prospective owner, officer or prospective officer, or 2681
board member or prospective board member of, an entity seeking a 2682
license from the state board of pharmacy under Chapter 3796. of 2683
the Revised Code. 2684

(14) On receipt of a request required by section 3796.13 of 2685
the Revised Code, a completed form prescribed pursuant to division 2686
(C)(1) of this section, and a set of fingerprint impressions 2687
obtained in a manner described in division (C)(2) of this section, 2688
the superintendent of the bureau of criminal identification and 2689
investigation shall conduct a criminal records check in the manner 2690
described in division (B) of this section to determine whether any 2691
information exists that indicates that the person who is the 2692
subject of the request previously has been convicted of or pleaded 2693
guilty to the following: 2694

(a) A disqualifying offense as specified in rules adopted 2695
under division (B)(8)(a) of section 3796.03 of the Revised Code if 2696
the person who is the subject of the request is seeking employment 2697
with an entity licensed by the department of commerce under 2698
Chapter 3796. of the Revised Code; 2699

(b) A disqualifying offense as specified in rules adopted 2700
under division (B)(14)(a) of section 3796.04 of the Revised Code 2701
if the person who is the subject of the request is seeking 2702
employment with an entity licensed by the state board of pharmacy 2703
under Chapter 3796. of the Revised Code. 2704

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

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

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

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

government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. 2737
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(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law. 2739
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(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section: 2747
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(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty; 2754
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(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty. 2757
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(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats. 2759
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(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this 2765
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section. Any person for whom a records check is to be conducted 2768
under this section shall obtain the fingerprint impressions at a 2769
county sheriff's office, municipal police department, or any other 2770
entity with the ability to make fingerprint impressions on the 2771
standard impression sheets prescribed by the superintendent. The 2772
office, department, or entity may charge the person a reasonable 2773
fee for making the impressions. The standard impression sheets the 2774
superintendent prescribes pursuant to this division may be in a 2775
tangible format, in an electronic format, or in both tangible and 2776
electronic formats. 2777

(3) Subject to division (D) of this section, the 2778
superintendent shall prescribe and charge a reasonable fee for 2779
providing a criminal records check under this section. The person 2780
requesting the criminal records check shall pay the fee prescribed 2781
pursuant to this division. In the case of a request under section 2782
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2783
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2784
the manner specified in that section. 2785

(4) The superintendent of the bureau of criminal 2786
identification and investigation may prescribe methods of 2787
forwarding fingerprint impressions and information necessary to 2788
conduct a criminal records check, which methods shall include, but 2789
not be limited to, an electronic method. 2790

(D) The results of a criminal records check conducted under 2791
this section, other than a criminal records check specified in 2792
division (A)(7) of this section, are valid for the person who is 2793
the subject of the criminal records check for a period of one year 2794
from the date upon which the superintendent completes the criminal 2795
records check. If during that period the superintendent receives 2796
another request for a criminal records check to be conducted under 2797
this section for that person, the superintendent shall provide the 2798
results from the previous criminal records check of the person at 2799

a lower fee than the fee prescribed for the initial criminal records check. 2800
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(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher. 2802
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(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense. 2808
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(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section. 2816
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(G) As used in this section: 2825

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section. 2826
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(2) "Minor drug possession offense" has the same meaning as 2830

in section 2925.01 of the Revised Code. 2831

(3) "OVI or OVUAC violation" means a violation of section 2832
4511.19 of the Revised Code or a violation of an existing or 2833
former law of this state, any other state, or the United States 2834
that is substantially equivalent to section 4511.19 of the Revised 2835
Code. 2836

(4) "Registered private provider" means a nonpublic school or 2837
entity registered with the superintendent of public instruction 2838
under section 3310.41 of the Revised Code to participate in the 2839
autism scholarship program or section 3310.58 of the Revised Code 2840
to participate in the Jon Peterson special needs scholarship 2841
program. 2842

Sec. 109.5721. (A) As used in this section: 2843

(1) "Employment" includes volunteer service. 2844

(2) "Independent provider" has the same meaning as in section 2845
5164.341 of the Revised Code. 2846

(3) "Licensure" means the authorization, evidenced by a 2847
license, certificate, registration, permit, or other authority 2848
that is issued or conferred by a public office, to engage in a 2849
profession, occupation, or occupational activity, to be a foster 2850
caregiver, or to have control of and operate certain specific 2851
equipment, machinery, or premises over which a public office has 2852
jurisdiction. 2853

~~(3)~~(4) "Participating public office" means a public office 2854
that requires a fingerprint background check as a condition of 2855
employment with, licensure by, or approval for adoption by the 2856
public office and that elects to receive notice under division 2857
~~(C)~~(D) of this section in accordance with rules adopted by the 2858
attorney general. "Participating public office" also means the 2859
department of medicaid if it elects to receive notices under 2860

division (D) of this section regarding independent providers. 2861

~~(4)~~(5) "Public office" has the same meaning as in section 2862
117.01 of the Revised Code. 2863

~~(5)~~(6) "Participating private party" means any person or 2864
private entity that is allowed to request a criminal records check 2865
pursuant to ~~divisions~~ division (A)(2) or (3) of section 109.572 of 2866
the Revised Code. 2867

(B) Within six months after August 15, 2007, the 2868
superintendent of the bureau of criminal identification and 2869
investigation shall establish and maintain a database of 2870
fingerprints of individuals on whom the bureau has conducted 2871
criminal records checks for either of the ~~purpose of determining~~ 2872
following purposes: 2873

(1) To determine the individual's eligibility for employment 2874
with, licensure by, or approval for adoption by a public office or 2875
participating private party; 2876

(2) To determine whether an applicant for a medicaid provider 2877
agreement as an independent provider is ineligible for the 2878
medicaid provider agreement because of section 5164.341 of the 2879
Revised Code. The 2880

(C) The superintendent shall maintain the database separate 2881
and apart from other records maintained by the bureau. The 2882
database shall be known as the retained applicant fingerprint 2883
database. 2884

~~(C)~~(D) When the superintendent receives information that an 2885
individual whose name is in the retained applicant fingerprint 2886
database has been arrested for, convicted of, or pleaded guilty to 2887
any offense, the superintendent shall promptly notify ~~any the~~ 2888
following of the individual's arrest, conviction, or guilty plea: 2889

(1) Any participating public office or participating private 2890

party that employs, licensed, or approved the individual ~~of the~~ 2891
~~arrest, conviction, or guilty plea;~~ 2892

(2) The department of medicaid if the individual is an 2893
independent provider. ~~The~~ 2894

(E)(1) A participating public office or participating private 2895
party that receives ~~the~~ a notification under division (D) of this 2896
section, and its employees and officers, shall use the information 2897
contained in the notification solely to determine the individual's 2898
continued eligibility for ~~continued employment~~ the following: 2899

(a) Employment with the participating public office or 2900
participating private party, ~~to retain licensure issued;~~ 2901

(b) Licensure by the participating public office, ~~or to be~~ 2902
~~approved;~~ 2903

(c) Approval for adoption by the participating public office; 2904

(d) A medicaid provider agreement as an independent provider. 2905
~~The~~ 2906

(2) Except as provided in division (E) of section 5164.341 of 2907
the Revised Code, in formation contained in the notification is 2908
confidential and not a public record under section 149.43 of the 2909
Revised Code and a participating public office or participating 2910
private party, and its employees and officers, shall not disclose 2911
that information to any person for any ~~other~~ purpose not specified 2912
in division (E)(1) of this section. 2913

~~(D)~~(F) If an individual has submitted fingerprint impressions 2914
for employment with, licensure by, or approval for adoption by a 2915
participating public office or participating private party and 2916
seeks employment with, licensure by, or approval for adoption by 2917
another participating public office or participating private 2918
party, the other participating public office or participating 2919
private party shall reprint the individual. If an individual has 2920

been reprinted, the superintendent shall update that individual's 2921
information accordingly. 2922

~~(E)~~(G) The bureau of criminal identification and 2923
investigation and the participating public office or participating 2924
private party shall use information contained in the retained 2925
applicant fingerprint database and in the notice described in 2926
division ~~(C)~~(D) of this section only for the purpose of ~~employment~~ 2927
~~with, licensure by, or approval for adoption by the participating~~ 2928
~~public office or participating private party~~ this section. This 2929
information is otherwise confidential and not a public record 2930
under section 149.43 of the Revised Code. 2931

~~(F)~~(H) The attorney general shall adopt rules in accordance 2932
with Chapter 119. of the Revised Code governing the operation and 2933
maintenance of the database. The rules shall provide for, but not 2934
be limited to, both of the following: 2935

(1) The expungement or sealing of records of ~~individuals~~ the 2936
following: 2937

(a) Individuals who are deceased ~~or~~; 2938

(b) Individuals who are no longer employed, granted 2939
licensure, or approved for adoption by the participating public 2940
office or participating private party that required submission of 2941
the individual's fingerprints; 2942

(c) Individuals who are no longer independent providers. 2943

(2) The terms under which a public office or participating 2944
private party may elect to receive notification under division 2945
~~(C)~~(D) of this section, including payment of any reasonable fee 2946
that may be charged for the purpose. 2947

~~(G)~~(I) No public office or employee of a public office shall 2948
be considered negligent in a civil action solely because the 2949
public office did not elect to be a participating public office. 2950

~~(H)~~(J)(1) No person shall knowingly use information contained 2951
in or received from the retained applicant fingerprint database 2952
for purposes not authorized by this section. 2953

(2) No person shall knowingly use information contained in or 2954
received from the retained applicant fingerprint database with the 2955
intent to harass or intimidate another person. 2956

(3) Whoever violates division ~~(H)~~(J)(1) or ~~(H)~~(2) of this 2957
section is guilty of unlawful use of retained applicant 2958
fingerprint database records. A violation of division ~~(H)~~(J)(1) of 2959
this section is a misdemeanor of the fourth degree. A violation of 2960
division ~~(H)~~(J)(2) of this section is a misdemeanor of the first 2961
degree. 2962

Sec. 109.71. There is hereby created in the office of the 2963
attorney general the Ohio peace officer training commission. The 2964
commission shall consist of ~~nine~~ ten members appointed by the 2965
governor with the advice and consent of the senate and selected as 2966
follows: one member representing the public; one member who 2967
represents a fraternal organization representing law enforcement 2968
officers; two members who are incumbent sheriffs; two members who 2969
are incumbent chiefs of police; one member from the bureau of 2970
criminal identification and investigation; one member from the 2971
state highway patrol; one member who is the special agent in 2972
charge of a field office of the federal bureau of investigation in 2973
this state; and one member from the department of education, trade 2974
and industrial education services, law enforcement training. 2975

This section does not confer any arrest authority or any 2976
ability or authority to detain a person, write or issue any 2977
citation, or provide any disposition alternative, as granted under 2978
Chapter 2935. of the Revised Code. 2979

Pursuant to division (A)(9) of section 101.82 of the Revised 2980
Code, the commission is exempt from the requirements of sections 2981

101.82 to 101.87 of the Revised Code.	2982
As used in sections 109.71 to 109.801 of the Revised Code:	2983
(A) "Peace officer" means:	2984
(1) A deputy sheriff, marshal, deputy marshal, member of the	2985
organized police department of a township or municipal	2986
corporation, member of a township police district or joint police	2987
district police force, member of a police force employed by a	2988
metropolitan housing authority under division (D) of section	2989
3735.31 of the Revised Code, or township constable, who is	2990
commissioned and employed as a peace officer by a political	2991
subdivision of this state or by a metropolitan housing authority,	2992
and whose primary duties are to preserve the peace, to protect	2993
life and property, and to enforce the laws of this state,	2994
ordinances of a municipal corporation, resolutions of a township,	2995
or regulations of a board of county commissioners or board of	2996
township trustees, or any of those laws, ordinances, resolutions,	2997
or regulations;	2998
(2) A police officer who is employed by a railroad company	2999
and appointed and commissioned by the secretary of state pursuant	3000
to sections 4973.17 to 4973.22 of the Revised Code;	3001
(3) Employees of the department of taxation engaged in the	3002
enforcement of Chapter 5743. of the Revised Code and designated by	3003
the tax commissioner for peace officer training for purposes of	3004
the delegation of investigation powers under section 5743.45 of	3005
the Revised Code;	3006
(4) An undercover drug agent;	3007
(5) Enforcement agents of the department of public safety	3008
whom the director of public safety designates under section	3009
5502.14 of the Revised Code;	3010
(6) An employee of the department of natural resources who is	3011

a natural resources law enforcement staff officer designated	3012
pursuant to section 1501.013, a natural resources officer	3013
appointed pursuant to section 1501.24, a forest-fire investigator	3014
appointed pursuant to section 1503.09, or a wildlife officer	3015
designated pursuant to section 1531.13 of the Revised Code;	3016
(7) An employee of a park district who is designated pursuant	3017
to section 511.232 or 1545.13 of the Revised Code;	3018
(8) An employee of a conservancy district who is designated	3019
pursuant to section 6101.75 of the Revised Code;	3020
(9) A police officer who is employed by a hospital that	3021
employs and maintains its own proprietary police department or	3022
security department, and who is appointed and commissioned by the	3023
secretary of state pursuant to sections 4973.17 to 4973.22 of the	3024
Revised Code;	3025
(10) Veterans' homes police officers designated under section	3026
5907.02 of the Revised Code;	3027
(11) A police officer who is employed by a qualified	3028
nonprofit corporation police department pursuant to section	3029
1702.80 of the Revised Code;	3030
(12) A state university law enforcement officer appointed	3031
under section 3345.04 of the Revised Code or a person serving as a	3032
state university law enforcement officer on a permanent basis on	3033
June 19, 1978, who has been awarded a certificate by the executive	3034
director of the Ohio peace officer training commission attesting	3035
to the person's satisfactory completion of an approved state,	3036
county, municipal, or department of natural resources peace	3037
officer basic training program;	3038
(13) A special police officer employed by the department of	3039
mental health and addiction services pursuant to section 5119.08	3040
of the Revised Code or the department of developmental	3041
disabilities pursuant to section 5123.13 of the Revised Code;	3042

(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	3043 3044
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	3045 3046 3047
(16) Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code;	3048 3049 3050
(17) A special police officer designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	3051 3052 3053 3054 3055 3056 3057 3058 3059
(18) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code or a person serving as a special police officer employed by a port authority on a permanent basis on May 17, 2000, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	3060 3061 3062 3063 3064 3065 3066 3067
(19) A special police officer employed by a municipal corporation who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is employed on a permanent basis on or after March 19, 2003, at a municipal airport, or other municipal	3068 3069 3070 3071 3072 3073

air navigation facility, that has scheduled operations, as defined 3074
in section 119.3 of Title 14 of the Code of Federal Regulations, 3075
14 C.F.R. 119.3, as amended, and that is required to be under a 3076
security program and is governed by aviation security rules of the 3077
transportation security administration of the United States 3078
department of transportation as provided in Parts 1542. and 1544. 3079
of Title 49 of the Code of Federal Regulations, as amended; 3080

(20) A police officer who is employed by an owner or operator 3081
of an amusement park that has an average yearly attendance in 3082
excess of six hundred thousand guests and that employs and 3083
maintains its own proprietary police department or security 3084
department, and who is appointed and commissioned by a judge of 3085
the appropriate municipal court or county court pursuant to 3086
section 4973.17 of the Revised Code; 3087

(21) A police officer who is employed by a bank, savings and 3088
loan association, savings bank, credit union, or association of 3089
banks, savings and loan associations, savings banks, or credit 3090
unions, who has been appointed and commissioned by the secretary 3091
of state pursuant to sections 4973.17 to 4973.22 of the Revised 3092
Code, and who has been awarded a certificate by the executive 3093
director of the Ohio peace officer training commission attesting 3094
to the person's satisfactory completion of a state, county, 3095
municipal, or department of natural resources peace officer basic 3096
training program; 3097

(22) An investigator, as defined in section 109.541 of the 3098
Revised Code, of the bureau of criminal identification and 3099
investigation who is commissioned by the superintendent of the 3100
bureau as a special agent for the purpose of assisting law 3101
enforcement officers or providing emergency assistance to peace 3102
officers pursuant to authority granted under that section; 3103

(23) A state fire marshal law enforcement officer appointed 3104
under section 3737.22 of the Revised Code or a person serving as a 3105

state fire marshal law enforcement officer on a permanent basis on 3106
or after July 1, 1982, who has been awarded a certificate by the 3107
executive director of the Ohio peace officer training commission 3108
attesting to the person's satisfactory completion of an approved 3109
state, county, municipal, or department of natural resources peace 3110
officer basic training program; 3111

(24) A gaming agent employed under section 3772.03 of the 3112
Revised Code. 3113

(B) "Undercover drug agent" has the same meaning as in 3114
division (B)(2) of section 109.79 of the Revised Code. 3115

(C) "Crisis intervention training" means training in the use 3116
of interpersonal and communication skills to most effectively and 3117
sensitively interview victims of rape. 3118

(D) "Missing children" has the same meaning as in section 3119
2901.30 of the Revised Code. 3120

Sec. 109.802. (A) There is hereby created in the state 3121
treasury the law enforcement assistance fund. The attorney general 3122
shall use the fund to pay reimbursements for continuing 3123
professional training programs for peace officers and troopers as 3124
provided in this section and section 109.803 of the Revised Code, 3125
compensation of any employees of the attorney general required to 3126
administer those sections, and any other administrative costs 3127
incurred by the attorney general to administer those sections. 3128

(B) The attorney general shall adopt rules in accordance with 3129
Chapter 119. of the Revised Code establishing application 3130
procedures, standards, and guidelines, and prescribing an 3131
application form, for the reimbursement of public appointing 3132
authorities for the cost of continuing professional training 3133
programs for their peace officers and troopers. The rules shall 3134
include, but are not limited to, all of the following: 3135

(1) A requirement that applications for reimbursement be submitted on a calendar-year basis;	3136 3137
(2) The documentation required to substantiate any costs for which the applicant seeks reimbursement;	3138 3139
(3) Procedures for submitting applications for reimbursement for the cost of continuing professional training programs completed by a peace officer or trooper for whom the executive director of the Ohio peace officer training commission granted pursuant to division (A)(2) of section 109.803 of the Revised Code an extension of the time for compliance with the continuing professional training requirement specified in division (A) of that section and who complied with the requirement prior to the date on which the extension ends;	3140 3141 3142 3143 3144 3145 3146 3147 3148
(4) Any other requirements necessary for the proper administration of the reimbursement program.	3149 3150
(C) The Ohio peace officer training commission shall administer a program for reimbursing public appointing authorities for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. The commission shall administer the reimbursement program in accordance with rules adopted by the attorney general pursuant to division (B) of this section.	3151 3152 3153 3154 3155 3156 3157
(D) Each public appointing authority may apply each calendar year to the peace officer training commission for reimbursement for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. Each application shall be made in accordance with, on an application form prescribed in, and be supported by the documentation required by, the rules adopted by the attorney general pursuant to division (B) of this section.	3158 3159 3160 3161 3162 3163 3164 3165
(E)(1) The Ohio peace officer training commission, in	3166

accordance with rules of the attorney general adopted under 3167
division (B) of this section, shall review each application for 3168
reimbursement made under division (D) of this section to determine 3169
if the applicant is entitled to reimbursement for the training 3170
programs for which the applicant seeks reimbursement. Except as 3171
provided in division (E)(2) of this section, a public appointing 3172
authority that complies with division (B) of section 109.761 of 3173
the Revised Code and applies under division (D) of this section 3174
for reimbursement is entitled to reimbursement for each of the 3175
appointing authority's peace officers or troopers who timely 3176
complies with the continuing professional training requirement 3177
specified in division (A)(1) of section 109.803 of the Revised 3178
Code by completing the minimum number of hours of training 3179
directed by the Ohio peace officer training commission under that 3180
division and with the other requirements described in that 3181
division. 3182

(2) If a peace officer or trooper of the public appointing 3183
authority for whom the executive director of the commission 3184
granted an extension pursuant to division (A)(2) of section 3185
109.803 of the Revised Code complies prior to the date on which 3186
the extension ends with the continuing professional training 3187
requirement, and if the peace officer or trooper also has complied 3188
with the other requirements described in division (A)(1) of 3189
section 109.803 of the Revised Code, the public appointing 3190
authority is entitled to reimbursement for the training programs 3191
completed by that peace officer or trooper. An application for 3192
reimbursement of the type described in this division shall be made 3193
in accordance with rules adopted by the attorney general pursuant 3194
to division (B) of section 109.802 of the Revised Code. 3195

(3) If a public appointing authority that applies under 3196
division (D) of this section for reimbursement is entitled to 3197
reimbursement under division (E)(1) or (2) of this section for 3198

each peace officer and trooper who successfully completes a 3199
training program, the commission shall approve reimbursing the 3200
appointing authority for the cost of that program. The actual 3201
amount of reimbursement for each authorized training program shall 3202
be ~~determined by rules adopted by the attorney general under~~ 3203
~~division (B) of this section~~ the actual cost incurred by the 3204
appointing authority for that training program. 3205

If the public appointing authority is entitled to 3206
reimbursement under division (E)(2) of this section, payment of 3207
the reimbursement shall not be withheld during the period of the 3208
extension granted to the other peace officers or troopers of the 3209
authority pursuant to division (A)(2) of section 109.803 of the 3210
Revised Code, pending their compliance with the requirement. If 3211
the public appointing authority is entitled to reimbursement under 3212
division (E)(2) of this section and if one or more of its peace 3213
officers or troopers who were granted an extension pursuant to 3214
division (A)(2) of section 109.803 of the Revised Code fails to 3215
complete prior to the date on which the extension ends the 3216
required minimum number of hours of continuing professional 3217
training set by the commission under division (A)(1) of section 3218
109.803 of the Revised Code, the failure does not affect the 3219
reimbursement made to the public appointing authority, and the 3220
public appointing authority is not required to return the 3221
reimbursement or any portion of it. 3222

(F) Each public appointing authority that receives funds 3223
under this section shall keep those funds separate from any other 3224
funds of the appointing authority and shall use those funds only 3225
for paying the cost of continuing professional training programs. 3226

(G) As used in this section and section 109.803 of the 3227
Revised Code: 3228

(1) "Peace officer" has the same meaning as in section 109.71 3229
of the Revised Code. 3230

(2) "Trooper" means an individual appointed as a state highway patrol trooper under section 5503.01 of the Revised Code.

(3) "Appointing authority" means any agency or entity that appoints a peace officer or trooper.

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

(2) An appointing authority may submit a written request to the peace officer training commission that requests for a calendar year because of emergency circumstances an extension of the time within which one or more of its appointed peace officers or troopers must complete the required minimum number of hours of continuing professional training set by the commission, as described in division (A)(1) of this section. A request made under this division shall set forth the name of each of the appointing authority's peace officers or troopers for whom an extension is requested, identify the emergency circumstances related to that peace officer or trooper, include documentation of those emergency circumstances, and set forth the date on which the request is submitted to the commission. A request shall be made under this division not later than the fifteenth day of December in the

calendar year for which the extension is requested. 3262

Upon receipt of a written request made under this division, 3263
the executive director of the commission shall review the request 3264
and the submitted documentation. If the executive director of the 3265
commission is satisfied that emergency circumstances exist for any 3266
peace officer or trooper for whom a request was made under this 3267
division, the executive director may approve the request for that 3268
peace officer or trooper and grant an extension of the time within 3269
which that peace officer or trooper must complete the required 3270
minimum number of hours of continuing professional training set by 3271
the commission. An extension granted under this division may be 3272
for any period of time the executive director believes to be 3273
appropriate, and the executive director shall specify in the 3274
notice granting the extension the date on which the extension 3275
ends. Not later than thirty days after the date on which a request 3276
is submitted to the commission, for each peace officer and trooper 3277
for whom an extension is requested, the executive director either 3278
shall approve the request and grant an extension or deny the 3279
request and deny an extension and shall send to the appointing 3280
authority that submitted the request written notice of the 3281
executive director's decision. 3282

If the executive director grants an extension of the time 3283
within which a particular appointed peace officer or trooper of an 3284
appointing authority must complete the required minimum number of 3285
hours of continuing professional training set by the commission, 3286
the appointing authority shall require that peace officer or 3287
trooper to complete the required minimum number of hours of 3288
training not later than the date on which the extension ends. 3289

(B) With the advice of the Ohio peace officer training 3290
commission, the attorney general shall adopt in accordance with 3291
Chapter 119. of the Revised Code rules setting forth minimum 3292
standards for continuing professional training for peace officers 3293

and troopers and governing the administration of continuing 3294
professional training programs for peace officers and troopers. 3295
The rules adopted by the attorney general under division (B) of 3296
this section shall do all of the following: 3297

(1) Allow peace officers and troopers to earn credit for up 3298
to four hours of continuing professional training for time spent 3299
while on duty providing drug use prevention education training 3300
that utilizes evidence-based curricula to students in school 3301
districts, community schools established under Chapter 3314., STEM 3302
schools established under Chapter 3326., and college-preparatory 3303
boarding schools established under Chapter 3328. of the Revised 3304
Code. 3305

(2) Allow a peace officer or trooper appointed by a law 3306
enforcement agency to earn hours of continuing professional 3307
training for other peace officers or troopers appointed by the law 3308
enforcement agency by providing drug use prevention education 3309
training under division (B)(1) of this section so that hours 3310
earned by the peace officer or trooper providing the training in 3311
excess of four hours may be applied to offset the number of 3312
continuing professional training hours required of another peace 3313
officer or trooper appointed by that law enforcement agency. 3314

(3) Prohibit the use of continuing professional training 3315
hours earned under division (B)(1) or (2) of this section from 3316
being used to offset any mandatory hands-on training requirement. 3317

(C) The attorney general shall transmit a certified copy of 3318
any rule adopted under this section to the secretary of state. 3319

Sec. 111.42. (A) ~~Except for a~~ A person described in division 3320
~~(F) of this section, an adult person, or a parent or guardian~~ 3321
~~acting on behalf of a minor, incompetent, or ward, when changing~~ 3322
~~residence,~~ to whom all of the following applies may apply to the 3323
secretary of state with the assistance of an application assistant 3324

to ~~have~~ become a participant in the address confidentiality 3325
program, in which an address designated by the secretary of state 3326
~~serve~~ serves as the person's address or the address of the minor, 3327
incompetent, or ward- on whose behalf the person is applying: 3328

(1) The applicant is an adult who is applying on behalf of 3329
the person's self or is a parent or guardian applying on behalf of 3330
a minor, incompetent, or ward. 3331

(2) The applicant or the minor, incompetent, or ward, as 3332
applicable, resides, works, or attends a school or an institution 3333
of higher education in this state. 3334

(3) The applicant or the minor, incompetent, or ward, as 3335
applicable, is changing residence. 3336

(4) The applicant fears for the safety of the applicant, a 3337
member of the applicant's household, or the minor, incompetent, or 3338
ward on whose behalf the application is made because the 3339
applicant, household member, minor, incompetent, or ward is a 3340
victim of domestic violence, menacing by stalking, human 3341
trafficking, trafficking in persons, rape, or sexual battery. 3342

(5) The applicant or the minor, incompetent, or ward, as 3343
applicable, is not a tier I sex offender/child-victim offender, a 3344
tier II sex offender/child-victim offender, or a tier III sex 3345
offender/child-victim offender. 3346

(B) An application to become a participant in the address 3347
confidentiality program shall be made on a form prescribed by the 3348
secretary of state and filed in the office of the secretary of 3349
state in the manner prescribed by the secretary of state. The 3350
application shall contain all of the following: 3351

(1) A notarized statement by the applicant that the applicant 3352
fears for the safety of the applicant, a member of the applicant's 3353
household, or the minor, incompetent, or ward on whose behalf the 3354

application is made because the applicant, household member, 3355
minor, incompetent, or ward is a victim of domestic violence, 3356
menacing by stalking, human trafficking, trafficking in persons, 3357
rape, or sexual battery; 3358

(2) A statement that the application assistant recommends 3359
that the applicant or the minor, incompetent, or ward, as 3360
applicable, participate in the address confidentiality program; 3361

(3) A knowing and voluntary designation of the secretary of 3362
state as the agent for the purposes of receiving service of 3363
process and the receipt of mail; 3364

~~(3)~~(4) The mailing address and telephone number or numbers at 3365
which the secretary of state may contact the applicant; 3366

~~(4)~~(5) The address or addresses of the applicant's residence, 3367
school, institution of higher education, business, or place of 3368
employment that the applicant requests not be disclosed for the 3369
reason that disclosure will increase the risk that the applicant, 3370
a member of the applicant's household, or the minor, incompetent, 3371
or ward on whose behalf the application is made will be threatened 3372
or physically harmed by another person; 3373

~~(5)~~(6) The signature of the applicant, the name and signature 3374
of the application assistant who assisted the applicant, and the 3375
date on which the applicant and the application assistant signed 3376
the application; 3377

~~(6)~~(7) Except for a claim based on the performance or 3378
nonperformance of a public duty that was manifestly outside the 3379
scope of the officer's or employee's office or employment or in 3380
which the officer or employee acted with malicious purpose, in bad 3381
faith, or in a wanton or reckless manner, a voluntary release and 3382
waiver of all future claims against the state for any claim that 3383
may arise from participation in the address confidentiality 3384
program. 3385

~~(B)~~(C) Upon receiving a properly completed application under 3386
division ~~(A)~~(B) of this section, the secretary of state shall do 3387
all of the following: 3388

(1) Certify the applicant or the minor, incompetent, or ward 3389
on whose behalf the application is filed as a program participant; 3390

(2) Designate each eligible address listed in the application 3391
as a confidential address; 3392

(3) Issue the program participant a unique program 3393
participant identification number; 3394

(4) Issue the program participant an address confidentiality 3395
program authorization card, which shall be valid during the period 3396
that the program participant remains certified to participate in 3397
the address confidentiality program, and which shall include the 3398
address at which the program participant may receive mail through 3399
the office of the secretary of state; 3400

(5) Provide information to the program participant concerning 3401
the manner in which the program participant may use the secretary 3402
of state as the program participant's agent for the purposes of 3403
receiving mail and receiving service of process and the types of 3404
mail that the secretary of state will forward to the program 3405
participant; 3406

~~(5)~~(6) Provide information to the program participant 3407
concerning the process to register to vote and to vote as a 3408
program participant, if the program participant is eligible to 3409
vote. 3410

~~(C)~~(D) A program participant shall update the person's 3411
application information, within thirty days after any change has 3412
occurred, by submitting a notice of change to the office of the 3413
secretary of state on a form prescribed by the secretary of state. 3414
The secretary of state may, with proper notice, cancel a program 3415
~~participant from the program~~ participant's certification if the 3416

participant is found to be unreachable for a period of sixty days 3417
or more. 3418

~~(D)~~(E) The certification of a program participant shall be 3419
valid for four years after the date of the filing of the 3420
application for the program participant unless the certification 3421
is withdrawn or invalidated before the end of that four-year 3422
period. 3423

~~(E)~~(F)(1) A program participant who continues to be eligible 3424
to participate in the address confidentiality program may renew 3425
the program participant's certification by submitting a renewal 3426
application to the secretary of state with the assistance of an 3427
application assistant. The renewal application shall be on a form 3428
prescribed by the secretary of state and shall contain all of the 3429
information described in division ~~(A)~~(B) of this section. 3430

(2) The secretary of state may prescribe by rule a grace 3431
period during which a program participant whose certification has 3432
expired may renew the program participant's certification without 3433
being considered to have ceased being a program participant during 3434
that period. 3435

(3) When a program participant renews the program 3436
participant's certification, the program participant shall 3437
continue to use the program participant's original program 3438
participant identification number. 3439

~~(F)~~(G) A tier I sex offender/child-victim offender, a tier II 3440
sex offender/child-victim offender, or a tier III sex 3441
offender/child-victim offender is not eligible to participate in 3442
the address confidentiality program described in sections 111.41 3443
to 111.99 of the Revised Code. 3444

Sec. 111.43. (A) A program participant may request that a 3445
governmental entity, other than a board of elections, use the 3446

address designated by the secretary of state as the program 3447
participant's address. Except as otherwise provided in division 3448
(D) of this section and in section 111.44 of the Revised Code, if 3449
the program participant requests that a governmental entity use 3450
that address, the governmental entity shall accept that address. 3451
The program participant may provide the program participant's 3452
address confidentiality program authorization card as proof of the 3453
program participant's status. 3454

(B) If a program participant's employer, school, or 3455
institution of higher education is not a governmental entity, the 3456
program participant may request that the employer, school, or 3457
institution of higher education use the address designated by the 3458
secretary of state as the program participant's address. The 3459
program participant may provide the program participant's address 3460
confidentiality program authorization card as proof of the program 3461
participant's status. 3462

(C)(1) The office of the secretary of state shall, on each 3463
day that the secretary of state's office is open for business, 3464
place all ~~first class mail~~ of the following that the secretary of 3465
state receives on behalf of a program participant ~~that the~~ 3466
~~secretary of state receives~~ into an envelope or package and mail 3467
that envelope or package to the program participant at the mailing 3468
address the program participant provided to the secretary of state 3469
for that purpose: 3470

(a) First class letters, flats, packages, or parcels 3471
delivered via the United States postal service, including 3472
priority, express, and certified mail; 3473

(b) Packages or parcels that are clearly identifiable as 3474
containing pharmaceutical agents or medical supplies; 3475

(c) Packages, parcels, periodicals, or catalogs that are 3476
clearly identifiable as being sent by a governmental entity; 3477

(d) Packages, parcels, periodicals, or catalogs that have 3478
received prior authorization from the office of the secretary of 3479
state for forwarding under this section. The 3480

(2) Except as provided in divisions (C)(1)(a) to (d) of this 3481
section, the office of the secretary of state shall not forward 3482
any packages, parcels, periodicals, or catalogs received on behalf 3483
of a program participant. 3484

(3) The secretary of state may contract with the United 3485
States postal service to establish special postal rates for the 3486
envelopes or packages used in mailing forwarding a program 3487
participant's ~~first-class~~ mail under this section 3488

~~(2)~~(4)(a) Upon receiving service of process on behalf of a 3489
program participant, the office of the secretary of state shall 3490
immediately forward the process by certified mail, return receipt 3491
requested, to the program participant at the mailing address the 3492
program participant provided to the secretary of state for that 3493
purpose. Service of process upon the office of the secretary of 3494
state on behalf of a program participant constitutes service upon 3495
the program participant under rule 4.2 of the Rules of Civil 3496
Procedure. 3497

(b) The secretary of state may prescribe by rule the manner 3498
in which process may be served on the secretary of state as the 3499
agent of a program participant. 3500

(c) Upon request by a person who intends to serve process on 3501
an individual, the secretary of state shall confirm whether the 3502
individual is a program participant but shall not disclose any 3503
other information concerning a program participant. 3504

(D) Division (A) of this section does not apply to a 3505
municipal-owned public utility. The confidential addresses of 3506
participants of the address confidentiality program that are 3507
maintained by a municipal-owned public utility are not a public 3508

record and shall not be released by a municipal-owned public 3509
utility or by any employee of a municipal-owned public utility. 3510

Sec. 111.44. (A) A program participant who is eligible to 3511
vote may apply to the board of elections of the county in which 3512
the program participant resides to request that the program 3513
participant's voter registration record be kept confidential. The 3514
program participant shall submit an application to the director of 3515
the board of elections, on a form prescribed by the secretary of 3516
state, that includes all of the following: 3517

(1) The information required under section 3503.14 of the 3518
Revised Code to register to vote; 3519

(2) The program participant's program participant 3520
identification number; 3521

(3) If the program participant is currently registered to 3522
vote ~~in at another county or another state~~ address, the address at 3523
which the program participant is registered to vote and a 3524
statement that, if the program participant is registered in 3525
another county or state, the program participant authorizes the 3526
director to instruct the appropriate authority to cancel the 3527
program participant's existing voter registration; 3528

(4) A statement that the program participant understands all 3529
of the following: 3530

(a) That during the time the program participant chooses to 3531
have a confidential voter registration record, the program 3532
participant may vote only by absent voter's ballots; 3533

(b) That the program participant may provide the program 3534
participant's program participant identification number instead of 3535
the program participant's residence address on an application for 3536
absent voter's ballots or on an absent voter's ballot 3537
identification envelope statement of voter; 3538

(c) That casting any ballot in person will reveal the program 3539
participant's precinct and residence address to precinct election 3540
officials and employees of the board of elections and may reveal 3541
the program participant's precinct or residence address to members 3542
of the public; 3543

(d) That if the program participant signs an election 3544
petition, the program participant's residence address will be made 3545
available to the public. 3546

(B)(1) A program participant who is not currently registered 3547
to vote in this state must submit an application under this 3548
section not later than the thirtieth day before the day of an 3549
election in order to be eligible to vote in that election, as 3550
provided in sections 3503.01 and 3503.19 of the Revised Code. 3551

(2) A program participant who is currently registered to vote 3552
in this state may submit an application under this section at any 3553
time to request that the program participant's voter registration 3554
record be kept confidential. 3555

(C) Upon the receipt by the director of the board of 3556
elections of a valid application under division (A) of this 3557
section, all of the following shall apply: 3558

(1) The director or the deputy director shall contact the 3559
secretary of state to confirm that the program participant 3560
identification number provided on the application matches the 3561
number the secretary of state issued to the program participant. 3562

(2) The application shall be treated as the program 3563
participant's voter registration form. The form shall be stored in 3564
a secure manner, such that only the members of the board of 3565
elections, the director, and the deputy director have access to 3566
the form and to the residence address contained in the form. 3567

(3) The director or the deputy director shall record the 3568
program participant's program participant identification number in 3569

the statewide voter registration database and the official 3570
registration list instead of the program participant's residence 3571
address and precinct. 3572

(4) If the program participant is currently registered to 3573
vote in the county, the director or the deputy director shall do 3574
all of the following: 3575

(a) Remove the residence address and precinct information 3576
from the program participant's voter registration record, the 3577
statewide voter registration database, and the official 3578
registration list; 3579

(b) Remove the program participant's name and registration 3580
information from any pollbook, poll list, or signature pollbook in 3581
which it appears and from any publicly available registration list 3582
in which it appears. 3583

(5) If the program participant is currently registered to 3584
vote in another county, the director or the deputy director shall 3585
notify the board of elections of the county in which the program 3586
participant is registered to cancel the program participant's 3587
registration. ~~The program participant's existing registration 3588
shall be considered to have been transferred to the county in 3589
which the program participant currently resides. Notwithstanding 3590
any contrary provision of section 3503.01 of the Revised Code, if 3591
the program participant submitted the application less than thirty 3592
days before the day of an election, the program participant shall 3593
be eligible to vote in that election.~~ 3594

(6) If the program participant is currently registered to 3595
vote in another state, the director or the deputy director shall 3596
notify the appropriate authority in that state to cancel the 3597
program participant's registration. 3598

(7) The director or the deputy director shall promptly send 3599
an acknowledgment notice to the program participant on a form 3600

prescribed by the secretary of state. 3601

~~(C)~~(D)(1)(a) The residence address or precinct of a program 3602
participant who has a confidential voter registration record, as 3603
described in this section, shall not appear in the statewide voter 3604
registration database or in the official registration list. The 3605
program participant's program participant identification number 3606
shall appear in place of that information. 3607

(b) No information concerning the program participant, 3608
including the program participant's name, shall be included in any 3609
pollbook, poll list, or signature pollbook. 3610

(c) No information concerning the program participant, 3611
including the program participant's name, shall be included in the 3612
version of the statewide voter registration database that is 3613
available to the public or in any version of an official 3614
registration list that is available to the public. 3615

(2) Notwithstanding any contrary provision of the Revised 3616
Code, a program participant who has a confidential voter 3617
registration record may vote only by casting absent voter's 3618
ballots. 3619

(3) Not later than the forty-fifth day before the day of an 3620
election, the secretary of state shall mail a notice to each 3621
program participant who has a confidential voter registration 3622
record. The notice shall inform the program participant of all of 3623
the following: 3624

(a) That if the program participant wishes to vote in the 3625
election, the program participant should cast absent voter's 3626
ballots by mail; 3627

(b) The procedure for the program participant to cast absent 3628
voter's ballots; 3629

(c) That casting any ballot in person will reveal the program 3630

participant's precinct and residence address to precinct election officials and employees of the board of elections and may reveal the program participant's precinct or residence address to members of the public.

~~(D)~~(E)(1) A program participant who has a confidential voter registration record and who has had a change of name or change of address may submit an application under division (A) of this section that includes the program participant's updated information. The director or the deputy director shall treat that application as a notice of change of name or change of address.

(2) If the program participant currently resides in that county, the director or the deputy director shall replace the program participant's existing registration form with the new registration form.

(3) If the program participant currently resides in another county in this state, the director or the deputy director shall cancel the program participant's existing registration form and shall transmit the program participant's new registration form to the director of the board of elections of the county in which the elector currently resides, and the new registration form shall be processed in accordance with division ~~(B)~~(C) of this section.

~~(E)~~(F) A person who has a confidential voter registration record and who ceases being a program participant or who wishes to cease having a confidential voter registration record shall submit an application, on a form prescribed by the secretary of state, that includes all of the following:

(1) The information required under section 3503.14 of the Revised Code to register to vote;

(2) The person's program participant identification number;

(3) A statement that the person has ceased being a program participant or that the person wishes to cease having a

confidential voter registration record; 3662

(4) A statement that the director should do one of the 3663
following: 3664

(a) Treat the person's existing voter registration form in 3665
the same manner as other voter registration forms; 3666

(b) Cancel the person's voter registration. 3667

~~(F)~~(G)(1) Upon receiving a valid application under division 3668
~~(E)~~(F) of this section from a person who wishes the board of 3669
elections to treat the person's existing voter registration form 3670
in the same manner as other voter registration forms, or upon 3671
receiving a notice from the secretary of state under division (B) 3672
of section 111.45 of the Revised Code concerning a person who has 3673
a confidential voter registration record, the director or the 3674
deputy director shall do all of the following: 3675

(a) Store the person's voter registration form in the same 3676
manner as other voter registration forms; 3677

(b) Remove the person's program participant identification 3678
number from the person's registration form and from the statewide 3679
voter registration database; 3680

(c) Ensure that the statewide voter registration database and 3681
any poll list, pollbook, or registration list accurately reflect 3682
the person's current name and registration information. 3683

(2) Notwithstanding any contrary provision of section 3503.01 3684
of the Revised Code, if the director receives an application or 3685
notice described in division ~~(F)~~(G)(1) of this section concerning 3686
an elector less than thirty days before the day of an election, 3687
the elector shall be eligible to vote in that election. 3688

~~(G)~~(H) Upon receiving a valid application under division 3689
~~(E)~~(F) of this section from a person who wishes to have the 3690
person's voter registration canceled, the director or the deputy 3691

director shall cancel the person's voter registration. 3692

Sec. 111.45. (A) The secretary of state shall cancel the 3693
certification of a program participant if any of the following are 3694
true: 3695

(1) The program participant's application contained one or 3696
more false statements. 3697

(2) The program participant has filed a written, notarized 3698
request with the secretary of state, on a form prescribed by the 3699
secretary of state, asking to cease being a program participant. 3700

(3) The program participant's certification has expired and 3701
the program participant has not renewed the certification in 3702
accordance with division ~~(E)~~(F) of section 111.42 of the Revised 3703
Code not later than the deadline specified by the secretary of 3704
state by rule to renew the certification. 3705

(B) Upon canceling a certification under division (A) of this 3706
section, the secretary of state shall notify the director of the 3707
board of elections of the county in which the former program 3708
participant resides. 3709

Sec. 113.061. The treasurer of state shall adopt rules in 3710
accordance with Chapter 119. of the Revised Code governing the 3711
remittance of taxes by electronic funds transfer as required under 3712
sections 3769.103, 718.851, 5726.03, 5727.311, 5727.83, 5733.022, 3713
5735.062, 5736.04, 5739.032, 5745.04, 5747.072, 5749.06, and 3714
5751.07 of the Revised Code and any other section of the Revised 3715
Code under which a person is required to remit taxes by electronic 3716
funds transfer. The rules shall govern the modes of electronic 3717
funds transfer acceptable to the treasurer of state and under what 3718
circumstances each mode is acceptable, the content and format of 3719
electronic funds transfers, the coordination of payment by 3720
electronic funds transfer and filing of associated tax reports and 3721

returns, the remittance of taxes by means other than electronic 3722
funds transfer by persons otherwise required to do so but relieved 3723
of the requirement by the treasurer of state, and any other matter 3724
that in the opinion of the treasurer of state facilitates payment 3725
by electronic funds transfer in a manner consistent with those 3726
sections. 3727

Upon failure by a person, if so required, to remit taxes by 3728
electronic funds transfer in the manner prescribed under section 3729
3769.103, 718.851, 5726.03, 5727.83, 5733.022, 5735.062, 5736.04, 3730
5739.032, 5745.04, 5747.072, 5749.06, or 5751.07 of the Revised 3731
Code and rules adopted under this section, the treasurer of state 3732
shall notify the tax commissioner of such failure if the treasurer 3733
of state determines that such failure was not due to reasonable 3734
cause or was due to willful neglect, and shall provide the tax 3735
commissioner with any information used in making that 3736
determination. The tax commissioner may assess an additional 3737
charge as specified in the respective section of the Revised Code 3738
governing the requirement to remit taxes by electronic funds 3739
transfer. 3740

The treasurer of state may implement means of acknowledging, 3741
upon the request of a taxpayer, receipt of tax remittances made by 3742
electronic funds transfer, and may adopt rules governing 3743
acknowledgments. The cost of acknowledging receipt of electronic 3744
remittances shall be paid by the person requesting acknowledgment. 3745

The treasurer of state, not the tax commissioner, is 3746
responsible for resolving any problems involving electronic funds 3747
transfer transmissions. 3748

Sec. 120.08. There is hereby created in the state treasury 3749
the indigent defense support fund, consisting of money paid into 3750
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 3751
4511.19 of the Revised Code and pursuant to sections 2937.22, 3752

2949.091, and 2949.094 of the Revised Code out of the additional 3753
court costs imposed under those sections. The state public 3754
defender shall use at least ~~eighty-eight~~ eighty-three per cent of 3755
the money in the fund for the purposes of reimbursing county 3756
governments for expenses incurred pursuant to sections 120.18, 3757
120.28, and 120.33 of the Revised Code and operating its system 3758
pursuant to division (C)(7) of section 120.04 of the Revised Code 3759
and division (B) of section 120.33 of the Revised Code. 3760
Disbursements from the fund to county governments shall be made at 3761
least once per year and shall be allocated proportionately so that 3762
each county receives an equal percentage of its total cost for 3763
operating its county public defender system, its joint county 3764
public defender system, its county appointed counsel system, or 3765
its system operated under division (C)(7) of section 120.04 of the 3766
Revised Code and division (B) of section 120.33 of the Revised 3767
Code. The state public defender may use not more than ~~twelve~~ 3768
seventeen per cent of the money in the fund for the purposes of 3769
appointing assistant state public defenders, providing other 3770
personnel, equipment, and facilities necessary for the operation 3771
of the state public defender office, and providing training, 3772
developing and implementing electronic forms, or establishing and 3773
maintaining an information technology system used for the uniform 3774
operation of this chapter. 3775

Sec. 120.18. (A) The county public defender commission's 3776
report to the board of county commissioners shall be audited by 3777
the county auditor. The board of county commissioners, after 3778
review and approval of the audited report, may then certify it to 3779
the state public defender for reimbursement. If a request for the 3780
reimbursement of any operating expenditure incurred by a county 3781
public defender office is not received by the state public 3782
defender within sixty days after the end of the calendar month in 3783

which the expenditure is incurred, the state public defender shall 3784
not pay the requested reimbursement, unless the county has 3785
requested, and the state public defender has granted, an extension 3786
of the sixty-day time limit. Each request for reimbursement shall 3787
include a certification by the county public defender that the 3788
persons provided representation by the county public defender's 3789
office during the period covered by the report were indigent and, 3790
for each person provided representation during that period, a 3791
financial disclosure form completed by the person on a form 3792
prescribed by the state public defender. The state public defender 3793
shall also review the report and, in accordance with the 3794
standards, guidelines, and maximums established pursuant to 3795
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 3796
prepare a voucher for fifty per cent of the total cost of each 3797
county public defender's office for the period of time covered by 3798
the certified report and a voucher for ~~fifty~~ one hundred per cent 3799
of the costs and expenses that are reimbursable under section 3800
120.35 of the Revised Code, if any, or, if the amount of money 3801
appropriated by the general assembly to reimburse counties for the 3802
operation of county public defender offices, joint county public 3803
defender offices, and county appointed counsel systems is not 3804
sufficient to pay fifty per cent of the total cost of all of the 3805
offices and systems, for the lesser amount required by section 3806
120.34 of the Revised Code. For the purposes of this section, 3807
"total cost" means total expenses minus costs and expenses 3808
reimbursable under section 120.35 of the Revised Code and any 3809
funds received by the county public defender commission pursuant 3810
to a contract, except a contract entered into with a municipal 3811
corporation pursuant to division (E) of section 120.14 of the 3812
Revised Code, gift, or grant. 3813

(B) If the county public defender fails to maintain the 3814
standards for the conduct of the office established by rules of 3815
the Ohio public defender commission pursuant to divisions (B) and 3816

(C) of section 120.03 or the standards established by the state 3817
public defender pursuant to division (B)(7) of section 120.04 of 3818
the Revised Code, the Ohio public defender commission shall notify 3819
the county public defender commission and the board of county 3820
commissioners of the county that the county public defender has 3821
failed to comply with its rules or the standards of the state 3822
public defender. Unless the county public defender commission or 3823
the county public defender corrects the conduct of the county 3824
public defender's office to comply with the rules and standards 3825
within ninety days after the date of the notice, the state public 3826
defender may deny payment of all or part of the county's 3827
reimbursement from the state provided for in division (A) of this 3828
section. 3829

Sec. 120.28. (A) The joint county public defender 3830
commission's report to the joint board of county commissioners 3831
shall be audited by the fiscal officer of the district. The joint 3832
board of county commissioners, after review and approval of the 3833
audited report, may then certify it to the state public defender 3834
for reimbursement. If a request for the reimbursement of any 3835
operating expenditure incurred by a joint county public defender 3836
office is not received by the state public defender within sixty 3837
days after the end of the calendar month in which the expenditure 3838
is incurred, the state public defender shall not pay the requested 3839
reimbursement, unless the joint board of county commissioners has 3840
requested, and the state public defender has granted, an extension 3841
of the sixty-day time limit. Each request for reimbursement shall 3842
include a certification by the joint county public defender that 3843
all persons provided representation by the joint county public 3844
defender's office during the period covered by the request were 3845
indigent and, for each person provided representation during that 3846
period, a financial disclosure form completed by the person on a 3847
form prescribed by the state public defender. The state public 3848

defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, prepare a voucher for fifty per cent of the total cost of each joint county public defender's office for the period of time covered by the certified report and a voucher for ~~fifty~~ one hundred per cent of the costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, or, if the amount of money appropriated by the general assembly to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems is not sufficient to pay fifty per cent of the total cost of all of the offices and systems, for the lesser amount required by section 120.34 of the Revised Code. For purposes of this section, "total cost" means total expenses minus costs and expenses reimbursable under section 120.35 of the Revised Code and any funds received by the joint county public defender commission pursuant to a contract, except a contract entered into with a municipal corporation pursuant to division (E) of section 120.24 of the Revised Code, gift, or grant. Each county in the district shall be entitled to a share of such state reimbursement in proportion to the percentage of the total cost it has agreed to pay.

(B) If the joint county public defender fails to maintain the standards for the conduct of the office established by the rules of the Ohio public defender commission pursuant to divisions (B) and (C) of section 120.03 or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the Ohio public defender commission shall notify the joint county public defender commission and the board of county commissioners of each county in the district that the joint county public defender has failed to comply with its rules or the standards of the state public defender. Unless the

joint public defender commission or the joint county public 3882
defender corrects the conduct of the joint county public 3883
defender's office to comply with the rules and standards within 3884
ninety days after the date of the notice, the state public 3885
defender may deny all or part of the counties' reimbursement from 3886
the state provided for in division (A) of this section. 3887

Sec. 120.33. (A) In lieu of using a county public defender or 3888
joint county public defender to represent indigent persons in the 3889
proceedings set forth in division (A) of section 120.16 of the 3890
Revised Code, the board of county commissioners of any county may 3891
adopt a resolution to pay counsel who are either personally 3892
selected by the indigent person or appointed by the court. The 3893
resolution shall include those provisions the board of county 3894
commissioners considers necessary to provide effective 3895
representation of indigent persons in any proceeding for which 3896
counsel is provided under this section. The resolution shall 3897
include provisions for contracts with any municipal corporation 3898
under which the municipal corporation shall reimburse the county 3899
for counsel appointed to represent indigent persons charged with 3900
violations of the ordinances of the municipal corporation. 3901

(1) In a county that adopts a resolution to pay counsel, an 3902
indigent person shall have the right to do either of the 3903
following: 3904

(a) To select the person's own personal counsel to represent 3905
the person in any proceeding included within the provisions of the 3906
resolution; 3907

(b) To request the court to appoint counsel to represent the 3908
person in such a proceeding. 3909

(2) The court having jurisdiction over the proceeding in a 3910
county that adopts a resolution to pay counsel shall, after 3911
determining that the person is indigent and entitled to legal 3912

representation under this section, do either of the following: 3913

(a) By signed journal entry recorded on its docket, enter the 3914
name of the lawyer selected by the indigent person as counsel of 3915
record; 3916

(b) Appoint counsel for the indigent person if the person has 3917
requested the court to appoint counsel and, by signed journal 3918
entry recorded on its dockets, enter the name of the lawyer 3919
appointed for the indigent person as counsel of record. 3920

(3) The board of county commissioners shall establish a 3921
schedule of fees by case or on an hourly basis to be paid to 3922
counsel for legal services provided pursuant to a resolution 3923
adopted under this section. Prior to establishing the schedule, 3924
the board of county commissioners shall request the bar 3925
association or associations of the county to submit a proposed 3926
schedule for cases other than capital cases. The schedule 3927
submitted shall be subject to the review, amendment, and approval 3928
of the board of county commissioners, except with respect to 3929
capital cases. With respect to capital cases, the schedule shall 3930
provide for fees by case or on an hourly basis to be paid to 3931
counsel in the amount or at the rate set by the capital case 3932
attorney fee council pursuant to division (D) of this section, and 3933
the board of county commissioners shall approve that amount or 3934
rate. 3935

(4) Counsel selected by the indigent person or appointed by 3936
the court at the request of an indigent person in a county that 3937
adopts a resolution to pay counsel, except for counsel appointed 3938
to represent a person charged with any violation of an ordinance 3939
of a municipal corporation that has not contracted with the county 3940
commissioners for the payment of appointed counsel, shall be paid 3941
by the county and shall receive the compensation and expenses the 3942
court approves. With respect to capital cases, the court shall 3943
approve compensation and expenses in accordance with the amount or 3944

at the rate set by the capital case attorney fee council pursuant 3945
to division (D) of this section. Each request for payment shall ~~be~~ 3946
~~accompanied by~~ include a financial disclosure form ~~and an~~ 3947
~~affidavit of indigency that are~~ completed by the indigent person 3948
on ~~forms~~ a form prescribed by the state public defender. 3949
Compensation and expenses shall not exceed the amounts fixed by 3950
the board of county commissioners in the schedule adopted pursuant 3951
to division (A)(3) of this section. No court shall approve 3952
compensation and expenses that exceed the amount fixed pursuant to 3953
division (A)(3) of this section. 3954

The fees and expenses approved by the court shall not be 3955
taxed as part of the costs and shall be paid by the county. 3956
However, if the person represented has, or may reasonably be 3957
expected to have, the means to meet some part of the cost of the 3958
services rendered to the person, the person shall pay the county 3959
an amount that the person reasonably can be expected to pay. 3960
Pursuant to section 120.04 of the Revised Code, the county shall 3961
pay to the state public defender a percentage of the payment 3962
received from the person in an amount proportionate to the 3963
percentage of the costs of the person's case that were paid to the 3964
county by the state public defender pursuant to this section. The 3965
money paid to the state public defender shall be credited to the 3966
client payment fund created pursuant to division (B)(5) of section 3967
120.04 of the Revised Code. 3968

The county auditor shall draw a warrant on the county 3969
treasurer for the payment of counsel in the amount fixed by the 3970
court, plus the expenses the court fixes and certifies to the 3971
auditor. The county auditor shall report periodically, but not 3972
less than annually, to the board of county commissioners and to 3973
the state public defender the amounts paid out pursuant to the 3974
approval of the court. The board of county commissioners, after 3975
review and approval of the auditor's report, or the county 3976

auditor, with permission from and notice to the board of county 3977
commissioners, may then certify it to the state public defender 3978
for reimbursement. The state public defender may pay a requested 3979
reimbursement only if the request for reimbursement ~~is accompanied~~ 3980
~~by~~ includes a financial disclosure form ~~and an affidavit of~~ 3981
~~indigency~~ completed by the indigent person on ~~forms~~ a form 3982
prescribed by the state public defender or if the court certifies 3983
by electronic signature as prescribed by the state public defender 3984
that a financial disclosure form ~~and affidavit of indigency~~ have 3985
has been completed by the indigent person and ~~are~~ is available for 3986
inspection. If a request for the reimbursement of the cost of 3987
counsel in any case is not received by the state public defender 3988
within ninety days after the end of the calendar month in which 3989
the case is finally disposed of by the court, unless the county 3990
has requested and the state public defender has granted an 3991
extension of the ninety-day limit, the state public defender shall 3992
not pay the requested reimbursement. The state public defender 3993
shall also review the report and, in accordance with the 3994
standards, guidelines, and maximums established pursuant to 3995
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 3996
prepare a voucher for fifty per cent of the total cost of each 3997
county appointed counsel system in the period of time covered by 3998
the certified report and a voucher for ~~fifty~~ one hundred per cent 3999
of the costs and expenses that are reimbursable under section 4000
120.35 of the Revised Code, if any, or, if the amount of money 4001
appropriated by the general assembly to reimburse counties for the 4002
operation of county public defender offices, joint county public 4003
defender offices, and county appointed counsel systems is not 4004
sufficient to pay fifty per cent of the total cost of all of the 4005
offices and systems other than costs and expenses that are 4006
reimbursable under section 120.35 of the Revised Code, for the 4007
lesser amount required by section 120.34 of the Revised Code. 4008

(5) If any county appointed counsel system fails to maintain 4009

the standards for the conduct of the system established by the 4010
rules of the Ohio public defender commission pursuant to divisions 4011
(B) and (C) of section 120.03 or the standards established by the 4012
state public defender pursuant to division (B)(7) of section 4013
120.04 of the Revised Code, the Ohio public defender commission 4014
shall notify the board of county commissioners of the county that 4015
the county appointed counsel system has failed to comply with its 4016
rules or the standards of the state public defender. Unless the 4017
board of county commissioners corrects the conduct of its 4018
appointed counsel system to comply with the rules and standards 4019
within ninety days after the date of the notice, the state public 4020
defender may deny all or part of the county's reimbursement from 4021
the state provided for in division (A)(4) of this section. 4022

(B) In lieu of using a county public defender or joint county 4023
public defender to represent indigent persons in the proceedings 4024
set forth in division (A) of section 120.16 of the Revised Code, 4025
and in lieu of adopting the resolution and following the procedure 4026
described in division (A) of this section, the board of county 4027
commissioners of any county may contract with the state public 4028
defender for the state public defender's legal representation of 4029
indigent persons. A contract entered into pursuant to this 4030
division may provide for payment for the services provided on a 4031
per case, hourly, or fixed contract basis. 4032

(C) If a court appoints an attorney pursuant to this section 4033
to represent a petitioner in a postconviction relief proceeding 4034
under section 2953.21 of the Revised Code, the petitioner has 4035
received a sentence of death, and the proceeding relates to that 4036
sentence, the attorney who represents the petitioner in the 4037
proceeding pursuant to the appointment shall be certified under 4038
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 4039
represent indigent defendants charged with or convicted of an 4040
offense for which the death penalty can be or has been imposed. 4041

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

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

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

(4) Upon setting the amount or rate described in division (D)(1) of this section, the chairperson of the capital case attorney fee council promptly shall provide written notice to the state public defender of the amount or rate so set. The amount or

rate so set shall become effective ninety days after the date on 4074
which the chairperson provides that written notice to the state 4075
public defender. The council shall specify that effective date in 4076
the written notice provided to the state public defender. All 4077
amounts or rates set by the council shall be final, subject to 4078
modification as described in division (D)(5) of this section, and 4079
not subject to appeal. 4080

(5) The capital case attorney fee council may modify an 4081
amount or rate set as described in division (D)(4) of this 4082
section. The provisions of that division apply with respect to any 4083
such modification of an amount or rate. 4084

Sec. 120.34. The total amount of money paid to all counties 4085
in any fiscal year pursuant to sections 120.18, 120.28, and 120.33 4086
of the Revised Code for the reimbursement of a percentage of the 4087
counties' cost of operating county public defender offices, joint 4088
county public defender offices, and county appointed counsel 4089
systems shall not exceed the total amount appropriated for that 4090
fiscal year by the general assembly for the reimbursement of the 4091
counties for the operation of the offices and systems. If the 4092
amount appropriated by the general assembly in any fiscal year is 4093
insufficient to pay fifty per cent of the total cost in the fiscal 4094
year of all county public defender offices, all joint county 4095
public defender offices, and all county appointed counsel systems, 4096
the amount of money paid in that fiscal year pursuant to sections 4097
120.18, 120.28, and 120.33 of the Revised Code to each county for 4098
the fiscal year shall be reduced proportionately so that each 4099
county is paid an equal percentage of its total cost in the fiscal 4100
year for operating its county public defender system, its joint 4101
county public defender system, and its county appointed counsel 4102
system. 4103

The total amount of money paid to all counties in any fiscal 4104

year pursuant to section 120.35 of the Revised Code for the 4105
reimbursement of a percentage of the counties' costs and expenses 4106
of conducting the defense in capital cases shall not exceed the 4107
total amount appropriated for that fiscal year by the general 4108
assembly for the reimbursement of the counties for conducting the 4109
defense in capital cases. If the amount appropriated by the 4110
general assembly in any fiscal year is insufficient to pay ~~fifty~~ 4111
one hundred per cent of the counties' total costs and expenses of 4112
conducting the defense in capital cases in the fiscal year, the 4113
amount of money paid in that fiscal year pursuant to section 4114
120.35 of the Revised Code to each county for the fiscal year 4115
shall be reduced proportionately so that each county is paid an 4116
equal percentage of its costs and expenses of conducting the 4117
defense in capital cases in the fiscal year. 4118

If any county receives an amount of money pursuant to section 4119
120.18, 120.28, 120.33, or 120.35 of the Revised Code that is in 4120
excess of the amount of reimbursement it is entitled to receive 4121
pursuant to this section, the state public defender shall request 4122
the board of county commissioners to return the excess payment and 4123
the board of county commissioners, upon receipt of the request, 4124
shall direct the appropriate county officer to return the excess 4125
payment to the state. 4126

Within thirty days of the end of each fiscal quarter, the 4127
state public defender shall provide to the office of budget and 4128
management and the ~~legislative budget office of the~~ legislative 4129
service commission an estimate of the amount of money that will be 4130
required for the balance of the fiscal year to make the payments 4131
required by sections 120.18, 120.28, 120.33, and 120.35 of the 4132
Revised Code. 4133

Sec. 120.35. The state public defender shall, pursuant to 4134
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 4135

reimburse ~~fifty~~ one hundred per cent of all costs and expenses of 4136
conducting the defense in capital cases. If appropriations are 4137
insufficient to pay ~~fifty~~ one hundred per cent of such costs and 4138
expenses, the state public defender shall reimburse such costs and 4139
expenses as provided in section 120.34 of the Revised Code. 4140

Sec. 120.36. (A)(1) Subject to division (A)(2), (3), (4), 4141
(5), or (6) of this section, if a person who is a defendant in a 4142
criminal case or a party in a case in juvenile court requests or 4143
is provided a state public defender, a county or joint county 4144
public defender, or any other counsel appointed by the court, the 4145
court in which the criminal case is initially filed or the 4146
juvenile court, whichever is applicable, shall assess, unless the 4147
application fee is waived or reduced, a non-refundable application 4148
fee of twenty-five dollars. 4149

The court shall direct the person to pay the application fee 4150
to the clerk of court. The person shall pay the application fee to 4151
the clerk of court at the time the person files ~~an affidavit of~~ 4152
~~indigency~~ or a financial disclosure form with the court, a state 4153
public defender, a county or joint county public defender, or any 4154
other counsel appointed by the court or within seven days of that 4155
date. If the person does not pay the application fee within that 4156
seven-day period, the court shall assess the application fee at 4157
sentencing or at the final disposition of the case. 4158

(2) For purposes of this section, a criminal case includes 4159
any case involving a violation of any provision of the Revised 4160
Code or of an ordinance of a municipal corporation for which the 4161
potential penalty includes loss of liberty and includes any 4162
contempt proceeding in which a court may impose a term of 4163
imprisonment. 4164

(3) In a juvenile court proceeding, the court shall not 4165
assess the application fee against a child if the court appoints a 4166

guardian ad litem for the child or the court appoints an attorney 4167
to represent the child at the request of a guardian ad litem. 4168

(4) The court shall not assess an application fee for a 4169
postconviction proceeding or when the defendant files an appeal. 4170

(5)(a) Except when the court assesses an application fee 4171
pursuant to division (A)(5)(b) of this section, the court shall 4172
assess an application fee when a person is charged with a 4173
violation of a community control sanction or a violation of a 4174
post-release control sanction. 4175

(b) If a charge of violating a community control sanction or 4176
post-release control sanction described in division (A)(5)(a) of 4177
this section results in a person also being charged with violating 4178
any provision of the Revised Code or an ordinance of a municipal 4179
corporation, the court shall only assess an application fee for 4180
the case that results from the additional charge. 4181

(6) If a case is transferred from one court to another court 4182
and the person failed to pay the application fee to the court that 4183
initially assessed the application fee, the court that initially 4184
assessed the fee shall remove the assessment, and the court to 4185
which the case was transferred shall assess the application fee. 4186

(7) The court shall assess an application fee pursuant to 4187
this section one time per case. For purposes of assessing the 4188
application fee, a case means one complete proceeding or trial 4189
held in one court for a person on an indictment, information, 4190
complaint, petition, citation, writ, motion, or other document 4191
initiating a case that arises out of a single incident or a series 4192
of related incidents, or when one individual is charged with two 4193
or more offenses that the court handles simultaneously. The court 4194
may waive or reduce the fee for a specific person in a specific 4195
case upon a finding that the person lacks financial resources that 4196
are sufficient to pay the fee or that payment of the fee would 4197

result in an undue hardship. 4198

(B) No court, state public defender, county or joint county 4199
public defender, or other counsel appointed by the court shall 4200
deny a person the assistance of counsel solely due to the person's 4201
failure to pay the application fee assessed pursuant to division 4202
(A) of this section. A person's present inability, failure, or 4203
refusal to pay the application fee shall not disqualify that 4204
person from legal representation. 4205

(C) The application fee assessed pursuant to division (A) of 4206
this section is separate from and in addition to any other amount 4207
assessed against a person who is found to be able to contribute 4208
toward the cost of the person's legal representation pursuant to 4209
division (D) of section 2941.51 of the Revised Code. 4210

(D) The clerk of the court that assessed the fees shall 4211
forward all application fees collected pursuant to this section to 4212
the county treasurer for deposit in the county treasury. The 4213
county shall retain eighty per cent of the application fees so 4214
collected to offset the costs of providing legal representation to 4215
indigent persons. Not later than the last day of each month, the 4216
county auditor shall remit twenty per cent of the application fees 4217
so collected in the previous month to the state public defender. 4218
The state public defender shall deposit the remitted fees into the 4219
state treasury to the credit of the client payment fund created 4220
pursuant to division (B)(5) of section 120.04 of the Revised Code. 4221
The state public defender may use that money in accordance with 4222
that section. 4223

(E) On or before the twentieth day of each month beginning in 4224
February of the year 2007, each clerk of court shall provide to 4225
the state public defender a report including all of the following: 4226

(1) The number of persons in the previous month who requested 4227
or were provided a state public defender, county or joint county 4228

public defender, or other counsel appointed by the court; 4229

(2) The number of persons in the previous month for whom the 4230
court waived the application fee pursuant to division (A) of this 4231
section; 4232

(3) The dollar value of the application fees assessed 4233
pursuant to division (A) of this section in the previous month; 4234

(4) The amount of assessed application fees collected in the 4235
previous month; 4236

(5) The balance of unpaid assessed application fees at the 4237
open and close of the previous month. 4238

(F) As used in this section: 4239

(1) "Clerk of court" means the clerk of the court of common 4240
pleas of the county, the clerk of the juvenile court of the 4241
county, the clerk of the domestic relations division of the court 4242
of common pleas of the county, the clerk of the probate court of 4243
the county, the clerk of a municipal court in the county, the 4244
clerk of a county-operated municipal court, or the clerk of a 4245
county court in the county, whichever is applicable. 4246

(2) "County-operated municipal court" has the same meaning as 4247
in section 1901.03 of the Revised Code. 4248

Sec. 121.40. (A) There is hereby created the Ohio commission 4249
on service and volunteerism consisting of ~~twenty-one~~ nineteen 4250
voting members including the superintendent of public instruction 4251
or the superintendent's designee, the chancellor of higher 4252
education or the chancellor's designee, the director of youth 4253
services or the director's designee, the director of aging or the 4254
director's designee, ~~the chairperson of the committee of the house~~ 4255
~~of representatives dealing with education or the chairperson's~~ 4256
~~designee, the chairperson of the committee of the senate dealing~~ 4257
~~with education or the chairperson's designee,~~ and fifteen members 4258

who shall be appointed by the governor with the advice and consent 4259
of the senate and who shall serve terms of office of three years. 4260
The appointees shall include educators, including teachers and 4261
administrators; representatives of youth organizations; students 4262
and parents; representatives of organizations engaged in volunteer 4263
program development and management throughout the state, including 4264
youth and conservation programs; and representatives of business, 4265
government, nonprofit organizations, social service agencies, 4266
veterans organizations, religious organizations, or philanthropies 4267
that support or encourage volunteerism within the state. The 4268
director of the governor's office of faith-based and community 4269
initiatives shall serve as a nonvoting ex officio member of the 4270
commission. Members of the commission shall receive no 4271
compensation, but shall be reimbursed for actual and necessary 4272
expenses incurred in the performance of their official duties. 4273

(B) The commission shall appoint an executive director for 4274
the commission, who shall be in the unclassified civil service. 4275
The governor shall be informed of the appointment of an executive 4276
director before such an appointment is made. The executive 4277
director shall supervise the commission's activities and report to 4278
the commission on the progress of those activities. The executive 4279
director shall do all things necessary for the efficient and 4280
effective implementation of the duties of the commission. 4281

The responsibilities assigned to the executive director do 4282
not relieve the members of the commission from final 4283
responsibility for the proper performance of the requirements of 4284
this section. 4285

(C) The commission or its designee shall do all of the 4286
following: 4287

(1) Employ, promote, supervise, and remove all employees as 4288
needed in connection with the performance of its duties under this 4289
section and may assign duties to those employees as necessary to 4290

achieve the most efficient performance of its functions, and to 4291
that end may establish, change, or abolish positions, and assign 4292
and reassign duties and responsibilities of any employee of the 4293
commission. Personnel employed by the commission who are subject 4294
to Chapter 4117. of the Revised Code shall retain all of their 4295
rights and benefits conferred pursuant to that chapter. Nothing in 4296
this chapter shall be construed as eliminating or interfering with 4297
Chapter 4117. of the Revised Code or the rights and benefits 4298
conferred under that chapter to public employees or to any 4299
bargaining unit. 4300

(2) Maintain its office in Columbus, and may hold sessions at 4301
any place within the state; 4302

(3) Acquire facilities, equipment, and supplies necessary to 4303
house the commission, its employees, and files and records under 4304
its control, and to discharge any duty imposed upon it by law. The 4305
expense of these acquisitions shall be audited and paid for in the 4306
same manner as other state expenses. For that purpose, the 4307
commission shall prepare and submit to the office of budget and 4308
management a budget for each biennium according to sections 4309
101.532 and 107.03 of the Revised Code. The budget submitted shall 4310
cover the costs of the commission and its staff in the discharge 4311
of any duty imposed upon the commission by law. The commission 4312
shall not delegate any authority to obligate funds. 4313

(4) Pay its own payroll and other operating expenses from 4314
line items designated by the general assembly; 4315

(5) Retain its fiduciary responsibility as appointing 4316
authority. Any transaction instructions shall be certified by the 4317
appointing authority or its designee. 4318

(6) Establish the overall policy and management of the 4319
commission in accordance with this chapter; 4320

(7) Assist in coordinating and preparing the state 4321

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

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

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

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

(11) Assist in evaluating the state's efforts in providing community service programs using standards and methods that are consistent with any statewide objectives for these programs and provide information to the state board of education, school districts, the chancellor of higher education, institutions of higher education, and the departments of natural resources, youth services, aging, and job and family services to guide them in making decisions about these programs;

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

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

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

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

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

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

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

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

(c) Responsibility to cooperate with and inform the fiscal

agent fully of all financial transactions. 4383

(2) The commission shall follow all state procurement, 4384
fiscal, human resources, statutory, and administrative rule 4385
requirements. 4386

(3) The fiscal agent shall determine fees to be charged to 4387
the commission, which shall be in proportion to the services 4388
performed for the commission. 4389

(4) The commission shall pay fees owed to the fiscal agent 4390
from a general revenue fund of the commission or from any other 4391
fund from which the operating expenses of the commission are paid. 4392
Any amounts set aside for a fiscal year for the payment of these 4393
fees shall be used only for the services performed for the 4394
commission by the fiscal agent in that fiscal year. 4395

(F) The commission may accept and administer grants from any 4396
source, public or private, to carry out any of the commission's 4397
functions this section establishes. 4398

Sec. 121.48. There is hereby created the office of the 4399
inspector general, to be headed by the inspector general. 4400

The term of the inspector general serving on the effective 4401
date of this amendment ends January 11, 2021. ~~The governor shall~~ 4402
~~appoint the inspector general~~ shall be appointed by the governor 4403
quadrennially thereafter, subject to section 121.49 of the Revised 4404
Code and the advice and consent of the senate. ~~The inspector~~ 4405
~~general, and~~ shall hold office for a term ~~coinciding with the term~~ 4406
~~of the appointing governor~~ of four years commencing on the second 4407
Monday of January. The governor may remove the inspector general 4408
from office only after delivering written notice to the inspector 4409
general of the reasons for which the governor intends to remove 4410
the inspector general from office and providing the inspector 4411
general with an opportunity to appear and show cause why the 4412

inspector general should not be removed. 4413

In addition to the duties imposed by section 121.42 of the 4414
Revised Code, the inspector general shall manage the office of the 4415
inspector general. The inspector general shall establish and 4416
maintain offices in Columbus. 4417

The inspector general may employ and fix the compensation of 4418
one or more deputy inspectors general. Each deputy inspector 4419
general shall serve for a term coinciding with the term of the 4420
appointing inspector general, and shall perform the duties, 4421
including the performance of investigations, that are assigned by 4422
the inspector general. All deputy inspectors general are in the 4423
unclassified service and serve at the pleasure of the inspector 4424
general. 4425

In addition to deputy inspectors general, the inspector 4426
general may employ and fix the compensation of professional, 4427
technical, and clerical employees that are necessary for the 4428
effective and efficient operation of the office of the inspector 4429
general. All professional, technical, and clerical employees of 4430
the office of the inspector general are in the unclassified 4431
service and serve at the pleasure of the appointing inspector 4432
general. 4433

The inspector general may enter into any contracts that are 4434
necessary to the operation of the office of the inspector general. 4435
The contracts may include, but are not limited to, contracts for 4436
the services of persons who are experts in a particular field and 4437
whose expertise is necessary to the successful completion of an 4438
investigation. 4439

Not later than the first day of March in each year, the 4440
inspector general shall publish an annual report summarizing the 4441
activities of the inspector general's office during the previous 4442
calendar year. The annual report shall not disclose the results of 4443

any investigation insofar as the results are designated as 4444
confidential under section 121.44 of the Revised Code. 4445

The inspector general shall provide copies of the inspector 4446
general's annual report to the governor and the general assembly. 4447
The inspector general also shall provide a copy of the annual 4448
report to any other person who requests the copy and pays a fee 4449
prescribed by the inspector general. The fee shall not exceed the 4450
cost of reproducing and delivering the annual report. 4451

Sec. 122.01. (A) As used in the Revised Code, the "department 4452
of development" means the development services agency and the 4453
"director of development" means the director of development 4454
services. Whenever the department or director of development is 4455
referred to or designated in any statute, rule, contract, grant, 4456
or other document, the reference or designation shall be deemed to 4457
refer to the development services agency or director of 4458
development services, as the case may be. 4459

(B) As used in this chapter: 4460

(1) "Community problems" includes, but is not limited to, 4461
taxation, fiscal administration, governmental structure and 4462
organization, intergovernmental cooperation, education and 4463
training, employment needs, community planning and development, 4464
air and water pollution, public safety and the administration of 4465
justice, housing, mass transportation, community facilities and 4466
services, health, welfare, recreation, open space, and the 4467
development of human resources. 4468

(2) "Edison center network" means the six cooperative, 4469
industry-connected, nonprofit organizations that have met all of 4470
the following criteria: 4471

(a) Historically received funding under the Thomas Alva 4472
Edison grant program; 4473

<u>(b) Been in existence at least fifteen years as of the</u>	4474
<u>effective date of the amendment of this section;</u>	4475
<u>(c) Experience delivering technical and networking services</u>	4476
<u>to Ohio manufacturers.</u>	4477
<u>(3) "Professional personnel" means either of the following:</u>	4478
(a) Personnel who have earned a bachelor's degree from a	4479
college or university;	4480
(b) Personnel who serve as or have the working title of	4481
director, assistant director, deputy director, assistant deputy	4482
director, manager, office chief, assistant office chief, or	4483
program director.	4484
(3) <u>(4) "Technical personnel" means any of the following:</u>	4485
(a) Personnel who provide technical assistance according to	4486
their job description or in accordance with the Revised Code;	4487
(b) Personnel employed in the director of development	4488
services' office or the legal office, communications office,	4489
finance office, legislative affairs office, or human resources	4490
office of the development services agency;	4491
(c) Personnel employed in the technology division of the	4492
agency.	4493
Sec. 122.071. (A) The TourismOhio advisory board is hereby	4494
established to advise the director of development services and the	4495
director of the office of TourismOhio on strategies for promoting	4496
tourism in this state. The board shall consist of the chief	4497
investment officer of the nonprofit corporation formed under	4498
section 187.01 of the Revised Code <u>or the chief investment</u>	4499
<u>officer's designee</u> , the director of the office of TourismOhio, and	4500
nine members to be appointed by the governor as provided in	4501
division (B) of this section. All members of the board, except the	4502
director of the office of TourismOhio, shall be voting members.	4503

(B)(1) The governor shall, within sixty days after ~~the~~ 4504
~~effective date of this section~~ September 28, 2012, appoint to the 4505
TourismOhio advisory board one individual who is a representative 4506
of convention and visitors' bureaus, one individual who is a 4507
representative of the lodging industry, one individual who is a 4508
representative of the restaurant industry, one individual who is a 4509
representative of attractions, one individual who is a 4510
representative of special events and festivals, one individual who 4511
is a representative of agritourism, and three individuals who are 4512
representatives of the tourism industry. Of the initial 4513
appointments, two individuals shall serve a term of one year, 4514
three individuals shall serve a term of two years, and the 4515
remainder shall serve a term of three years. Thereafter, terms of 4516
office shall be for three years. Each individual appointed to the 4517
board shall be a United States citizen. 4518

(2) For purposes of division (B)(1) of this section, an 4519
individual is a "representative of the tourism industry" if the 4520
individual possesses five years or more executive-level experience 4521
in the attractions, lodging, restaurant, transportation, or retail 4522
industry or five years or more executive-level experience with a 4523
destination marketing organization. 4524

(C)(1) Each member of the TourismOhio advisory board shall 4525
hold office from the date of the member's appointment until the 4526
end of the term for which the member is appointed. Vacancies that 4527
occur on the board shall be filled in the manner prescribed for 4528
regular appointments to the board. A member appointed to fill a 4529
vacancy occurring prior to the expiration of the term for which 4530
the member's predecessor was appointed shall hold office for the 4531
remainder of that predecessor's term. A member shall continue in 4532
office subsequent to the expiration date of the member's term 4533
until the member's successor takes office or until sixty days have 4534
elapsed, whichever occurs first. Any member appointed to the board 4535

is eligible for reappointment. 4536

(2) The governor shall designate one member of the board as 4537
chairperson. 4538

(3) Members appointed to the board may be reimbursed for 4539
actual and necessary expenses incurred in connection with their 4540
official duties. 4541

Sec. 122.08. (A) There is hereby created within the 4542
~~department of development~~ services agency an office to be known as 4543
the office of small business and entrepreneurship. The office 4544
shall be under the supervision of a manager appointed by the 4545
director of development services. 4546

(B) The office shall do all of the following: 4547

(1) Act as liaison between the small business community and 4548
state governmental agencies; 4549

(2) Furnish information and technical assistance to persons 4550
and small businesses concerning the establishment and maintenance 4551
of a small business, and concerning state laws and rules relevant 4552
to the operation of a small business. In conjunction with these 4553
duties, the office shall keep a record of all proposed and 4554
currently effective state agency rules affecting small businesses, 4555
and may testify before the joint committee on agency rule review 4556
concerning any proposed rule affecting small businesses. 4557

(3) Prepare and publish the small business register under 4558
section 122.081 of the Revised Code; 4559

(4) Receive complaints from small businesses concerning 4560
governmental activity, compile and analyze those complaints, and 4561
periodically make recommendations to the governor and the general 4562
assembly on changes in state laws or agency rules needed to 4563
eliminate burdensome and unproductive governmental regulation to 4564
improve the economic climate within which small businesses 4565

operate; 4566

(5) Receive complaints or questions from small businesses and 4567
direct those businesses to the appropriate governmental agency. 4568
If, within a reasonable period of time, a complaint is not 4569
satisfactorily resolved or a question is not satisfactorily 4570
answered, the office shall, on behalf of the small business, make 4571
every effort to secure a satisfactory result. For this purpose, 4572
the office may consult with any state governmental agency and may 4573
make any suggestion or request that seems appropriate. 4574

(6) Utilize, to the maximum extent possible, the printed and 4575
electronic media to disseminate information of current concern and 4576
interest to the small business community and to make known to 4577
small businesses the services available through the office. The 4578
office shall publish such books, pamphlets, and other printed 4579
materials, and shall participate in such trade association 4580
meetings, conventions, fairs, and other meetings involving the 4581
small business community, as the manager considers appropriate. 4582

(7) Prepare a description of the activities of the office for 4583
inclusion in the department of development's development services 4584
agency's annual report to the governor and general assembly, ~~a~~ 4585
~~description of the activities of the office and a report of the~~ 4586
~~number of rules affecting small businesses that were recorded by~~ 4587
~~the office during the preceding calendar year;~~ 4588

(8) Operate the Ohio first-stop business connection to assist 4589
individuals in identifying and preparing applications for business 4590
licenses, permits, and certificates and to serve as ~~the central~~ a 4591
public distributor for all forms, applications, and other 4592
information related to business licensing. Each state agency, 4593
board, and commission shall cooperate in providing assistance, 4594
information, and materials to enable the connection to perform its 4595
duties under this division. 4596

(9) Provide information to individuals about the resources 4597
available on the OhioMeansJobs web site and through the local 4598
OhioMeansJobs one-stop systems established under section 6301.08 4599
of the Revised Code that connect businesses with job seekers. As 4600
used in this division, "OhioMeansJobs" has the same meaning as in 4601
section 6301.01 of the Revised Code. 4602

(C) The office may, upon the request of a state agency, 4603
assist the agency with the preparation of any rule that will 4604
affect small businesses. 4605

(D) The director of development services shall assign 4606
employees and furnish equipment and supplies to the office as the 4607
director considers necessary for the proper performance of the 4608
duties assigned to the office. 4609

Sec. 122.081. (A) The office of small business and 4610
entrepreneurship in the ~~department of~~ development services agency 4611
shall prepare and publish a "small business register" or contract 4612
with any person as provided in this section to prepare and publish 4613
the register. The small business register shall contain the 4614
following information regarding each proposed rule recorded by the 4615
office of small business and entrepreneurship: 4616

(1) The title and administrative code rule number of the 4617
proposed rule; 4618

(2) A brief summary of the proposed rule; 4619

(3) The date on which the proposed rule was recorded by the 4620
office of small business and entrepreneurship; and 4621

(4) The name, address, and telephone number of an individual 4622
or office within the agency that proposed the rule who can provide 4623
information about the proposed rule. 4624

(B) The small business register shall be published on a 4625
weekly basis. The information required under division (A) of this 4626

section shall be published in the register no later than two weeks 4627
after the proposed rule to which the information relates is 4628
recorded by the office of small business and entrepreneurship. The 4629
office of ~~small business~~ shall furnish the small business 4630
register, on a single copy or subscription basis, to any person 4631
who requests it and pays a single copy price or subscription rate 4632
fixed by the office. The office shall furnish the chairpersons of 4633
the standing committees of the senate and house of representatives 4634
having jurisdiction over small businesses with free subscriptions 4635
to the small business register. 4636

(C) Upon the request of the office of small business and 4637
entrepreneurship, the director of administrative services shall, 4638
in accordance with the competitive selection procedure of Chapter 4639
125. of the Revised Code, let a contract for the compilation, 4640
printing, and distribution of the small business register. 4641

(D) The office of small business and entrepreneurship shall 4642
adopt, and may amend or rescind, in accordance with Chapter 119. 4643
of the Revised Code, such rules as are necessary to enable it to 4644
properly carry out this section. 4645

Sec. 122.15. As used in this section and sections 122.151 to 4646
122.156 of the Revised Code: 4647

(A) "Affiliate" means a person that directly, or indirectly 4648
through one or more intermediaries, controls, is controlled by, or 4649
is under common control with another person. For the purposes of 4650
this division, a person is "controlled by" another person if the 4651
controlling person holds, directly or indirectly, the majority 4652
voting or ownership interest in the controlled person or has 4653
control over the day-to-day operations of the controlled person by 4654
contract or by law. 4655

(B) "Closing date" means the date on which a rural business 4656
and high-growth industry fund has collected all of the amounts 4657

specified by divisions (G)(1) and (2) of section 122.151 of the 4658
Revised Code. 4659

(C) "Credit-eligible capital contribution" means an 4660
investment of cash by a person subject to the tax imposed by 4661
section 3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the 4662
Revised Code in a rural business and high-growth industry fund 4663
that equals the amount specified on a notice of tax credit 4664
allocation issued by the development services agency under 4665
division (F)(2) of section 122.151 of the Revised Code. The 4666
investment shall purchase an equity interest in the fund or 4667
purchase, at par value or premium, a debt instrument issued by the 4668
fund that meets all of the following criteria: 4669

(1) The debt instrument has an original maturity date of at 4670
least five years after the date of issuance. 4671

(2) The debt instrument has a repayment schedule that is not 4672
faster than a level principal amortization over five years. 4673

(3) The debt instrument has no interest, distribution, or 4674
payment features dependent on the fund's profitability or the 4675
success of the fund's growth investments. 4676

(D) "Eligible investment authority" means the amount stated 4677
on the notice issued under division (F)(1) of section 122.151 of 4678
the Revised Code certifying the rural business and high-growth 4679
industry fund. Sixty per cent of a fund's eligible investment 4680
authority shall be comprised of credit-eligible capital 4681
contributions. 4682

(E) "Growth investment" means any capital or equity 4683
investment in a rural business concern or high-growth industry 4684
business concern, or any loan to such business concerns with a 4685
stated maturity of at least one year. A secured loan or the 4686
provision of a revolving line of credit to a rural business 4687
concern or a high-growth industry business concern is a growth 4688

investment only if the rural business and high-growth industry 4689
fund obtains an affidavit from the president or chief executive 4690
officer of the business concern attesting that the business 4691
concern sought and was denied similar financing from a commercial 4692
bank. 4693

(F) "High-growth industry business concern" means an 4694
operating company that is engaged in an industry that is assigned 4695
a North American industry classification system code within sector 4696
11, 21, 23, 31 to 33, 42, 48, 49, 54, 56, 62, or 81, or that is 4697
certified by the development services agency under division (B) of 4698
section 122.156 of the Revised Code. 4699

(G) "New job years" means the amount computed under division 4700
(A) of section 122.155 of the Revised Code. 4701

(H) "Operating company" means any business that has its 4702
principal business operations in this state, has fewer than two 4703
hundred fifty employees or not more than fifteen million dollars 4704
in net income for the preceding taxable year, and that is none of 4705
the following: 4706

(1) A country club; 4707

(2) A racetrack or other facility used for gambling; 4708

(3) A store the principal purpose of which is the sale of 4709
alcoholic beverages for consumption off premises; 4710

(4) A massage parlor; 4711

(5) A hot tub facility; 4712

(6) A suntan facility; 4713

(7) A business engaged in the development or holding of 4714
intangibles for sale; 4715

(8) A private or commercial golf course; 4716

(9) A business that derives or projects to derive fifteen per 4717

cent or more of its net income from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed solely for the purpose of renting, either directly or indirectly, or selling real property back to such principal user if such principal user does not derive fifteen per cent or more of its gross annual revenue from the rental or sale of real property; 4718
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(10) A publicly traded business. 4725

For the purposes of this division, "net income" means federal gross income as required to be reported under the Internal Revenue Code less federal and state taxes imposed on or measured by income. 4726
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(I) A business's "principal business operations" are in this state if at least eighty per cent of the business's employees reside in this state, the individuals who receive eighty per cent of the business's payroll reside in this state, or the business has agreed to use the proceeds of a growth investment to relocate at least eighty per cent of its employees to this state or pay at least eighty per cent of its payroll to individuals residing in this state. 4730
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(J) "Rural area" means either of the following: 4738

(1) Any area that is not located in a city having a population greater than fifty thousand or in the urbanized area adjacent to such a city; 4739
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(2) Any area determined to be "rural in character" by the under secretary of agriculture for rural development within the United States department of agriculture. 4742
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(K) "Rural business concern" means an operating company that has its principal business operations located in a rural area. 4745
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(L) "Rural business and high-growth industry fund" and "fund" 4747

mean an entity certified by the development services agency under 4748
section 122.151 of the Revised Code. 4749

(M) "Taxable year" when used in reference to an insurance 4750
company means the calendar year ending on the thirty-first day of 4751
December next preceding the day the annual statement is required 4752
to be returned under section 5725.18 or 5729.02 of the Revised 4753
Code; when used in reference to a financial institution, "taxable 4754
year" has the same meaning as in section 5726.01 of the Revised 4755
Code. 4756

Sec. 122.151. (A) On and after September 1, 2017, a person 4757
that has developed a business plan to invest in rural business 4758
concerns and high-growth industry business concerns in this state 4759
and has successfully solicited private investors to make capital 4760
contributions in support of the plan may apply to the development 4761
services agency for certification as a rural business and 4762
high-growth industry fund. The application shall include all of 4763
the following: 4764

(1) The total eligible investment authority sought by the 4765
applicant under the business plan; 4766

(2) Documents and other evidence sufficient to prove, to the 4767
satisfaction of the agency, that the applicant meets all of the 4768
following criteria: 4769

(a) The applicant or an affiliate of the applicant is 4770
licensed as a rural business investment company under 7 U.S.C. 4771
2009cc, or as a small business investment company under 15 U.S.C. 4772
681. 4773

(b) As of the date the application is submitted, the 4774
applicant has invested more than one hundred million dollars in 4775
operating companies, including at least fifty million dollars in 4776
operating companies located in rural areas. In computing 4777

investments under this division, the applicant may include 4778
investments made by affiliates of the applicant and investments 4779
made in businesses that are not operating companies but would 4780
qualify as operating companies if the principal business 4781
operations were located in this state. 4782

(3) The industries in which the applicant proposes to make 4783
growth investments and the percentage of the growth investments 4784
that will be made in each industry. The applicant shall identify 4785
each industry by using the codes utilized by the north American 4786
industry classification system. 4787

(4) An estimate of the number of new job years and retained 4788
job years that will be produced in this state as a result of the 4789
applicant's growth investments; 4790

(5) A revenue impact assessment for the applicant's proposed 4791
growth investments prepared by a nationally recognized third-party 4792
independent economic forecasting firm using a dynamic economic 4793
forecasting model. The revenue impact assessment shall analyze the 4794
applicant's business plan over the ten years following the date 4795
the application is submitted to the agency. 4796

(6) A signed affidavit from each investor successfully 4797
solicited by the applicant to make a credit eligible capital 4798
contribution in support of the business plan. Each affidavit shall 4799
include information sufficient for the tax commissioner to 4800
identify the investor and shall state the amount of the investor's 4801
credit-eligible capital contribution. 4802

(7) A nonrefundable application fee of five thousand dollars. 4803

(B)(1) Except as provided in division (B)(2) of this section, 4804
the development services agency shall review and make a 4805
determination with respect to each application submitted under 4806
division (A) of this section within sixty days of receipt. The 4807
agency shall review and make determinations on the applications in 4808

the order in which the applications are received by the agency. 4809
Applications received by the agency on the same day shall be 4810
deemed to have been received simultaneously. Except as provided in 4811
division (C) of section 122.154 of the Revised Code, the agency 4812
shall approve not more than one hundred million dollars in 4813
eligible investment authority and not more than sixty million 4814
dollars in credit-eligible capital contributions under this 4815
section. Not more than one-third of the eligible investment 4816
authority and credit-eligible capital contributions approved under 4817
this section may be awarded to a single rural business and 4818
high-growth industry fund and its affiliates. 4819

(2) If the agency denies an application for certification as 4820
a fund, and approving a subsequently submitted application would 4821
result in exceeding the dollar limitation on eligible investment 4822
authority or credit-eligible contributions prescribed by division 4823
(B)(1) of this section assuming the previously denied application 4824
were completed, clarified, or cured under division (D) of this 4825
section, the agency may refrain from making a determination on the 4826
subsequently submitted application until the previously denied 4827
application is reconsidered or the fifteen-day period for 4828
submitting additional information respecting that application has 4829
passed, whichever comes first. 4830

(C) The agency shall deny an application submitted under this 4831
section if any of the following are true: 4832

(1) The application is incomplete. 4833

(2) The application fee is not paid in full. 4834

(3) The applicant does not satisfy all the criteria described 4835
in division (A)(2) of this section. 4836

(4) The revenue impact assessment submitted under division 4837
(A)(5) of this section does not demonstrate that the applicant's 4838
business plan will result in a positive economic impact on this 4839

state over a ten-year period that exceeds the cumulative amount of 4840
tax credits that would be issued under section 122.152 of the 4841
Revised Code if the application were approved. 4842

(5) The credit-eligible capital contributions described in 4843
affidavits submitted under division (A)(6) of this section do not 4844
equal sixty per cent of the total amount of eligible investment 4845
authority sought under the applicant's business plan. 4846

(6) The agency has already approved the maximum total 4847
eligible investment authority and credit-eligible capital 4848
contributions allowed under division (B) of this section or the 4849
maximum amount allowed with respect to the applicant fund under 4850
that division. 4851

(D) If the agency denies an application under division (C) of 4852
this section, the agency shall send notice of its determination to 4853
the applicant. The notice shall include the reason or reasons that 4854
the application was denied. If the application was denied for any 4855
reason other than the reason specified in division (C)(6) of this 4856
section, the applicant may provide additional information to the 4857
agency to complete, clarify, or cure defects in the application. 4858
The additional information must be submitted within fifteen days 4859
after the date the notice of denial was dispatched by the agency. 4860
If the person submits additional information within fifteen days, 4861
the agency shall reconsider the application within thirty days 4862
after receiving the additional information. The application shall 4863
be reviewed and considered before any pending application 4864
submitted after the original submission date of the reconsidered 4865
application. If the person does not submit additional information 4866
within fifteen days after dispatch of the notice of denial, the 4867
person may submit a new application with a new submission date at 4868
any time. 4869

(E) If approving multiple simultaneously submitted 4870
applications would result in exceeding the overall eligible 4871

investment limit prescribed by division (B) of this section, the 4872
agency shall proportionally reduce the eligible investment 4873
authority and the credit-eligible capital contributions for each 4874
approved application as necessary to avoid exceeding the limit. 4875

(F) The agency shall not deny a rural business and 4876
high-growth industry fund application or reduce the requested 4877
eligible investment authority for reasons other than those 4878
described in divisions (C) and (E) of this section. If the agency 4879
approves such an application, the agency shall issue all of the 4880
following notices: 4881

(1) To the applicant, a written notice certifying that the 4882
applicant qualifies as a rural business and high-growth industry 4883
fund and specifying the amount of the applicant's eligible 4884
investment authority; 4885

(2) To each investor whose affidavit was included in the 4886
application, a notice specifying the amount of credit-eligible 4887
capital allocated to the investor and the associated tax credit 4888
amount; 4889

(3) To the tax commissioner, a notice of the amount and 4890
utilization schedule of the tax credits allocated to each investor 4891
receiving a notice under division (F)(2) of this section. 4892

(G) A fund shall do all of the following within sixty days of 4893
receiving the certification issued under division (F)(1) of this 4894
section: 4895

(1) Collect the credit-eligible capital contributions from 4896
each investor in the amount set forth in the notice provided to 4897
the investor under division (F)(2) of this section; 4898

(2) Collect one or more investments of cash that, when added 4899
to the contributions collected under division (G)(1) of this 4900
section, equal the fund's eligible investment authority. At least 4901
ten per cent of the fund's eligible investment authority shall be 4902

comprised of equity investments contributed by affiliates of the 4903
fund, including employees, officers, and directors of such 4904
affiliates. 4905

Within sixty-five days after receiving the certification 4906
issued under division (F)(1) of this section, the fund shall send 4907
to the agency documentation sufficient to prove that the amounts 4908
described in divisions (G)(1) and (2) of this section have been 4909
collected. If the fund fails to fully comply with division (G) of 4910
this section, the fund's certification shall lapse. 4911

Eligible investment authority and corresponding 4912
credit-eligible capital contributions that lapse under this 4913
division do not count toward limits on total eligible investment 4914
authority and credit-eligible capital contributions prescribed by 4915
division (B) of this section. Once eligible investment authority 4916
has lapsed, the agency shall first award lapsed authority pro rata 4917
to each fund that was awarded less than the requested eligible 4918
investment authority under division (E) of this section. Any 4919
remaining eligible investment authority may be awarded by the 4920
agency to new applicants. 4921

(H) Application fees submitted to the agency pursuant to 4922
division (A)(7) of this section shall be credited to the Ohio 4923
rural and high-growth industry jobs fund, which is hereby created, 4924
and shall be used by the agency to administer this section and 4925
sections 122.15 to 122.156 of the Revised Code. 4926

Sec. 122.152. (A) There is hereby allowed a nonrefundable tax 4927
credit for owners of tax credit certificates issued by the 4928
development services agency under division (B) of this section. 4929
The credit may be claimed against the tax imposed by section 4930
3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the Revised 4931
Code. 4932

(B) On the closing date, a taxpayer that made a 4933

credit-eligible capital contribution to a rural business and 4934
high-growth industry fund shall earn a vested credit equal to the 4935
amount specified in the notice issued under division (F)(2) of 4936
section 122.151 of the Revised Code. On or before the third, 4937
fourth, fifth, and sixth anniversary dates of the closing date, 4938
the agency shall issue a tax credit certificate to the taxpayer 4939
specifying the corresponding anniversary date and a credit amount 4940
equal to one-fourth of the total credit authorized under this 4941
section. The owner of the certificate may claim the credit amount 4942
for the taxable year that includes the date specified on the 4943
certificate. A tax credit certificate issued under section 122.151 4944
of the Revised Code may not be sold or transferred except to an 4945
affiliate of the taxpayer that is subject to the tax imposed by 4946
section 3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the 4947
Revised Code. The taxpayer making a credit-eligible capital 4948
contribution and the issuance of a tax credit by the agency does 4949
not represent a verification or certification by the agency of 4950
compliance with the recapture provisions of section 122.153 of the 4951
Revised Code. The tax credit earned and vested under this division 4952
is subject to recapture under section 122.153 of the Revised Code. 4953

(C) The credit shall be claimed in the order required under 4954
section 5725.98, 5726.98, or 5729.98 of the Revised Code as 4955
applicable. If the amount of the credit for a taxable year exceeds 4956
the tax otherwise due for that year, the excess shall be carried 4957
forward to ensuing taxable years until fully used. A taxpayer 4958
claiming a credit under this section shall submit a copy of the 4959
tax credit certificate with the taxpayer's return for each taxable 4960
year in which the credit is claimed. 4961

Sec. 122.153. (A) The development services agency shall 4962
recapture tax credits claimed under section 122.152 of the Revised 4963
Code if any of the following occur with respect to a rural 4964
business and high-growth industry fund before the fund is 4965

decertified under division (C) of this section: 4966

(1) The fund in which the credit-eligible capital contribution was made does not invest fifty per cent of its eligible investment authority in growth investments within one year of the closing date and one hundred per cent of its eligible investment authority in growth investments in this state within two years of the closing date. 4967
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(2) On the second anniversary of the closing date, the fund has not invested fifty per cent of its eligible investment authority in growth investments in rural business concerns in this state and fifty per cent of its eligible investment authority in growth investments in high-growth industry business concerns in this state. 4973
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(3) The fund, after investing one hundred per cent of its eligible investment authority in growth investments in this state, fails to maintain that investment until the sixth anniversary of the closing date. For the purposes of this division, an investment is "maintained" even if the investment is sold or repaid so long as the fund reinvests an amount equal to the capital returned or recovered by the fund from the original investment, exclusive of any profits realized, in other growth investments in this state within twelve months of the receipt of such capital, provided that the fund shall make the reinvestment even if such twelve-month anniversary occurs after the fifth anniversary of the closing date. Amounts received periodically by a fund shall be treated as continually invested in growth investments if the amounts are reinvested in one or more growth investments by the end of the following calendar year, provided that the fund shall make the reinvestment even if the end of the following calendar year occurs after the fifth anniversary of the closing date. Except as otherwise provided by this division, a fund is not required to reinvest capital returned from growth investments if the capital 4979
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is returned after the fifth anniversary of the closing date, and 4998
such growth investments shall be considered held continuously by 4999
the fund through the sixth anniversary of the closing date. 5000

(4) The fund makes a distribution or payment after the fund 5001
complies with division (G) of section 122.151 of the Revised Code 5002
and before the fund decertifies under division (D) of this section 5003
that results in the fund having less than one hundred per cent of 5004
its eligible investment authority invested in growth investments 5005
in this state or held in cash and other marketable securities. 5006

(5) The fund makes a growth investment in a rural business 5007
concern or high-growth industry business concern that directly or 5008
indirectly through an affiliate owns, has the right to acquire an 5009
ownership interest, makes a loan to, or makes an investment in the 5010
fund, an affiliate of the fund, or an investor in the fund. 5011
Division (A)(5) of this section does not apply to investments in 5012
publicly traded securities by a rural business concern, a 5013
high-growth industry business concern, or an owner or affiliate of 5014
either such business concerns. 5015

Before recapturing one or more tax credits under this 5016
division, the agency shall notify the fund of the reasons for the 5017
pending recapture. If the fund corrects the violations outlined in 5018
the notice to the satisfaction of the agency within one hundred 5019
eighty days of the date the notice was dispatched, the agency 5020
shall not recapture the tax credits. 5021

(B)(1) Except as otherwise provided in division (B)(2) of 5022
this section, the amount by which one or more growth investments 5023
by a fund in the same rural business concern or high-growth 5024
industry business concern exceeds twenty per cent of the fund's 5025
eligible investment authority shall not be counted as a growth 5026
investment for the purposes of division (A) of this section. 5027

(2) The reinvestment of capital that was returned to or 5028

recovered by a fund from a growth investment that was sold or 5029
repaid shall be counted as a growth investment for the purposes of 5030
division (A) of this section even if the reinvestment results in 5031
more than twenty per cent of the fund's eligible investment 5032
authority being invested in the same rural business concern or 5033
high-growth industry business concern. 5034

(3) A growth investment in an affiliate of a rural business 5035
concern or high-growth industry business concern shall be treated 5036
as a growth investment in that rural business concern or 5037
high-growth industry business concern for the purposes of division 5038
(B) of this section. 5039

(C)(1) If the agency recaptures a tax credit under division 5040
(A) of this section, the agency shall notify the tax commissioner 5041
and the superintendent of insurance of the recapture. The 5042
superintendent or the commissioner shall make an assessment under 5043
Chapter 5725., 5726., or 5729. of the Revised Code for the amount 5044
of the credit claimed by each certificate owner associated with 5045
the fund before the recapture was finalized. The time limitations 5046
on assessments under those chapters do not apply to an assessment 5047
under this division, but the superintendent or the commissioner 5048
shall make the assessment within one year after the date the 5049
agency notifies the superintendent or the commissioner of the 5050
recapture. Following the recapture of a tax credit under division 5051
(A) of this section, no tax credit certificate associated with the 5052
fund may be utilized. Notwithstanding division (B) of section 5053
122.152 of the Revised Code, if a tax credit is recaptured under 5054
division (A) of this section the agency shall not issue future tax 5055
credit certificates to taxpayers that made credit-eligible capital 5056
contributions to the fund. 5057

(2) If tax credits are recaptured, the associated eligible 5058
investment authority and credit-eligible capital contributions do 5059
not count toward the limit on total eligible investment authority 5060

and credit-eligible capital contributions described by division 5061
(B) of section 122.151 of the Revised Code. The agency shall first 5062
award reverted authority pro rata to each fund that was awarded 5063
less than the requested eligible investment authority under 5064
division (E) of section 122.151 of the Revised Code. Any remaining 5065
eligible investment authority may be awarded by the agency to new 5066
applicants. 5067

(D)(1) On or after the sixth anniversary of the closing date, 5068
a fund that has not committed any of the acts described in 5069
division (A) of this section may apply to the agency to decertify 5070
as a rural business and high-growth industry fund. The agency 5071
shall respond to the application within thirty days after 5072
receiving the application. In evaluating the application, the fact 5073
that no tax credit has been recaptured with respect to the fund 5074
shall be sufficient evidence to prove that the fund is eligible 5075
for decertification. The agency shall not unreasonably deny an 5076
application submitted under this division. 5077

(2) The agency shall send notice of its determination with 5078
respect to an application submitted under division (D)(1) of this 5079
section to the fund. If the application is denied, the notice 5080
shall include the reason or reasons for the determination. 5081

(3) The agency shall not recapture a tax credit due to any 5082
actions of a fund that occur after the date the fund's application 5083
for decertification is approved under division (D) of this 5084
section. This division does not prohibit the agency from 5085
recapturing a tax credit due to the actions of a fund that occur 5086
before the date the fund's application for decertification is 5087
approved, even if those actions are discovered after that date. 5088

Sec. 122.154. (A) Each rural business and high-growth 5089
industry fund shall submit a report to the development services 5090
agency on or before the first day of each March following the end 5091

of the calendar year that includes the closing date until the year 5092
after the fund has decertified. The report shall provide an 5093
itemization of the fund's growth investments and shall include the 5094
following documents and information: 5095

(1) A bank statement evidencing each growth investment; 5096

(2) The name, location, and industry class of each business 5097
that received a growth investment from the fund and evidence that 5098
the business qualified as a rural business concern or high-growth 5099
industry business concern at the time the investment was made. If 5100
the fund obtained a written opinion from the agency on the 5101
business's status as a rural business concern or high-growth 5102
industry business concern under division (A) of section 122.156 of 5103
the Revised Code, or if the fund requests such an opinion and the 5104
agency failed to respond within fifteen days as required by that 5105
division, a copy of the agency's favorable opinion or a dated copy 5106
of the fund's unanswered request, as applicable, shall be 5107
sufficient evidence that the business qualified as a rural 5108
business concern or high-growth industry business concern at the 5109
time the investment was made. 5110

(3) The number of employment positions that existed at each 5111
business described in division (A)(2) of this section on the date 5112
the business received the growth investment; 5113

(4) The number of new job years resulting from each of the 5114
fund's growth investments made or maintained in the preceding 5115
calendar year, the proportion of those new job years that are with 5116
rural business concerns, and the proportion of those new job years 5117
that are with high-growth industry business concerns; 5118

(5) Any other information required by the agency. 5119

(B) Each fund shall submit a report to the agency on or 5120
before the fifth business day after the second anniversary of the 5121
closing date that provides documentation sufficient to prove that 5122

the fund has met the investment thresholds described in divisions 5123
(A)(1) and (2) of section 122.153 of the Revised Code and has not 5124
implicated any of the other recapture provisions described in 5125
divisions (A)(3) to (5) of that section. 5126

(C) Not later than the first day of February each year, the 5127
development services agency shall compute the amount of an annual 5128
fee to be paid by each certified fund and give notice of the fee 5129
to each such fund by mail or by electronic means. The amount of 5130
the fee shall equal the quotient obtained by dividing fifty 5131
thousand dollars by the number of certified funds on the first day 5132
of January of that year. The initial annual fee required of a fund 5133
shall be due and payable to the agency along with the submission 5134
of documentation required under division (G) of section 122.151 of 5135
the Revised Code. Each subsequent annual fee is due and payable on 5136
the last day of February following the first and each ensuing 5137
anniversary of the closing date. If the fund is required to submit 5138
an annual report under division (A) of this section, the annual 5139
fee shall be submitted along with the report. No fund shall be 5140
required to pay an annual fee after the fund has decertified under 5141
division (D) of section 122.153 of the Revised Code. 5142

(D) The director of development services, after consultation 5143
with the tax commissioner and the superintendent of insurance and 5144
in accordance with Chapter 119. of the Revised Code, shall adopt 5145
rules necessary to implement sections 122.15 to 122.156 of the 5146
Revised Code, including rules pertaining to the computation of new 5147
job years, the state reimbursement amount, and the number of 5148
retained jobs under section 122.155 of the Revised Code. 5149

Sec. 122.155. (A)(1) For each calendar year in which a rural 5150
business and high-growth industry fund makes or maintains a growth 5151
investment in a rural business concern or high-growth industry 5152
business concern in this state, the fund shall determine the 5153

number of new job years produced at the business concern as a 5154
result of the investment. New job years shall be computed by 5155
subtracting the number of employment positions at the business 5156
concern on the date of the fund's initial growth investment in the 5157
business concern from the number of employment positions at the 5158
business concern on the last day of the calendar year in which the 5159
investment was made or maintained. If the computation results in a 5160
number less than zero, the number of new job years produced by the 5161
fund's growth investment for that calendar year period shall be 5162
zero. 5163

(2) A fund may determine and include, for the purposes of 5164
this section and section 122.154 of the Revised Code, the number 5165
of new job years produced at a business concern after the year in 5166
which the fund's growth investment is repaid or redeemed. The new 5167
job years shall be computed in the same manner as in division 5168
(A)(1) of this section based on reporting information provided by 5169
the business concern to the fund. 5170

(B) After a fund's application for decertification is 5171
approved under division (D) of section 122.153 of the Revised 5172
Code, the fund shall determine the state reimbursement amount. The 5173
state reimbursement amount shall equal the amount by which the 5174
fund's credit-eligible capital contributions exceed the product 5175
obtained by multiplying thirty thousand dollars by the aggregate 5176
number of new job years for the fund. If that product is greater 5177
than the fund's credit-eligible capital contributions, the state 5178
reimbursement amount shall equal zero. In the absence of 5179
additional information provided by the fund or discovered by the 5180
agency, the number of new job years for the purposes of this 5181
division equals the sum of all new job years reported by the fund 5182
on the annual reports required under division (A) of section 5183
122.154 of the Revised Code. 5184

(C) After the state reimbursement amount is computed under 5185

division (B) of this section, the fund shall not be permitted to 5186
make further distributions to equity holders of the fund without 5187
first remitting to the agency the lesser of the state 5188
reimbursement amount or the remaining balance of the fund after 5189
all persons holding equity in the fund receive a payment or 5190
distribution equal to the person's equity investment and the 5191
person's federal and state tax liability, including penalties and 5192
interest, related to the person's ownership, management, or 5193
operation of the fund. All amounts received by the agency under 5194
this division shall be credited to the general revenue fund. 5195

(D) The director of development services, upon the request of 5196
a fund, may waive all or a portion of the remission required under 5197
division (C) of this section if the director determines, based on 5198
an affidavit of the chief executive officer or president of a 5199
rural business concern or high-growth industry business concern, 5200
that the growth investments of the fund resulted in the retention 5201
of employment positions that would have otherwise been eliminated 5202
at rural business concerns and high-growth industry business 5203
concerns in this state. The amount waived shall not exceed the 5204
product of thirty thousand dollars multiplied by the number of 5205
retained employment positions multiplied by the number of years in 5206
which the fund made or maintained a growth investment in the 5207
business concern that retained the employment positions. 5208

Sec. 122.156. (A) A rural business and high-growth industry 5209
fund, before investing in a business, may request a written 5210
opinion from the development services agency as to whether the 5211
business qualifies as a rural business concern or a high-growth 5212
industry business concern based on the criteria prescribed by 5213
section 122.15 of the Revised Code. The request shall be submitted 5214
in a form prescribed by rule of the agency. The agency shall issue 5215
a written opinion to the fund within fifteen business days of 5216
receiving such a request. Notwithstanding division (I) of section 5217

122.15 of the Revised Code, if the agency determines that the 5218
business qualifies as a rural business concern or high-growth 5219
industry business concern, or if the agency fails to timely issue 5220
the written opinion as required under this section, the business 5221
shall be considered a rural business concern or high-growth 5222
industry business concern for the purposes of sections 122.15 to 5223
122.156 of the Revised Code. 5224

(B) Upon the request of a fund or an operating company, the 5225
agency may certify an operating company as a high-growth industry 5226
business concern, irrespective of the industry in which the 5227
operating company is engaged, if the agency determines that a 5228
growth investment in the operating company would be beneficial to 5229
the economic growth of the state. 5230

Sec. 122.17. (A) As used in this section: 5231

(1) "Payroll" means the total taxable income paid by the 5232
employer during the employer's taxable year, or during the 5233
calendar year that includes the employer's tax period, to each 5234
employee or each home-based employee employed in the project to 5235
the extent such payroll is not used to determine the credit under 5236
section 122.171 of the Revised Code. "Payroll" excludes amounts 5237
paid before the day the taxpayer becomes eligible for the credit 5238
and retirement or other benefits paid or contributed by the 5239
employer to or on behalf of employees. 5240

(2) "Baseline payroll" means Ohio employee payroll, except 5241
that the applicable measurement period is the twelve months 5242
immediately preceding the date the tax credit authority approves 5243
the taxpayer's application or the date the tax credit authority 5244
receives the recommendation described in division (C)(2)(a) of 5245
this section, whichever occurs first, multiplied by the sum of one 5246
plus an annual pay increase factor to be determined by the tax 5247
credit authority. 5248

(3) "Ohio employee payroll" means the amount of compensation 5249
used to determine the withholding obligations in division (A) of 5250
section 5747.06 of the Revised Code and paid by the employer 5251
during the employer's taxable year, or during the calendar year 5252
that includes the employer's tax period, to ~~each~~ the following: 5253

(a) An employee employed in the project who is a resident of 5254
this state, ~~as defined in section 5747.01 of the Revised Code, to~~ 5255
~~each~~ including a qualifying work-from-home employee not designated 5256
as a home-based employee by an applicant under division (C)(1) of 5257
this section; 5258

(b) An employee employed at the project ~~site~~ location who is 5259
not a resident and whose compensation is not exempt from the tax 5260
imposed under section 5747.02 of the Revised Code pursuant to a 5261
reciprocity agreement with another state under division (A)(3) of 5262
section 5747.05 of the Revised Code, ~~or to each;~~ 5263

(c) A home-based employee employed in the project, ~~to the~~ 5264
~~extent.~~ 5265

"Ohio employee payroll" excludes any such compensation to the 5266
extent it is ~~not~~ used to determine the credit under section 5267
122.171 of the Revised Code. ~~"Ohio employee payroll", and~~ excludes 5268
amounts paid before the day the taxpayer becomes eligible for the 5269
credit under this section. 5270

(4) "Excess payroll" means Ohio employee payroll minus 5271
baseline payroll. 5272

(5) "Home-based employee" means an employee whose services 5273
are performed primarily from the employee's residence in this 5274
state exclusively for the benefit of the project and whose rate of 5275
pay is at least one hundred thirty-one per cent of the federal 5276
minimum wage under 29 U.S.C. 206. 5277

(6) "Full-time equivalent employees" means the quotient 5278
obtained by dividing the total number of hours for which employees 5279

were compensated for employment in the project by two thousand 5280
eighty. "Full-time equivalent employees" excludes hours that are 5281
counted for a credit under section 122.171 of the Revised Code. 5282

(7) "Metric evaluation date" means the date by which the 5283
taxpayer must meet all of the commitments included in the 5284
agreement. 5285

(8) "Qualifying work-from-home employee" means an employee 5286
who is a resident of this state and whose services are supervised 5287
from the employer's project location and performed primarily from 5288
a residence of the employee located in this state. 5289

(9) "Resident" or "resident of this state" means an 5290
individual who is a resident as defined in section 5747.01 of the 5291
Revised Code. 5292

(B) The tax credit authority may make grants under this 5293
section to foster job creation in this state. Such a grant shall 5294
take the form of a refundable credit allowed against the tax 5295
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5296
5747.02 or levied under Chapter 5751. of the Revised Code. The 5297
credit shall be claimed for the taxable years or tax periods 5298
specified in the taxpayer's agreement with the tax credit 5299
authority under division (D) of this section. With respect to 5300
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 5301
Chapter 5751. of the Revised Code, the credit shall be claimed in 5302
the order required under section 5726.98, 5733.98, 5747.98, or 5303
5751.98 of the Revised Code. The amount of the credit available 5304
for a taxable year or for a calendar year that includes a tax 5305
period equals the excess payroll for that year multiplied by the 5306
percentage specified in the agreement with the tax credit 5307
authority. 5308

(C)(1) A taxpayer or potential taxpayer who proposes a 5309
project to create new jobs in this state may apply to the tax 5310

credit authority to enter into an agreement for a tax credit under 5311
this section. 5312

An application shall not propose to include both home-based 5313
employees and employees who are not home-based employees in the 5314
computation of Ohio employee payroll for the purposes of the same 5315
tax credit agreement, except that a qualifying work-from-home 5316
employee shall not be considered to be a home-based employee 5317
unless so designated by the applicant. If a taxpayer or potential 5318
taxpayer employs both home-based employees and employees who are 5319
not home-based employees in a project, the taxpayer shall submit 5320
separate applications for separate tax credit agreements for the 5321
project, one of which shall include home-based employees in the 5322
computation of Ohio employee payroll and one of which shall 5323
include all other employees in the computation of Ohio employee 5324
payroll. 5325

The director of development services shall prescribe the form 5326
of the application. After receipt of an application, the authority 5327
may enter into an agreement with the taxpayer for a credit under 5328
this section if it determines all of the following: 5329

(a) The taxpayer's project will increase payroll; 5330

(b) The taxpayer's project is economically sound and will 5331
benefit the people of this state by increasing opportunities for 5332
employment and strengthening the economy of this state; 5333

(c) Receiving the tax credit is a major factor in the 5334
taxpayer's decision to go forward with the project. 5335

(2)(a) A taxpayer that chooses to begin the project prior to 5336
receiving the determination of the authority may, upon submitting 5337
the taxpayer's application to the authority, request that the 5338
chief investment officer of the nonprofit corporation formed under 5339
section 187.01 of the Revised Code and the director review the 5340
taxpayer's application and recommend to the authority that the 5341

taxpayer's application be considered. As soon as possible after 5342
receiving such a request, the chief investment officer and the 5343
director shall review the taxpayer's application and, if they 5344
determine that the application warrants consideration by the 5345
authority, make that recommendation to the authority not later 5346
than six months after the application is received by the 5347
authority. 5348

(b) The authority shall consider any taxpayer's application 5349
for which it receives a recommendation under division (C)(2)(a) of 5350
this section. If the authority determines that the taxpayer does 5351
not meet all of the criteria set forth in division (C)(1) of this 5352
section, the authority and the development services agency shall 5353
proceed in accordance with rules adopted by the director pursuant 5354
to division (I) of this section. 5355

(D) An agreement under this section shall include all of the 5356
following: 5357

(1) A detailed description of the project that is the subject 5358
of the agreement; 5359

(2)(a) The term of the tax credit, which, except as provided 5360
in division (D)(2)(b) of this section, shall not exceed fifteen 5361
years, and the first taxable year, or first calendar year that 5362
includes a tax period, for which the credit may be claimed; 5363

(b) If the tax credit is computed on the basis of home-based 5364
employees, the term of the credit shall expire on or before the 5365
last day of the taxable or calendar year ending before the 5366
beginning of the seventh year after September 6, 2012, the 5367
effective date of H.B. 327 of the 129th general assembly. 5368

(3) A requirement that the taxpayer shall maintain operations 5369
at the project location for at least the greater of seven years or 5370
the term of the credit plus three years; 5371

(4) The percentage, as determined by the tax credit 5372

authority, of excess payroll that will be allowed as the amount of 5373
the credit for each taxable year or for each calendar year that 5374
includes a tax period; 5375

(5) The pay increase factor to be applied to the taxpayer's 5376
baseline payroll; 5377

(6) A requirement that the taxpayer annually shall report to 5378
the director of development services full-time equivalent 5379
employees, payroll, Ohio employee payroll, investment, the 5380
provision of health care benefits and tuition reimbursement if 5381
required in the agreement, and other information the director 5382
needs to perform the director's duties under this section; 5383

(7) A requirement that the director of development services 5384
annually review the information reported under division (D)(6) of 5385
this section and verify compliance with the agreement; if the 5386
taxpayer is in compliance, a requirement that the director issue a 5387
certificate to the taxpayer stating that the information has been 5388
verified and identifying the amount of the credit that may be 5389
claimed for the taxable or calendar year; 5390

(8) A provision providing that the taxpayer may not relocate 5391
a substantial number of employment positions from elsewhere in 5392
this state to the project location unless the director of 5393
development services determines that the legislative authority of 5394
the county, township, or municipal corporation from which the 5395
employment positions would be relocated has been notified by the 5396
taxpayer of the relocation. 5397

For purposes of this section, the movement of an employment 5398
position from one political subdivision to another political 5399
subdivision shall be considered a relocation of an employment 5400
position unless the employment position in the first political 5401
subdivision is replaced. The movement of a qualifying 5402
work-from-home employee to a different residence located in this 5403

state or to the project location shall not be considered a 5404
relocation of an employment position. 5405

(9) If the tax credit is computed on the basis of home-based 5406
employees, that the tax credit may not be claimed by the taxpayer 5407
until the taxable year or tax period in which the taxpayer employs 5408
at least two hundred employees more than the number of employees 5409
the taxpayer employed on June 30, 2011. 5410

(E) If a taxpayer fails to meet or comply with any condition 5411
or requirement set forth in a tax credit agreement, the tax credit 5412
authority may amend the agreement to reduce the percentage or term 5413
of the tax credit. The reduction of the percentage or term may 5414
take effect in the current taxable or calendar year. 5415

(F) Projects that consist solely of point-of-final-purchase 5416
retail facilities are not eligible for a tax credit under this 5417
section. If a project consists of both point-of-final-purchase 5418
retail facilities and nonretail facilities, only the portion of 5419
the project consisting of the nonretail facilities is eligible for 5420
a tax credit and only the excess payroll from the nonretail 5421
facilities shall be considered when computing the amount of the 5422
tax credit. If a warehouse facility is part of a 5423
point-of-final-purchase retail facility and supplies only that 5424
facility, the warehouse facility is not eligible for a tax credit. 5425
Catalog distribution centers are not considered 5426
point-of-final-purchase retail facilities for the purposes of this 5427
division, and are eligible for tax credits under this section. 5428

(G) Financial statements and other information submitted to 5429
the development services agency or the tax credit authority by an 5430
applicant or recipient of a tax credit under this section, and any 5431
information taken for any purpose from such statements or 5432
information, are not public records subject to section 149.43 of 5433
the Revised Code. However, the chairperson of the authority may 5434
make use of the statements and other information for purposes of 5435

issuing public reports or in connection with court proceedings 5436
concerning tax credit agreements under this section. Upon the 5437
request of the tax commissioner or, if the applicant or recipient 5438
is an insurance company, upon the request of the superintendent of 5439
insurance, the chairperson of the authority shall provide to the 5440
commissioner or superintendent any statement or information 5441
submitted by an applicant or recipient of a tax credit in 5442
connection with the credit. The commissioner or superintendent 5443
shall preserve the confidentiality of the statement or 5444
information. 5445

(H) A taxpayer claiming a credit under this section shall 5446
submit to the tax commissioner or, if the taxpayer is an insurance 5447
company, to the superintendent of insurance, a copy of the 5448
director of development services' certificate of verification 5449
under division (D)(7) of this section with the taxpayer's tax 5450
report or return for the taxable year or for the calendar year 5451
that includes the tax period. Failure to submit a copy of the 5452
certificate with the report or return does not invalidate a claim 5453
for a credit if the taxpayer submits a copy of the certificate to 5454
the commissioner or superintendent within the time prescribed by 5455
section 5703.0510 of the Revised Code or within thirty days after 5456
the commissioner or superintendent requests it. 5457

(I) The director of development services, after consultation 5458
with the tax commissioner and the superintendent of insurance and 5459
in accordance with Chapter 119. of the Revised Code, shall adopt 5460
rules necessary to implement this section, including rules that 5461
establish a procedure to be followed by the tax credit authority 5462
and the development services agency in the event the authority 5463
considers a taxpayer's application for which it receives a 5464
recommendation under division (C)(2)(a) of this section but does 5465
not approve it. The rules may provide for recipients of tax 5466
credits under this section to be charged fees to cover 5467

administrative costs of the tax credit program. For the purposes 5468
of these rules, a qualifying work-from-home employee shall be 5469
considered to be an employee employed at the applicant's project 5470
location. The fees collected shall be credited to the ~~business~~ 5471
~~assistance tax incentives operating~~ fund created in section 5472
122.174 of the Revised Code. At the time the director gives public 5473
notice under division (A) of section 119.03 of the Revised Code of 5474
the adoption of the rules, the director shall submit copies of the 5475
proposed rules to the chairpersons of the standing committees on 5476
economic development in the senate and the house of 5477
representatives. 5478

(J) For the purposes of this section, a taxpayer may include 5479
a partnership, a corporation that has made an election under 5480
subchapter S of chapter one of subtitle A of the Internal Revenue 5481
Code, or any other business entity through which income flows as a 5482
distributive share to its owners. A partnership, S-corporation, or 5483
other such business entity may elect to pass the credit received 5484
under this section through to the persons to whom the income or 5485
profit of the partnership, S-corporation, or other entity is 5486
distributed. The election shall be made on the annual report 5487
required under division (D)(6) of this section. The election 5488
applies to and is irrevocable for the credit for which the report 5489
is submitted. If the election is made, the credit shall be 5490
apportioned among those persons in the same proportions as those 5491
in which the income or profit is distributed. 5492

(K)(1) If the director of development services determines 5493
that a taxpayer who has received a credit under this section is 5494
not complying with the requirements of the agreement, the director 5495
shall notify the tax credit authority of the noncompliance. After 5496
receiving such a notice, and after giving the taxpayer an 5497
opportunity to explain the noncompliance, the tax credit authority 5498
may require the taxpayer to refund to this state a portion of the 5499

credit in accordance with the following: 5500

(a) If the taxpayer fails to comply with the requirement 5501
under division (D)(3) of this section, an amount determined in 5502
accordance with the following: 5503

(i) If the taxpayer maintained operations at the project 5504
location for a period less than or equal to the term of the 5505
credit, an amount not exceeding one hundred per cent of the sum of 5506
any credits allowed and received under this section; 5507

(ii) If the taxpayer maintained operations at the project 5508
location for a period longer than the term of the credit, but less 5509
than the greater of seven years or the term of the credit plus 5510
three years, an amount not exceeding seventy-five per cent of the 5511
sum of any credits allowed and received under this section. 5512

(b) If, on the metric evaluation date, the taxpayer fails to 5513
substantially meet the job creation, payroll, or investment 5514
requirements included in the agreement, an amount determined at 5515
the discretion of the authority; 5516

(c) If the taxpayer fails to substantially maintain the 5517
number of new full-time equivalent employees or amount of payroll 5518
required under the agreement at any time during the term of the 5519
agreement after the metric evaluation date, an amount determined 5520
at the discretion of the authority. 5521

(2) If a taxpayer files for bankruptcy and fails as described 5522
in division (K)(1)(a), (b), or (c) of this section, the director 5523
may immediately commence an action to recoup an amount not 5524
exceeding one hundred per cent of the sum of any credits received 5525
by the taxpayer under this section. 5526

(3) In determining the portion of the tax credit to be 5527
refunded to this state, the tax credit authority shall consider 5528
the effect of market conditions on the taxpayer's project and 5529
whether the taxpayer continues to maintain other operations in 5530

this state. After making the determination, the authority shall 5531
certify the amount to be refunded to the tax commissioner or 5532
superintendent of insurance, as appropriate. If the amount is 5533
certified to the commissioner, the commissioner shall make an 5534
assessment for that amount against the taxpayer under Chapter 5535
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 5536
amount is certified to the superintendent, the superintendent 5537
shall make an assessment for that amount against the taxpayer 5538
under Chapter 5725. or 5729. of the Revised Code. The time 5539
limitations on assessments under those chapters do not apply to an 5540
assessment under this division, but the commissioner or 5541
superintendent, as appropriate, shall make the assessment within 5542
one year after the date the authority certifies to the 5543
commissioner or superintendent the amount to be refunded. 5544

(L) On or before the first day of August each year, the 5545
director of development services shall submit a report to the 5546
governor, the president of the senate, and the speaker of the 5547
house of representatives on the tax credit program under this 5548
section. The report shall include information on the number of 5549
agreements that were entered into under this section during the 5550
preceding calendar year, a description of the project that is the 5551
subject of each such agreement, and an update on the status of 5552
projects under agreements entered into before the preceding 5553
calendar year. 5554

(M) There is hereby created the tax credit authority, which 5555
consists of the director of development services and four other 5556
members appointed as follows: the governor, the president of the 5557
senate, and the speaker of the house of representatives each shall 5558
appoint one member who shall be a specialist in economic 5559
development; the governor also shall appoint a member who is a 5560
specialist in taxation. Terms of office shall be for four years. 5561
Each member shall serve on the authority until the end of the term 5562

for which the member was appointed. Vacancies shall be filled in 5563
the same manner provided for original appointments. Any member 5564
appointed to fill a vacancy occurring prior to the expiration of 5565
the term for which the member's predecessor was appointed shall 5566
hold office for the remainder of that term. Members may be 5567
reappointed to the authority. Members of the authority shall 5568
receive their necessary and actual expenses while engaged in the 5569
business of the authority. The director of development services 5570
shall serve as chairperson of the authority, and the members 5571
annually shall elect a vice-chairperson from among themselves. 5572
Three members of the authority constitute a quorum to transact and 5573
vote on the business of the authority. The majority vote of the 5574
membership of the authority is necessary to approve any such 5575
business, including the election of the vice-chairperson. 5576

The director of development services may appoint a 5577
professional employee of the development services agency to serve 5578
as the director's substitute at a meeting of the authority. The 5579
director shall make the appointment in writing. In the absence of 5580
the director from a meeting of the authority, the appointed 5581
substitute shall serve as chairperson. In the absence of both the 5582
director and the director's substitute from a meeting, the 5583
vice-chairperson shall serve as chairperson. 5584

(N) For purposes of the credits granted by this section 5585
against the taxes imposed under sections 5725.18 and 5729.03 of 5586
the Revised Code, "taxable year" means the period covered by the 5587
taxpayer's annual statement to the superintendent of insurance. 5588

(O) On or before the first day of March of each of the five 5589
calendar years beginning with 2014, each taxpayer subject to an 5590
agreement with the tax credit authority under this section on the 5591
basis of home-based employees shall report the number of 5592
home-based employees and other employees employed by the taxpayer 5593
in this state to the development services agency. 5594

(P) On or before the first day of January of 2019, the 5595
director of development services shall submit a report to the 5596
governor, the president of the senate, and the speaker of the 5597
house of representatives on the effect of agreements entered into 5598
under this section in which the taxpayer included home-based 5599
employees in the computation of income tax revenue, as that term 5600
was defined in this section prior to the amendment of this section 5601
by H.B. 64 of the 131st general assembly. The report shall include 5602
information on the number of such agreements that were entered 5603
into in the preceding six years, a description of the projects 5604
that were the subjects of such agreements, and an analysis of 5605
nationwide home-based employment trends, including the number of 5606
home-based jobs created from July 1, 2011, through June 30, 2017, 5607
and a description of any home-based employment tax incentives 5608
provided by other states during that time. 5609

(Q) The director of development services may require any 5610
agreement entered into under this section for a tax credit 5611
computed on the basis of home-based employees to contain a 5612
provision that the taxpayer makes available health care benefits 5613
and tuition reimbursement to all employees. 5614

(R) Original agreements approved by the tax credit authority 5615
under this section in 2014 or 2015 before ~~the effective date of~~ 5616
~~this division~~ September 29, 2015, may be revised at the request of 5617
the taxpayer to conform with the amendments to this section and 5618
sections 5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised 5619
Code by H.B. 64 of the 131st general assembly, upon mutual 5620
agreement of the taxpayer and the development services agency, and 5621
approval by the tax credit authority. 5622

(S)(1) As used in division (S) of this section: 5623

(a) "Eligible agreement" means an agreement approved by the 5624
tax credit authority under this section on or before December 31, 5625
2013. 5626

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

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

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

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

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

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

(4) Division (S)(3) of this section shall not apply unless all of the following apply for the reporting period with respect

to the eligible agreement:	5658
(a) The taxpayer has achieved one hundred per cent of the new employment commitment identified in the agreement.	5659 5660
(b) If applicable, the taxpayer has achieved one hundred per cent of the new payroll commitment identified in the agreement.	5661 5662
(c) If applicable, the taxpayer has achieved one hundred per cent of the investment commitment identified in the agreement.	5663 5664
(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (S)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (S) of this section for an ensuing reporting period.	5665 5666 5667 5668 5669
Sec. 122.171. (A) As used in this section:	5670
(1) "Capital investment project" means a plan of investment at a project site for the acquisition, construction, renovation, or repair of buildings, machinery, or equipment, or for capitalized costs of basic research and new product development determined in accordance with generally accepted accounting principles, but does not include any of the following:	5671 5672 5673 5674 5675 5676
(a) Payments made for the acquisition of personal property through operating leases;	5677 5678
(b) Project costs paid before January 1, 2002;	5679
(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.	5680 5681 5682 5683
(2) "Eligible business" means a taxpayer and its related members with Ohio operations satisfying all of the following:	5684 5685
(a) The taxpayer employs at least five hundred full-time	5686

equivalent employees or has an annual Ohio employee payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section;

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

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

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

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

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

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

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

(6) "Project site" means an integrated complex of facilities 5717
in this state, as specified by the tax credit authority under this 5718
section, within a fifteen-mile radius where a taxpayer is 5719
primarily operating as an eligible business. 5720

(7) "Related member" has the same meaning as in section 5721
5733.042 of the Revised Code as that section existed on the 5722
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 5723
general assembly, September 29, 1997. 5724

(8) "Taxable year" includes, in the case of a domestic or 5725
foreign insurance company, the calendar year ending on the 5726
thirty-first day of December preceding the day the superintendent 5727
of insurance is required to certify to the treasurer of state 5728
under section 5725.20 or 5729.05 of the Revised Code the amount of 5729
taxes due from insurance companies. 5730

(B) The tax credit authority created under section 122.17 of 5731
the Revised Code may grant a nonrefundable tax credit to an 5732
eligible business under this section for the purpose of fostering 5733
job retention in this state. Upon application by an eligible 5734
business and upon consideration of the determination of the 5735
director of budget and management, tax commissioner, and the 5736
superintendent of insurance in the case of an insurance company, 5737
and the recommendation and determination of the director of 5738
development services under division (C) of this section, the tax 5739
credit authority may grant the credit against the tax imposed by 5740
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5741
5751.02 of the Revised Code. 5742

The credit authorized in this section may be granted for a 5743
period up to fifteen taxable years or, in the case of the tax 5744
levied by section 5736.02 or 5751.02 of the Revised Code, for a 5745
period of up to fifteen calendar years. The credit amount for a 5746
taxable year or a calendar year that includes the tax period for 5747
which a credit may be claimed equals the Ohio employee payroll for 5748

that year multiplied by the percentage specified in the agreement 5749
with the tax credit authority. The credit shall be claimed in the 5750
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5751
5747.98, or 5751.98 of the Revised Code. In determining the 5752
percentage and term of the credit, the tax credit authority shall 5753
consider both the number of full-time equivalent employees and the 5754
value of the capital investment project. The credit amount may not 5755
be based on the Ohio employee payroll for a calendar year before 5756
the calendar year in which the tax credit authority specifies the 5757
tax credit is to begin, and the credit shall be claimed only for 5758
the taxable years or tax periods specified in the eligible 5759
business' agreement with the tax credit authority. In no event 5760
shall the credit be claimed for a taxable year or tax period 5761
terminating before the date specified in the agreement. 5762

If a credit allowed under this section for a taxable year or 5763
tax period exceeds the taxpayer's tax liability for that year or 5764
period, the excess may be carried forward for the three succeeding 5765
taxable or calendar years, but the amount of any excess credit 5766
allowed in any taxable year or tax period shall be deducted from 5767
the balance carried forward to the succeeding year or period. 5768

(C) A taxpayer that proposes a capital investment project to 5769
retain jobs in this state may apply to the tax credit authority to 5770
enter into an agreement for a tax credit under this section. The 5771
director of development services shall prescribe the form of the 5772
application. After receipt of an application, the authority shall 5773
forward copies of the application to the director of budget and 5774
management, the tax commissioner, and the superintendent of 5775
insurance in the case of an insurance company, each of whom shall 5776
review the application to determine the economic impact the 5777
proposed project would have on the state and the affected 5778
political subdivisions and shall submit a summary of their 5779
determinations to the authority. The authority shall also forward 5780

a copy of the application to the director of development services, 5781
who shall review the application to determine the economic impact 5782
the proposed project would have on the state and the affected 5783
political subdivisions and shall submit a summary of the 5784
director's determinations and recommendations to the authority. 5785

(D) Upon review and consideration of the determinations and 5786
recommendations described in division (C) of this section, the tax 5787
credit authority may enter into an agreement with the taxpayer for 5788
a credit under this section if the authority determines all of the 5789
following: 5790

(1) The taxpayer's capital investment project will result in 5791
the retention of employment in this state. 5792

(2) The taxpayer is economically sound and has the ability to 5793
complete the proposed capital investment project. 5794

(3) The taxpayer intends to and has the ability to maintain 5795
operations at the project site for at least the greater of (a) the 5796
term of the credit plus three years, or (b) seven years. 5797

(4) Receiving the credit is a major factor in the taxpayer's 5798
decision to begin, continue with, or complete the project. 5799

(E) An agreement under this section shall include all of the 5800
following: 5801

(1) A detailed description of the project that is the subject 5802
of the agreement, including the amount of the investment, the 5803
period over which the investment has been or is being made, the 5804
number of full-time equivalent employees at the project site, and 5805
the anticipated Ohio employee payroll to be generated. 5806

(2) The term of the credit, the percentage of the tax credit, 5807
the maximum annual value of tax credits that may be allowed each 5808
year, and the first year for which the credit may be claimed. 5809

(3) A requirement that the taxpayer maintain operations at 5810

the project site for at least the greater of (a) the term of the 5811
credit plus three years, or (b) seven years. 5812

(4) A requirement that the taxpayer retain at least five 5813
hundred full-time equivalent employees at the project site and 5814
within this state for the entire term of the credit, or a 5815
requirement that the taxpayer maintain an annual Ohio employee 5816
payroll of at least thirty-five million dollars for the entire 5817
term of the credit. 5818

(5) A requirement that the taxpayer annually report to the 5819
director of development services full-time equivalent employees, 5820
Ohio employee payroll, capital investment, and other information 5821
the director needs to perform the director's duties under this 5822
section. 5823

(6) A requirement that the director of development services 5824
annually review the annual reports of the taxpayer to verify the 5825
information reported under division (E)(5) of this section and 5826
compliance with the agreement. Upon verification, the director 5827
shall issue a certificate to the taxpayer stating that the 5828
information has been verified and identifying the amount of the 5829
credit for the taxable year or calendar year that includes the tax 5830
period. In determining the number of full-time equivalent 5831
employees, no position shall be counted that is filled by an 5832
employee who is included in the calculation of a tax credit under 5833
section 122.17 of the Revised Code. 5834

(7) A provision providing that the taxpayer may not relocate 5835
a substantial number of employment positions from elsewhere in 5836
this state to the project site unless the director of development 5837
services determines that the taxpayer notified the legislative 5838
authority of the county, township, or municipal corporation from 5839
which the employment positions would be relocated. 5840

For purposes of this section, the movement of an employment 5841

position from one political subdivision to another political 5842
subdivision shall be considered a relocation of an employment 5843
position unless the movement is confined to the project site. The 5844
transfer of an employment position from one political subdivision 5845
to another political subdivision shall not be considered a 5846
relocation of an employment position if the employment position in 5847
the first political subdivision is replaced by another employment 5848
position. 5849

(8) A waiver by the taxpayer of any limitations periods 5850
relating to assessments or adjustments resulting from the 5851
taxpayer's failure to comply with the agreement. 5852

(F) If a taxpayer fails to meet or comply with any condition 5853
or requirement set forth in a tax credit agreement, the tax credit 5854
authority may amend the agreement to reduce the percentage or term 5855
of the credit. The reduction of the percentage or term may take 5856
effect in the current taxable or calendar year. 5857

(G) Financial statements and other information submitted to 5858
the department of development services or the tax credit authority 5859
by an applicant for or recipient of a tax credit under this 5860
section, and any information taken for any purpose from such 5861
statements or information, are not public records subject to 5862
section 149.43 of the Revised Code. However, the chairperson of 5863
the authority may make use of the statements and other information 5864
for purposes of issuing public reports or in connection with court 5865
proceedings concerning tax credit agreements under this section. 5866
Upon the request of the tax commissioner, or the superintendent of 5867
insurance in the case of an insurance company, the chairperson of 5868
the authority shall provide to the commissioner or superintendent 5869
any statement or other information submitted by an applicant for 5870
or recipient of a tax credit in connection with the credit. The 5871
commissioner or superintendent shall preserve the confidentiality 5872
of the statement or other information. 5873

(H) A taxpayer claiming a tax credit under this section shall 5874
submit to the tax commissioner or, in the case of an insurance 5875
company, to the superintendent of insurance, a copy of the 5876
director of development services' certificate of verification 5877
under division (E)(6) of this section with the taxpayer's tax 5878
report or return for the taxable year or for the calendar year 5879
that includes the tax period. Failure to submit a copy of the 5880
certificate with the report or return does not invalidate a claim 5881
for a credit if the taxpayer submits a copy of the certificate to 5882
the commissioner or superintendent within the time prescribed by 5883
section 5703.0510 of the Revised Code or within thirty days after 5884
the commissioner or superintendent requests it. 5885

(I) For the purposes of this section, a taxpayer may include 5886
a partnership, a corporation that has made an election under 5887
subchapter S of chapter one of subtitle A of the Internal Revenue 5888
Code, or any other business entity through which income flows as a 5889
distributive share to its owners. A partnership, S-corporation, or 5890
other such business entity may elect to pass the credit received 5891
under this section through to the persons to whom the income or 5892
profit of the partnership, S-corporation, or other entity is 5893
distributed. The election shall be made on the annual report 5894
required under division (E)(5) of this section. The election 5895
applies to and is irrevocable for the credit for which the report 5896
is submitted. If the election is made, the credit shall be 5897
apportioned among those persons in the same proportions as those 5898
in which the income or profit is distributed. 5899

(J)(1) If the director of development services determines 5900
that a taxpayer that received a certificate under division (E)(6) 5901
of this section is not complying with the requirements of the 5902
agreement, the director shall notify the tax credit authority of 5903
the noncompliance. After receiving such a notice, and after giving 5904
the taxpayer an opportunity to explain the noncompliance, the 5905

authority may terminate the agreement and require the taxpayer, or 5906
any related member or members that claimed the tax credit under 5907
division (N) of this section, to refund to the state all or a 5908
portion of the credit claimed in previous years, as follows: 5909

(a) If the taxpayer fails to comply with the requirement 5910
under division (E)(3) of this section, an amount determined in 5911
accordance with the following: 5912

(i) If the taxpayer maintained operations at the project site 5913
for less than or equal to the term of the credit, an amount not to 5914
exceed one hundred per cent of the sum of any tax credits allowed 5915
and received under this section. 5916

(ii) If the taxpayer maintained operations at the project 5917
site longer than the term of the credit, but less than the greater 5918
of seven years or the term of the credit plus three years, the 5919
amount required to be refunded shall not exceed seventy-five per 5920
cent of the sum of any tax credits allowed and received under this 5921
section. 5922

(b) If the taxpayer fails to substantially maintain both the 5923
number of full-time equivalent employees and the amount of Ohio 5924
employee payroll required under the agreement at any time during 5925
the term of the agreement or during the post-term reporting 5926
period, an amount determined at the discretion of the authority. 5927

(2) If a taxpayer files for bankruptcy and fails as described 5928
in division (J)(1)(a) or (b) of this section, the director may 5929
immediately commence an action to recoup an amount not exceeding 5930
one hundred per cent of the sum of any credits received by the 5931
taxpayer under this section. 5932

(3) In determining the portion of the credit to be refunded 5933
to this state, the authority shall consider the effect of market 5934
conditions on the taxpayer's project and whether the taxpayer 5935
continues to maintain other operations in this state. After making 5936

the determination, the authority shall certify the amount to be 5937
refunded to the tax commissioner or the superintendent of 5938
insurance. If the taxpayer, or any related member or members who 5939
claimed the tax credit under division (N) of this section, is not 5940
an insurance company, the commissioner shall make an assessment 5941
for that amount against the taxpayer under Chapter 5726., 5733., 5942
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 5943
any related member or members that claimed the tax credit under 5944
division (N) of this section, is an insurance company, the 5945
superintendent of insurance shall make an assessment under section 5946
5725.222 or 5729.102 of the Revised Code. The time limitations on 5947
assessments under those chapters and sections do not apply to an 5948
assessment under this division, but the commissioner or 5949
superintendent shall make the assessment within one year after the 5950
date the authority certifies to the commissioner or superintendent 5951
the amount to be refunded. 5952

(K) The director of development services, after consultation 5953
with the tax commissioner and the superintendent of insurance and 5954
in accordance with Chapter 119. of the Revised Code, shall adopt 5955
rules necessary to implement this section. The rules may provide 5956
for recipients of tax credits under this section to be charged 5957
fees to cover administrative costs of the tax credit program. The 5958
fees collected shall be credited to the ~~business assistance tax~~ 5959
incentives operating fund created in section 122.174 of the 5960
Revised Code. At the time the director gives public notice under 5961
division (A) of section 119.03 of the Revised Code of the adoption 5962
of the rules, the director shall submit copies of the proposed 5963
rules to the chairpersons of the standing committees on economic 5964
development in the senate and the house of representatives. 5965

(L) On or before the first day of August of each year, the 5966
director of development services shall submit a report to the 5967
governor, the president of the senate, and the speaker of the 5968

house of representatives on the tax credit program under this 5969
section. The report shall include information on the number of 5970
agreements that were entered into under this section during the 5971
preceding calendar year, a description of the project that is the 5972
subject of each such agreement, and an update on the status of 5973
projects under agreements entered into before the preceding 5974
calendar year. 5975

(M) The aggregate amount of nonrefundable tax credits issued 5976
under this section during any calendar year for capital investment 5977
projects reviewed and approved by the tax credit authority may not 5978
exceed the following amounts: 5979

(1) For 2010, thirteen million dollars; 5980

(2) For 2011 through 2023, the amount of the limit for the 5981
preceding calendar year plus thirteen million dollars; 5982

(3) For 2024 and each year thereafter, one hundred 5983
ninety-five million dollars. 5984

The limitations in division (M) of this section do not apply 5985
to credits for capital investment projects approved by the tax 5986
credit authority before July 1, 2009. 5987

(N) This division applies only to an eligible business that 5988
is part of an affiliated group that includes a diversified savings 5989
and loan holding company or a grandfathered unitary savings and 5990
loan holding company, as those terms are defined in section 5991
5726.01 of the Revised Code. Notwithstanding any contrary 5992
provision of the agreement between such an eligible business and 5993
the tax credit authority, any credit granted under this section 5994
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5995
5747.02, or 5751.02 of the Revised Code to the eligible business, 5996
at the election of the eligible business and without any action by 5997
the tax credit authority, may be shared with any member or members 5998
of the affiliated group that includes the eligible business, which 5999

member or members may claim the credit against the taxes imposed 6000
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 6001
of the Revised Code. Credits shall be claimed by the eligible 6002
business in sequential order, as applicable, first claiming the 6003
credits to the fullest extent possible against the tax that the 6004
certificate holder is subject to, then against the tax imposed by, 6005
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 6006
lastly 5726.02 of the Revised Code. The credits may be allocated 6007
among the members of the affiliated group in such manner as the 6008
eligible business elects, but subject to the sequential order 6009
required under this division. This division applies to credits 6010
granted before, on, or after March 27, 2013, the effective date of 6011
H.B. 510 of the 129th general assembly. Credits granted before 6012
that effective date that are shared and allocated under this 6013
division may be claimed in those calendar years in which the 6014
remaining taxable years specified in the agreement end. 6015

As used in this division, "affiliated group" means a group of 6016
two or more persons with fifty per cent or greater of the value of 6017
each person's ownership interests owned or controlled directly, 6018
indirectly, or constructively through related interests by common 6019
owners during all or any portion of the taxable year, and the 6020
common owners. "Affiliated group" includes, but is not limited to, 6021
any person eligible to be included in a consolidated elected 6022
taxpayer group under section 5751.011 of the Revised Code or a 6023
combined taxpayer group under section 5751.012 of the Revised 6024
Code. 6025

(O)(1) As used in division (O) of this section: 6026

(a) "Eligible agreement" means an agreement approved by the 6027
tax credit authority under this section on or before December 31, 6028
2013. 6029

(b) "Reporting period" means a period corresponding to the 6030
annual report required under division (E)(5) of this section. 6031

(c) "Income tax revenue" has the same meaning as under 6032
division (S) of section 122.17 of the Revised Code. 6033

(2) In calendar year 2016 and thereafter, the tax credit 6034
authority shall annually determine a withholding adjustment factor 6035
to be used in the computation of income tax revenue for eligible 6036
agreements. The withholding adjustment factor shall be a numerical 6037
percentage that equals the percentage that employer income tax 6038
withholding rates have been increased or decreased as a result of 6039
changes in the income tax rates prescribed by section 5747.02 of 6040
the Revised Code by amendment of that section taking effect on or 6041
after June 29, 2013. 6042

(3) Except as provided in division (O)(4) of this section, 6043
for reporting periods ending in 2015 and thereafter for taxpayers 6044
subject to eligible agreements, the tax credit authority shall 6045
adjust the income tax revenue reported on the taxpayer's annual 6046
report by multiplying the withholding adjustment factor by the 6047
taxpayer's income tax revenue and doing one of the following: 6048

(a) If the income tax rates prescribed by section 5747.02 of 6049
the Revised Code have decreased by amendment of this section 6050
taking effect on or after June 29, 2013, add the product to the 6051
taxpayer's income tax revenue. 6052

(b) If the income tax rates prescribed by section 5747.02 of 6053
the Revised Code have increased by amendment of this section 6054
taking effect on or after June 29, 2013, subtract the product from 6055
the taxpayer's income tax revenue. 6056

(4) Division (O)(3) of this section shall not apply unless 6057
all of the following apply with respect to the eligible agreement: 6058

(a) The taxpayer has achieved one hundred per cent of the job 6059
retention commitment identified in the agreement. 6060

(b) If applicable, the taxpayer has achieved one hundred per 6061
cent of the payroll retention commitment identified in the 6062

agreement. 6063

(c) If applicable, the taxpayer has achieved one hundred per 6064
cent of the investment commitment identified in the agreement. 6065

(5) Failure by a taxpayer to have achieved any of the 6066
applicable commitments described in divisions (O)(4)(a) to (c) of 6067
this section in a reporting period does not disqualify the 6068
taxpayer for the adjustment under division (O) of this section for 6069
an ensuing reporting period. 6070

Sec. 122.174. There is hereby created in the state treasury 6071
the ~~business assistance tax incentives operating~~ fund. The fund 6072
shall consist of any amounts appropriated to it and money credited 6073
to the fund pursuant to ~~division (I) of section 121.17, division~~ 6074
~~(K) of section 122.17, 122.171, division (K) of section 122.175,~~ 6075
~~division (G)(2) of section 122.85, division (C) of section 122.86,~~ 6076
3735.672, and division (C) of section 5709.68, or 5725.33 of the 6077
Revised Code. The director of development services shall use money 6078
in the fund to pay expenses related to the administration of (A) 6079
the business services division of the development services agency 6080
and (B) the programs described in those sections. 6081

Sec. 122.175. (A) As used in this section: 6082

(1) "Capital investment project" means a plan of investment 6083
at a project site for the acquisition, construction, renovation, 6084
expansion, replacement, or repair of a computer data center or of 6085
computer data center equipment, but does not include any of the 6086
following: 6087

(a) Project costs paid before a date determined by the tax 6088
credit authority for each capital investment project; 6089

(b) Payments made to a related member as defined in section 6090
5733.042 of the Revised Code or to a consolidated elected taxpayer 6091
or a combined taxpayer as defined in section 5751.01 of the 6092

Revised Code. 6093

(2) "Computer data center" means a facility used or to be 6094
used primarily to house computer data center equipment used or to 6095
be used in conducting one or more computer data center businesses, 6096
as determined by the tax credit authority. 6097

(3) "Computer data center business" means, as may be further 6098
determined by the tax credit authority, a business that provides 6099
electronic information services as defined in division (Y)(1)(c) 6100
of section 5739.01 of the Revised Code, or that leases a facility 6101
to one or more such businesses. "Computer data center business" 6102
does not include providing electronic publishing as defined in 6103
division (LLL) of that section. 6104

(4) "Computer data center equipment" means tangible personal 6105
property used or to be used for any of the following: 6106

(a) To conduct a computer data center business, including 6107
equipment cooling systems to manage the performance of computer 6108
data center equipment; 6109

(b) To generate, transform, transmit, distribute, or manage 6110
electricity necessary to operate the tangible personal property 6111
used or to be used in conducting a computer data center business; 6112

(c) As building and construction materials sold to 6113
construction contractors for incorporation into a computer data 6114
center. 6115

(5) "Eligible computer data center" means a computer data 6116
center that satisfies all of the following requirements: 6117

(a) One or more taxpayers operating a computer data center 6118
business at the project site will, in the aggregate, make payments 6119
for a capital investment project of at least one hundred million 6120
dollars at the project site during one of the following cumulative 6121
periods: 6122

(i) For projects beginning in 2013, five consecutive calendar years;	6123 6124
(ii) For projects beginning in 2014, four consecutive calendar years;	6125 6126
(iii) For projects beginning in or after 2015, three consecutive calendar years.	6127 6128
(b) One or more taxpayers operating a computer data center business at the project site will, in the aggregate, pay annual compensation that is subject to the withholding obligation imposed under section 5747.06 of the Revised Code of at least one million five hundred thousand dollars to employees employed at the project site for each year of the agreement beginning on or after the first day of the twenty-fifth month after the agreement was entered into under this section.	6129 6130 6131 6132 6133 6134 6135 6136
(6) "Person" has the same meaning as in section 5701.01 of the Revised Code.	6137 6138
(7) "Project site," "related member," and "tax credit authority" have the same meanings as in sections 122.17 and 122.171 of the Revised Code.	6139 6140 6141
(8) "Taxpayer" means any person subject to the taxes imposed under Chapters 5739. and 5741. of the Revised Code.	6142 6143
(B) The tax credit authority may completely or partially exempt from the taxes levied under Chapters 5739. and 5741. of the Revised Code the sale, storage, use, or other consumption of computer data center equipment used or to be used at an eligible computer data center. Any such exemption shall extend to charges for the delivery, installation, or repair of the computer data center equipment subject to the exemption under this section.	6144 6145 6146 6147 6148 6149 6150
(C) A taxpayer that proposes a capital improvement project for an eligible computer data center in this state may apply to	6151 6152

the tax credit authority to enter into an agreement under this 6153
section authorizing a complete or partial exemption from the taxes 6154
imposed under Chapters 5739. and 5741. of the Revised Code on 6155
computer data center equipment purchased by the applicant or any 6156
other taxpayer that operates a computer data center business at 6157
the project site and used or to be used at the eligible computer 6158
data center. The director of development services shall prescribe 6159
the form of the application. After receipt of an application, the 6160
authority shall forward copies of the application to the director 6161
of budget and management and the tax commissioner, each of whom 6162
shall review the application to determine the economic impact that 6163
the proposed eligible computer data center would have on the state 6164
and any affected political subdivisions and submit to the 6165
authority a summary of their determinations. The authority shall 6166
also forward a copy of the application to the director of 6167
development services who shall review the application to determine 6168
the economic impact that the proposed eligible computer data 6169
center would have on the state and the affected political 6170
subdivisions and shall submit a summary of their determinations 6171
and recommendations to the authority. 6172

(D) Upon review and consideration of such determinations and 6173
recommendations, the tax credit authority may enter into an 6174
agreement with the applicant and any other taxpayer that operates 6175
a computer data center business at the project site for a complete 6176
or partial exemption from the taxes imposed under Chapters 5739. 6177
and 5741. of the Revised Code on computer data center equipment 6178
used or to be used at an eligible computer data center if the 6179
authority determines all of the following: 6180

(1) The capital investment project for the eligible computer 6181
data center will increase payroll and the amount of income taxes 6182
to be withheld from employee compensation pursuant to section 6183
5747.06 of the Revised Code. 6184

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

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

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

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

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

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

(3) A requirement that the computer data center remain an eligible computer data center during the term of the agreement and that the applicant maintain operations at the eligible computer data center during that term. An applicant does not violate the requirement described in division (E)(3) of this section if the applicant ceases operations at the eligible computer data center during the term of the agreement but resumes those operations

within eighteen months after the date of cessation. The agreement 6216
shall provide that, in such a case, the applicant and any other 6217
taxpayer that operates a computer data center business at the 6218
project site shall not claim the tax exemption authorized in the 6219
agreement for any purchase of computer data center equipment made 6220
during the period in which the applicant did not maintain 6221
operations at the eligible computer data center. 6222

(4) A requirement that, for each year of the term of the 6223
agreement beginning on or after the first day of the twenty-fifth 6224
month after the date the agreement was entered into, one or more 6225
taxpayers operating a computer data center business at the project 6226
site will, in the aggregate, pay annual compensation that is 6227
subject to the withholding obligation imposed under section 6228
5747.06 of the Revised Code of at least one million five hundred 6229
thousand dollars to employees at the eligible computer data 6230
center. 6231

(5) A requirement that each taxpayer subject to the agreement 6232
annually report to the director of development services 6233
employment, tax withholding, capital investment, and other 6234
information required by the director to perform the director's 6235
duties under this section. 6236

(6) A requirement that the director of development services 6237
annually review the annual reports of each taxpayer subject to the 6238
agreement to verify the information reported under division (E)(5) 6239
of this section and compliance with the agreement. Upon 6240
verification, the director shall issue a certificate to each such 6241
taxpayer stating that the information has been verified and that 6242
the taxpayer remains eligible for the exemption specified in the 6243
agreement. 6244

(7) A provision providing that the taxpayers subject to the 6245
agreement may not relocate a substantial number of employment 6246
positions from elsewhere in this state to the project site unless 6247

the director of development services determines that the 6248
appropriate taxpayer notified the legislative authority of the 6249
county, township, or municipal corporation from which the 6250
employment positions would be relocated. For purposes of this 6251
paragraph, the movement of an employment position from one 6252
political subdivision to another political subdivision shall be 6253
considered a relocation of an employment position unless the 6254
movement is confined to the project site. The transfer of an 6255
employment position from one political subdivision to another 6256
political subdivision shall not be considered a relocation of an 6257
employment position if the employment position in the first 6258
political subdivision is replaced by another employment position. 6259

(8) A waiver by each taxpayer subject to the agreement of any 6260
limitations periods relating to assessments or adjustments 6261
resulting from the taxpayer's failure to comply with the 6262
agreement. 6263

(F) The term of an agreement under this section shall be 6264
determined by the tax credit authority, and the amount of the 6265
exemption shall not exceed one hundred per cent of such taxes that 6266
would otherwise be owed in respect to the exempted computer data 6267
center equipment. 6268

(G) If any taxpayer subject to an agreement under this 6269
section fails to meet or comply with any condition or requirement 6270
set forth in the agreement, the tax credit authority may amend the 6271
agreement to reduce the percentage of the exemption or term during 6272
which the exemption applies to the computer data center equipment 6273
used or to be used by the noncompliant taxpayer at an eligible 6274
computer data center. The reduction of the percentage or term may 6275
take effect in the current calendar year. 6276

(H) Financial statements and other information submitted to 6277
the department of development services or the tax credit authority 6278
by an applicant for or recipient of an exemption under this 6279

section, and any information taken for any purpose from such 6280
statements or information, are not public records subject to 6281
section 149.43 of the Revised Code. However, the chairperson of 6282
the authority may make use of the statements and other information 6283
for purposes of issuing public reports or in connection with court 6284
proceedings concerning tax exemption agreements under this 6285
section. Upon the request of the tax commissioner, the chairperson 6286
of the authority shall provide to the tax commissioner any 6287
statement or other information submitted by an applicant for or 6288
recipient of an exemption under this section. The tax commissioner 6289
shall preserve the confidentiality of the statement or other 6290
information. 6291

(I) The tax commissioner shall issue a direct payment permit 6292
under section 5739.031 of the Revised Code to each taxpayer 6293
subject to an agreement under this section. Such direct payment 6294
permit shall authorize the taxpayer to pay any sales and use taxes 6295
due on purchases of computer data center equipment used or to be 6296
used in an eligible computer data center and to pay any sales and 6297
use taxes due on purchases of tangible personal property or 6298
taxable services other than computer data center equipment used or 6299
to be used in an eligible computer data center directly to the tax 6300
commissioner. Each such taxpayer shall pay pursuant to such direct 6301
payment permit all sales tax levied on such purchases under 6302
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 6303
Code and all use tax levied on such purchases under sections 6304
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 6305
consistent with the terms of the agreement entered into under this 6306
section. 6307

During the term of an agreement under this section each 6308
taxpayer subject to the agreement shall submit to the tax 6309
commissioner a return that shows the amount of computer data 6310
center equipment purchased for use at the eligible computer data 6311

center, the amount of tangible personal property and taxable 6312
services other than computer data center equipment purchased for 6313
use at the eligible computer data center, the amount of tax under 6314
Chapter 5739. or 5741. of the Revised Code that would be due in 6315
the absence of the agreement under this section, the exemption 6316
percentage for computer data center equipment specified in the 6317
agreement, and the amount of tax due under Chapter 5739. or 5741. 6318
of the Revised Code as a result of the agreement under this 6319
section. Each such taxpayer shall pay the tax shown on the return 6320
to be due in the manner and at the times as may be further 6321
prescribed by the tax commissioner. Each such taxpayer shall 6322
include a copy of the director of development services' 6323
certificate of verification issued under division (E)(6) of this 6324
section. Failure to submit a copy of the certificate with the 6325
return does not invalidate the claim for exemption if the taxpayer 6326
submits a copy of the certificate to the tax commissioner within 6327
~~sixty days after the tax commissioner requests it~~ the time 6328
prescribed by section 5703.0510 of the Revised Code. 6329

(J) If the director of development services determines that 6330
one or more taxpayers received an exemption from taxes due on the 6331
purchase of computer data center equipment purchased for use at a 6332
computer data center that no longer complies with the requirement 6333
under division (E)(3) of this section, the director shall notify 6334
the tax credit authority and, if applicable, the taxpayer that 6335
applied to enter the agreement for the exemption under division 6336
(C) of this section of the noncompliance. After receiving such a 6337
notice, and after giving each taxpayer subject to the agreement an 6338
opportunity to explain the noncompliance, the authority may 6339
terminate the agreement and require each such taxpayer to pay to 6340
the state all or a portion of the taxes that would have been owed 6341
in regards to the exempt equipment in previous years, all as 6342
determined under rules adopted pursuant to division (K) of this 6343
section. In determining the portion of the taxes that would have 6344

been owed on the previously exempted equipment to be paid to this 6345
state by a taxpayer, the authority shall consider the effect of 6346
market conditions on the eligible computer data center, whether 6347
the taxpayer continues to maintain other operations in this state, 6348
and, with respect to agreements involving multiple taxpayers, the 6349
taxpayer's level of responsibility for the noncompliance. After 6350
making the determination, the authority shall certify to the tax 6351
commissioner the amount to be paid by each taxpayer subject to the 6352
agreement. The tax commissioner shall make an assessment for that 6353
amount against each such taxpayer under Chapter 5739. or 5741. of 6354
the Revised Code. The time limitations on assessments under those 6355
chapters do not apply to an assessment under this division, but 6356
the tax commissioner shall make the assessment within one year 6357
after the date the authority certifies to the tax commissioner the 6358
amount to be paid by the taxpayer. 6359

(K) The director of development services, after consultation 6360
with the tax commissioner and in accordance with Chapter 119. of 6361
the Revised Code, shall adopt rules necessary to implement this 6362
section. The rules may provide for recipients of tax exemptions 6363
under this section to be charged fees to cover administrative 6364
costs incurred in the administration of this section. The fees 6365
collected shall be credited to the business-assistance tax 6366
incentives operating fund created in section 122.174 of the 6367
Revised Code. At the time the director gives public notice under 6368
division (A) of section 119.03 of the Revised Code of the adoption 6369
of the rules, the director shall submit copies of the proposed 6370
rules to the chairpersons of the standing committees on economic 6371
development in the senate and the house of representatives. 6372

(L) On or before the first day of August of each year, the 6373
director of development services shall submit a report to the 6374
governor, the president of the senate, and the speaker of the 6375
house of representatives on the tax exemption authorized under 6376

this section. The report shall include information on the number 6377
of agreements that were entered into under this section during the 6378
preceding calendar year, a description of the eligible computer 6379
data center that is the subject of each such agreement, and an 6380
update on the status of eligible computer data centers under 6381
agreements entered into before the preceding calendar year. 6382

(M) A taxpayer may be made a party to an existing agreement 6383
entered into under this section by the tax credit authority and 6384
another taxpayer or group of taxpayers. In such a case, the 6385
taxpayer shall be entitled to all benefits and bound by all 6386
obligations contained in the agreement and all requirements 6387
described in this section. When an agreement includes multiple 6388
taxpayers, each taxpayer shall be entitled to a direct payment 6389
permit as authorized in division (I) of this section. 6390

Sec. 122.33. The director of development services shall 6391
administer the following programs: 6392

(A) The industrial technology and enterprise development 6393
grant program, to provide capital to acquire, construct, enlarge, 6394
improve, or equip and to sell, lease, exchange, and otherwise 6395
dispose of property, structures, equipment, and facilities within 6396
the state. 6397

Such funding may be made to enterprises that propose to 6398
develop new products or technologies when the director finds all 6399
of the following factors to be present: 6400

(1) The undertaking will benefit the people of the state by 6401
creating or preserving jobs and employment opportunities or 6402
improving the economic welfare of the people of the state, and 6403
promoting the development of new technology. 6404

(2) There is reasonable assurance that the potential 6405
royalties to be derived from the sale of the product or process 6406

described in the proposal will be sufficient to repay the funding 6407
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 6408
Code and that, in making the agreement, as it relates to patents, 6409
copyrights, and other ownership rights, there is reasonable 6410
assurance that the resulting new technology will be utilized to 6411
the maximum extent possible in facilities located in Ohio. 6412

(3) The technology and research to be undertaken will allow 6413
enterprises to compete more effectively in the marketplace. Grants 6414
of capital may be in such form and conditioned upon such terms as 6415
the director deems appropriate. 6416

(B) The industrial technology and enterprise resources 6417
program to provide for the collection, dissemination, and exchange 6418
of information regarding equipment, facilities, and business 6419
planning consultation resources available in business, industry, 6420
and educational institutions and to establish methods by which 6421
small businesses may use available facilities and resources. The 6422
methods may include, but need not be limited to, leases 6423
reimbursing the educational institutions for their actual costs 6424
incurred in maintaining the facilities and agreements assigning 6425
royalties from development of successful products or processes 6426
through the use of the facilities and resources. The director 6427
shall operate this program in conjunction with the ~~board~~ 6428
department of regents higher education. 6429

(C) The Thomas Alva Edison grant program to provide grants to 6430
foster research, development, or technology transfer efforts 6431
involving enterprises and educational institutions that will lead 6432
to the creation of jobs. 6433

(1) Grants may be made to a nonprofit organization or a 6434
public or private educational institution, department, college, 6435
institute, faculty member, or other administrative subdivision or 6436
related entity of an educational institution when the director 6437
finds that the undertaking will benefit the people of the state by 6438

supporting research in advanced technology areas likely to improve 6439
the economic welfare of the people of the state through promoting 6440
the development of new commercial technology. 6441

(2) Grants may be made in a form and conditioned upon terms 6442
as the director considers appropriate. 6443

(3) ~~Grants~~ Except as provided in division (C)(4) of this 6444
section, grants made under this program shall ~~in all instances~~ be 6445
in conjunction with a contribution to the project by a cooperating 6446
enterprise which maintains or proposes to maintain a relevant 6447
research, development, or manufacturing facility in the state, by 6448
a nonprofit organization, or by an educational institution or 6449
related entity; however, funding provided by an educational 6450
institution or related entity shall not be from general revenue 6451
funds appropriated by the Ohio general assembly. No grant made 6452
under this program shall exceed the contribution made by the 6453
cooperating enterprise, nonprofit organization, or educational 6454
institution or related entity. The director may consider 6455
cooperating contributions in the form of state of the art new 6456
equipment or in other forms provided the director determines that 6457
the contribution is essential to the successful implementation of 6458
the project. The director may adopt rules or guidelines for the 6459
valuation of contributions of equipment or other property. 6460

(4) At the director's sole discretion, the requirement for a 6461
cooperating contribution under division (C)(3) of this section may 6462
be waived if the project will enable Ohio companies to access new 6463
technology applications. 6464

(5) The director may determine fields of research from which 6465
grant applications will be accepted under this program. 6466

(6) For purposes of division (C) of this section: 6467

(a) "New technology applications" means providing existing 6468
technology proven in at least one commercial environment to 6469

companies that have not done the following: 6470

(i) Used the technology; 6471

(ii) Used the technology for the purpose it was originally
created. 6472
6473

(b) "Ohio companies" means companies in which the principal
place of business is in this state or that propose to be engaged
in research and development, manufacturing, or provisioning of
products or services within the state. 6474
6475
6476
6477

Sec. 122.641. (A)(1) There is hereby created the lakes in 6478
economic distress revolving loan program to assist businesses and 6479
other entities that are adversely affected due to economic 6480
circumstances that result in the declaration of a lake as an area 6481
under economic distress by the director of natural resources under 6482
division (A)(2) of this section. The director of development 6483
services shall administer the program. 6484

(2) The director of natural resources shall do both of the 6485
following: 6486

(a) Declare a lake as an area under economic distress. The 6487
director shall declare a lake as an area under economic distress 6488
based solely on environmental or safety issues, including the 6489
closure of a dam for safety reasons. 6490

(b) Subsequently declare a lake as an area no longer under 6491
economic distress when the environmental or safety issues, as 6492
applicable, have been resolved. 6493

(B) There is hereby created in the state treasury the lakes 6494
in economic distress revolving loan fund. The fund shall consist 6495
of money appropriated to it, all payments of principal and 6496
interest on loans made from the fund, and all investment earnings 6497
on money in the fund. The director of development services shall 6498
use money in the fund to make loans under this section, provided 6499

that the loans shall be zero interest loans during the time that 6500
an applicable lake has been declared an area under economic 6501
distress under division (A)(2)(a) of this section. 6502

(C) The director shall adopt rules in accordance with Chapter 6503
119. of the Revised that do both of the following: 6504

(1) Establish requirements and procedures for the making of 6505
loans under this section, including all of the following: 6506

(a) Eligibility criteria; 6507

(b) Application procedures; 6508

(c) Criteria for approval or disapproval of loans, including 6509
a stipulation that an applicant must demonstrate that the loan 6510
will help to achieve long-term economic stability in the area; 6511

(d) Criteria for repayment of the loans, including the 6512
establishment of an interest rate that does not exceed two points 6513
less than prime after an applicable lake has been declared as an 6514
area no longer under economic distress under division (A)(2)(b) of 6515
this section. 6516

The eligibility criteria established by the director shall 6517
not require applicants to experience a reduction in gross revenue 6518
for a defined period of greater than ten per cent. 6519

Any material provided to the development services agency by 6520
an applicant is not a public record for the purposes of section 6521
149.43 of the Revised Code and shall remain confidential. 6522

(2) Establish any other provisions necessary to administer 6523
this section. 6524

(D) In administering the program, the director shall assist 6525
businesses and other entities in determining the amount of loans 6526
needed. 6527

Sec. 122.85. (A) As used in this section and in sections 6528

5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 6529

(1) "Tax credit-eligible production" means a motion picture 6530
production certified by the director of development services under 6531
division (B) of this section as qualifying the motion picture 6532
company for a tax credit under section 5726.55, 5733.59, 5747.66, 6533
or 5751.54 of the Revised Code. 6534

(2) "Certificate owner" means a motion picture company to 6535
which a tax credit certificate is issued or a person to which the 6536
company has transferred under division (H) of this section the 6537
authority to claim all or a part of the tax credit authorized by 6538
that certificate. 6539

(3) "Motion picture company" means an individual, 6540
corporation, partnership, limited liability company, or other form 6541
of business association producing a motion picture. 6542

(4) "Eligible production expenditures" means expenditures 6543
made after June 30, 2009, for goods or services purchased and 6544
consumed in this state by a motion picture company directly for 6545
the production of a tax credit-eligible production. 6546

"Eligible production expenditures" includes, but is not 6547
limited to, expenditures for cast and crew wages, accommodations, 6548
costs of set construction and operations, editing and related 6549
services, photography, sound synchronization, lighting, wardrobe, 6550
makeup and accessories, film processing, transfer, sound mixing, 6551
special and visual effects, music, location fees, and the purchase 6552
or rental of facilities and equipment. 6553

(5) "Motion picture" means entertainment content created in 6554
whole or in part within this state for distribution or exhibition 6555
to the general public, including, but not limited to, 6556
feature-length films; documentaries; long-form, specials, 6557
miniseries, series, and interstitial television programming; 6558

interactive web sites; sound recordings; videos; music videos; 6559
interactive television; interactive games; video games; 6560
commercials; any format of digital media; and any trailer, pilot, 6561
video teaser, or demo created primarily to stimulate the sale, 6562
marketing, promotion, or exploitation of future investment in 6563
either a product or a motion picture by any means and media in any 6564
digital media format, film, or videotape, provided the motion 6565
picture qualifies as a motion picture. "Motion picture" does not 6566
include any television program created primarily as news, weather, 6567
or financial market reports, a production featuring current events 6568
or sporting events, an awards show or other gala event, a 6569
production whose sole purpose is fundraising, a long-form 6570
production that primarily markets a product or service or in-house 6571
corporate advertising or other similar productions, a production 6572
for purposes of political advocacy, or any production for which 6573
records are required to be maintained under 18 U.S.C. 2257 with 6574
respect to sexually explicit content. 6575

(B) For the purpose of encouraging and developing a strong 6576
film industry in this state, the director of development services 6577
may certify a motion picture produced by a motion picture company 6578
as a tax credit-eligible production. In the case of a television 6579
series, the director may certify the production of each episode of 6580
the series as a separate tax credit-eligible production. A motion 6581
picture company shall apply for certification of a motion picture 6582
as a tax credit-eligible production on a form and in the manner 6583
prescribed by the director. Each application shall include the 6584
following information: 6585

(1) The name and telephone number of the motion picture 6586
production company; 6587

(2) The name and telephone number of the company's contact 6588
person; 6589

(3) A list of the first preproduction date through the last 6590

production date in Ohio;	6591
(4) The Ohio production office address and telephone number;	6592
(5) The total production budget of the motion picture;	6593
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;	6594 6595 6596
(7) The total percentage of the motion picture being shot in Ohio;	6597 6598
(8) The level of employment of cast and crew who reside in Ohio;	6599 6600
(9) A synopsis of the script;	6601
(10) The shooting script;	6602
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	6603 6604
(12) Documentation of financial ability to undertake and complete the motion picture;	6605 6606
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	6607 6608
(14) Any other information considered necessary by the director.	6609 6610
Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the request of the director of development services, the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible	6611 6612 6613 6614 6615 6616 6617 6618 6619

production certification has been rescinded from submitting a 6620
subsequent application for certification. 6621

(C)(1) A motion picture company whose motion picture has been 6622
certified as a tax credit-eligible production may apply to the 6623
director of development services on or after July 1, 2009, for a 6624
refundable credit against the tax imposed by section 5726.02, 6625
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 6626
consultation with the tax commissioner shall prescribe the form 6627
and manner of the application and the information or documentation 6628
required to be submitted with the application. 6629

The credit is determined as follows: 6630

(a) If the total budgeted eligible production expenditures 6631
stated in the application submitted under division (B) of this 6632
section or the actual eligible production expenditures as finally 6633
determined under division (D) of this section, whichever is least, 6634
is less than or equal to three hundred thousand dollars, no credit 6635
is allowed; 6636

(b) If the total budgeted eligible production expenditures 6637
stated in the application submitted under division (B) of this 6638
section or the actual eligible production expenditures as finally 6639
determined under division (D) of this section, whichever is least, 6640
is greater than three hundred thousand dollars, the credit equals 6641
thirty per cent of the least of such budgeted or actual eligible 6642
expenditure amounts. 6643

(2) Except as provided in division (C)(4) of this section, if 6644
the director of development services approves a motion picture 6645
company's application for a credit, the director shall issue a tax 6646
credit certificate to the company. The director in consultation 6647
with the tax commissioner shall prescribe the form and manner of 6648
issuing certificates. The director shall assign a unique 6649
identifying number to each tax credit certificate and shall record 6650

the certificate in a register devised and maintained by the 6651
director for that purpose. The certificate shall state the amount 6652
of the eligible production expenditures on which the credit is 6653
based and the amount of the credit. Upon the issuance of a 6654
certificate, the director shall certify to the tax commissioner 6655
the name of the applicant, the amount of eligible production 6656
expenditures shown on the certificate, and any other information 6657
required by the rules adopted to administer this section. 6658

(3) The amount of eligible production expenditures for which 6659
a tax credit may be claimed is subject to inspection and 6660
examination by the tax commissioner or employees of the 6661
commissioner under section 5703.19 of the Revised Code and any 6662
other applicable law. Once the eligible production expenditures 6663
are finally determined under section 5703.19 of the Revised Code 6664
and division (D) of this section, the credit amount is not subject 6665
to adjustment unless the director determines an error was 6666
committed in the computation of the credit amount. 6667

(4) No tax credit certificate may be issued before the 6668
completion of the tax credit-eligible production. Not more than 6669
forty million dollars of tax credit may be allowed per fiscal year 6670
beginning July 1, 2016. 6671

(D) A motion picture company whose motion picture has been 6672
certified as a tax credit-eligible production shall engage, at the 6673
company's expense, an independent certified public accountant to 6674
examine the company's production expenditures to identify the 6675
expenditures that qualify as eligible production expenditures. The 6676
certified public accountant shall issue a report to the company 6677
and to the director of development services certifying the 6678
company's eligible production expenditures and any other 6679
information required by the director. Upon receiving and examining 6680
the report, the director may disallow any expenditure the director 6681
determines is not an eligible production expenditure. If the 6682

director disallows an expenditure, the director shall issue a 6683
written notice to the motion picture production company stating 6684
that the expenditure is disallowed and the reason for the 6685
disallowance. Upon examination of the report and disallowance of 6686
any expenditures, the director shall determine finally the lesser 6687
of the total budgeted eligible production expenditures stated in 6688
the application submitted under division (B) of this section or 6689
the actual eligible production expenditures for the purpose of 6690
computing the amount of the credit. 6691

(E) No credit shall be allowed under section 5726.55, 6692
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 6693
director has reviewed the report and made the determination 6694
prescribed by division (D) of this section. 6695

(F) This state reserves the right to refuse the use of this 6696
state's name in the credits of any tax credit-eligible motion 6697
picture production. 6698

(G)(1) The director of development services in consultation 6699
with the tax commissioner shall adopt rules for the administration 6700
of this section, including rules setting forth and governing the 6701
criteria for determining whether a motion picture production is a 6702
tax credit-eligible production; activities that constitute the 6703
production of a motion picture; reporting sufficient evidence of 6704
reviewable progress; expenditures that qualify as eligible 6705
production expenditures; a competitive process for approving 6706
credits; consideration of geographic distribution of credits; and 6707
implementation of the program described in division (I) of this 6708
section. The rules shall be adopted under Chapter 119. of the 6709
Revised Code. 6710

(2) The director may require a reasonable application fee to 6711
cover administrative costs of the tax credit program. The fees 6712
collected shall be credited to the ~~business-assistance tax~~ 6713
incentives operating fund created in section 122.174 of the 6714

Revised Code. All grants, gifts, fees, and contributions made to 6715
the director for marketing and promotion of the motion picture 6716
industry within this state shall also be credited to the fund. ~~The~~ 6717
~~director shall use money in the fund to pay expenses related to~~ 6718
~~the administration of the Ohio film office and the credit~~ 6719
~~authorized by this section and sections 5726.55, 5733.59, 5747.66,~~ 6720
~~and 5751.54 of the Revised Code.~~ 6721

(H)(1) After the director of development services makes the 6722
determination required under division (D) of this section, a 6723
motion picture company to which a tax credit certificate is issued 6724
may transfer the authority to claim all or a portion of the amount 6725
of the tax credit the motion picture company is authorized to 6726
claim pursuant to that certificate under section 5726.55, 5733.59, 6727
5747.66, or 5751.54 of the Revised Code to one or more other 6728
persons. Within thirty days after a transfer under this division, 6729
the motion picture company shall submit the following information 6730
to the director, on a form prescribed by the director: 6731

(a) Information necessary for the director to identify the 6732
certificate that is the basis for the transfer; 6733

(b) The portion or amount of the tax credit transferred to 6734
each transferee; 6735

(c) The portion or amount of the tax credit that the motion 6736
picture company retains the authority to claim; 6737

(d) The tax identification number of each transferee; 6738

(e) The date of the transfer; 6739

(f) Any other information required by the director; 6740

(g) Any information required by the tax commissioner. 6741

The director shall deliver a copy of any submission received 6742
under division (H)(1) of this section to the tax commissioner. 6743

(2) A transferee may not claim a credit under section 6744

5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 6745
and until the transferring motion picture company complies with 6746
division (H)(1) of this section. A transferee may claim the 6747
transferred amount of any credit or portion of a credit for the 6748
same taxable year or tax period for which the transferring motion 6749
picture company was authorized to claim the credit or portion of a 6750
credit pursuant to the certificate. A motion picture company shall 6751
make no transfer under division (H)(1) of this section after the 6752
last day of the tax period or taxable year for which the motion 6753
picture company is required to claim the credit pursuant to the 6754
certificate. 6755

A motion picture company may make not more than one transfer 6756
under division (H)(1) of this section for each tax credit 6757
certificate, but pursuant to that transaction, may allocate the 6758
authority to claim a portion of the credit to more than one 6759
transferee. A motion picture company may not authorize more than 6760
one transferee to claim the same portion of a credit. 6761

(I) The director of development services shall establish a 6762
program for the training of Ohio residents who are or wish to be 6763
employed in the film or multimedia industry. Under the program, 6764
the director shall: 6765

(1) Certify individuals as film and multimedia trainees. In 6766
order to receive such a certification, an individual must be an 6767
Ohio resident, have participated in relevant on-the-job training 6768
or have completed a relevant training course approved by the 6769
director, and have met any other requirements established by the 6770
director. 6771

(2) Accept applications from motion picture companies that 6772
intend to hire and provide on-the-job training to one or more 6773
certified film and multimedia trainees who will be employed in the 6774
company's tax credit-eligible production. 6775

(3) Upon completion of a tax-credit eligible production, and 6776
upon the receipt of any salary information and other documentation 6777
required by the director, authorize a reimbursement payment to 6778
each motion picture company whose application was approved under 6779
division (1)(2) of this section. The payment shall equal fifty per 6780
cent of the salaries paid to film and multimedia trainees employed 6781
in the production. 6782

Sec. 122.86. (A) As used in this section and section 5747.81 6783
of the Revised Code: 6784

(1) "Small business enterprise" means a corporation, 6785
pass-through entity, or other person satisfying all of the 6786
following: 6787

(a) At the time of a qualifying investment, the enterprise 6788
meets all of the following requirements: 6789

(i) Has no outstanding tax or other liabilities owed to the 6790
state; 6791

(ii) Is in good standing with the secretary of state, if the 6792
enterprise is required to be registered with the secretary; 6793

(iii) Is current with any court-ordered payments; 6794

(iv) Is not engaged in any illegal activity. 6795

(b) At the time of a qualifying investment, the enterprise's 6796
assets according to generally accepted accounting principles do 6797
not exceed fifty million dollars, or its annual sales do not 6798
exceed ten million dollars. When making this determination, the 6799
assets and annual sales of all of the enterprise's related or 6800
affiliated entities shall be included in the calculation. 6801

(c) The enterprise employs at least fifty full-time 6802
equivalent employees in this state for whom the enterprise is 6803
required to withhold income tax under section 5747.06 of the 6804
Revised Code, or more than one-half the enterprise's total number 6805

of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.

(d) The enterprise, within six months after an eligible investor's qualifying investment is made, invests in or incurs cost for one or more of the following in an amount at least equal to the amount of the qualifying investment:

(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's holding period;

(ii) Motor vehicles operated on public roads and highways if, from the time of acquisition by the enterprise until the end of the investor's holding period, the motor vehicles are purchased in this state, registered in this state under Chapter 4503. of the Revised Code, are used primarily for business purposes, and are necessary for the operation of the enterprise's business;

(iii) Real property located in this state that is used in business from the time of its acquisition by the enterprise until the end of the holding period;

(iv) Intangible personal property, including patents, copyrights, trademarks, service marks, or licenses used in business primarily in this state from the time of its acquisition by the enterprise until the end of the holding period;

(v) Compensation for new employees of the enterprise for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, not including increased compensation for owners, officers, or managers of the enterprise. For this purpose compensation for new employees includes compensation for newly hired or retained employees.

(2) "Qualifying investment" means an investment of money made

on or after July 1, 2011, to acquire capital stock or other equity 6837
interest in a small business enterprise. "Qualifying investment" 6838
does not include either of the following: 6839

(a) Any investment of money an eligible investor derives, 6840
directly or indirectly, from a grant or loan from the federal 6841
government or the state or a political subdivision, including the 6842
third frontier program under Chapter 184. of the Revised Code; 6843

(b) Any investment of money which is the basis of a tax 6844
credit granted under any other section of the Revised Code. 6845

(3) "Eligible investor" means an individual, estate, or trust 6846
subject to the tax imposed by section 5747.02 of the Revised Code, 6847
or a pass-through entity in which such an individual, estate, or 6848
trust holds a direct or indirect ownership or other equity 6849
interest. To qualify as an eligible investor, the individual, 6850
estate, trust, or pass-through entity shall not owe any 6851
outstanding tax or other liability to the state at the time of a 6852
qualifying investment. 6853

(4) "Holding period" means the two-year period beginning on 6854
the day a qualifying investment is made. 6855

(5) "Pass-through entity" has the same meaning as in section 6856
5733.04 of the Revised Code. 6857

(B) Any eligible investor that makes a qualifying investment 6858
in a small business enterprise on or after July 1, 2011, may apply 6859
to the director of development services to obtain a small business 6860
investment certificate from the director. Alternatively, a small 6861
business enterprise may apply on behalf of eligible investors to 6862
obtain the certificates for those investors. The director, in 6863
consultation with the tax commissioner, shall prescribe the form 6864
or manner in which an applicant shall apply for the certificate, 6865
devise the form of the certificate, and prescribe any records or 6866
other information an applicant shall furnish with the application 6867

to evidence the qualifying investment. The applicant shall state 6868
the amount of the intended investment. The applicant shall pay an 6869
application fee equal to the greater of one-tenth of one per cent 6870
of the amount of the intended investment or one hundred dollars. 6871

A small business investment certificate entitles the 6872
certificate holder to receive a tax credit under section 5747.81 6873
of the Revised Code if the certificate holder qualifies for the 6874
credit as otherwise provided in this section. If the certificate 6875
holder is a pass-through entity, the certificate entitles the 6876
entity's equity owners to receive their distributive or 6877
proportionate shares of the credit. In any fiscal biennium, an 6878
eligible investor may not apply for small business investment 6879
certificates representing intended investment amounts in excess of 6880
ten million dollars. Such certificates are not transferable. 6881

The director of development services may reserve small 6882
business investment certificates to qualifying applicants in the 6883
order in which the director receives applications, but may issue 6884
the certificates as the applications are completed. An application 6885
is completed when the director has validated that an eligible 6886
investor has made a qualified investment and the small business 6887
enterprise has made the appropriate reinvestment of the qualified 6888
investment pursuant to the requirements of division (A)(1)(d) of 6889
this section. To qualify for a certificate, an eligible investor 6890
must satisfy both of the following, subject to the limitation on 6891
the amount of qualifying investments for which certificates may be 6892
issued under division (C) of this section: 6893

(1) The eligible investor makes a qualifying investment on or 6894
after July 1, 2011. 6895

(2) The eligible investor pledges not to sell or otherwise 6896
dispose of the qualifying investment before the conclusion of the 6897
applicable holding period. 6898

(C)(1) The amount of any eligible investor's qualifying investments for which small business investment certificates may be issued for a fiscal biennium shall not exceed ten million dollars.

(2) The director of development services shall not issue a small business investment certificate to an eligible investor representing an amount of qualifying investment in excess of the amount of the intended investment indicated on the investor's application for the certificate.

(3) The director of development services shall not issue small business investment certificates in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed one hundred million dollars.

(4) The director of development services may issue a small business investment certificate only if both of the following apply at the time of issuance:

(a) The small business enterprise meets all the requirements listed in divisions (A)(1)(a)(i) to (iv) of this section;

(b) The eligible investor does not owe any outstanding tax or other liability to the state.

(D) Before the end of the applicable holding period of a qualifying investment, each enterprise in which a qualifying investment was made for which a small business investment certificate has been issued, upon the request of the director of development services, shall provide to the director records or other evidence satisfactory to the director that the enterprise is a small business enterprise for the purposes of this section. Each enterprise shall also provide annually to the director records or evidence regarding the number of jobs created or retained in the state. No credit may be claimed under this section and section 5747.81 of the Revised Code if the director finds that an

enterprise is not a small business enterprise for the purposes of 6930
this section. The director shall compile and maintain a register 6931
of small business enterprises qualifying under this section and 6932
shall certify the register to the tax commissioner. The director 6933
shall also compile and maintain a record of the number of jobs 6934
created or retained as a result of qualifying investments made 6935
pursuant to this section. 6936

(E) After the conclusion of the applicable holding period for 6937
a qualifying investment, a person to whom a small business 6938
investment certificate has been issued under this section may 6939
claim a credit as provided under section 5747.81 of the Revised 6940
Code. 6941

(F) The director of development services, in consultation 6942
with the tax commissioner, may adopt rules for the administration 6943
of this section, including rules governing the following: 6944

(1) Documents, records, or other information eligible 6945
investors shall provide to the director; 6946

(2) Any information a small business enterprise shall provide 6947
for the purposes of this section and section 5747.81 of the 6948
Revised Code; 6949

(3) Determination of the number of full-time equivalent 6950
employees of a small business enterprise; 6951

(4) Verification of a small business enterprise's investment 6952
in tangible personal property and intangible personal property 6953
under division (A)(1)(d) of this section, including when such 6954
investments have been made and where the property is used in 6955
business; 6956

(5) Circumstances under which small business enterprises or 6957
eligible investors may be subverting the purposes of this section 6958
and section 5747.81 of the Revised Code. 6959

~~There is hereby created in the state treasury the InvestOhio support fund. The fund shall consist of the fees (G) Application fees paid under division (B) of this section and shall be used by the development services agency to pay the costs of administering the small business investment certificate program established under this section credited to the tax incentives operating fund created in section 122.174 of the Revised Code.~~

Sec. 122.98. (A) There is hereby created the Ohio aerospace and aviation technology committee, consisting of the following members:

(1) Three members of the senate, appointed by the president of the senate, not more than two of whom may be members of the same political party;

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, not more than two of whom may be members of the same political party;

(3) Fifteen members representing the aviation, aerospace, or technology industry, the military, or academia. One such member shall be appointed by the governor, and fourteen such members shall be appointed by majority vote of the six members representing the senate and house of representatives.

The legislative members of the committee shall be appointed not later than September 1, 2014, and the remaining members shall be appointed within ten days thereafter. The initial term of all members shall end on December 31, 2016. Thereafter, the term of all members shall end on the thirty-first day of December of the year following the year of appointment. Vacancies shall be filled in the manner of the original appointment.

The first legislator appointed to the committee by the speaker of the house of representatives after the effective date

of H.B. 292 of the 130th general assembly, September 17, 2014, 6990
shall serve as the first chairperson of the committee and shall 6991
serve until December 31, 2016. Every general assembly thereafter, 6992
the chairperson shall alternate between the first legislator 6993
appointed by the president of the senate and the first legislator 6994
appointed by the speaker of the house of representatives. 6995

(B) The duties of the committee shall include, but are not 6996
limited to, all of the following: 6997

(1) Studying and developing comprehensive strategies to 6998
promote the aviation, aerospace, and technology industry 6999
throughout the state, including through the commercialization of 7000
aviation, aerospace, and technology products and ideas; 7001

(2) Encouraging communication and resource-sharing among 7002
individuals and organizations involved in the aviation, aerospace, 7003
and technology industry, including business, the military, and 7004
academia; 7005

(3) Promoting research and development in the aviation, 7006
aerospace, and technology industry, including research and 7007
development of unmanned aerial vehicles; 7008

(4) Providing assistance related to military base realignment 7009
and closure. 7010

(C) The Ohio aerospace and aviation council shall serve as an 7011
advisory council to the committee. 7012

(D) The committee shall compile an annual report of its 7013
activities, findings, and recommendations and shall furnish a copy 7014
of the report to the governor, president of the senate, and 7015
speaker of the house of representatives not later than ~~July 1,~~ 7016
~~2015,~~ and the ~~first~~ thirty-first day of ~~July~~ December of each year 7017
~~thereafter.~~ 7018

Sec. 123.01. (A) The department of administrative services, 7019

in addition to those powers enumerated in Chapters 124. and 125. 7020
of the Revised Code and provided elsewhere by law, shall exercise 7021
the following powers: 7022

(1) To prepare and suggest comprehensive plans for the 7023
development of grounds and buildings under the control of a state 7024
agency; 7025

(2) To acquire, by purchase, gift, devise, lease, or grant, 7026
all real estate required by a state agency, in the exercise of 7027
which power the department may exercise the power of eminent 7028
domain, in the manner provided by sections 163.01 to 163.22 of the 7029
Revised Code; 7030

(3) To erect, supervise, and maintain all public monuments 7031
and memorials erected by the state, except where the supervision 7032
and maintenance is otherwise provided by law; 7033

(4) To procure, by lease, storage accommodations for a state 7034
agency; 7035

(5) To lease or grant easements or licenses for unproductive 7036
and unused lands or other property under the control of a state 7037
agency. Such leases, easements, or licenses may be granted to any 7038
person or entity, shall be for a period not to exceed fifteen 7039
years, and shall be executed for the state by the director of 7040
administrative services, provided that the director shall grant 7041
leases, easements, or licenses of university land for periods not 7042
to exceed twenty-five years for purposes approved by the 7043
respective university's board of trustees wherein the uses are 7044
compatible with the uses and needs of the university and may grant 7045
leases of university land for periods not to exceed forty years 7046
for purposes approved by the respective university's board of 7047
trustees pursuant to section 123.17 of the Revised Code. 7048

(6) To lease space for the use of a state agency; 7049

(7) To have general supervision and care of the storerooms, 7050

offices, and buildings leased for the use of a state agency; 7051

(8) To exercise general custodial care of all real property 7052
of the state; 7053

(9) To assign and group together state offices in any city in 7054
the state and to establish, in cooperation with the state agencies 7055
involved, rules governing space requirements for office or storage 7056
use; 7057

(10) To lease for a period not to exceed forty years, 7058
pursuant to a contract providing for the construction thereof 7059
under a lease-purchase plan, buildings, structures, and other 7060
improvements for any public purpose, and, in conjunction 7061
therewith, to grant leases, easements, or licenses for lands under 7062
the control of a state agency for a period not to exceed forty 7063
years. The lease-purchase plan shall provide that at the end of 7064
the lease period, the buildings, structures, and related 7065
improvements, together with the land on which they are situated, 7066
shall become the property of the state without cost. 7067

(a) Whenever any building, structure, or other improvement is 7068
to be so leased by a state agency, the department shall retain 7069
either basic plans, specifications, bills of materials, and 7070
estimates of cost with sufficient detail to afford bidders all 7071
needed information or, alternatively, all of the following plans, 7072
details, bills of materials, and specifications: 7073

(i) Full and accurate plans suitable for the use of mechanics 7074
and other builders in the improvement; 7075

(ii) Details to scale and full sized, so drawn and 7076
represented as to be easily understood; 7077

(iii) Accurate bills showing the exact quantity of different 7078
kinds of material necessary to the construction; 7079

(iv) Definite and complete specifications of the work to be 7080

performed, together with such directions as will enable a 7081
competent mechanic or other builder to carry them out and afford 7082
bidders all needed information; 7083

(v) A full and accurate estimate of each item of expense and 7084
of the aggregate cost thereof. 7085

(b) The department shall give public notice, in such 7086
newspaper, in such form, and with such phraseology as the director 7087
of administrative services prescribes, published once each week 7088
for four consecutive weeks, of the time when and place where bids 7089
will be received for entering into an agreement to lease to a 7090
state agency a building, structure, or other improvement. The last 7091
publication shall be at least eight days preceding the day for 7092
opening the bids. The bids shall contain the terms upon which the 7093
builder would propose to lease the building, structure, or other 7094
improvement to the state agency. The form of the bid approved by 7095
the department shall be used, and a bid is invalid and shall not 7096
be considered unless that form is used without change, alteration, 7097
or addition. Before submitting bids pursuant to this section, any 7098
builder shall comply with Chapter 153. of the Revised Code. 7099

(c) On the day and at the place named for receiving bids for 7100
entering into lease agreements with a state agency, the director 7101
of administrative services shall open the bids and shall publicly 7102
proceed immediately to tabulate the bids upon duplicate sheets. No 7103
lease agreement shall be entered into until the bureau of workers' 7104
compensation has certified that the person to be awarded the lease 7105
agreement has complied with Chapter 4123. of the Revised Code, 7106
until, if the builder submitting the lowest and best bid is a 7107
foreign corporation, the secretary of state has certified that the 7108
corporation is authorized to do business in this state, until, if 7109
the builder submitting the lowest and best bid is a person 7110
nonresident of this state, the person has filed with the secretary 7111
of state a power of attorney designating the secretary of state as 7112

its agent for the purpose of accepting service of summons in any 7113
action brought under Chapter 4123. of the Revised Code, and until 7114
the agreement is submitted to the attorney general and the 7115
attorney general's approval is certified thereon. Within thirty 7116
days after the day on which the bids are received, the department 7117
shall investigate the bids received and shall determine that the 7118
bureau and the secretary of state have made the certifications 7119
required by this section of the builder who has submitted the 7120
lowest and best bid. Within ten days of the completion of the 7121
investigation of the bids, the department shall award the lease 7122
agreement to the builder who has submitted the lowest and best bid 7123
and who has been certified by the bureau and secretary of state as 7124
required by this section. If bidding for the lease agreement has 7125
been conducted upon the basis of basic plans, specifications, 7126
bills of materials, and estimates of costs, upon the award to the 7127
builder the department, or the builder with the approval of the 7128
department, shall appoint an architect or engineer licensed in 7129
this state to prepare such further detailed plans, specifications, 7130
and bills of materials as are required to construct the building, 7131
structure, or improvement. The department shall adopt such rules 7132
as are necessary to give effect to this section. The department 7133
may reject any bid. Where there is reason to believe there is 7134
collusion or combination among bidders, the bids of those 7135
concerned therein shall be rejected. 7136

(11) To acquire by purchase, gift, devise, or grant and to 7137
transfer, lease, or otherwise dispose of all real property 7138
required to assist in the development of a conversion facility as 7139
defined in section 5709.30 of the Revised Code as that section 7140
existed before its repeal by Amended Substitute House Bill 95 of 7141
the 125th general assembly; 7142

(12) To lease for a period not to exceed forty years, 7143
notwithstanding any other division of this section, the 7144

state-owned property located at 408-450 East Town Street, 7145
Columbus, Ohio, formerly the state school for the deaf, to a 7146
developer in accordance with this section. "Developer," as used in 7147
this section, has the same meaning as in section 123.77 of the 7148
Revised Code. 7149

Such a lease shall be for the purpose of development of the 7150
land for use by senior citizens by constructing, altering, 7151
renovating, repairing, expanding, and improving the site as it 7152
existed on June 25, 1982. A developer desiring to lease the land 7153
shall prepare for submission to the department a plan for 7154
development. Plans shall include provisions for roads, sewers, 7155
water lines, waste disposal, water supply, and similar matters to 7156
meet the requirements of state and local laws. The plans shall 7157
also include provision for protection of the property by insurance 7158
or otherwise, and plans for financing the development, and shall 7159
set forth details of the developer's financial responsibility. 7160

The department may employ, as employees or consultants, 7161
persons needed to assist in reviewing the development plans. Those 7162
persons may include attorneys, financial experts, engineers, and 7163
other necessary experts. The department shall review the 7164
development plans and may enter into a lease if it finds all of 7165
the following: 7166

(a) The best interests of the state will be promoted by 7167
entering into a lease with the developer; 7168

(b) The development plans are satisfactory; 7169

(c) The developer has established the developer's financial 7170
responsibility and satisfactory plans for financing the 7171
development. 7172

The lease shall contain a provision that construction or 7173
renovation of the buildings, roads, structures, and other 7174
necessary facilities shall begin within one year after the date of 7175

the lease and shall proceed according to a schedule agreed to 7176
between the department and the developer or the lease will be 7177
terminated. The lease shall contain such conditions and 7178
stipulations as the director considers necessary to preserve the 7179
best interest of the state. Moneys received by the state pursuant 7180
to this lease shall be paid into the general revenue fund. The 7181
lease shall provide that at the end of the lease period the 7182
buildings, structures, and related improvements shall become the 7183
property of the state without cost. 7184

(13) To manage the use of space owned and controlled by the 7185
department by doing all of the following: 7186

(a) Biennially implementing, by state agency location, a 7187
census of agency employees assigned space; 7188

(b) Periodically in the discretion of the director of 7189
administrative services: 7190

(i) Requiring each state agency to categorize the use of 7191
space allotted to the agency between office space, common areas, 7192
storage space, and other uses, and to report its findings to the 7193
department; 7194

(ii) Creating and updating a master space utilization plan 7195
for all space allotted to state agencies. The plan shall 7196
incorporate space utilization metrics. 7197

(iii) Conducting a cost-benefit analysis to determine the 7198
effectiveness of state-owned buildings; 7199

(iv) Assessing the alternatives associated with consolidating 7200
the commercial leases for buildings located in Columbus. 7201

(c) Commissioning a comprehensive space utilization and 7202
capacity study in order to determine the feasibility of 7203
consolidating existing commercially leased space used by state 7204
agencies into a new state-owned facility. 7205

(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.

(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:

(a) Identifying available energy efficiency and conservation opportunities;

(b) Providing for interchange of information among purchasing agencies;

(c) Identifying laws, policies, rules, and procedures that should be modified;

(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;

(e) Providing technical assistance and training to state employees involved in the purchasing process;

(f) Working with the development services agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.

(16) To require all state agencies, departments, divisions, 7236
bureaus, offices, units, commissions, boards, authorities, 7237
quasi-governmental entities, institutions, and state institutions 7238
of higher education to implement procedures to ensure that all of 7239
the passenger automobiles they acquire in each fiscal year, except 7240
for those passenger automobiles acquired for use in law 7241
enforcement or emergency rescue work, achieve a fleet average fuel 7242
economy of not less than the fleet average fuel economy for that 7243
fiscal year as the department shall prescribe by rule. The 7244
department shall adopt the rule prior to the beginning of the 7245
fiscal year, in accordance with the average fuel economy standards 7246
established by federal law for passenger automobiles manufactured 7247
during the model year that begins during the fiscal year. 7248

Each state agency, department, division, bureau, office, 7249
unit, commission, board, authority, quasi-governmental entity, 7250
institution, and state institution of higher education shall 7251
determine its fleet average fuel economy by dividing the total 7252
number of passenger vehicles acquired during the fiscal year, 7253
except for those passenger vehicles acquired for use in law 7254
enforcement or emergency rescue work, by a sum of terms, each of 7255
which is a fraction created by dividing the number of passenger 7256
vehicles of a given make, model, and year, except for passenger 7257
vehicles acquired for use in law enforcement or emergency rescue 7258
work, acquired during the fiscal year by the fuel economy measured 7259
by the administrator of the United States environmental protection 7260
agency, for the given make, model, and year of vehicle, that 7261
constitutes an average fuel economy for combined city and highway 7262
driving. 7263

As used in division (A)(16) of this section, "acquired" means 7264
leased for a period of sixty continuous days or more, or 7265
purchased. 7266

(B) This section and section 125.02 of the Revised Code shall 7267

not interfere with any of the following: 7268

(1) The power of the adjutant general to purchase military 7269
supplies, or with the custody of the adjutant general of property 7270
leased, purchased, or constructed by the state and used for 7271
military purposes, or with the functions of the adjutant general 7272
as director of state armories; 7273

(2) The power of the director of transportation in acquiring 7274
rights-of-way for the state highway system, or the leasing of 7275
lands for division or resident district offices, or the leasing of 7276
lands or buildings required in the maintenance operations of the 7277
department of transportation, or the purchase of real property for 7278
garage sites or division or resident district offices, or in 7279
preparing plans and specifications for and constructing such 7280
buildings as the director may require in the administration of the 7281
department; 7282

(3) The power of the director of public safety and the 7283
registrar of motor vehicles to purchase or lease real property and 7284
buildings to be used solely as locations to which a deputy 7285
registrar is assigned pursuant to division (B) of section 4507.011 7286
of the Revised Code and from which the deputy registrar is to 7287
conduct the deputy registrar's business, the power of the director 7288
of public safety to purchase or lease real property and buildings 7289
to be used as locations for division or district offices as 7290
required in the maintenance of operations of the department of 7291
public safety, and the power of the superintendent of the state 7292
highway patrol in the purchase or leasing of real property and 7293
buildings needed by the patrol, to negotiate the sale of real 7294
property owned by the patrol, to rent or lease real property owned 7295
or leased by the patrol, and to make or cause to be made repairs 7296
to all property owned or under the control of the patrol; 7297

(4) The power of the division of liquor control in the 7298
leasing or purchasing of retail outlets and warehouse facilities 7299

for the use of the division; 7300

(5) The power of the director of development services to 7301
enter into leases of real property, buildings, and office space to 7302
be used solely as locations for the state's foreign offices to 7303
carry out the purposes of section 122.05 of the Revised Code; 7304

(6) The power of the director of environmental protection to 7305
enter into environmental covenants, to grant and accept easements, 7306
or to sell property pursuant to division (G) of section 3745.01 of 7307
the Revised Code; 7308

(7) The power of the department of public safety under 7309
section 5502.01 of the Revised Code to direct security measures 7310
and operations for the Vern Riffe center and the James A. Rhodes 7311
state office tower. The department of administrative services 7312
shall implement all security measures and operations at the Vern 7313
Riffe center and the James A. Rhodes state office tower as 7314
directed by the department of public safety. 7315

(C) Purchases for, and the custody and repair of, buildings 7316
under the management and control of the capitol square review and 7317
advisory board, the opportunities for Ohioans with disabilities 7318
agency, the bureau of workers' compensation, or the departments of 7319
public safety, job and family services, mental health and 7320
addiction services, developmental disabilities, and rehabilitation 7321
and correction; buildings of educational and benevolent 7322
institutions under the management and control of boards of 7323
trustees; and purchases or leases for, and the custody and repair 7324
of, office space used for the purposes of ~~the joint legislative~~ 7325
~~ethics committee~~ any agency of the legislative branch of state 7326
government are not subject to the control and jurisdiction of the 7327
department of administrative services. 7328

~~If the joint legislative ethics committee~~ an agency of the 7329
legislative branch of state government, except the capitol square 7330

review and advisory board, so requests, the ~~committee~~ agency and 7331
the director of administrative services may enter into a contract 7332
under which the department of administrative services agrees to 7333
perform any services requested by the ~~committee~~ agency that the 7334
department is authorized under this section to perform. 7335

(D) Any instrument by which real property is acquired 7336
pursuant to this section shall identify the agency of the state 7337
that has the use and benefit of the real property as specified in 7338
section 5301.012 of the Revised Code. 7339

Sec. ~~152.08~~ 123.011. (A) The ~~Ohio building authority~~ 7340
department of administrative services may: 7341

(1) ~~Acquire, by gift, grant, or purchase, and hold and~~ 7342
~~mortgage, real estate and interests therein and personal property~~ 7343
~~suitable for its purposes, provided that no land used by the~~ 7344
~~authority pursuant to section 152.05 of the Revised Code shall be~~ 7345
~~mortgaged by the authority;~~ 7346

(2) ~~Purchase, construct, reconstruct, equip, furnish,~~ 7347
~~improve, alter, enlarge, maintain, repair, and operate buildings,~~ 7348
~~facilities, and other properties for the purposes set forth in~~ 7349
~~section 152.04 of the Revised Code. The authority shall construct,~~ 7350
~~operate, and maintain its buildings, facilities, and other~~ 7351
~~properties in a healthy, safe, and sanitary manner.~~ 7352

(3) ~~Issue revenue bonds to secure funds to accomplish its~~ 7353
~~purposes, the principal of and interest on and all other payments~~ 7354
~~required to be made by the trust agreement or indenture securing~~ 7355
~~such bonds to be paid solely from revenues accruing to the~~ 7356
~~authority through the operation of its buildings, facilities, and~~ 7357
~~other properties;~~ 7358

(4) ~~Enter into contracts and execute all instruments~~ 7359
~~necessary in the conduct of its business;~~ 7360

~~(5) Fix, alter, and charge rentals and other charges for the use and occupancy of its buildings, facilities, and other properties and enter into leases with the persons specified in section 152.04 of the Revised Code;~~

~~(6) Employ financial consultants, appraisers, consulting engineers, architects, superintendents, managers, construction and accounting experts, attorneys at law, and other employees and agents as are necessary, in its judgment, and fix their compensation;~~

~~(7)(2) Provide for the persons occupying its buildings, facilities, and other properties, health clinics, medical services, food services, and such other services as such persons cannot provide for themselves; and, if the authority department determines that it is more advantageous, it may enter into contracts with persons, firms, or corporations or with any governmental agency, board, commission, or department to provide any of such clinics or services;~~

~~(8) Pledge, hypothecate, or otherwise encumber such of its rentals or other charges as may be agreed as security for its obligations, and enter into trust agreements or indentures for the benefit of its bondholders;~~

~~(9) Borrow money or accept advances, loans, gifts, grants, devises, or bequests from, and enter into contracts or agreements with, any federal agency or other governmental or private source, and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof. Such advances, loans, gifts, grants, or devises of real estate may be in fee simple or of any lesser estate and may be subject to any reasonable reservations. Any advances or loans received from any federal or other governmental or private source may be repaid in accordance with the terms of such advance or loan.~~

~~(10) Conduct investigations into housing and living conditions in order to be able to purchase, construct, or reconstruct suitable buildings and facilities to fulfill its purpose, and determine the best locations within the state for its buildings, facilities, and other properties;~~

~~(11) Enter into lawful arrangements with the appropriate federal or state department or agency, county, township, municipal government, or other political subdivision, or public agency for the planning and installation of streets, roads, alleys, public parks and recreation areas, public utility facilities, and other necessary appurtenances to its projects;~~

~~(12) Purchase fire, extended coverage, and liability insurance for its property, and insurance covering the authority and its officers and employees for liability for damage or injury to persons or property;~~

~~(13) Sell, lease, release, or otherwise dispose of property owned by the authority and not needed for the purposes of the authority and grant such easements across the property of the authority as will not interfere with its use of its property;~~

~~(14) Establish rules and regulations for the use and operation of its buildings, facilities, and other properties;~~

~~(15) Do all other acts necessary to the fulfillment of its purposes.~~

~~(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.~~

~~(C) Any person may possess a firearm in a motor vehicle in the parking garage at the Riffe center for government and the arts in Columbus, if the person's possession of the firearm in the motor vehicle is not in violation of section 2923.16 of the~~

Revised Code or any other provision of the Revised Code. Any 7423
person may store or leave a firearm in a locked motor vehicle that 7424
is parked in the parking garage at the Riffe center for government 7425
and the arts in Columbus, if the person's transportation and 7426
possession of the firearm in the motor vehicle while traveling to 7427
the garage was not in violation of section 2923.16 of the Revised 7428
Code or any other provision of the Revised Code. 7429

Sec. 123.20. (A) There is hereby created the Ohio facilities 7430
construction commission. The commission shall administer the 7431
design and construction of improvements to public facilities of 7432
the state in accordance with this chapter, the provision of 7433
financial assistance to school districts for the acquisition or 7434
construction of classroom facilities in accordance with Chapter 7435
3318. of the Revised Code, and any other applicable provisions of 7436
the Revised Code. 7437

The commission is a body corporate and politic, an agency of 7438
state government and an instrumentality of the state, performing 7439
essential governmental functions of this state. The carrying out 7440
of the purposes and the exercise by the commission of its powers 7441
are essential public functions and public purposes of the state. 7442
The commission may, in its own name, sue and be sued, enter into 7443
contracts, and perform all the powers and duties given to it by 7444
the Revised Code, but it does not have and shall not exercise the 7445
power of eminent domain. In its discretion and as it determines 7446
appropriate, the commission may delegate to any of its members, 7447
executive director, or other employees any of the commission's 7448
powers and duties to carry out its functions. 7449

(B) The commission shall consist of seven members, three of 7450
whom shall be voting members+. The voting members shall be 7451
director of the office of budget and management and, the director 7452
of administrative services, ~~or their designees,~~ and ~~a member~~ an 7453

additional administrative department head listed in section 121.03 7454
of the Revised Code whom the governor shall appoint. Each voting 7455
member of the commission may designate an employee of the member's 7456
agency to serve on the member's behalf. 7457

The nonvoting members shall be two members of the senate 7458
appointed by the president of the senate and two members of the 7459
house of representatives appointed by the speaker of the house of 7460
representatives. The nonvoting members who are senators shall not 7461
be members of the same political party, and the nonvoting members 7462
who are representatives shall not be members of the same political 7463
party. 7464

Not later than the thirty-first day of January of an 7465
odd-numbered year, the president of the senate and the speaker of 7466
the house of representatives shall appoint the nonvoting members 7467
of the commission to serve for the duration of that general 7468
assembly. A seat on the commission becomes vacant if the nonvoting 7469
member who held the seat ceases to serve in the chamber of the 7470
general assembly from which the nonvoting member was appointed. A 7471
vacancy in a nonvoting seat on the commission shall be filled in 7472
the manner provided for original appointments not later than the 7473
thirty-first day after the day the seat becomes vacant. 7474

Members of the commission or their designees shall serve 7475
without compensation. 7476

~~Within sixty days after the effective date of this section,~~ 7477
~~the commission shall meet and organize by electing voting members~~ 7478
~~as the chairperson and vice chairperson of the commission, who~~ 7479
~~shall hold their offices until the next organizational meeting of~~ 7480
~~the commission.~~ Organizational meetings of the commission shall be 7481
held at the first meeting of each calendar year. At each 7482
organizational meeting, the commission shall elect from among its 7483
voting members a chairperson and vice-chairperson, who shall serve 7484
until the next annual organizational meeting. The commission shall 7485

adopt rules pursuant to Chapter 119. of the Revised Code for the 7486
conduct of its internal business and shall keep a journal of its 7487
proceedings. Including the organizational meeting, the commission 7488
shall meet at least once each calendar year. 7489

Two voting members of the commission constitute a quorum, and 7490
the affirmative vote of two members is necessary for approval of 7491
any action taken by the commission. A vacancy in the membership of 7492
the commission does not impair a quorum from exercising all the 7493
rights and performing all the duties of the commission. Meetings 7494
of the commission may be held anywhere in the state and shall be 7495
held in compliance with section 121.22 of the Revised Code. 7496

~~(C) Within sixty days after the effective date of this 7497
section, the governor shall appoint a member to the commission. 7498
The initial appointment shall be for a term ending three years 7499
after the effective date of this section, with subsequent terms 7500
ending three years after they begin, on the same day of the same 7501
month as the initial term. 7502~~

~~A vacancy for the member appointed by the governor shall be 7503
filled in the same manner as provided for the original 7504
appointment. The appointed member shall hold office for the 7505
remainder of the term for which the vacancy existed. After the 7506
expiration of the term, the appointed member shall continue in 7507
office for a period of sixty days or until the appointed member's 7508
successor takes office, whichever period is shorter. 7509~~

~~(D)~~ The commission shall file an annual report of its 7510
activities and finances, including a report of the expenditures 7511
and progress of the classroom facilities assistance program under 7512
Chapter 3318. of the Revised Code, with the governor, speaker of 7513
the house of representatives, president of the senate, and 7514
chairpersons of the house and senate finance committees. 7515

~~(E)~~(D) The commission shall be exempt from the requirements 7516

of sections 101.82 to 101.87 of the Revised Code. 7517

Sec. 123.21. (A) The Ohio facilities construction commission 7518
may perform any act and ensure the performance of any function 7519
necessary or appropriate to carry out the purposes of, and 7520
exercise the powers granted under this chapter or any other 7521
provision of the Revised Code, including any of the following: 7522

(1) ~~Prepare~~ Except as otherwise provided in section 123.211 7523
of the Revised Code, prepare, or contract to be prepared, by 7524
licensed engineers or architects, surveys, general and detailed 7525
plans, specifications, bills of materials, and estimates of cost 7526
for any projects, improvements, or public buildings to be 7527
constructed by state agencies that may be authorized by 7528
legislative appropriations or any other funds made available 7529
therefor, provided that the construction of the projects, 7530
improvements, or public buildings is a statutory duty of the 7531
commission. This section does not require the independent 7532
employment of an architect or engineer as provided by section 7533
153.01 of the Revised Code in the cases to which section 153.01 of 7534
the Revised Code applies. This section does not affect or alter 7535
the existing powers of the director of transportation. 7536

(2) ~~Have~~ Except as otherwise provided in section 123.211 of 7537
the Revised Code, have general supervision over the construction 7538
of any projects, improvements, or public buildings constructed for 7539
a state agency and over the inspection of materials prior to their 7540
incorporation into those projects, improvements, or buildings. 7541

(3) ~~Make~~ Except as otherwise provided in section 123.211 of 7542
the Revised Code, make contracts for and supervise the design and 7543
construction of any projects and improvements or the construction 7544
and repair of buildings under the control of a state agency. All 7545
such contracts may be based in whole or in part on the unit price 7546
or maximum estimated cost, with payment computed and made upon 7547

actual quantities or units. 7548

(4) Adopt, amend, and rescind rules pertaining to the 7549
administration of the construction of the public works of the 7550
state as required by law, in accordance with Chapter 119. of the 7551
Revised Code. 7552

(5) Contract with, retain the services of, or designate, and 7553
fix the compensation of, such agents, accountants, consultants, 7554
advisers, and other independent contractors as may be necessary or 7555
desirable to carry out the programs authorized under this chapter, 7556
or authorize the executive director to perform such powers and 7557
duties. 7558

(6) Receive and accept any gifts, grants, donations, and 7559
pledges, and receipts therefrom, to be used for the programs 7560
authorized under this chapter. 7561

(7) Make and enter into all contracts, commitments, and 7562
agreements, and execute all instruments, necessary or incidental 7563
to the performance of its duties and the execution of its rights 7564
and powers under this chapter, or authorize the executive director 7565
to perform such powers and duties. 7566

(8) Debar a contractor as provided in section 153.02 of the 7567
Revised Code. 7568

(9) Enter into and administer cooperative agreements for 7569
cultural projects, as provided in sections 123.28 and 123.281 of 7570
the Revised Code. 7571

(B) The commission shall appoint and fix the compensation of 7572
an executive director who shall serve at the pleasure of the 7573
commission. The executive director shall exercise all powers that 7574
the commission possesses, supervise the operations of the 7575
commission, and perform such other duties as delegated by the 7576
commission. The executive director also shall employ and fix the 7577
compensation of such employees as will facilitate the activities 7578

and purposes of the commission, who shall serve at the pleasure of 7579
the executive director. The employees of the commission are exempt 7580
from Chapter 4117. of the Revised Code and are not considered 7581
public employees as defined in section 4117.01 of the Revised 7582
Code. Any agreement entered into prior to July 1, 2012, between 7583
the office of collective bargaining and the exclusive 7584
representative for employees of the commission is binding and 7585
shall continue to have effect. 7586

(C) The attorney general shall serve as the legal 7587
representative for the commission and may appoint other counsel as 7588
necessary for that purpose in accordance with section 109.07 of 7589
the Revised Code. 7590

Sec. 124.384. (A) Except as otherwise provided in this 7591
section, employees whose salaries or wages are paid by warrant of 7592
the director of budget and management and who have accumulated 7593
sick leave under section 124.38 or 124.382 of the Revised Code 7594
shall be paid for a percentage of their accumulated balances, upon 7595
separation for any reason, including death but excluding 7596
retirement, at their last base rate of pay at the rate of one hour 7597
of pay for every two hours of accumulated balances. An employee 7598
who retires in accordance with any retirement plan offered by the 7599
state shall be paid upon retirement for each hour of the 7600
employee's accumulated sick leave balance at a rate of fifty-five 7601
per cent of the employee's last base rate of pay. 7602

An employee serving in a temporary work level who elects to 7603
convert unused sick leave to cash shall do so at the base rate of 7604
pay of the employee's normal classification. If an employee dies, 7605
the employee's unused sick leave shall be paid in accordance with 7606
section 2113.04 of the Revised Code or to the employee's estate. 7607

In order to be eligible for the payment authorized by this 7608
section, an employee shall have at least one year of state service 7609

and shall request all or a portion of that payment no later than 7610
three years after separation from state service. No person is 7611
eligible to receive all or a portion of the payment authorized by 7612
this section at any time later than three years after the person's 7613
separation from state service. 7614

(B) ~~Except as otherwise provided in this division, a~~ A person 7615
initially employed on or after July 5, 1987, by a state agency in 7616
which the employees' salaries or wages are paid directly by 7617
warrant of the director of budget and management shall receive 7618
payment under this section only for sick leave accumulated while 7619
employed by state agencies in which the employees' salaries or 7620
wages are paid directly by warrant of the director of budget and 7621
management. ~~A~~ Additionally, a person initially employed on or 7622
after July 5, 1987, but before October 1, 2017, by the state 7623
department of education as an unclassified employee shall receive 7624
payment under this section ~~only for sick leave accumulated while~~ 7625
~~employed by state agencies in which the employees' salaries or~~ 7626
~~wages are paid directly by warrant of the director of budget and~~ 7627
~~management and~~ for sick leave placed to the employee's credit 7628
under division (E)(2) of section 124.382 of the Revised Code. 7629

(C) For employees paid in accordance with section 124.152 of 7630
the Revised Code and those employees listed in divisions (B)(2) 7631
and (4) of section 124.14 of the Revised Code, the director of 7632
administrative services, with the approval of the director of 7633
budget and management, may establish a plan for early payment of 7634
accrued sick leave and vacation leave. 7635

Sec. 124.823. The department of administrative services shall 7636
establish a ~~pilot program under which it includes medical~~ high 7637
deductible health plan that qualifies under section 223 of the 7638
Internal Revenue Code along with a health savings accounts account 7639
as part of any package of health care benefit options offered to 7640

state employees and state elected officials paid by warrant of the 7641
director of budget and management. Except for the provisions in 7642
divisions (A) and (B) of section 3924.64 of the Revised Code 7643
concerning designation of an administrator, ~~a medical~~ the health 7644
savings account ~~established as part of the program~~ is subject to 7645
sections 3924.64 to 3924.74 of the Revised Code. 7646

The department is not required to offer the ~~medical~~ high 7647
deductible health plan with a health savings account option to any 7648
state employee who is covered under a collective bargaining 7649
agreement entered into pursuant to Chapter 4117. of the Revised 7650
Code, but ~~a medical savings account~~ the option may be part of a 7651
package of health care benefit options offered pursuant to a 7652
collective bargaining agreement. The department may ~~limit~~ 7653
~~enrollment in the medical savings account program and may~~ require 7654
state employees enrolled in ~~it~~ the high deductible health plan to 7655
contribute to their ~~medical~~ health savings accounts. The 7656
department shall make both individual and family coverage 7657
available through the ~~accounts~~ high deductible health plan. The 7658
~~program~~ high deductible health plan shall not increase the cost of 7659
providing health insurance to state employees. ~~The department may~~ 7660
~~end the program at any time not sooner than two years after it is~~ 7661
~~established, except that the department may not end the program~~ 7662
~~prior to providing six months' notice to the speaker of the house~~ 7663
~~of representatives, president of the senate, minority leader of~~ 7664
~~the house and minority leader of the senate, and the chairs of the~~ 7665
~~standing committees of the senate and house of representatives~~ 7666
~~with primary responsibility for health and insurance legislation.~~ 7667

A state employee who chooses the ~~medical~~ high deductible 7668
health plan with a health savings account option shall have any 7669
state health, medical, hospital, dental, surgical, and vision 7670
benefits for which the employee is eligible provided through the 7671
~~medical savings account~~ plan. The department, under section 124.81 7672

or 124.82 of the Revised Code, shall contract for or otherwise 7673
provide a the high-deductible ~~policy or contract~~ health plan with 7674
a health savings account through which those benefits can be paid. 7675

~~The An~~ employee ~~for whom a medical~~ who chooses the high 7676
deductible health plan with a health savings account ~~is opened~~ 7677
shall at the time the account is opened choose an administrator 7678
from a list of administrators designated by the department, one of 7679
which may be the insurer from which the department purchases the 7680
high-deductible ~~policy or contract~~ health plan. If the employee 7681
fails to choose an administrator, the department shall designate 7682
an administrator. 7683

If an elected state official whose term commenced prior to 7684
the establishment of the ~~program~~ high deductible health plan with 7685
a health savings account elects to participate in the ~~medical~~ 7686
~~savings account program~~ plan, participation shall commence at the 7687
beginning of the term following establishment of the ~~program~~ plan. 7688
7689

Sec. 124.93. (A) As used in this section, "physician" means 7690
any person who holds a valid ~~certificate~~ license to practice 7691
medicine and surgery or osteopathic medicine and surgery issued 7692
under Chapter 4731. of the Revised Code. 7693

(B) No health insuring corporation that, on or after July 1, 7694
1993, enters into or renews a contract with the department of 7695
administrative services under section 124.82 of the Revised Code, 7696
because of a physician's race, color, religion, sex, national 7697
origin, disability or military status as defined in section 7698
4112.01 of the Revised Code, age, or ancestry, shall refuse to 7699
contract with that physician for the provision of health care 7700
services under section 124.82 of the Revised Code. 7701

Any health insuring corporation that violates this division 7702
is deemed to have engaged in an unlawful discriminatory practice 7703

as defined in section 4112.02 of the Revised Code and is subject 7704
to Chapter 4112. of the Revised Code. 7705

(C) Each health insuring corporation that, on or after July 7706
1, 1993, enters into or renews a contract with the department of 7707
administrative services under section 124.82 of the Revised Code 7708
and that refuses to contract with a physician for the provision of 7709
health care services under that section shall provide that 7710
physician with a written notice that clearly explains the reason 7711
or reasons for the refusal. The notice shall be sent to the 7712
physician by regular mail within thirty days after the refusal. 7713

Any health insuring corporation that fails to provide notice 7714
in compliance with this division is deemed to have engaged in an 7715
unfair and deceptive act or practice in the business of insurance 7716
as defined in section 3901.21 of the Revised Code and is subject 7717
to sections 3901.19 to 3901.26 of the Revised Code. 7718

Sec. 125.03. Any state agency wanting to purchase automatic 7719
data processing, computer services as defined in section 2913.01 7720
of the Revised Code, electronic publishing services, or electronic 7721
information services, or any consulting services related to 7722
information technology, the aggregate cost of which would amount 7723
to more than fifty thousand dollars over the next succeeding 7724
five-year period, shall make the purchase by competitive selection 7725
and with the approval of the controlling board. In its request for 7726
approval, the agency shall provide the board with a comparative 7727
analysis of the cost of similar systems utilized by other states 7728
and a description of the measures it took to find the most 7729
cost-effective system. The comparative analysis shall not be 7730
considered a public record under section 149.43 of the Revised 7731
Code unless the request is approved by the board and the agency 7732
has awarded the contract. 7733

Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of administrative services that the purchase is not subject to a first or second requisite procurement program. State agencies shall submit a purchase request to the department of administrative services unless the department has determined the request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.

(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request:

(1) Ohio penal industries within the department of rehabilitation and correction; and

(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code.

(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so:

(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code;

(2) Office of information technology at the department of administrative services as established in section 125.18 of the

Revised Code;	7764
(3) Office of state printing and mail services at the	7765
department of administrative services as prescribed in Chapter	7766
125. of the Revised Code;	7767
(4) Office of support services <u>Ohio pharmacy services</u> at the	7768
department of mental health <u>and addiction services</u> as prescribed	7769
in section 5119.44 of the Revised Code;	7770
(5) Ohio facilities construction commission established in	7771
section 123.20 of the Revised Code; and	7772
(6) Any other program within, or administered by, a state	7773
agency that, by law, requires purchases to be made by, or with the	7774
approval of, the state agency.	7775
(D) Upon receipt of a purchase request, the department of	7776
administrative services shall provide the requesting agency a	7777
notification of receipt of the purchase request. The department	7778
then shall determine whether the request can be fulfilled through	7779
a first requisite procurement program. In making the	7780
determination, the department may consult with each of the first	7781
requisite procurement programs. When the department has made its	7782
determination, it shall:	7783
(1) Direct the requesting agency to obtain the desired	7784
supplies or services through the proper first requisite	7785
procurement program;	7786
(2) Provide the agency with a waiver from the use of the	7787
applicable first requisite procurement programs under sections	7788
125.609 or 5147.07 of the Revised Code; or	7789
(3) Determine whether the purchase can be fulfilled through a	7790
second requisite procurement program under division (E) of this	7791
section.	7792
(E) In making the determination that a purchase is subject to	7793

a second requisite procurement program, the department shall 7794
identify potentially applicable programs and notify each program 7795
of the requested purchase. The notified second requisite 7796
procurement program shall respond to the department within two 7797
business days with regard to its ability to provide the requested 7798
purchase. If the second requisite procurement program can provide 7799
the requested purchase, the department shall direct the requesting 7800
agency to make the requested purchase from the appropriate second 7801
requisite procurement program. If the department has not received 7802
notification from a second requisite procurement program within 7803
two business days and the department has made the determination 7804
that the purchase is not subject to a second requisite procurement 7805
program, the department shall provide a waiver to the requesting 7806
agency. 7807

(F) Within five business days after receipt of a request, the 7808
department shall notify the requesting agency of its determination 7809
and provide any waiver under divisions (D) or (E) of this section. 7810
If the department fails to respond within five business days or 7811
fails to provide an explanation for any further delay within that 7812
time, the requesting agency may use direct purchasing authority to 7813
make the requested purchase, subject to the requirements of 7814
division (G) of this section and section 127.16 of the Revised 7815
Code. 7816

(G) As provided in sections 125.02 and 125.05 of the Revised 7817
Code and subject to such rules as the director of administrative 7818
services may adopt, the department may issue a release and permit 7819
to the agency to secure supplies or services. A release and permit 7820
shall specify the supplies or services to which it applies, the 7821
time during which it is operative, and the reason for its 7822
issuance. A release and permit for telephone, other 7823
telecommunications, and computer services shall be provided in 7824
accordance with section 125.18 of the Revised Code and shall 7825

specify the type of services to be rendered, the number and type 7826
of hardware to be used, and may specify the amount of such 7827
services to be performed. No requesting agency shall proceed with 7828
such purchase until it has received an approved release and permit 7829
from the director of administrative services or the director's 7830
designee. 7831

Sec. 125.04. (A) Except for the requirements of division (B) 7832
of this section, section 125.092, and division (B) of section 7833
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 7834
to 125.15 of the Revised Code do not apply to or affect state 7835
institutions of higher education. 7836

(B)(1) As used in this division: 7837

(a) "Chartered nonpublic school" has the same meaning as in 7838
section 3310.01 of the Revised Code. 7839

(b) "Emergency medical service organization" has the same 7840
meaning as in section 4765.01 of the Revised Code. 7841

(c) "Governmental agency" means a political subdivision or 7842
special district in this state established by or under law, or any 7843
combination of these entities; the United States or any 7844
department, division, or agency of the United States; one or more 7845
other states or groups of states; other purchasing consortia; and 7846
any agency, commission, or authority established under an 7847
interstate compact or agreement. 7848

(d) "Political subdivision" means any county, township, 7849
municipal corporation, school district, conservancy district, 7850
township park district, park district created under Chapter 1545. 7851
of the Revised Code, regional transit authority, regional airport 7852
authority, regional water and sewer district, or port authority. 7853
"Political subdivision" also includes any other political 7854
subdivision described in the Revised Code that has been approved 7855

by the department of administrative services to participate in the 7856
department's contracts under this division. 7857

(e) "Private fire company" has the same meaning as in section 7858
9.60 of the Revised Code. 7859

(f) "State institution of higher education" has the meaning 7860
defined in section 3345.011 of the Revised Code. 7861

(2) Subject to division (C) of this section, the department 7862
of administrative services may permit a state institution of 7863
higher education, governmental agency, political subdivision, 7864
county board of elections, private fire company, private, 7865
nonprofit emergency medical service organization, or chartered 7866
nonpublic school to participate in contracts into which the 7867
department has entered for the purchase of supplies and services. 7868
The department may charge the entity a reasonable fee to cover the 7869
administrative costs the department incurs as a result of 7870
participation by the entity in such a purchase contract. 7871

A political subdivision desiring to participate in such 7872
purchase contracts shall file with the department a certified copy 7873
of an ordinance or resolution of the legislative authority or 7874
governing board of the political subdivision. The resolution or 7875
ordinance shall request that the political subdivision be 7876
authorized to participate in such contracts and shall agree that 7877
the political subdivision will be bound by such terms and 7878
conditions as the department prescribes and that it will directly 7879
pay the vendor under each purchase contract. A board of elections 7880
desiring to participate in such purchase contracts shall file with 7881
the purchasing authority a written request for inclusion in the 7882
program. A private fire company, private, nonprofit emergency 7883
medical service organization, or chartered nonpublic school 7884
desiring to participate in such purchase contracts shall file with 7885
the department a written request for inclusion in the program 7886
signed by the chief officer of the company, organization, or 7887

chartered nonpublic school. A governmental agency desiring to 7888
participate in such purchase contracts shall file with the 7889
department a written request for inclusion in the program. A state 7890
institution of higher education desiring to participate in such 7891
purchase contracts shall file with the department a certified copy 7892
of resolution of the board of trustees or similar authorizing 7893
body. The resolution shall request that the state institution of 7894
higher education be authorized to participate in such contracts. 7895

A request for inclusion shall include an agreement to be 7896
bound by such terms and conditions as the department prescribes 7897
and to make direct payments to the vendor under each purchase 7898
contract. 7899

The department shall include in its annual report, an 7900
estimate of the purchases made by state institutions of higher 7901
education, governmental agencies, political subdivisions, county 7902
boards of elections, private fire companies, private, nonprofit 7903
emergency medical service organizations, and chartered nonpublic 7904
schools from contracts pursuant to this division. The department 7905
may require such entities to file a report with the department, as 7906
often as it finds necessary, stating how many such contracts the 7907
entities participated in within a specified period of time, and 7908
any other information the department requires. 7909

(3) Purchases made by a political subdivision or a county 7910
board of elections under this division are exempt from any 7911
competitive selection procedures otherwise required by law. No 7912
political subdivision shall make any purchase under this division 7913
when bids have been received for such purchase by the subdivision, 7914
unless such purchase can be made upon the same terms, conditions, 7915
and specifications at a lower price under this division. 7916

(C) A political subdivision as defined in division (B) of 7917
this section or a county board of elections may purchase supplies 7918
or services from another party, including a political subdivision, 7919

instead of through participation in contracts described in 7920
division (B) of this section if the political subdivision or 7921
county board of elections can purchase those supplies or services 7922
from the other party upon equivalent terms, conditions, and 7923
specifications but at a lower price than it can through those 7924
contracts. Purchases that a political subdivision or county board 7925
of elections makes under this division are exempt from any 7926
competitive selection procedures otherwise required by law. A 7927
political subdivision or county board of elections that makes any 7928
purchase under this division shall maintain sufficient information 7929
regarding the purchase to verify that the political subdivision or 7930
county board of elections satisfied the conditions for making a 7931
purchase under this division. Nothing in this division restricts 7932
any action taken by a county or township as authorized by division 7933
(B)(1) of section 9.48 of the Revised Code. 7934

(D) This section does not apply to supplies or services 7935
purchased by a state agency directly as provided in section 125.05 7936
of the Revised Code, or to purchases of supplies or services for 7937
the emergency management agency or other state agencies as 7938
provided in section 125.061 of the Revised Code. 7939

Sec. 125.051. (A) As used in this section: 7940

(1) "Advertising" includes advertising in print or electronic 7941
newspapers, journals, or magazines and advertising broadcast over 7942
radio or television or placed on the internet. 7943

(2) "State official" means an official elected to a statewide 7944
office or a member of the general assembly. 7945

(B) Any advertising purchased with public money by a state 7946
official for the same purpose that, in the aggregate, exceeds 7947
fifty thousand dollars during the fiscal year, shall be subject to 7948
controlling board approval. 7949

Sec. 125.061. (A) <u>As used in this section:</u>	7950
(1) <u>"Emergency" has the same meaning as defined in section 5502.21 of the Revised Code.</u>	7951 7952
(2) <u>"State procurement emergency" means a situation that creates all of the following:</u>	7953 7954
(a) <u>A threat to public health, safety, or welfare;</u>	7955
(b) <u>An immediate and serious need for supplies or services that cannot be met through normal procurement methods required by state law; and</u>	7956 7957 7958
(c) <u>A serious threat of harm to the functioning of state government, the preservation or protection of property, or the health or safety of any person.</u>	7959 7960 7961
(B) During the period of an emergency as defined in section 5502.21 of the Revised Code, the department of administrative services may suspend, for the emergency management agency established in section 5502.22 of the Revised Code or any other state agency participating in response and recovery activities as defined in section 5502.21 of the Revised Code, the purchasing and contracting requirements contained in Chapter 125. and any requirement of Chapter 153. of the Revised Code that otherwise would apply to the agency. The director of public safety or the executive director of the emergency management agency shall make the request for the suspension of these requirements to the department of administrative services concurrently with the request to the governor or the president of the United States for the declaration of an emergency. The governor also shall include in any proclamation the governor issues declaring an emergency language requesting the suspension of those requirements during the period of the emergency.	7962 7963 7964 7965 7966 7967 7968 7969 7970 7971 7972 7973 7974 7975 7976 7977 7978
(B) Before any purchase may be made under a suspension	7979

~~authorized by this section, the director of administrative 7980
services shall send notice of the suspension as approved under 7981
division (A) of this section to the director of budget and 7982
management and to the members of the controlling board. The notice 7983
shall provide details of the request for suspension and shall 7984
include a copy of the director's approval. 7985~~

(C) During the period of a state procurement emergency, the 7986
department of administrative services may suspend, for any state 7987
agency, the purchasing and contracting requirements contained in 7988
Chapter 125. of the Revised Code that would otherwise be required 7989
of the agency. 7990

(1) The director or administrative head of the state agency 7991
where the state procurement emergency exists shall request the 7992
department of administrative services to suspend the purchasing 7993
and contracting requirements in Chapter 125. of the Revised Code. 7994

(2) The request shall include information detailing the 7995
immediacy of the state procurement emergency and a description of 7996
the necessary supplies or services that cannot be timely purchased 7997
through normal procurement methods otherwise required by state 7998
law. 7999

(3) Whenever practical, the agency shall obtain a release and 8000
permit from the department of administrative services under 8001
section 125.035 of the Revised Code before making purchases under 8002
this division. 8003

(D) Before any purchase may be made under a suspension 8004
authorized by this section, the director of administrative 8005
services shall send notice of the suspension as approved by the 8006
director to the director of budget and management and to the 8007
members of the controlling board. The notice shall provide details 8008
of the request for suspension and shall include a copy of the 8009
director's approval. 8010

(E) Purchases made by state agencies under this section are 8011
exempt from the requirements of section 127.16 of the Revised 8012
Code, except that state agencies making purchases under this 8013
section shall file a report with the president of the controlling 8014
board describing all such purchases made by the agency during the 8015
period covered by the emergency declaration or state procurement 8016
emergency. The report shall be filed within ninety days after the 8017
declaration or state procurement emergency condition expires. 8018

Sec. 125.18. (A) There is hereby established the office of 8019
information technology within the department of administrative 8020
services. The office shall be under the supervision of a state 8021
chief information officer to be appointed by the director of 8022
administrative services and subject to removal at the pleasure of 8023
the director. The chief information officer is an assistant 8024
director of administrative services. 8025

(B) Under the direction of the director of administrative 8026
services, the state chief information officer shall lead, oversee, 8027
and direct state agency activities related to information 8028
technology development and use. In that regard, the state chief 8029
information officer shall do all of the following: 8030

(1) Coordinate and superintend statewide efforts to promote 8031
common use and development of technology by state agencies. The 8032
office of information technology shall establish policies and 8033
standards that govern and direct state agency participation in 8034
statewide programs and initiatives. 8035

(2) Establish policies and standards for the acquisition and 8036
use of common information technology by state agencies, including, 8037
but not limited to, hardware, software, technology services, and 8038
security, and the extension of the service life of information 8039
technology systems, with which state agencies shall comply; 8040

(3) Establish criteria and review processes to identify state 8041

agency information technology projects or purchases that require 8042
alignment or oversight. As appropriate, the department of 8043
administrative services shall provide the governor and the 8044
director of budget and management with notice and advice regarding 8045
the appropriate allocation of resources for those projects. The 8046
state chief information officer may require state agencies to 8047
provide, and may prescribe the form and manner by which they must 8048
provide, information to fulfill the state chief information 8049
officer's alignment and oversight role; 8050

(4) Establish policies and procedures for the security of 8051
personal information that is maintained and destroyed by state 8052
agencies; 8053

(5) Employ a chief information security officer who is 8054
responsible for the implementation of the policies and procedures 8055
described in division (B)(4) of this section and for coordinating 8056
the implementation of those policies and procedures in all of the 8057
state agencies; 8058

(6) Employ a chief privacy officer who is responsible for 8059
advising state agencies when establishing policies and procedures 8060
for the security of personal information and developing education 8061
and training programs regarding the state's security procedures; 8062

(7) Establish policies on the purchasing, use, and 8063
reimbursement for use of handheld computing and telecommunications 8064
devices by state agency employees; 8065

(8) Establish policies for the reduction of printing and the 8066
use of electronic records by state agencies; 8067

(9) Establish policies for the reduction of energy 8068
consumption by state agencies; 8069

(10) Compute the amount of revenue attributable to the 8070
amortization of all equipment purchases and capitalized systems 8071
from information technology service delivery and major information 8072

technology purchases operating appropriation items and major 8073
computer purchases capital appropriation items that is recovered 8074
as part of the information technology services rates the 8075
department of administrative services charges and deposits into 8076
the information technology fund created in section 125.15 of the 8077
Revised Code; 8078

(11) Regularly review and make recommendations regarding 8079
improving the infrastructure of the state's cybersecurity 8080
operations with existing resources and through partnerships 8081
between government, business, and institutions of higher 8082
education; 8083

(12) Assist, as needed, with general state efforts to grow 8084
the cybersecurity industry in this state. 8085

(C)(1) The chief information security officer shall assist 8086
each state agency with the development of an information 8087
technology security strategic plan and review that plan, and each 8088
state agency shall submit that plan to the state chief information 8089
officer. The chief information security officer may require that 8090
each state agency update its information technology security 8091
strategic plan annually as determined by the state chief 8092
information officer. 8093

(2) Prior to the implementation of any information technology 8094
data system, a state agency shall prepare or have prepared a 8095
privacy impact statement for that system. 8096

(D) When a state agency requests a purchase of information 8097
technology supplies or services under Chapter 125. of the Revised 8098
Code, the state chief information officer may review and reject 8099
the requested purchase for noncompliance with information 8100
technology direction, plans, policies, standards, or 8101
project-alignment criteria. 8102

(E) The office of information technology may operate 8103

technology services for state agencies in accordance with this 8104
chapter. 8105

Notwithstanding any provision of the Revised Code to the 8106
contrary, the office of information technology may assess a 8107
transaction fee to an individual who uses an electronic licensing 8108
system operated by the office to apply for or renew a license or 8109
registration in an amount determined by the office not to exceed 8110
three dollars and fifty cents. The director of administrative 8111
services may collect the fee or require a state agency for which 8112
the system is being operated to collect the fee. Amounts received 8113
under this division shall be deposited in the professions 8114
licensing system fund created in division (I) of this section. 8115

(F) With the approval of the director of administrative 8116
services, the office of information technology may establish 8117
cooperative agreements with federal and local government agencies 8118
and state agencies that are not under the authority of the 8119
governor for the provision of technology services and the 8120
development of technology projects. 8121

(G) The office of information technology may operate a 8122
program to make information technology purchases. The director of 8123
administrative services may recover the cost of operating the 8124
program from all participating government entities by issuing 8125
intrastate transfer voucher billings for the procured technology 8126
or through any pass-through billing method agreed to by the 8127
director of administrative services, the director of budget and 8128
management, and the participating government entities that will 8129
receive the procured technology. 8130

If the director of administrative services chooses to recover 8131
the program costs through intrastate transfer voucher billings, 8132
the participating government entities shall process the intrastate 8133
transfer vouchers to pay for the cost. Amounts received under this 8134
section for the information technology purchase program shall be 8135

deposited to the credit of the information technology governance 8136
fund created in section 125.15 of the Revised Code. 8137

(H) Upon request from the director of administrative 8138
services, the director of budget and management may transfer cash 8139
from the information technology fund created in section 125.15 of 8140
the Revised Code to the major information technology purchases 8141
fund in an amount not to exceed the amount computed under division 8142
(B)(10) of this section. The major information technology 8143
purchases fund is hereby created in the state treasury. 8144

(I) There is hereby created in the state treasury the 8145
professions licensing system fund. The fund shall be used to 8146
operate the electronic licensing system referenced in division (E) 8147
of this section. 8148

(J) As used in this section: 8149

(1) "Personal information" has the same meaning as in section 8150
149.45 of the Revised Code. 8151

(2) "State agency" means every organized body, office, or 8152
agency established by the laws of the state for the exercise of 8153
any function of state government, other than any state-supported 8154
institution of higher education, the office of the auditor of 8155
state, treasurer of state, secretary of state, or attorney 8156
general, the adjutant general's department, the bureau of workers' 8157
compensation, the industrial commission, the public employees 8158
retirement system, the Ohio police and fire pension fund, the 8159
state teachers retirement system, the school employees retirement 8160
system, the state highway patrol retirement system, the general 8161
assembly or any legislative agency, the capitol square review 8162
advisory board, or the courts or any judicial agency. 8163

Sec. 125.22. (A) The department of administrative services 8164
shall establish the central service agency to perform routine 8165

support for the following boards and commissions:	8166
(1) Architects board;	8167
(2) Barber board;	8168
(3) State chiropractic board;	8169
(4)(3) State <u>cosmetology and barber</u> board of cosmetology;	8170
(5)(4) Accountancy board;	8171
(6)(5) State dental board;	8172
(7) State board of optometry;	8173
(8) Ohio occupational therapy, physical therapy, and athletic trainers (6) <u>State physical health services</u> board;	8174 8175
(9)(7) State board of registration for professional engineers and surveyors;	8176 8177
(10) State board of sanitarian registration;	8178
(11)(8) Board of embalmers and funeral directors;	8179
(12)(9) State board of psychology;	8180
(13) Ohio optical dispensers board;	8181
(14) Board of speech pathology and audiology;	8182
(15)(10) Counselor, social worker, and marriage and family therapist board;	8183 8184
(16)(11) State veterinary medical licensing board;	8185
(17) Ohio board of dietetics;	8186
(18)(12) Commission on Hispanic-Latino affairs;	8187
(19) Ohio respiratory care board;	8188
(20)(13) Ohio commission on African-American males;	8189
(21)(14) Chemical dependency professionals board;	8190
<u>(15) State vision professionals board;</u>	8191

<u>(16) State speech and hearing professionals board.</u>	8192
(B)(1) Notwithstanding any other section of the Revised Code,	8193
the agency shall perform the following routine support services	8194
for the boards and commissions named in division (A) of this	8195
section unless the controlling board exempts a board or commission	8196
from this requirement on the recommendation of the director of	8197
administrative services:	8198
(a) Preparing and processing payroll and other personnel	8199
documents;	8200
(b) Preparing and processing vouchers, purchase orders,	8201
encumbrances, and other accounting documents;	8202
(c) Maintaining ledgers of accounts and balances;	8203
(d) Preparing and monitoring budgets and allotment plans in	8204
consultation with the boards and commissions;	8205
(e) Other routine support services that the director of	8206
administrative services considers appropriate to achieve	8207
efficiency.	8208
(2) The agency may perform other services which a board or	8209
commission named in division (A) of this section delegates to the	8210
agency and the agency accepts.	8211
(3) The agency may perform any service for any professional	8212
or occupational licensing board not named in division (A) of this	8213
section or any commission if the board or commission requests such	8214
service and the agency accepts.	8215
(C) The director of administrative services shall be the	8216
appointing authority for the agency.	8217
(D) The agency shall determine the fees to be charged to the	8218
boards and commissions, which shall be in proportion to the	8219
services performed for each board or commission.	8220
(E) Each board or commission named in division (A) of this	8221

section and any other board or commission requesting services from 8222
the agency shall pay these fees to the agency from the general 8223
revenue fund maintenance account of the board or commission or 8224
from such other fund as the operating expenses of the board or 8225
commission are paid. Any amounts set aside for a fiscal year by a 8226
board or commission to allow for the payment of fees shall be used 8227
only for the services performed by the agency in that fiscal year. 8228
All receipts collected by the agency shall be deposited in the 8229
state treasury to the credit of the central service agency fund, 8230
which is hereby created. All expenses incurred by the agency in 8231
performing services for the boards or commissions shall be paid 8232
from the fund. 8233

(F) Nothing in this section shall be construed as a grant of 8234
authority for the central service agency to initiate or deny 8235
personnel or fiscal actions for the boards and commissions. 8236

Sec. 125.28. (A) The director of administrative services 8237
shall determine the reimbursable cost of space in state-owned or 8238
state-leased facilities and shall collect reimbursements for that 8239
cost. 8240

(B) The director may provide building maintenance services 8241
and ~~minor construction project management~~ tenant improvement 8242
services to any state agency and may collect reimbursements for 8243
the cost of providing those services. 8244

(C) All money collected by the department of administrative 8245
services, for operating expenses of facilities owned or maintained 8246
by the department, or for tenant improvement services, shall be 8247
deposited into the state treasury to the credit of the building 8248
management fund, which is hereby created. ~~All money collected by~~ 8249
~~the department for minor construction project management services~~ 8250
~~shall be deposited into the state treasury to the credit of the~~ 8251
~~minor construction project management fund, which is hereby~~ 8252

~~created.~~ All money collected for depreciation and related costs 8253
shall be deposited into the building improvement fund created 8254
under section 125.27 of the Revised Code or deposited into the 8255
building management fund and then transferred by the director of 8256
budget and management to the building improvement fund. 8257

Sec. 125.32. (A) The department of administrative services 8258
may establish an enterprise data management and analytics program 8259
to gather, combine, and analyze data provided by one or more 8260
agencies to measure the outcome of state-funded programs, develop 8261
policies to promote the effective, efficient, and best use of 8262
state resources, and to identify, prevent, or eliminate the 8263
fraudulent use of state funds, state resources, or state programs. 8264
Participating state agencies may use data gathered under the 8265
program for these purposes. 8266

(B) A state agency shall provide data for use under the 8267
program. A state agency that provides data under the program shall 8268
comply with the data-sharing protocol adopted under division (D) 8269
of this section. Notwithstanding any other provision of the 8270
Revised Code, a state agency's provision of data under the program 8271
is considered a permitted use of the data under the Revised Code 8272
and the state agency is not in violation of any contrary provision 8273
of the Revised Code by providing the data. 8274

(C)(1) A state agency that provides data under the program 8275
retains ownership over the data. Notwithstanding any other 8276
provision of the Revised Code, only the state agency that provides 8277
data under the program may be required under the law of this state 8278
to respond to requests for records or information regarding the 8279
provided data, including public records requests, subpoenas, 8280
warrants, and investigatory requests. 8281

(2) Participating state agencies shall maintain the 8282
confidentiality of data gathered under the program in accordance 8283

with confidentiality laws applicable to the data when in the possession of the state agency that provided the data. Employees of the department of administrative services or another state agency who gain access to another state agency's confidential data under the program are subject to any confidentiality requirements or duty to maintain confidentiality of the data established by law applicable to the state agency that provided the data. The results of the data analysis shall be compared against the confidentiality laws applicable to the source data to determine if the results retain any attributes of the source data that bring the results within the scope of any of the confidentiality obligations that applied to the source data. If so, the data analysis results are subject to those applicable confidentiality obligations and, in the event of a conflict between applicable confidentiality obligations, the most stringent of those obligations shall control.

(D) In consultation with state agencies participating under the program, the department of administrative services shall develop a data-sharing protocol and a security plan for the program. The security plan shall state how the data is to be protected. The data-sharing protocol shall include at least the following:

(1) How participating state agencies may use confidential data in accordance with confidentiality laws applicable to the provided data;

(2) Who has authority to access data gathered under the program; and

(3) How participating state agencies shall make, verify, and retain corrections to personal information gathered under the program.

Any collection of data derived under the program that is a

"system" with "personal information" as defined in section 1347.01 8315
of the Revised Code shall comply with Chapter 1347. of the Revised 8316
Code. 8317

Sec. 125.66. (A) As used in this section and section 125.661 8318
of the Revised Code: 8319

(1) "Social service intermediary" means a nonprofit 8320
organization exempt from federal income taxation under section 8321
501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a 8322
wholly-owned subsidiary of a nonprofit organization, that delivers 8323
or contracts for the delivery of social services, raises capital 8324
to finance the delivery of social services, and provides ongoing 8325
project management and investor relations for these activities. 8326

(2) "State agency" has the same meaning as in section 9.23 of 8327
the Revised Code. 8328

(B) There is hereby established the pay for success 8329
contracting program. Under the program, the director of 8330
administrative services may enter into multi-year contracts with 8331
social service intermediaries to achieve certain social goals in 8332
this state. 8333

(C) A contract entered into under the program shall include 8334
provisions that do all of the following: 8335

(1) Require the department of administrative services, in 8336
consultation with an agency of this state that administers 8337
programs or services related to the contract's subject matter, to 8338
specify performance targets to be met by the social service 8339
intermediary; 8340

(2) Specify the process or methodology that an independent 8341
evaluator contracted by the department of administrative services 8342
under section 125.661 of the Revised Code must use to evaluate the 8343
social service intermediary's progress toward meeting each 8344

performance target; 8345

(3) Require the department of administrative services to pay 8346
the social service intermediary in installments at times 8347
determined by the director of administrative services that are 8348
specified in the contract and are consistent with applicable state 8349
law; 8350

(4) Require the installment payments to the social service 8351
intermediary to be based on the social service intermediary's 8352
progress toward achieving each performance target, as determined 8353
by the independent evaluator contracted by the department of 8354
administrative services under section 125.661 of the Revised Code; 8355

(5) Specify the maximum amount a social service intermediary 8356
may earn for its progress toward achieving performance targets 8357
specified under division (C)(1) of this section; 8358

(6) Require the department of administrative services to 8359
ensure, in accordance with applicable state and federal laws, that 8360
the social service intermediary has access to any data in the 8361
possession of a state agency, including historical data, that the 8362
social service intermediary requests for the purpose of performing 8363
contractual duties. 8364

Sec. 125.661. If the director of administrative services 8365
contracts with a social service intermediary under section 125.66 8366
of the Revised Code, the director also shall contract with a 8367
person or government entity to evaluate the social service 8368
intermediary's progress toward meeting each performance target 8369
specified in the contract pursuant to division (C)(1) of section 8370
125.66 of the Revised Code. The director shall choose an evaluator 8371
that is independent from the social service intermediary, ensuring 8372
that both parties do not have common owners or administrators, 8373
managers, or employees. 8374

Sec. 126.11. (A)(1) The director of budget and management 8375
shall, upon consultation with the treasurer of state, coordinate 8376
and approve the scheduling of initial sales of publicly offered 8377
securities of the state and of publicly offered fractionalized 8378
interests in or securitized issues of public obligations of the 8379
state. The director shall from time to time develop and distribute 8380
to state issuers an approved sale schedule for each of the 8381
obligations covered by division (A) or (B) of this section. 8382
Division (A) of this section applies only to those obligations on 8383
which the state or a state agency is the direct obligor or obligor 8384
on any backup security or related credit enhancement facility or 8385
source of money subject to state appropriations that is intended 8386
for payment of those obligations. 8387

(2) The issuers of obligations pursuant to section 151.03, 8388
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 8389
Revised Code shall submit to the director: 8390

(a) For review and approval: the projected sale date, amount, 8391
and type of obligations proposed to be sold; their purpose, 8392
security, and source of payment; the proposed structure and 8393
maturity schedule; the trust agreement and any supplemental 8394
agreements; and any credit enhancement facilities or interest rate 8395
hedges for the obligations; 8396

(b) For review and comment: the authorizing order or 8397
resolution; preliminary and final offering documents; method of 8398
sale; preliminary and final pricing information; and any written 8399
reports or recommendations of financial advisors or consultants 8400
relating to those obligations; 8401

(c) Promptly after each sale of those obligations: final 8402
terms, including sale price, maturity schedule and yields, and 8403
sources and uses; names of the original purchasers or 8404
underwriters; a copy of the final offering document and of the 8405

transcript of proceedings; and any other pertinent information 8406
requested by the director. 8407

(3) The issuer of obligations pursuant to section 151.06 or 8408
151.40 or Chapter 154. of the Revised Code shall submit to the 8409
director: 8410

(a) For review and mutual agreement: the projected sale date, 8411
amount, and type of obligations proposed to be sold; their 8412
purpose, security, and source of payment; the proposed structure 8413
and maturity schedule; the trust agreement and any supplemental 8414
agreements; and any credit enhancement facilities or interest rate 8415
hedges for the obligations; 8416

(b) For review and comment: the authorizing order or 8417
resolution; preliminary and final offering documents; method of 8418
sale; preliminary and final pricing information; and any written 8419
reports or recommendations of financial advisors or consultants 8420
relating to those obligations; 8421

(c) Promptly after each sale of those obligations: final 8422
terms, including sale price, maturity schedule and yields, and 8423
sources and uses; names of the original purchasers or 8424
underwriters; a copy of the final offering document and of the 8425
transcript of proceedings; and any other pertinent information 8426
requested by the director. 8427

(4) The issuers of obligations pursuant to Chapter 166., 8428
4981., 5540., or 6121., or section 5531.10, of the Revised Code 8429
shall submit to the director: 8430

(a) For review and comment: the projected sale date, amount, 8431
and type of obligations proposed to be sold; the purpose, 8432
security, and source of payment; and preliminary and final 8433
offering documents; 8434

(b) Promptly after each sale of those obligations: final 8435
terms, including a maturity schedule; names of the original 8436

purchasers or underwriters; a copy of the complete continuing 8437
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 8438
rule as from time to time in effect; and any other pertinent 8439
information requested by the director. 8440

(5) Not later than thirty days after the end of a fiscal 8441
year, each issuer of obligations subject to divisions (A) and (B) 8442
of this section shall submit to the director and to the treasurer 8443
of state a sale plan for the then current fiscal year for each 8444
type of obligation, projecting the amount and term of each 8445
issuance, the method of sale, and the month of sale. 8446

(B) Issuers of obligations pursuant to section 3318.085 or 8447
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 8448
Code shall submit to the director copies of the preliminary and 8449
final offering documents upon their availability if not previously 8450
submitted pursuant to division (A) of this section. 8451

(C) State agencies or state issuers seeking new legislation 8452
or changes to existing law relating to public obligations for 8453
which the state or a state agency is the direct obligor, or 8454
obligor on any backup security or related credit enhancement 8455
facility, shall timely submit the legislation or changes to the 8456
director for review and comment. 8457

(D) Not later than the first day of January of each year, 8458
every state agency obligated to make payments on outstanding 8459
public obligations with respect to which fractionalized interests 8460
have been publicly issued, such as certificates of participation, 8461
shall submit a report to the director of the amounts payable from 8462
state appropriations under those public obligations during the 8463
then current and next two fiscal years, identifying the 8464
appropriation or intended appropriation from which payment is 8465
expected to be made. 8466

~~(D)~~(E)(1) Information relating generally to the historic, 8467

current, or future demographics or economy or financial condition 8468
or funds or general operations of the state, and descriptions of 8469
any state contractual obligations relating to public obligations, 8470
to be contained in any offering document, continuing disclosure 8471
document, or written presentation prepared, approved, or provided, 8472
or committed to be provided, by an issuer in connection with the 8473
original issuance and sale of, or rating, remarketing, or credit 8474
enhancement facilities relating to, public obligations referred to 8475
in division (A) of this section shall be approved as to format and 8476
accuracy by the director before being presented, published, or 8477
disseminated in preliminary, draft, or final form, or publicly 8478
filed in paper, electronic, or other format. 8479

(2) Except for information described in division ~~(D)~~(E)(1) of 8480
this section that is to be contained in an offering document, 8481
continuing disclosure document, or written presentation, division 8482
~~(D)~~(E)(1) of this section does not inhibit direct communication 8483
between an issuer and a rating agency, remarketing agent, or 8484
credit enhancement provider concerning an issuance of public 8485
obligations referred to in division (A) of this section or matters 8486
associated with that issuance. 8487

(3) The materials approved and provided pursuant to division 8488
~~(D)~~(E) of this section are the information relating to the 8489
particular subjects provided by the state or state agencies that 8490
are required or contemplated by any applicable state or federal 8491
securities laws and any commitments by the state or state agencies 8492
made under those laws. Reliance for the purpose should not be 8493
placed on any other information publicly provided, in any format 8494
including electronic, by any state agency for other purposes, 8495
including general information provided to the public or to 8496
portions of the public. A statement to that effect shall be 8497
included in those materials so approved or provided. 8498

~~(E)~~(F) Issuers of obligations referred to in division (A) of 8499

this section may take steps, by formal agreement, covenants in the proceedings, or otherwise, as may be necessary or appropriate to comply or permit compliance with applicable lawful disclosure requirements relating to those obligations, and may, subject to division ~~(D)~~(E) of this section, provide, make available, or file copies of any required disclosure materials as necessary or appropriate. Any such formal agreement or covenant relating to subjects referred to in division ~~(D)~~(E) of this section, and any description of that agreement or covenant to be contained in any offering document, shall be approved by the director before being entered into or published or publicly disseminated in preliminary, draft, or final form or publicly filed in paper, electronic, or other format. The director shall be responsible for making all filings in compliance with those requirements relating to direct obligations of the state, including fractionalized interests in those obligations.

~~(F)~~(G) No state agency or official shall, without the approval of the director of budget and management and either the general assembly or the state controlling board, do either of the following:

(1) Enter into or commit to enter into a public obligation under which fractionalized interests in the payments are to be publicly offered, which payments are anticipated to be made from money from any source appropriated or to be appropriated by the general assembly or in which the provision stated in section 9.94 of the Revised Code is not included;

(2) Except as otherwise expressly authorized for the purpose by law, agree or commit to provide, from money from any source to be appropriated in the future by the general assembly, financial assistance to or participation in the costs of capital facilities, or the payment of debt charges, directly or by way of a credit enhancement facility, a reserve, rental payments, or otherwise, on

obligations issued to pay costs of capital facilities. 8532

~~(G)~~(H) As used in this section, "interest rate hedge" has the 8533
same meaning as in section 9.98 of the Revised Code; "credit 8534
enhancement facilities," "debt charges," "fractionalized interests 8535
in public obligations," "obligor," "public issuer," and 8536
"securities" have the same meanings as in section 133.01 of the 8537
Revised Code; "public obligation" has the same meaning as in 8538
division (GG)(2) of section 133.01 of the Revised Code; 8539
"obligations" means securities or public obligations or 8540
fractionalized interests in them; "issuers" means issuers of 8541
securities or state obligors on public obligations; "offering 8542
document" means an official statement, offering circular, private 8543
placement memorandum, or prospectus, or similar document; and 8544
"director" means the director of budget and management or the 8545
employee of the office of budget and management designated by the 8546
director for the purpose. 8547

Sec. 126.22. The director of budget and management may: 8548

(A) Perform accounting services for and design and implement 8549
accounting systems with state agencies; 8550

(B) Provide other accounting services, including the 8551
maintenance and periodic auditing of the financial records of and 8552
submission of vouchers by state agencies, provision of assistance 8553
in the analysis of the financial position of state agencies, and 8554
preparation and submission of reports; 8555

(C) Change any accounting code appearing in appropriations 8556
acts of the general assembly; 8557

(D) Correct accounting errors committed by any state agency 8558
or state institution of higher education, including, but not 8559
limited to, the reestablishment of encumbrances cancelled in 8560
error. 8561

Sec. 126.35. (A) The director of budget and management shall 8562
draw warrants or process electronic funds transfers against the 8563
treasurer of state pursuant to all requests for payment that the 8564
director has approved under section 126.07 of the Revised Code. 8565

(B) Unless a cash assistance payment is to be made by 8566
electronic benefit transfer, payment by the director of budget and 8567
management to a participant in the Ohio works first program 8568
pursuant to Chapter 5107. of the Revised Code, ~~a recipient of~~ 8569
~~disability financial assistance pursuant to Chapter 5115. of the~~ 8570
~~Revised Code,~~ or a recipient of cash assistance provided under the 8571
refugee assistance program established under section 5101.49 of 8572
the Revised Code shall be made by direct deposit to the account of 8573
the participant or recipient in the financial institution 8574
designated under section 329.03 of the Revised Code. Payment by 8575
the director of budget and management to a recipient of benefits 8576
distributed through the medium of electronic benefit transfer 8577
pursuant to section 5101.33 of the Revised Code shall be by 8578
electronic benefit transfer. Payment by the director of budget and 8579
management as compensation to an employee of the state who has, 8580
pursuant to section 124.151 of the Revised Code, designated a 8581
financial institution and account for the direct deposit of such 8582
payments shall be made by direct deposit to the account of the 8583
employee. Payment to any other payee who has designated a 8584
financial institution and account for the direct deposit of such 8585
payment may be made by direct deposit to the account of the payee 8586
in the financial institution as provided in section 9.37 of the 8587
Revised Code. Accounts maintained by the director of budget and 8588
management or the director's agent in a financial institution for 8589
the purpose of effectuating payment by direct deposit or 8590
electronic benefit transfer shall be maintained in accordance with 8591
section 135.18 of the Revised Code. 8592

(C) All other payments from the state treasury shall be made 8593

by paper warrants, electronic funds transfers, or by direct 8594
deposit payable to the respective payees. The director of budget 8595
and management may mail the paper warrants to the respective 8596
payees or distribute them through other state agencies, whichever 8597
the director determines to be the better procedure. 8598

Sec. 131.23. The various political subdivisions of this state 8599
may issue bonds, and any indebtedness created by that issuance 8600
shall not be subject to the limitations or included in the 8601
calculation of indebtedness prescribed by sections 133.05, 133.06, 8602
133.07, and 133.09 of the Revised Code, but the bonds may be 8603
issued only under the following conditions: 8604

(A) The subdivision desiring to issue the bonds shall obtain 8605
from the county auditor a certificate showing the total amount of 8606
delinquent taxes due and unpayable to the subdivision at the last 8607
semiannual tax settlement. 8608

(B) The fiscal officer of that subdivision shall prepare a 8609
statement, from the books of the subdivision, verified by the 8610
fiscal officer under oath, which shall contain the following facts 8611
of the subdivision: 8612

(1) The total bonded indebtedness; 8613

(2) The aggregate amount of notes payable or outstanding 8614
accounts of the subdivision, incurred prior to the commencement of 8615
the current fiscal year, which shall include all evidences of 8616
indebtedness issued by the subdivision except notes issued in 8617
anticipation of bond issues and the indebtedness of any 8618
nontax-supported public utility; 8619

(3) ~~Except in the case of school districts, the aggregate~~ 8620
~~current year's requirement for disability financial assistance~~ 8621
~~provided under Chapter 5115. of the Revised Code that the~~ 8622
~~subdivision is unable to finance except by the issue of bonds;~~ 8623

(4) The indebtedness outstanding through the issuance of any bonds or notes pledged or obligated to be paid by any delinquent taxes;	8624 8625 8626
(5) <u>(4)</u> The total of any other indebtedness;	8627
(6) <u>(5)</u> The net amount of delinquent taxes unpledged to pay any bonds, notes, or certificates, including delinquent assessments on improvements on which the bonds have been paid;	8628 8629 8630
(7) <u>(6)</u> The budget requirements for the fiscal year for bond and note retirement;	8631 8632
(8) <u>(7)</u> The estimated revenue for the fiscal year.	8633
(C) The certificate and statement provided for in divisions (A) and (B) of this section shall be forwarded to the tax commissioner together with a request for authority to issue bonds of the subdivision in an amount not to exceed seventy per cent of the net unobligated delinquent taxes and assessments due and owing to the subdivision, as set forth in division (B) (6) <u>(5)</u> of this section.	8634 8635 8636 8637 8638 8639 8640
(D) No subdivision may issue bonds under this section in excess of a sufficient amount to pay the indebtedness of the subdivision as shown by division (B)(2) of this section and, except in the case of school districts, to provide funds for disability financial assistance as shown by division (B)(3) of this section.	8641 8642 8643 8644 8645 8646
(E) The tax commissioner shall grant to the subdivision authority requested by the subdivision as restricted by divisions (C) and (D) of this section and shall make a record of the certificate, statement, and grant in a record book devoted solely to such recording and which shall be open to inspection by the public.	8647 8648 8649 8650 8651 8652
(F) The commissioner shall immediately upon issuing the	8653

authority provided in division (E) of this section notify the 8654
proper authority having charge of the retirement of bonds of the 8655
subdivision by forwarding a copy of the grant of authority and of 8656
the statement provided for in division (B) of this section. 8657

(G) Upon receipt of authority, the subdivision shall proceed 8658
according to law to issue the amount of bonds authorized by the 8659
commissioner, and authorized by the taxing authority, provided the 8660
taxing authority of that subdivision may submit, by resolution, to 8661
the electors of that subdivision the question of issuing the 8662
bonds. The resolution shall make the declarations and statements 8663
required by section 133.18 of the Revised Code. The county auditor 8664
and taxing authority shall thereupon proceed as set forth in 8665
divisions (C) and (D) of that section. The election on the 8666
question of issuing the bonds shall be held under divisions (E), 8667
(F), and (G) of that section, except that publication of the 8668
notice of the election shall be made on two separate days prior to 8669
the election in a newspaper of general circulation in the 8670
subdivision or as provided in section 7.16 of the Revised Code. If 8671
the board of elections operates and maintains a web site, notice 8672
of the election also shall be posted on that web site for thirty 8673
days prior to the election. The bonds may be exchanged at their 8674
face value with creditors of the subdivision in liquidating the 8675
indebtedness described and enumerated in division (B)(2) of this 8676
section or may be sold as provided in Chapter 133. of the Revised 8677
Code, and in either event shall be uncontestable. 8678

(H) The per cent of delinquent taxes and assessments 8679
collected for and to the credit of the subdivision after the 8680
exchange or sale of bonds as certified by the commissioner shall 8681
be paid to the authority having charge of the sinking fund of the 8682
subdivision, which money shall be placed in a separate fund for 8683
the purpose of retiring the bonds so issued. The proper authority 8684
of the subdivisions shall provide for the levying of a tax 8685

sufficient in amount to pay the debt charges on all such bonds 8686
issued under this section. 8687

(I) This section is for the sole purpose of assisting the 8688
various subdivisions in paying their unsecured indebtedness, ~~and~~ 8689
~~providing funds for disability financial assistance.~~ The bonds 8690
issued under authority of this section shall not be used for any 8691
other purpose, and any exchange for other purposes, or the use of 8692
the money derived from the sale of the bonds by the subdivision 8693
for any other purpose, is misapplication of funds. 8694

(J) The bonds authorized by this section shall be redeemable 8695
or payable in not to exceed ten years from date of issue and shall 8696
not be subject to or considered in calculating the net 8697
indebtedness of the subdivision. The budget commission of the 8698
county in which the subdivision is located shall annually allocate 8699
such portion of the then delinquent levy due the subdivision which 8700
is unpledged for other purposes to the payment of debt charges on 8701
the bonds issued under authority of this section. 8702

(K) The issue of bonds under this section shall be governed 8703
by Chapter 133. of the Revised Code, respecting the terms used, 8704
forms, manner of sale, and redemption except as otherwise provided 8705
in this section. 8706

The board of county commissioners of any county may issue 8707
bonds authorized by this section and distribute the proceeds of 8708
the bond issues to any or all of the cities and townships of the 8709
county, ~~according to their relative needs for disability financial~~ 8710
~~assistance as determined by the county.~~ 8711

All sections of the Revised Code inconsistent with or 8712
prohibiting the exercise of the authority conferred by this 8713
section are inoperative respecting bonds issued under this 8714
section. 8715

Sec. 131.33. (A) No state agency shall incur an obligation 8716
which exceeds the agency's current appropriation authority. Except 8717
as provided in division (D) of this section, unexpended balances 8718
of appropriations shall, at the close of the period for which the 8719
appropriations are made, revert to the funds from which the 8720
appropriations were made, except that the director of budget and 8721
management shall transfer such unexpended balances from the first 8722
fiscal year to the second fiscal year of an agency's 8723
appropriations to the extent necessary for voided warrants to be 8724
reissued pursuant to division (C) of section 126.37 of the Revised 8725
Code. 8726

Except as provided in this section, appropriations made to a 8727
specific fiscal year shall be expended only to pay liabilities 8728
incurred within that fiscal year. 8729

(B) All payrolls shall be charged to the allotments of the 8730
fiscal quarters in which the applicable payroll vouchers are 8731
certified by the director of budget and management in accordance 8732
with section 126.07 of the Revised Code. As used in this division, 8733
"payrolls" means any payment made in accordance with section 8734
125.21 of the Revised Code. 8735

(C) Legal liabilities from prior fiscal years for which there 8736
is no reappropriation authority shall be discharged from the 8737
unencumbered balances of current appropriations. 8738

(D)(1) Federal grant funds obligated by the department of job 8739
and family services for financial allocations to county family 8740
services agencies and local ~~workforce investment~~ boards may, at 8741
the discretion of the director of job and family services, be 8742
available for expenditure for the duration of the federal grant 8743
period of obligation and liquidation, as follows: 8744

(a) At the end of the state fiscal year, all unexpended 8745
county family services agency and local ~~workforce investment~~ board 8746

financial allocations obligated from federal grant funds may 8747
continue to be valid for expenditure during subsequent state 8748
fiscal years. 8749

(b) The financial allocations described in division (D)(1)(a) 8750
of this section shall be reconciled at the end of the federal 8751
grant period of availability or as required by federal law, 8752
regardless of the state fiscal year of the appropriation. 8753

(2) The director of job and family services may adopt rules 8754
in accordance with section 111.15 of the Revised Code, as if they 8755
were internal management rules, as necessary to implement division 8756
(D) of this section. 8757

(3) As used in division (D) of this section: 8758

(a) "County family services agency" has the same meaning as 8759
in section 307.981 of the Revised Code. 8760

(b) "~~Local workforce investment board~~" ~~means a local~~ 8761
~~workforce investment board established under section 117 of the~~ 8762
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832,~~ 8763
~~as amended~~ has the same meaning as in section 6301.01 of the 8764
Revised Code. 8765

Sec. 131.35. (A) With respect to the federal funds received 8766
into any fund of the state from which transfers may be made under 8767
division (D) of section 127.14 of the Revised Code: 8768

(1) No state agency may make expenditures of any federal 8769
funds, whether such funds are advanced prior to expenditure or as 8770
reimbursement, unless such expenditures are made pursuant to 8771
specific appropriations of the general assembly, are authorized by 8772
the controlling board pursuant to division (A)(5) of this section, 8773
or are authorized by an executive order issued in accordance with 8774
section 107.17 of the Revised Code, and until an allotment has 8775
been approved by the director of budget and management. All 8776

federal funds received by a state agency shall be reported to the 8777
director within fifteen days of the receipt of such funds or the 8778
notification of award, whichever occurs first. The director shall 8779
prescribe the forms and procedures to be used when reporting the 8780
receipt of federal funds. 8781

(2) If the federal funds received are greater than the amount 8782
of such funds appropriated by the general assembly for a specific 8783
purpose, the total appropriation of federal and state funds for 8784
such purpose shall remain at the amount designated by the general 8785
assembly, except that the expenditure of federal funds received in 8786
excess of such specific appropriation may be authorized by the 8787
controlling board, subject to division (D) of this section. 8788

(3) To the extent that the expenditure of excess federal 8789
funds is authorized, the controlling board may transfer a like 8790
amount of general revenue fund appropriation authority from the 8791
affected agency to the emergency purposes appropriation of the 8792
controlling board, if such action is permitted under federal 8793
regulations. 8794

(4) Additional funds may be created by the controlling board 8795
to receive revenues not anticipated in an appropriations act for 8796
the biennium in which such new revenues are received. ~~Expenditures~~ 8797
Subject to division (D) of this section, expenditures from such 8798
additional funds may be authorized by the controlling board, but 8799
such authorization shall not extend beyond the end of the biennium 8800
in which such funds are created. 8801

(5) Controlling board authorization for a state agency to 8802
make an expenditure of federal funds constitutes authority for the 8803
agency to participate in the federal program providing the funds, 8804
and the agency is not required to obtain an executive order under 8805
section 107.17 of the Revised Code to participate in the federal 8806
program. 8807

(B) With respect to nonfederal funds received into the 8808
waterways safety fund, the wildlife fund, and any fund of the 8809
state from which transfers may be made under division (D) of 8810
section 127.14 of the Revised Code: 8811

(1) No state agency may make expenditures of any such funds 8812
unless the expenditures are made pursuant to specific 8813
appropriations of the general assembly. 8814

(2) If the receipts received into any fund are greater than 8815
the amount appropriated, the appropriation for that fund shall 8816
remain at the amount designated by the general assembly or, 8817
subject to division (D) of this section, as increased and approved 8818
by the controlling board. 8819

(3) Additional funds may be created by the controlling board 8820
to receive revenues not anticipated in an appropriations act for 8821
the biennium in which such new revenues are received. ~~Expenditures~~ 8822
Subject to division (D) of this section, expenditures from such 8823
additional funds may be authorized by the controlling board, but 8824
such authorization shall not extend beyond the end of the biennium 8825
in which such funds are created. 8826

(C) The controlling board shall not authorize more than ten 8827
per cent of additional spending from the occupational licensing 8828
and regulatory fund, created in section 4743.05 of the Revised 8829
Code, in excess of any appropriation made by the general assembly 8830
to a licensing agency except an appropriation for costs related to 8831
the examination or reexamination of applicants for a license. As 8832
used in this division, "licensing agency" and "license" have the 8833
same meanings as in section 4745.01 of the Revised Code. 8834

(D)(1) The amount of any expenditure authorized under 8835
division (A)(2) or (4) or (B)(2) or (3) of this section for a 8836
specific or related purpose or item in any fiscal year shall not 8837
exceed ten per cent of the amount appropriated by the general 8838

assembly for that specific or related purpose or item for that 8839
fiscal year, or ten million dollars, whichever amount is less. 8840

(2) The controlling board may not create any additional funds 8841
under division (A)(4) or (B)(3) of this section if the revenue 8842
received that was not anticipated in an appropriation act exceeds 8843
ten million dollars. 8844

Sec. 131.44. (A) As used in this section: 8845

(1) "Surplus revenue" means the excess, if any, of the total 8846
fund balance over the required year-end balance. 8847

(2) "Total fund balance" means the sum of the unencumbered 8848
balance in the general revenue fund on the last day of the 8849
preceding fiscal year plus the balance in the budget stabilization 8850
fund. 8851

(3) "Required year-end balance" means the sum of the 8852
following: 8853

(a) Eight and one-half per cent of the general revenue fund 8854
revenues for the preceding fiscal year; 8855

(b) "Ending fund balance," which means one-half of one per 8856
cent of general revenue fund revenues for the preceding fiscal 8857
year; 8858

(c) "Carryover balance," which means, with respect to a 8859
fiscal biennium, the excess, if any, of the estimated general 8860
revenue fund appropriation and transfer requirement for the second 8861
fiscal year of the biennium over the estimated general revenue 8862
fund revenue for that fiscal year; 8863

(d) "Capital appropriation reserve," which means the amount, 8864
if any, of general revenue fund capital appropriations made for 8865
the current biennium that the director of budget and management 8866
has determined will be encumbered or disbursed; 8867

(e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code.

(4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted appropriations made by the general assembly from the general revenue fund and includes both of the following:

(a) Appropriations made and transfers of appropriations from the first fiscal year to the second fiscal year of the biennium in provisions of acts of the general assembly signed by the governor but not yet effective;

(b) Transfers of appropriations from the first fiscal year to the second fiscal year of the biennium approved by the controlling board.

(5) "Estimated general revenue fund revenue" means the most recent such estimate available to the director of budget and management.

(B)(1) Not later than the thirty-first day of July each year, the director of budget and management shall determine the surplus revenue that existed on the preceding thirtieth day of June and transfer from the general revenue fund, to the extent of the unobligated, unencumbered balance on the preceding thirtieth day of June in excess of one-half of one per cent of the general revenue fund revenues in the preceding fiscal year, the following:

(a) First, to the budget stabilization fund, any amount necessary for the balance of the budget stabilization fund to equal eight and one-half per cent of the general revenue fund revenues of the preceding fiscal year;

(b) Then, to the income tax reduction fund, which is hereby 8899
created in the state treasury, an amount equal to the surplus 8900
revenue. 8901

(2) Not later than the thirty-first day of July each year, 8902
the director shall determine the percentage that the balance in 8903
the income tax reduction fund is of the amount of revenue that the 8904
director estimates will be received from the tax levied under 8905
section 5747.02 of the Revised Code in the current fiscal year 8906
without regard to any reduction under division (B) of that 8907
section. If that percentage exceeds thirty-five one hundredths of 8908
one per cent, the director shall certify the percentage to the tax 8909
commissioner not later than the thirty-first day of July. 8910

(C) The director of budget and management shall transfer 8911
money in the income tax reduction fund to the general revenue 8912
fund, the local government fund, and the public library fund as 8913
necessary to offset revenue reductions resulting from the 8914
reductions in taxes required under division (B) of section 5747.02 8915
of the Revised Code in the respective amounts and percentages 8916
prescribed by division (A) of section 5747.03 and divisions ~~(B)~~(A) 8917
and ~~(C)~~(B) of section 131.51 of the Revised Code as if the amount 8918
transferred had been collected as taxes under Chapter 5747. of the 8919
Revised Code. If no reductions in taxes are made under that 8920
division that affect revenue received in the current fiscal year, 8921
the director shall not transfer money from the income tax 8922
reduction fund to the general revenue fund, the local government 8923
fund, and the public library fund. 8924

Sec. 131.51. (A) ~~On or before July 5, 2013, the tax 8925
commissioner shall compute the following amounts and certify those 8926
amounts to the director of budget and management:~~ 8927

~~(1) A percentage calculated by multiplying one hundred by the 8928
quotient obtained by dividing the total amount credited to the 8929~~

~~local government fund in fiscal year 2013 by the total amount of~~ 8930
~~tax revenue credited to the general revenue fund in fiscal year~~ 8931
~~2013. The percentage shall be rounded to the nearest one hundredth~~ 8932
~~of one per cent.~~ 8933

~~(2) A percentage calculated by multiplying one hundred by the~~ 8934
~~quotient obtained by dividing the total amount credited to the~~ 8935
~~public library fund in fiscal year 2013 by the total amount of tax~~ 8936
~~revenue credited to the general revenue fund in fiscal year 2013.~~ 8937
~~The percentage shall be rounded to the nearest one hundredth of~~ 8938
~~one per cent.~~ 8939

~~(B)~~ On or before the seventh day of each month, the director 8940
of budget and management shall credit to the local government fund 8941
an amount equal to the product obtained by multiplying the 8942
~~percentage calculated under division (A)(1) of this section by one~~ 8943
~~and sixty-six one-hundredths per cent of~~ the total tax revenue 8944
credited to the general revenue fund during the preceding month. 8945
In determining the total tax revenue credited to the general 8946
revenue fund during the preceding month, the director shall 8947
include amounts transferred from the fund during the preceding 8948
month under this division and division ~~(C)~~(B) of this section. 8949
Money shall be distributed from the local government fund as 8950
required under ~~section~~ sections 5747.50 and 5747.503 of the 8951
Revised Code during the same month in which it is credited to the 8952
fund. 8953

~~(C)~~(B) On or before the seventh day of each month, the 8954
director of budget and management shall credit to the public 8955
library fund an amount equal to the product obtained by 8956
~~multiplying the percentage calculated under division (A)(2) of~~ 8957
~~this section by one and sixty-six one-hundredths per cent of~~ the 8958
total tax revenue credited to the general revenue fund during the 8959
preceding month. In determining the total tax revenue credited to 8960
the general revenue fund during the preceding month, the director 8961

shall include amounts transferred from the fund during the 8962
preceding month under this division and division ~~(B)~~(A) of this 8963
section. Money shall be distributed from the public library fund 8964
as required under section 5747.47 of the Revised Code during the 8965
same month in which it is credited to the fund. 8966

~~(D)~~(C) The director of budget and management shall develop a 8967
schedule identifying the specific tax revenue sources to be used 8968
to make the monthly transfers required under divisions ~~(B)~~(A) and 8969
~~(C)~~(B) of this section. The director may, from time to time, 8970
revise the schedule as the director considers necessary. 8971

Sec. 133.022. (A) As used in this section: 8972

(1) "Large local educational agency" and "qualified school 8973
construction bond" have the same meaning as in section 54F of the 8974
Internal Revenue Code, 26 U.S.C. 54F. 8975

(2) "National limit" means, as applicable, the limitation on 8976
the aggregate amount of qualified school construction bonds that 8977
may be issued by the states each calendar year under section 54F 8978
of the Internal Revenue Code. 8979

(3) "State portion" means the portion of the national limit 8980
allocated to this state pursuant to section 54F of the Internal 8981
Revenue Code. 8982

(B)(1) To provide for the orderly and prompt issuance of 8983
qualified school construction bonds, the Ohio ~~school~~ facilities 8984
construction commission, in consultation with the director of 8985
budget and management, shall allocate the state portion among 8986
those issuers authorized to issue qualified school construction 8987
bonds. The Ohio ~~school~~ facilities construction commission may also 8988
accept from any large local educational agency the allocation 8989
received by that agency under section 54F(d)(2) of the Internal 8990
Revenue Code and reallocate it to any issuer or issuers authorized 8991

to issue obligations, including any large local educational 8992
agency. 8993

(2) The factors to be considered when making allocations of 8994
the state portion or reallocations of any amounts received by a 8995
large local educational agency include the following: 8996

(a) The interests of the state with regard to education and 8997
economic development; 8998

(b) The need and ability of each issuer to issue obligations. 8999

(3) The Ohio ~~school~~ facilities construction commission, in 9000
consultation with the director of budget and management, shall 9001
establish procedures for making allocations, including those from 9002
any carryover of the state portion, and shall adopt guidelines to 9003
carry out the purposes of this section. 9004

Sec. 133.06. (A) A school district shall not incur, without a 9005
vote of the electors, net indebtedness that exceeds an amount 9006
equal to one-tenth of one per cent of its tax valuation, except as 9007
provided in divisions (G) and (H) of this section and in division 9008
(D) of section 3313.372 of the Revised Code, or as prescribed in 9009
section 3318.052 or 3318.44 of the Revised Code, or as provided in 9010
division (J) of this section. 9011

(B) Except as provided in divisions (E), (F), and (I) of this 9012
section, a school district shall not incur net indebtedness that 9013
exceeds an amount equal to nine per cent of its tax valuation. 9014

(C) A school district shall not submit to a vote of the 9015
electors the question of the issuance of securities in an amount 9016
that will make the district's net indebtedness after the issuance 9017
of the securities exceed an amount equal to four per cent of its 9018
tax valuation, unless the superintendent of public instruction, 9019
acting under policies adopted by the state board of education, and 9020
the tax commissioner, acting under written policies of the 9021

commissioner, consent to the submission. A request for the 9022
consents shall be made at least one hundred twenty days prior to 9023
the election at which the question is to be submitted. 9024

The superintendent of public instruction shall certify to the 9025
district the superintendent's and the tax commissioner's decisions 9026
within thirty days after receipt of the request for consents. 9027

If the electors do not approve the issuance of securities at 9028
the election for which the superintendent of public instruction 9029
and tax commissioner consented to the submission of the question, 9030
the school district may submit the same question to the electors 9031
on the date that the next special election may be held under 9032
section 3501.01 of the Revised Code without submitting a new 9033
request for consent. If the school district seeks to submit the 9034
same question at any other subsequent election, the district shall 9035
first submit a new request for consent in accordance with this 9036
division. 9037

(D) In calculating the net indebtedness of a school district, 9038
none of the following shall be considered: 9039

(1) Securities issued to acquire school buses and other 9040
equipment used in transporting pupils or issued pursuant to 9041
division (D) of section 133.10 of the Revised Code; 9042

(2) Securities issued under division (F) of this section, 9043
under section 133.301 of the Revised Code, and, to the extent in 9044
excess of the limitation stated in division (B) of this section, 9045
under division (E) of this section; 9046

(3) Indebtedness resulting from the dissolution of a joint 9047
vocational school district under section 3311.217 of the Revised 9048
Code, evidenced by outstanding securities of that joint vocational 9049
school district; 9050

(4) Loans, evidenced by any securities, received under 9051
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 9052

(5) Debt incurred under section 3313.374 of the Revised Code;	9053
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	9054 9055 9056
(7) Debt incurred under section 3318.042 of the Revised Code.	9057
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	9058 9059
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	9060 9061 9062
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	9063 9064
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	9065 9066 9067 9068
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	9069 9070 9071
(a) The history of and a projection of the growth of the tax valuation;	9072 9073
(b) The projected needs;	9074
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	9075 9076
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	9077 9078 9079
(a) The district does not have available sufficient additional funds from state or federal sources to meet the	9080 9081

projected needs. 9082

(b) The projection of the potential average growth of tax 9083
valuation during the next five years, according to the information 9084
certified to the superintendent and any other information the 9085
superintendent obtains, indicates a likelihood of potential 9086
average growth of tax valuation of the district during the next 9087
five years of an average of not less than one and one-half per 9088
cent per year. The findings and certification of the 9089
superintendent shall be conclusive. 9090

(4) An approved special needs district may incur net 9091
indebtedness by the issuance of securities in accordance with the 9092
provisions of this chapter in an amount that does not exceed an 9093
amount equal to the greater of the following: 9094

(a) Twelve per cent of the sum of its tax valuation plus an 9095
amount that is the product of multiplying that tax valuation by 9096
the percentage by which the tax valuation has increased over the 9097
tax valuation on the first day of the sixtieth month preceding the 9098
month in which its board determines to submit to the electors the 9099
question of issuing the proposed securities; 9100

(b) Twelve per cent of the sum of its tax valuation plus an 9101
amount that is the product of multiplying that tax valuation by 9102
the percentage, determined by the superintendent of public 9103
instruction, by which that tax valuation is projected to increase 9104
during the next ten years. 9105

(F) A school district may issue securities for emergency 9106
purposes, in a principal amount that does not exceed an amount 9107
equal to three per cent of its tax valuation, as provided in this 9108
division. 9109

(1) A board of education, by resolution, may declare an 9110
emergency if it determines both of the following: 9111

(a) School buildings or other necessary school facilities in 9112

the district have been wholly or partially destroyed, or condemned 9113
by a constituted public authority, or that such buildings or 9114
facilities are partially constructed, or so constructed or planned 9115
as to require additions and improvements to them before the 9116
buildings or facilities are usable for their intended purpose, or 9117
that corrections to permanent improvements are necessary to remove 9118
or prevent health or safety hazards. 9119

(b) Existing fiscal and net indebtedness limitations make 9120
adequate replacement, additions, or improvements impossible. 9121

(2) Upon the declaration of an emergency, the board of 9122
education may, by resolution, submit to the electors of the 9123
district pursuant to section 133.18 of the Revised Code the 9124
question of issuing securities for the purpose of paying the cost, 9125
in excess of any insurance or condemnation proceeds received by 9126
the district, of permanent improvements to respond to the 9127
emergency need. 9128

(3) The procedures for the election shall be as provided in 9129
section 133.18 of the Revised Code, except that: 9130

(a) The form of the ballot shall describe the emergency 9131
existing, refer to this division as the authority under which the 9132
emergency is declared, and state that the amount of the proposed 9133
securities exceeds the limitations prescribed by division (B) of 9134
this section; 9135

(b) The resolution required by division (B) of section 133.18 9136
of the Revised Code shall be certified to the county auditor and 9137
the board of elections at least one hundred days prior to the 9138
election; 9139

(c) The county auditor shall advise and, not later than 9140
ninety-five days before the election, confirm that advice by 9141
certification to, the board of education of the information 9142
required by division (C) of section 133.18 of the Revised Code; 9143

(d) The board of education shall then certify its resolution 9144
and the information required by division (D) of section 133.18 of 9145
the Revised Code to the board of elections not less than ninety 9146
days prior to the election. 9147

(4) Notwithstanding division (B) of section 133.21 of the 9148
Revised Code, the first principal payment of securities issued 9149
under this division may be set at any date not later than sixty 9150
months after the earliest possible principal payment otherwise 9151
provided for in that division. 9152

(G)(1) The board of education may contract with an architect, 9153
professional engineer, or other person experienced in the design 9154
and implementation of energy conservation measures for an analysis 9155
and recommendations pertaining to installations, modifications of 9156
installations, or remodeling that would significantly reduce 9157
energy consumption in buildings owned by the district. The report 9158
shall include estimates of all costs of such installations, 9159
modifications, or remodeling, including costs of design, 9160
engineering, installation, maintenance, repairs, measurement and 9161
verification of energy savings, and debt service, forgone residual 9162
value of materials or equipment replaced by the energy 9163
conservation measure, as defined by the Ohio ~~school~~ facilities 9164
construction commission, a baseline analysis of actual energy 9165
consumption data for the preceding three years with the utility 9166
baseline based on only the actual energy consumption data for the 9167
preceding twelve months, and estimates of the amounts by which 9168
energy consumption and resultant operational and maintenance 9169
costs, as defined by the commission, would be reduced. 9170

If the board finds after receiving the report that the amount 9171
of money the district would spend on such installations, 9172
modifications, or remodeling is not likely to exceed the amount of 9173
money it would save in energy and resultant operational and 9174
maintenance costs over the ensuing fifteen years, the board may 9175

submit to the commission a copy of its findings and a request for 9176
approval to incur indebtedness to finance the making or 9177
modification of installations or the remodeling of buildings for 9178
the purpose of significantly reducing energy consumption. 9179

The ~~school~~ facilities construction commission, in 9180
consultation with the auditor of state, may deny a request under 9181
~~this~~ division (G)(1) of this section by the board of education of 9182
any school district that is in a state of fiscal watch pursuant to 9183
division (A) of section 3316.03 of the Revised Code, if it 9184
determines that the expenditure of funds is not in the best 9185
interest of the school district. 9186

No district board of education of a school district that is 9187
in a state of fiscal emergency pursuant to division (B) of section 9188
3316.03 of the Revised Code shall submit a request without 9189
submitting evidence that the installations, modifications, or 9190
remodeling have been approved by the district's financial planning 9191
and supervision commission established under section 3316.05 of 9192
the Revised Code. 9193

No board of education of a school district ~~that, for three or~~ 9194
~~more consecutive years, has been declared to be in a state of~~ 9195
~~academic emergency under section 3302.03 of the Revised Code, as~~ 9196
~~that section existed prior to March 22, 2013, and has failed to~~ 9197
~~meet adequate yearly progress, or has met any condition set forth~~ 9198
~~in division (A) of~~ for which an academic distress commission has 9199
been established under section 3302.10 of the Revised Code shall 9200
submit a request without first receiving approval to incur 9201
indebtedness from the district's academic distress commission 9202
established under that section, for so long as such commission 9203
continues to be required for the district. 9204

(2) The board of education may contract with a person 9205
experienced in the implementation of student transportation to 9206
produce a report that includes an analysis of and recommendations 9207

for the use of alternative fuel vehicles by school districts. The 9208
report shall include cost estimates detailing the return on 9209
investment over the life of the alternative fuel vehicles and 9210
environmental impact of alternative fuel vehicles. The report also 9211
shall include estimates of all costs associated with alternative 9212
fuel transportation, including facility modifications and vehicle 9213
purchase costs or conversion costs. 9214

If the board finds after receiving the report that the amount 9215
of money the district would spend on purchasing alternative fuel 9216
vehicles or vehicle conversion is not likely to exceed the amount 9217
of money it would save in fuel and resultant operational and 9218
maintenance costs over the ensuing five years, the board may 9219
submit to the commission a copy of its findings and a request for 9220
approval to incur indebtedness to finance the purchase of new 9221
alternative fuel vehicles or vehicle conversions for the purpose 9222
of reducing fuel costs. 9223

The facilities construction commission, in consultation with 9224
the auditor of state, may deny a request under division (G)(2) of 9225
this section by the board of education of any school district that 9226
is in a state of fiscal watch pursuant to division (A) of section 9227
3316.03 of the Revised Code, if it determines that the expenditure 9228
of funds is not in the best interest of the school district. 9229

No district board of education of a school district that is 9230
in a state of fiscal emergency pursuant to division (B) of section 9231
3316.03 of the Revised Code shall submit a request without 9232
submitting evidence that the purchase or conversion of alternative 9233
fuel vehicles has been approved by the district's financial 9234
planning and supervision commission established under section 9235
3316.05 of the Revised Code. 9236

No board of education of a school district for which an 9237
academic distress commission has been established under section 9238
3302.10 of the Revised Code shall submit a request without first 9239

receiving approval to incur indebtedness from the district's 9240
academic distress commission established under that section, for 9241
so long as such commission continues to be required for the 9242
district. 9243

(3) The ~~school~~ facilities construction commission shall 9244
approve the board's request provided that the following conditions 9245
are satisfied: 9246

(a) The commission determines that the board's findings are 9247
reasonable. 9248

(b) The request for approval is complete. 9249

(c) ~~The~~ If the request was submitted under division (G)(1) of 9250
this section, the installations, modifications, or remodeling are 9251
consistent with any project to construct or acquire classroom 9252
facilities, or to reconstruct or make additions to existing 9253
classroom facilities under sections 3318.01 to 3318.20 or sections 9254
3318.40 to 3318.45 of the Revised Code. 9255

Upon receipt of the commission's approval, the district may 9256
issue securities without a vote of the electors in a principal 9257
amount not to exceed nine-tenths of one per cent of its tax 9258
valuation for the purpose ~~of making such installations,~~ 9259
~~modifications, or remodeling~~ specified in division (G)(1) or (2) 9260
of this section, but the total net indebtedness of the district 9261
without a vote of the electors incurred under this and all other 9262
sections of the Revised Code, except section 3318.052 of the 9263
Revised Code, shall not exceed one per cent of the district's tax 9264
valuation. 9265

~~(3)~~(4)(a) So long as any securities issued under ~~this~~ 9266
division (G)(1) of this section remain outstanding, the board of 9267
education shall monitor the energy consumption and resultant 9268
operational and maintenance costs of buildings in which 9269
installations or modifications have been made or remodeling has 9270

been done pursuant to ~~this~~ that division. Except as provided in 9271
division (G)(4)(b) of this section, the board shall maintain and 9272
annually update a report in a form and manner prescribed by the 9273
~~school~~ facilities construction commission documenting the 9274
reductions in energy consumption and resultant operational and 9275
maintenance cost savings attributable to such installations, 9276
modifications, or remodeling. The resultant operational and 9277
maintenance cost savings shall be certified by the school district 9278
treasurer. The report shall be submitted annually to the 9279
commission. 9280

~~(4)~~(b) If the ~~school~~ facilities construction commission 9281
verifies that the certified annual reports submitted to the 9282
commission by a board of education under division (G)~~(3)~~(4)(a) of 9283
this section fulfill the guarantee required under division (B) of 9284
section 3313.372 of the Revised Code for three consecutive years, 9285
the board of education shall no longer be subject to the annual 9286
reporting requirements of division (G)~~(3)~~(4)(a) of this section. 9287

(5) So long as any securities issued under division (G)(2) of 9288
this section remain outstanding, the board of education shall 9289
monitor the purchase of new alternative fuel vehicles or vehicle 9290
conversions pursuant to that division. The board shall maintain 9291
and annually update a report in a form and manner prescribed by 9292
the facilities construction commission documenting the purchase of 9293
new alternative fuel vehicles or vehicle conversions, the 9294
associated environmental impact, and return on investment. The 9295
resultant fuel and operational and maintenance cost savings shall 9296
be certified by the school district treasurer. The report shall be 9297
submitted annually to the commission. 9298

(H) With the consent of the superintendent of public 9299
instruction, a school district may incur without a vote of the 9300
electors net indebtedness that exceeds the amounts stated in 9301
divisions (A) and (G) of this section for the purpose of paying 9302

costs of permanent improvements, if and to the extent that both of 9303
the following conditions are satisfied: 9304

(1) The fiscal officer of the school district estimates that 9305
receipts of the school district from payments made under or 9306
pursuant to agreements entered into pursuant to section 725.02, 9307
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 9308
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the 9309
Revised Code, or distributions under division (C) of section 9310
5709.43 or division (B) of section 5709.47 of the Revised Code, or 9311
any combination thereof, are, after accounting for any appropriate 9312
coverage requirements, sufficient in time and amount, and are 9313
committed by the proceedings, to pay the debt charges on the 9314
securities issued to evidence that indebtedness and payable from 9315
those receipts, and the taxing authority of the district confirms 9316
the fiscal officer's estimate, which confirmation is approved by 9317
the superintendent of public instruction; 9318

(2) The fiscal officer of the school district certifies, and 9319
the taxing authority of the district confirms, that the district, 9320
at the time of the certification and confirmation, reasonably 9321
expects to have sufficient revenue available for the purpose of 9322
operating such permanent improvements for their intended purpose 9323
upon acquisition or completion thereof, and the superintendent of 9324
public instruction approves the taxing authority's confirmation. 9325

The maximum maturity of securities issued under division (H) 9326
of this section shall be the lesser of twenty years or the maximum 9327
maturity calculated under section 133.20 of the Revised Code. 9328

(I) A school district may incur net indebtedness by the 9329
issuance of securities in accordance with the provisions of this 9330
chapter in excess of the limit specified in division (B) or (C) of 9331
this section when necessary to raise the school district portion 9332
of the basic project cost and any additional funds necessary to 9333
participate in a project under Chapter 3318. of the Revised Code, 9334

including the cost of items designated by the ~~school~~ facilities 9335
construction commission as required locally funded initiatives, 9336
the cost of other locally funded initiatives in an amount that 9337
does not exceed fifty per cent of the district's portion of the 9338
basic project cost, and the cost for site acquisition. The 9339
commission shall notify the superintendent of public instruction 9340
whenever a school district will exceed either limit pursuant to 9341
this division. 9342

(J) A school district whose portion of the basic project cost 9343
of its classroom facilities project under sections 3318.01 to 9344
3318.20 of the Revised Code is greater than or equal to one 9345
hundred million dollars may incur without a vote of the electors 9346
net indebtedness in an amount up to two per cent of its tax 9347
valuation through the issuance of general obligation securities in 9348
order to generate all or part of the amount of its portion of the 9349
basic project cost if the controlling board has approved the 9350
~~school~~ facilities construction commission's conditional approval 9351
of the project under section 3318.04 of the Revised Code. The 9352
school district board and the Ohio ~~school~~ facilities construction 9353
commission shall include the dedication of the proceeds of such 9354
securities in the agreement entered into under section 3318.08 of 9355
the Revised Code. No state moneys shall be released for a project 9356
to which this section applies until the proceeds of any bonds 9357
issued under this section that are dedicated for the payment of 9358
the school district portion of the project are first deposited 9359
into the school district's project construction fund. 9360

Sec. 133.061. (A) This section applies only to a school 9361
district that satisfies all of the following conditions: 9362

(1) The district, prior to ~~the effective date of this section~~ 9363
June 30, 2007, undertook a classroom facilities project under 9364
section 3318.37 of the Revised Code. 9365

(2) The district will undertake a subsequent classroom facilities project under section 3318.37 of the Revised Code that will consist of a single building housing grades six through twelve.

(3) The district's project described in division (A)(2) of this section will include locally funded initiatives that are not required by the Ohio ~~school~~ facilities construction commission.

(4) The district's project described in division (A)(2) of this section will commence within two years after ~~the effective date of this section~~ June 30, 2007.

(B) Notwithstanding any other provision of law to the contrary, a school district to which this section applies may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of section 133.06 of the Revised Code when necessary to raise the school district portion of the basic project cost and any additional funds necessary to participate in the classroom facilities project described in division (A)(2) of this section, including the cost of items designated by the Ohio ~~school~~ facilities construction commission as required locally funded initiatives, the cost for site acquisition, and the cost of the locally funded initiatives that are not required by the commission described in division (A)(3) of this section, as long as the district's total net indebtedness after the issuance of those securities does not exceed one hundred twenty-five per cent of the limit prescribed in division (B) of section 133.06 of the Revised Code and the electors of the district approve the issuance of those securities.

The ~~school~~ facilities construction commission shall notify the superintendent of public instruction whenever a school district will exceed either limit pursuant to this section.

Sec. 135.143. (A) The treasurer of state may invest or 9397
execute transactions for any part or all of the interim funds of 9398
the state in the following classifications of obligations: 9399

(1) United States treasury bills, notes, bonds, or any other 9400
obligations or securities issued by the United States treasury or 9401
any other obligation guaranteed as to principal and interest by 9402
the United States; 9403

(2) Bonds, notes, debentures, or any other obligations or 9404
securities issued by any federal government agency or 9405
instrumentality; 9406

(3)(a) Bonds, notes, and other obligations of the state of 9407
Ohio, including, but not limited to, any obligations issued by the 9408
treasurer of state, the Ohio public facilities commission, the 9409
Ohio building authority, the Ohio housing finance agency, the Ohio 9410
water development authority, and the Ohio turnpike infrastructure 9411
commission; 9412

(b) Bonds, notes, and other obligations of any state or 9413
political subdivision thereof rated in the three highest 9414
categories by at least one nationally recognized standard rating 9415
service and purchased through a registered securities broker or 9416
dealer, provided the treasurer of state is not the sole purchaser 9417
of the bonds, notes, or other obligations at original issuance. 9418

(4)(a) Written repurchase agreements with any eligible Ohio 9419
financial institution that is a member of the federal reserve 9420
system or federal home loan bank, or any registered United States 9421
government securities dealer, under the terms of which agreement 9422
the treasurer of state purchases and the eligible financial 9423
institution or dealer agrees unconditionally to repurchase any of 9424
the securities that are listed in division (A)(1), (2), or (6) of 9425
this section. The market value of securities subject to these 9426
transactions must exceed the principal value of the repurchase 9427

agreement by an amount specified by the treasurer of state, and 9428
the securities must be delivered into the custody of the treasurer 9429
of state or the qualified trustee or agent designated by the 9430
treasurer of state. The agreement shall contain the requirement 9431
that for each transaction pursuant to the agreement, the 9432
participating institution or dealer shall provide all of the 9433
following information: 9434

(i) The par value of the securities; 9435

(ii) The type, rate, and maturity date of the securities; 9436

(iii) A numerical identifier generally accepted in the 9437
securities industry that designates the securities. 9438

(b) The treasurer of state also may sell any securities, 9439
listed in division (A)(1), (2), or (6) of this section, regardless 9440
of maturity or time of redemption of the securities, under the 9441
same terms and conditions for repurchase, provided that the 9442
securities have been fully paid for and are owned by the treasurer 9443
of state at the time of the sale. 9444

(5) Securities lending agreements with any eligible financial 9445
institution that is a member of the federal reserve system or 9446
federal home loan bank or any recognized United States government 9447
securities dealer, under the terms of which agreements the 9448
treasurer of state lends securities and the eligible financial 9449
institution or dealer agrees to simultaneously exchange similar 9450
securities or cash, equal value for equal value. 9451

Securities and cash received as collateral for a securities 9452
lending agreement are not interim funds of the state. The 9453
investment of cash collateral received pursuant to a securities 9454
lending agreement may be invested only in such instruments 9455
specified by the treasurer of state in accordance with a written 9456
investment policy. 9457

(6) Various forms of commercial paper issued by any entity 9458

that is organized under the laws of the United States or a state, 9459
which notes are rated in the two highest categories by two 9460
nationally recognized standard rating services, provided that the 9461
total amount invested under this section in any commercial paper 9462
at any time shall not exceed forty per cent of the state's total 9463
average portfolio, as determined and calculated by the treasurer 9464
of state; 9465

(7) Bankers acceptances, maturing in two hundred seventy days 9466
or less, provided that the total amount invested in bankers 9467
acceptances at any time shall not exceed ten per cent of the 9468
state's total average portfolio, as determined and calculated by 9469
the treasurer of state; 9470

(8) Certificates of deposit in eligible institutions applying 9471
for interim moneys as provided in section 135.08 of the Revised 9472
Code, including linked deposits as provided in sections 135.61 to 9473
135.67 of the Revised Code, agricultural linked deposits as 9474
provided in sections 135.71 to 135.76 of the Revised Code, 9475
business linked deposits as provided in sections 135.77 to 135.774 9476
of the Revised Code, and housing linked deposits as provided in 9477
sections 135.81 to 135.87 of the Revised Code; 9478

(9) The state treasurer's investment pool authorized under 9479
section 135.45 of the Revised Code; 9480

(10) Debt interests, other than commercial paper described in 9481
division (A)(6) of this section, rated in the three highest 9482
categories by two nationally recognized standard rating services 9483
and issued by entities that are organized under the laws of the 9484
United States or a state, or issued by foreign nations 9485
diplomatically recognized by the United States government, or any 9486
instrument based on, derived from, or related to such interests, 9487
provided that: 9488

(a) The investments in debt interests other than commercial 9489

paper shall not exceed in the aggregate twenty-five per cent of 9490
the state's portfolio. 9491

(b) The investments in debt interests issued by foreign 9492
nations shall not exceed in the aggregate two per cent of the 9493
state's portfolio. 9494

The treasurer of state shall invest under division (A)(10) of 9495
this section in a debt interest issued by a foreign nation only if 9496
the debt interest is backed by the full faith and credit of that 9497
foreign nation, and provided that all interest and principal shall 9498
be denominated and payable in United States funds. 9499

(c) When added to the investment in commercial paper, the 9500
investments in the debt interests of a single issuer shall not 9501
exceed in the aggregate five per cent of the state's portfolio. 9502

(d) For purposes of division (A)(10) of this section, a debt 9503
interest is rated in the three highest categories by two 9504
nationally recognized standard rating services if either the debt 9505
interest itself or the issuer of the debt interest is rated, or is 9506
implicitly rated, in the three highest categories by two 9507
nationally recognized standard rating services. 9508

(e) For purposes of division (A)(10) of this section, the 9509
"state's portfolio" means the state's total average portfolio, as 9510
determined and calculated by the treasurer of state. 9511

(11) No-load money market mutual funds rated in the highest 9512
category by one nationally recognized standard rating service or 9513
consisting exclusively of obligations described in division 9514
(A)(1), (2), or (6) of this section and repurchase agreements 9515
secured by such obligations. 9516

(12) Obligations issued by, or on behalf of, an Ohio 9517
political subdivision under Chapter 133. of the Revised Code or 9518
Section 12 of Article XVIII, Ohio Constitution, and identified in 9519
an agreement described in division (G) of this section. 9520

(B) Whenever, during a period of designation, the treasurer 9521
of state classifies public moneys as interim moneys, the treasurer 9522
of state shall notify the state board of deposit of such action. 9523
The notification shall be given within thirty days after such 9524
classification and, in the event the state board of deposit does 9525
not concur in such classification or in the investments or 9526
deposits made under this section, the board may order the 9527
treasurer of state to sell or liquidate any of the investments or 9528
deposits, and any such order shall specifically describe the 9529
investments or deposits and fix the date upon which they are to be 9530
sold or liquidated. Investments or deposits so ordered to be sold 9531
or liquidated shall be sold or liquidated for cash by the 9532
treasurer of state on the date fixed in such order at the then 9533
current market price. Neither the treasurer of state nor the 9534
members of the state board of deposit shall be held accountable 9535
for any loss occasioned by sales or liquidations of investments or 9536
deposits at prices lower than their cost. Any loss or expense 9537
incurred in making these sales or liquidations is payable as other 9538
expenses of the treasurer's office. 9539

(C) If any securities or obligations invested in by the 9540
treasurer of state pursuant to this section are registrable either 9541
as to principal or interest, or both, such securities or 9542
obligations shall be registered in the name of the treasurer of 9543
state. 9544

(D) The treasurer of state is responsible for the safekeeping 9545
of all securities or obligations under this section. Any such 9546
securities or obligations may be deposited for safekeeping as 9547
provided in section 113.05 of the Revised Code. 9548

(E) Interest earned on any investments or deposits authorized 9549
by this section shall be collected by the treasurer of state and 9550
credited by the treasurer of state to the proper fund of the 9551
state. 9552

(F) Whenever investments or deposits acquired under this 9553
section mature and become due and payable, the treasurer of state 9554
shall present them for payment according to their tenor, and shall 9555
collect the moneys payable thereon. The moneys so collected shall 9556
be treated as public moneys subject to sections 135.01 to 135.21 9557
of the Revised Code. 9558

(G) The treasurer of state and any entity issuing obligations 9559
referred to in division (A)(12) of this section, which obligations 9560
mature within one year from the original date of issuance, may 9561
enter into an agreement providing for: 9562

(1) The purchase of those obligations by the treasurer of 9563
state on terms and subject to conditions set forth in the 9564
agreement; 9565

(2) The payment to the treasurer of state of a reasonable fee 9566
as consideration for the agreement of the treasurer of state to 9567
purchase those obligations; provided, however, that the treasurer 9568
of state shall not be authorized to enter into any such agreement 9569
with a board of education of a school district that has an 9570
outstanding obligation with respect to a loan received under 9571
authority of section 3313.483 of the Revised Code. 9572

(H) For purposes of division (G) of this section, a fee shall 9573
not be considered reasonable unless it is set to recover only the 9574
direct costs, a reasonable estimate of the indirect costs 9575
associated with the purchasing of obligations under division (G) 9576
of this section and any reselling of the obligations or any 9577
interest in the obligations, including interests in a fund 9578
comprised of the obligations, and the administration thereof. No 9579
money from the general revenue fund shall be used to subsidize the 9580
purchase or resale of these obligations. 9581

(I) All money collected by the treasurer of state from the 9582
fee imposed by division (G) of this section shall be deposited to 9583

the credit of the state political subdivision obligations fund, 9584
which is hereby created in the state treasury. Money credited to 9585
the fund shall be used solely to pay the treasurer of state's 9586
direct and indirect costs associated with purchasing and reselling 9587
obligations under division (G) of this section. 9588

(J) As used in this section, "political subdivision" means a 9589
county, township, municipal corporation, school district, or other 9590
body corporate and politic responsible for governmental activities 9591
in a geographic area smaller than that of the state. 9592

Sec. 135.182. (A) As used in this section: 9593

(1) "Public depository" means that term as defined in section 9594
135.01 of the Revised Code, but also means an institution that 9595
receives or holds any public deposits as defined in section 135.31 9596
of the Revised Code. 9597

(2) "Public depositor" means that term as defined in section 9598
135.01 of the Revised Code, but also includes a county and any 9599
municipal corporation that has adopted a charter under Article 9600
XVIII, Ohio Constitution. 9601

(3) "Public deposits," "public moneys," and "treasurer" mean 9602
those terms as defined in section 135.01 of the Revised Code, but 9603
also have the same meanings as are set forth in section 135.31 of 9604
the Revised Code. 9605

(B)(1) Not later than July 1, 2017, the treasurer of state 9606
shall create the Ohio pooled collateral program. Under this 9607
program, each institution designated as a public depository that 9608
selects the pledging method prescribed in division (A)(2) of 9609
section 135.18 or division (A)(2) of section 135.37 of the Revised 9610
Code shall pledge to the treasurer of state a single pool of 9611
eligible securities for the benefit of all public depositors at 9612
the public depository to secure the repayment of all uninsured 9613

public deposits at the public depository, provided that at all 9614
times the total market value of the securities so pledged is at 9615
least equal to either of the following: 9616

(a) One hundred two per cent of the total amount of all 9617
uninsured public deposits; 9618

(b) An amount determined by rules adopted by the treasurer of 9619
state that set forth the criteria for determining the aggregate 9620
market value of the pool of eligible securities pledged by a 9621
public depository pursuant to division (B) of this section. Such 9622
criteria shall include, but are not limited to, prudent capital 9623
and liquidity management by the public depository and the safety 9624
and soundness of the public depository as determined by a 9625
third-party rating organization. 9626

(2) The treasurer of state shall monitor the eligibility, 9627
market value, and face value of the pooled securities pledged by 9628
the public depository. Each public depository shall carry in its 9629
accounting records at all times a general ledger or other 9630
appropriate account of the total amount of all public deposits to 9631
be secured by the pool, as determined at the opening of business 9632
each day, and the total market value of securities pledged to 9633
secure such deposits, and report such information to the treasurer 9634
of state in a manner and frequency as determined by the treasurer 9635
of state pursuant to rules adopted by the treasurer of state. A 9636
public depositor shall be responsible for periodically confirming 9637
the accuracy of its account balances with the treasurer of state; 9638
otherwise, the treasurer of state shall be the sole public 9639
depositor responsible for monitoring and ensuring the sufficiency 9640
of securities pledged under this section. 9641

(C) The public depository shall designate a qualified trustee 9642
approved by the treasurer of state and place with such trustee for 9643
safekeeping the eligible securities pledged pursuant to division 9644
(B) of this section. The trustee shall hold the eligible 9645

securities in an account indicating the treasurer of state's 9646
security interest in the eligible securities. The treasurer of 9647
state shall give written notice of the trustee to all public 9648
depositors for which such securities are pledged. The trustee 9649
shall report to the treasurer of state information relating to the 9650
securities pledged to secure such public deposits in a manner and 9651
frequency as determined by the treasurer of state. 9652

(D) In order for a public depository to receive public moneys 9653
under this section, the public depository and the treasurer of 9654
state shall first execute an agreement that sets forth the entire 9655
arrangement among the parties and that meets the requirements 9656
described in 12 U.S.C. 1823(e). In addition, the agreement shall 9657
authorize the treasurer of state to obtain control of the 9658
collateral pursuant to division (D) of section 1308.24 of the 9659
Revised Code. 9660

(E) The securities or other obligations described in division 9661
(D) of section 135.18 of the Revised Code shall be eligible as 9662
collateral for the purposes of division (B) of this section, 9663
provided no such securities or obligations pledged as collateral 9664
are at any time in default as to either principal or interest. 9665

(F) Any federal reserve bank or branch thereof located in 9666
this state or federal home loan bank, without compliance with 9667
Chapter 1111. of the Revised Code and without becoming subject to 9668
any other law of this state relative to the exercise by 9669
corporations of trust powers generally, is qualified to act as 9670
trustee for the safekeeping of securities, under this section. Any 9671
institution mentioned in section 135.03 or 135.32 of the Revised 9672
Code that holds a certificate of qualification issued by the 9673
superintendent of financial institutions or any institution 9674
complying with sections 1111.04, 1111.05, and 1111.06 of the 9675
Revised Code is qualified to act as trustee for the safekeeping of 9676
securities under this section, other than those belonging to 9677

itself or to an affiliate as defined in section 1101.01 of the Revised Code.

(G) The public depository may substitute, exchange, or release eligible securities deposited with the qualified trustee pursuant to this section, provided that such substitution, exchange, or release is effectuated pursuant to written authorization from the treasurer of state, and such action does not reduce the total market value of the securities to an amount that is less than the amount established pursuant to division (B) of this section.

(H) Notwithstanding the fact that a public depository is required to pledge eligible securities in certain amounts to secure public deposits, a qualified trustee has no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a public depository. This applies in all situations including, but not limited to, a substitution or exchange of securities, but excluding those situations effectuated by division (I) of this section in which the trustee is required to determine face and market value.

(I) The qualified trustee shall enter into a custodial agreement with the treasurer of state and public depository in which the trustee agrees to comply with entitlement orders originated by the treasurer of state without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the treasurer of state shall have the treasurer's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made therein as provided by law and secured pursuant to division (B) of this section, the treasurer of state shall give written notice of this

failure to the qualified trustee holding the pool of securities 9710
pledged against the public deposits, and at the same time shall 9711
send a copy of this notice to the public depository. Upon receipt 9712
of this notice, the trustee shall transfer to the treasurer of 9713
state for sale, the pooled securities that are necessary to 9714
produce an amount equal to the public deposits made by the public 9715
depositor and not paid over, less the portion of the deposits 9716
covered by any federal deposit insurance, plus any accrued 9717
interest due on the deposits. The treasurer of state shall sell 9718
any of the bonds or other securities so transferred. When a sale 9719
of bonds or other securities has been so made and upon payment to 9720
the public depositor of the purchase money, the treasurer of state 9721
shall transfer such bonds or securities whereupon the absolute 9722
ownership of such bonds or securities shall pass to the 9723
purchasers. Any surplus after deducting the amount due to the 9724
public depositor and expenses of sale shall be paid to the public 9725
depository. 9726

(J) Any charges or compensation of a qualified trustee for 9727
acting as such under this section shall be paid by the public 9728
depository and in no event shall be chargeable to the public 9729
depositor or to any officer of the public depositor. The charges 9730
or compensation shall not be a lien or charge upon the securities 9731
deposited for safekeeping prior or superior to the rights to and 9732
interests in the securities of the public depositor. The treasurer 9733
and the treasurer's bonders or surety shall be relieved from any 9734
liability to the public depositor or to the public depository for 9735
the loss or destruction of any securities deposited with a 9736
qualified trustee pursuant to this section. 9737

(K)(1) The following information is confidential and not a 9738
public record under section 149.43 of the Revised Code: 9739

(a) All reports or other information obtained or created 9740
about a public depository for purposes of division (B)(1)(b) of 9741

this section; 9742

(b) The identity of a public depositor's public depository; 9743

(c) The identity of a public depository's public depositors. 9744

(2) Nothing in this section prevents the treasurer of state 9745
from releasing or exchanging such confidential information as 9746
required by law or for the operation of the pooled collateral 9747
program. 9748

(L) The treasurer of state may impose reasonable fees, 9749
including late fees, upon public depositories participating in the 9750
pooled collateral program to defray the actual and necessary 9751
expenses incurred by the treasurer in connection with the program. 9752
All such fees collected by the treasurer shall be deposited into 9753
the state treasury to the credit of the administrative fund 9754
created in section 113.20 of the Revised Code. 9755

(M) The treasurer of state may adopt rules necessary for the 9756
implementation of this section and sections 135.18 and 135.181 of 9757
the Revised Code. Such rules shall be adopted in accordance with 9758
Chapter 119. of the Revised Code. 9759

Sec. 135.45. (A) Subject to division (B) of this section, a 9760
treasurer, governing board, or investing authority of a 9761
subdivision may pay public moneys of the subdivision into the Ohio 9762
subdivision's fund, which may be established in the custody of the 9763
treasurer of state. The treasurer of state shall invest the moneys 9764
in the fund as in separately managed accounts and pooled accounts, 9765
including the state treasurer's investment pool, in the same 9766
manner, in the same types of instruments, and subject to the same 9767
limitations provided for the deposit and investment of interim 9768
moneys of the state, except that the fund shall not be invested in 9769
the linked deposits authorized under sections 135.61 to 135.67 of 9770
the Revised Code. 9771

(B)(1) On and after July 1, 1997, a treasurer, governing board, or investing authority of a subdivision that has not entered into an agreement with the treasurer of state under division (C) of this section shall not invest public moneys of the subdivision in a pooled account of the Ohio subdivision's fund under division (B)(6) of section 135.14 of the Revised Code or division (A)(6) of section 135.35 of the Revised Code if the ~~fund~~ pool does not maintain the highest letter or numerical rating provided by at least one nationally recognized standard rating service.

(2) Upon receipt of notice that the ~~fund~~ pool does not maintain the highest letter or numerical rating required under division (B)(1) of this section, the treasurer of state shall have ninety days to obtain the required highest letter or numerical rating. If the treasurer of state fails to obtain the required highest letter or numerical rating, the treasurer of state shall have an additional one hundred eighty days to develop a plan to dissolve the ~~fund~~ pool. The plan shall include reasonable standards for the equitable return of public moneys in the ~~fund~~ pool to those subdivisions participating in the ~~fund~~ pool.

(3) Treasurers, governing boards, or investing authorities of subdivisions participating in the ~~fund~~ pool shall not be required to divest in the ~~fund~~ pool during the initial one hundred eighty days following the treasurer of state's receipt of notice under division (B)(2) of this section.

(C) A treasurer, governing board, or investing authority of a subdivision that wishes to invest public moneys of the subdivision in a separately managed account or pooled account of the Ohio subdivision's fund may enter into an agreement with the treasurer of state that sets forth the manner in which the money is to be invested. The treasurer of state shall invest the moneys in accordance with the agreement, subject to the limitations set

forth in division (A) of this section. For purposes of this 9804
division, the limitation on investments in debt interests provided 9805
in division (A)(10)(a) of section 135.143 of the Revised Code 9806
shall not apply to a subdivision's excess reserves. 9807

(D) The treasurer of state shall adopt such rules as are 9808
necessary for the implementation of this section, including the 9809
efficient administration of and accounting for the separately 9810
managed accounts and pooled accounts, including the state 9811
treasurer's investment pool, including and the specification of 9812
minimum amounts ~~which~~ that may be paid into ~~the pool~~ such pools 9813
and minimum periods of time for which such payments shall be 9814
retained in the ~~pool~~ pools. The rules shall provide for the 9815
administrative expenses of the separately managed accounts and 9816
pooled accounts, including the state treasurer's investment pool, 9817
to be paid from ~~its~~ the earnings and for the interest earnings in 9818
excess of such expenses to be credited to the several treasurers, 9819
governing boards, and investing authorities participating in ~~the a~~ 9820
pool in a manner which equitably reflects the differing amounts of 9821
their respective investments in the pool and the differing periods 9822
of time for which such amounts are in the pool. 9823

~~(D) Upon creating the pool, the~~ (E) The treasurer of state 9824
shall give bond with sufficient sureties, payable to the 9825
treasurers, governing boards, and investing authorities of 9826
subdivisions participating in the ~~pool~~ fund, for the benefit of 9827
the subdivisions whose moneys are paid into the ~~pool~~ fund for 9828
investment, in the total penal sum of two hundred fifty thousand 9829
dollars, conditioned for the faithful discharge of ~~his~~ the 9830
treasurer of state's duties in relation to the ~~pool~~ fund. 9831

~~(E)~~(F) The treasurer of state and ~~his bondsmen~~ the treasurer 9832
of state's bonders or surety are liable for the loss of any 9833
interim moneys of the state and subdivisions invested under this 9834
section ~~through the state treasurer's investment pool~~ to the same 9835

extent the treasurer of state and ~~his bondsmen~~ the treasurer of 9836
state's bonders or surety are liable for the loss of public moneys 9837
under section 135.19 of the Revised Code. 9838

~~(F)~~(G) As used in this section: 9839

(1) "Interim moneys" and "governing board" have the same 9840
meanings as in section 135.01 of the Revised Code. 9841

(2)(a) "Subdivision" has the same meaning as in section 9842
135.01 of the Revised Code, but also includes a county, ~~or~~ a 9843
municipal corporation that has adopted a charter under Article 9844
XVIII, Ohio Constitution, or any government entity for which the 9845
fund is a permissible investment. 9846

(b) "Public moneys of a subdivision" has the same meaning as 9847
in section 135.01 of the Revised Code, but also includes "public 9848
moneys" as defined in section 135.31 of the Revised Code, and 9849
funds held in the custody of the treasurer of state 9850
notwithstanding any limitations on the permissible investments of 9851
such funds. 9852

(3) "Treasurer" has the same meaning as in sections 135.01 9853
and 135.31 of the Revised Code. 9854

(4) "Investing authority" has the same meaning as in section 9855
135.31 of the Revised Code. 9856

(5) "Excess reserves" means the amount of a subdivision's 9857
public moneys that exceed the average of a subdivision's annual 9858
operating expenses in the immediately preceding three fiscal 9859
years. 9860

Sec. 135.63. The treasurer of state may invest in linked 9861
deposits under sections 135.61 to 135.67, short-term installment 9862
loan linked deposits under sections 135.68 to 135.70, agricultural 9863
linked deposits under sections 135.71 to 135.76, business linked 9864
deposits under sections 135.77 to 135.774, housing linked deposits 9865

under sections 135.81 to 135.87, assistive technology device 9866
linked deposits under sections 135.91 to 135.97, and SaveNOW 9867
linked deposits under sections 135.101 to 135.106 of the Revised 9868
Code, provided that at the time of placement of any such linked 9869
deposit the combined amount of investments in all such linked 9870
deposits is not more than twelve per cent of the state's total 9871
average investment portfolio as determined by the treasurer of 9872
state. When deciding whether to invest in any such linked 9873
deposits, the treasurer of state shall give priority to the 9874
investment, liquidity, and cash flow needs of the state. 9875

Sec. 135.71. As used in sections 135.71 to 135.76 of the 9876
Revised Code: 9877

(A) "Eligible agricultural business" means any person engaged 9878
in agriculture that has all of the following characteristics: 9879

(1) Is headquartered and domiciled in this state; 9880

(2) Maintains land or facilities for agricultural purposes in 9881
this state provided that the land or facilities within this state 9882
comprise not less than fifty-one per cent of the total of all 9883
lands or facilities maintained by the person; 9884

(3) Is organized for profit. 9885

(B) "Eligible lending institution" means a financial 9886
institution that is eligible to make commercial loans, agrees to 9887
participate in the agricultural linked deposit program, and is any 9888
of the following: 9889

(1) Is a public depository of state funds under section 9890
135.03 of the Revised Code; ~~or~~ 9891

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 9892
Code, is an institution of the farm credit system organized under 9893
the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C.A. 9894
2001, as amended; 9895

(3) Notwithstanding sections 135.01 to 135.21 of the Revised Code, is a federal credit union, a foreign credit union licensed pursuant to section 1733.39 of the Revised Code, or a credit union as defined in section 1733.01 of the Revised Code, located in this state. 9896
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(C) "Agricultural linked deposit" means a certificate of deposit placed by the treasurer of state with an eligible lending institution under section 135.74 of the Revised Code, share certificates issued by an eligible lending institution that are purchased by the treasurer of state, or an investment in bonds, notes, debentures, or other obligations or securities issued by the federal farm credit bank with regard to an eligible lending institution. 9901
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(D) "Loan" means a contractual agreement under which an eligible lending institution agrees to lend money in the form of an upfront lump sum, a line of credit, or any other reasonable arrangement approved by the treasurer of state. 9909
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Sec. 135.77. As used in sections 135.77 to 135.774 of the Revised Code: 9913
9914

(A) "Business linked deposit" means share certificates issued by an eligible lending institution that are purchased by the treasurer of state in accordance with sections 135.772 to 135.774 of the Revised Code. 9915
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(B) "Eligible lending institution" means a federal credit union, a foreign credit union licensed pursuant to section 1733.39 of the Revised Code, or a credit union as defined in section 1733.01 of the Revised Code, located in this state. 9919
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(C) "Eligible small business" means any person that has all of the following characteristics: 9923
9924

(1) Is domiciled in this state; 9925

(2) Maintains offices and operating facilities exclusively in this state and transacts business in this state; 9926
9927

(3) Employs fewer than one hundred fifty employees, the majority of whom are residents of this state; 9928
9929

(4) Is organized for profit; 9930

(5) Is able to save or create one full-time job or two part-time jobs in this state for every fifty thousand dollars borrowed. 9931
9932
9933

(D) "Full-time job" means a job with regular hours of service totaling at least forty hours per week or any other standard of service accepted as full-time by the employee's employer. 9934
9935
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(E) "Loan" means a contractual agreement under which an eligible lending institution agrees to lend money in the form of an upfront lump sum, a line of credit, or any other reasonable arrangement approved by the treasurer of state. 9937
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(F) "Part-time job" means a job with regular hours of service totaling fewer than forty hours per week or any other standard of service accepted as part-time by the employee's employer. 9941
9942
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Sec. 135.771. The general assembly finds that small businesses play an important role in creating jobs in this state. Accordingly, it is declared to be the public policy of the state through the business linked deposit program to foster economic growth and development within Ohio's small businesses, and to protect the jobs of this state. 9944
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Sec. 135.772. (A) In accordance with section 135.64 of the Revised Code, an eligible lending institution that desires to receive a business linked deposit shall accept and review applications for loans from eligible small businesses and forward to the treasurer of state a linked deposit loan package. 9950
9951
9952
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(B) No loan issued pursuant to sections 135.77 to 135.774 of 9955
the Revised Code shall exceed four hundred thousand dollars. 9956

Sec. 135.773. In accordance with section 135.65 of the 9957
Revised Code, the treasurer of state may accept or reject a 9958
business linked deposit loan package, or any portion thereof, and 9959
shall enter into a deposit agreement regarding any accepted loan 9960
packages. 9961

Sec. 135.774. (A) Upon the placement of a business linked 9962
deposit with an eligible lending institution, such institution is 9963
required to lend such funds to each approved eligible small 9964
business listed in the linked deposit loan package required by 9965
section 135.772 of the Revised Code and in accordance with the 9966
deposit agreement required by section 135.773 of the Revised Code. 9967
The loan shall be at a rate that reflects the following percentage 9968
rate reduction below the present borrowing rate applicable to each 9969
eligible small business: 9970

(1) Three per cent if the present borrowing rate is greater 9971
than five per cent; 9972

(2) Two and one-tenth per cent if the present borrowing rate 9973
is equal to or less than five per cent. 9974

A certification of compliance with this section in the form 9975
and manner as prescribed by the treasurer of state shall be 9976
required of the eligible lending institution. 9977

(B) The treasurer of state shall take any and all steps 9978
necessary to implement the business linked deposit program and 9979
monitor compliance of eligible lending institutions and eligible 9980
small businesses, including the development of guidelines as 9981
necessary. 9982

(C) The state and the treasurer of state are not liable to 9983
any eligible lending institution in any manner for payment of the 9984

principal or interest on the loan to an eligible small business. 9985
Any delay in payments or default on the part of an eligible small 9986
business does not in any manner affect the deposit agreement 9987
between the eligible lending institution and the treasurer of 9988
state. 9989

Sec. 135.78. (A) As used in this section, "eligible lending 9990
institution" has the same meaning as in section 135.77 of the 9991
Revised Code. 9992

(B) The treasurer of state shall, in accordance with Chapter 9993
111. of the Revised Code, adopt rules addressing the participation 9994
of eligible lending institutions in the agricultural linked 9995
deposit program under sections 135.71 to 135.76 of the Revised 9996
Code and the business linked deposit program under sections 135.77 9997
to 135.774 of the Revised Code, including, but not limited to, the 9998
manner in which an eligible lending institution is designated and 9999
the linked deposits are placed, held, and collateralized. 10000
Participation of eligible lending institutions in those linked 10001
deposit programs shall not begin until these rules have been 10002
adopted. 10003

Sec. 143.01. As used in this chapter: 10004

(A) "Killed in the line of duty" means either of the 10005
following: 10006

(1) Death in the line of duty; 10007

(2) Death from injury sustained in the line of duty, 10008
including heart attack or other fatal injury or illness caused 10009
while in the line of duty. 10010

(B) "Totally and permanently disabled" means unable to engage 10011
in any substantial gainful employment for a period of not less 10012
than twelve months by reason of a medically determinable physical 10013
impairment that is permanent or presumed to be permanent. 10014

(C) "Volunteer peace officer" means any person who is 10015
employed as a police officer, sheriff's deputy, constable, or 10016
deputy marshal in a part-time, reserve, or volunteer capacity by a 10017
county sheriff's department or the police department of a 10018
municipal corporation, township, township police district, or 10019
joint police district and is not a either of the following: 10020

(1) A member of the public employees retirement system, Ohio 10021
police and fire pension fund, state highway patrol retirement 10022
system, or the Cincinnati retirement system 10023

(2) A retirant as defined in section 145.01 of the Revised 10024
Code. 10025

Sec. 151.03. This section applies to obligations as defined 10026
in this section. 10027

(A) As used in this section: 10028

(1) "Costs of capital facilities" includes related direct 10029
administrative expenses and allocable portions of direct costs of 10030
the using school district and the Ohio ~~school~~ facilities 10031
construction commission. 10032

(2) "Net state lottery proceeds" means the amount determined 10033
by the director of budget and management to be an excess amount to 10034
the credit of the state lottery fund and to be transferred to the 10035
lottery profits education fund, and moneys from time to time in 10036
the lottery profits education fund, all as provided for and 10037
referred to in section 3770.06 of the Revised Code. 10038

(3) "Ohio ~~school~~ facilities construction commission" and 10039
"school district" have the same meanings as in section 3318.01 of 10040
the Revised Code. 10041

(4) "Obligations" means obligations as defined in section 10042
151.01 of the Revised Code issued to pay costs of capital 10043
facilities for a system of common schools throughout the state. 10044

(5) "Using school district" means the school district, or two or more school districts acting jointly, that are the ultimate users of the capital facilities for a system of common schools financed with net proceeds of obligations.

(B) The issuing authority shall issue obligations to pay costs of capital facilities for a system of common schools throughout the state pursuant to Section 2n of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. The issuing authority, upon the certification by the Ohio ~~school~~ facilities construction commission to it of the amount of moneys needed in the school building program assistance fund created by section 3318.25 of the Revised Code for purposes of that fund, shall issue obligations in the amount determined to be required by the issuing authority.

(C) Net proceeds of obligations shall be deposited into the school building program assistance fund created by section 3318.25 of the Revised Code.

(D) There is hereby created in the state treasury the "common schools capital facilities bond service fund." All moneys received by the state and required by the bond proceedings, consistent with sections 151.01 and 151.03 of the Revised Code, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond proceedings but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund (except the principal amounts of bond anticipation notes payable from the

proceeds of renewal notes or bonds anticipated) and due in the 10077
particular fiscal year, a sufficient amount of revenues of the 10078
state, including net state lottery proceeds, is committed and, 10079
without necessity for further act of appropriation, shall be paid 10080
to the bond service fund for the purpose of paying that debt 10081
service when due. 10082

Sec. 153.02. (A) The executive director of the Ohio 10083
facilities construction commission, may debar a contractor from 10084
contract awards for public improvements as referred to in section 10085
153.01 of the Revised Code or for projects as defined in section 10086
3318.01 of the Revised Code, upon proof that the contractor has 10087
done any of the following: 10088

(1) Defaulted on a contract requiring the execution of a 10089
takeover agreement as set forth in division (B) of section 153.17 10090
of the Revised Code; 10091

(2) Knowingly failed during the course of a contract to 10092
maintain the coverage required by the bureau of workers' 10093
compensation; 10094

(3) Knowingly failed during the course of a contract to 10095
maintain the contractor's drug-free workplace program as required 10096
by the contract; 10097

(4) Knowingly failed during the course of a contract to 10098
maintain insurance required by the contract or otherwise by law, 10099
resulting in a substantial loss to the owner, as owner is referred 10100
to in section 153.01 of the Revised Code, or to the commission and 10101
school district board, as provided in division (F) of section 10102
3318.08 of the Revised Code; 10103

(5) Misrepresented the firm's qualifications in the selection 10104
process set forth in sections 153.65 to 153.71 or section 3318.10 10105
of the Revised Code; 10106

(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the contractor's business integrity;

(7) Been convicted of a criminal offense under state or federal antitrust laws;

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;

(9) Been debarred from bidding on or participating in a contract with any state or federal agency.

(B) When the executive director debar a contractor that is a partnership, association, or corporation, the executive director also may debar any partner of the partnership or any officer or director of the association or corporation, as applicable.

(C) When the executive director reasonably believes that grounds for debarment exist, the executive director shall send the contractor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the contractor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the executive director shall issue the debarment decision without a hearing and shall notify the contractor of the decision by certified mail, return receipt requested.

~~(C)~~(D) The executive director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the contractor. During the period of

debarment, the contractor is not eligible to bid for or 10138
participate in any contract for a public improvement as referred 10139
to in section 153.01 of the Revised Code or for a project as 10140
defined in section 3318.01 of the Revised Code. After the 10141
debarment period expires, the contractor shall be eligible to bid 10142
for and participate in such contracts. 10143

~~(D)~~(E) The executive director shall maintain a list of all 10144
contractors currently debarred under this section. Any 10145
governmental entity awarding a contract for construction of a 10146
public improvement or project may use a contractor's presence on 10147
the debarment list to determine whether a contractor is 10148
responsible or best under section 9.312 or any other section of 10149
the Revised Code in the award of a contract. 10150

(F) As used in this section, "contractor" means a 10151
construction contracting business, a subcontractor of a 10152
construction contracting business, a supplier of materials, or a 10153
manufacturer of materials. 10154

Sec. 154.11. The issuing authority may authorize and issue 10155
obligations for the refunding, including funding and retirement, 10156
of any obligations previously issued under this chapter and any 10157
other bonds or notes previously issued ~~under Chapter 152. of the~~ 10158
~~Revised Code to pay the costs of capital facilities.~~ Such 10159
obligations may be issued in amounts sufficient for payment of the 10160
principal amount of the prior obligations, any redemption premiums 10161
thereon, principal maturities of any such obligations maturing 10162
prior to the redemption of the remaining obligations on a parity 10163
therewith, interest accrued or to accrue to the maturity dates or 10164
dates of redemption of such obligations, and any expenses incurred 10165
or to be incurred in connection with such issuance and such 10166
refunding, funding, and retirement. Subject to the bond 10167
proceedings therefor, the portion of proceeds of the sale of 10168

obligations issued under this section to be applied to bond 10169
service charges on the prior obligations shall be credited to the 10170
bond service fund for those prior obligations. Obligations 10171
authorized under this section shall be deemed to be issued for 10172
those purposes for which those prior obligations were issued and 10173
are subject to the provisions of Chapter 154. of the Revised Code 10174
pertaining to other obligations, except as otherwise indicated by 10175
this section and except for division (A) of section 154.02 of the 10176
Revised Code, provided that, unless otherwise authorized by the 10177
general assembly, any limitations imposed by the general assembly 10178
pursuant to that division with respect to bond service charges 10179
applicable to the prior obligations shall be applicable to the 10180
obligations issued under this section to refund, fund, or retire 10181
those prior obligations. 10182

Sec. 166.08. (A) As used in this chapter: 10183

(1) "Bond proceedings" means the resolution, order, trust 10184
agreement, indenture, lease, and other agreements, amendments and 10185
supplements to the foregoing, or any one or more or combination 10186
thereof, authorizing or providing for the terms and conditions 10187
applicable to, or providing for the security or liquidity of, 10188
obligations issued pursuant to this section, and the provisions 10189
contained in such obligations. 10190

(2) "Bond service charges" means principal, including 10191
mandatory sinking fund requirements for retirement of obligations, 10192
and interest, and redemption premium, if any, required to be paid 10193
by the state on obligations. 10194

(3) "Bond service fund" means the applicable fund and 10195
accounts therein created for and pledged to the payment of bond 10196
service charges, which may be, or may be part of, the economic 10197
development bond service fund created by division (S) of this 10198
section including all moneys and investments, and earnings from 10199

investments, credited and to be credited thereto. 10200

(4) "Issuing authority" means the treasurer of state, or the 10201
officer who by law performs the functions of such officer. 10202

(5) "Obligations" means bonds, notes, or other evidence of 10203
obligation including interest coupons pertaining thereto, issued 10204
pursuant to this section. 10205

(6) "Pledged receipts" means all receipts of the state 10206
representing the gross profit on the sale of spirituous liquor, as 10207
referred to in division (B)(4) of section 4301.10 of the Revised 10208
Code, after paying all costs and expenses of the division of 10209
liquor control and providing an adequate working capital reserve 10210
for the division of liquor control as provided in that division, 10211
but excluding the sum required by the second paragraph of section 10212
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 10213
paid into the state treasury; moneys accruing to the state from 10214
the lease, sale, or other disposition, or use, of project 10215
facilities, and from the repayment, including interest, of loans 10216
made from proceeds received from the sale of obligations; accrued 10217
interest received from the sale of obligations; income from the 10218
investment of the special funds; and any gifts, grants, donations, 10219
and pledges, and receipts therefrom, available for the payment of 10220
bond service charges. 10221

(7) "Special funds" or "funds" means, except where the 10222
context does not permit, the bond service fund, and any other 10223
funds, including reserve funds, created under the bond 10224
proceedings, and the economic development bond service fund 10225
created by division (S) of this section to the extent provided in 10226
the bond proceedings, including all moneys and investments, and 10227
earnings from investment, credited and to be credited thereto. 10228

(B) Subject to the limitations provided in section 166.11 of 10229
the Revised Code, the issuing authority, upon the certification by 10230

the director of development or, ~~with respect to eligible advanced~~ 10231
~~energy projects prior to the effective date of this amendment,~~ 10232
upon certification by the Ohio air quality development authority 10233
regarding eligible advanced energy projects, to the issuing 10234
authority of the amount of moneys or additional moneys needed in 10235
the facilities establishment fund, the loan guarantee fund, the 10236
innovation Ohio loan fund, the innovation Ohio loan guarantee 10237
fund, the research and development loan fund, the logistics and 10238
distribution infrastructure fund, the advanced energy research and 10239
development fund, or the advanced energy research and development 10240
taxable fund, as applicable, for the purpose of paying, or making 10241
loans for, allowable costs from the facilities establishment fund, 10242
allowable innovation costs from the innovation Ohio loan fund, 10243
allowable costs from the research and development loan fund, 10244
allowable costs from the logistics and distribution infrastructure 10245
fund, allowable costs from the advanced energy research and 10246
development fund, or allowable costs from the advanced energy 10247
research and development taxable fund, as applicable, or needed 10248
for capitalized interest, for funding reserves, and for paying 10249
costs and expenses incurred in connection with the issuance, 10250
carrying, securing, paying, redeeming, or retirement of the 10251
obligations or any obligations refunded thereby, including payment 10252
of costs and expenses relating to letters of credit, lines of 10253
credit, insurance, put agreements, standby purchase agreements, 10254
indexing, marketing, remarketing and administrative arrangements, 10255
interest swap or hedging agreements, and any other credit 10256
enhancement, liquidity, remarketing, renewal, or refunding 10257
arrangements, all of which are authorized by this section, or 10258
providing moneys for the loan guarantee fund or the innovation 10259
Ohio loan guarantee fund, as provided in this chapter or needed 10260
for the purposes of funds established in accordance with or 10261
pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 10262
122.561, 122.57, and 122.80 of the Revised Code which are within 10263

the authorization of Section 13 of Article VIII, Ohio 10264
Constitution, or, prior to the effective date of this amendment, 10265
with respect to certain eligible advanced energy projects, Section 10266
2p of Article VIII, Ohio Constitution, shall issue obligations of 10267
the state under this section in the required amount; provided that 10268
such obligations may be issued to satisfy the covenants in 10269
contracts of guarantee made under section 166.06 or 166.15 of the 10270
Revised Code, notwithstanding limitations otherwise applicable to 10271
the issuance of obligations under this section. The proceeds of 10272
such obligations, except for the portion to be deposited in 10273
special funds, including reserve funds, as may be provided in the 10274
bond proceedings, shall as provided in the bond proceedings be 10275
deposited by the director of development to the facilities 10276
establishment fund, the loan guarantee fund, the innovation Ohio 10277
loan guarantee fund, the innovation Ohio loan fund, the research 10278
and development loan fund, or the logistics and distribution 10279
infrastructure fund, or be deposited by the Ohio air quality 10280
development authority prior to the effective date of this 10281
amendment to the advanced energy research and development fund or 10282
the advanced energy research and development taxable fund. Bond 10283
proceedings for project financing obligations may provide that the 10284
proceeds derived from the issuance of such obligations shall be 10285
deposited into such fund or funds provided for in the bond 10286
proceedings and, to the extent provided for in the bond 10287
proceedings, such proceeds shall be deemed to have been deposited 10288
into the facilities establishment fund and transferred to such 10289
fund or funds. The issuing authority may appoint trustees, paying 10290
agents, and transfer agents and may retain the services of 10291
financial advisors, accounting experts, and attorneys, and retain 10292
or contract for the services of marketing, remarketing, indexing, 10293
and administrative agents, other consultants, and independent 10294
contractors, including printing services, as are necessary in the 10295
issuing authority's judgment to carry out this section. The costs 10296

of such services are allowable costs payable from the facilities 10297
establishment fund or the research and development loan fund, 10298
allowable innovation costs payable from the innovation Ohio loan 10299
fund, ~~or~~ allowable costs payable from the logistics and 10300
distribution infrastructure fund, or allowable costs payable prior 10301
to the effective date of this amendment from the advanced energy 10302
research and development fund⁷, or the advanced energy research and 10303
development taxable fund, as applicable. 10304

(C) The holders or owners of such obligations shall have no 10305
right to have moneys raised by taxation obligated or pledged, and 10306
moneys raised by taxation shall not be obligated or pledged, for 10307
the payment of bond service charges. Such holders or owners shall 10308
have no rights to payment of bond service charges from any moneys 10309
accruing to the state from the lease, sale, or other disposition, 10310
or use, of project facilities, or from payment of the principal of 10311
or interest on loans made, or fees charged for guarantees made, or 10312
from any money or property received by the director, treasurer of 10313
state, or the state under Chapter 122. of the Revised Code, or 10314
from any other use of the proceeds of the sale of the obligations, 10315
and no such moneys may be used for the payment of bond service 10316
charges, except for accrued interest, capitalized interest, and 10317
reserves funded from proceeds received upon the sale of the 10318
obligations and except as otherwise expressly provided in the 10319
applicable bond proceedings pursuant to written directions by the 10320
director. The right of such holders and owners to payment of bond 10321
service charges is limited to all or that portion of the pledged 10322
receipts and those special funds pledged thereto pursuant to the 10323
bond proceedings in accordance with this section, and each such 10324
obligation shall bear on its face a statement to that effect. 10325

(D) Obligations shall be authorized by resolution or order of 10326
the issuing authority and the bond proceedings shall provide for 10327
the purpose thereof and the principal amount or amounts, and shall 10328

provide for or authorize the manner or agency for determining the 10329
principal maturity or maturities, not exceeding twenty-five years 10330
from the date of issuance, the interest rate or rates or the 10331
maximum interest rate, the date of the obligations and the dates 10332
of payment of interest thereon, their denomination, and the 10333
establishment within or without the state of a place or places of 10334
payment of bond service charges. Sections 9.98 to 9.983 of the 10335
Revised Code are applicable to obligations issued under this 10336
section, subject to any applicable limitation under section 166.11 10337
of the Revised Code. The purpose of such obligations may be stated 10338
in the bond proceedings in terms describing the general purpose or 10339
purposes to be served. The bond proceedings also shall provide, 10340
subject to the provisions of any other applicable bond 10341
proceedings, for the pledge of all, or such part as the issuing 10342
authority may determine, of the pledged receipts and the 10343
applicable special fund or funds to the payment of bond service 10344
charges, which pledges may be made either prior or subordinate to 10345
other expenses, claims, or payments, and may be made to secure the 10346
obligations on a parity with obligations theretofore or thereafter 10347
issued, if and to the extent provided in the bond proceedings. The 10348
pledged receipts and special funds so pledged and thereafter 10349
received by the state are immediately subject to the lien of such 10350
pledge without any physical delivery thereof or further act, and 10351
the lien of any such pledges is valid and binding against all 10352
parties having claims of any kind against the state or any 10353
governmental agency of the state, irrespective of whether such 10354
parties have notice thereof, and shall create a perfected security 10355
interest for all purposes of Chapter 1309. of the Revised Code, 10356
without the necessity for separation or delivery of funds or for 10357
the filing or recording of the bond proceedings by which such 10358
pledge is created or any certificate, statement or other document 10359
with respect thereto; and the pledge of such pledged receipts and 10360
special funds is effective and the money therefrom and thereof may 10361

be applied to the purposes for which pledged without necessity for 10362
any act of appropriation. Every pledge, and every covenant and 10363
agreement made with respect thereto, made in the bond proceedings 10364
may therein be extended to the benefit of the owners and holders 10365
of obligations authorized by this section, and to any trustee 10366
therefor, for the further security of the payment of the bond 10367
service charges. 10368

(E) The bond proceedings may contain additional provisions as 10369
to: 10370

(1) The redemption of obligations prior to maturity at the 10371
option of the issuing authority at such price or prices and under 10372
such terms and conditions as are provided in the bond proceedings; 10373

(2) Other terms of the obligations; 10374

(3) Limitations on the issuance of additional obligations; 10375

(4) The terms of any trust agreement or indenture securing 10376
the obligations or under which the same may be issued; 10377

(5) The deposit, investment and application of special funds, 10378
and the safeguarding of moneys on hand or on deposit, without 10379
regard to Chapter 131. or 135. of the Revised Code, but subject to 10380
any special provisions of this chapter, with respect to particular 10381
funds or moneys, provided that any bank or trust company which 10382
acts as depository of any moneys in the special funds may furnish 10383
such indemnifying bonds or may pledge such securities as required 10384
by the issuing authority; 10385

(6) Any or every provision of the bond proceedings being 10386
binding upon such officer, board, commission, authority, agency, 10387
department, or other person or body as may from time to time have 10388
the authority under law to take such actions as may be necessary 10389
to perform all or any part of the duty required by such provision; 10390

(7) Any provision that may be made in a trust agreement or 10391

indenture; 10392

(8) Any other or additional agreements with the holders of 10393
the obligations, or the trustee therefor, relating to the 10394
obligations or the security therefor, including the assignment of 10395
mortgages or other security obtained or to be obtained for loans 10396
under section 122.43, 166.07, or 166.16 of the Revised Code. 10397

(F) The obligations may have the great seal of the state or a 10398
facsimile thereof affixed thereto or printed thereon. The 10399
obligations and any coupons pertaining to obligations shall be 10400
signed or bear the facsimile signature of the issuing authority. 10401
Any obligations or coupons may be executed by the person who, on 10402
the date of execution, is the proper issuing authority although on 10403
the date of such bonds or coupons such person was not the issuing 10404
authority. If the issuing authority whose signature or a facsimile 10405
of whose signature appears on any such obligation or coupon ceases 10406
to be the issuing authority before delivery thereof, such 10407
signature or facsimile is nevertheless valid and sufficient for 10408
all purposes as if the former issuing authority had remained the 10409
issuing authority until such delivery; and if the seal to be 10410
affixed to obligations has been changed after a facsimile of the 10411
seal has been imprinted on such obligations, such facsimile seal 10412
shall continue to be sufficient as to such obligations and 10413
obligations issued in substitution or exchange therefor. 10414

(G) All obligations are negotiable instruments and securities 10415
under Chapter 1308. of the Revised Code, subject to the provisions 10416
of the bond proceedings as to registration. The obligations may be 10417
issued in coupon or in registered form, or both, as the issuing 10418
authority determines. Provision may be made for the registration 10419
of any obligations with coupons attached thereto as to principal 10420
alone or as to both principal and interest, their exchange for 10421
obligations so registered, and for the conversion or reconversion 10422
into obligations with coupons attached thereto of any obligations 10423

registered as to both principal and interest, and for reasonable 10424
charges for such registration, exchange, conversion, and 10425
reconversion. 10426

(H) Obligations may be sold at public sale or at private 10427
sale, as determined in the bond proceedings. 10428

Obligations issued to provide moneys for the loan guarantee 10429
fund or the innovation Ohio loan guarantee fund may, as determined 10430
by the issuing authority, be sold at private sale, and without 10431
publication of a notice of sale. 10432

(I) Pending preparation of definitive obligations, the 10433
issuing authority may issue interim receipts or certificates which 10434
shall be exchanged for such definitive obligations. 10435

(J) In the discretion of the issuing authority, obligations 10436
may be secured additionally by a trust agreement or indenture 10437
between the issuing authority and a corporate trustee which may be 10438
any trust company or bank having a place of business within the 10439
state. Any such agreement or indenture may contain the resolution 10440
or order authorizing the issuance of the obligations, any 10441
provisions that may be contained in any bond proceedings, and 10442
other provisions which are customary or appropriate in an 10443
agreement or indenture of such type, including, but not limited 10444
to: 10445

(1) Maintenance of each pledge, trust agreement, indenture, 10446
or other instrument comprising part of the bond proceedings until 10447
the state has fully paid the bond service charges on the 10448
obligations secured thereby, or provision therefor has been made; 10449

(2) In the event of default in any payments required to be 10450
made by the bond proceedings, or any other agreement of the 10451
issuing authority made as a part of the contract under which the 10452
obligations were issued, enforcement of such payments or agreement 10453
by mandamus, the appointment of a receiver, suit in equity, action 10454

at law, or any combination of the foregoing; 10455

(3) The rights and remedies of the holders of obligations and 10456
of the trustee, and provisions for protecting and enforcing them, 10457
including limitations on rights of individual holders of 10458
obligations; 10459

(4) The replacement of any obligations that become mutilated 10460
or are destroyed, lost, or stolen; 10461

(5) Such other provisions as the trustee and the issuing 10462
authority agree upon, including limitations, conditions, or 10463
qualifications relating to any of the foregoing. 10464

(K) Any holders of obligations or trustees under the bond 10465
proceedings, except to the extent that their rights are restricted 10466
by the bond proceedings, may by any suitable form of legal 10467
proceedings, protect and enforce any rights under the laws of this 10468
state or granted by such bond proceedings. Such rights include the 10469
right to compel the performance of all duties of the issuing 10470
authority, the director of development, the Ohio air quality 10471
development authority, or the division of liquor control required 10472
by this chapter or the bond proceedings; to enjoin unlawful 10473
activities; and in the event of default with respect to the 10474
payment of any bond service charges on any obligations or in the 10475
performance of any covenant or agreement on the part of the 10476
issuing authority, the director of development, the Ohio air 10477
quality development authority, or the division of liquor control 10478
in the bond proceedings, to apply to a court having jurisdiction 10479
of the cause to appoint a receiver to receive and administer the 10480
pledged receipts and special funds, other than those in the 10481
custody of the treasurer of state, which are pledged to the 10482
payment of the bond service charges on such obligations or which 10483
are the subject of the covenant or agreement, with full power to 10484
pay, and to provide for payment of bond service charges on, such 10485
obligations, and with such powers, subject to the direction of the 10486

court, as are accorded receivers in general equity cases, 10487
excluding any power to pledge additional revenues or receipts or 10488
other income or moneys of the issuing authority or the state or 10489
governmental agencies of the state to the payment of such 10490
principal and interest and excluding the power to take possession 10491
of, mortgage, or cause the sale or otherwise dispose of any 10492
project facilities. 10493

Each duty of the issuing authority and the issuing 10494
authority's officers and employees, and of each governmental 10495
agency and its officers, members, or employees, undertaken 10496
pursuant to the bond proceedings or any agreement or lease, 10497
lease-purchase agreement, or loan made under authority of this 10498
chapter, and in every agreement by or with the issuing authority, 10499
is hereby established as a duty of the issuing authority, and of 10500
each such officer, member, or employee having authority to perform 10501
such duty, specifically enjoined by the law resulting from an 10502
office, trust, or station within the meaning of section 2731.01 of 10503
the Revised Code. 10504

The person who is at the time the issuing authority, or the 10505
issuing authority's officers or employees, are not liable in their 10506
personal capacities on any obligations issued by the issuing 10507
authority or any agreements of or with the issuing authority. 10508

(L) The issuing authority may authorize and issue obligations 10509
for the refunding, including funding and retirement, and advance 10510
refunding with or without payment or redemption prior to maturity, 10511
of any obligations previously issued by the issuing authority. 10512
Such obligations may be issued in amounts sufficient for payment 10513
of the principal amount of the prior obligations, any redemption 10514
premiums thereon, principal maturities of any such obligations 10515
maturing prior to the redemption of the remaining obligations on a 10516
parity therewith, interest accrued or to accrue to the maturity 10517
dates or dates of redemption of such obligations, and any 10518

allowable costs including expenses incurred or to be incurred in 10519
connection with such issuance and such refunding, funding, and 10520
retirement. Subject to the bond proceedings therefor, the portion 10521
of proceeds of the sale of obligations issued under this division 10522
to be applied to bond service charges on the prior obligations 10523
shall be credited to an appropriate account held by the trustee 10524
for such prior or new obligations or to the appropriate account in 10525
the bond service fund for such obligations. Obligations authorized 10526
under this division shall be deemed to be issued for those 10527
purposes for which such prior obligations were issued and are 10528
subject to the provisions of this section pertaining to other 10529
obligations, except as otherwise provided in this section; 10530
provided that, unless otherwise authorized by the general 10531
assembly, any limitations imposed by the general assembly pursuant 10532
to this section with respect to bond service charges applicable to 10533
the prior obligations shall be applicable to the obligations 10534
issued under this division to refund, fund, advance refund or 10535
retire such prior obligations. 10536

(M) The authority to issue obligations under this section 10537
includes authority to issue obligations in the form of bond 10538
anticipation notes and to renew the same from time to time by the 10539
issuance of new notes. The holders of such notes or interest 10540
coupons pertaining thereto shall have a right to be paid solely 10541
from the pledged receipts and special funds that may be pledged to 10542
the payment of the bonds anticipated, or from the proceeds of such 10543
bonds or renewal notes, or both, as the issuing authority provides 10544
in the resolution or order authorizing such notes. Such notes may 10545
be additionally secured by covenants of the issuing authority to 10546
the effect that the issuing authority and the state will do such 10547
or all things necessary for the issuance of such bonds or renewal 10548
notes in appropriate amount, and apply the proceeds thereof to the 10549
extent necessary, to make full payment of the principal of and 10550
interest on such notes at the time or times contemplated, as 10551

provided in such resolution or order. For such purpose, the 10552
issuing authority may issue bonds or renewal notes in such 10553
principal amount and upon such terms as may be necessary to 10554
provide funds to pay when required the principal of and interest 10555
on such notes, notwithstanding any limitations prescribed by or 10556
for purposes of this section. Subject to this division, all 10557
provisions for and references to obligations in this section are 10558
applicable to notes authorized under this division. 10559

The issuing authority in the bond proceedings authorizing the 10560
issuance of bond anticipation notes shall set forth for such bonds 10561
an estimated interest rate and a schedule of principal payments 10562
for such bonds and the annual maturity dates thereof, and for 10563
purposes of any limitation on bond service charges prescribed 10564
under division (A) of section 166.11 of the Revised Code, the 10565
amount of bond service charges on such bond anticipation notes is 10566
deemed to be the bond service charges for the bonds anticipated 10567
thereby as set forth in the bond proceedings applicable to such 10568
notes, but this provision does not modify any authority in this 10569
section to pledge receipts and special funds to, and covenant to 10570
issue bonds to fund, the payment of principal of and interest and 10571
any premium on such notes. 10572

(N) Obligations issued under this section are lawful 10573
investments for banks, societies for savings, savings and loan 10574
associations, deposit guarantee associations, trust companies, 10575
trustees, fiduciaries, insurance companies, including domestic for 10576
life and domestic not for life, trustees or other officers having 10577
charge of sinking and bond retirement or other special funds of 10578
political subdivisions and taxing districts of this state, the 10579
commissioners of the sinking fund of the state, the administrator 10580
of workers' compensation, the state teachers retirement system, 10581
the public employees retirement system, the school employees 10582
retirement system, and the Ohio police and fire pension fund, 10583

notwithstanding any other provisions of the Revised Code or rules 10584
adopted pursuant thereto by any governmental agency of the state 10585
with respect to investments by them, and are also acceptable as 10586
security for the deposit of public moneys. 10587

(O) Unless otherwise provided in any applicable bond 10588
proceedings, moneys to the credit of or in the special funds 10589
established by or pursuant to this section may be invested by or 10590
on behalf of the issuing authority only in notes, bonds, or other 10591
obligations of the United States, or of any agency or 10592
instrumentality of the United States, obligations guaranteed as to 10593
principal and interest by the United States, obligations of this 10594
state or any political subdivision of this state, and certificates 10595
of deposit of any national bank located in this state and any 10596
bank, as defined in section 1101.01 of the Revised Code, subject 10597
to inspection by the superintendent of banks. If the law or the 10598
instrument creating a trust pursuant to division (J) of this 10599
section expressly permits investment in direct obligations of the 10600
United States or an agency of the United States, unless expressly 10601
prohibited by the instrument, such moneys also may be invested in 10602
no-front-end-load money market mutual funds consisting exclusively 10603
of obligations of the United States or an agency of the United 10604
States and in repurchase agreements, including those issued by the 10605
fiduciary itself, secured by obligations of the United States or 10606
an agency of the United States; and in common trust funds 10607
established in accordance with section 1111.20 of the Revised Code 10608
and consisting exclusively of any such securities, notwithstanding 10609
division (A)(4) of that section. The income from such investments 10610
shall be credited to such funds as the issuing authority 10611
determines, and such investments may be sold at such times as the 10612
issuing authority determines or authorizes. 10613

(P) Provision may be made in the applicable bond proceedings 10614
for the establishment of separate accounts in the bond service 10615

fund and for the application of such accounts only to the 10616
specified bond service charges on obligations pertinent to such 10617
accounts and bond service fund and for other accounts therein 10618
within the general purposes of such fund. Unless otherwise 10619
provided in any applicable bond proceedings, moneys to the credit 10620
of or in the several special funds established pursuant to this 10621
section shall be disbursed on the order of the treasurer of state, 10622
provided that no such order is required for the payment from the 10623
bond service fund when due of bond service charges on obligations. 10624

(Q) The issuing authority may pledge all, or such portion as 10625
the issuing authority determines, of the pledged receipts to the 10626
payment of bond service charges on obligations issued under this 10627
section, and for the establishment and maintenance of any 10628
reserves, as provided in the bond proceedings, and make other 10629
provisions therein with respect to pledged receipts as authorized 10630
by this chapter, which provisions are controlling notwithstanding 10631
any other provisions of law pertaining thereto. 10632

(R) The issuing authority may covenant in the bond 10633
proceedings, and any such covenants are controlling 10634
notwithstanding any other provision of law, that the state and 10635
applicable officers and governmental agencies of the state, 10636
including the general assembly, so long as any obligations are 10637
outstanding, shall: 10638

(1) Maintain statutory authority for and cause to be charged 10639
and collected wholesale and retail prices for spirituous liquor 10640
sold by the state or its agents so that the pledged receipts are 10641
sufficient in amount to meet bond service charges, and the 10642
establishment and maintenance of any reserves and other 10643
requirements provided for in the bond proceedings, and, as 10644
necessary, to meet covenants contained in contracts of guarantee 10645
made under section 166.06 of the Revised Code; 10646

(2) Take or permit no action, by statute or otherwise, that 10647

would impair the exemption from federal income taxation of the 10648
interest on the obligations. 10649

(S) There is hereby created the economic development bond 10650
service fund, which shall be in the custody of the treasurer of 10651
state but shall be separate and apart from and not a part of the 10652
state treasury. All moneys received by or on account of the 10653
issuing authority or state agencies and required by the applicable 10654
bond proceedings, consistent with this section, to be deposited, 10655
transferred, or credited to a bond service fund or the economic 10656
development bond service fund, and all other moneys transferred or 10657
allocated to or received for the purposes of the fund, shall be 10658
deposited and credited to such fund and to any separate accounts 10659
therein, subject to applicable provisions of the bond proceedings, 10660
but without necessity for any act of appropriation. During the 10661
period beginning with the date of the first issuance of 10662
obligations and continuing during such time as any such 10663
obligations are outstanding, and so long as moneys in the 10664
pertinent bond service funds are insufficient to pay all bond 10665
services charges on such obligations becoming due in each year, a 10666
sufficient amount of the gross profit on the sale of spirituous 10667
liquor included in pledged receipts are committed and shall be 10668
paid to the bond service fund or economic development bond service 10669
fund in each year for the purpose of paying the bond service 10670
charges becoming due in that year without necessity for further 10671
act of appropriation for such purpose and notwithstanding anything 10672
to the contrary in Chapter 4301. of the Revised Code. The economic 10673
development bond service fund is a trust fund and is hereby 10674
pledged to the payment of bond service charges to the extent 10675
provided in the applicable bond proceedings, and payment thereof 10676
from such fund shall be made or provided for by the treasurer of 10677
state in accordance with such bond proceedings without necessity 10678
for any act of appropriation. 10679

(T) The obligations, the transfer thereof, and the income 10680
therefrom, including any profit made on the sale thereof, shall at 10681
all times be free from taxation within the state. 10682

Sec. 166.11. (A) The aggregate amount of debt service payable 10683
in any calendar year on project financing obligations issued under 10684
section 166.08 of the Revised Code, exclusive of make-whole call 10685
redemptions or other optional prepayments, shall not exceed fifty 10686
million dollars. The aggregate principal amount of obligations, 10687
exclusive of project financing obligations, that may be issued 10688
under section 166.08 of the Revised Code is six hundred thirty 10689
million dollars, plus the principal amount of any such obligations 10690
retired by payment, the amounts held or obligations pledged for 10691
the payment of the principal amount of any such obligations 10692
outstanding, amounts in special funds held as reserves to meet 10693
bond service charges, and amounts of obligations issued to provide 10694
moneys required to meet payments from the loan guarantee fund 10695
created in section 166.06 of the Revised Code and the innovation 10696
Ohio loan guarantee fund created in section 166.15 of the Revised 10697
Code. Of that six hundred thirty million dollars, not more than 10698
eighty-four million principal amount of obligations may be issued 10699
for eligible advanced energy projects and not more than one 10700
hundred million principal amount of obligations may be issued for 10701
eligible logistics and distribution projects. No portion of the 10702
eighty-four million principal amount for eligible advanced energy 10703
projects may be issued after the effective date of this amendment. 10704
The terms of the obligations issued under section 166.08 of the 10705
Revised Code, other than obligations issued to meet guarantees 10706
that cannot be satisfied from amounts then held in the loan 10707
guarantee fund or the innovation Ohio loan guarantee fund, shall 10708
be such that the aggregate amount of moneys used from profit from 10709
the sale of spirituous liquor, and not from other sources, in any 10710
fiscal year shall not exceed sixty-three million dollars. For 10711

purposes of the preceding sentence, "other sources" include the 10712
annual investment income on special funds to the extent it will be 10713
available for payment of any bond service charges in lieu of use 10714
of profit from the sale of spirituous liquor, and shall be 10715
estimated on the basis of the expected funding of those special 10716
funds and assumed investment earnings thereon at a rate equal to 10717
the weighted average yield on investments of those special funds 10718
determined as of any date within sixty days immediately preceding 10719
the date of issuance of the bonds in respect of which the 10720
determination is being made. Amounts received in any fiscal year 10721
under section 6341 of the Internal Revenue Code, 26 U.S.C. 6341, 10722
shall not be included when determining the sixty-three million 10723
dollar limit. The determinations required by this division shall 10724
be made by the treasurer of state at the time of issuance of an 10725
issue of obligations and shall be conclusive for purposes of such 10726
issue of obligations from and after their issuance and delivery. 10727

(B) The aggregate amount of the guaranteed portion of the 10728
unpaid principal of loans guaranteed under sections 166.06 and 10729
166.15 of the Revised Code and the unpaid principal of loans made 10730
under sections 166.07, 166.16, and 166.21 of the Revised Code may 10731
not at any time exceed eight hundred million dollars. Of that 10732
eight hundred million dollars, the aggregate amount of the 10733
guaranteed portion of the unpaid principal of loans guaranteed 10734
under sections 166.06 and 166.15 of the Revised Code shall not at 10735
any time exceed two hundred million dollars. However, the 10736
limitations established under this division do not apply to loans 10737
made with proceeds from the issuance and sale of project financing 10738
obligations. 10739

Sec. 166.50. "Microbusiness" means an independently owned and 10740
operated for-profit business entity, including any affiliates, 10741
that has fewer than twenty full-time employees or full-time 10742
equivalent employees and is located in this state. 10743

<u>For purposes of this section:</u>	10744
<u>(A) "Full-time employee" means an employee who, with respect to a calendar month, is employed an average of at least thirty hours of service per week.</u>	10745 10746 10747
<u>(B) The number of full-time equivalent employees for a calendar month is determined by calculating the aggregate number of hours of service for that calendar month for employees who were not full-time employees and dividing that number by one hundred twenty.</u>	10748 10749 10750 10751 10752
Sec. 167.03. (A) The council shall have the power to:	10753
(1) Study such area governmental problems common to two or more members of the council as it deems appropriate, including but not limited to matters affecting health, safety, welfare, education, economic conditions, and regional development;	10754 10755 10756 10757
(2) Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;	10758 10759 10760 10761
(3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;	10762 10763 10764
(4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;	10765 10766 10767
(5) Operate a public safety answering point in accordance with Chapter 128. of the Revised Code;	10768 10769
(6) Perform planning directly by personnel of the council, or under contracts between the council and other public or private planning agencies.	10770 10771 10772

(B) The council may:	10773
(1) Review, evaluate, comment upon, and make recommendations, relative to the planning and programming, and the location, financing, and scheduling of public facility projects within the region and affecting the development of the area;	10774 10775 10776 10777
(2) Act as an areawide agency to perform comprehensive planning for the programming, locating, financing, and scheduling of public facility projects within the region and affecting the development of the area and for other proposed land development or uses, which projects or uses have public metropolitan wide or interjurisdictional significance;	10778 10779 10780 10781 10782 10783
(3) Act as an agency for coordinating, based on metropolitan wide comprehensive planning and programming, local public policies, and activities affecting the development of the region or area.	10784 10785 10786 10787
(C) The council may, by appropriate action of the governing bodies of the members, perform such other functions and duties as are performed or capable of performance by the members and necessary or desirable for dealing with problems of mutual concern.	10788 10789 10790 10791 10792
(D) The authority granted to the council by this section or in any agreement by the members thereof shall not displace any existing municipal, county, regional, or other planning commission or planning agency in the exercise of its statutory powers.	10793 10794 10795 10796
<u>(E) A council, with an educational service center as its fiscal agent, that is established to provide health care benefits to the council members' officers and employees and their dependents may contract to administer and coordinate a self-funded health benefit program of a nonprofit corporation organized under Chapter 1702. of the Revised Code.</u>	10797 10798 10799 10800 10801 10802

Sec. 173.01. The department of aging shall: 10803

(A) Be the designated state agency to administer programs of 10804
the federal government relating to the aged, requiring action 10805
within the state, that are not the specific responsibility of 10806
another state agency under federal or state statutes. The 10807
department shall be the sole state agency to administer funds 10808
granted by the federal government under the "Older Americans Act 10809
of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended. The department 10810
shall not supplant or take over for the counties or municipal 10811
corporations or from other state agencies or facilities any of the 10812
specific responsibilities borne by them on November 23, 1973. The 10813
department shall cooperate with such federal and state agencies, 10814
counties, and municipal corporations and private agencies or 10815
facilities within the state in furtherance of the purposes as set 10816
forth in this chapter. 10817

(B) Administer state funds appropriated for its use for 10818
administration and for grants and may use appropriated state funds 10819
as state match for federal grants. All federal funds received 10820
shall be reported to the director of budget and management. 10821

(C) Review all proposed plans, programs, and rules primarily 10822
affecting persons sixty years of age or older, and shall be sent a 10823
copy of all proposed and final rules, as well as proposals for 10824
plans and programs that primarily affect persons sixty years of 10825
age or older and notices of all hearings on such rules, plans, and 10826
programs. Any state agency proposing a plan, program, or rule that 10827
primarily affects persons sixty years of age or older shall submit 10828
a copy of such proposal to the department for its written 10829
comments. No such proposed plan, program, or rule shall take 10830
effect until the department's comments have been requested. The 10831
department shall review the proposal and submit a written comment 10832
on such proposal to the agency making the proposal, within thirty 10833

days from the date the department receives the proposal. If the 10834
department does not agree that the proposed plan, program, or rule 10835
shall take effect as proposed, the department shall set forth in 10836
writing its reasons and its suggestions for changes in the 10837
proposed plan, program, or rule. If the agency making the proposal 10838
does not choose to comply with the suggestions of the department, 10839
the agency making the proposal shall send the department, no later 10840
than thirty days before the proposal becomes final, written notice 10841
of its intention not to comply with such suggestions and its 10842
reason for such noncompliance. 10843

This section does not apply to plans or revisions adopted 10844
under section 5101.46 of the Revised Code. 10845

(D) Plan, initiate, coordinate, and evaluate statewide 10846
programs, services, and activities for elderly people; 10847

(E) Disseminate information concerning the problems of 10848
elderly people and establish and maintain a central clearinghouse 10849
of information on public programs at all levels of government that 10850
would be of interest or benefit to the elderly; 10851

(F) Report annually to the governor and the general assembly 10852
on the department's programs; 10853

(G) Have authority to contract with public or private groups 10854
to perform services for the department; 10855

~~(H) Conduct investigations under section 3721.17 of the 10856
Revised Code;~~ 10857

~~(I) Hire investigators to conduct investigations of alleged 10858
violations of sections 3721.10 to 3721.17 of the Revised Code 10859
pursuant to section 3721.17 of the Revised Code;~~ 10860

~~(J) Adopt rules under Chapter 119. of the Revised Code to 10861
govern investigations conducted under section 3721.17 of the 10862
Revised Code;~~ 10863

~~(K)~~ Adopt rules ~~pursuant to~~ in accordance with Chapter 119. 10864
of the Revised Code to govern the operation of services and 10865
facilities for the elderly that are provided, operated, contracted 10866
for, or supported by the department, and determine that those 10867
services and facilities are operated in conformity with the rules; 10868

~~(L)~~(I) Determine the needs of the elderly and represent their 10869
interests at all levels of government; 10870

~~(M)~~(J) Establish and operate a state long-term care ombudsman 10871
program pursuant to ~~section 307(a)(12)(A)~~ sections 307 and 712 of 10872
the "Older Americans Act of 1965," ~~as amended by the~~ 10873
~~"Comprehensive Older Americans Act Amendments of 1978," 92 Stat.~~ 10874
~~1524, 42 U.S.C.A. 3027, and amendments thereto~~ 42 U.S.C. 3027 and 10875
3058. 10876

Sec. 173.14. As used in sections 173.14 to ~~173.27~~ 173.28 of 10877
the Revised Code: 10878

(A)(1) Except as otherwise provided in division (A)(2) of 10879
this section, "long-term care facility" includes any residential 10880
facility that provides personal care services for more than 10881
twenty-four hours for one or more unrelated adults, including all 10882
of the following: 10883

(a) A "nursing home," "residential care facility," or "home 10884
for the aging," as those terms are defined in section 3721.01 of 10885
the Revised Code; 10886

(b) A facility authorized to provide extended care services 10887
under Title XVIII of the "Social Security Act," 49 Stat. 620 10888
(1935), 42 U.S.C. 301, as amended, including a long-term acute 10889
care hospital that provides medical and rehabilitative care to 10890
patients who require an average length of stay greater than 10891
twenty-five days and is classified by the centers for medicare and 10892
medicaid services as a long-term care hospital pursuant to 42 10893

C.F.R. 412.23(e);	10894
(c) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;	10895 10896
(d) A residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or accommodations and personal care services for only one or two adults who are receiving <u>payments under the residential state supplement program established under section 5119.41 of the Revised Code</u> ;	10897 10898 10899 10900 10901 10902 10903
(e) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.	10904 10905 10906 10907
(2) "Long-term care facility" does not include a residential facility licensed under section 5123.19 of the Revised Code.	10908 10909
(B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility.	10910 10911 10912
(C) "Community-based long-term care services" means health and social services provided to persons in their own homes or in community care settings, and includes any of the following:	10913 10914 10915
(1) Case management;	10916
(2) Home health care;	10917
(3) Homemaker services;	10918
(4) Chore services;	10919
(5) Respite care;	10920
(6) Adult day care;	10921
(7) Home-delivered meals;	10922

(8) Personal care;	10923
(9) Physical, occupational, and speech therapy;	10924
(10) Transportation;	10925
(11) Any other health and social services provided to persons that allow them to retain their independence in their own homes or in community care settings.	10926 10927 10928
(D) "Recipient" means a recipient of community-based long-term care services and, where appropriate, includes a prospective, previous, or deceased recipient of community-based long-term care services.	10929 10930 10931 10932
(E) "Sponsor" means an adult relative, friend, or guardian who has an interest in or responsibility for the welfare of a resident or a recipient.	10933 10934 10935
(F) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.	10936 10937
(G) "Regional long-term care ombudsman program" means an entity, either public or private and nonprofit, designated as a regional long-term care ombudsman program by the state long-term care ombudsman.	10938 10939 10940 10941
(H) "Representative of the office of the state long-term care ombudsman program" means the state long-term care ombudsman or a member of the ombudsman's staff, or a person certified as a representative of the office under section 173.21 of the Revised Code.	10942 10943 10944 10945 10946
(I) "Area agency on aging" means an area agency on aging established under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C.A. 3001, as amended.	10947 10948 10949
<u>(J) "Long-term care provider" means a long-term care facility or a provider of community-based long-term care services.</u>	10950 10951
<u>(K) "Advocacy visit" means a visit by a representative of the</u>	10952

office of the state long-term care ombudsman program to a 10953
long-term care provider, a resident, or a recipient when the 10954
purpose of the visit is one or more of the following: 10955

(1) To establish a regular presence that creates awareness of 10956
the availability of the office of the long-term care ombudsman 10957
program; 10958

(2) To increase awareness of the services the office 10959
provides; 10960

(3) To address any other matter not related to the 10961
representative's investigation of a specific complaint. 10962

An advocacy visit may unexpectedly involve addressing 10963
uncomplicated complaints or lead to an investigation of a 10964
complaint when needed. 10965

Sec. 173.15. The state long-term care ombudsman program 10966
established by the department of aging pursuant to division ~~(M)~~(J) 10967
of section 173.01 of the Revised Code shall be known as "the 10968
office of the state long-term care ombudsman program." It shall 10969
consist of the state long-term care ombudsman ~~and his,~~ the 10970
ombudsman's staff, and regional long-term care ombudsman programs. 10971
In establishing and operating the office, the department shall 10972
consider the views of area agencies on aging, individuals age 10973
sixty or older, and agencies and other entities that provide 10974
services to individuals age sixty and older. 10975

The department of aging shall appoint the state ombudsman, 10976
who shall serve at the pleasure of the department. The department 10977
shall appoint as state ombudsman an individual who has no conflict 10978
of interest with the position and is capable of administering the 10979
office impartially, has an understanding of long-term care issues, 10980
and has experience related to the concerns of residents and 10981
recipients, such as experience in the fields of aging, health 10982

care, and long-term care; work with community programs and health care providers; and work with and involvement in volunteer programs. No individual or entity whose interests are in conflict with the responsibilities of the state ombudsman shall be involved in ~~his~~ the ombudsman's appointment.

The department shall ensure that no employee or representative of the office and no individual involved in the designation of the head of any regional long-term care ombudsman program has any interest that is, or may be, in conflict with the interests and concerns of the office and shall ensure that mechanisms are in place to remedy any conflicts.

For purposes of this section, conflicts of interest may include, but are not limited to, employment by a long-term care ~~facility or a provider of community based long term care services~~ within two years prior to being employed by or associated with the office of the state long-term care ombudsman program, affiliation with or financial interest in a long-term care ~~facility or a provider of community based long term care services~~, and affiliation with or financial interest in a membership organization of long-term care providers.

Sec. 173.17. (A) The state long-term care ombudsman shall do all of the following:

(1) Appoint a staff and direct and administer the work of the staff;

(2) ~~Supervise the nursing home investigative unit established under division (I) of section 173.01 of the Revised Code;~~

~~(3)~~ Oversee the performance and operation of the office of the state long-term care ombudsman program, including the operation of regional long-term care ombudsman programs;

~~(4)~~(3) Establish and maintain a statewide uniform reporting

system to collect and analyze information relating to complaints 11013
and conditions in long-term care facilities and complaints 11014
regarding the provision of community-based long-term care services 11015
for the purpose of identifying and resolving significant problems; 11016

~~(5)~~(4) Provide for public forums to discuss concerns and 11017
problems relating to action, inaction, or decisions that may 11018
adversely affect the health, safety, welfare, or rights of 11019
residents and recipients of services by providers of long-term 11020
care and their representatives with respect to services by 11021
long-term care providers, public agencies and entities, and social 11022
service agencies. This may include any of the following: 11023
conducting public hearings; sponsoring workshops and conferences; 11024
holding meetings for the purpose of obtaining information about 11025
residents and recipients, discussing and publicizing their needs, 11026
and advocating solutions to their problems; and promoting the 11027
development of citizen organizations. 11028

~~(6)~~(5) Encourage, cooperate with, and assist in the 11029
development and operation of services to provide current, 11030
objective, and verified information about long-term care; 11031

~~(7)~~(6) Develop and implement, with the assistance of regional 11032
programs, a continuing program to publicize, through the media and 11033
civic organizations, the office, its purposes, and its methods of 11034
operation; 11035

~~(8)~~(7) Maintain written descriptions of the duties and 11036
qualifications of representatives of the office; 11037

~~(9)~~(8) Evaluate and make known concerns and issues regarding 11038
long-term care by doing all of the following: 11039

(a) Preparing an annual report containing information and 11040
findings regarding the types of problems experienced by residents 11041
and recipients and the complaints made by or on behalf of 11042
residents and recipients. The report shall include recommendations 11043

for policy, regulatory, and legislative changes to solve problems, 11044
resolve complaints, and improve the quality of care and life for 11045
residents and recipients ~~and. The report~~ shall be submitted to the 11046
governor, the speaker of the house of representatives, the 11047
president of the senate, the ~~directors~~ director of health ~~and, the~~ 11048
medicaid director, the director of job and family services, the 11049
director of mental health and addiction services, and the 11050
~~commissioner of the administration on~~ assistant secretary for 11051
aging of the United States department of health and human 11052
services. 11053

(b) Monitoring and analyzing the development and 11054
implementation of federal, state, and local laws, rules, and 11055
policies regarding long-term care services in this state and 11056
recommending to officials changes the office considers appropriate 11057
in ~~these~~ those laws, rules, and policies; 11058

(c) Providing information and making recommendations to 11059
public agencies, members of the general assembly, and others 11060
regarding problems and concerns of residents and recipients. 11061

~~(10)~~(9) Conduct training for employees and volunteers on the 11062
ombudsman's staff and for representatives of the office employed 11063
by regional programs; 11064

~~(11)~~(10) Monitor the training of representatives of the 11065
office who provide volunteer services to regional programs, and 11066
provide technical assistance to the regional programs in 11067
conducting the training; 11068

~~(12)~~(11) Issue certificates attesting to the successful 11069
completion of training and specifying the level of responsibility 11070
for which a representative of the office who has completed 11071
training is qualified; 11072

~~(13)~~(12) Register as a residents' rights advocate with the 11073
department of health under division (B) of section 3701.07 of the 11074

Revised Code; 11075

(13) Conduct advocacy visits and authorize other 11076
representatives of the office of the state long-term care 11077
ombudsman program to conduct advocacy visits; 11078

(14) Perform other duties specified by the department of 11079
aging. 11080

(B) The state ombudsman may delegate to any member of the 11081
ombudsman's staff any of the ombudsman's authority or duties ~~under~~ 11082
set forth in sections 173.14 to ~~173.26~~ 173.28 of the Revised Code 11083
~~to any member of the ombudsman's staff other than any authority or~~ 11084
duty required by federal law to be exercised or performed by the 11085
ombudsman. The state ombudsman is responsible for any authority or 11086
duties the ombudsman delegates. 11087

Sec. 173.19. (A) The office of the state long-term care 11088
ombudsman program, through the state long-term care ombudsman and 11089
the regional long-term care ombudsman programs, shall receive, 11090
investigate, and attempt to resolve complaints made by residents, 11091
recipients, sponsors, ~~providers of~~ long-term care providers, or 11092
any person acting on behalf of a resident or recipient, relating 11093
to either of the following: 11094

(1) The health, safety, welfare, or civil rights of a 11095
resident or recipient or any violation of a resident's rights 11096
described in sections 3721.10 to 3721.17 of the Revised Code; 11097

(2) Any action or inaction or decision by ~~a provider of~~ 11098
~~long-term care or representative of a provider, a governmental~~ 11099
~~entity, or a private social service agency~~ any of the following 11100
that may adversely affect the health, safety, welfare, or rights 11101
of a resident or recipient: a long-term care provider or a 11102
representative of a long-term care provider; a medicaid managed 11103
care organization, as defined in section 5167.01 of the Revised 11104

Code; a government entity; or a private social service agency. 11105

(B) The department of aging shall adopt rules in accordance 11106
with Chapter 119. of the Revised Code regarding the handling of 11107
complaints received under this section, including procedures for 11108
conducting investigations of complaints. The rules shall include 11109
procedures to ensure that no representative of the office 11110
investigates any complaint involving a ~~provider~~ of long-term care 11111
provider with which the representative was once employed or 11112
associated. 11113

The state ombudsman and regional programs shall establish 11114
procedures for handling complaints consistent with the 11115
department's rules. Complaints shall be dealt with in accordance 11116
with the procedures established under this division. 11117

(C) The office of the state long-term care ombudsman program 11118
may decline to investigate any complaint if it determines any of 11119
the following: 11120

(1) That the complaint is frivolous, vexatious, or not made 11121
in good faith; 11122

(2) That the complaint was made so long after the occurrence 11123
of the incident on which it is based that it is no longer 11124
reasonable to conduct an investigation; 11125

(3) That an adequate investigation cannot be conducted 11126
because of insufficient funds, insufficient staff, lack of staff 11127
expertise, or any other reasonable factor that would result in an 11128
inadequate investigation despite a good faith effort; 11129

(4) That an investigation by the office would create a real 11130
or apparent conflict of interest. 11131

(D) If a regional long-term care ombudsman program declines 11132
to investigate a complaint, it shall refer the complaint to the 11133
state long-term care ombudsman. 11134

(E) Each complaint to be investigated by a regional program 11135
shall be assigned to a representative of the office of the state 11136
long-term care ombudsman program. If the representative determines 11137
that the complaint is valid, the representative shall assist the 11138
parties in attempting to resolve it. If the representative is 11139
unable to resolve it, the representative shall refer the complaint 11140
to the state ombudsman. 11141

In order to carry out the duties of sections 173.14 to ~~173.26~~ 11142
173.28 of the Revised Code, a representative has the right to 11143
private communication with residents and their sponsors and access 11144
to long-term care facilities, including the right to tour resident 11145
areas unescorted and the right to tour facilities unescorted as 11146
reasonably necessary to the investigation of a complaint. Access 11147
to facilities shall be during reasonable hours or, during 11148
investigation of a complaint, at other times appropriate to the 11149
complaint. 11150

When community-based long-term care services are provided at 11151
a location other than the recipient's home, a representative has 11152
the right to private communication with the recipient and the 11153
recipient's sponsors and access to the community-based long-term 11154
care site, including the right to tour the site unescorted. Access 11155
to the site shall be during reasonable hours or, during the 11156
investigation of a complaint, at other times appropriate to the 11157
complaint. 11158

(F) The state ombudsman shall determine whether complaints 11159
referred to the ombudsman under division (D) or (E) of this 11160
section warrant investigation. The ombudsman's determination in 11161
this matter is final. 11162

(G) No long-term care provider or other entity, no person 11163
employed by a long-term care provider or other entity, and no 11164
other individual shall do either of the following: 11165

(1) Knowingly deny a representative of the office of the state long-term care ombudsman program the right to private communication or access described in division (E) of this section; 11166
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(2) Engage in willful interference. 11169

As used in division (G)(2) of this section, "willful interference" means any action or inaction that is intended to prevent, interfere with, or impede a representative of the office of the state long-term care ombudsman program from exercising any of the rights or performing any of the duties of an ombudsman set forth in sections 173.14 to 173.28 of the Revised Code. 11170
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Sec. 173.20. (A) If consent is given and unless otherwise prohibited by law, a representative of the office of the state long-term care ombudsman program shall have access to any records, including medical records, of a resident or a recipient that are reasonably necessary for investigation of a complaint. Consent may be given in any of the following ways: 11176
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(1) In writing by the resident or recipient; 11182

(2) Orally by the resident or recipient, witnessed in writing at the time it is given by one other person, ~~and, if the records involved are being maintained by a long term care provider, also by an employee of the long term care provider designated under division (E)(1) of this section;~~ 11183
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(3) In writing by the guardian of the resident or recipient; 11188

(4) In writing by the attorney in fact of the resident or recipient, if the resident or recipient has authorized the attorney in fact to give such consent; 11189
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(5) In writing by the executor or administrator of the estate of a deceased resident or recipient. 11192
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(B) If consent to access to records is not refused by a resident or recipient or the resident's or recipient's legal 11194
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representative but cannot be obtained and any of the following 11196
circumstances exist, a representative of the office of the state 11197
long-term care ombudsman program, on approval of the state 11198
long-term care ombudsman, may inspect the records of a resident or 11199
a recipient, including medical records, that are reasonably 11200
necessary for investigation of a complaint: 11201

(1) The resident or recipient is unable to express written or 11202
oral consent and there is no guardian or attorney in fact; 11203

(2) There is a guardian or attorney in fact, but the guardian 11204
or attorney in fact cannot be contacted within three working days; 11205

(3) There is a guardianship or durable power of attorney, but 11206
its existence is unknown by the long-term care provider and the 11207
representative of the office at the time of the investigation; 11208

(4) There is no executor or administrator of the estate of a 11209
deceased resident or recipient. 11210

(C) If a representative of the office of the state long-term 11211
care ombudsman program has been refused access to records by a 11212
guardian or attorney in fact, but has reasonable cause to believe 11213
that the guardian or attorney in fact is not acting in the best 11214
interests of the resident or recipient, the representative may, on 11215
approval of the state long-term care ombudsman, inspect the 11216
records of the resident or recipient, including medical records, 11217
that are reasonably necessary for investigation of a complaint. 11218

(D) A representative of the office of the state long-term 11219
care ombudsman program shall have access to any records of a 11220
long-term care provider reasonably necessary to an investigation 11221
conducted under this section, including but not limited to: 11222
incident reports, dietary records, policies and procedures of a 11223
facility required to be maintained under section 5165.06 of the 11224
Revised Code, admission agreements, staffing schedules, any 11225
document depicting the actual staffing pattern of the provider, 11226

any financial records that are matters of public record, resident 11227
council and grievance committee minutes, and any waiting list 11228
maintained by a facility in accordance with section 5165.08 of the 11229
Revised Code, or any similar records or lists maintained by a 11230
provider of community-based long-term care services. Pursuant to 11231
division (E)(2) of this section, a representative shall be 11232
permitted to make or obtain copies of any of these records after 11233
giving the long-term care provider twenty-four hours' notice. A 11234
long-term care provider may impose a charge for providing copies 11235
of records under this division that does not exceed the actual and 11236
necessary expense of making the copies. 11237

~~The state ombudsman shall take whatever action is necessary 11238
to ensure that any copy of a record made or obtained under this 11239
division is returned to the long term care provider no later than 11240
three years after the date the investigation for which the copy 11241
was made or obtained is completed. 11242~~

~~(E)(1) Each long term care provider shall designate one or 11243
more of its employees to be responsible for witnessing the giving 11244
of oral consent under division (A) of this section. In the event 11245
that a designated employee is not available when a resident or 11246
recipient attempts to give oral consent, the provider shall 11247
designate another employee to witness the consent. 11248~~

(2) Each long-term care provider shall designate one or more 11249
of its employees to be responsible for releasing records for 11250
copying to representatives of the office of the state long-term 11251
care ombudsman program who request permission to make or obtain 11252
copies of records specified in division (D) of this section. In 11253
the event that a designated employee is not available when a 11254
representative of the office makes the request, the long-term care 11255
provider shall designate another employee to release the records 11256
for copying. 11257

(F) A long-term care provider or any employee of such a 11258

provider is immune from civil or criminal liability or action 11259
taken pursuant to a professional disciplinary procedure for the 11260
release or disclosure of records to a representative of the office 11261
pursuant to this section. 11262

(G) A state or local government agency or entity with records 11263
relevant to a complaint or investigation being conducted by a 11264
representative of the office shall provide the representative 11265
access to the records. 11266

(H) The state ombudsman, with the approval of the director of 11267
aging, may issue a subpoena to compel any person the ombudsman 11268
reasonably believes may be able to provide information to appear 11269
before the ombudsman or the ombudsman's designee and give sworn 11270
testimony and to produce documents, books, records, papers, or 11271
other evidence the state ombudsman believes is relevant to the 11272
investigation. On the refusal of a witness to be sworn or to 11273
answer any question put to the witness, or if a person disobeys a 11274
subpoena, the ombudsman shall apply to the Franklin county court 11275
of common pleas for a contempt order, as in the case of 11276
disobedience of the requirements of a subpoena issued from the 11277
court, or a refusal to testify in the court. 11278

(I) The state ombudsman may petition the court of common 11279
pleas in the county in which a long-term care facility is located 11280
to issue an injunction against any long-term care facility in 11281
violation of sections 3721.10 to 3721.17 of the Revised Code. 11282

(J) ~~Any~~ To the extent permitted by federal law, a 11283
representative of the office may report to an appropriate 11284
authority any suspected violation of Chapter 3721. of the Revised 11285
Code state law discovered during the course of an advocacy visit 11286
or investigation may be reported to the department of health. Any 11287
suspected criminal violation discovered during the course of an 11288
investigation shall be reported to the attorney general or other 11289
appropriate law enforcement authorities. 11290

(K) The department of aging shall adopt rules in accordance 11291
with Chapter 119. of the Revised Code for referral by the state 11292
ombudsman and regional long-term care ombudsman programs of 11293
complaints to other public agencies or entities. A public agency 11294
or entity to which a complaint is referred shall keep the state 11295
ombudsman or regional program handling the complaint advised and 11296
notified in writing in a timely manner of the disposition of the 11297
complaint to the extent permitted by law. 11298

Sec. 173.21. (A) The office of the state long-term care 11299
ombudsman program, through the state long-term care ombudsman and 11300
the regional long-term care ombudsman programs, shall require each 11301
representative of the office to complete a training and 11302
certification program in accordance with this section and to meet 11303
the continuing education requirements established under this 11304
section. 11305

(B) The department of aging shall adopt rules ~~under~~ in 11306
accordance with Chapter 119. of the Revised Code specifying the 11307
content of training programs for representatives of the office of 11308
the state long-term care ombudsman program. Training for 11309
representatives other than those who are volunteers providing 11310
services through regional long-term care ombudsman programs shall 11311
include instruction regarding federal, state, and local laws, 11312
rules, and policies on long-term care facilities and 11313
community-based long-term care services; investigative techniques; 11314
and other topics considered relevant by the department and shall 11315
consist of the following: 11316

(1) A minimum of forty clock hours of basic instruction, 11317
which shall be completed before the trainee is permitted to handle 11318
complaints without the supervision of a representative of the 11319
office certified under this section; 11320

(2) An additional sixty clock hours of instruction, which 11321

shall be completed within the first fifteen months of employment; 11322

(3) An internship of twenty clock hours, which shall be 11323
completed within the first twenty-four months of employment, 11324
including instruction in, and observation of, basic nursing care 11325
and long-term care provider operations and procedures. The 11326
internship shall be performed at a site that has been approved as 11327
an internship site by the state long-term care ombudsman. 11328

(4) One of the following, which shall be completed within the 11329
first twenty-four months of employment: 11330

(a) Observation of a survey conducted by the director of 11331
health to certify a nursing facility to participate in the 11332
medicaid program; 11333

(b) Observation of an inspection conducted by the director of 11334
mental health and addiction services to license a residential 11335
facility under section 5119.34 of the Revised Code that provides 11336
accommodations, supervision, and personal care services for three 11337
to sixteen unrelated adults. 11338

(5) Any other training considered appropriate by the 11339
department. 11340

(C) Any person who for a period of at least six months prior 11341
to June 11, 1990, served as an ombudsman through the long-term 11342
care ombudsman program established by the department of aging 11343
under ~~division (M)~~ of section 173.01 of the Revised Code shall not 11344
be required to complete a training program. Such a person and 11345
persons who complete a training program shall take an examination 11346
administered by the department of aging. On attainment of a 11347
passing score, the person shall be certified by the department as 11348
a representative of the office. The department shall issue the 11349
person an identification card, which the representative shall show 11350
at the request of any person with whom the representative deals 11351
while performing the representative's duties and which shall be 11352

surrendered at the time the representative separates from the office. 11353
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(D) The state ombudsman and each regional program shall 11355
conduct training programs for volunteers on their respective 11356
staffs in accordance with the rules of the department of aging 11357
adopted under division (B) of this section. Training programs may 11358
be conducted that train volunteers to complete some, but not all, 11359
of the duties of a representative of the office. Each regional 11360
office shall bear the cost of training its representatives who are 11361
volunteers. On completion of a training program, the 11362
representative shall take an examination administered by the 11363
department of aging. On attainment of a passing score, a volunteer 11364
shall be certified by the department as a representative 11365
authorized to perform services specified in the certification. The 11366
department shall issue an identification card, which the 11367
representative shall show at the request of any person with whom 11368
the representative deals while performing the representative's 11369
duties and which shall be surrendered at the time the 11370
representative separates from the office. Except as a supervised 11371
part of a training program, no volunteer shall perform any duty 11372
unless ~~he~~ the volunteer is certified as a representative having 11373
received appropriate training for that duty. 11374

(E) The state ombudsman shall provide technical assistance to 11375
regional programs conducting training programs for volunteers and 11376
shall monitor the training programs. 11377

(F) Prior to scheduling an observation of a certification 11378
survey or licensing inspection for purposes of division (B)(4) of 11379
this section, the state ombudsman shall obtain permission to have 11380
the survey or inspection observed from both ~~the director of health~~ 11381
~~and~~ the long-term care facility at which the survey or inspection 11382
is to take place and, as the case may be, the director of health 11383
or director of mental health and addiction services. 11384

(G) The department of aging shall establish continuing education requirements for representatives of the office.

Sec. 173.22. (A) The collection, compilation, analysis, and dissemination of information by the office of the state long-term care ombudsman program shall be performed in a manner that protects complainants, individuals providing information about a complaint, public entities, and confidential records of residents or recipients. The identity of a resident or recipient, a complainant who is not a resident or recipient, or an individual providing information about a complaint shall not be disclosed without the written consent of the resident or recipient, complainant, or individual, or ~~his~~ a legal representative of any of the foregoing, or except as required by court order.

The investigative files, ~~including any proprietary records of a long-term care provider contained in the files,~~ and any records contained in those files, including any proprietary records of a long-term care provider or records relating to advocacy visits, of the office are not public records subject to inspection or copying under section 149.43 of the Revised Code and are exempt from the provisions of Chapter 1347. of the Revised Code. Information contained in investigative and other files maintained by the state long-term care ombudsman and regional long-term care ombudsman programs shall be disclosed only at the discretion of the state ombudsman ~~or the regional program maintaining the records~~ or if disclosure is required by court order.

(B) No report prepared by the state ombudsman or a regional program shall include any information that violates the confidentiality requirements of this section. Proprietary records of a specific long-term care provider are subject to the confidentiality requirements of this section.

Sec. 173.24. (A) As used in this section, ~~"employee:~~ 11416

(1) "Employee" and "employer" have the same meanings as in 11417
section 4113.51 of the Revised Code. 11418

(2) "Retaliatory action" includes physical, mental, or verbal 11419
abuse; change of room assignment; withholding of services; failure 11420
to provide care in a timely manner; discharge; and termination of 11421
employment. 11422

(B) An employee providing information to or participating in 11423
good faith in registering a complaint with the office of the state 11424
long-term care ombudsman program or participating in the 11425
investigation of a complaint or in administrative or judicial 11426
proceedings resulting from a complaint registered with the office 11427
shall have the full protection against disciplinary or retaliatory 11428
action provided by division (G) of section 3721.17 and by sections 11429
4113.51 to 4113.53 of the Revised Code. 11430

(C) No long-term care provider or other entity, no person 11431
employed by a long-term care provider, ~~or other entity, or~~ 11432
~~employee of such other entity and no other individual~~ shall 11433
knowingly subject any resident ~~or~~, recipient, employee, 11434
representative of the office of the state long-term care ombudsman 11435
program, or another individual to any form of retaliation, 11436
reprisal, discipline, or discrimination for ~~providing~~ doing any of 11437
the following: 11438

(1) Providing information to the office ~~or for participating;~~ 11439

(2) Participating in registering a complaint with the 11440
office, ~~i~~ 11441

(3) Cooperating with or participating in the investigation of 11442
a complaint, ~~by the office~~ or in administrative or judicial 11443
proceedings resulting from a complaint registered with the office. 11444
~~Retaliatory actions include, but are not limited to, physical,~~ 11445

~~mental, or verbal abuse; change of room assignment; the 11446
withholding of services; and failure to provide care in a timely 11447
manner. 11448~~

Sec. 173.27. (A) As used in this section: 11449

(1) "Applicant" means a person who is under final 11450
consideration for employment by a responsible party in a 11451
full-time, part-time, or temporary position that involves 11452
providing ombudsman services to residents and recipients. 11453
"Applicant" includes a person who is under final consideration for 11454
employment as the state long-term care ombudsman or the head of a 11455
regional long-term care ombudsman program. "Applicant" does not 11456
include a person seeking to provide ombudsman services to 11457
residents and recipients as a volunteer without receiving or 11458
expecting to receive any form of remuneration other than 11459
reimbursement for actual expenses. 11460

(2) "Criminal records check" has the same meaning as in 11461
section 109.572 of the Revised Code. 11462

(3) "Disqualifying offense" means any of the offenses listed 11463
or described in divisions (A)(3)(a) to (e) of section 109.572 of 11464
the Revised Code. 11465

(4) "Employee" means a person employed by a responsible party 11466
in a full-time, part-time, or temporary position that involves 11467
providing ombudsman services to residents and recipients. 11468
"Employee" includes the person employed as the state long-term 11469
care ombudsman and a person employed as the head of a regional 11470
long-term care ombudsman program. "Employee" does not include a 11471
person who provides ombudsman services to residents and recipients 11472
as a volunteer without receiving or expecting to receive any form 11473
of remuneration other than reimbursement for actual expenses. 11474

(5) "Responsible party" means the following: 11475

(a) In the case of an applicant who is under final consideration for employment as the state long-term care ombudsman or the person employed as the state long-term care ombudsman, the director of aging;

(b) In the case of any other applicant who is under final consideration for employment with the state long-term care ombudsman program or any other employee of the state long-term care ombudsman program, the state long-term care ombudsman;

(c) In the case of an applicant who is under final consideration for employment with a regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the regional long-term care ombudsman program.

(B) A responsible party may not employ an applicant or continue to employ an employee in a position that involves providing ombudsman services to residents and recipients if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or abused exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this

section and the rules prohibit the responsible party from 11507
employing an applicant or continuing to employ an employee 11508
included in such a database in a position that involves providing 11509
ombudsman services to residents and recipients. 11510

(2) After the applicant or employee is provided, pursuant to 11511
division (E)(2)(a) of this section, a copy of the form prescribed 11512
pursuant to division (C)(1) of section 109.572 of the Revised Code 11513
and the standard impression sheet prescribed pursuant to division 11514
(C)(2) of that section, the applicant or employee fails to 11515
complete the form or provide the applicant's or employee's 11516
fingerprint impressions on the standard impression sheet. 11517

(3) Unless the applicant or employee meets standards 11518
specified in rules adopted under this section, the applicant or 11519
employee is found by a criminal records check required by this 11520
section to have been convicted of, pleaded guilty to, or been 11521
found eligible for intervention in lieu of conviction for a 11522
disqualifying offense. 11523

(C) A responsible party or a responsible party's designee 11524
shall inform each applicant of both of the following at the time 11525
of the applicant's initial application for employment in a 11526
position that involves providing ombudsman services to residents 11527
and recipients: 11528

(1) That a review of the databases listed in division (D) of 11529
this section will be conducted to determine whether the 11530
responsible party is prohibited by division (B)(1) of this section 11531
from employing the applicant in the position; 11532

(2) That, unless the database review reveals that the 11533
applicant may not be employed in the position, a criminal records 11534
check of the applicant will be conducted and the applicant is 11535
required to provide a set of the applicant's fingerprint 11536
impressions as part of the criminal records check. 11537

(D) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the responsible party or designee shall conduct a database review of an employee in accordance with the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the "Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as amended, and section 1156 of the "Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as amended;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted 11569
under this section. 11570

(E)(1) As a condition of any applicant's being employed by a 11571
responsible party in a position that involves providing ombudsman 11572
services to residents and recipients, the responsible party or 11573
designee shall request that the superintendent of the bureau of 11574
criminal identification and investigation conduct a criminal 11575
records check of the applicant. If rules adopted under this 11576
section so require, the responsible party or designee shall 11577
request that the superintendent conduct a criminal records check 11578
of an employee at times specified in the rules as a condition of 11579
the responsible party continuing to employ the employee in a 11580
position that involves providing ombudsman services to residents 11581
and recipients. However, the responsible party or designee is not 11582
required to request the criminal records check of the applicant or 11583
employee if the responsible party is prohibited by division (B)(1) 11584
of this section from employing the applicant or continuing to 11585
employ the employee in a position that involves providing 11586
ombudsman services to residents and recipients. If an applicant or 11587
employee for whom a criminal records check request is required by 11588
this section does not present proof of having been a resident of 11589
this state for the five-year period immediately prior to the date 11590
the criminal records check is requested or provide evidence that 11591
within that five-year period the superintendent has requested 11592
information about the applicant or employee from the federal 11593
bureau of investigation in a criminal records check, the 11594
responsible party or designee shall request that the 11595
superintendent obtain information from the federal bureau of 11596
investigation as part of the criminal records check. Even if an 11597
applicant or employee for whom a criminal records check request is 11598
required by this section presents proof of having been a resident 11599
of this state for the five-year period, the responsible party or 11600
designee may request that the superintendent include information 11601

from the federal bureau of investigation in the criminal records 11602
check. 11603

(2) A responsible party or designee shall do all of the 11604
following: 11605

(a) Provide to each applicant and employee for whom a 11606
criminal records check request is required by this section a copy 11607
of the form prescribed pursuant to division (C)(1) of section 11608
109.572 of the Revised Code and a standard impression sheet 11609
prescribed pursuant to division (C)(2) of that section; 11610

(b) Obtain the completed form and standard impression sheet 11611
from the applicant or employee; 11612

(c) Forward the completed form and standard impression sheet 11613
to the superintendent. 11614

(3) A responsible party shall pay to the bureau of criminal 11615
identification and investigation the fee prescribed pursuant to 11616
division (C)(3) of section 109.572 of the Revised Code for each 11617
criminal records check the responsible party or the responsible 11618
party's designee requests under this section. The responsible 11619
party may charge an applicant a fee not exceeding the amount the 11620
responsible party pays to the bureau under this section if the 11621
responsible party or designee notifies the applicant at the time 11622
of initial application for employment of the amount of the fee. 11623

(F)(1) A responsible party may employ conditionally an 11624
applicant for whom a criminal records check is required by this 11625
section prior to obtaining the results of the criminal records 11626
check if both of the following apply: 11627

(a) The responsible party is not prohibited by division 11628
(B)(1) of this section from employing the applicant in a position 11629
that involves providing ombudsman services to residents and 11630
recipients; 11631

(b) The responsible party or designee requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.

(2) A responsible party shall terminate the employment of an applicant employed conditionally under division (F)(1) of this section if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the responsible party or designee about the applicant's criminal record.

(G) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The responsible party or designee;

(3) In the case of a criminal records check conducted for an applicant who is under final consideration for employment with a regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a representative of the office of the state long-term care ombudsman program who is responsible for monitoring the regional program's compliance with this section;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely

because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted.

(J) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database

reviews and criminal records checks under this section, the times 11725
at which the database reviews and criminal records checks are to 11726
be conducted; 11727

(c) If the rules specify other databases to be checked as 11728
part of the database reviews, the circumstances under which a 11729
responsible party is prohibited from employing an applicant or 11730
continuing to employ an employee who is found by a database review 11731
to be included in one or more of those databases; 11732

(d) Standards that an applicant or employee must meet for a 11733
responsible party to be permitted to employ the applicant or 11734
continue to employ the employee in a position that involves 11735
providing ombudsman services to residents and recipients if the 11736
applicant or employee is found by a criminal records check 11737
required by this section to have been convicted of, pleaded guilty 11738
to, or been found eligible for intervention in lieu of conviction 11739
for a disqualifying offense. 11740

Sec. 173.28. (A)~~(1)~~ As used in this ~~division~~ section, 11741
"incident" means the occurrence of a violation with respect to a 11742
resident or recipient, ~~as those terms are defined in section~~ 11743
~~173.14 of the Revised Code.~~ A violation is a separate incident for 11744
each day it occurs and for each resident who is subject to it. 11745

(B)(1) In lieu of the fine that may be imposed under division 11746
(A) of section 173.99 of the Revised Code for a criminal offense, 11747
the director of aging may, under Chapter 119. of the Revised Code, 11748
fine a long-term care provider or other entity, ~~or~~ a person 11749
employed by a long-term care provider or other entity, or an 11750
individual for a violation of division (C) of section 173.24 of 11751
the Revised Code. The fine shall not exceed one thousand dollars 11752
per incident. 11753

(2) In lieu of the fine that may be imposed under division 11754
(C) of section 173.99 of the Revised Code for a criminal offense, 11755

the director may, under Chapter 119. of the Revised Code, fine a 11756
long-term care provider or other entity, ~~or~~ a person employed by a 11757
long-term care provider or other entity, or an individual for 11758
~~violating a violation of~~ division ~~(E)(G)(1) or (2)~~ of section 11759
173.19 of the Revised Code ~~by denying a representative of the~~ 11760
~~office of the state long term care ombudsman program the access~~ 11761
~~required by that division.~~ The fine shall not exceed five hundred 11762
dollars for each day the violation continued. 11763

~~(B)(C)~~ On request of the director, the attorney general shall 11764
bring and prosecute to judgment a civil action to collect any fine 11765
imposed under division ~~(A)(B)(1) or (2)~~ of this section that 11766
remains unpaid thirty days after the violator's final appeal is 11767
exhausted. 11768

~~(C)(D)~~ All fines collected under this section shall be 11769
deposited into the state treasury to the credit of the state 11770
long-term care ombudsman program fund created under section 173.26 11771
of the Revised Code. 11772

Sec. 173.38. (A) As used in this section: 11773

(1) "Applicant" means a person who is under final 11774
consideration for employment with a responsible party in a 11775
full-time, part-time, or temporary direct-care position or is 11776
referred to a responsible party by an employment service for such 11777
a position. "Applicant" does not include a person being considered 11778
for a direct-care position as a volunteer. 11779

(2) "Area agency on aging" has the same meaning as in section 11780
173.14 of the Revised Code. 11781

(3) "Chief administrator of a responsible party" includes a 11782
consumer when the consumer is a responsible party. 11783

(4) "Community-based long-term care services" means 11784
community-based long-term care services, as defined in section 11785

173.14 of the Revised Code, that are provided under a program the 11786
department of aging administers. 11787

(5) "Consumer" means an individual who receives 11788
community-based long-term care services. 11789

(6) "Criminal records check" has the same meaning as in 11790
section 109.572 of the Revised Code. 11791

(7)(a) "Direct-care position" means an employment position in 11792
which an employee has either or both of the following: 11793

(i) In-person contact with one or more consumers; 11794

(ii) Access to one or more consumers' personal property or 11795
records. 11796

(b) "Direct-care position" does not include a person whose 11797
sole duties are transporting individuals under Chapter 306. of the 11798
Revised Code. 11799

(8) "Disqualifying offense" means any of the offenses listed 11800
or described in divisions (A)(3)(a) to (e) of section 109.572 of 11801
the Revised Code. 11802

(9) "Employee" means a person employed by a responsible party 11803
in a full-time, part-time, or temporary direct-care position and a 11804
person who works in such a position due to being referred to a 11805
responsible party by an employment service. "Employee" does not 11806
include a person who works in a direct-care position as a 11807
volunteer. 11808

(10) "PASSPORT administrative agency" has the same meaning as 11809
in section 173.42 of the Revised Code. 11810

(11) "Provider" has the same meaning as in section 173.39 of 11811
the Revised Code. 11812

(12) "Responsible party" means the following: 11813

(a) An area agency on aging in the case of either of the 11814

following:	11815
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;	11816 11817 11818 11819
(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.	11820 11821 11822 11823
(b) A PASSPORT administrative agency in the case of either of the following:	11824 11825
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;	11826 11827 11828 11829
(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.	11830 11831 11832 11833
(c) A provider in the case of either of the following:	11834
(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;	11835 11836 11837 11838 11839
(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.	11840 11841 11842 11843
(d) A subcontractor in the case of either of the following:	11844

(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.

(e) A consumer in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service.

(13) "Subcontractor" has the meaning specified in rules adopted under this section.

(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is 11876
subject to a database review or criminal records check under 11877
section 173.381 or 3701.881 of the Revised Code or to any 11878
individual who is subject to a criminal records check under 11879
section 3721.121 of the Revised Code. If a provider or 11880
subcontractor also is a waiver agency, the provider or 11881
subcontractor may provide for applicants and employees to undergo 11882
database reviews and criminal records checks in accordance with 11883
section 5164.342 of the Revised Code rather than this section. 11884

(C) No responsible party shall employ an applicant or 11885
continue to employ an employee in a direct-care position if any of 11886
the following apply: 11887

(1) A review of the databases listed in division (E) of this 11888
section reveals any of the following: 11889

(a) That the applicant or employee is included in one or more 11890
of the databases listed in divisions (E)(1) to (5) of this 11891
section; 11892

(b) That there is in the state nurse aide registry 11893
established under section 3721.32 of the Revised Code a statement 11894
detailing findings by the director of health that the applicant or 11895
employee abused, neglected, or ~~abused~~ exploited a long-term care 11896
facility or residential care facility resident or misappropriated 11897
property of such a resident; 11898

(c) That the applicant or employee is included in one or more 11899
of the databases, if any, specified in rules adopted under this 11900
section and the rules prohibit the responsible party from 11901
employing an applicant or continuing to employ an employee 11902
included in such a database in a direct-care position. 11903

(2) After the applicant or employee is provided, pursuant to 11904
division (F)(2)(a) of this section, a copy of the form prescribed 11905
pursuant to division (C)(1) of section 109.572 of the Revised Code 11906

and the standard impression sheet prescribed pursuant to division 11907
(C)(2) of that section, the applicant or employee fails to 11908
complete the form or provide the applicant's or employee's 11909
fingerprint impressions on the standard impression sheet. 11910

(3) Unless the applicant or employee meets standards 11911
specified in rules adopted under this section, the applicant or 11912
employee is found by a criminal records check required by this 11913
section to have been convicted of, pleaded guilty to, or been 11914
found eligible for intervention in lieu of conviction for a 11915
disqualifying offense. 11916

(D) Except as provided by division (G) of this section, the 11917
chief administrator of a responsible party shall inform each 11918
applicant of both of the following at the time of the applicant's 11919
initial application for employment or referral to the responsible 11920
party by an employment service for a direct-care position: 11921

(1) That a review of the databases listed in division (E) of 11922
this section will be conducted to determine whether the 11923
responsible party is prohibited by division (C)(1) of this section 11924
from employing the applicant in the direct-care position; 11925

(2) That, unless the database review reveals that the 11926
applicant may not be employed in the direct-care position, a 11927
criminal records check of the applicant will be conducted and the 11928
applicant is required to provide a set of the applicant's 11929
fingerprint impressions as part of the criminal records check. 11930

(E) As a condition of employing any applicant in a 11931
direct-care position, the chief administrator of a responsible 11932
party shall conduct a database review of the applicant in 11933
accordance with rules adopted under this section. If rules adopted 11934
under this section so require, the chief administrator of a 11935
responsible party shall conduct a database review of an employee 11936
in accordance with the rules as a condition of continuing to 11937

employ the employee in a direct-care position. However, a chief 11938
administrator is not required to conduct a database review of an 11939
applicant or employee if division (G) of this section applies. A 11940
database review shall determine whether the applicant or employee 11941
is included in any of the following: 11942

(1) The excluded parties list system that is maintained by 11943
the United States general services administration pursuant to 11944
subpart 9.4 of the federal acquisition regulation and available at 11945
the federal web site known as the system for award management; 11946

(2) The list of excluded individuals and entities maintained 11947
by the office of inspector general in the United States department 11948
of health and human services pursuant to the "Social Security 11949
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 11950

(3) The registry of developmental disabilities employees 11951
established under section 5123.52 of the Revised Code; 11952

(4) The internet-based sex offender and child-victim offender 11953
database established under division (A)(11) of section 2950.13 of 11954
the Revised Code; 11955

(5) The internet-based database of inmates established under 11956
section 5120.66 of the Revised Code; 11957

(6) The state nurse aide registry established under section 11958
3721.32 of the Revised Code; 11959

(7) Any other database, if any, specified in rules adopted 11960
under this section. 11961

(F)(1) As a condition of employing any applicant in a 11962
direct-care position, the chief administrator of a responsible 11963
party shall request that the superintendent of the bureau of 11964
criminal identification and investigation conduct a criminal 11965
records check of the applicant. If rules adopted under this 11966
section so require, the chief administrator of a responsible party 11967

shall request that the superintendent conduct a criminal records 11968
check of an employee at times specified in the rules as a 11969
condition of continuing to employ the employee in a direct-care 11970
position. However, the chief administrator is not required to 11971
request the criminal records check of the applicant or employee if 11972
division (G) of this section applies or the responsible party is 11973
prohibited by division (C)(1) of this section from employing the 11974
applicant or continuing to employ the employee in a direct-care 11975
position. If an applicant or employee for whom a criminal records 11976
check request is required by this section does not present proof 11977
of having been a resident of this state for the five-year period 11978
immediately prior to the date the criminal records check is 11979
requested or provide evidence that within that five-year period 11980
the superintendent has requested information about the applicant 11981
or employee from the federal bureau of investigation in a criminal 11982
records check, the chief administrator shall request that the 11983
superintendent obtain information from the federal bureau of 11984
investigation as part of the criminal records check. Even if an 11985
applicant or employee for whom a criminal records check request is 11986
required by this section presents proof of having been a resident 11987
of this state for the five-year period, the chief administrator 11988
may request that the superintendent include information from the 11989
federal bureau of investigation in the criminal records check. 11990

(2) The chief administrator shall do all of the following: 11991

(a) Provide to each applicant and employee for whom a 11992
criminal records check request is required by this section a copy 11993
of the form prescribed pursuant to division (C)(1) of section 11994
109.572 of the Revised Code and a standard impression sheet 11995
prescribed pursuant to division (C)(2) of that section; 11996

(b) Obtain the completed form and standard impression sheet 11997
from the applicant or employee; 11998

(c) Forward the completed form and standard impression sheet 11999

to the superintendent. 12000

(3) A responsible party shall pay to the bureau of criminal 12001
identification and investigation the fee prescribed pursuant to 12002
division (C)(3) of section 109.572 of the Revised Code for each 12003
criminal records check the responsible party requests under this 12004
section. A responsible party may charge an applicant a fee not 12005
exceeding the amount the responsible party pays to the bureau 12006
under this section if both of the following apply: 12007

(a) The responsible party notifies the applicant at the time 12008
of initial application for employment of the amount of the fee and 12009
that, unless the fee is paid, the applicant will not be considered 12010
for employment. 12011

(b) The medicaid program does not pay the responsible party 12012
for the fee it pays to the bureau under this section. 12013

(G) Divisions (D) to (F) of this section do not apply with 12014
regard to an applicant or employee if the applicant or employee is 12015
referred to a responsible party by an employment service that 12016
supplies full-time, part-time, or temporary staff for direct-care 12017
positions and both of the following apply: 12018

(1) The chief administrator of the responsible party receives 12019
from the employment service confirmation that a review of the 12020
databases listed in division (E) of this section was conducted of 12021
the applicant or employee. 12022

(2) The chief administrator of the responsible party receives 12023
from the employment service, applicant, or employee a report of 12024
the results of a criminal records check of the applicant or 12025
employee that has been conducted by the superintendent within the 12026
one-year period immediately preceding the following: 12027

(a) In the case of an applicant, the date of the applicant's 12028
referral by the employment service to the responsible party; 12029

(b) In the case of an employee, the date by which the responsible party would otherwise have to request a criminal records check of the employee under division (F) of this section.

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(H)(1) A responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the responsible party is not prohibited by division (C)(1) of this section from employing the applicant in a direct-care position and either of the following applies:

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(a) The chief administrator of the responsible party requests the criminal records check in accordance with division (F) of this section not later than five business days after the applicant begins conditional employment.

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(b) The applicant is referred to the responsible party by an employment service, the employment service or the applicant provides the chief administrator of the responsible party a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

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(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

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(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

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(iv) That the employment service promptly will send a copy of

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the results of the criminal records check to the chief 12061
administrator of the responsible party when the employment service 12062
receives the results. 12063

(2) If a responsible party employs an applicant conditionally 12064
pursuant to division (H)(1)(b) of this section, the employment 12065
service, on its receipt of the results of the criminal records 12066
check, promptly shall send a copy of the results to the chief 12067
administrator of the responsible party. 12068

(3) A responsible party that employs an applicant 12069
conditionally pursuant to division (H)(1)(a) or (b) of this 12070
section shall terminate the applicant's employment if the results 12071
of the criminal records check, other than the results of any 12072
request for information from the federal bureau of investigation, 12073
are not obtained within the period ending sixty days after the 12074
date the request for the criminal records check is made. 12075
Regardless of when the results of the criminal records check are 12076
obtained, if the results indicate that the applicant has been 12077
convicted of, pleaded guilty to, or been found eligible for 12078
intervention in lieu of conviction for a disqualifying offense, 12079
the responsible party shall terminate the applicant's employment 12080
unless the applicant meets standards specified in rules adopted 12081
under this section that permit the responsible party to employ the 12082
applicant and the responsible party chooses to employ the 12083
applicant. Termination of employment under this division shall be 12084
considered just cause for discharge for purposes of division 12085
(D)(2) of section 4141.29 of the Revised Code if the applicant 12086
makes any attempt to deceive the responsible party about the 12087
applicant's criminal record. 12088

(I) The report of any criminal records check conducted 12089
pursuant to a request made under this section is not a public 12090
record for the purposes of section 149.43 of the Revised Code and 12091
shall not be made available to any person other than the 12092

following:	12093
(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;	12094 12095 12096
(2) The chief administrator of the responsible party requesting the criminal records check or the administrator's representative;	12097 12098 12099
(3) The administrator of any other facility, agency, or program that provides community-based long-term care services that is owned or operated by the same entity that owns or operates the responsible party that requested the criminal records check;	12100 12101 12102 12103
(4) The employment service that requested the criminal records check;	12104 12105
(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section;	12106 12107 12108
(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply:	12109 12110 12111
(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;	12112 12113 12114
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency;	12115 12116 12117 12118
(c) The criminal records check is requested by a consumer who is acting as a responsible party.	12119 12120
(7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	12121 12122

(a) A denial of employment of the applicant or employee;	12123
(b) Employment or unemployment benefits of the applicant or employee;	12124 12125
(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.	12126 12127
(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following shall apply:	12128 12129 12130 12131 12132
(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.	12133 12134 12135 12136 12137 12138
(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.	12139 12140 12141 12142 12143
(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	12144 12145 12146 12147 12148 12149 12150
(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.	12151 12152

(1) The rules may do the following:	12153
(a) Require employees to undergo database reviews and criminal records checks under this section;	12154 12155
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	12156 12157 12158
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	12159 12160 12161
(2) The rules shall specify all of the following:	12162
(a) The meaning of the term "subcontractor";	12163
(b) The procedures for conducting database reviews under this section;	12164 12165
(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	12166 12167 12168 12169
(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;	12170 12171 12172 12173 12174
(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	12175 12176 12177 12178 12179 12180 12181

Sec. 173.381. (A) As used in this section:	12182
(1) "Community-based long-term care services" means	12183
community-based long-term care services, as defined in section	12184
173.14 of the Revised Code, that are provided under a program the	12185
department of aging administers.	12186
(2) "Community-based long-term care services certificate"	12187
means a certificate issued under section 173.391 of the Revised	12188
Code.	12189
(3) "Community-based long-term care services contract or	12190
grant" means a contract or grant awarded under section 173.392 of	12191
the Revised Code.	12192
(4) "Criminal records check" has the same meaning as in	12193
section 109.572 of the Revised Code.	12194
(5) "Disqualifying offense" means any of the offenses listed	12195
or described in divisions (A)(3)(a) to (e) of section 109.572 of	12196
the Revised Code.	12197
(6) "Provider" has the same meaning as in section 173.39 of	12198
the Revised Code.	12199
(7) "Self-employed provider" means a provider who works for	12200
the provider's self and has no employees.	12201
(B) This section does not apply to any individual who is	12202
subject to a database review or criminal records check under	12203
section 3701.881 of the Revised Code.	12204
(C)(1) The department of aging or its designee shall take the	12205
following actions when the circumstances specified in division	12206
(C)(2) of this section apply:	12207
(a) Refuse to issue a community-based long-term care services	12208
certificate to a self-employed provider;	12209
(b) Revoke a self-employed provider's community-based	12210

long-term care services certificate;	12211
(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider;	12212 12213
(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014.	12214 12215 12216
(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section:	12217 12218 12219
(a) A review of the databases listed in division (E) of this section reveals any of the following:	12220 12221
(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;	12222 12223 12224
(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider abused, neglected, or abused <u>exploited</u> a long-term care facility or residential care facility resident or misappropriated property of such a resident;	12225 12226 12227 12228 12229 12230
(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database.	12231 12232 12233 12234 12235
(b) After the self-employed provider is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the self-employed provider fails to	12236 12237 12238 12239 12240

complete the form or provide the self-employed provider's 12241
fingerprint impressions on the standard impression sheet. 12242

(c) Unless the self-employed provider meets standards 12243
specified in rules adopted under this section, the self-employed 12244
provider is found by a criminal records check required by this 12245
section to have been convicted of, pleaded guilty to, or been 12246
found eligible for intervention in lieu of conviction for a 12247
disqualifying offense. 12248

(D) The department of aging or its designee shall inform each 12249
self-employed provider of both of the following at the time of the 12250
self-employed provider's initial application for a community-based 12251
long-term care services certificate or initial bid for a 12252
community-based long-term care services contract or grant: 12253

(1) That a review of the databases listed in division (E) of 12254
this section will be conducted to determine whether the department 12255
or its designee is required by division (C) of this section to 12256
refuse to issue or award a community-based long-term care services 12257
certificate or community-based long-term care services contract or 12258
grant to the self-employed provider; 12259

(2) That, unless the database review reveals that the 12260
department or its designee is required to refuse to issue or award 12261
a community-based long-term care services certificate or 12262
community-based long-term care services contract or grant to the 12263
self-employed provider, a criminal records check of the 12264
self-employed provider will be conducted and the self-employed 12265
provider is required to provide a set of the self-employed 12266
provider's fingerprint impressions as part of the criminal records 12267
check. 12268

(E) As a condition of issuing or awarding a community-based 12269
long-term care services certificate or community-based long-term 12270
care services contract or grant to a self-employed provider, the 12271

department of aging or its designee shall conduct a database 12272
review of the self-employed provider in accordance with rules 12273
adopted under this section. If rules adopted under this section so 12274
require, the department or its designee shall conduct a database 12275
review of a self-employed provider in accordance with the rules as 12276
a condition of not revoking or terminating the self-employed 12277
provider's community-based long-term care services certificate or 12278
community-based long-term care services contract or grant. A 12279
database review shall determine whether the self-employed provider 12280
is included in any of the following: 12281

(1) The excluded parties list system that is maintained by 12282
the United States general services administration pursuant to 12283
subpart 9.4 of the federal acquisition regulation and available at 12284
the federal web site known as the system for award management; 12285

(2) The list of excluded individuals and entities maintained 12286
by the office of inspector general in the United States department 12287
of health and human services pursuant to the "Social Security 12288
Act," 42 U.S.C. 1320a-7 and 1320c-5; 12289

(3) The registry of developmental disabilities employees 12290
established under section 5123.52 of the Revised Code; 12291

(4) The internet-based sex offender and child-victim offender 12292
database established under division (A)(11) of section 2950.13 of 12293
the Revised Code; 12294

(5) The internet-based database of inmates established under 12295
section 5120.66 of the Revised Code; 12296

(6) The state nurse aide registry established under section 12297
3721.32 of the Revised Code; 12298

(7) Any other database, if any, specified in rules adopted 12299
under this section. 12300

(F)(1) As a condition of issuing or awarding a 12301

community-based long-term care services certificate or 12302
community-based long-term care services contract or grant to a 12303
self-employed provider, the department of aging or its designee 12304
shall request that the superintendent of the bureau of criminal 12305
identification and investigation conduct a criminal records check 12306
of the self-employed provider. If rules adopted under this section 12307
so require, the department or its designee shall request that the 12308
superintendent conduct a criminal records check of a self-employed 12309
provider at times specified in the rules as a condition of not 12310
revoking or terminating the self-employed provider's 12311
community-based long-term care services certificate or 12312
community-based long-term care services contract or grant. 12313
However, the department or its designee is not required to request 12314
the criminal records check of the self-employed provider if the 12315
department or its designee, because of circumstances specified in 12316
division (C)(2)(a) of this section, is required to refuse to issue 12317
or award a community-based long-term care services certificate or 12318
community-based long-term care services contract or grant to the 12319
self-employed provider or to revoke or terminate the self-employed 12320
provider's certificate or contract or grant. 12321

If a self-employed provider for whom a criminal records check 12322
request is required by this section does not present proof of 12323
having been a resident of this state for the five-year period 12324
immediately prior to the date the criminal records check is 12325
requested or provide evidence that within that five-year period 12326
the superintendent has requested information about the 12327
self-employed provider from the federal bureau of investigation in 12328
a criminal records check, the department or its designee shall 12329
request that the superintendent obtain information from the 12330
federal bureau of investigation as part of the criminal records 12331
check. Even if a self-employed provider for whom a criminal 12332
records check request is required by this section presents proof 12333
of having been a resident of this state for the five-year period, 12334

the department or its designee may request that the superintendent 12335
include information from the federal bureau of investigation in 12336
the criminal records check. 12337

(2) The department or its designee shall do all of the 12338
following: 12339

(a) Provide to each self-employed provider for whom a 12340
criminal records check request is required by this section a copy 12341
of the form prescribed pursuant to division (C)(1) of section 12342
109.572 of the Revised Code and a standard impression sheet 12343
prescribed pursuant to division (C)(2) of that section; 12344

(b) Obtain the completed form and standard impression sheet 12345
from the self-employed provider; 12346

(c) Forward the completed form and standard impression sheet 12347
to the superintendent. 12348

(3) The department or its designee shall pay to the bureau of 12349
criminal identification and investigation the fee prescribed 12350
pursuant to division (C)(3) of section 109.572 of the Revised Code 12351
for each criminal records check of a self-employed provider the 12352
department or its designee requests under this section. The 12353
department or its designee may charge the self-employed provider a 12354
fee that does not exceed the amount the department or its designee 12355
pays to the bureau. 12356

(G) The report of any criminal records check of a 12357
self-employed provider conducted pursuant to a request made under 12358
this section is not a public record for the purposes of section 12359
149.43 of the Revised Code and shall not be made available to any 12360
person other than the following: 12361

(1) The self-employed provider or the self-employed 12362
provider's representative; 12363

(2) The department of aging, the department's designee, or a 12364

representative of the department or its designee; 12365

(3) The medicaid director and the staff of the department of 12366
medicaid who are involved in the administration of the medicaid 12367
program if the self-employed provider is to provide, or provides, 12368
community-based long-term care services under a component of the 12369
medicaid program that the department of aging administers; 12370

(4) A court, hearing officer, or other necessary individual 12371
involved in a case dealing with any of the following: 12372

(a) A refusal to issue or award a community-based long-term 12373
services certificate or community-based long-term care services 12374
contract or grant to the self-employed provider; 12375

(b) A revocation or termination of the self-employed 12376
provider's community-based long-term care services certificate or 12377
community-based long-term care services contract or grant; 12378

(c) A civil or criminal action regarding a program the 12379
department of aging administers. 12380

(H) In a tort or other civil action for damages that is 12381
brought as the result of an injury, death, or loss to person or 12382
property caused by a self-employed provider, both of the following 12383
shall apply: 12384

(1) If the department of aging or its designee, in good faith 12385
and reasonable reliance on the report of a criminal records check 12386
requested under this section, issued or awarded a community-based 12387
long-term care services certificate or community-based long-term 12388
care services contract or grant to the self-employed provider or 12389
did not revoke or terminate the self-employed provider's 12390
certificate or contract or grant, the department and its designee 12391
shall not be found negligent solely because of its reliance on the 12392
report, even if the information in the report is determined later 12393
to have been incomplete or inaccurate. 12394

(2) If the department or its designee in good faith issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant because the self-employed provider meets standards specified in rules adopted under this section, the department and its designee shall not be found negligent solely because the self-employed provider has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, exempt one or more classes of such self-employed providers from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed provider is found by a database review to be included in one or more of those databases;

(d) Standards that a self-employed provider must meet for the department or its designee to be permitted to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or not to revoke or terminate the self-employed provider's certificate or contract or grant if the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the Revised Code:

(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.

(2) "Department of aging-administered medicaid waiver

component" means each of the following:	12457
(a) The medicaid-funded component of the PASSPORT program created under section 173.52 of the Revised Code;	12458 12459
(b) The choices program created under section 173.53 of the Revised Code;	12460 12461
(e) The medicaid-funded component of the assisted living program created under section 173.54 of the Revised Code;	12462 12463
(d) <u>(c)</u> Any other medicaid waiver component, as defined in section 5166.01 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of medicaid under section 5162.35 of the Revised Code.	12464 12465 12466 12467
(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:	12468 12469 12470
(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;	12471 12472
(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5164.02 of the Revised Code:	12473 12474 12475 12476
(i) Home health services;	12477
(ii) Private duty nursing services;	12478
(iii) Durable medical equipment;	12479
(iv) Services of a clinical nurse specialist;	12480
(v) Services of a certified nurse practitioner.	12481
(c) Services available to a participant of the PACE program.	12482
(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation	12483 12484 12485

program established pursuant to this section. 12486

(5) "Nursing facility" has the same meaning as in section 12487
5165.01 of the Revised Code. 12488

(6) "PACE program" means the component of the medicaid 12489
program the department of aging administers pursuant to section 12490
173.50 of the Revised Code. 12491

(7) "PASSPORT administrative agency" means an entity under 12492
contract with the department of aging to provide administrative 12493
services regarding the PASSPORT program. 12494

(8) "Program administrator" means an area agency on aging or 12495
other entity under contract with the department of aging to 12496
administer the long-term care consultation program in a geographic 12497
region specified in the contract. 12498

(9) "Representative" means a person acting on behalf of an 12499
individual ~~specified in division (G) of this section~~ who is the 12500
subject of a long-term care consultation. A representative may be 12501
a family member, attorney, hospital social worker, or any other 12502
person chosen to act on behalf of the individual. 12503

(B) The department of aging shall develop a long-term care 12504
consultation program whereby individuals or their representatives 12505
are provided with long-term care consultations and receive through 12506
these professional consultations information about options 12507
available to meet long-term care needs and information about 12508
factors to consider in making long-term care decisions. The 12509
long-term care consultations ~~provided under the program~~ may be 12510
provided at any appropriate time, ~~as permitted or required under~~ 12511
~~this section and the rules adopted under it,~~ including either 12512
prior to or after the individual who is the subject of a 12513
consultation has been admitted to a nursing facility or granted 12514
assistance in receiving home and community-based services covered 12515
by medicaid components the department of aging administers. 12516

(C) The long-term care consultation program shall be administered by the department of aging, except that the department may have the program administered on a regional basis by one or more program administrators. The department and each program administrator shall administer the program in such a manner that all of the following are included:

(1) Coordination and collaboration with respect to all available funding sources for long-term care services;

(2) Assessments of individuals regarding their long-term care service needs;

(3) Assessments of individuals regarding their on-going eligibility for long-term care services;

(4) Procedures for assisting individuals in obtaining access to, and coordination of, health and supportive services, including department of aging-administered medicaid waiver components;

(5) Priorities for using available resources efficiently and effectively.

(D) The program's long-term care consultations shall be provided by individuals certified by the department under section 173.422 of the Revised Code.

(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:

(1) The availability of any long-term care options open to the individual;

(2) Sources and methods of both public and private payment for long-term care services;

(3) Factors to consider when choosing among the available programs, services, and benefits;

(4) Opportunities and methods for maximizing independence and

self-reliance, including support services provided by the individual's family, friends, and community.

(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5119.40, 5123.021, and 5165.03 of the Revised Code and may be provided concurrently with the assessment required under section 173.546 or 5165.04 of the Revised Code.

~~(G)(1) Unless an exemption specified~~ Except as provided in division (I) of this section ~~is applicable, each of the following shall be provided with a long term care consultation:~~

~~(a) An individual who applies or indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for the individual's care in a nursing facility;~~

~~(b) An individual who requests a long term care consultation;~~

~~(c) An individual identified by the department or a program administrator as being likely to benefit from a long term care consultation.~~

~~(2) In addition to the individuals specified in division (G)(1) of this section, a long term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility~~ a long-term care consultation shall be provided to each individual for whom the department or a program administrator determines such a consultation is appropriate.

~~(H)(1) Except as provided in division (H)(2) or (3) of this section, a~~ A long-term care consultation ~~provided pursuant to division (G) of this section shall be provided as follows:~~

~~(a) If the individual for whom the consultation is being~~

~~provided has applied for medicaid and the consultation is being 12577
provided concurrently with the assessment required under section 12578
5165.04 of the Revised Code, the consultation shall be completed 12579
in accordance with within the applicable time frames specified in 12580
that section for providing a level of care determination based on 12581
the assessment. 12582~~

~~(b) In all other cases, the consultation shall be provided 12583
not later than five calendar days after the department or program 12584
administrator receives notice of the reason for which the 12585
consultation is to be provided pursuant to division (G) of this 12586
section. 12587~~

~~(2) An individual or the individual's representative may 12588
request that a long term care consultation be provided on a date 12589
that is later than the date required under division (H)(1)(a) or 12590
(b) of this section. 12591~~

~~(3) If a long term care consultation cannot be completed 12592
within the number of days required by division (H)(1) or (2) of 12593
this section, the department or program administrator may do any 12594
of the following: 12595~~

~~(a) In the case of an individual specified in division (G)(1) 12596
of this section, exempt the individual from the consultation 12597
pursuant to rules that may be adopted under division (L) of this 12598
section; 12599~~

~~(b) In the case of an applicant for admission to a nursing 12600
facility, provide the consultation after the individual is 12601
admitted to the nursing facility; 12602~~

~~(c) In the case of a resident of a nursing facility, provide 12603
the consultation as soon as practicable rules adopted under this 12604
section. 12605~~

~~(I) An individual is not required to be provided a long-term 12606
care consultation under division (G)(1) of this section if any of 12607~~

the following ~~apply~~ is the case: 12608

(1) The department or a program administrator has attempted 12609
to provide the consultation, but the individual or the 12610
individual's representative refuses to cooperate; 12611

(2) The individual is to receive care in a nursing facility 12612
under a contract for continuing care, as defined in section 173.13 12613
of the Revised Code; 12614

(3) The individual has a contractual right to admission to a 12615
nursing facility operated as part of a system of continuing care 12616
in conjunction with one or more facilities that provide a less 12617
intensive level of services, including a residential care facility 12618
licensed under Chapter 3721. of the Revised Code, a residential 12619
facility licensed under section 5119.34 of the Revised Code that 12620
provides accommodations, supervision, and personal care services 12621
for three to sixteen unrelated adults, or an independent living 12622
arrangement; 12623

(4) The individual is to receive continual care in a home for 12624
the aged exempt from taxation under section 5701.13 of the Revised 12625
Code; 12626

(5) The individual is seeking admission to a facility that is 12627
not a nursing facility with a provider agreement under section 12628
5165.07, 5165.511, or 5165.512 of the Revised Code; 12629

(6) ~~The individual is Pursuant to rules that may be adopted~~ 12630
~~under this section, the department or a program administrator has~~ 12631
~~exempted the individual from receiving the long-term care~~ 12632
~~consultation requirement by the department or the program~~ 12633
~~administrator pursuant to rules that may be adopted under division~~ 12634
~~(L) of this section.~~ 12635

(J) As part of the long-term care consultation program, the 12636
department or a program administrator ~~shall~~ may assist an 12637
individual or individual's representative in accessing all sources 12638

of care and services that are appropriate for the individual and 12639
for which the individual is eligible, including all available home 12640
and community-based services covered by medicaid components the 12641
department of aging administers. The assistance ~~shall~~ may include 12642
providing for the conduct of assessments or other evaluations and 12643
the development of individualized plans of care or services under 12644
section 173.424 of the Revised Code. 12645

(K) No nursing facility for which an operator has a provider 12646
agreement under section 5165.07, 5165.511, or 5165.512 of the 12647
Revised Code shall admit ~~any individual~~ as a resident any 12648
individual described in division (G) of this section, unless the 12649
nursing facility has received evidence that a long-term care 12650
consultation has been completed for the individual or division (I) 12651
of this section is applicable to the individual. 12652

(L) The director of aging ~~may~~ shall adopt ~~any~~ rules ~~the~~ 12653
~~director considers necessary~~ for the implementation and 12654
administration of this section. The rules shall be adopted in 12655
accordance with Chapter 119. of the Revised Code ~~and~~. The rules 12656
may specify any or all of the following: 12657

(1) Procedures for providing long-term care consultations 12658
~~pursuant to this section;~~ 12659

(2) Information to be provided through long-term care 12660
consultations regarding long-term care services that are 12661
available; 12662

(3) Criteria and procedures to be used to identify and 12663
recommend appropriate service options for an individual receiving 12664
a long-term care consultation; 12665

(4) Criteria for exempting individuals from ~~the~~ receiving a 12666
long-term care consultation ~~requirement;~~ 12667

(5) Circumstances under which it may be appropriate to 12668
provide an individual's long-term care consultation after the 12669

individual's admission to a nursing facility rather than before admission; 12670
12671

(6) Criteria for identifying ~~nursing facility residents who would benefit from the provision of~~ individuals for whom a long-term care consultation is appropriate, including nursing facility residents who would benefit from the consultation; 12672
12673
12674
12675

(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility; 12676
12677
12678

(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services; 12679
12680
12681
12682

(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section; 12683
12684

(10) Time frames for providing or completing a long-term care consultation; 12685
12686

(11) Any other standards or procedures the director considers necessary for the program. 12687
12688

(M) To assist the department and each program administrator with identifying individuals ~~who are likely to benefit from~~ for whom a long-term care consultation is appropriate, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the department of health, department of medicaid, or nursing facility holding the data shall grant access to the data on receipt of the request from the department of aging or program administrator. 12689
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(N)(1) The director of aging, after providing notice and an opportunity for a hearing, may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code for any of the following reasons:

(a) The nursing facility ~~admits an individual, without evidence that a long term care consultation has been provided, as required by this section~~ violates division (K) of this section;

(b) The nursing facility denies a person attempting to provide a long-term care consultation access to the facility or a resident of the facility;

(c) The nursing facility denies the department of aging or a program administrator access to the facility or a resident of the facility, as the department or administrator considers necessary to administer the program.

(2) In accordance with section 5162.66 of the Revised Code, all fines collected under division (N)(1) of this section shall be deposited into the state treasury to the credit of the residents protection fund.

Sec. 173.424. If, under federal law, an individual's eligibility for the home and community-based services covered by medicaid components the department of aging administers is dependent on the conduct of an assessment or other evaluation of the individual's needs and capabilities and the development of an individualized plan of care or services, the department shall develop and implement all procedures necessary to comply with the federal law. The procedures ~~shall~~ may include the use of long-term care consultations.

Sec. 173.48. (A)(1) The department of aging may charge annual fees to long-term care facilities for the publication of the Ohio long-term care consumer guide, as well as late penalties if

applicable. The department may contract with any person or 12730
government entity to collect the fees on its behalf. All fees 12731
collected under this section shall be deposited in accordance with 12732
division (B) of this section. 12733

(2) ~~The~~ Except as provided in division (A)(3) of this 12734
section, the annual fees charged under this section shall not 12735
exceed the following amounts: 12736

(a) For each long-term care facility that is a nursing home, 12737
six hundred fifty dollars; 12738

(b) For each long-term care facility that is a residential 12739
care facility: 12740

(i) Until June 30, 2016, three hundred dollars; 12741

(ii) Beginning July 1, 2016, three hundred fifty dollars. 12742

(3) ~~Fees~~ The department, by rule adopted in accordance with 12743
Chapter 119. of the Revised Code, may establish deadlines for the 12744
payment of the annual fees charged under this section. If the 12745
annual fee is not received by the department within ninety days of 12746
any deadline established by the department, the rules may require 12747
a long-term care facility to pay a late penalty equal to and in 12748
addition to the amount of the annual fee charged under this 12749
section. 12750

(4) Unless prohibited by federal law, fees paid by a 12751
long-term care facility that is a nursing facility, including late 12752
penalties, shall be reimbursed through the medicaid program. 12753

(B) There is hereby created in the state treasury the 12754
long-term care consumer guide fund. Money collected from the fees 12755
charged for the publication of the Ohio long-term care consumer 12756
guide under division (A) of this section and any late penalties 12757
shall be credited to the fund. The department shall use money in 12758
the fund for costs associated with publishing the Ohio long-term 12759

care consumer guide, including, but not limited to, costs incurred 12760
in conducting or providing for the conduct of customer 12761
satisfaction surveys. 12762

Sec. 173.51. As used in sections 173.51 to 173.56 of the 12763
Revised Code: 12764

"Area agency on aging" has the same meaning as in section 12765
173.14 of the Revised Code. 12766

"Assisted living program" means the program that consists of 12767
a medicaid-funded component created under section 173.54 of the 12768
Revised Code and a state-funded component created under section 12769
173.543 of the Revised Code and provides assisted living services 12770
to individuals who meet the program's applicable eligibility 12771
requirements. 12772

"Assisted living services" means the following home and 12773
community-based services: personal care, homemaker, chore, 12774
attendant care, companion, medication oversight, and therapeutic 12775
social and recreational programming. 12776

"Assisted living waiver" means the federal medicaid waiver 12777
granted by the United States secretary of health and human 12778
services that authorizes the medicaid-funded component of the 12779
assisted living program. 12780

~~"Choices program" means the program created under section 12781
173.53 of the Revised Code. 12782~~

"County or district home" means a county or district home 12783
operated under Chapter 5155. of the Revised Code. 12784

"Long-term care consultation program" means the program the 12785
department of aging is required to develop under section 173.42 of 12786
the Revised Code. 12787

"Long-term care consultation program administrator" or 12788
"administrator" means the department of aging or, if the 12789

department contracts with an area agency on aging or other entity 12790
to administer the long-term care consultation program for a 12791
particular area, that agency or entity. 12792

"Medicaid waiver component" has the same meaning as in 12793
section 5166.01 of the Revised Code. 12794

"Nursing facility" has the same meaning as in section 5165.01 12795
of the Revised Code. 12796

"PASSPORT program" means the preadmission screening system 12797
providing options and resources today program (PASSPORT) that 12798
consists of a medicaid-funded component created under section 12799
173.52 of the Revised Code and a state-funded component created 12800
under section 173.522 of the Revised Code and provides home and 12801
community-based services as an alternative to nursing facility 12802
placement for individuals who are aged and disabled and meet the 12803
program's applicable eligibility requirements. 12804

"PASSPORT waiver" means the federal medicaid waiver granted 12805
by the United States secretary of health and human services that 12806
authorizes the medicaid-funded component of the PASSPORT program. 12807

"Representative" means a person acting on behalf of an 12808
applicant for the medicaid-funded component or state-funded 12809
component of the assisted living program. A representative may be 12810
a family member, attorney, hospital social worker, or any other 12811
person chosen to act on behalf of an applicant. 12812

"Residential care facility" has the same meaning as in 12813
section 3721.01 of the Revised Code. 12814

"Unified long-term services and support medicaid waiver 12815
component" means the medicaid waiver component authorized by 12816
section 5166.14 of the Revised Code. 12817

Sec. 173.55. (A) As used in this section: 12818

(1) "Department of aging-administered medicaid waiver 12819

component" means each <u>both</u> of the following:	12820
(a) The medicaid-funded component of the PASSPORT program;	12821
(b) The choices program;	12822
(c) The medicaid-funded component of the assisted living program.	12823 12824
(2) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.	12825 12826 12827
(B) If the department of aging determines that there are insufficient funds to enroll all individuals who have applied and been determined eligible for department of aging-administered medicaid waiver components and the PACE program, the department shall establish a unified waiting list for the components and program. Only individuals eligible for a department of aging-administered medicaid waiver component or the PACE program may be placed on the unified waiting list. An individual who may be enrolled in a department of aging-administered medicaid waiver component or the PACE program through a home first component established under section 173.501, 173.521, or 173.542 of the Revised Code may be so enrolled without being placed on the unified waiting list.	12828 12829 12830 12831 12832 12833 12834 12835 12836 12837 12838 12839 12840
Sec. 173.99. (A) A long term care provider, person employed by a long term care provider, other entity, or employee of such other entity that <u>Whoever</u> violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation.	12841 12842 12843 12844 12845
(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.	12846 12847 12848
(C) A long term care provider, other entity, or person	12849

~~employed by a long term care provider or other entity that~~ Whoever 12850
~~violates division (E)(G)(1) or (2) of section 173.19 of the~~ 12851
~~Revised Code by denying a representative of the office of the~~ 12852
~~state long term care ombudsman program the access required by that~~ 12853
~~division~~ is subject to a fine not to exceed five hundred dollars 12854
for each violation. 12855

(D) Whoever violates division (C) of section 173.44 of the 12856
Revised Code is subject to a fine of one hundred dollars. 12857

Sec. 183.51. (A) As used in this section and in the 12858
applicable bond proceedings unless otherwise provided: 12859

(1) "Bond proceedings" means the resolutions, orders, 12860
indentures, purchase and sale and trust and other agreements 12861
including any amendments or supplements to them, and credit 12862
enhancement facilities, and amendments and supplements to them, or 12863
any one or more or combination of them, authorizing, awarding, or 12864
providing for the terms and conditions applicable to or providing 12865
for the security or liquidity of, the particular obligations, and 12866
the provisions contained in those obligations. 12867

(2) "Bond service fund" means the bond service fund created 12868
in the bond proceedings for the obligations. 12869

(3) "Capital facilities" means, as applicable, capital 12870
facilities or projects as referred to in section 151.03 or 151.04 12871
of the Revised Code. 12872

(4) "Consent decree" means the consent decree and final 12873
judgment entered November 25, 1998, in the court of common pleas 12874
of Franklin county, Ohio, as the same may be amended or 12875
supplemented from time to time. 12876

(5) "Cost of capital facilities" has the same meaning as in 12877
section 151.01 of the Revised Code, as applicable. 12878

(6) "Credit enhancement facilities," "financing costs," and 12879

"interest" or "interest equivalent" have the same meanings as in 12880
section 133.01 of the Revised Code. 12881

(7) "Debt service" means principal, including any mandatory 12882
sinking fund or redemption requirements for retirement of 12883
obligations, interest and other accreted amounts, interest 12884
equivalent, and any redemption premium, payable on obligations. If 12885
not prohibited by the applicable bond proceedings, "debt service" 12886
may include costs relating to credit enhancement facilities that 12887
are related to and represent, or are intended to provide a source 12888
of payment of or limitation on, other debt service. 12889

(8) "Improvement fund" means, as applicable, the school 12890
building program assistance fund created in section 3318.25 of the 12891
Revised Code and the higher education improvement fund created in 12892
section 154.21 of the Revised Code. 12893

(9) "Issuing authority" means the buckeye tobacco settlement 12894
financing authority created in section 183.52 of the Revised Code. 12895

(10) "Net proceeds" means amounts received from the sale of 12896
obligations, excluding amounts used to refund or retire 12897
outstanding obligations, amounts required to be deposited into 12898
special funds pursuant to the applicable bond proceedings, and 12899
amounts to be used to pay financing costs. 12900

(11) "Obligations" means bonds, notes, or other evidences of 12901
obligation of the issuing authority, including any appertaining 12902
interest coupons, issued by the issuing authority under this 12903
section and Section 2i of Article VIII, Ohio Constitution, for the 12904
purpose of providing funds to the state, in exchange for the 12905
assignment and sale described in division (B) of this section, for 12906
the purpose of paying costs of capital facilities for: (a) housing 12907
branches and agencies of state government limited to facilities 12908
for a system of common schools throughout the state and (b) 12909
state-supported or state-assisted institutions of higher 12910

education.	12911
(12) "Pledged receipts" means, as and to the extent provided	12912
for in the applicable bond proceedings:	12913
(a) Pledged tobacco settlement receipts;	12914
(b) Accrued interest received from the sale of obligations;	12915
(c) Income from the investment of the special funds;	12916
(d) Additional or any other specific revenues or receipts	12917
lawfully available to be pledged, and pledged, pursuant to the	12918
bond proceedings, including but not limited to amounts received	12919
under credit enhancement facilities, to the payment of debt	12920
service.	12921
(13) "Pledged tobacco settlement receipts" means all amounts	12922
received by the issuing authority pursuant to division (B) of this	12923
section.	12924
(14) "Principal amount" means the aggregate of the amount as	12925
stated or provided for in the applicable bond proceedings as the	12926
amount on which interest or interest equivalent on particular	12927
obligations is initially calculated. "Principal amount" does not	12928
include any premium paid to the issuing authority by the initial	12929
purchaser of the obligations. "Principal amount" of a capital	12930
appreciation bond, as defined in division (C) of section 3334.01	12931
of the Revised Code, means its original face amount and not its	12932
accrued value, and "principal amount" of a zero coupon bond, as	12933
defined in division (J) of section 3334.01 of the Revised Code,	12934
means the discounted offering price at which the bond is initially	12935
sold to the public, disregarding any purchase price discount to	12936
the original purchaser, if provided in or for pursuant to the bond	12937
proceedings.	12938
(15) "Special funds" or "funds," unless the context indicates	12939
otherwise, means the bond service fund, and any other funds,	12940

including any reserve funds, created under the bond proceedings 12941
and stated to be special funds in those proceedings, including 12942
moneys and investments, and earnings from investments, credited 12943
and to be credited to the particular fund. "Special funds" does 12944
not include any improvement fund or investment earnings on amounts 12945
in any improvement fund, or other funds created by the bond 12946
proceedings that are not stated by those proceedings to be special 12947
funds. 12948

(B) The state may assign and sell to the issuing authority, 12949
and the issuing authority may accept and purchase, all or a 12950
portion of the amounts to be received by the state under the 12951
tobacco master settlement agreement for a purchase price payable 12952
by the issuing authority to the state consisting of the net 12953
proceeds of obligations and any residual interest, if any. Any 12954
such assignment and sale shall be irrevocable in accordance with 12955
its terms during the period any obligations secured by amounts so 12956
assigned and sold are outstanding under the applicable bond 12957
proceedings, and shall constitute a contractual obligation to the 12958
holders or owners of those obligations. Any such assignment and 12959
sale shall also be treated as an absolute transfer and true sale 12960
for all purposes, and not as a pledge or other security interest. 12961
The characterization of any such assignment and sale as a true 12962
sale and absolute transfer shall not be negated or adversely 12963
affected by only a portion of the amounts to be received under the 12964
tobacco master settlement agreement being transferred, the 12965
acquisition or retention by the state of a residual interest, the 12966
participation of any state officer or employee as a member or 12967
officer of, or providing staff support to, the issuing authority, 12968
any responsibility of an officer or employee of the state for 12969
collecting the amounts to be received under the tobacco master 12970
settlement agreement or otherwise enforcing that agreement or 12971
retaining any legal title to or interest in any portion of the 12972
amounts to be received under that agreement for the purpose of 12973

these collection activities, any characterization of the issuing 12974
authority or its obligations for purposes of accounting, taxation, 12975
or securities regulation, or by any other factors whatsoever. A 12976
true sale shall exist under this section regardless of whether the 12977
issuing authority has any recourse against the state or any other 12978
term of the bond proceedings or the treatment or characterization 12979
of the transfer as a financing for any purpose. Upon and following 12980
the assignment and sale, the state shall not have any right, 12981
title, or interest in the portion of the receipts under the 12982
tobacco master settlement agreement so assigned and sold, other 12983
than any residual interest that may be described in the applicable 12984
bond proceedings for those obligations, and that portion, if any, 12985
shall be the property of the issuing authority and not of the 12986
state, and shall be paid directly to the issuing authority, and 12987
shall be owned, received, held, and disbursed by the issuing 12988
authority and not by the state. 12989

The state may covenant, pledge, and agree in the bond 12990
proceedings, with and for the benefit of the issuing authority, 12991
the holders and owners of obligations, and providers of any credit 12992
enhancement facilities, that it shall: (1) maintain statutory 12993
authority for, and cause to be collected and paid directly to the 12994
issuing authority or its assignee, the pledged receipts, (2) 12995
enforce the rights of the issuing authority to receive the 12996
receipts under the tobacco master settlement agreement assigned 12997
and sold to the issuing authority, (3) not materially impair the 12998
rights of the issuing authority to fulfill the terms of its 12999
agreements with the holders or owners of outstanding obligations 13000
under the bond proceedings, (4) not materially impair the rights 13001
and remedies of the holders or owners of outstanding obligations 13002
or materially impair the security for those outstanding 13003
obligations, and (5) enforce Chapter 1346. of the Revised Code, 13004
the tobacco master settlement agreement, and the consent decree to 13005
effectuate the collection of the pledged tobacco settlement 13006

receipts. The bond proceedings may provide or authorize the manner 13007
for determining material impairment of the security for any 13008
outstanding obligations, including by assessing and evaluating the 13009
pledged receipts in the aggregate. 13010

As further provided for in division (H) of this section, the 13011
bond proceedings may also include such other covenants, pledges, 13012
and agreements by the state to protect and safeguard the security 13013
and rights of the holders and owners of the obligations, and of 13014
the providers of any credit enhancement facilities, including, 13015
without limiting the generality of the foregoing, any covenant, 13016
pledge, or agreement customary in transactions involving the 13017
issuance of securities the debt service on which is payable from 13018
or secured by amounts received under the tobacco master settlement 13019
agreement. Notwithstanding any other provision of law, any 13020
covenant, pledge, and agreement of the state, if and when made in 13021
the bond proceedings, shall be controlling and binding upon, and 13022
enforceable against the state in accordance with its terms for so 13023
long as any obligations are outstanding under the applicable bond 13024
proceedings. The bond proceedings may also include limitations on 13025
the remedies available to the issuing authority, the holders and 13026
owners of the obligations, and the providers of any credit 13027
enhancement facilities, including, without limiting the generality 13028
of the foregoing, a provision that those remedies may be limited 13029
to injunctive relief in circumstances where there has been no 13030
prior determination by a court of competent jurisdiction that the 13031
state has not enforced Chapter 1346. of the Revised Code, the 13032
tobacco master settlement agreement, or the consent decree as may 13033
have been covenanted or agreed in the bond proceedings under 13034
division (B)(5) of this section. 13035

Nothing in this section or the bond proceedings shall 13036
preclude or limit, or be construed to preclude or limit, the state 13037
from regulating or authorizing or permitting the regulation of 13038

smoking or from taxing and regulating the sale of cigarettes or 13039
other tobacco products, or from defending or prosecuting cases or 13040
other actions relating to the sale or use of cigarettes or other 13041
tobacco products. Except as otherwise may be agreed in writing by 13042
the attorney general, nothing in this section or the bond 13043
proceedings shall modify or limit, or be construed to modify or 13044
limit, the responsibility, power, judgment, and discretion of the 13045
attorney general to protect and discharge the duties, rights, and 13046
obligations of the state under the tobacco master settlement 13047
agreement, the consent decree, or Chapter 1346. of the Revised 13048
Code. 13049

The governor and the director of budget and management, in 13050
consultation with the attorney general, on behalf of the state, 13051
and any member or officer of the issuing authority as authorized 13052
by that issuing authority, on behalf of the issuing authority, may 13053
take any action and execute any documents, including any purchase 13054
and sale agreements, necessary to effect the assignment and sale 13055
and the acceptance of the assignment and title to the receipts 13056
including, providing irrevocable direction to the escrow agent 13057
acting under the tobacco master settlement agreement to transfer 13058
directly to the issuing authority the amounts to be received under 13059
that agreement that are subject to such assignment and sale. Any 13060
purchase and sale agreement or other bond proceedings may contain 13061
the terms and conditions established by the state and the issuing 13062
authority to carry out and effectuate the purposes of this 13063
section, including, without limitation, covenants binding the 13064
state in favor of the issuing authority and its assignees and the 13065
owners of the obligations. Any such purchase and sale agreement 13066
shall be sufficient to effectuate such purchase and sale without 13067
regard to any other laws governing other property sales or 13068
financial transactions by the state. 13069

Not later than two years following the date on which there 13070

are no longer any obligations outstanding under the bond 13071
proceedings, all assets of the issuing authority shall vest in the 13072
state, the issuing authority shall execute any necessary 13073
assignments or instruments, including any assignment of any right, 13074
title, or ownership to the state for receipt of amounts under the 13075
tobacco master settlement agreement, and the issuing authority 13076
shall be dissolved. 13077

(C) The issuing authority is authorized to issue and to sell 13078
obligations as provided in this section. The aggregate principal 13079
amount of obligations issued under this section shall not exceed 13080
six billion dollars, exclusive of obligations issued under 13081
division (M)(1) of this section to refund, renew, or advance 13082
refund other obligations issued or incurred. At least seventy-five 13083
per cent of the aggregate net proceeds of the obligations issued 13084
under the authority of this section, exclusive of obligations 13085
issued to refund, renew, or advance refund other obligations, 13086
shall be paid to the state for deposit into the school building 13087
program assistance fund created in section 3318.25 of the Revised 13088
Code. 13089

(D) Each issue of obligations shall be authorized by 13090
resolution or order of the issuing authority. The bond proceedings 13091
shall provide for or authorize the manner for determining the 13092
principal amount or maximum principal amount of obligations of an 13093
issue, the principal maturity or maturities, the interest rate or 13094
rates, the date of and the dates of payment of interest on the 13095
obligations, their denominations, and the place or places of 13096
payment of debt service which may be within or outside the state. 13097
Unless otherwise provided by law, the latest principal maturity 13098
may not be later than the earlier of the thirty-first day of 13099
December of the fiftieth calendar year after the year of issuance 13100
of the particular obligations or of the fiftieth calendar year 13101
after the year in which the original obligation to pay was issued 13102

or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 13103
the Revised Code apply to the obligations. 13104

The purpose of the obligations may be stated in the bond 13105
proceedings in general terms, such as, as applicable, "paying 13106
costs of capital facilities for a system of common schools" and 13107
"paying costs of facilities for state-supported and state-assisted 13108
institutions of higher education." Unless otherwise provided in 13109
the bond proceedings or in division (C) of this section, the net 13110
proceeds from the issuance of the obligations shall be paid to the 13111
state for deposit into the applicable improvement fund. In 13112
addition to the investments authorized in Chapter 135. of the 13113
Revised Code, the net proceeds held in an improvement fund may be 13114
invested by the treasurer of state in guaranteed investment 13115
contracts with providers rated at the time of any investment in 13116
the three highest rating categories by two nationally recognized 13117
rating agencies, all subject to the terms and conditions set forth 13118
in those agreements or the bond proceedings. Notwithstanding 13119
anything to the contrary in Chapter 3318. of the Revised Code, net 13120
proceeds of obligations deposited into the school building program 13121
assistance fund created in section 3318.25 of the Revised Code may 13122
be used to pay basic project costs under that chapter at the times 13123
determined by the Ohio ~~school~~ facilities construction commission 13124
without regard to whether those expenditures are in proportion to 13125
the state's and the school district's respective shares of that 13126
basic project cost; provided that this shall not result in any 13127
change in the state or school district shares of the basic project 13128
costs as determined under that chapter. As used in the preceding 13129
sentence, "Ohio ~~school~~ facilities construction commission" and 13130
"basic project costs" have the same meanings as in section 3318.01 13131
of the Revised Code. 13132

(E) The issuing authority may, without need for any other 13133
approval, appoint or provide for the appointment of paying agents, 13134

bond registrars, securities depositories, credit enhancement 13135
providers or counterparties, clearing corporations, and transfer 13136
agents, and retain or contract for the services of underwriters, 13137
investment bankers, financial advisers, accounting experts, 13138
marketing, remarketing, indexing, and administrative agents, other 13139
consultants, and independent contractors, including printing 13140
services, as are necessary in the judgment of the issuing 13141
authority to carry out the issuing authority's functions under 13142
this section and section 183.52 of the Revised Code. The attorney 13143
general as counsel to the issuing authority shall represent the 13144
authority in the execution of its powers and duties, and shall 13145
institute and prosecute all actions on its behalf. The issuing 13146
authority, in consultation with the attorney general, shall select 13147
counsel, and the attorney general shall appoint the counsel 13148
selected, for the purposes of carrying out the functions under 13149
this section and related sections of the Revised Code. Financing 13150
costs are payable, as may be provided in the bond proceedings, 13151
from the proceeds of the obligations, from special funds, or from 13152
other moneys available for the purpose, including as to future 13153
financing costs, from the pledged receipts. 13154

(F) The issuing authority may irrevocably pledge and assign 13155
all, or such portion as the issuing authority determines, of the 13156
pledged receipts to the payment of the debt service charges on 13157
obligations issued under this section, and for the establishment 13158
and maintenance of any reserves, as provided in the bond 13159
proceedings, and make other provisions in the bond proceedings 13160
with respect to pledged receipts as authorized by this section, 13161
which provisions are controlling notwithstanding any other 13162
provisions of law pertaining to them. Any and all pledged receipts 13163
received by the issuing authority and required by the bond 13164
proceedings, consistent with this section, to be deposited, 13165
transferred, or credited to the bond service fund, and all other 13166
money transferred or allocated to or received for the purposes of 13167

that fund, shall be deposited and credited to the bond service 13168
fund created in the bond proceedings for the obligations, subject 13169
to any applicable provisions of those bond proceedings, but 13170
without necessity for any act of appropriation. Those pledged 13171
receipts shall immediately be subject to the lien of that pledge 13172
without any physical delivery thereof or further act, and shall 13173
not be subject to other court judgments. The lien of the pledge of 13174
those pledged receipts shall be valid and binding against all 13175
parties having claims of any kind against the issuing authority, 13176
irrespective of whether those parties have notice thereof. The 13177
pledge shall create a perfected security interest for all purposes 13178
of Chapter 1309. of the Revised Code and a perfected lien for 13179
purposes of any other interest, all without the necessity for 13180
separation or delivery of funds or for the filing or recording of 13181
the applicable bond proceedings by which that pledge is created or 13182
any certificate, statement, or other document with respect 13183
thereto. The pledge of the pledged receipts shall be effective and 13184
the money therefrom and thereof may be applied to the purposes for 13185
which pledged. 13186

(G) Obligations may be further secured, as determined by the 13187
issuing authority, by an indenture or a trust agreement between 13188
the issuing authority and a corporate trustee, which may be any 13189
trust company or bank having a place of business within the state. 13190
Any indenture or trust agreement may contain the resolution or 13191
order authorizing the issuance of the obligations, any provisions 13192
that may be contained in any bond proceedings, and other 13193
provisions that are customary or appropriate in an agreement of 13194
that type, including, but not limited to: 13195

(1) Maintenance of each pledge, indenture, trust agreement, 13196
or other instrument comprising part of the bond proceedings until 13197
the issuing authority has fully paid or provided for the payment 13198
of debt service on the obligations secured by it; 13199

(2) In the event of default in any payments required to be	13200
made by the bond proceedings, enforcement of those payments or	13201
agreements by mandamus, the appointment of a receiver, suit in	13202
equity, action at law, or any combination of them;	13203
(3) The rights and remedies of the holders or owners of	13204
obligations and of the trustee and provisions for protecting and	13205
enforcing them, including limitations on rights of individual	13206
holders and owners.	13207
(H) The bond proceedings may contain additional provisions	13208
customary or appropriate to the financing or to the obligations or	13209
to particular obligations including, but not limited to,	13210
provisions for:	13211
(1) The redemption of obligations prior to maturity at the	13212
option of the issuing authority or of the holder or upon the	13213
occurrence of certain conditions, and at a particular price or	13214
prices and under particular terms and conditions;	13215
(2) The form of and other terms of the obligations;	13216
(3) The establishment, deposit, investment, and application	13217
of special funds, and the safeguarding of moneys on hand or on	13218
deposit, in lieu of the applicability of provisions of Chapter	13219
131. or 135. of the Revised Code, but subject to any special	13220
provisions of this section with respect to the application of	13221
particular funds or moneys. Any financial institution that acts as	13222
a depository of any moneys in special funds or other funds under	13223
the bond proceedings may furnish indemnifying bonds or pledge	13224
securities as required by the issuing authority.	13225
(4) Any or every provision of the bond proceedings being	13226
binding upon the issuing authority and upon such governmental	13227
agency or entity, officer, board, authority, agency, department,	13228
institution, district, or other person or body as may from time to	13229
time be authorized to take actions as may be necessary to perform	13230

all or any part of the duty required by the provision;	13231
(5) The maintenance of each pledge or instrument comprising	13232
part of the bond proceedings until the issuing authority has fully	13233
paid or provided for the payment of the debt service on the	13234
obligations or met other stated conditions;	13235
(6) In the event of default in any payments required to be	13236
made by the bond proceedings, or by any other agreement of the	13237
issuing authority made as part of a contract under which the	13238
obligations were issued or secured, including a credit enhancement	13239
facility, the enforcement of those payments by mandamus, a suit in	13240
equity, an action at law, or any combination of those remedial	13241
actions;	13242
(7) The rights and remedies of the holders or owners of	13243
obligations or of book-entry interests in them, and of third	13244
parties under any credit enhancement facility, and provisions for	13245
protecting and enforcing those rights and remedies, including	13246
limitations on rights of individual holders or owners;	13247
(8) The replacement of mutilated, destroyed, lost, or stolen	13248
obligations;	13249
(9) The funding, refunding, or advance refunding, or other	13250
provision for payment, of obligations that will then no longer be	13251
outstanding for purposes of this section or of the applicable bond	13252
proceedings;	13253
(10) Amendment of the bond proceedings;	13254
(11) Any other or additional agreements with the owners of	13255
obligations, and such other provisions as the issuing authority	13256
determines, including limitations, conditions, or qualifications,	13257
relating to any of the foregoing or the activities of the issuing	13258
authority in connection therewith.	13259
The bond proceedings shall make provision for the payment of	13260

the expenses of the enforcement activity of the attorney general 13261
referred to in division (B) of this section from the amounts from 13262
the tobacco master settlement agreement assigned and sold to the 13263
issuing authority under that division or from the proceeds of 13264
obligations, or a combination thereof, which may include provision 13265
for both annual payments and a special fund providing reserve 13266
amounts for the payment of those expenses. 13267

The issuing authority shall not, and shall covenant in the 13268
bond proceedings that it shall not, be authorized to and shall not 13269
file a voluntary petition under the United States Bankruptcy Code, 13270
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 13271
similar bankruptcy proceeding under state law including, without 13272
limitation, consenting to the appointment of a receiver or trustee 13273
or making a general or specific assignment for the benefit of 13274
creditors, and neither any public officer or any organization, 13275
entity, or other person shall authorize the issuing authority to 13276
be or become a debtor under the United States Bankruptcy Code or 13277
take any of those actions under the United States Bankruptcy Code 13278
or state law. The state hereby covenants, and the issuing 13279
authority shall covenant, with the holders or owners of the 13280
obligations, that the state shall not permit the issuing authority 13281
to file a voluntary petition under the United States Bankruptcy 13282
Code or take any of those actions under the United States 13283
Bankruptcy Code or state law during the period obligations are 13284
outstanding and for any additional period for which the issuing 13285
authority covenants in the bond proceedings, which additional 13286
period may, but need not, be a period of three hundred sixty-seven 13287
days or more. 13288

(I) The obligations requiring execution by or for the issuing 13289
authority shall be signed as provided in the bond proceedings, and 13290
may bear the official seal of the issuing authority or a facsimile 13291
thereof. Any obligation may be signed by the individual who, on 13292

the date of execution, is the authorized signer even though, on 13293
the date of the obligations, that individual is not an authorized 13294
signer. In case the individual whose signature or facsimile 13295
signature appears on any obligation ceases to be an authorized 13296
signer before delivery of the obligation, that signature or 13297
facsimile is nevertheless valid and sufficient for all purposes as 13298
if that individual had remained the authorized signer until 13299
delivery. 13300

(J) Obligations are investment securities under Chapter 1308. 13301
of the Revised Code. Obligations may be issued in bearer or in 13302
registered form, registrable as to principal alone or as to both 13303
principal and interest, or both, or in certificated or 13304
uncertificated form, as the issuing authority determines. 13305
Provision may be made for the exchange, conversion, or transfer of 13306
obligations and for reasonable charges for registration, exchange, 13307
conversion, and transfer. Pending preparation of final 13308
obligations, the issuing authority may provide for the issuance of 13309
interim instruments to be exchanged for the final obligations. 13310

(K) Obligations may be sold at public sale or at private 13311
sale, in such manner, and at such price at, above, or below par, 13312
all as determined by and provided by the issuing authority in the 13313
bond proceedings. 13314

(L) Except to the extent that rights are restricted by the 13315
bond proceedings, any owner of obligations or provider of or 13316
counterparty to a credit enhancement facility may by any suitable 13317
form of legal proceedings protect and enforce any rights relating 13318
to obligations or that facility under the laws of this state or 13319
granted by the bond proceedings. Those rights include the right to 13320
compel the performance of all applicable duties of the issuing 13321
authority and the state. Each duty of the issuing authority and 13322
that issuing authority's officers, staff, and employees, and of 13323
each state entity or agency, or using district or using 13324

institution, and its officers, members, staff, or employees, 13325
undertaken pursuant to the bond proceedings, is hereby established 13326
as a duty of the entity or individual having authority to perform 13327
that duty, specifically enjoined by law and resulting from an 13328
office, trust, or station within the meaning of section 2731.01 of 13329
the Revised Code. The individuals who are from time to time 13330
members of the issuing authority, or their designees acting 13331
pursuant to section 183.52 of the Revised Code, or the issuing 13332
authority's officers, staff, agents, or employees, when acting 13333
within the scope of their employment or agency, shall not be 13334
liable in their personal capacities on any obligations or 13335
otherwise under the bond proceedings, or for otherwise exercising 13336
or carrying out any purposes or powers of the issuing authority. 13337

(M)(1) Subject to any applicable limitations in division (C) 13338
of this section, the issuing authority may also authorize and 13339
provide for the issuance of: 13340

(a) Obligations in the form of bond anticipation notes, and 13341
may authorize and provide for the renewal of those notes from time 13342
to time by the issuance of new notes. The holders of notes or 13343
appertaining interest coupons have the right to have debt service 13344
on those notes paid solely from the moneys and special funds, and 13345
all or any portion of the pledged receipts, that are or may be 13346
pledged to that payment, including the proceeds of bonds or 13347
renewal notes or both, as the issuing authority provides in the 13348
bond proceedings authorizing the notes. Notes may be additionally 13349
secured by covenants of the issuing authority to the effect that 13350
the issuing authority will do all things necessary for the 13351
issuance of bonds or renewal notes in such principal amount and 13352
upon such terms as may be necessary to provide moneys to pay when 13353
due the debt service on the notes, and apply their proceeds to the 13354
extent necessary, to make full and timely payment of debt service 13355
on the notes as provided in the applicable bond proceedings. In 13356

the bond proceedings authorizing the issuance of bond anticipation 13357
notes the issuing authority shall set forth for the bonds 13358
anticipated an estimated schedule of annual principal payments the 13359
latest of which shall be no later than provided in division (D) of 13360
this section. While the notes are outstanding there shall be 13361
deposited, as shall be provided in the bond proceedings for those 13362
notes, from the sources authorized for payment of debt service on 13363
the bonds, amounts sufficient to pay the principal of the bonds 13364
anticipated as set forth in that estimated schedule during the 13365
time the notes are outstanding, which amounts shall be used solely 13366
to pay the principal of those notes or of the bonds anticipated. 13367

(b) Obligations for the refunding, including funding and 13368
retirement, and advance refunding, with or without payment or 13369
redemption prior to maturity, of any obligations previously issued 13370
under this section and any bonds or notes previously issued for 13371
the purpose of paying costs of capital facilities for: (i) 13372
state-supported or state-assisted institutions of higher education 13373
as authorized by sections 151.01 and 151.04 of the Revised Code, 13374
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 13375
and (ii) housing branches and agencies of state government limited 13376
to facilities for a system of common schools throughout the state 13377
as authorized by sections 151.01 and 151.03 of the Revised Code, 13378
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 13379
Refunding obligations may be issued in amounts sufficient to pay 13380
or to provide for repayment of the principal amount, including 13381
principal amounts maturing prior to the redemption of the 13382
remaining prior obligations or bonds or notes, any redemption 13383
premium, and interest accrued or to accrue to the maturity or 13384
redemption date or dates, payable on the prior obligations or 13385
bonds or notes, and related financing costs and any expenses 13386
incurred or to be incurred in connection with that issuance and 13387
refunding. Subject to the applicable bond proceedings, the portion 13388
of the proceeds of the sale of refunding obligations issued under 13389

division (M)(1)(b) of this section to be applied to debt service 13390
on the prior obligations or bonds or notes shall be credited to an 13391
appropriate separate account in the bond service fund and held in 13392
trust for the purpose by the issuing authority or by a corporate 13393
trustee, and may be invested as provided in the bond proceedings. 13394
Obligations authorized under this division shall be considered to 13395
be issued for those purposes for which the prior obligations or 13396
bonds or notes were issued. 13397

(2) The principal amount of refunding, advance refunding, or 13398
renewal obligations issued pursuant to division (M) of this 13399
section shall be in addition to the amount authorized in division 13400
(C) of this section. 13401

(N) Obligations are lawful investments for banks, savings and 13402
loan associations, credit union share guaranty corporations, trust 13403
companies, trustees, fiduciaries, insurance companies, including 13404
domestic for life and domestic not for life, trustees or other 13405
officers having charge of sinking and bond retirement or other 13406
special funds of the state and political subdivisions and taxing 13407
districts of this state, notwithstanding any other provisions of 13408
the Revised Code or rules adopted pursuant to those provisions by 13409
any state agency with respect to investments by them, and are also 13410
acceptable as security for the repayment of the deposit of public 13411
moneys. The exemptions from taxation in Ohio as provided for in 13412
particular sections of the Ohio Constitution and section 5709.76 13413
of the Revised Code apply to the obligations. 13414

(O)(1) Unless otherwise provided or provided for in any 13415
applicable bond proceedings, moneys to the credit of or in a 13416
special fund shall be disbursed on the order of the issuing 13417
authority. No such order is required for the payment, from the 13418
bond service fund or other special fund, when due of debt service 13419
or required payments under credit enhancement facilities. 13420

(2) Payments received by the issuing authority under interest 13421

rate hedges entered into as credit enhancement facilities under 13422
this section shall be deposited as provided in the applicable bond 13423
proceedings. 13424

(P) The obligations shall not be general obligations of the 13425
state and the full faith and credit, revenue, and taxing power of 13426
the state shall not be pledged to the payment of debt service on 13427
them or to any guarantee of the payment of that debt service. The 13428
holders or owners of the obligations shall have no right to have 13429
any moneys obligated or pledged for the payment of debt service 13430
except as provided in this section and in the applicable bond 13431
proceedings. The rights of the holders and owners to payment of 13432
debt service are limited to all or that portion of the pledged 13433
receipts, and those special funds, pledged to the payment of debt 13434
service pursuant to the bond proceedings in accordance with this 13435
section, and each obligation shall bear on its face a statement to 13436
that effect. 13437

(Q) Each bond service fund is a trust fund and is hereby 13438
pledged to the payment of debt service on the applicable 13439
obligations. Payment of that debt service shall be made or 13440
provided for by the issuing authority in accordance with the bond 13441
proceedings without necessity for any act of appropriation. The 13442
bond proceedings may provide for the establishment of separate 13443
accounts in the bond service fund and for the application of those 13444
accounts only to debt service on specific obligations, and for 13445
other accounts in the bond service fund within the general 13446
purposes of that fund. 13447

(R) Subject to the bond proceedings pertaining to any 13448
obligations then outstanding in accordance with their terms, the 13449
issuing authority may in the bond proceedings pledge all, or such 13450
portion as the issuing authority determines, of the moneys in the 13451
bond service fund to the payment of debt service on particular 13452
obligations, and for the establishment and maintenance of any 13453

reserves for payment of particular debt service. 13454

(S)(1) Unless otherwise provided in any applicable bond 13455
proceedings, moneys to the credit of special funds may be invested 13456
by or on behalf of the issuing authority only in one or more of 13457
the following: 13458

(a) Notes, bonds, or other direct obligations of the United 13459
States or of any agency or instrumentality of the United States, 13460
or in no-front-end-load money market mutual funds consisting 13461
exclusively of those obligations, or in repurchase agreements, 13462
including those issued by any fiduciary, secured by those 13463
obligations, or in collective investment funds consisting 13464
exclusively of those obligations; 13465

(b) Obligations of this state or any political subdivision of 13466
this state; 13467

(c) Certificates of deposit of any national bank located in 13468
this state and any bank, as defined in section 1101.01 of the 13469
Revised Code, subject to inspection by the superintendent of 13470
financial institutions; 13471

(d) The treasurer of state's pooled investment program under 13472
section 135.45 of the Revised Code; 13473

(e) Other investment agreements or repurchase agreements that 13474
are consistent with the ratings on the obligations. 13475

(2) The income from investments referred to in division 13476
(S)(1) of this section shall be credited to special funds or 13477
otherwise as the issuing authority determines in the bond 13478
proceedings. Those investments may be sold or exchanged at times 13479
as the issuing authority determines, provides for, or authorizes. 13480

(T) The treasurer of state shall have responsibility for 13481
keeping records, making reports, and making payments, relating to 13482
any arbitrage rebate requirements under the applicable bond 13483

proceedings. 13484

(U) The issuing authority shall make quarterly reports to the 13485
general assembly of the amounts in, and activities of, each 13486
improvement fund, including amounts and activities on the subfund 13487
level. Each report shall include a detailed description and 13488
analysis of the amount of proceeds remaining in each fund from the 13489
sale of obligations pursuant to this section, and any other 13490
deposits, credits, interest earnings, disbursements, expenses, 13491
transfers, or activities of each fund. 13492

(V) The costs of the annual audit of the authority conducted 13493
pursuant to section 117.112 of the Revised Code are payable, as 13494
may be provided in the bond proceedings, from the proceeds of the 13495
obligations, from special funds, or from other moneys available 13496
for the purpose, including as to future financing costs, from the 13497
pledged receipts. 13498

Sec. 190.01. "The Health Care Compact" is hereby ratified, 13499
enacted into law, and entered into by the state of Ohio as a party 13500
to the compact with any other state that has legally joined in the 13501
compact as follows: 13502

Whereas, the separation of powers, both between the branches 13503
of the Federal government and between Federal and State authority, 13504
is essential to the preservation of individual liberty; 13505

Whereas, the Constitution creates a Federal government of 13506
limited and enumerated powers, and reserves to the States or to 13507
the people those powers not granted to the Federal government; 13508

Whereas, the Federal government has enacted many laws that 13509
have preempted State laws with respect to Health Care, and placed 13510
increasing strain on State budgets, impairing other 13511
responsibilities such as education, infrastructure, and public 13512
safety; 13513

Whereas, the Member States seek to protect individual liberty 13514
and personal control over Health Care decisions, and believe the 13515
best method to achieve these ends is by vesting regulatory 13516
authority over Health Care in the States; 13517

Whereas, by acting in concert, the Member States may express 13518
and inspire confidence in the ability of each Member State to 13519
govern Health Care effectively; and 13520

Whereas, the Member States recognize that consent of Congress 13521
may be more easily secured if the Member States collectively seek 13522
consent through an interstate compact; 13523

NOW THEREFORE, the Member States hereto resolve, and by the 13524
adoption into law under their respective State Constitutions of 13525
this Health Care Compact, agree, as follows: 13526

Sec. 1. Definitions. As used in this Compact, unless the 13527
context clearly indicates otherwise: 13528

"Commission" means the Interstate Advisory Health Care 13529
Commission. 13530

"Effective Date" means the date upon which this Compact shall 13531
become effective for purposes of the operation of State and 13532
Federal law in a Member State, which shall be the later of: 13533

(a) the date upon which this Compact shall be adopted under 13534
the laws of the Member State, and 13535

(b) the date upon which this Compact receives the consent of 13536
Congress pursuant to Article I, Section 10, of the United States 13537
Constitution, after at least two Member States adopt this Compact. 13538

"Health Care" means care, services, supplies, or plans 13539
related to the health of an individual and includes but is not 13540
limited to: 13541

(a) preventive, diagnostic, therapeutic, rehabilitative, 13542
maintenance, or palliative care and counseling, service, 13543

assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body, and 13544
13545
13546

(b) sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription, and 13547
13548

(c) an individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual, except any care, services, supplies, or plans provided by the United States Department of Defense and United States Department of Veteran Affairs, or provided to Native Americans. 13549
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"Member State" means a State that is signatory to this Compact and has adopted it under the laws of that State. 13554
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"Member State Base Funding Level" means a number equal to the total Federal spending on Health Care in the Member State during Federal fiscal year 2010. On or before the Effective Date, each Member State shall determine the Member State Base Funding Level for its State, and that number shall be binding upon that Member State. The preliminary estimate of Member State Base Funding Level for the State of Ohio is \$35,043,000,000. 13556
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"Member State Current Year Funding Level" means the Member State Base Funding Level multiplied by the Member State Current Year Population Adjustment Factor multiplied by the Current Year Inflation Adjustment Factor. 13563
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"Member State Current Year Population Adjustment Factor" means the average population of the Member State in the current year less the average population of the Member State in Federal fiscal year 2010, divided by the average population of the Member State in Federal fiscal year 2010, plus 1. Average population in a Member State shall be determined by the United States Census Bureau. 13567
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"Current Year Inflation Adjustment Factor" means the Total 13574

Gross Domestic Product Deflator in the current year divided by the 13575
Total Gross Domestic Product Deflator in Federal fiscal year 2010. 13576
Total Gross Domestic Product Deflator shall be determined by the 13577
Bureau of Economic Analysis of the United States Department of 13578
Commerce. 13579

Sec. 2. Pledge. The Member States shall take joint and 13580
separate action to secure the consent of the United States 13581
Congress to this Compact in order to return the authority to 13582
regulate Health Care to the Member States consistent with the 13583
goals and principles articulated in this Compact. The Member 13584
States shall improve Health Care policy within their respective 13585
jurisdictions and according to the judgment and discretion of each 13586
Member State. 13587

Sec. 3. Legislative Power. The legislatures of the Member 13588
States have the primary responsibility to regulate Health Care in 13589
their respective States. 13590

Sec. 4. State Control. Each Member State, within its State, 13591
may suspend by legislation the operation of all federal laws, 13592
rules, regulations, and orders regarding Health Care that are 13593
inconsistent with the laws and regulations adopted by the Member 13594
State pursuant to this Compact. Federal and State laws, rules, 13595
regulations, and orders regarding Health Care will remain in 13596
effect unless a Member State expressly suspends them pursuant to 13597
its authority under this Compact. For any federal law, rule, 13598
regulation, or order that remains in effect in a Member State 13599
after the Effective Date, that Member State shall be responsible 13600
for the associated funding obligations in its State. 13601

Sec. 5. Funding. 13602

(a) Each Federal fiscal year, each Member State shall have 13603
the right to Federal monies up to an amount equal to its Member 13604
State Current Year Funding Level for that Federal fiscal year, 13605

funded by Congress as mandatory spending and not subject to annual 13606
appropriation, to support the exercise of Member State authority 13607
under this Compact. This funding shall not be conditional on any 13608
action of or regulation, policy, law, or rule being adopted by the 13609
Member State. 13610

(b) By the start of each Federal fiscal year, Congress shall 13611
establish an initial Member State Current Year Funding Level for 13612
each Member State, based upon reasonable estimates. The final 13613
Member State Current Year Funding Level shall be calculated, and 13614
funding shall be reconciled by the United States Congress based 13615
upon information provided by each Member State and audited by the 13616
United States Government Accountability Office. 13617

Sec. 6. Interstate Advisory Health Care Commission. 13618

(a) The Interstate Advisory Health Care Commission is 13619
established. The Commission consists of members appointed by each 13620
Member State through a process to be determined by each Member 13621
State. A Member State may not appoint more than two members to the 13622
Commission and may withdraw membership from the Commission at any 13623
time. Each Commission member is entitled to one vote. The 13624
Commission shall not act unless a majority of the members are 13625
present, and no action shall be binding unless approved by a 13626
majority of the Commission's total membership. 13627

(b) The Commission may elect from among its membership a 13628
Chairperson. The Commission may adopt and publish bylaws and 13629
policies that are not inconsistent with this Compact. The 13630
Commission shall meet at least once a year, and may meet more 13631
frequently. 13632

(c) The Commission may study issues of Health Care regulation 13633
that are of particular concern to the Member States. The 13634
Commission may make non-binding recommendations to the Member 13635
States. The legislatures of the Member States may consider these 13636

recommendations in determining the appropriate Health Care 13637
policies in their respective States. 13638

(d) The Commission shall collect information and data to 13639
assist the Member States in their regulation of Health Care, 13640
including assessing the performance of various State Health Care 13641
programs and compiling information on the prices of Health Care. 13642
The Commission shall make this information and data available to 13643
the legislatures of the Member States. Notwithstanding any other 13644
provision in this Compact, no Member State shall disclose to the 13645
Commission the health information of any individual, nor shall the 13646
Commission disclose the health information of any individual. 13647

(e) The Commission shall be funded by the Member States as 13648
agreed to by the Member States. The Commission shall have the 13649
responsibilities and duties as may be conferred upon it by 13650
subsequent action of the respective legislatures of the Member 13651
States in accordance with the terms of this Compact. 13652

(f) The Commission shall not take any action within a Member 13653
State that contravenes any State law of that Member State. 13654

Sec. 7. Congressional Consent. This Compact shall be 13655
effective on its adoption by at least two Member States and 13656
consent of the United States Congress. This Compact shall be 13657
effective unless the United States Congress, in consenting to this 13658
Compact, alters the fundamental purposes of this Compact, which 13659
are: 13660

(a) To secure the right of the Member States to regulate 13661
Health Care in their respective States pursuant to this Compact 13662
and to suspend the operation of any conflicting federal laws, 13663
rules, regulations, and orders within their States; and 13664

(b) To secure Federal funding for Member States that choose 13665
to invoke their authority under this Compact, as prescribed by 13666
Section 5 above. 13667

Sec. 8. Amendments. The Member States, by unanimous agreement, may amend this Compact from time to time without the prior consent or approval of Congress and any amendment shall be effective unless, within one year, the Congress disapproves that amendment. Any State may join this Compact after the date on which Congress consents to the Compact by adoption into law under its State Constitution.

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Sec. 9. Withdrawal; Dissolution. Any Member State may withdraw from this Compact by adopting a law to that effect, but no such withdrawal shall take effect until six months after the Governor of the withdrawing Member State has given notice of the withdrawal to the other Member States. A withdrawing State shall be liable for any obligations that it may have incurred prior to the date on which its withdrawal becomes effective. This Compact shall be dissolved upon the withdrawal of all but one of the Member States.

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Sec. 190.02. Not later than thirty days after "The Health Care Compact" entered into under section 190.01 of the Revised Code is ratified by the United States congress, the governor shall appoint a member to the interstate advisory health care commission created under the compact. The governor shall fill a vacancy not later than thirty days after the vacancy occurs.

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Sec. 191.04. (A) In accordance with federal laws governing the confidentiality of individually identifiable health information, including the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act, a state agency may exchange protected health information with another state agency relating to eligibility for or enrollment in a health plan or relating to participation in a

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government program providing public benefits if the exchange of 13699
information is necessary for either or both of the following: 13700

(1) Operating a health plan; 13701

(2) Coordinating, or improving the administration or 13702
management of, the health care-related functions of at least one 13703
government program providing public benefits. 13704

(B) For fiscal years 2013 through ~~2017~~ 2019 only, a state 13705
agency also may exchange personally identifiable information with 13706
another state agency for purposes related to and in support of a 13707
health transformation initiative identified by the executive 13708
director of the office of health transformation pursuant to 13709
division (C) of section 191.06 of the Revised Code. 13710

(C) With respect to a state agency that uses or discloses 13711
personally identifiable information, all of the following 13712
conditions apply: 13713

(1) The state agency shall use or disclose the information 13714
only as permitted or required by state and federal law. In 13715
addition, if the information is obtained during fiscal year 2013, 13716
2014, or 2015 from an exchange of personally identifiable 13717
information permitted under division (B) of this section, the 13718
agency shall also use or disclose the information in accordance 13719
with all operating protocols that apply to the use or disclosure. 13720

(2) If the state agency is a state agency other than the 13721
department of medicaid and it uses or discloses protected health 13722
information that is related to a medicaid recipient and obtained 13723
from the department of medicaid or another agency operating a 13724
component of the medicaid program, the state agency shall comply 13725
with all state and federal laws that apply to the department of 13726
medicaid when that department, as the state's single state agency 13727
to supervise the medicaid program, uses or discloses protected 13728

health information. 13729

(3) A state agency shall implement administrative, physical, 13730
and technical safeguards for the purpose of protecting the 13731
confidentiality, integrity, and availability of personally 13732
identifiable information the creation, receipt, maintenance, or 13733
transmittal of which is affected or governed by this section. 13734

(4) If a state agency discovers an unauthorized use or 13735
disclosure of unsecured protected health information or unsecured 13736
individually identifiable health information, the state agency 13737
shall, not later than seventy-two hours after the discovery, do 13738
all of the following: 13739

(a) Identify the individuals who are the subject of the 13740
protected health information or individually identifiable health 13741
information; 13742

(b) Report the discovery and the names of all individuals 13743
identified pursuant to division (C)(4)(a) of this section to all 13744
other state agencies and the executive director of the office of 13745
health transformation or the executive director's designee; 13746

(c) Mitigate, to the extent reasonably possible, any 13747
potential adverse effects of the unauthorized use or disclosure. 13748

(5) A state agency shall make available to the executive 13749
director of the office of health transformation or the executive 13750
director's designee, and to any other state or federal 13751
governmental entity required by law to have access on that 13752
entity's request, all internal practices, records, and 13753
documentation relating to personally identifiable information it 13754
receives, uses, or discloses that is affected or governed by this 13755
section. 13756

(6) On termination or expiration of an operating protocol and 13757
if feasible, a state agency shall return or destroy all personally 13758
identifiable information received directly from or received on 13759

behalf of another state agency. If the personally identifiable 13760
information is not returned or destroyed, the state agency 13761
maintaining the information shall extend the protections set forth 13762
in this section for as long as it is maintained. 13763

(7) If a state agency enters into a subcontract or, when 13764
required by 45 C.F.R. 164.502(e)(2), a business associate 13765
agreement, the subcontract or business associate agreement shall 13766
require the subcontractor or business associate to comply with the 13767
terms of this section as if the subcontractor or business 13768
associate were a state agency. 13769

Sec. 191.06. (A) The provisions of this section shall apply 13770
only for fiscal years 2013 through ~~2017~~ 2019. 13771

(B) The executive director of the office of health 13772
transformation or the executive director's designee may facilitate 13773
the coordination of operations and exchange of information between 13774
state agencies. The purpose of the executive director's authority 13775
under this section is to support agency collaboration for health 13776
transformation purposes, including modernization of the medicaid 13777
program, streamlining of health and human services programs in 13778
this state, and improving the quality, continuity, and efficiency 13779
of health care and health care support systems in this state. 13780

(C) In furtherance of the authority of the executive director 13781
of the office of health transformation under division (B) of this 13782
section, the executive director or the executive director's 13783
designee shall identify each health transformation initiative in 13784
this state that involves the participation of two or more state 13785
agencies and that permits or requires an interagency agreement to 13786
be entered into for purposes of specifying each participating 13787
agency's role in coordinating, operating, or funding the 13788
initiative, or facilitating the exchange of data or other 13789
information for the initiative. The executive director shall 13790

publish a list of the identified health transformation initiatives 13791
on the internet web site maintained by the office of health 13792
transformation. 13793

(D) For each health transformation initiative that is 13794
identified under division (C) of this section, the executive 13795
director or the executive director's designee shall, in 13796
consultation with each participating agency, adopt one or more 13797
operating protocols. Notwithstanding any law enacted by the 13798
general assembly or rule adopted by a state agency, the provisions 13799
in a protocol shall supersede any provisions in an interagency 13800
agreement, including an interagency agreement entered into under 13801
section 5101.10 or 5162.35 of the Revised Code, that differ from 13802
the provisions of the protocol. 13803

(E)(1) An operating protocol adopted under division (D) of 13804
this section shall include both of the following: 13805

(a) All terms necessary to meet the requirements of "other 13806
arrangements" between a covered entity and a business associate 13807
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 13808

(b) If known, the date on which the protocol will terminate 13809
or expire. 13810

(2) In addition, a protocol may specify the extent to which 13811
each participating agency is responsible and accountable for 13812
completing the tasks necessary for successful completion of the 13813
initiative, including tasks relating to the following components 13814
of the initiative: 13815

(a) Workflow; 13816

(b) Funding; 13817

(c) Exchange of data or other information that is 13818
confidential pursuant to state or federal law. 13819

(F) An operating protocol adopted under division (D) of this 13820

section shall have the same force and effect as an interagency 13821
agreement or data sharing agreement, and each participating agency 13822
shall comply with it. 13823

Sec. 305.05. The board of county commissioners shall organize 13824
~~on~~ not later than the second Monday of January of each year, by 13825
the election of one of its members as president for a term of one 13826
year. The member so elected shall preside at all regular and 13827
special sessions of the board. If the position of president 13828
becomes vacant during the year, the board shall select one of its 13829
members to preside. 13830

Sec. 307.283. (A) As used in this section: 13831

(1) "Grant revenue" means revenues from a tax imposed under 13832
section 5739.026 or 5741.023 of the Revised Code that are 13833
allocated for the purpose of division (A)(4) of section 5739.026 13834
of the Revised Code. 13835

(2) "Available grant revenue" means the amount certified 13836
under division (B)(2) of this section, less the amount of any 13837
grants previously awarded for the year under division (C) of this 13838
section. 13839

(3) "Grant" means a payment award for the year to a 13840
government agency for a permanent improvement project in the 13841
amount specified by the community improvements board. 13842

(4) "Government agency" means the county, the state, or a 13843
political subdivision, including a school district, any part of 13844
which is located in the county, ~~or the state.~~ 13845

(5) "Debt service charges" means interest, principal, and 13846
premium on grant award bonds. 13847

(6) "Grant award bonds" means bonds or notes issued under 13848
section ~~133.312~~ 307.284 of the Revised Code. 13849

(7) "Year" means a calendar year.	13850
(8) "Permanent improvement project" means any permanent improvement to be undertaken for which the government agency that receives a grant is authorized to expend the proceeds of that grant. Any permanent improvement to be undertaken by the state <u>or a political subdivision</u> shall be located in the county. <u>A permanent improvement to be undertaken by a school district shall be located in that school district.</u>	13851 13852 13853 13854 13855 13856 13857
(9) <u>"School district" means a city, local, or exempted village school district.</u>	13858 13859
(B) Each year the community improvements board shall convene and determine and certify to the board of county commissioners each of the following:	13860 13861 13862
(1) The estimated grant revenue to be transferred to the community improvement fund during the current year.	13863 13864
(2) The total amount of grants that may be awarded during the current year. Except as provided in division (D) of this section, the total amount of grants that may be awarded during any year may not exceed the sum of the unencumbered balance in the community improvements fund on the first day of the year plus the estimated grant revenue for the current year, less the debt service charges certified under division (B)(3) of this section.	13865 13866 13867 13868 13869 13870 13871
(3) With respect to outstanding grant award bonds, the total debt service charges for the current year and each of the ensuing nine years.	13872 13873 13874
(C) Upon the making of such certifications, the <u>community-improvements</u> board may award grants for the year for any one or more permanent improvement projects. For each grant awarded, the board shall certify to the board of county commissioners the project for which the grant is awarded, the amount of the grant, and the government agency to which the grant	13875 13876 13877 13878 13879 13880

is to be paid. The board shall include in the certification, a 13881
statement instructing the board of county commissioners with 13882
respect to whether and in what proportion or amount the grant is 13883
to be reduced or whether the grant is to be paid in full in the 13884
event the actual grant revenues for the current year are less than 13885
the estimated grant revenues for the year. By a unanimous vote the 13886
board of county commissioners may disallow a grant awarded under 13887
this division, in which case it shall certify its determination to 13888
the community improvements board, and the grant shall not be paid 13889
in the current year as otherwise required under division (E) of 13890
this section. 13891

Except as provided in division (D) of this section, the board 13892
may not award any grant in any year that exceeds the available 13893
grant revenue. The board may award grants to more than one 13894
government agency for the same project and may award grants for 13895
the same project in more than one year. 13896

(D) The community improvements board may award grants in 13897
excess of the available grant revenue for any one or more 13898
permanent improvement projects, but the sum of the grants awarded 13899
for the year under this division shall not exceed the available 13900
grant revenue, adjusted to reflect the sum of any grants that are 13901
not to be paid, as determined under the certification made under 13902
division (D)(3) of this section, plus the amount by which the 13903
amount certified under division (D)(1) of this section exceeds the 13904
amount certified under division (D)(2) of this section. For each 13905
grant awarded under this division, the board shall certify to the 13906
board of county commissioners the project for which the grant is 13907
awarded, the amount of the grant, and the government agency to 13908
which the grant is to be paid. The board of county commissioners 13909
may disallow a grant awarded under this division, in which case it 13910
shall certify its determination to the community improvements 13911
board, and the grant shall not be paid in the current year as 13912

otherwise required under division (E) of this section. If the
community improvements board elects to award a grant under this
division, at the time it makes the certifications required by
division (B) of this section it shall make the following
additional certifications:

(1) The estimated grant revenue to be transferred to the
community improvement fund during each of the nine ensuing years;

(2) The estimated total debt service charges, exclusive of
principal, for the current year and each of the nine ensuing years
on grant award bonds that would have to be issued during the
current year in order to pay a grant awarded under this division;

(3) Which, if any, of the grants awarded under division
~~(B)~~(C) of this section should not be paid if a grant award made
under this division is paid.

(E) Except as otherwise provided by divisions (C) and (D) of
this section, the board of county commissioners shall pay each
government agency from the county's community improvement fund,
the amount of its grant award in accordance with the certification
of the community improvement board. If the balance in the fund is
insufficient to make the payment of any grant in the amount
specified in the certification, the board of county commissioners
may issue grant award bonds in the amount of such insufficiency
and make the balance of the payment from the proceeds of such
bonds. The proceeds of a payment received under this division may
be expended solely for the permanent improvement project for which
the grant was awarded.

(F) If a board of county commissioners disallows a grant
under division (C) or (D) of this section, the community
improvements board may reconvene for the purpose of awarding
grants under this section. For the purpose of making grant awards
as provided under this division, any grant that the board of

county commissioners disallows shall be considered not to have
been awarded. 13944
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(G) Before the community improvements board may approve 13946
funding for a permanent improvement project that has been rejected 13947
by a separate prior vote of the electorate, there must have 13948
occurred a subsequent separate vote of the electorate reversing 13949
the prior result. 13950

Sec. 307.678. (A) As used in this section: 13951

(1) ~~"Stadium" means an open air structure designed and 13952
developed to provide a venue for public entertainment, cultural 13953
activities and recreation, or any combination thereof, including 13954
concerts, athletic and sporting events, and other events and 13955
exhibitions, together with concession, locker room, parking, 13956
restroom, and storage facilities, walkways, and other auxiliary 13957
facilities, whether included within or separate from the 13958
structure, and all real and personal property and interests 13959
therein related to the use of the structure for those purposes.~~ 13960

~~(2)~~ "Bureau" means a nonprofit corporation that is organized 13961
under the laws of this state that is, or has among its functions 13962
acting as, a convention and visitors' bureau, and that currently 13963
receives revenue from existing lodging taxes. 13964

~~(3)~~(2) "Cooperating parties" means the parties to a 13965
cooperative agreement. 13966

~~(4)~~(3) "Cooperative agreement" means an agreement entered 13967
into pursuant to ~~division (B) of~~ or as contemplated by this 13968
section. 13969

(4) "Credit enhancement facilities" has the same meaning as 13970
in section 133.01 of the Revised Code. 13971

(5) ~~"Corporation" means a nonprofit corporation that is 13972
organized under the laws of this state and has corporate authority 13973~~

~~under its organizational instruments to acquire, construct, 13974
reconstruct, equip, finance, furnish, otherwise improve, own, 13975
lease, or operate a stadium. 13976~~

~~(6)~~ "Debt charges" has the same meaning as in section 133.01 13977
of the Revised Code, except that "obligations" shall be 13978
substituted for "securities" wherever "securities" appears in that 13979
section. 13980

~~(7)(6)~~ "Eligible county" means a county ~~having a population 13981
of at least three hundred seventy five thousand, but not more than 13982
four hundred thousand, according to the most recent federal 13983
decennial census within the boundaries of which any part of a 13984
tourism development district is located. 13985~~

~~(7)~~ "Eligible transit authority" means a regional transit 13986
authority created pursuant to section 306.31 of the Revised Code 13987
or a county in which a county transit system is created pursuant 13988
to section 306.01 of the Revised Code, within the boundaries of 13989
which any part of a tourism development district is located. 13990

(8) "Existing lodging taxes" means taxes levied by a board of 13991
county commissioners of an eligible county under division (A) of 13992
section 5739.09 of the Revised Code. 13993

(9) "Financing costs" means all costs, fees, and expenses 13994
relating to the authorization, including any required election, 13995
issuance, sale, delivery, authentication, deposit, custody, 13996
clearing, registration, transfer, exchange, fractionalization, 13997
replacement, payment, and servicing, of obligations, including, 13998
without limitation, costs and expenses for or relating to 13999
publication and printing, postage, delivery, preliminary and final 14000
official statements, offering circulars, placement memoranda, and 14001
informational statements, travel and transportation, underwriters, 14002
placement agents, investment bankers, paying agents, registrars, 14003
authenticating agents, remarketing agents, custodians, clearing 14004

agencies, companies, or corporations, securities depositories, 14005
issuers, financial advisory services, certifications, audits, 14006
federal or state regulatory agencies, accounting and computation 14007
services, legal services and obtaining approving legal opinions 14008
and other legal opinions, credit ratings, paying redemption 14009
premiums, and credit enhancement facilities. Financing costs may 14010
be paid from any money available for the purpose, including, 14011
unless otherwise provided in the proceedings, from the proceeds of 14012
the obligations to which they relate and, as to future financing 14013
costs, from the same sources from which debt charges on the 14014
obligations are paid and as though debt charges. 14015

(10) "Host municipal corporation" means a municipal 14016
corporation, ~~having a population of at least seventy thousand but~~ 14017
~~not more than eighty thousand according to the most recent federal~~ 14018
~~decennial census~~, within the boundaries of which a stadium any 14019
part of a tourism development district is located. 14020

(11) "Host school district" means ~~the~~ a school district 14021
within the boundaries of which ~~a stadium~~ any part of a tourism 14022
development district is located. 14023

(12) "Incremental sales tax growth" has the same meaning as 14024
in section 5739.213 of the Revised Code, except that, in the case 14025
of an eligible county, "incremental sales tax growth" shall 14026
include only the amount of taxes levied under sections 5739.021 14027
and 5739.026 of the Revised Code credited to the county's general 14028
fund. 14029

(13) "Issuer" means a port authority, a new community 14030
authority, or any other issuer, as defined in section 133.01 of 14031
the Revised Code, and any corporation. 14032

~~(13)~~(14) "Maintenance and repair costs" means costs and 14033
expenses incurred by a cooperating party from the party's own 14034
revenues for maintaining or repairing a project. 14035

(15) "Net lodging tax proceeds" means the proceeds of an existing lodging tax that remain after deduction by an eligible county of the real and actual costs of administering the tax and any portion of such proceeds required to be returned to a municipal corporation or township under division (A)(1) of section 5739.09 of the Revised Code.

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(16) "Net tourism development district revenues" means the tourism development district revenues remaining after deduction by the host municipal corporation of an amount, not to exceed one percent of any admissions tax revenues, prescribed in any legislation by which, or agreement pursuant to which, tourism development district revenues are pledged, or agreed to be pledged or contributed, by an eligible county, an eligible transit authority, or a host municipal corporation, or any combination thereof, in accordance with division (B), (E), (F), or (G) of this section.

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(17) "New community authority" means a new community authority established under section 349.03 of the Revised Code by an organizational board of commissioners that is or includes the board of county commissioners of an eligible county or the legislative authority of a host municipal corporation.

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(18) "Obligations" means obligations that are issued or incurred by an issuer pursuant to Chapter 133., 349., or 4582. of the Revised Code, or otherwise, for the purpose of funding or paying, or reimbursing persons for the funding or payment of, project costs, and that evidence the issuer's obligation to repay borrowed money, including interest thereon, or to pay other money obligations of the issuer at any future time, including, without limitation, bonds, notes, anticipatory securities as defined in section 133.01 of the Revised Code, certificates of indebtedness, commercial paper, or installment sale, lease, lease-purchase, or similar agreements. "Obligations" does not include credit

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<u>enhancement facilities.</u>	14068
(14) (19) "Person" includes an individual, corporation,	14069
<u>limited liability company, business trust, estate, trust,</u>	14070
<u>partnership, association, eligible county, eligible transit</u>	14071
<u>authority, host municipal corporation, port authority, new</u>	14072
<u>community authority, and any other political subdivision of the</u>	14073
<u>state.</u>	14074
(20) "Port authority" means a port authority created under	14075
Chapter 4582. of the Revised Code.	14076
(15) (21) "Project" means acquiring, constructing,	14077
reconstructing, rehabilitating, remodeling, renovating, enlarging,	14078
equipping, furnishing, or otherwise improving a stadium <u>tourism</u>	14079
<u>facility</u> or any component or element thereof.	14080
(16) (22) "Project cost" means the cost of acquiring,	14081
constructing, reconstructing, rehabilitating, remodeling,	14082
renovating, enlarging, equipping, financing, refinancing,	14083
furnishing, or otherwise improving a project, including, without	14084
limitation, financing costs; the cost of architectural,	14085
engineering, and other professional services, designs, plans,	14086
specifications, surveys, and estimates of costs; financing or	14087
refinancing obligations issued by, or reimbursing money advanced	14088
by, any cooperating party or any other person, where the proceeds	14089
of the obligations or money advanced was used to pay any other	14090
cost described in this division; inspections and testing; any	14091
indemnity or surety bond or premium related to insurance	14092
pertaining to development of the project; all related direct and	14093
indirect administrative costs <u>and costs of placing a project in</u>	14094
<u>service</u> ; fees and expenses of trustees, escrow agents,	14095
depositories, and paying agents for any obligations; interest on	14096
obligations during the planning, design, and development of a	14097
project and for up to eighteen months thereafter; funding of <u>and</u>	14098
<u>replenishing</u> reserves for the payment of debt charges on any	14099

obligations; ~~and~~ all other expenses necessary or incident to 14100
planning, or determining the feasibility or practicability of, a 14101
project, including, without limitation, advocating the enactment 14102
of legislation to facilitate the development and financing of a 14103
project; and any other costs of a project that are authorized to 14104
be financed by the issuer of obligations at the time the 14105
obligations are issued. 14106

(23) "Taxing authority" means the board of county 14107
commissioners of an eligible county, the legislative authority, as 14108
that term is defined in section 5739.01 of the Revised Code, of an 14109
eligible transit authority, or the legislative authority of a host 14110
municipal corporation. 14111

(24) "Tourism development district" means an area designated 14112
by a host municipal corporation under section 715.014 of the 14113
Revised Code. 14114

(25) "Tourism development district revenues" means money 14115
received or receivable by a host municipal corporation from 14116
incremental sales tax growth pursuant to section 5739.213 of the 14117
Revised Code, from a tax levied by the host municipal corporation 14118
pursuant to division (C) of section 5739.101 of the Revised Code, 14119
from a tax levied by the host municipal corporation pursuant to 14120
section 5739.08 or 5739.09 of the Revised Code on the provision of 14121
lodging by hotels located in the tourism development district, 14122
from a tax levied by the host municipal corporation with respect 14123
to admission to any tourism facility or parking or any other 14124
activity occurring at any location in the tourism development 14125
district, or from any tax levied by an eligible county, eligible 14126
transit authority, or host municipal corporation with respect to 14127
activities occurring, or property located, in the tourism 14128
development district, if and to the extent that revenue from any 14129
such tax is authorized to be used, or is not prohibited by law 14130
from being used, to foster and develop tourism in the tourism 14131

development district and is authorized, contracted, pledged or 14132
assigned by the respective taxing authority to be used to fund or 14133
pay, or to reimburse other persons for funding or payment of, 14134
project costs or maintenance and repair costs. 14135

(26) "Tourism facility" means any permanent improvement, as 14136
defined in section 133.01 of the Revised Code, located in a 14137
tourism development district. 14138

(B) ~~On or before December 31, 2015,~~ the The board of county 14139
commissioners of an eligible county, an eligible transit 14140
authority, a host municipal corporation, the board of education of 14141
a host school district, a port authority, a bureau, a new 14142
community authority, and ~~a corporation~~ any other person, or any 14143
combination thereof, may enter into a cooperative agreement for 14144
any purpose authorized under this section and under which any of 14145
the following apply: 14146

(1) The board of county commissioners of the eligible county 14147
and the bureau agree to make available to a cooperating party or 14148
any other person net lodging tax proceeds ~~of an existing lodging~~ 14149
~~tax~~, not to exceed five hundred thousand dollars each year, to 14150
fund or pay, or to reimburse other persons for funding or payment 14151
of, project costs or debt charges on obligations ~~issued by a~~ 14152
~~cooperating party to fund, finance, or refinance the payment of~~ 14153
~~project costs.~~ 14154

(2) The board of county commissioners of the eligible county 14155
agrees, for the purpose of funding or paying or supporting, or for 14156
reimbursing other persons for funding or payment of, project 14157
costs, including debt charges on obligations, may do either of the 14158
following: 14159

(a) Make available to a cooperating party or other person an 14160
amount equal to incremental sales tax growth or all or a portion 14161
of the county's tourism development district revenues; 14162

(b) Provide credit enhancement facilities in connection with the funding or payment of project costs, including debt charges on obligations, or any portion or combination thereof. 14163
14164
14165

(3) The taxing authority of an eligible transit authority agrees to make available to a cooperating party or any other person an amount equal to incremental sales tax growth or all or a portion of the transit authority's tourism development district revenues. 14166
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(4) The host municipal corporation agrees to make available credit enhancement facilities or net tourism development district revenues, or any portion or combination thereof, to fund, pay, or support, or to reimburse other persons for funding or payment of, project costs, including debt charges on obligations, or maintenance and repair costs, or both. Any agreement to use net tourism development district revenues to pay or reimburse other persons for payment of maintenance and repair costs shall be subject to authorization by any cooperating party providing such funding to the host municipal corporation and to annual appropriation for such purpose by the legislative authority of the host municipal corporation and shall be subordinate to any covenant made to or by an issuer in connection with the issuance of obligations or credit enhancement facilities to pay project costs. 14171
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(5) The cooperating parties agree, subject to any conditions or limitations provided in the cooperative agreement, to each any of the following: 14186
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14188

(a) The conveyance, grant, or transfer to a cooperating party or any other person of ownership of, property interests in, and rights to use a stadium, either real or personal property to create a tourism facility or with respect to a tourism facility as the stadium facility exists at the time of the agreement or as it may be improved by a project; 14189
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(b) The respective responsibilities of each cooperating party 14195
for the management, operation, maintenance, repair, and 14196
replacement of a ~~stadium~~ tourism facility, including any project 14197
undertaken with respect to the ~~stadium~~ facility, which may include 14198
authorization for a cooperating party to contract with any other 14199
person for any such purpose; 14200

(c) The respective responsibilities of each cooperating party 14201
for the development and financing of a project, including, without 14202
limitation, the cooperating party or parties that shall be 14203
responsible for contracting for the development of a project and 14204
administering contracts entered into ~~which~~ by the party or parties 14205
~~enter into~~ for that purpose; 14206

(d) The respective responsibilities of each cooperating party 14207
to provide money, credit enhancement facilities, or both, whether 14208
by issuing obligations or otherwise, for the funding, payment, 14209
financing, or refinancing, or reimbursement to a cooperating party 14210
or other person for the funding, payment, financing, or 14211
refinancing, of project costs; 14212

(e) The respective responsibilities of each cooperating 14213
party, ~~or any other person~~, to provide money, credit enhancement 14214
facilities, or other security for the payment of debt charges on 14215
obligations or to fund or replenish reserves or otherwise provide 14216
for the payment of maintenance and repair costs. 14217

(C) Any conveyance, grant, or transfer of ownership of, 14218
property interests in, or rights to use a ~~stadium, and any~~ 14219
~~contract for the development, management, operation, maintenance,~~ 14220
~~repair, or replacement of a stadium~~ tourism development facility 14221
or project, including any project undertaken with respect to an 14222
existing ~~stadium~~ tourism facility, that is contemplated by a 14223
cooperative agreement may be made or entered into by a cooperating 14224
party, in such manner and upon such terms as the cooperating 14225
parties may agree, ~~without any requirement of bidding and~~ without 14226

regard to ownership of the ~~stadium~~ tourism facility or project, 14227
notwithstanding any other provision of law that may otherwise 14228
apply, including, without limitation, any requirement for notice, 14229
competitive bidding or selection, or the provision of security. A 14230
project constitutes a "port authority facility" within the meaning 14231
of division (D) of section 4582.01 and division (E) of section 14232
4582.21 of the Revised Code and shall be considered a permanent 14233
improvement for one purpose under Chapter 133. of the Revised 14234
Code. 14235

(D) Regardless of whether a cooperative agreement has been 14236
executed and delivered, the board of county commissioners may 14237
amend any previously adopted resolution providing for the levy of 14238
an existing lodging tax to permit the use of any portion of the 14239
net lodging tax proceeds from such tax as provided in this 14240
section, and a host municipal corporation may amend any previously 14241
passed ordinance providing for the levy of lodging taxes under 14242
section 5739.08 or 5739.09 of the Revised Code to permit the use 14243
of any portion of such lodging taxes as provided in this section. 14244

(E)(1) Notwithstanding any other provision of law, and after 14245
deducting the real and actual costs of administering an existing 14246
lodging tax and any portion of such tax required to be returned to 14247
any municipal corporation or township as provided in division 14248
(A)(1) of section 5739.09 of the Revised Code, the: 14249

(a) The board of county commissioners of an eligible county 14250
may provide credit enhancement facilities in connection with any 14251
project, including, without limitation, for the provision of any 14252
infrastructure necessary to support a tourism facility. 14253

(b) The board of county commissioners of an eligible county 14254
and a bureau may agree to make available, ~~and a cooperating party~~ 14255
~~or other person may use, proceeds of an existing lodging tax for~~ 14256
~~the funding or payment of project costs, including, without~~ 14257
~~limitation, the payment of debt charges on obligations. Either the~~ 14258

~~board or the bureau, or both, may pledge proceeds of an existing 14259
lodging tax to the payment of debt charges on obligations. The 14260
total amount of existing lodging tax proceeds made available for 14261
such use or so pledged each year shall not exceed five hundred 14262
thousand dollars. The lien of any such pledge shall be effective 14263
against all persons when it is made, without the requirement for 14264
the filing of any notice, and any proceeds of an existing lodging 14265
tax so pledged and required to be used to pay debt charges on 14266
obligations shall be paid by the county or bureau at the times, in 14267
the amounts, and to such payee, including, without limitation, a 14268
corporate trustee or paying agent, required for such obligations. 14269
The board of county commissioners may amend any previously adopted 14270
resolution providing for the levy of an existing lodging tax to 14271
permit the use of the proceeds of the existing lodging tax as 14272
provided in this division to any person, on such terms and 14273
conditions as the board and the bureau may determine and agree, 14274
net lodging tax proceeds. 14275~~

~~(E)(c) The board of county commissioners of an eligible 14276
county may agree to make available to any person, on such terms 14277
and conditions as the board may determine and agree, incremental 14278
sales tax growth and all or a portion of the county's tourism 14279
development district revenues. 14280~~

~~(2) Any amount made available under division (E)(1)(b) or (c) 14281
of this section shall be used to fund or pay, or to reimburse 14282
other persons for funding or payment of, project costs, including, 14283
without limitation, the payment of debt charges on obligations, 14284
the provision of credit enhancement facilities and the funding, 14285
and funding and replenishing reserves for that purpose or, subject 14286
to annual appropriation, to pay, or reimburse other persons for 14287
payment of, repair and maintenance costs. 14288~~

~~(3) The board of county commissioners, the bureau, or both, 14289
may pledge net lodging tax proceeds, and the board of county 14290~~

commissioners may pledge incremental sales tax growth and any 14291
tourism development district revenues, or any part or portion or 14292
combination thereof, to the payment of debt charges on obligations 14293
and the funding, or to fund or replenish reserves for that 14294
purpose; provided that, the total amount of net lodging tax 14295
proceeds made available for such use each year shall not exceed 14296
five hundred thousand dollars. 14297

The lien of any such pledge shall be effective against all 14298
persons when it is made, without the requirement for the filing of 14299
any notice, and any such net lodging tax proceeds, incremental 14300
sales tax growth, and tourism development district revenues, or 14301
any part or portion or combination thereof, so pledged and 14302
required to pay debt charges on obligations, to provide any credit 14303
enhancement facilities or to fund, or to fund or replenish 14304
reserves, or any combination thereof, shall be paid by the county 14305
or bureau at the times, in the amounts, and to such payee, 14306
including, without limitation, a corporate trustee or paying 14307
agent, to which the board of county commissioners and bureau agree 14308
with respect to net lodging tax proceeds and to which the board of 14309
county commissioners agree with respect to incremental sales tax 14310
growth or tourism development district revenues. 14311

(F) Notwithstanding any other provision of law, a host 14312
municipal corporation may agree to make available to any person, 14313
on such terms and conditions to which it may determine and agree, 14314
and any person may use, net tourism development district revenues, 14315
or any part or portion thereof, to fund or pay, or to reimburse 14316
other persons for funding or payment of, project costs, including, 14317
without limitation, the payment of debt charges on obligations and 14318
the funding, and funding and replenishing reserves for that 14319
purpose, or, subject to annual appropriation, to pay, or to 14320
reimburse other persons for payment of maintenance and repair 14321
costs, and the host municipal corporation may pledge net tourism 14322

development district revenues, or any part or portion thereof, to 14323
the payment of debt charges on obligations and to fund and 14324
replenish reserves for that purpose and may provide credit 14325
enhancement facilities. The lien of any such pledge shall be 14326
effective against all persons when it is made, without the 14327
requirement for the filing of any notice, and any net tourism 14328
development district revenues so pledged and required to pay debt 14329
charges on obligations or to fund and replenish reserves shall be 14330
paid by the host municipal corporation at the times, in the 14331
amounts, and to such payee, including, without limitation, a 14332
corporate trustee or paying agent, to which the host municipal 14333
corporation agrees. 14334

(G) Notwithstanding any other provision of law, an eligible 14335
transit authority may agree to make available, on such terms and 14336
conditions to which it may determine and agree, to any person, and 14337
any person may use, incremental sales tax growth and tourism 14338
development district revenues, or any part or portion or 14339
combination thereof, to fund or pay, or to reimburse other persons 14340
for funding or payment of, project costs, including, without 14341
limitation, the payment of debt charges on obligations and the 14342
funding and replenishing of reserves for that purpose, or, subject 14343
to annual appropriation, to pay, or to reimburse any other person 14344
for payment of, maintenance and repair costs, and the eligible 14345
transit authority may pledge incremental sales tax growth and 14346
tourism development district revenues, or any part or portion or 14347
combination thereof, to the payment of debt charges on obligations 14348
and the funding and replenishing of reserves for that purpose. The 14349
lien of any such pledge shall be effective against all persons 14350
when it is made, without the requirement for the filing of any 14351
notice, and any incremental sales tax growth and tourism 14352
development district revenues, or any part or portion or 14353
combination thereof, so pledged and required to pay debt charges 14354
on obligations or to fund and replenish reserves shall be paid by 14355

the eligible transit authority at the times, in the amounts, and 14356
to such payee, including, without limitation, a corporate trustee 14357
or paying agent, to which the eligible transit authority agrees. 14358

(H) Except as provided herein with respect to agreements for 14359
the payment or reimbursement of maintenance and repair costs, if 14360
the term of an agreement made pursuant to division (B), (E), (F), 14361
or (G) of this section extends beyond the end of the fiscal year 14362
of the eligible county, eligible transit authority, or host 14363
municipal corporation in which it is made, the agreement shall be 14364
subject to section 5705.44 of the Revised Code, and subject to the 14365
certification required by that section, the amount due under any 14366
such agreement in each succeeding fiscal year shall be included in 14367
the annual appropriation measure of the eligible county, eligible 14368
transit authority, or host municipal corporation for each such 14369
fiscal year as a fixed charge. The obligation of an eligible 14370
county, eligible transit authority, or host municipal corporation, 14371
and of each official thereof, to include the amount required to be 14372
paid in any such fiscal year in its annual appropriation measure 14373
as a fixed charge and to make such payments from and to the extent 14374
of the amounts so pledged, or agreed to be contributed or pledged, 14375
shall be a duty specially enjoined by law and resulting from an 14376
office, trust, or station under section 2731.01 of the Revised 14377
Code, enforceable by writ of mandamus. 14378

(I)(1) Each tourism facility and project constitutes a "port 14379
authority facility" within the meaning of division (D) of section 14380
4582.01 and division (E) of section 4582.21 of the Revised Code, 14381
and a port authority may issue obligations under Chapter 4582. of 14382
the Revised Code, subject only to the procedures and requirements 14383
applicable to its issuance of revenue bonds as provided in 14384
division (A)(4) of section 4582.06 of the Revised Code or of port 14385
authority revenue bonds as provided in division (A)(8) of section 14386
4582.31 of the Revised Code. For the purpose of issuing any such 14387

obligations, any net lodging tax proceeds, net tourism development 14388
district revenues, amounts provided pursuant to any credit 14389
enhancement facilities, and revenue from any other tax pledged, 14390
assigned, or otherwise obligated to be contributed to the payment 14391
of the obligations shall be treated as revenues of the port 14392
authority for the purposes of division (A)(4) of section 4582.06 14393
of the Revised Code and revenues, as defined in section 4582.21 of 14394
the Revised Code. Any obligations issued under division (I)(1) of 14395
this section shall be considered revenue bonds issued under 14396
division (A)(4) of section 4582.06 of the Revised Code or port 14397
authority revenue bonds issued under division (A)(8) of section 14398
4582.31 and section 4582.48 of the Revised Code for all purposes. 14399
In addition to all other powers available to a port authority 14400
under this section or under Chapter 4582. of the Revised Code with 14401
respect to the issuance of or provision for the security for 14402
payment of debt charges on obligations, and with respect to any 14403
tourism facility or project, the port authority may take any of 14404
the actions contemplated by Chapter 4582. of the Revised Code, 14405
including, without limitation, any actions contemplated by section 14406
4582.06, 4582.31, or 4582.47 of the Revised Code. Obligations 14407
issued by a port authority pursuant to division (I)(1) of this 14408
section shall be special obligations of the port authority and do 14409
not constitute bonded indebtedness, a general obligation, debt, or 14410
a pledge of the full faith and credit of the state, the port 14411
authority, or any other political subdivision of the state. 14412

(2) Each tourism facility and project constitutes "community 14413
facilities" within the meaning of division (I) of section 349.01 14414
of the Revised Code, and a new community authority may issue 14415
obligations pursuant to Chapter 349. of the Revised Code subject 14416
only to the procedures and requirements applicable to its issuance 14417
of bonds or notes as used in and pursuant to section 349.08 of the 14418
Revised Code. For the purpose of issuing any such obligations, net 14419
lodging tax proceeds, net tourism development district revenues, 14420

and revenue from any other tax pledged, assigned, or otherwise 14421
obligated to be contributed to the payment of the obligations 14422
shall be treated as an income source, as defined in section 349.01 14423
of the Revised Code. Any obligations issued under division (I)(2) 14424
of this section shall be considered bonds issued under section 14425
349.08 of the Revised Code. In addition to all other powers 14426
available to a new community authority under division (I)(2) of 14427
this section or under Chapter 349. of the Revised Code with 14428
respect to the issuance of or provision for the security for 14429
payment of debt charges on obligations, and with respect to any 14430
tourism facility or project, the new community authority may take 14431
any of the actions contemplated by Chapter 349. of the Revised 14432
Code. Obligations issued by a new community authority pursuant to 14433
division (I)(2) of this section shall be special obligations of 14434
the new community authority and do not constitute bonded 14435
indebtedness, a general obligation, debt, or a pledge of the full 14436
faith and credit of the state, the new community authority, or any 14437
other political subdivision of the state. 14438

(J) Each project for which funding or payment of project 14439
costs is provided, in whole or in part, by the issuance of 14440
obligations secured by a pledge of net lodging tax proceeds or net 14441
tourism development district revenues, or both, and any agreement 14442
to provide credit enhancement facilities or to fund or pay, and 14443
the funding or payment of, such project costs and any maintenance 14444
and repair costs of the project from net lodging taxes and net 14445
tourism development district revenues, are hereby determined, 14446
regardless of the ownership, leasing, or use of the project by any 14447
person, to constitute implementing and participating in the 14448
development of sites and facilities within the meaning of Section 14449
2p of Article VIII, Ohio Constitution, including division (D)(3) 14450
of that section, and any such obligations are hereby determined to 14451
be issued, and any such credit enhancement facilities and 14452
agreements to fund or pay, and funding and payment of, project 14453

costs and any maintenance and repair costs of the project, are 14454
determined to be made, under authority of Section 2p of Article 14455
VIII, Ohio Constitution, for and in furtherance of site and 14456
facility development purposes within the meaning of division (E) 14457
of that section, pursuant to provision made by law for the 14458
procedure for incurring and issuing obligations, separately or in 14459
combination with other obligations, and refunding, retiring, and 14460
evidencing obligations, and pursuant to division (F) of Section 2p 14461
of Article VIII, Ohio Constitution, such that provision for the 14462
payment of debt charges on the obligations, credit enhancement 14463
facilities, or both, the purposes and uses to which and the manner 14464
in which the proceeds of those obligations or credit enhancement 14465
facilities or money from other sources are to be or may be 14466
applied, and other implementation of those development purposes as 14467
referred to in this section, including the manner determined by an 14468
issuer to participate for those purposes, are not subject to 14469
Sections 4 and 6 of Article VIII, Ohio Constitution. 14470

No obligations may be issued under this section to fund or 14471
pay maintenance and repair costs. 14472

(K) No obligations may be issued under this section unless 14473
the issuer's fiscal officer determines that the net lodging tax 14474
proceeds, net tourism development district revenues, or both, 14475
pledged, assigned, or otherwise obligated to be contributed to the 14476
payment of debt charges on such obligations and all other 14477
obligations issued, outstanding and payable therefrom, are 14478
expected to be sufficient to pay all debt charges on all such 14479
obligations except to any extent that such debt charges are to be 14480
paid from proceeds of obligations or refunding obligations 14481
deposited or to be deposited into a pledged fund or account, 14482
including any reserve fund or account, or investment earnings 14483
thereon. 14484

(L)(1) A board of county commissioners shall not repeal, 14485

rescind, or reduce the levy of an existing lodging tax or the 14486
source of any other revenue to the extent ~~its proceeds are revenue~~ 14487
from that tax or source is pledged to the payment of debt charges 14488
on obligations, and any such lodging tax or other revenue source 14489
shall not be subject to repeal, rescission, or reduction by 14490
initiative, referendum, or subsequent enactment of legislation by 14491
the general assembly, so long as there remain outstanding any 14492
obligations as to which the payment of debt charges is secured by 14493
a pledge of the existing lodging tax or other revenue source. 14494

~~(F)~~(2) The legislative authority of a host municipal 14495
corporation shall not repeal, rescind, or reduce the levy of any 14496
tax the proceeds of which constitute tourism development district 14497
revenues if its proceeds are pledged to the payment of debt 14498
charges on obligations, and any such tax shall not be subject to 14499
repeal, rescission, or reduction by initiative, referendum, or 14500
subsequent enactment of legislation by the general assembly, so 14501
long as there remain outstanding any obligations as to which the 14502
payment of debt charges is secured by a pledge of those net 14503
tourism development district revenues. 14504

(3) A transit authority shall not repeal, rescind, or reduce 14505
the levy of any tax the proceeds of which are pledged to the 14506
payment of debt charges on obligations, and any such tax shall not 14507
be subject to repeal, rescission, or reduction by initiative, 14508
referendum, or subsequent enactment of legislation by the general 14509
assembly, so long as there remain outstanding any obligations as 14510
to which the payment of debt charges is secured by the pledge of 14511
such tax proceeds. 14512

~~(M)~~ A pledge of the proceeds of an existing lodging tax under 14513
division (D) of this section shall, assignment, or other agreement 14514
to contribute net lodging tax proceeds or other revenues or credit 14515
enhancement facilities made by an eligible county under division 14516
(B) or (E) of this section; a pledge, assignment, or other 14517

agreement to contribute net tourism development district revenues 14518
or credit enhancement facilities made by a host municipality under 14519
division (B) or (F) of this section; and a pledge, assignment, or 14520
other agreement made by an eligible county or eligible transit 14521
authority or agreement to contribute revenue from taxes that 14522
constitute tourism development district revenues under division 14523
(B), (E), or (G) of this section, do not constitute bonded 14524
indebtedness of the eligible county, or indebtedness for the 14525
purposes of Chapter 133. of the Revised Code, of an eligible 14526
county, eligible transit authority, or host municipal corporation. 14527

~~(G)~~(N) The authority provided by this section is supplemental 14528
to, and is not intended to limit in any way, any legal authority 14529
that a cooperating party or any other person may have under any 14530
other provision of law. 14531

Sec. 307.93. (A) The boards of county commissioners of two or 14532
more adjacent counties may contract for the joint establishment of 14533
a multicounty correctional center, and the board of county 14534
commissioners of a county or the boards of two or more counties 14535
may contract with any municipal corporation or municipal 14536
corporations located in that county or those counties for the 14537
joint establishment of a municipal-county or multicounty-municipal 14538
correctional center. The center shall augment county and, where 14539
applicable, municipal jail programs and facilities by providing 14540
custody and rehabilitative programs for those persons under the 14541
charge of the sheriff of any of the contracting counties or of the 14542
officer or officers of the contracting municipal corporation or 14543
municipal corporations having charge of persons incarcerated in 14544
the municipal jail, workhouse, or other correctional facility who, 14545
in the opinion of the sentencing court, need programs of custody 14546
and rehabilitation not available at the county or municipal jail 14547
and by providing custody and rehabilitative programs in accordance 14548
with division (C) of this section, if applicable. The contract may 14549

include, but need not be limited to, provisions regarding the 14550
acquisition, construction, maintenance, repair, termination of 14551
operations, and administration of the center. The acquisition of 14552
the facility, to the extent appropriate, may include the leasing 14553
of the Ohio river valley facility or a specified portion of that 14554
facility pursuant to division (B)(3) of this section. The contract 14555
shall prescribe the manner of funding of, and debt assumption for, 14556
the center and the standards and procedures to be followed in the 14557
operation of the center. Except as provided in division ~~(H)~~(G) of 14558
this section, the contracting counties and municipal corporations 14559
shall form a corrections commission to oversee the administration 14560
of the center. Members of the commission shall consist of the 14561
sheriff of each participating county, a member of the board of 14562
county commissioners of each participating county, the chief of 14563
police of each participating municipal corporation, and the mayor 14564
or city manager of each participating municipal corporation. Any 14565
of the foregoing officers may appoint a designee to serve in the 14566
officer's place on the corrections commission. ~~The~~ 14567

The standards and procedures prescribed under this division 14568
shall be formulated and agreed to by the commission and may be 14569
amended at any time during the life of the contract by agreement 14570
of ~~the parties to the contract upon the advice~~ a majority of the 14571
voting members of the commission or by other means set forth in 14572
the contract between the contracting counties and municipal 14573
corporations. The standards and procedures formulated by the 14574
commission and amendments to them shall include, but need not be 14575
limited to, designation of the person in charge of the center, 14576
designation of a fiscal agent, the categories of employees to be 14577
employed at the center, the appointing authority of the center, 14578
and the standards of treatment and security to be maintained at 14579
the center. The person in charge of, and all persons employed to 14580
work at, the center shall have all the powers of police officers 14581
that are necessary for the proper performance of the duties 14582

relating to their positions at the center. 14583

(B)(1) Upon the establishment of a corrections commission 14584
under division (A) of this section, the judges specified in this 14585
division shall form a judicial advisory board for the purpose of 14586
making recommendations to the corrections commission on issues of 14587
bed allocation, expansion of the center that the corrections 14588
commission oversees, and other issues concerning the 14589
administration of sentences or any other matter determined to be 14590
appropriate by the board. The judges who shall form the judicial 14591
advisory board for a corrections commission are the administrative 14592
judge of the general division of the court of common pleas of each 14593
county participating in the corrections center, the presiding 14594
judge of the municipal court of each municipal corporation 14595
participating in the corrections center, and the presiding judge 14596
of each county court of each county participating in the 14597
corrections center. If the number of the foregoing members of the 14598
board is even, the county auditor or the county auditor of the 14599
most populous county if the board serves more than one county 14600
shall also be a member of the board. Any of the foregoing judges 14601
may appoint a designee to serve in the judge's place on the 14602
judicial advisory board, provided that the designee shall be a 14603
judge of the same court as the judge who makes the appointment. 14604
The judicial advisory board for a corrections commission shall 14605
meet with the corrections commission at least once each year. 14606

(2) Each board of county commissioners that enters a contract 14607
under division (A) of this section may appoint a building 14608
commission pursuant to section 153.21 of the Revised Code. If any 14609
commissions are appointed, they shall function jointly in the 14610
construction of a multicounty or multicounty-municipal 14611
correctional center with all the powers and duties authorized by 14612
law. 14613

(3) Subject to the limitation described in this division, the 14614

boards of county commissioners that contract or have contracted 14615
for the joint establishment of a multicounty correctional center 14616
under division (A) of this section, or the boards of county 14617
commissioners of the counties and legislative authorities of the 14618
municipal corporations that contract or have contracted for the 14619
joint establishment of a municipal-county or multicounty-municipal 14620
correctional center under that division, may enter into an 14621
agreement with the director of administrative services pursuant to 14622
which the contracting counties and municipal corporations shall 14623
use the Ohio river valley facility or a specified portion of that 14624
facility as the multicounty correctional center, municipal-county 14625
correctional center, or multicounty-municipal correctional center 14626
covered by the contract entered into under division (A) of this 14627
section. A contract with the director of administrative services 14628
may be entered into under this division only if one or more of the 14629
contracting counties is adjacent to Scioto county. 14630

The department may enter into an agreement as described in 14631
this division at any time on or after the effective date of this 14632
amendment or, if the department had entered into an agreement with 14633
the board of county commissioners of Lawrence county pursuant to 14634
section 341.121 of the Revised Code for the use by the sheriff of 14635
that county of a specified portion of the facility as a jail for 14636
Lawrence county, at any time on or after the date that control of 14637
the specified portion of the facility reverts to the state under 14638
division (B)(4) or (C) of that section. 14639

(C) Prior to the acceptance for custody and rehabilitation 14640
into a center established under this section of any persons who 14641
are designated by the department of rehabilitation and correction, 14642
who plead guilty to or are convicted of a felony of the fourth or 14643
fifth degree, and who satisfy the other requirements listed in 14644
section 5120.161 of the Revised Code, the corrections commission 14645
of a center established under this section shall enter into an 14646

agreement with the department of rehabilitation and correction 14647
under section 5120.161 of the Revised Code for the custody and 14648
rehabilitation in the center of persons who are designated by the 14649
department, who plead guilty to or are convicted of a felony of 14650
the fourth or fifth degree, and who satisfy the other requirements 14651
listed in that section, in exchange for a per diem fee per person. 14652
Persons incarcerated in the center pursuant to an agreement 14653
entered into under this division shall be subject to supervision 14654
and control in the manner described in section 5120.161 of the 14655
Revised Code. This division does not affect the authority of a 14656
court to directly sentence a person who is convicted of or pleads 14657
guilty to a felony to the center in accordance with section 14658
2929.16 of the Revised Code. 14659

(D) Pursuant to section 2929.37 of the Revised Code, each 14660
board of county commissioners and the legislative authority of 14661
each municipal corporation that enters into a contract under 14662
division (A) of this section may require a person who was 14663
convicted of an offense, who is under the charge of the sheriff of 14664
their county or of the officer or officers of the contracting 14665
municipal corporation or municipal corporations having charge of 14666
persons incarcerated in the municipal jail, workhouse, or other 14667
correctional facility, and who is confined in the multicounty, 14668
municipal-county, or multicounty-municipal correctional center as 14669
provided in that division, to reimburse the applicable county or 14670
municipal corporation for its expenses incurred by reason of the 14671
person's confinement in the center. 14672

(E) Notwithstanding any contrary provision in this section or 14673
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 14674
corrections commission of a center may establish a policy that 14675
complies with section 2929.38 of the Revised Code and that 14676
requires any person who is not indigent and who is confined in the 14677
multicounty, municipal-county, or multicounty-municipal 14678

correctional center to pay a reception fee, a fee for medical 14679
treatment or service requested by and provided to that person, or 14680
the fee for a random drug test assessed under division (E) of 14681
section 341.26 of the Revised Code. 14682

(F)(1) The corrections commission of a center established 14683
under this section may establish a commissary for the center. The 14684
commissary may be established either in-house or by another 14685
arrangement. If a commissary is established, all persons 14686
incarcerated in the center shall receive commissary privileges. A 14687
person's purchases from the commissary shall be deducted from the 14688
person's account record in the center's business office. The 14689
commissary shall provide for the distribution to indigent persons 14690
incarcerated in the center of necessary hygiene articles and 14691
writing materials. 14692

(2) If a commissary is established, the corrections 14693
commission of a center established under this section shall 14694
establish a commissary fund for the center. The management of 14695
funds in the commissary fund shall be strictly controlled in 14696
accordance with procedures adopted by the auditor of state. 14697
Commissary fund revenue over and above operating costs and reserve 14698
shall be considered profits. All profits from the commissary fund 14699
shall be used to purchase supplies and equipment for the benefit 14700
of persons incarcerated in the center and to pay salary and 14701
benefits for employees of the center, or for any other persons, 14702
who work in or are employed for the sole purpose of providing 14703
service to the commissary. The corrections commission shall adopt 14704
rules and regulations for the operation of any commissary fund it 14705
establishes. 14706

(G) In lieu of forming a corrections commission to administer 14707
a multicounty correctional center or a municipal-county or 14708
multicounty-municipal correctional center, the boards of county 14709
commissioners and the legislative authorities of the municipal 14710

corporations contracting to establish the center may also agree to 14711
contract for the private operation and management of the center as 14712
provided in section 9.06 of the Revised Code, but only if the 14713
center houses only misdemeanor inmates. In order to enter into a 14714
contract under section 9.06 of the Revised Code, all the boards 14715
and legislative authorities establishing the center shall approve 14716
and be parties to the contract. 14717

(H) If a person who is convicted of or pleads guilty to an 14718
offense is sentenced to a term in a multicounty correctional 14719
center or a municipal-county or multicounty-municipal correctional 14720
center or is incarcerated in the center in the manner described in 14721
division (C) of this section, or if a person who is arrested for 14722
an offense, and who has been denied bail or has had bail set and 14723
has not been released on bail is confined in a multicounty 14724
correctional center or a municipal-county or multicounty-municipal 14725
correctional center pending trial, at the time of reception and at 14726
other times the officer, officers, or other person in charge of 14727
the operation of the center determines to be appropriate, the 14728
officer, officers, or other person in charge of the operation of 14729
the center may cause the convicted or accused offender to be 14730
examined and tested for tuberculosis, HIV infection, hepatitis, 14731
including but not limited to hepatitis A, B, and C, and other 14732
contagious diseases. The officer, officers, or other person in 14733
charge of the operation of the center may cause a convicted or 14734
accused offender in the center who refuses to be tested or treated 14735
for tuberculosis, HIV infection, hepatitis, including but not 14736
limited to hepatitis A, B, and C, or another contagious disease to 14737
be tested and treated involuntarily. 14738

(I) As used in this section, ~~"multicounty-municipal":~~ 14739

(1) "Multicounty-municipal" means more than one county and a 14740
municipal corporation, or more than one municipal corporation and 14741
a county, or more than one municipal corporation and more than one 14742

county. 14743

(2) "Ohio river valley facility" has the same meaning as in 14744

section 341.121 of the Revised Code. 14745

Sec. 307.984. (A) To enhance the administration, delivery, 14746

and effectiveness of family services duties and workforce 14747

development activities, a board of county commissioners may enter 14748

into one or more regional plans of cooperation with the following: 14749

(1) One or more other boards of county commissioners; 14750

(2) The chief elected official or officials of one or more 14751

municipal corporations that are ~~the type of local area~~ areas as 14752

defined in ~~division (A)(1) of~~ section 6301.01 of the Revised Code; 14753

(3) Both boards of county commissioners and such chief 14754

elected officials. 14755

(B) A regional plan of cooperation must specify how the 14756

private and government entities included in the plan will 14757

coordinate and enhance the administration, delivery, and 14758

effectiveness of family services duties and workforce development 14759

activities. 14760

Sec. 313.132. If an autopsy includes a toxicological 14761

analysis, the coroner, deputy coroner, or pathologist shall screen 14762

for the presence of buprenorphine, naltrexone, and methadone. 14763

Sec. 319.11. The county auditor shall, ~~on or before ninety~~ 14764

~~days after the close of the fiscal year,~~ prepare a financial 14765

report of the county for the preceding fiscal year in such form as 14766

prescribed by the auditor of state and by such date as required 14767

under section 117.38 of the Revised Code. Upon completing the 14768

report, the county auditor shall publish notice that the report 14769

has been completed and is available for public inspection at the 14770

office of the county auditor. The notice shall be published once 14771

in a newspaper of general circulation in the county. If there is 14772
no newspaper of general circulation in the county, then 14773
publication is required in the newspaper of general circulation in 14774
an adjoining county that has the largest circulation in that 14775
adjoining county. The report shall contain at least the 14776
information required by section 117.38 of the Revised Code, and a 14777
copy shall be filed with the auditor of state. 14778

No county auditor shall fail or neglect to prepare the report 14779
or publish notice of completion of the report as required by this 14780
section. 14781

Sec. 319.26. (A)(1) If a county auditor purposely, knowingly, 14782
or recklessly fails to perform a fiscal duty expressly imposed by 14783
law with respect to the fiscal duties of the office of county 14784
auditor or purposely, knowingly, or recklessly commits any act 14785
expressly prohibited by law with respect to the fiscal duties of 14786
the office of county auditor, the county treasurer or a county 14787
commissioner may submit a sworn affidavit alleging the violation, 14788
together with evidence supporting the allegations, to the auditor 14789
of state. The sworn affidavit and evidence shall be submitted in 14790
the format prescribed by rule of the auditor of state under 14791
section 117.45 of the Revised Code. A person who makes a false 14792
statement in a sworn affidavit, for purposes of this section, is 14793
guilty of falsification under section 2921.13 of the Revised Code. 14794

(2) The auditor of state shall review the sworn affidavit and 14795
the evidence. Within ~~ten business~~ thirty calendar days after 14796
receiving the sworn affidavit, unless, for good cause, additional 14797
time is required, the auditor of state shall determine whether 14798
clear and convincing evidence supports the allegations. If the 14799
auditor of state finds that no allegation is supported by clear 14800
and convincing evidence, the auditor of state shall submit those 14801
findings in writing to the county auditor and the person 14802

initiating the sworn affidavit. If the auditor of state finds by 14803
clear and convincing evidence that an allegation is supported by 14804
the evidence, the auditor of state shall submit those findings in 14805
writing to the attorney general, the county auditor, and the 14806
person who initiated the sworn affidavit. The findings shall 14807
include a copy of the sworn affidavit and the evidence submitted 14808
under division (A)(1) of this section. 14809

(3)(a) The attorney general shall review the auditor of 14810
state's findings and the sworn affidavit and evidence. Within ten 14811
business days after receiving the sworn affidavit and evidence, 14812
unless, for good cause, additional time is required, the attorney 14813
general shall determine whether clear and convincing evidence 14814
supports the allegations. If the attorney general finds that no 14815
allegation is supported by clear and convincing evidence, the 14816
attorney general, by certified mail, shall notify the auditor of 14817
state, the county auditor, and the person who initiated the sworn 14818
affidavit, that no complaint for the removal of the county auditor 14819
from public office will be filed. 14820

(b) If the attorney general finds by clear and convincing 14821
evidence that an allegation is supported by the evidence, the 14822
attorney general, by certified mail, shall notify the auditor of 14823
state, the county auditor, and the person who initiated the sworn 14824
affidavit of that fact, and shall commence an action for the 14825
removal of the county auditor from public office under division 14826
(B) of this section. 14827

(c) Nothing in this section is intended to limit the 14828
authority of the attorney general to enter into mediation, 14829
settlement, or resolution of any alleged violation before or 14830
following the commencement of an action under this section. 14831

(B)(1)(a) The attorney general has a cause of action for 14832
removal of a county auditor who purposely, knowingly, or 14833
recklessly fails to perform a fiscal duty expressly imposed by law 14834

with respect to the fiscal duties of the office of county auditor 14835
or purposely, knowingly, or recklessly commits any act expressly 14836
prohibited by law with respect to the fiscal duties of the office 14837
of county auditor. Not later than forty-five days after sending a 14838
notice under division (A)(3)(b) of this section, the attorney 14839
general shall cause an action to be commenced against the county 14840
auditor by filing a complaint for the removal of the county 14841
auditor from public office. If any money is due, the attorney 14842
general shall join the sureties on the county auditor's bond as 14843
parties. The court of common pleas of the county in which the 14844
county auditor holds office has exclusive original jurisdiction of 14845
the action. The action shall proceed de novo as in the trial of a 14846
civil action. The court is not restricted to the evidence that was 14847
presented to the auditor of state and the attorney general before 14848
the action was filed. The action is governed by the Rules of Civil 14849
Procedure. 14850

(b) If the court finds by clear and convincing evidence that 14851
the county auditor purposely, knowingly, or recklessly failed to 14852
perform a fiscal duty expressly imposed by law with respect to the 14853
fiscal duties of the office of county auditor or purposely, 14854
knowingly, or recklessly committed any act expressly prohibited by 14855
law with respect to the fiscal duties of that office, the court 14856
shall issue an order removing the county auditor from office and 14857
any order necessary for the preservation or restitution of public 14858
funds. 14859

(2) Except as otherwise provided in this division, an action 14860
for removal from office under this section is stayed during the 14861
pendency of any criminal action concerning a violation of an 14862
existing or former municipal ordinance or law of this or any other 14863
state or the United States that is substantially equivalent to any 14864
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 14865
conduct in office, if the person charged in the criminal action 14866

committed the violation while serving as a county auditor and the 14867
conduct constituting the violation was related to the duties of 14868
the office of county auditor or to the person's actions as the 14869
county auditor. The stay may be lifted upon motion of the 14870
prosecuting attorney in the related criminal action. 14871

(3) Prior to or at the hearing, upon a showing of good cause, 14872
the court may issue an order restraining the county auditor from 14873
entering the county auditor's office and from conducting the 14874
affairs of the office pending the hearing on the complaint. If 14875
such an order is issued, the court may continue the order until 14876
the conclusion of the hearing and any appeals under this section. 14877

(4) The board of county commissioners shall be responsible 14878
for the payment of reasonable attorney's fees for counsel for the 14879
county auditor. If judgment is entered against the county auditor, 14880
the court shall order the county auditor to reimburse the board 14881
for attorney's fees and costs up to a reasonable amount, as 14882
determined by the court. Expenses incurred by the board in a 14883
removal action shall be paid out of the county general fund. 14884

(C) The judgment of the court is final and conclusive unless 14885
reversed, vacated, or modified on appeal. An appeal may be taken 14886
by any party, and shall proceed as in the case of appeals in civil 14887
actions and in accordance with the Rules of Appellate Procedure. 14888
Upon the filing of a notice of appeal by any party to the 14889
proceedings, the court of appeals shall hear the case as an 14890
expedited appeal under Rule 11.2 of the Rules of Appellate 14891
Procedure. The county auditor has the right of review or appeal to 14892
the supreme court. 14893

(D) If a final judgment for removal from public office is 14894
entered against the county auditor, the office shall be deemed 14895
vacated, and the vacancy shall be filled as provided in section 14896
305.02 of the Revised Code. Except as otherwise provided by law, 14897
an individual removed from public office under this section is not 14898

entitled to hold any public office for four years following the 14899
date of the final judgment, and is not entitled to hold any public 14900
office until any repayment or restitution required by the court is 14901
satisfied. 14902

(E) For the purposes of this section: 14903

(1) A person acts purposely when it is the person's specific 14904
intention to cause a certain result, or, when the gist of the 14905
offense is a prohibition against conduct of a certain nature, 14906
regardless of what the person intends to accomplish thereby, it is 14907
the person's specific intention to engage in conduct of that 14908
nature. 14909

(2) A person acts knowingly, regardless of the person's 14910
purpose, when the person is aware that the person's conduct will 14911
probably cause a certain result or will probably be of a certain 14912
nature. A person has knowledge of circumstances when the person is 14913
aware that such circumstances probably exist. 14914

(3) A person acts recklessly when, with heedless indifference 14915
to the consequences, the person perversely disregards a known risk 14916
that the person's conduct is likely to cause a certain result or 14917
is likely to be of a certain nature. A person is reckless with 14918
respect to circumstances when, with heedless indifference to the 14919
consequences, the person perversely disregards a known risk that 14920
such circumstances are likely to exist. 14921

(F) The proceedings provided for in this section may be used 14922
as an alternative to the removal proceedings prescribed under 14923
sections 3.07 to 3.10 of the Revised Code or other methods of 14924
removal authorized by law. 14925

Sec. 319.54. (A) On all moneys collected by the county 14926
treasurer on any tax duplicate of the county, other than estate 14927
tax duplicates, and on all moneys received as advance payments of 14928

personal property and classified property taxes, the county auditor, on settlement with the treasurer and tax commissioner, on or before the date prescribed by law for such settlement or any lawful extension of such date, shall be allowed as compensation for the county auditor's services the following percentages:

(1) On the first one hundred thousand dollars, two and one-half per cent;

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent;

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent;

(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent.

If any settlement is not made on or before the date prescribed by law for such settlement or any lawful extension of such date, the aggregate compensation allowed to the auditor shall be reduced one per cent for each day such settlement is delayed after the prescribed date. No penalty shall apply if the auditor and treasurer grant all requests for advances up to ninety per cent of the settlement pursuant to section 321.34 of the Revised Code. The compensation allowed in accordance with this section on settlements made before the dates prescribed by law, or the reduced compensation allowed in accordance with this section on settlements made after the date prescribed by law or any lawful extension of such date, shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(B) For the purpose of reimbursing county auditors for the expenses associated with the increased number of applications for reductions in real property taxes under sections 323.152 and

4503.065 of the Revised Code that result from the amendment of 14960
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 14961
there shall be paid from the state's general revenue fund to the 14962
county treasury, to the credit of the real estate assessment fund 14963
created by section 325.31 of the Revised Code, an amount equal to 14964
one per cent of the total annual amount of property tax relief 14965
reimbursement paid to that county under sections 323.156 and 14966
4503.068 of the Revised Code for the preceding tax year. Payments 14967
made under this division shall be made at the same times and in 14968
the same manner as payments made under section 323.156 of the 14969
Revised Code. 14970

(C) From all moneys collected by the county treasurer on any 14971
tax duplicate of the county, other than estate tax duplicates, and 14972
on all moneys received as advance payments of personal property 14973
and classified property taxes, there shall be paid into the county 14974
treasury to the credit of the real estate assessment fund created 14975
by section 325.31 of the Revised Code, an amount to be determined 14976
by the county auditor, which shall not exceed the percentages 14977
prescribed in divisions (C)(1) and (2) of this section. 14978

(1) For payments made after June 30, 2007, and before 2011, 14979
the following percentages: 14980

(a) On the first five hundred thousand dollars, four per 14981
cent; 14982

(b) On the next five million dollars, two per cent; 14983

(c) On the next five million dollars, one per cent; 14984

(d) On all further sums not exceeding one hundred fifty 14985
million dollars, three-quarters of one per cent; 14986

(e) On amounts exceeding one hundred fifty million dollars, 14987
five hundred eighty-five thousandths of one per cent. 14988

(2) For payments made in or after 2011, the following 14989

percentages:	14990
(a) On the first five hundred thousand dollars, four per cent;	14991 14992
(b) On the next ten million dollars, two per cent;	14993
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	14994 14995
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	14996 14997 14998 14999
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	15000 15001 15002 15003
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually <u>annually</u> with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:	15004 15005 15006 15007 15008
(1) Four per cent on the first one hundred thousand dollars;	15009
(2) One-half of one per cent on all additional sums.	15010
Such percentages shall be computed upon the amount collected and reported at each semiannual <u>annual</u> settlement, and shall be for the use of the general fund of the county.	15011 15012 15013
(F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the shares of the revenue payable to the county and subdivisions, for	15014 15015 15016 15017 15018 15019

the use of the general fund of the county. 15020

(G) The county auditor shall charge and receive fees as 15021
follows: 15022

(1) For deeds of land sold for taxes to be paid by the 15023
purchaser, five dollars; 15024

(2) For the transfer or entry of land, lot, or part of lot, 15025
or the transfer or entry on or after January 1, 2000, of a used 15026
manufactured home or mobile home as defined in section 5739.0210 15027
of the Revised Code, fifty cents for each transfer or entry, to be 15028
paid by the person requiring it; 15029

(3) For receiving statements of value and administering 15030
section 319.202 of the Revised Code, one dollar, or ten cents for 15031
each one hundred dollars or fraction of one hundred dollars, 15032
whichever is greater, of the value of the real property 15033
transferred or, for sales occurring on or after January 1, 2000, 15034
the value of the used manufactured home or used mobile home, as 15035
defined in section 5739.0210 of the Revised Code, transferred, 15036
except no fee shall be charged when the transfer is made: 15037

(a) To or from the United States, this state, or any 15038
instrumentality, agency, or political subdivision of the United 15039
States or this state; 15040

(b) Solely in order to provide or release security for a debt 15041
or obligation; 15042

(c) To confirm or correct a deed previously executed and 15043
recorded or when a current owner on any record made available to 15044
the general public on the internet or a publicly accessible 15045
database and the general tax list of real and public utility 15046
property and the general duplicate of real and public utility 15047
property is a peace officer, parole officer, prosecuting attorney, 15048
assistant prosecuting attorney, correctional employee, youth 15049
services employee, firefighter, EMT, or investigator of the bureau 15050

of criminal identification and investigation and is changing the 15051
current owner name listed on any record made available to the 15052
general public on the internet or a publicly accessible database 15053
and the general tax list of real and public utility property and 15054
the general duplicate of real and public utility property to the 15055
initials of the current owner as prescribed in division (B)(1) of 15056
section 319.28 of the Revised Code; 15057

(d) To evidence a gift, in trust or otherwise and whether 15058
revocable or irrevocable, between husband and wife, or parent and 15059
child or the spouse of either; 15060

(e) On sale for delinquent taxes or assessments; 15061

(f) Pursuant to court order, to the extent that such transfer 15062
is not the result of a sale effected or completed pursuant to such 15063
order; 15064

(g) Pursuant to a reorganization of corporations or 15065
unincorporated associations or pursuant to the dissolution of a 15066
corporation, to the extent that the corporation conveys the 15067
property to a stockholder as a distribution in kind of the 15068
corporation's assets in exchange for the stockholder's shares in 15069
the dissolved corporation; 15070

(h) By a subsidiary corporation to its parent corporation for 15071
no consideration, nominal consideration, or in sole consideration 15072
of the cancellation or surrender of the subsidiary's stock; 15073

(i) By lease, whether or not it extends to mineral or mineral 15074
rights, unless the lease is for a term of years renewable forever; 15075

(j) When the value of the real property or the manufactured 15076
or mobile home or the value of the interest that is conveyed does 15077
not exceed one hundred dollars; 15078

(k) Of an occupied residential property, including a 15079
manufactured or mobile home, being transferred to the builder of a 15080

new residence or to the dealer of a new manufactured or mobile 15081
home when the former residence is traded as part of the 15082
consideration for the new residence or new manufactured or mobile 15083
home; 15084

(l) To a grantee other than a dealer in real property or in 15085
manufactured or mobile homes, solely for the purpose of, and as a 15086
step in, the prompt sale of the real property or manufactured or 15087
mobile home to others; 15088

(m) To or from a person when no money or other valuable and 15089
tangible consideration readily convertible into money is paid or 15090
to be paid for the real estate or manufactured or mobile home and 15091
the transaction is not a gift; 15092

(n) Pursuant to division (B) of section 317.22 of the Revised 15093
Code, or section 2113.61 of the Revised Code, between spouses or 15094
to a surviving spouse pursuant to section 5302.17 of the Revised 15095
Code as it existed prior to April 4, 1985, between persons 15096
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 15097
after April 4, 1985, to a person who is a surviving, survivorship 15098
tenant pursuant to section 5302.17 of the Revised Code on or after 15099
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 15100

(o) To a trustee acting on behalf of minor children of the 15101
deceased; 15102

(p) Of an easement or right-of-way when the value of the 15103
interest conveyed does not exceed one thousand dollars; 15104

(q) Of property sold to a surviving spouse pursuant to 15105
section 2106.16 of the Revised Code; 15106

(r) To or from an organization exempt from federal income 15107
taxation under section 501(c)(3) of the "Internal Revenue Code of 15108
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 15109
transfer is without consideration and is in furtherance of the 15110
charitable or public purposes of such organization; 15111

(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	15112 15113 15114 15115
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	15116 15117
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	15118 15119 15120 15121
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	15122 15123 15124 15125
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	15126 15127
(x) Between persons pursuant to section 5302.18 of the Revised Code;	15128 15129
(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned subsidiary, to a third party.	15130 15131 15132
(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to be charged to the owner of a home on the delinquent manufactured home tax list or the property owner of land on the delinquent tax list or the delinquent vacant land tax list.	15133 15134 15135 15136 15137 15138
The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to	15139 15140 15141

each person paying a fee. The auditor shall deposit the receipts 15142
of the fees on conveyances in the county treasury daily to the 15143
credit of the general fund of the county, except that fees charged 15144
and received under division (G)(3) of this section for a transfer 15145
of real property to a county land reutilization corporation shall 15146
be credited to the county land reutilization corporation fund 15147
established under section 321.263 of the Revised Code. 15148

The real property transfer fee provided for in division 15149
(G)(3) of this section shall be applicable to any conveyance of 15150
real property presented to the auditor on or after January 1, 15151
1968, regardless of its time of execution or delivery. 15152

The transfer fee for a used manufactured home or used mobile 15153
home shall be computed by and paid to the county auditor of the 15154
county in which the home is located immediately prior to the 15155
transfer. 15156

Sec. 321.26. (A) The county treasurer, on settlement with the 15157
county auditor, on or before the date prescribed for such 15158
settlement or any lawful extension of such date, shall be allowed 15159
as fees on all ~~moneys collected by him on any tax duplicates other~~ 15160
~~than the inheritance duplicate and on all moneys received by him~~ 15161
~~as advance payments of personal and classified property taxes,~~ 15162
qualifying collections the following percentages: 15163

(1) For settlement dates or any lawful extension of such 15164
dates occurring before January 1, 2018: 15165

(a) On the first one hundred thousand dollars, two and nine 15166
thousand nine hundred forty-seven ten-thousandths of one per cent; 15167

~~(2)~~(b) On the next two million dollars, nine thousand nine 15168
hundred eighty-two ten-thousandths of one per cent; 15169

~~(3)~~(c) On the next two million dollars, seven thousand nine 15170
hundred eighty-six ten-thousandths of one per cent; 15171

~~(4)(d)~~ On all further sums, one thousand nine hundred 15172
ninety-six ten-thousandths of one per cent. 15173

(2) For settlement dates or any lawful extension of such 15174
dates occurring on or after January 1, 2018: 15175

(a) On the first five million dollars or an amount as 15176
adjusted pursuant to division (B) of this section, nine thousand 15177
four hundred ninety-five ten-thousandths of one per cent; 15178

(b) On all further sums, one thousand nine hundred ninety-six 15179
ten-thousandths of one per cent. 15180

If qualifying collections for a year are less than five 15181
million dollars or the amount as adjusted under division (B) of 15182
this section, the fee shall equal the product of five million 15183
dollars or that adjusted amount, as applicable, multiplied by nine 15184
thousand four hundred ninety-five ten-thousandths of one per cent. 15185

(B) In January of each year, beginning in 2019, if the sum of 15186
qualifying charges for all counties in the preceding year exceeded 15187
the sum of qualifying charges for all counties in the second 15188
preceding year, the tax commissioner shall multiply the percentage 15189
by which that sum increased, rounded to the nearest one-tenth of 15190
one per cent, by the dollar amount described in division (A)(2)(a) 15191
of this section that is applicable to the preceding year. 15192

For settlement dates or any lawful extension of such dates 15194
occurring in 2019 or any year thereafter, the tax commissioner 15195
shall adjust the dollar amount described in division (A)(2)(a) of 15196
this section applicable to the preceding year by adding the 15197
resulting product to that dollar amount and rounding the resulting 15198
sum to the nearest ten thousand dollars. That adjusted amount 15199
shall apply to each year beginning in the calendar year in which 15200
the commissioner makes such an adjustment and to each ensuing 15201
calendar year until a calendar year in which the commissioner 15202

makes a new adjustment under this division. 15203

The tax commissioner shall not make an adjustment under this 15204
division for a year in which the qualifying charges in the 15205
preceding year did not exceed the qualifying charges in the second 15206
preceding year, the rounded percentage calculated under this 15207
division does not exceed zero per cent, or the rounded resulting 15208
sum equals zero. 15209

On or before the first day of February of each year, the tax 15210
commissioner shall certify to each county auditor and county 15211
treasurer the dollar amount under division (A)(2)(a) of this 15212
section applicable to settlement dates or any lawful extension of 15213
such dates occurring in that year. 15214

(C) In the event any settlement prescribed by law is not made 15215
on or before the date prescribed by law for such settlement, on or 15216
before the dates prescribed by any lawful extension thereof, the 15217
aggregate compensation allowed to the county treasurer shall be 15218
reduced one per cent for each day such settlement is delayed after 15219
the prescribed date. No penalty shall apply in the event the 15220
auditor and treasurer grant all requests for advances up to ninety 15221
per cent of the settlement pursuant to section 321.34 of the 15222
Revised Code. The compensation allowed in accordance with this 15223
section on settlements made on or before the dates prescribed by 15224
law, or the reduced compensation allowed in accordance with this 15225
section on settlements made after the date prescribed by law or 15226
any lawful extension of such date, shall be apportioned ratably by 15227
the auditor and deducted from the shares or portion of the revenue 15228
payable to the state as well as to the county, township, 15229
corporations, and school districts. On all other moneys collected 15230
by the treasurer as fees or as advance payments, except moneys 15231
received from the treasurer of state, ~~his~~ the treasurer's 15232
predecessors in office, ~~his~~ the treasurer's legal representatives, 15233
or the sureties of such predecessors, and except moneys received 15234

from the proceeds of the bonds of the county or of any municipal 15235
corporation, five-tenths per cent, to be paid upon the warrant of 15236
the auditor out of the general fund of the county. 15237

(D) As used in this section: 15238

(1) "Qualifying collections" means moneys collected by a 15239
county treasurer on any tax duplicates other than the inheritance 15240
tax duplicate. 15241

(2) "Qualifying charges" means taxes charged and payable 15242
against real and public utility property for the current tax year 15243
after making the reduction required by section 319.301 of the 15244
Revised Code. 15245

Sec. 321.27. (A) On settlement ~~semiannually~~ annually with the 15246
county auditor, the county treasurer shall be allowed as fees on 15247
all moneys collected by ~~him~~ the treasurer on ~~inheritance estate~~ 15248
tax duplicates, the following percentages: three per cent on the 15249
first one hundred thousand dollars; two per cent on the next one 15250
hundred thousand dollars; five tenths per cent on all additional 15251
sums. Such percentages shall be computed upon the amount collected 15252
and reported at each ~~semiannual~~ annual settlement, and shall be 15253
for the use of the general fund of the county. 15254

(B) On ~~such~~ settlement semiannually with the county auditor, 15255
the county treasurer shall ~~also~~ be allowed as fees on all 15256
cigarette license moneys collected by ~~him,~~ the treasurer one-half 15257
per cent on the amount received, to be paid upon the warrant of 15258
the auditor and ~~by him~~ apportioned ratably and deducted from the 15259
shares of revenue payable to the county and subdivisions of the 15260
county under section 5743.15 of the Revised Code, for the use of 15261
the general fund of the county. 15262

Sec. 321.37. (A)(1) If a county treasurer purposely, 15263
knowingly, or recklessly fails to perform a fiscal duty expressly 15264

imposed by law with respect to the fiscal duties of the office of 15265
county treasurer or purposely, knowingly, or recklessly commits 15266
any act expressly prohibited by law with respect to the fiscal 15267
duties of the office of county treasurer, the county auditor or a 15268
county commissioner may submit a sworn affidavit alleging the 15269
violation, together with evidence supporting the allegations, to 15270
the auditor of state. The sworn affidavit and evidence shall be 15271
submitted in the format prescribed by rule of the auditor of state 15272
under section 117.45 of the Revised Code. A person who makes a 15273
false statement in a sworn affidavit, for purposes of this 15274
section, is guilty of falsification under section 2921.13 of the 15275
Revised Code. 15276

(2) The auditor of state shall review the sworn affidavit and 15277
the evidence. Within ~~ten business~~ thirty calendar days after 15278
receiving the sworn affidavit and evidence, unless, for good 15279
cause, additional time is required, the auditor of state shall 15280
determine whether clear and convincing evidence supports the 15281
allegations. If the auditor of state finds that no allegation is 15282
supported by clear and convincing evidence, the auditor of state 15283
shall submit those findings in writing to the county treasurer and 15284
the person who initiated the sworn affidavit. If the auditor of 15285
state finds by clear and convincing evidence that an allegation is 15286
supported by the evidence, the auditor of state shall submit those 15287
findings in writing to the attorney general, the county treasurer, 15288
and the person who initiated the sworn affidavit. The findings 15289
shall include a copy of the sworn affidavit and the evidence 15290
submitted under division (A)(1) of this section. 15291

(3)(a) The attorney general shall review the auditor of 15292
state's findings and the sworn affidavit and evidence. Within ten 15293
business days after receiving them, unless, for good cause, 15294
additional time is required, the attorney general shall determine 15295
whether clear and convincing evidence supports the allegations. If 15296

the attorney general finds that no allegation is supported by 15297
clear and convincing evidence, the attorney general, by certified 15298
mail, shall notify the auditor of state, the county treasurer, and 15299
the person who initiated the sworn affidavit, that no complaint 15300
for the removal of the county treasurer from public office will be 15301
filed. 15302

(b) If the attorney general finds by clear and convincing 15303
evidence that an allegation is supported by the evidence, the 15304
attorney general, by certified mail, shall notify the auditor of 15305
state, the county treasurer, and the person who initiated the 15306
sworn affidavit of that fact, and shall commence an action for the 15307
removal of the county treasurer from public office under division 15308
(B) of this section. 15309

(c) Nothing in this section is intended to limit the 15310
authority of the attorney general to enter into mediation, 15311
settlement, or resolution of any alleged violation before or 15312
following the commencement of an action under this section. 15313

(B)(1)(a) The attorney general has a cause of action for 15314
removal of a county treasurer who purposely, knowingly, or 15315
recklessly fails to perform a fiscal duty expressly imposed by law 15316
with respect to the fiscal duties of the office of county 15317
treasurer or purposely, knowingly, or recklessly commits any act 15318
expressly prohibited by law with respect to the fiscal duties of 15319
the office of county treasurer. Not later than forty-five days 15320
after sending a notice under division (A)(3)(b) of this section, 15321
the attorney general shall cause an action to be commenced against 15322
the county treasurer by filing a complaint for the removal of the 15323
county treasurer from public office. If any money is due, the 15324
attorney general shall join the sureties on the county treasurer's 15325
bond as parties. The court of common pleas of the county in which 15326
the county treasurer holds office has exclusive original 15327
jurisdiction of the action. The action shall proceed de novo as in 15328

the trial of a civil action. The court is not restricted to the 15329
evidence that was presented to the auditor of state and the 15330
attorney general before the action was filed. The action is 15331
governed by the Rules of Civil Procedure. 15332

(b) If the court finds by clear and convincing evidence that 15333
the county treasurer purposely, knowingly, or recklessly failed to 15334
perform a fiscal duty expressly imposed by law with respect to the 15335
fiscal duties of the office of county treasurer or purposely, 15336
knowingly, or recklessly committed any act expressly prohibited by 15337
law with respect to the fiscal duties of that office, the court 15338
shall issue an order removing the county treasurer from office and 15339
any order necessary for the preservation or restitution of public 15340
funds. 15341

(2) Except as otherwise provided in this division, an action 15342
for removal from office under this section is stayed during the 15343
pendency of any criminal action concerning a violation of an 15344
existing or former municipal ordinance or law of this or any other 15345
state or the United States that is substantially equivalent to any 15346
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 15347
conduct in office, if the person charged in the criminal action 15348
committed the violation while serving as a county treasurer and 15349
the conduct constituting the violation was related to the duties 15350
of the office of county treasurer or to the person's actions as 15351
the county treasurer. The stay may be lifted upon motion of the 15352
prosecuting attorney in the related criminal action. 15353

(3) Prior to or at the hearing, upon a showing of good cause, 15354
the court may issue an order restraining the county treasurer from 15355
entering the county treasurer's office and from conducting the 15356
affairs of the office pending the hearing on the complaint. If 15357
such an order is issued, the court may continue the order until 15358
the conclusion of the hearing and any appeals under this section. 15359

(4) The board of county commissioners shall be responsible 15360

for the payment of reasonable attorney's fees for counsel for the 15361
county treasurer. If judgment is entered against the county 15362
treasurer, the court shall order the county treasurer to reimburse 15363
the board for attorney's fees and costs up to a reasonable amount, 15364
as determined by the court. Expenses incurred by the board in a 15365
removal action shall be paid out of the county general fund. 15366

(C) The judgment of the court is final and conclusive unless 15367
reversed, vacated, or modified on appeal. An appeal may be taken 15368
by any party, and shall proceed as in the case of appeals in civil 15369
actions and in accordance with the Rules of Appellate Procedure. 15370
Upon the filing of a notice of appeal by any party to the 15371
proceedings, the court of appeals shall hear the case as an 15372
expedited appeal under Rule 11.2 of the Rules of Appellate 15373
Procedure. The county treasurer has the right of review or appeal 15374
to the supreme court. 15375

(D) If a final judgment for removal from public office is 15376
entered against the county treasurer, the office shall be deemed 15377
vacated, and the vacancy shall be filled as provided in section 15378
305.02 of the Revised Code. Except as otherwise provided by law, 15379
an individual removed from public office under this section is not 15380
entitled to hold any public office for four years following the 15381
date of the final judgment, and is not entitled to hold any public 15382
office until any repayment or restitution required by the court is 15383
satisfied. 15384

(E) For the purposes of this section: 15385

(1) A person acts purposely when it is the person's specific 15386
intention to cause a certain result, or, when the gist of the 15387
offense is a prohibition against conduct of a certain nature, 15388
regardless of what the person intends to accomplish thereby, it is 15389
the person's specific intention to engage in conduct of that 15390
nature. 15391

(2) A person acts knowingly, regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.

(3) A person acts recklessly when, with heedless indifference to the consequences, the person perversely disregards a known risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person perversely disregards a known risk that such circumstances are likely to exist.

(F) The proceedings provided for in this section may be used as an alternative to the removal proceedings prescribed under sections 3.07 to 3.10 of the Revised Code or other methods of removal authorized by law.

Sec. 321.46. (A) To enhance the background and working knowledge of county treasurers in governmental accounting, portfolio reporting and compliance, investments, cybersecurity, and cash management, the auditor of state and the treasurer of state shall conduct education programs for persons elected for the first time to the office of county treasurer and shall hold biennial continuing education courses for persons who continue to hold the office of county treasurer.

Initial education programs for newly elected county treasurers shall be held between the first day of December and the first Monday of September next following that person's election to the office of county treasurer. Similar initial education programs may also be provided to any county treasurer who is appointed to fill a vacancy or who is elected at a special election.

(B)(1) The auditor of state shall determine the manner and

content of the initial education programs in the subject areas of 15423
governmental accounting and portfolio reporting and compliance. In 15424
those areas, newly elected county treasurers shall take at least 15425
thirteen hours of education before taking office. 15426

(2) The treasurer of state shall determine the manner and 15427
content of the initial education programs in the subject areas of 15428
investments and cash management. In those areas, newly elected 15429
county treasurers shall take at least thirteen hours of education 15430
before taking office. 15431

(3)(a) After completing one year in office, a county 15432
treasurer shall take not less than twenty-four hours of continuing 15433
education during each biennial cycle. For purposes of division 15434
(B)(3)(a) of this section, a biennial cycle for continuing 15435
education shall be every two calendar years after the treasurer's 15436
first year in office. The treasurer of state shall determine the 15437
manner and content of the continuing education courses in the 15438
subject areas of investments, cash management, the collection of 15439
taxes, ethics, and any other subject area that the treasurer of 15440
state determines is reasonably related to the duties of the office 15441
of the county treasurer. The auditor of state shall determine the 15442
manner and content of the continuing education courses in the 15443
subject areas of governmental accounting, portfolio reporting and 15444
compliance, office management, cybersecurity, and any other 15445
subject area that the auditor of state determines is reasonably 15446
related to the duties of the office of the county treasurer. 15447

(b) A county treasurer who accumulates more than twenty-four 15448
hours of continuing education in a biennial cycle described in 15449
division (B)(3)(a) of this section may credit the hours in excess 15450
of twenty-four hours to the next biennial cycle. However, 15451
regardless of the total number of hours earned, no more than six 15452
hours in continuing education determined by the treasurer of state 15453
pursuant to division (B)(3)(a) of this section and six hours in 15454

continuing education determined by the auditor of state pursuant 15455
to that division shall be carried over to the next biennial cycle. 15456

(c) A county treasurer who participates in a training program 15457
or seminar established under section 109.43 of the Revised Code 15458
may apply the three hours of training to the twenty-four hours of 15459
continuing education required in a biennial cycle under division 15460
(B)(3)(a) of this section. 15461

(C) The auditor of state and the treasurer of state may each 15462
charge counties a registration fee that will meet actual and 15463
necessary expenses of the training of county treasurers, including 15464
instructor fees, site acquisition costs, and the cost of course 15465
materials. The necessary personal expenses of county treasurers as 15466
a result of attending the initial education programs and 15467
continuing education courses shall be borne by the counties the 15468
treasurers represent. 15469

(D) The auditor of state and the treasurer of state may allow 15470
any other interested person to attend any of the initial education 15471
programs or continuing education courses held pursuant to this 15472
section, provided that before attending any such program or 15473
course, the interested person shall pay to either the auditor of 15474
state or the treasurer of state, as appropriate, the full 15475
registration fee set for the program or course. 15476

(E)(1) If a county treasurer fails to complete the initial 15477
education programs required by this section before taking office, 15478
the treasurer's authority to invest county funds and to manage the 15479
county portfolio immediately is suspended, and this authority is 15480
transferred to the county's investment advisory committee until 15481
full compliance with the initial education programs is determined 15482
by the treasurer of state. 15483

(2) If a county treasurer fails to complete continuing 15484
education as required by this section, the county treasurer is 15485

subject to divisions (B) to (E) of section 321.47 of the Revised Code, including possible suspension of the treasurer's authority to invest county funds and to manage the county portfolio and transfer of this authority to the county's investment advisory committee.

(F)(1) Notwithstanding divisions (B) and (E) of this section, a county treasurer who fails to complete the initial education programs or continuing education required by this section shall invest only in the Ohio subdivisions fund pursuant to division (A)(6) of section 135.35 of the Revised Code, in no load money market mutual funds pursuant to division (A)(5) of section 135.35 of the Revised Code, or in time certificates of deposit or savings or deposit accounts pursuant to division (A)(3) of section 135.35 of the Revised Code.

(2) A county treasurer who has failed to complete the initial education programs required by this section and invests in other than the investments permitted by division (F)(1) of this section immediately shall have the county treasurer's authority to invest county funds and to manage the county portfolio suspended, and this authority shall be transferred to the county's investment advisory committee until full compliance with the initial education programs is determined by the treasurer of state.

(3) If a county treasurer fails to complete continuing education required by this section and invests in other than the investments permitted by division (F)(1) of this section, the county treasurer is subject to divisions (B) to (E) of section 321.47 of the Revised Code, including possible suspension of the treasurer's authority to invest county funds and to manage the county portfolio and transfer of this authority to the county's investment advisory committee.

(G)(1) There is hereby created in the state treasury the county treasurer education fund, to be used by the treasurer of

state for actual and necessary expenses of initial education 15518
programs and continuing education held pursuant to this section 15519
and section 135.22 of the Revised Code. All registration fees 15520
collected by the treasurer of state under this section and section 15521
135.22 of the Revised Code shall be paid into that fund. 15522

(2) All registration fees collected by the auditor of state 15523
under this section shall be paid into the auditor of state 15524
training program fund established under section 117.44 of the 15525
Revised Code. 15526

(H) The treasurer of state, with the advice and consent of 15527
the auditor of state, may adopt reasonable rules not inconsistent 15528
with this section for the implementation of this section. 15529

Sec. 323.01. Except as otherwise provided, as used in Chapter 15530
323. of the Revised Code: 15531

(A) "Subdivision" means any county, township, school 15532
district, or municipal corporation. 15533

(B) "Municipal corporation" includes charter municipalities. 15534

(C) "Taxes" means the total amount of all charges against an 15535
entry appearing on a tax list and the duplicate thereof that was 15536
prepared and certified in accordance with section 319.28 of the 15537
Revised Code, including taxes levied against real estate; taxes on 15538
property whose value is certified pursuant to section 5727.23 of 15539
the Revised Code; recoupment charges applied pursuant to section 15540
5713.35 of the Revised Code; all assessments; penalties and 15541
interest charged pursuant to section 323.121 of the Revised Code; 15542
charges added pursuant to section 319.35 of the Revised Code; and 15543
all of such charges which remain unpaid from any previous tax 15544
year. 15545

(D) "Current taxes" means all taxes charged against an entry 15546
on the general tax list and duplicate of real and public utility 15547

property that have not appeared on such list and duplicate for any 15548
prior tax year and any penalty thereon charged by division (A) of 15549
section 323.121 of the Revised Code. Current taxes, whether or not 15550
they have been certified delinquent, become delinquent taxes if 15551
they remain unpaid after the last day prescribed for payment of 15552
the second installment of current taxes without penalty. 15553

(E) "Delinquent taxes" means: 15554

(1) Any taxes charged against an entry on the general tax 15555
list and duplicate of real and public utility property that were 15556
charged against an entry on such list and duplicate for a prior 15557
tax year and any penalties and interest charged against such 15558
taxes. 15559

(2) Any current taxes charged on the general tax list and 15560
duplicate of real and public utility property that remain unpaid 15561
after the last day prescribed for payment of the second 15562
installment of such taxes without penalty, whether or not they 15563
have been certified delinquent, and any penalties and interest 15564
charged against such taxes. 15565

(F) "Current tax year" means, with respect to particular 15566
taxes, the calendar year in which the first installment of taxes 15567
is due prior to any extension granted under section 323.17 of the 15568
Revised Code. 15569

(G) "Liquidated claim" means: 15570

(1) Any sum of money due and payable, upon a written 15571
contractual obligation executed between the subdivision and the 15572
taxpayer, but excluding any amount due on general and special 15573
assessment bonds and notes; 15574

~~(2) Any sum of money due and payable, for disability 15575
financial assistance provided under Chapter 5115. of the Revised 15576
Code that is furnished to or in behalf of a subdivision, provided 15577
that such claim is recognized by a resolution or ordinance of the 15578~~

~~legislative body of such subdivision;~~ 15579

(3) Any sum of money advanced and paid to or received and 15580
used by a subdivision, pursuant to a resolution or ordinance of 15581
such subdivision or its predecessor in interest, and the moral 15582
obligation to repay which sum, when in funds, shall be recognized 15583
by resolution or ordinance by the subdivision. 15584

Sec. 323.32. As used in this section, "railroad note" means a 15585
note issued pursuant to a court order in the reorganization of a 15586
railroad company under section 77 of the Bankruptcy Act. 15587

Notwithstanding any other provision of law to the contrary, 15588
with respect to all payments received in settlement of claims 15589
arising from delinquent property tax charges and ordered to be 15590
paid by a railroad company under a plan of reorganization as 15591
ordered by a federal district court in accordance with provisions 15592
of Chapter VIII of the "Federal Bankruptcy Act," 11 U.S.C.A. 15593
201-208, the following provisions shall apply: 15594

(A) Except as provided in division (H) of this section, all 15595
of such payments shall be made payable, and delivered, to the 15596
county in which the taxing district sharing in a claim for 15597
delinquent taxes is located. Any notes included in such payment 15598
shall be issued to such county treasurer, who shall be the 15599
custodian of all of said notes, and who shall be liable therefor 15600
upon ~~his~~ the treasurer's bond until such time as said notes 15601
mature, are sold, or otherwise lawfully pass from ~~his~~ the 15602
treasurer's custody. 15603

(B) Upon receipt of a payment by cash or check, the county 15604
treasurer shall immediately cause such funds to be paid into the 15605
county treasury and credited to a special fund established for 15606
this purpose, which shall be known as the "undivided bankruptcy 15607
claims fund." All of such moneys so received, including any earned 15608
interest, shall be credited to said fund. 15609

(C) When the total claim for each county has been satisfied 15610
by the receipt of cash or notes, or both, the county auditor shall 15611
remit from the tax list and duplicate of real and public utility 15612
property in each county, all charges appearing thereon in the name 15613
of the railroad company for which such payment has been made, 15614
which are delinquent and unpaid from any year previous to the tax 15615
year 1977. 15616

(D) At any time that funds are present in the undivided 15617
bankruptcy claims fund, either upon initial settlement or at any 15618
later time, the county auditor shall, forthwith, distribute by 15619
auditors' warrant, such funds to the various taxing districts of 15620
the county, in which the property taxes, from which the claim in 15621
bankruptcy has derived, were originally charged. The funds so 15622
distributed shall be apportioned among the various taxing 15623
authorities within each taxing district in the same proportions as 15624
the said taxes were originally levied, taking into account the 15625
various rates of taxation levied for different purposes for each 15626
year in which such taxes were charged and remained unpaid, and any 15627
unpaid special assessments, including compound interest thereon at 15628
the rate of six per cent per annum to January 1, 1978. 15629

In making such distribution, the auditor shall, first, deduct 15630
an amount equal to one per cent of the total amount to be 15631
distributed, as fees for services of the county auditor and 15632
treasurer in making collection and distribution of the claim in 15633
bankruptcy. Such deduction shall be in lieu of all fees provided 15634
for in sections 319.54 and 321.26 of the Revised Code. The amount 15635
so deducted shall be credited to the general fund of the county. 15636

If any funds received pursuant to this section represent 15637
taxes which, if collected, would have resulted from any general or 15638
emergency levy which has since expired, such funds may be credited 15639
to the general operating fund and expended as though they are 15640
proceeds from a current levy, and if any of such funds represent 15641

taxes from any current general bond retirement levy or one which 15642
has since expired, said funds may be credited to the current bond 15643
retirement fund and used to service any current bond indebtedness, 15644
or may be credited to the general operating fund of the district, 15645
if so designated by a majority of the members of the taxing 15646
authority of the taxing district. 15647

(E) Except as provided in division (H) of this section, when, 15648
as a part of the settlement of a claim in bankruptcy of a 15649
reorganized railroad company a county receives notes on behalf of 15650
a taxing authority in partial payment of said claim, the county 15651
treasurer shall, within a reasonable length of time, notify the 15652
taxing authority of each taxing district sharing in the claim that 15653
such notes are in ~~his~~ the treasurer's custody. Within sixty days 15654
of receipt of such notice, each taxing authority shall decide by a 15655
resolution approved by a majority of its members whether: 15656

(1) The notes shall remain in custody of the county 15657
treasurer, as issued, and allowed to mature according to the terms 15658
presented on their face with the proceeds to be distributed upon 15659
maturity pursuant to division (D) of this section; or 15660

(2) The railroad notes shall be exchanged for several new 15661
notes in denominations equal to the proportionate share, or 15662
portion thereof, of the taxing district having a share in the 15663
claim in bankruptcy as determined in division (D) of this section. 15664
The new notes shall be distributed, upon receipt, to each taxing 15665
authority in full satisfaction of its claim or in full 15666
satisfaction of the portion of its claim represented by the notes 15667
so received. If notes cannot be issued in denominations equal to 15668
the taxing district's proportionate share, the treasurer shall 15669
certify to the taxing authority of the district the amount of 15670
notes held by the treasurer on behalf of the district and for 15671
which notes cannot be issued pursuant to the taxing authority's 15672
decision under this subdivision. Upon receipt of such 15673

certification, the taxing authority may borrow money and issue 15674
notes against such certification in the same manner as is provided 15675
by division (F) of this section. 15676

If a taxing authority elects the option provided under 15677
division (E)(1) of this section, it may at any subsequent time 15678
elect instead the option provided under division (E)(2) of this 15679
section by resolution approved by a majority of its members. The 15680
election of the option provided under division (E)(2) of this 15681
section becomes final upon receipt by the taxing authority of the 15682
new notes or certification distributed by the county treasurer 15683
under such division. 15684

Each taxing authority shall certify a copy of any resolution 15685
adopted under this division to the county treasurer who shall take 15686
appropriate action as directed by each taxing authority. 15687

(F) A taxing authority having possession of any railroad note 15688
or a treasurer's certification issued under division (E)(2) of 15689
this section may, by approval of a majority of its members, borrow 15690
money and issue its note in anticipation of the revenue payable on 15691
maturity of the railroad note and pledge the railroad note or the 15692
proceeds thereof. Such anticipation note shall mature no later 15693
than the railroad note and shall be in an amount no greater than 15694
seventy per cent of the face amount of said railroad note. By like 15695
action a taxing authority may sell any railroad note in its 15696
possession at public or private offering for not less than the 15697
prevailing market price. Such a sale or borrowing shall be exempt 15698
from all other requirements and limitations of the Revised Code, 15699
including the requirements of the Uniform Bond Law. 15700

(1) If a taxing authority desires to issue delinquent tax 15701
bonds pursuant to section 131.23 of the Revised Code prior to 15702
either receipt of any payment from a railroad in bankruptcy or 15703
utilization of the authority granted in this section, the taxing 15704
authority may determine whether or not the net amount of 15705

delinquent taxes unpledged for purposes of division (B)~~(6)~~(5) of 15706
section 131.23 of the Revised Code shall include all or part of 15707
the delinquent taxes owed by a railroad, or, if notes have been 15708
received pursuant to this section, the unpaid principal amount of 15709
such notes. If the taxing authority determines that any such 15710
railroad delinquencies or note amount shall be included under 15711
section 131.23 of the Revised Code, the amount which may be 15712
borrowed pursuant to this section may not exceed seventy per cent 15713
of the total face amount of railroad notes remaining after 15714
deducting the amount so included. 15715

(2) If a taxing authority desires to issue delinquent tax 15716
bonds pursuant to section 131.23 of the Revised Code after 15717
utilization of the authority granted in this section, the net 15718
amount of delinquent taxes unpledged for purposes of division 15719
(B)~~(6)~~(5) of section 131.23 of the Revised Code may not include 15720
the principal amount of railroad notes which have been borrowed 15721
against or sold pursuant to this section. 15722

(G) When a taxing authority receives a railroad note, the 15723
face amount of such note shall not be considered as revenue for 15724
any purpose in the year in which the note is received. Upon sale 15725
or maturity of the note, any proceeds not pledged pursuant to 15726
division (F) of this section shall be considered as unanticipated 15727
revenue from a new source and all of the provisions of law 15728
pertaining to such revenue, including section 5705.36 of the 15729
Revised Code, shall apply. 15730

(H) When there are present in a county nonrepresented taxing 15731
districts as provided in amended substitute house bill 336~~7~~ of the 15732
112th general assembly, all of the provisions of this section 15733
shall apply to such districts, except as follows: 15734

(1) Payments by cash or check may be made payable, and 15735
delivered, directly to the treasurer of the taxing district. Any 15736
notes included in the settlement of the district's claim may be 15737

issued, and delivered, directly to said treasurer. 15738

Upon receipt of any of such payments, the treasurer of the 15739
taxing district shall certify, to the county treasurer of the 15740
county in which the district is located, the fact of such receipt 15741
and the amounts so received. 15742

(2) If the claim of a nonrepresented taxing district is not 15743
paid directly to the treasurer of the district but is included 15744
with payments for the remainder of the county, cash payments 15745
included in the initial settlement shall be distributed as 15746
provided in divisions (B) and (D) of this section. Any notes 15747
received as payment shall be exchanged and distributed to 15748
nonrepresented taxing districts upon receipt. 15749

Sec. 329.03. (A) As used in this section, "applicant" or 15750
"recipient" means ~~any~~ either of the following: 15751

(1) An applicant for or participant in the Ohio works first 15752
program established under Chapter 5107. of the Revised Code; 15753

~~(2) An applicant for or recipient of disability financial 15754
assistance under Chapter 5115. of the Revised Code;~~ 15755

~~(3) An applicant for or recipient of cash assistance provided 15756
under the refugee assistance program established under section 15757
5101.49 of the Revised Code. 15758~~

(B) Each county department of job and family services shall 15759
establish a direct deposit system under which cash assistance 15760
payments to recipients who agree to direct deposit are made by 15761
electronic transfer to an account in a financial institution 15762
designated under this section. No financial institution shall 15763
impose any charge for such an account that the institution does 15764
not impose on its other customers for the same type of account. 15765
Direct deposit does not affect the exemption of Ohio works first 15766
~~and disability financial assistance~~ from attachment, garnishment, 15767

or other like process afforded by ~~sections~~ section 5107.75 and 15768
~~5115.06~~ of the Revised Code. 15769

(C) Each county department of job and family services shall 15770
do all of the following: 15771

(1) Inform each applicant or recipient that the applicant or 15772
recipient must choose whether to receive cash assistance payments 15773
under the direct deposit system established under this section or 15774
under the electronic benefit transfer system established under 15775
section 5101.33 of the Revised Code; 15776

(2) Inform each applicant and recipient of the conditions 15777
under which the applicant or recipient may change the system used 15778
to receive the cash assistance payments; 15779

(3) Inform each applicant or recipient of the procedures 15780
governing the direct deposit system; 15781

(4) If an applicant or recipient chooses to receive cash 15782
assistance payments under the direct deposit system, obtain from 15783
the applicant or recipient an authorization form to designate a 15784
financial institution equipped for and authorized by law to accept 15785
direct deposits by electronic transfer and the account into which 15786
the applicant or recipient wishes the payments to be made; 15787

(5) If an applicant or recipient chooses to receive cash 15788
assistance payments under the electronic benefit transfer system 15789
established under section 5101.33 of the Revised Code, obtain from 15790
the applicant or recipient a signed form to that effect. 15791

The department may require a recipient to complete a new 15792
authorization form whenever the department considers it necessary. 15793

A recipient's designation of a financial institution and 15794
account shall remain in effect until withdrawn in writing or 15795
dishonored by the financial institution, except that no change may 15796
be made in the authorization form until the next eligibility 15797

redetermination of the recipient unless the county department 15798
determines that good cause exists for an earlier change or the 15799
financial institution dishonors the recipient's account. 15800

(D) An applicant or recipient without an account who 15801
completes an authorization form to receive cash assistance 15802
payments by direct deposit shall have ten days after receiving the 15803
authorization form to designate an account suitable for direct 15804
deposit. If within the required time the applicant or recipient 15805
does not make the designation, the recipient shall receive cash 15806
assistance payments under the electronic benefit transfer system 15807
established under section 5101.33 of the Revised Code. 15808

(E) The director of job and family services may adopt rules 15809
governing direct deposit systems established under this section. 15810

Sec. 329.04. (A) The county department of job and family 15811
services shall have, exercise, and perform the following powers 15812
and duties: 15813

(1) Perform any duties assigned by the state department of 15814
job and family services or department of medicaid regarding the 15815
provision of public family services, including the provision of 15816
the following services to prevent or reduce economic or personal 15817
dependency and to strengthen family life: 15818

(a) Services authorized by a Title IV-A program, as defined 15819
in section 5101.80 of the Revised Code; 15820

(b) Social services authorized by Title XX of the "Social 15821
Security Act" and provided for by section 5101.46 or 5101.461 of 15822
the Revised Code; 15823

(c) If the county department is designated as the child 15824
support enforcement agency, services authorized by Title IV-D of 15825
the "Social Security Act" and provided for by Chapter 3125. of the 15826
Revised Code. The county department may perform the services 15827

itself or contract with other government entities, and, pursuant 15828
to division (C) of section 2301.35 and section 2301.42 of the 15829
Revised Code, private entities, to perform the Title IV-D 15830
services. 15831

(d) Duties assigned under section 5162.031 of the Revised 15832
Code. 15833

(2) Administer disability financial assistance, as required 15834
by the state department of job and family services under section 15835
5115.03 of the Revised Code; 15836

(3) Administer burials insofar as the administration of 15837
burials was, prior to September 12, 1947, imposed upon the board 15838
of county commissioners and if otherwise required by state law; 15839

(4) Cooperate with state and federal authorities in any 15840
matter relating to family services and to act as the agent of such 15841
authorities; 15842

(5) Submit an annual account of its work and expenses to the 15843
board of county commissioners and to the state department of job 15844
and family services and department of medicaid at the close of 15845
each fiscal year; 15846

(6) Exercise any powers and duties relating to family 15847
services duties or workforce development activities imposed upon 15848
the county department of job and family services by law, by 15849
resolution of the board of county commissioners, or by order of 15850
the governor, when authorized by law, to meet emergencies during 15851
war or peace; 15852

(7) Enter into a plan of cooperation with the board of county 15853
commissioners under section 307.983, consult with the board in the 15854
development of the transportation work plan developed under 15855
section 307.985, establish with the board procedures under section 15856
307.986 for providing services to children whose families relocate 15857
frequently, and comply with the contracts the board enters into 15858

under sections 307.981 and 307.982 of the Revised Code that affect 15859
the county department; 15860

(8) For the purpose of complying with a grant agreement the 15861
board of county commissioners enters into under sections 307.98 15862
and 5101.21 of the Revised Code, exercise the powers and perform 15863
the duties the grant agreement assigns to the county department; 15864

~~(9) If the county department is designated as the workforce 15865
development agency, provide the workforce development activities 15866
specified in the contract required by section 330.05 of the 15867
Revised Code. 15868~~

(B) The powers and duties of a county department of job and 15869
family services are, and shall be exercised and performed, under 15870
the control and direction of the board of county commissioners. 15871
The board may assign to the county department any power or duty of 15872
the board regarding family services duties and workforce 15873
development activities. If the new power or duty necessitates the 15874
state department of job and family services or department of 15875
medicaid changing its federal cost allocation plan, the county 15876
department may not implement the power or duty unless the United 15877
States department of health and human services approves the 15878
changes. 15879

Sec. 329.051. The county department of job and family 15880
services shall make voter registration applications as prescribed 15881
by the secretary of state under section 3503.10 of the Revised 15882
Code available to persons who are applying for, receiving 15883
assistance from, or participating in any of the following: 15884

~~(A) The disability financial assistance program established 15885
under Chapter 5115. of the Revised Code; 15886~~

~~(B) The medicaid program; 15887~~

~~(C)~~(B) The Ohio works first program established under Chapter 15888

5107. of the Revised Code;	15889
(D) (C) The prevention, retention, and contingency program	15890
established under Chapter 5108. of the Revised Code.	15891
Sec. 329.06. (A) Except as provided in division (C) of this	15892
section and section 6301.08 of the Revised Code , the board of	15893
county commissioners shall establish a county family services	15894
planning committee. The board shall appoint a member to represent	15895
the county department of job and family services; an employee in	15896
the classified civil service of the county department of job and	15897
family services, if there are any such employees; and a member to	15898
represent the public. The board shall appoint other individuals to	15899
the committee in such a manner that the committee's membership is	15900
broadly representative of the groups of individuals and the public	15901
and private entities that have an interest in the family services	15902
provided in the county. The board shall make appointments in a	15903
manner that reflects the ethnic and racial composition of the	15904
county. The following groups and entities may be represented on	15905
the committee:	15906
(1) Consumers of family services;	15907
(2) The public children services agency;	15908
(3) The child support enforcement agency;	15909
(4) The county family and children first council;	15910
(5) Public and private colleges and universities;	15911
(6) Public entities that provide family services, including	15912
boards of health, boards of education, the county board of	15913
developmental disabilities, and the board of alcohol, drug	15914
addiction, and mental health services that serves the county;	15915
(7) Private nonprofit and for-profit entities that provide	15916
family services in the county or that advocate for consumers of	15917
family services in the county, including entities that provide	15918

services to or advocate for victims of domestic violence;	15919
(8) Labor organizations;	15920
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	15921 15922 15923 15924
(B) The county family services planning committee shall do all of the following:	15925 15926
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	15927 15928 15929 15930 15931 15932
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	15933 15934 15935 15936 15937
(a) Return of assistance groups to participation in either program after ceasing to participate;	15938 15939
(b) Teen pregnancy rates among the programs' participants;	15940
(c) The other types of assistance the programs' participants receive, including medicaid, publicly funded child care under Chapter 5104. of the Revised Code, supplemental nutrition assistance program benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;	15941 15942 15943 15944 15945 15946
(d) Other issues the committee considers appropriate.	15947
The committee shall make recommendations to the board of	15948

county commissioners and county department of job and family services regarding the committee's findings. 15949
15950

(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code; 15951
15952
15953

(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county; 15954
15955
15956

(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following: 15957
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15959
15960

(a) Implementation and administration of family service programs; 15961
15962

(b) Use of federal, state, and local funds available for family service programs; 15963
15964

(c) Establishment of goals to be achieved by family service programs; 15965
15966

(d) Evaluation of the outcomes of family service programs; 15967

(e) Any other matter the board considers relevant to the provision of family services. 15968
15969

(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity. 15970
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Sec. 340.03. (A) Subject to rules issued by the director of mental health and addiction services after consultation with 15976
15977

relevant constituencies as required by division (A)(10) of section 15978
5119.21 of the Revised Code, each board of alcohol, drug 15979
addiction, and mental health services shall: 15980

(1) Serve as the community addiction and mental health 15981
planning agency for the county or counties under its jurisdiction, 15982
and in so doing it shall: 15983

(a) Evaluate the need for facility services, addiction 15984
services, mental health services, and recovery supports; 15985

(b) In cooperation with other local and regional planning and 15986
funding bodies and with relevant ethnic organizations, evaluate 15987
strengths and challenges and set priorities for addiction 15988
services, mental health services, and recovery supports. A board 15989
shall include treatment and prevention services when setting 15990
priorities for addiction services and mental health services. When 15991
a board sets priorities for addiction services, the board shall 15992
consult with the county commissioners of the counties in the 15993
board's service district regarding the services described in 15994
section 340.15 of the Revised Code and shall give priority to 15995
those services, except that those services shall not have a 15996
priority over services provided to pregnant women under programs 15997
developed in relation to the mandate established in section 15998
5119.17 of the Revised Code. 15999

(c) In accordance with guidelines issued by the director of 16000
mental health and addiction services under division (F) of section 16001
5119.22 of the Revised Code, annually develop and submit to the 16002
department of mental health and addiction services a community 16003
addiction and mental health plan that addresses both of the 16004
following: 16005

(i) The needs of all residents of the district currently 16006
receiving inpatient services in state-operated hospitals, the 16007
needs of other populations as required by state or federal law or 16008

programs, and the needs of all children subject to a determination 16009
made pursuant to section 121.38 of the Revised Code; 16010

(ii) The department's priorities for facility services, 16011
addiction services, mental health services, and recovery supports 16012
during the period for which the plan will be in effect. The 16013
department shall inform all of the boards of the department's 16014
priorities in a timely manner that enables the boards to know the 16015
department's priorities before the boards develop and submit the 16016
plans. 16017

In alcohol, drug addiction, and mental health service 16018
districts that have separate alcohol and drug addiction services 16019
and community mental health boards, the alcohol and drug addiction 16020
services board shall submit a community addiction plan and the 16021
community mental health board shall submit a community mental 16022
health plan. Each board shall consult with its counterpart in 16023
developing its plan and address the interaction between the local 16024
addiction and mental health systems and populations with regard to 16025
needs and priorities in developing its plan. 16026

The department shall approve or disapprove the plan, in whole 16027
or in part, in accordance with division (G) of section 5119.22 of 16028
the Revised Code. Eligibility for state and federal funding shall 16029
be contingent upon an approved plan or relevant part of a plan. 16030

If a board determines that it is necessary to amend an 16031
approved plan, the board shall submit a proposed amendment to the 16032
director. The director shall approve or disapprove all or part of 16033
the amendment in accordance with division (H) of section 5119.22 16034
of the Revised Code. 16035

The board shall operate in accordance with the plan approved 16036
by the department. 16037

(d) Promote, arrange, and implement working agreements with 16038
social agencies, both public and private, and with judicial 16039

agencies. 16040

(2) Investigate, or request another agency to investigate, 16041
any complaint alleging abuse or neglect of any person receiving 16042
addiction services, mental health services, or recovery supports 16043
from a community addiction services provider or community mental 16044
health services provider or alleging abuse or neglect of a 16045
resident receiving addiction services or with mental illness or 16046
severe mental disability residing in a residential facility 16047
licensed under section 5119.34 of the Revised Code. If the 16048
investigation substantiates the charge of abuse or neglect, the 16049
board shall take whatever action it determines is necessary to 16050
correct the situation, including notification of the appropriate 16051
authorities. Upon request, the board shall provide information 16052
about such investigations to the department. 16053

(3) For the purpose of section 5119.36 of the Revised Code, 16054
cooperate with the director of mental health and addiction 16055
services in visiting and evaluating whether the certifiable 16056
services and supports of a community addiction services provider 16057
or community mental health services provider satisfy the 16058
certification standards established by rules adopted under that 16059
section; 16060

(4) In accordance with criteria established under division 16061
(D) of section 5119.22 of the Revised Code, conduct program audits 16062
that review and evaluate the quality, effectiveness, and 16063
efficiency of addiction services, mental health services, and 16064
recovery supports provided by community addiction services 16065
providers and community mental health services providers under 16066
contract with the board and submit the board's findings and 16067
recommendations to the department of mental health and addiction 16068
services; 16069

(5) In accordance with section 5119.34 of the Revised Code, 16070
review an application for a residential facility license and 16071

provide to the department of mental health and addiction services 16072
any information about the applicant or facility that the board 16073
would like the department to consider in reviewing the 16074
application; 16075

(6) Audit, in accordance with rules adopted by the auditor of 16076
state pursuant to section 117.20 of the Revised Code, at least 16077
annually all programs, addiction services, mental health services, 16078
and recovery supports provided under contract with the board. In 16079
so doing, the board may contract for or employ the services of 16080
private auditors. A copy of the fiscal audit report shall be 16081
provided to the director of mental health and addiction services, ~~the~~ 16082
~~auditor of state,~~ and the county auditor of each county in the 16083
board's district. 16084

(7) Recruit and promote local financial support for addiction 16085
services, mental health services, and recovery supports from 16086
private and public sources; 16087

(8) In accordance with guidelines issued by the department as 16088
necessary to comply with state and federal laws pertaining to 16089
financial assistance, approve fee schedules and related charges or 16090
adopt a unit cost schedule or other methods of payment for 16091
addiction services, mental health services, and recovery supports 16092
provided by community addiction services providers and community 16093
mental health services providers that have contracted with the 16094
board under section 340.036 of the Revised Code; 16095

(9) Submit to the director and the county commissioners of 16096
the county or counties served by the board, and make available to 16097
the public, an annual report of the addiction services, mental 16098
health services, and recovery supports under the jurisdiction of 16099
the board, including a fiscal accounting; 16100

(10) Establish a method for evaluating referrals for 16101
court-ordered treatment and affidavits filed pursuant to section 16102

5122.11 of the Revised Code in order to assist the probate 16103
division of the court of common pleas in determining whether there 16104
is probable cause that a respondent is subject to court-ordered 16105
treatment and whether alternatives to hospitalization are 16106
available and appropriate; 16107

(11) Designate the treatment services, provider, facility, or 16108
other placement for each person involuntarily committed to the 16109
board pursuant to Chapter 5122. of the Revised Code. The board 16110
shall provide the least restrictive and most appropriate 16111
alternative that is available for any person involuntarily 16112
committed to it and shall assure that the list of addiction 16113
services, mental health services, and recovery supports submitted 16114
and approved in accordance with division (B) of section 340.08 of 16115
the Revised Code are available to severely mentally disabled 16116
persons residing within its service district. The board shall 16117
establish the procedure for authorizing payment for the services 16118
and supports, which may include prior authorization in appropriate 16119
circumstances. In accordance with section 340.037 of the Revised 16120
Code, the board may provide addiction services and mental health 16121
services directly to a severely mentally disabled person when life 16122
or safety is endangered and when no community addiction services 16123
provider or community mental health services provider is available 16124
to provide the service. 16125

(12) Ensure that housing built, subsidized, renovated, 16126
rented, owned, or leased by the board or a community addiction 16127
services provider or community mental health services provider has 16128
been approved as meeting minimum fire safety standards and that 16129
persons residing in the housing have access to appropriate and 16130
necessary services, including culturally relevant services, from a 16131
community addiction services provider or community mental health 16132
services provider. This division does not apply to residential 16133
facilities licensed pursuant to section 5119.34 of the Revised 16134

Code.	16135
(13) Establish a mechanism for obtaining advice and involvement of persons receiving addiction services, mental health services, or recovery supports on matters pertaining to services and supports in the alcohol, drug addiction, and mental health service district;	16136 16137 16138 16139 16140
(14) Perform the duties required by rules adopted under section 5119.22 of the Revised Code regarding referrals by the board or community mental health services providers under contract with the board of individuals with mental illness or severe mental disability to class two residential facilities licensed under section 5119.34 of the Revised Code and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals.	16141 16142 16143 16144 16145 16146 16147 16148 16149 16150
(B) Each board of alcohol, drug addiction, and mental health services shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.	16151 16152 16153 16154
(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor.	16155 16156 16157 16158 16159 16160 16161 16162 16163 16164 16165

(D) No member or employee of a board of alcohol, drug 16166
addiction, and mental health services shall be liable for injury 16167
or damages caused by any action or inaction taken within the scope 16168
of the member's official duties or the employee's employment, 16169
whether or not such action or inaction is expressly authorized by 16170
this section or any other section of the Revised Code, unless such 16171
action or inaction constitutes willful or wanton misconduct. 16172
Chapter 2744. of the Revised Code applies to any action or 16173
inaction by a member or employee of a board taken within the scope 16174
of the member's official duties or employee's employment. For the 16175
purposes of this division, the conduct of a member or employee 16176
shall not be considered willful or wanton misconduct if the member 16177
or employee acted in good faith and in a manner that the member or 16178
employee reasonably believed was in or was not opposed to the best 16179
interests of the board and, with respect to any criminal action or 16180
proceeding, had no reasonable cause to believe the conduct was 16181
unlawful. 16182

(E) The meetings held by any committee established by a board 16183
of alcohol, drug addiction, and mental health services shall be 16184
considered to be meetings of a public body subject to section 16185
121.22 of the Revised Code. 16186

Sec. 340.032. Subject to rules adopted by the director of 16187
mental health and addiction services after consultation with 16188
relevant constituencies as required by division (A)(10) of section 16189
5119.21 of the Revised Code, each board of alcohol, drug 16190
addiction, and mental health services shall do all of the 16191
following: 16192

(A) Establish, to the extent resources are available, a 16193
community-based continuum of care that includes, ~~except as~~ 16194
~~otherwise authorized by a time limited waiver issued under~~ 16195
~~division (A)(1) of section 5119.221 of the Revised Code,~~ all of 16196

the following as essential elements:	16197
(1) Prevention and wellness management services;	16198
(2) At least both of the following outreach and engagement activities:	16199
(a) Locating persons in need of addiction services and persons in need of mental health services to inform them of available addiction services, mental health services, and recovery supports;	16200
(b) Helping persons who receive addiction services and persons who receive mental health services obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income.	16201
(3) Assessment services;	16202
(4) Care coordination;	16203
(5) Residential services;	16204
(6) At least the following outpatient services:	16205
(a) Nonintensive;	16206
(b) Intensive, such as partial hospitalization and assertive community treatment;	16207
(c) Withdrawal management;	16208
(d) Emergency and crisis.	16209
(7) Where appropriate, at least the following inpatient services:	16210
(a) Psychiatric care;	16211
(b) Medically managed alcohol or drug treatment.	16212
(8) At least all of the following recovery supports:	16213
(a) Peer support;	16214
(b) Intensive, such as partial hospitalization and assertive community treatment;	16215
(c) Withdrawal management;	16216
(d) Emergency and crisis.	16217
(7) Where appropriate, at least the following inpatient services:	16218
(a) Psychiatric care;	16219
(b) Medically managed alcohol or drug treatment.	16220
(8) At least all of the following recovery supports:	16221
(a) Peer support;	16222
(b) Intensive, such as partial hospitalization and assertive community treatment;	16223

(b) A wide range of housing and support services, including recovery housing;	16224 16225
(c) Employment, vocational, and educational opportunities;	16226
(d) Assistance with social, personal, and living skills;	16227
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	16228 16229
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	16230 16231 16232
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	16233 16234 16235
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	16236 16237 16238 16239
(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;	16240 16241
(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.	16242 16243 16244
Sec. 340.033. The array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction required by section 340.032 of the Revised Code to be included in a community-based continuum of care established under that section shall include, except as otherwise authorized by a waiver issued under division (A)(2) of section 5119.221 of the Revised Code, at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer support, residential services, recovery housing pursuant to	16245 16246 16247 16248 16249 16250 16251 16252 16253

section 340.034 of the Revised Code, and multiple paths to 16254
recovery such as twelve-step approaches. The services and supports 16255
shall be made available in the service district of each board of 16256
alcohol, drug addiction, and mental health services, except ~~that~~ 16257
sub-acute as provided by either of the following: 16258

(A) Sub-acute detoxification and residential services may be 16259
made available through a contract with one or more providers of 16260
sub-acute detoxification or residential services located in other 16261
service districts. ~~The~~ 16262

(B) To the extent authorized by a time-limited waiver issued 16263
under section 5119.221 of the Revised Code, ambulatory 16264
detoxification and medication-assisted treatment may be made 16265
available through a contract with one or more community addiction 16266
services providers located not more than thirty miles beyond the 16267
borders of the board's service district. 16268

The services and supports shall be made available in a manner 16269
that ensures that recipients are able to access the services and 16270
supports they need for opioid and co-occurring drug addiction in 16271
an integrated manner and in accordance with their assessed needs 16272
when changing or obtaining additional addiction services or 16273
recovery supports for such addiction. An individual seeking a 16274
service or support for opioid and co-occurring drug addiction 16275
included in a community-based continuum of care shall not be 16276
denied the service or support on the basis of the individual's 16277
prior experience with the service or support. 16278

Sec. 340.08. In accordance with rules or guidelines issued by 16279
the director of mental health and addiction services, each board 16280
of alcohol, drug addiction, and mental health services shall do 16281
all of the following: 16282

(A) Submit to the department of mental health and addiction 16283

services a proposed budget of receipts and expenditures for all 16284
federal, state, and local moneys the board expects to receive. 16285

(1) The proposed budget shall identify funds the board has 16286
available for included opioid and co-occurring drug addiction 16287
services and recovery supports. 16288

(2) The proposed budget shall identify funds the board and 16289
public children services agencies in the board's service district 16290
have available to fund jointly the services described in section 16291
340.15 of the Revised Code. 16292

(3) The board's proposed budget for expenditures of state and 16293
federal funds distributed to the board by the department shall be 16294
deemed an application for funds, and the department shall approve 16295
or disapprove the budget for these expenditures in whole or in 16296
part in accordance with division (G) of section 5119.22 of the 16297
Revised Code. 16298

If a board determines that it is necessary to amend an 16299
approved budget, the board shall submit a proposed amendment to 16300
the director. The director shall approve or disapprove all or part 16301
of the amendment in accordance with division (H) of section 16302
5119.22 of the Revised Code. 16303

(B) Submit to the department a proposed list of addiction 16304
services, mental health services, and recovery supports the board 16305
intends to make available. ~~Except as otherwise authorized by a~~ 16306
~~time limited waiver issued under division (A)(1) of section~~ 16307
~~5119.221 of the Revised Code, the~~ The board shall include the 16308
services and supports required by section 340.032 of the Revised 16309
Code to be included in the community-based continuum of care and 16310
the services required by section 340.15 of the Revised Code. The 16311
board shall explain the manner in which the board intends to make 16312
such services and supports available. The list shall be compatible 16313
with the budget submitted pursuant to division (A) of this 16314

section. The department shall approve or disapprove the list in 16315
whole or in part in accordance with division (G) of section 16316
5119.22 of the Revised Code. 16317

If a board determines that it is necessary to amend an 16318
approved list, the board shall submit a proposed amendment to the 16319
director. The director shall approve or disapprove all or part of 16320
the amendment in accordance with division (H) of section 5119.22 16321
of the Revised Code. 16322

(C) Enter into a continuity of care agreement with the state 16323
institution operated by the department of mental health and 16324
addiction services and designated as the institution serving the 16325
district encompassing the board's service district. The continuity 16326
of care agreement shall outline the department's and the board's 16327
responsibilities to plan for and coordinate with each other to 16328
address the needs of board residents who are patients in the 16329
institution, with an emphasis on managing appropriate hospital bed 16330
day use and discharge planning. The continuity of care agreement 16331
shall not require the board to provide addiction services, mental 16332
health services, or recovery supports other than those on the list 16333
of services and supports submitted by the board pursuant to 16334
division (B) of this section and approved by the department in 16335
accordance with division (G) of section 5119.22 of the Revised 16336
Code. 16337

(D) In conjunction with the department, operate a coordinated 16338
system for tracking and monitoring persons found not guilty by 16339
reason of insanity and committed pursuant to section 2945.40 of 16340
the Revised Code who have been granted a conditional release and 16341
persons found incompetent to stand trial and committed pursuant to 16342
section 2945.39 of the Revised Code who have been granted a 16343
conditional release. The system shall do all of the following: 16344

(1) Centralize responsibility for the tracking of those 16345
persons; 16346

(2) Provide for uniformity in monitoring those persons;	16347
(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.	16348 16349 16350
(E) Submit to the department a report summarizing all of the following:	16351 16352
(1) Complaints and grievances received by the board concerning the rights of persons seeking or receiving addiction services, mental health services, or recovery supports;	16353 16354 16355
(2) Investigations of the complaints and grievances;	16356
(3) Outcomes of the investigations.	16357
(F) Provide to the department information to be submitted to the community behavioral health information system or systems established by the department under Chapter 5119. of the Revised Code.	16358 16359 16360 16361
(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.	16362 16363 16364 16365 16366 16367
(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.	16368 16369 16370 16371
Sec. 341.12. (A) In a county not having a sufficient jail or staff, subject to division (B) of this section, the sheriff shall convey any person charged with the commission of an offense, sentenced to imprisonment in the county jail, or in custody upon civil process to a jail in any county the sheriff considers most	16372 16373 16374 16375 16376

convenient and secure. As used in this paragraph, any county 16377
includes a contiguous county in an adjoining state. 16378

The sheriff may call such aid as is necessary in guarding, 16379
transporting, or returning such person. Whoever neglects or 16380
refuses to render such aid, when so called upon, shall forfeit and 16381
pay the sum of ten dollars, to be recovered by an action in the 16382
name and for the use of the county. 16383

Such sheriff and the sheriff's assistants shall receive such 16384
compensation for their services as the county auditor of the 16385
county from which such person was removed considers reasonable. 16386
The compensation shall be paid from the county treasury on the 16387
warrant of the auditor. 16388

The receiving sheriff shall not, pursuant to this section, 16389
convey the person received to any county other than the one from 16390
which the person was removed. 16391

(B)(1) If Lawrence county does not have sufficient jail space 16392
in the county or staff based upon the minimum standards for jails 16393
in Ohio promulgated pursuant to section 5120.10 of the Revised 16394
Code, instead of conveying a person in a category described in 16395
division (A) of this section to a jail in any county pursuant to 16396
that division, the Lawrence county sheriff may convey the person 16397
to the Ohio river valley facility in accordance with section 16398
341.121 of the Revised Code if an agreement for the Lawrence 16399
county sheriff's use of a portion of that facility entered into 16400
under that section then is in effect. 16401

(2) If a county other than Lawrence county does not have 16402
sufficient jail space or staff based upon the minimum standards 16403
for jails in Ohio promulgated pursuant to section 5120.10 of the 16404
Revised Code and has entered into an agreement to jail persons 16405
with the Lawrence county sheriff, instead of conveying a person in 16406
a category described in division (A) of this section to a jail in 16407

any county pursuant to that division, the sheriff of the other 16408
county may convey the person to the Ohio river valley facility in 16409
accordance with section 341.121 of the Revised Code if an 16410
agreement for the Lawrence county sheriff's use of a portion of 16411
that facility entered into under that section then is in effect. 16412

(3) As used in divisions (B)(1) and (2) of this section, 16413
"Ohio river valley facility" has the same meaning as in section 16414
341.121 of the Revised Code. 16415

Sec. 341.121. (A) As used in this section, "Ohio river valley 16416
facility" means the former Ohio river valley juvenile correctional 16417
facility in Franklin Furnace, Scioto county, that formerly was 16418
operated by the department of youth services. 16419

(B) The board of county commissioners of Lawrence county and 16420
the director of administrative services may enter into an 16421
agreement pursuant to which the sheriff of Lawrence county may use 16422
a specified portion of the Ohio river valley facility as a jail 16423
for Lawrence county. The agreement shall not provide for transfer 16424
of ownership of any portion of the Ohio river valley facility to 16425
Lawrence county. If the board and the department enter into an 16426
agreement of this nature, on and after the effective date of the 16427
agreement, all of the following apply: 16428

(1) The sheriff of Lawrence county may use the specified 16429
portion of the Ohio river valley facility for the confinement of 16430
persons charged with a violation of a law or municipal ordinance, 16431
sentenced or ordered to confinement for such a violation in a 16432
jail, or in custody upon civil process, if the violation occurred 16433
or the person was taken into custody under the civil process 16434
within Lawrence county or within another county that has entered 16435
into an agreement with the sheriff pursuant to division (B)(2) of 16436
section 341.12 of the Revised Code for the confinement of such 16437
persons; 16438

(2) Any use of the specified portion of the Ohio river valley facility for the confinement of a juvenile who is alleged to be or is adjudicated a delinquent child or juvenile traffic offender shall be in accordance with Chapter 2152. of the Revised Code;

(3) If the sheriff of Lawrence county uses the specified portion of the Ohio river valley facility for one or more of the purposes listed in division (B)(1) of this section and division (B)(2) of section 341.12 of the Revised Code, all of the following apply during that use of that portion of the facility and during the period covered by the agreement entered into pursuant to division (B) of this section:

(a) The sheriff has charge of the specified portion of the facility pursuant to that agreement and all persons confined in it, and shall keep those persons safely, attend to that portion of the facility, and regulate that portion of the facility according to the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code;

(b) The sheriff has all responsibilities and duties regarding the operation and management of the specified portion of the facility, including, but not limited to, safe and secure operation of and staffing for the jail facility, food services, medical services, and other programs, services, and treatment of persons confined in it, and conveyance to and from that portion of the facility of persons who are to be or who have been confined in it, in the same manner as if that facility was a Lawrence county jail;

(c) The sheriff may enter into one or more shared service agreements with any other entity leasing buildings at the Ohio river valley facility regarding any of the responsibilities and duties described in division (B)(3)(b) of this section or regarding any other service related to the operation of the facility;

(d) All provisions of Chapter 341. of the Revised Code, 16470
except for sections 341.13 to 341.18 of the Revised Code, apply 16471
with respect to the specified portion of the Ohio river valley 16472
facility and to the sheriff in the same manner as if that portion 16473
of the facility was a Lawrence county jail, and sections 341.13 to 16474
341.18 of the Revised Code apply with respect to that portion of 16475
the facility and the sheriff if that portion of the facility is 16476
used for confinement of persons from a county other than Lawrence 16477
county pursuant to an agreement as described in division (B)(2) of 16478
section 341.12 of the Revised Code; 16479

(e) Lawrence county has all responsibility for the costs of 16480
operation of the specified portion of the facility, and for all 16481
potential liability related to the use or operation of that 16482
portion of the facility and damages to it, in the same manner as 16483
if that facility was a Lawrence county jail; 16484

(f) The sheriff has all responsibility for investigating 16485
crimes and quelling disturbances that occur in the specified 16486
portion of the facility, and for assisting in the prosecution of 16487
such crimes, and the prosecuting attorney of Lawrence county and 16488
prosecutors of municipal corporations located in Lawrence county 16489
have responsibility for prosecution of such crimes, in the same 16490
manner as if that facility was a Lawrence county jail; 16491

(g) The sheriff's use of the specified portion of the 16492
facility shall be in accordance with the terms of the agreement, 16493
to the extent that the terms are not in conflict with divisions 16494
(B)(1), (2), and (3) of this section. 16495

~~(5)~~(4) If the sheriff of Lawrence county uses the specified 16496
portion of the Ohio river valley facility for one or more of the 16497
purposes listed in division (B)(1) of this section and division 16498
(B)(2) of section 341.12 of the Revised Code and subsequently 16499
ceases to use the specified portion of the facility for those 16500
purposes, the sheriff shall vacate the facility and control of the 16501

specified portion of the facility immediately shall revert to the state. 16502
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(C) If, prior to the effective date of this amendment, the board of county commissioners of Lawrence county and the director of administrative services entered into an agreement under division (B) of this section for the use by the sheriff of Lawrence county of a specified portion of the Ohio river valley facility as a jail for the county and if, as of that effective date, either party has failed to comply with the terms of the agreement, both of the following apply: 16504
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(1) On the effective date of this amendment, control of the specified portion of the facility immediately shall revert to the state. 16512
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(2) On and after the effective date of this amendment, the sheriff has no authority to use the specified portion of the facility as a jail for Lawrence county. 16515
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Sec. 341.25. (A) The sheriff may establish a commissary for the jail. The commissary may be established either in-house or by another arrangement. If a commissary is established, all persons incarcerated in the jail shall receive commissary privileges. A person's purchases from the commissary shall be deducted from the person's account record in the jail's business office. The commissary shall provide for the distribution to indigent persons incarcerated in the jail necessary hygiene articles and writing materials. 16518
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(B)(1) If a commissary is established, the sheriff shall establish a commissary fund for the jail. The management of funds in the commissary fund shall be strictly controlled in accordance with procedures adopted by the auditor of state. ~~Commissary~~ 16527
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(2) Commissary fund revenue over and above operating costs 16531

and reserve shall be considered profits. ~~All~~ 16532

(3) All profits from the commissary fund shall be used to for 16533
the following: 16534

(a) To purchase supplies and equipment, and to provide life 16535
skills training and education or treatment services, or both, for 16536
the benefit of persons incarcerated in the jail, ~~and to;~~ 16537

(b) To pay salary and benefits for employees of the sheriff 16538
who work in or are employed for the purpose of providing service 16539
to the commissary; 16540

(c) To purchase technology designed to prevent contraband 16541
from entering the jail. The 16542

(4) The sheriff shall adopt rules for the operation of any 16543
commissary fund the sheriff establishes. 16544

Sec. 503.56. (A) As used in this section: 16545

(1) "Tourism development district" means a district 16546
designated by a township under this section. 16547

(2) "Territory of a tourism development district" means all 16548
of the area included within the territorial boundaries of a 16549
tourism development district. 16550

(3) "Business" means a sole proprietorship, a corporation for 16551
profit, a pass-through entity as defined in section 5733.04 of the 16552
Revised Code, the federal government, the state, the state's 16553
political subdivisions, a nonprofit organization, or a school 16554
district. A business "operates within the proposed district" if 16555
the business would be subject to a tax levied in the proposed 16556
tourism development district pursuant to division ~~(A)(2)~~(C) of 16557
section 5739.101 of the Revised Code. 16558

(4) "Owner" means a partner of a partnership, a member of a 16559
limited liability company, a majority shareholder of an S 16560

corporation, a person with a majority ownership interest in a 16561
pass-through entity, or any officer, employee, or agent with the 16562
authority to make decisions legally binding upon a business. The 16563
signature of any owner of a business operates as the signature of 16564
the business. 16565

(5) "Eligible township" means a township wholly or partly 16566
located in a county having a population greater than three hundred 16567
seventy-five thousand but less than four hundred thousand that 16568
levies taxes under section 5739.021 or 5739.026 of the Revised 16569
Code, the aggregate rate of which does not exceed one-half of one 16570
per cent on ~~the effective date of the enactment of this section~~ 16571
September 29, 2015. 16572

(B)(1) The board of trustees of an eligible township, by 16573
resolution, may declare an unincorporated area of the township to 16574
be a tourism development district for the purpose of fostering and 16575
developing tourism in the district if all of the following 16576
criteria are met: 16577

(a) The district's area does not exceed ~~two~~ six hundred 16578
acres. 16579

(b) All territory in the district is contiguous. 16580

(c) Before adopting that resolution or ordinance, the board 16581
holds at least two public hearings concerning the creation of the 16582
tourism development district. 16583

(d) Before adopting the resolution or ordinance, the board 16584
receives a petition signed by every record owner of a parcel of 16585
real property located in the proposed district and the owner of 16586
every business that operates in the proposed district. 16587

(e) The board adopts the resolution on or before December 31, 16588
~~2018~~ 2020. 16589

(2) The petition described in division (B)(1)(d) of this 16590

section shall include an explanation of the taxes and charges that
may be levied or imposed in the proposed district.

(3) The board shall certify the resolution to the tax
commissioner within five days after its adoption, along with a
description of the boundaries of the district authorized in the
resolution. That description shall include sufficient information
for the commissioner to determine if the address of a vendor is
within the boundaries of the district.

(4) Subject to the limitations of division (B)(1)(a) and (b)
of this section, the board of trustees of an eligible township may
enlarge the territory of an existing tourism development district
in the manner prescribed for the creation of a district under
divisions (B)(1) to (3) of this section, except that the petition
described in division (B)(1)(d) of this section must be signed by
every record owner of a parcel of real property located in the
area proposed to be added to the district and the owner of every
business that operates in the area proposed to be added to the
district.

(C) For the purpose of fostering and developing tourism in a
tourism development district, a lessor leasing real property in a
tourism development district may impose and collect a uniform fee
on each parcel of real property leased by the lessor, to be paid
by each of the person's lessees. A lessee is subject to such a fee
only if the lease separately states the amount of the fee. Before
a lessor may impose and collect such a fee, the lessor shall file
a copy of such lease with the fiscal officer of the township that
designated the tourism development district. A lessor that imposes
such a fee shall remit all collections of the fee to the fiscal
officer of the township in which the real property is located.

The board shall establish all regulations necessary to
provide for the administration and remittance of such fees. The
regulations may prescribe the time for payment of the fee, and may

provide for the imposition of a penalty or interest, or both, for 16623
late remittances, provided that the penalty does not exceed ten 16624
per cent of the amount of fee due, and the rate at which interest 16625
accrues does not exceed the rate per annum prescribed pursuant to 16626
section 5703.47 of the Revised Code. The regulations shall 16627
provide, after deducting the real and actual costs of 16628
administering the fee, that the revenue be used exclusively for 16629
fostering and developing tourism within the tourism development 16630
district. 16631

(D) The board of trustees of an eligible township that has 16632
designated a tourism development district under this section may 16633
levy one or both of the taxes authorized under section 503.57 or 16634
5739.101 of the Revised Code. 16635

(E) On or before the first day of each January and ~~June~~ July, 16636
beginning after the designation of the tourism development 16637
district, the fiscal officer of the township shall certify a list 16638
of vendors located within the tourism development district to the 16639
tax commissioner, which shall include the name, address, and 16640
vendor's license number for each vendor. 16641

Sec. 503.70. (A) As used in this section, "advertising" means 16642
internet banners and icons that may contain links to commercial 16643
internet web sites. Advertising does not include spyware, malware, 16644
or any viruses or programs considered to be malicious. 16645

(B) A board of township trustees may, by resolution, 16646
authorize the use of commercial advertising on the township's web 16647
site. The use of commercial advertising must comply with state and 16648
federal law, including section 9.03 of the Revised Code, and any 16649
federal regulations or guidelines on the use of commercial 16650
advertising on the .gov internet domain or other federally 16651
controlled public domains. 16652

(C) The resolution shall specify the manner of making 16653

requests for proposals that identify advertisers whose 16654
advertisements will meet the criteria specified in the request for 16655
proposals and any requirements and limitations specified in the 16656
resolution. 16657

(D) The board of township trustees may enter into a contract 16658
with a qualified advertiser for the placement of commercial 16659
advertising on the township's web site in exchange for a fee paid 16660
by the advertiser to the township general fund. 16661

Sec. 505.94. (A) A board of township trustees may, by 16662
resolution, require the registration of all transient vendors 16663
within the unincorporated territory of the township and may 16664
regulate the time, place, and manner in which these vendors may 16665
sell, offer for sale, or solicit orders for future delivery of 16666
goods, ~~or the board may, by resolution, prohibit these activities~~ 16667
~~within that territory.~~ A board of township trustees also may, by 16668
resolution, prohibit solicitation at any residence at which the 16669
owner or tenant has posted a sign on the property prohibiting 16670
solicitation or for which the owner or tenant has filed a no 16671
solicitation registration form with the township, on a form 16672
prescribed by the board. If the board requires the registration of 16673
all transient vendors, it may establish a reasonable registration 16674
fee, not to exceed one hundred fifty dollars for a registration 16675
period, and this registration shall be valid for a period of at 16676
least ninety days after the date of registration. ~~Any~~ 16677

Any board of township trustees that provides for the 16678
registration and regulation, ~~or prohibition,~~ of transient vendors 16679
under this section shall notify the prosecuting attorney of the 16680
county in which the township is located of its registration and 16681
regulatory requirements ~~or prohibition.~~ No transient vendor shall 16682
fail to register or to comply with regulations ~~or prohibitions~~ 16683
established by a board of township trustees under this division. 16684

This division does not authorize a board of township trustees 16685
to apply a resolution it adopts under this division to any person 16686
invited by an owner or tenant to visit the owner's or tenant's 16687
premises to sell, offer for sale, or solicit orders for future 16688
delivery of goods. 16689

(B) As used in this section: 16690

(1) "Goods" means goods, wares, services, merchandise, 16691
periodicals, and other articles or publications. 16692

(2) "Transient vendor" means any person who opens a temporary 16693
place of business for the sale of goods or who, on the streets or 16694
while traveling about the township, sells or offers for sale 16695
goods, ~~or~~ solicits orders for future delivery of goods ~~where~~ 16696
~~payment is required prior to the delivery of the goods, or~~ 16697
attempts to arrange an appointment for a future estimate or sales 16698
call. "Transient vendor" does not include any person who 16699
represents any entity exempted from taxation under section 5709.04 16700
of the Revised Code, ~~that notifies the board of township trustees~~ 16701
~~that its representatives are present in the township for the~~ 16702
~~purpose of selling or offering for sale goods, or soliciting~~ 16703
~~orders for future delivery of goods, or attempting to arrange an~~ 16704
~~appointment for a future estimate or sales call, and does not~~ 16705
~~include a or any~~ person licensed under Chapter 4707. of the 16706
Revised Code. 16707

Sec. 507.12. (A) To enhance the background and working 16708
knowledge of township fiscal officers in government accounting, 16709
budgeting and financing, financial report preparation, 16710
cybersecurity, and the rules adopted by the auditor of state, the 16711
auditor of state shall conduct education programs and continuing 16712
education courses for individuals elected or appointed for the 16713
first time to the office of township fiscal officer, and shall 16714
conduct continuing education courses for individuals who continue 16715

to hold the office in a subsequent term. The Ohio township 16716
association also may conduct such initial education programs and 16717
continuing education courses if approved by the auditor of state. 16718
The auditor of state, in conjunction with the Ohio township 16719
association, shall determine the manner and content of the initial 16720
education programs and continuing education courses. 16721

(B) A newly elected or appointed township fiscal officer 16722
shall complete at least six hours of initial education programs 16723
before commencing, or during the first year of, office. A township 16724
fiscal officer who participates in a training program held under 16725
section 117.44 of the Revised Code may apply those hours taken 16726
before commencing office to the six hours of initial education 16727
programs required under this division. 16728

(C)(1) In addition to the six hours of initial education 16729
required under division (B) of this section, a newly elected 16730
township fiscal officer shall complete at least a total of 16731
eighteen continuing education hours during the township fiscal 16732
officer's first term of office. 16733

(2) A township fiscal officer who is elected to a subsequent 16734
term of office shall complete twelve hours of continuing education 16735
courses in each subsequent term of office. 16736

(3) The auditor of state shall adopt rules specifying the 16737
initial education programs and continuing education courses that 16738
are required for a township fiscal officer who has been appointed 16739
to fill a vacancy. The requirements shall be proportionally 16740
equivalent, based on the time remaining in the vacated office, to 16741
the requirements for a newly elected township fiscal officer. 16742

(4) At least two hours of ethics instruction shall be 16743
included in the continuing education hours required by divisions 16744
(C)(1) and (2) of this section. 16745

(5) A township fiscal officer who participates in a training 16746

program or seminar established under section 109.43 of the Revised Code may apply the three hours of training to the continuing education hours required by divisions (C)(1) and (2) of this section. 16747
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(D)(1) A certified public accountant who serves as a township fiscal officer may apply to the continuing education hours required by division (C) of this section any hours of continuing education completed under section 4701.11 of the Revised Code after being elected or appointed as a township fiscal officer. 16751
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(2) A township fiscal officer may apply to the continuing education hours required by division (C) of this section any hours of continuing education completed under section 135.22 of the Revised Code after being elected or appointed as a township fiscal officer. 16756
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(3) A township fiscal officer who teaches an approved continuing education course under division (C) of this section is entitled to credit for the course in the same manner as if the township fiscal officer had attended the course. 16761
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(E) The auditor of state shall adopt rules for verifying the completion of initial education programs and continuing education courses required under this section. The auditor of state shall issue a certificate of completion to each township fiscal officer who completes the initial education programs and continuing education courses. The auditor of state shall issue a "failure to complete" notice to any township fiscal officer who is required to complete initial education programs and continuing education courses under this section, but who fails to do so. The notice is for informational purposes only and does not affect any individual's ability to hold the office of township fiscal officer. 16765
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16776

(F) Each board of township trustees shall approve a 16777

reasonable amount requested by the township fiscal officer to 16778
cover the costs the township fiscal officer is required to incur 16779
to meet the requirements of this section, including registration 16780
fees, lodging and meal expenses, and travel expenses. 16781

Sec. 507.13. (A)(1) If a township fiscal officer purposely, 16782
knowingly, or recklessly fails to perform a fiscal duty expressly 16783
imposed by law with respect to the fiscal duties of the office of 16784
township fiscal officer or purposely, knowingly, or recklessly 16785
commits any act expressly prohibited by law with respect to the 16786
fiscal duties of that office, four residents of the township may 16787
submit sworn affidavits alleging the violation, together with 16788
evidence supporting the allegations, to the auditor of state. The 16789
sworn affidavits and evidence shall be submitted in the format 16790
prescribed by rule of the auditor of state under section 117.45 of 16791
the Revised Code. A person who makes a false statement in a sworn 16792
affidavit, for purposes of this section, is guilty of 16793
falsification under section 2921.13 of the Revised Code. 16794

(2) The auditor of state shall review the sworn affidavits 16795
and the evidence. Within ~~ten business~~ thirty calendar days after 16796
receiving the sworn affidavits, unless, for good cause, additional 16797
time is required, the auditor of state shall determine whether 16798
clear and convincing evidence supports the allegations. If the 16799
auditor of state finds that no allegation is supported by clear 16800
and convincing evidence, the auditor of state shall submit those 16801
findings in writing to the township fiscal officer and the persons 16802
who initiated the sworn affidavits. If the auditor of state finds 16803
by clear and convincing evidence that an allegation is supported 16804
by the evidence, the auditor of state shall submit those findings 16805
in writing to the attorney general, the township fiscal officer, 16806
and the persons who initiated the sworn affidavits. The findings 16807
shall include a copy of the sworn affidavits and the evidence 16808
submitted under division (A)(1) of this section. 16809

(3)(a) The attorney general shall review the auditor of state's findings and the sworn affidavits and evidence. Within ten business days after receiving the sworn affidavits and evidence, unless, for good cause, additional time is required, the attorney general shall determine whether clear and convincing evidence supports the allegations. If the attorney general finds that no allegation is supported by clear and convincing evidence, the attorney general, by certified mail, shall notify the auditor of state, the township fiscal officer, and the persons who initiated the sworn affidavits, that no complaint for the removal of the township fiscal officer from public office will be filed.

(b) If the attorney general finds by clear and convincing evidence that an allegation is supported by the evidence, the attorney general, by certified mail, shall notify the auditor of state, the township fiscal officer, and the persons who initiated the sworn affidavits of that fact, and shall commence an action for the removal of the township fiscal officer from public office under division (B) of this section.

(c) Nothing in this section is intended to limit the authority of the attorney general to enter into mediation, settlement, or resolution of any alleged violation before or following the commencement of an action under this section.

(B)(1)(a) The attorney general has a cause of action for removal of a township fiscal officer who purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the office of township fiscal officer or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of township fiscal officer. Not later than forty-five days after sending a notice under division (A)(3)(b) of this section, the attorney general shall cause an action to be commenced against the township fiscal officer by filing a complaint for the removal of

the township fiscal officer from public office. If any money is 16842
due, the attorney general shall join the sureties on the township 16843
fiscal officer's bond as parties. The court of common pleas of the 16844
county in which the township fiscal officer holds office has 16845
exclusive original jurisdiction of the action. The action shall 16846
proceed de novo as in the trial of a civil action. The court is 16847
not restricted to the evidence that was presented to the auditor 16848
of state and the attorney general before the action was filed. The 16849
action is governed by the Rules of Civil Procedure. 16850

(b) If the court finds by clear and convincing evidence that 16851
the township fiscal officer purposely, knowingly, or recklessly 16852
failed to perform a fiscal duty expressly imposed by law with 16853
respect to the fiscal duties of the office of township fiscal 16854
officer or purposely, knowingly, or recklessly committed any act 16855
expressly prohibited by law with respect to the fiscal duties of 16856
that office, the court shall issue an order removing the township 16857
fiscal officer from office and any order necessary for the 16858
preservation or restitution of public funds. 16859

(2) Except as otherwise provided in this division, an action 16860
for removal from office under this section is stayed during the 16861
pendency of any criminal action concerning a violation of an 16862
existing or former municipal ordinance or law of this or any other 16863
state or the United States that is substantially equivalent to any 16864
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 16865
conduct in office, if the person charged in the criminal action 16866
committed the violation while serving as a township fiscal officer 16867
and the conduct constituting the violation was related to the 16868
duties of the office of fiscal officer or to the person's actions 16869
as the township fiscal officer. The stay may be lifted upon motion 16870
of the prosecuting attorney in the related criminal action. 16871

(3) Prior to or at the hearing, upon a showing of good cause, 16872
the court may issue an order restraining the township fiscal 16873

officer from entering the township fiscal officer's office and 16874
from conducting the affairs of the office pending the hearing on 16875
the complaint. If such an order is issued, the court may continue 16876
the order until the conclusion of the hearing and any appeals 16877
under this section. 16878

(4) The board of township trustees shall be responsible for 16879
the payment of reasonable attorney's fees for counsel for the 16880
township fiscal officer. If judgment is entered against the 16881
township fiscal officer, the court shall order the township fiscal 16882
officer to reimburse the board for attorney's fees and costs up to 16883
a reasonable amount, as determined by the court. Expenses incurred 16884
by the board in a removal action shall be paid out of the township 16885
general fund. 16886

(C) The judgment of the court is final and conclusive unless 16887
reversed, vacated, or modified on appeal. An appeal may be taken 16888
by any party, and shall proceed as in the case of appeals in civil 16889
actions and in accordance with the Rules of Appellate Procedure. 16890
Upon the filing of a notice of appeal by any party to the 16891
proceedings, the court of appeals shall hear the case as an 16892
expedited appeal under Rule 11.2 of the Rules of Appellate 16893
Procedure. The township fiscal officer has the right of review or 16894
appeal to the supreme court. 16895

(D) If a final judgment for removal from public office is 16896
entered against the township fiscal officer, the office shall be 16897
deemed vacated, and the vacancy shall be filled as provided in 16898
section 503.24 of the Revised Code. Except as otherwise provided 16899
by law, an individual removed from public office under this 16900
section is not entitled to hold any public office for four years 16901
following the date of the final judgment, and is not entitled to 16902
hold any public office until any repayment or restitution required 16903
by the court is satisfied. 16904

(E) For the purposes of this section: 16905

(1) A person acts purposely when it is the person's specific intention to cause a certain result, or, when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the person intends to accomplish thereby, it is the person's specific intention to engage in conduct of that nature.

(2) A person acts knowingly, regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.

(3) A person acts recklessly when, with heedless indifference to the consequences, the person perversely disregards a known risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person perversely disregards a known risk that such circumstances are likely to exist.

(F) The proceedings provided for in this section may be used as an alternative to the removal proceedings prescribed under sections 3.07 to 3.10 of the Revised Code or other methods of removal authorized by law.

Sec. 703.20. (A) Villages may surrender their corporate powers upon the petition to the legislative authority of the village, or, in the alternative, to the board of elections of the county in which the largest portion of the population of the village resides as provided in division (B)(1) of this section, of at least ~~forty~~ thirty per cent of the electors thereof, to be determined by the number voting at the last regular municipal ~~election~~ election and by an affirmative vote of a majority of ~~such~~ the electors at a special election, which shall be provided for by

the legislative authority, ~~and~~ or, in the alternative, at a 16937
general or special election as provided for by the board of 16938
elections under division (B)(1) of this section. The election 16939
shall be conducted, canvassed, and the result certified and made 16940
known as at regular municipal elections. If the result of the 16941
election is in favor of ~~such~~ the surrender, the village clerk or, 16942
in the alternative, the board of elections shall certify the 16943
result to the secretary of state, the auditor of state, and the 16944
county recorder, who shall record it in their respective offices, 16945
~~and thereupon the.~~ The corporate powers of such the village shall 16946
cease upon the recording of the certified election results in the 16947
county recorder's office. 16948

(B)(1) If the legislative authority of a village fails to act 16949
upon the petition within thirty days after receipt of the 16950
petition, the electors may present the petition to the board of 16951
elections to determine the validity and sufficiency of the 16952
signatures. The petition shall be governed by the rules of section 16953
3501.38 of the Revised Code. The petition shall be filed with the 16954
board of elections of the county in which the largest portion of 16955
the population of the village resides. If the petition is 16956
sufficient, the board of elections shall submit the question 16957
"Shall the village of surrender its corporate powers?" 16958
for the approval or rejection of the electors of the village at 16959
the next general or special election, in any year, occurring after 16960
the period ending ninety days after the filing of the petition 16961
with the board. If the result of the election is in favor of the 16962
surrender, the board of elections shall certify the results to the 16963
secretary of state, the auditor of state, and the county recorder, 16964
who shall record it in their respective offices. The corporate 16965
powers of the village shall cease upon the recording of the 16966
certified election results in the county recorder's office. 16967

(2) In addition to filing the petition with the board of 16968

elections as provided in division (B)(1) of this section, a copy 16969
of the petition shall be filed with the board of township trustees 16970
of each township affected by the surrender. 16971

(C) The auditor of state shall assist in facilitating a 16972
timely and systematic manner for complying with the requirements 16973
of section 703.21 of the Revised Code. 16974

Sec. 703.21. (A) The surrender of corporate powers by a 16975
village under section 703.20 or 703.201 of the Revised Code does 16976
not affect vested rights or accrued liabilities of the village, or 16977
the power to settle claims, dispose of property, or levy and 16978
collect taxes to pay existing obligations, or to operate its 16979
utilities, including collection of existing rates and charges for 16980
services rendered, until the ownership and operation of each 16981
utility is transferred to another entity. But, after the 16982
presentation of the petition mentioned in section 703.20 of the 16983
Revised Code or receipt of the audit report and notice mentioned 16984
in section 703.201 of the Revised Code, the legislative authority 16985
of the village shall not create any new liability until the result 16986
of the election under section 703.20 of the Revised Code is 16987
declared or the decision of the court of common pleas under 16988
division (C) of section 703.201 of the Revised Code is declared, 16989
or thereafter, if the result, in either case, is for the surrender 16990
of the village's corporate powers, except to the extent such 16991
liability is necessary in connection with the operations of the 16992
village's utilities consistent with prudent utility practice. If 16993
the auditor of state notifies the village that the attorney 16994
general may file a legal action under section 703.201 of the 16995
Revised Code, but the attorney general does not file such an 16996
action, the village shall not create any new liability for thirty 16997
days after receipt of the auditor of state's notice, except to the 16998
extent such liability is necessary in connection with the 16999
operations of the village's utilities consistent with prudent 17000

utility practice. 17001

(B) Due and unpaid taxes may be collected after the surrender 17002
of corporate powers, and all moneys or property remaining after 17003
the surrender belongs to the township or townships located wholly 17004
or partly within the village, subject to the agreements entered 17005
into as provided for in this section for the timely transfer of 17006
real and personal property and subject to the report of an audit 17007
or, at the discretion of the auditor of state, an agreed-upon 17008
procedure audit performed by the auditor of state under section 17009
117.11 or 117.114 of the Revised Code. The auditor of state shall 17010
commence the audit or agreed-upon procedure audit within thirty 17011
days after receipt of the notice of dissolution as provided in 17012
division (E) of section 117.10 of the Revised Code. Cash balances 17013
shall be transferred at the completion of the audit or agreed-upon 17014
procedure audit performed by the auditor of state. ~~¶~~ Except as 17015
otherwise provided by agreement of the affected village and 17016
townships, if more than one township is to receive the remaining 17017
money or property, the money and property shall be divided among 17018
the townships in proportion to the amount of territory that each 17019
township has within the village boundaries as compared to the 17020
total territory within the village. 17021

(C)(1) Village real and personal property, other than 17022
electric, water, and sewer utility property, shall be transferred 17023
in a timely manner in accordance with agreements between or among 17024
the affected village and township or townships. If no such 17025
agreements have been reached within sixty days after the 17026
certificate of dissolution is filed with the county recorder, 17027
title to real and personal property other than any electric, 17028
water, and sewer utility property vests by operation of law in the 17029
affected township or townships. If more than one township is 17030
affected, and agreements have not been reached within sixty days 17031
after the certificate of dissolution is filed, title vests by 17032

operation of law in proportion to the amount of territory that 17033
each township has within the village boundaries as compared to the 17034
total territory within the village. 17035

(2) Any agreements entered into under this section regarding 17036
the transfer of real property shall be recorded with the county 17037
recorder of the county in which the affected real property is 17038
situated, along with affidavits stating facts relating to title as 17039
provided for in section 5301.252 of the Revised Code. The county 17040
recorder shall make appropriate notations in the county records to 17041
reflect the conveyance of the village's interest in real property 17042
in accordance with the recorded agreements resulting from the 17043
surrender of corporate powers. The notations shall include a 17044
reference to the county's recorded certificate of dissolution. 17045

In the absence of any agreements and upon the recording of 17046
affidavits relating to title, the county recorder shall make 17047
appropriate notations in the county records to reflect the 17048
conveyance of the village's interest in real property and to 17049
evidence that title vested by operation of law in the township or 17050
townships as otherwise provided for in this section and as a 17051
result of the surrender of corporate powers. The recording of a 17052
certificate of dissolution or a certified copy of it, any 17053
agreements regarding the transfer of real property, and supporting 17054
affidavits serve as sufficient evidence of a transfer of title 17055
from the former village to a township or townships. These 17056
documents shall be recorded in the same manner as a deed of 17057
conveyance, except that the affected township or townships are 17058
exempt from any fees specified under section 317.32 of the Revised 17059
Code. 17060

(3) Cash balances shall be transferred at the completion of 17061
the audit, or, at the discretion of the auditor of state, the 17062
agreed-upon procedure audit performed by the auditor of state. 17063

(D)(1) Electric and water and sewer utility property shall be 17064

transferred by agreement entered into by the village and the 17065
entity that will be taking over the electric and water and sewer 17066
utility property and assets. Cash balances shall be transferred at 17067
the completion of the audit, or, at the discretion of the auditor 17068
of state, the agreed-upon procedure audit performed by the auditor 17069
of state. The provision of utility and other services shall be 17070
uninterrupted during the transition period following the surrender 17071
of corporate powers. 17072

(a) Following the filing of the certificate of dissolution, 17073
if it is determined that a county, or a regional water and sewer 17074
district organized under Chapter 6119. of the Revised Code, is 17075
obligated to assume water and sewer utility property and assets by 17076
default, the board of county commissioners or board of trustees of 17077
the district, as appropriate, may petition the court of common 17078
pleas of the county in which the village was located, for an order 17079
to revise the current user fees, rates, and charges charged, or 17080
assessments levied, by the utility. The board of county 17081
commissioners or board of trustees of the district shall file with 17082
the petition a systems audit of the utility. The systems audit 17083
shall address the financial solvency of the utility; the utility's 17084
debt service obligations and operating revenue stream, including 17085
user fees, rates, charges, and assessments; the utility's 17086
compliance with operating permit requirements; the necessary 17087
system maintenance, upgrades, and operational modifications and 17088
their associated costs for the utility; outstanding, pending, or 17089
potential enforcement actions against the utility; and any other 17090
relevant matters impacting the operational viability and financial 17091
solvency of the utility. 17092

When considering whether to grant the order, the court shall 17093
review the systems audit and any other relevant evidence. The 17094
order of the court shall assure that the operational viability and 17095
financial solvency of the utility is maintained, and that an 17096

unreasonable financial burden is not placed upon the county or 17097
district due to the acquisition of the utility property and 17098
assets. 17099

(b) In the case of a village electric utility, the village 17100
shall be required to take all necessary steps to transfer its 17101
ownership and operation, including continuing with normal 17102
operations and activities, fulfilling its contractual and other 17103
obligations, and transferring its contractual and other 17104
obligations to a successor entity in a timely manner following the 17105
filing of the certificate of dissolution. Such steps shall include 17106
hiring a third-party engineer knowledgeable about the operation of 17107
municipal electric systems to conduct a systems audit of the 17108
electric utility, addressing such items as set forth in division 17109
(D)(2) of this section. The systems audit shall commence not later 17110
than sixty days after the filing of the certificate of 17111
dissolution. Such systems audit is a proper expense of the 17112
village's electric utility fund. If the village's electric utility 17113
fund has a balance of zero or a negative fund balance, the 17114
absorbing entity shall pay for the systems audit. During this 17115
period, the village's electric utility shall continue with all 17116
normal operations and activities, shall continue fulfilling its 17117
contractual and other obligations, including with its customers 17118
and users and licensees of its poles, conduits, and rights-of-way, 17119
and shall collect charges for service at the rates in effect on 17120
the date the certificate of dissolution is filed. 17121

(2) The systems audit required under division (D)(1)(a) or 17122
(b) of this section shall not prevent the auditor of state from 17123
conducting the audit, or, at the discretion of the auditor of 17124
state, the agreed-upon procedure audit, required by this section. 17125

(E) As used in divisions (C) and (D) of this section, 17126
"certificate of dissolution" means the certified election results 17127
approving the surrender of corporate powers as recorded by the 17128

county recorder under section 703.20 of the Revised Code. 17129

After the surrender of corporate powers, all resolutions of 17130
the township or townships into which the village's territory was 17131
dissolved shall apply throughout the township's newly included 17132
territory. 17133

Sec. 705.22. At the end of each year the legislative 17134
authority of a municipal corporation shall have an annual report 17135
printed, in pamphlet form, giving: 17136

(A) The classified statement of all receipts, expenditures, 17137
assets, and liabilities of the municipal corporation; 17138

(B) A detailed comparison of such receipts and expenditures 17139
with those of the preceding year; 17140

(C) A summary of the proceedings of the legislative authority 17141
and a summary of the operations of the administrative departments 17142
for the previous twelve months. 17143

A copy of this report shall be furnished to ~~the auditor of~~ 17144
~~state,~~ the municipal library, and any citizen of the municipal 17145
corporation who applies ~~therefor~~ for the report at the office of 17146
the clerk. Similar reports may be printed quarterly. All meetings 17147
of the legislative authority or committees thereof shall be 17148
public, and any citizen of the municipal corporation shall have 17149
access to the minutes and records thereof at all reasonable times. 17150

Sec. 713.01. The legislative authority of each city having a 17151
board of park commissioners may establish a city planning 17152
commission of seven members, consisting of the mayor, the director 17153
of public service, the president of the board of park 17154
commissioners, ~~and four~~ two citizens of the municipal corporation, 17155
and two public members who shall serve without compensation and 17156
shall be appointed by the mayor for terms of six years each, 17157
except that the term of two of the members of the first commission 17158

shall be for three years. The legislative authority may, by 17159
resolution, change the number of citizen members to an even number 17160
of members, not less than four nor more than twelve. Whenever the 17161
size of a commission is expanded, the initial appointees to new 17162
positions shall be appointed to terms which permit half the 17163
citizen members to be reappointed each third year. No reduction in 17164
the size of a commission shall affect the term of any incumbent, 17165
and at least two citizen members shall be appointed every third 17166
year. 17167

The legislative authority of each city without a board of 17168
park commissioners may establish a commission of five members, 17169
consisting of the mayor, the director of public service, ~~and three~~ 17170
two citizens of the municipal corporation, and one public member 17171
who shall serve without compensation and shall be appointed by the 17172
mayor for a term of six years, except that the term of one of the 17173
members of the first commission shall be for four years and one 17174
for two years. 17175

The legislative authority of each city with a commission plan 17176
of government, adopted as provided in sections 705.01 to 705.06, 17177
~~inclusive~~, 705.31, 705.32, and 705.41 to 705.48, ~~inclusive~~, of the 17178
Revised Code, may establish a city planning commission of five 17179
members, consisting of the ~~chairman~~ chairperson of the legislative 17180
authority ~~and four~~, three citizens of the city, and one public 17181
member to be appointed by the legislative authority for terms of 17182
six years each, except that the term of two of the members of the 17183
first planning commission shall be for four years and two for two 17184
years. All members of the planning commission shall serve without 17185
compensation. 17186

The legislative authority of each city with a city manager 17187
plan of government, adopted as provided in sections 705.01 to 17188
705.06, ~~inclusive~~, and 705.51 to 705.60, ~~inclusive~~, of the Revised 17189
Code, may establish a commission of five members, consisting of 17190

the ~~chairman~~ chairperson of the legislative authority, the city 17191
manager, ~~and three~~ two citizens of the city, ~~and one public member~~ 17192
who shall serve without compensation and shall be appointed by the 17193
city manager for terms of six years each, except that the term of 17194
one of the members of the first commission shall be for four years 17195
and one for two years. 17196

The legislative authority of each village may establish a 17197
commission of five members, consisting of the mayor, one member of 17198
the legislative authority to be elected thereby for the remainder 17199
of ~~his~~ the individual's term as such member of the legislative 17200
authority, ~~and three~~ two citizens of the village, ~~and one public~~ 17201
member to be appointed by the mayor for terms of six years each, 17202
except that the term of one of the members of the first commission 17203
shall be for four years and one for two years. All ~~such~~ members 17204
shall serve without compensation. 17205

The public members appointed under this section need not be 17206
residents of the municipal corporation but shall be residents of 17207
the county in which the municipal corporation is located or a 17208
township that is adjacent to the county. For purposes of this 17209
section, all members of a planning commission are subject to 17210
section 2921.42 of the Revised Code. 17211

Whenever ~~such~~ a planning commission is appointed under this 17212
section, it shall have all the powers conferred in section 735.15 17213
of the Revised Code. 17214

Except as otherwise provided in its charter, the commission 17215
of a charter municipal corporation created in the manner and by 17216
virtue of authority granted by its charter, shall have the powers 17217
of and the plans made by it shall have the effect of a planning 17218
commission or city plan created under sections 713.01 to 713.15~~7~~ 17219
~~inclusive~~, of the Revised Code. 17220

Any member of a city or village planning commission 17221

established under this section or by charter, except as otherwise 17222
provided in its charter, may hold any other public office and may 17223
serve as a member of a county, and a regional planning commission. 17224

Sec. 715.014. (A) As used in this section: 17225

(1) "Tourism development district" means a district 17226
designated by a municipal corporation under this section. 17227

(2) "Territory of a tourism development district" means all 17228
of the area included within the territorial boundaries of a 17229
tourism development district. 17230

(3) "Business" and "owner" have the same meanings as in 17231
section 503.56 of the Revised Code. 17232

(4) "Eligible municipal corporation" means a municipal 17233
corporation wholly or partly located in a county having a 17234
population greater than three hundred seventy-five thousand but 17235
less than four hundred thousand that levies taxes under section 17236
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 17237
which does not exceed one-half of one per cent on ~~the effective~~ 17238
~~date of the enactment of this section~~ September 29, 2015. 17239

(5) "Fiscal officer" means the city auditor, village clerk, 17240
or other municipal officer having the duties and functions of a 17241
city auditor or village clerk. 17242

(B)(1) The legislative authority of an eligible municipal 17243
corporation, by resolution or ordinance, may declare an area of 17244
the municipal corporation to be a tourism development district for 17245
the purpose of fostering and developing tourism in the district if 17246
all of the following criteria are met: 17247

(a) The district's area does not exceed ~~two~~ six hundred 17248
acres. 17249

(b) All territory in the district is contiguous. 17250

(c) Before adopting the resolution or ordinance, the legislative authority holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the legislative authority receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district.

(e) The legislative authority adopts the resolution or ordinance on or before December 31, ~~2018~~ 2020.

(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district.

(3) The legislative authority shall certify the resolution or ordinance to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution. That description shall include sufficient information for the commissioner to determine if the address of a vendor is within the boundaries of the district.

(4) Subject to the limitations of divisions (B)(1)(a) and (b) of this section, the legislative authority of an eligible municipal corporation may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district.

(C) For the purpose of fostering and developing tourism in a

tourism development district, a lessor leasing real property in a 17282
tourism development district may impose and collect a uniform fee 17283
on each parcel of real property leased by the lessor, to be paid 17284
by each of the person's lessees. A lessee is subject to such a fee 17285
only if the lease separately states the amount of the fee. Before 17286
a lessor may impose and collect such a fee, the lessor shall file 17287
a copy of such lease with the fiscal officer. A lessor that 17288
imposes such a fee shall remit all collections of the fee to the 17289
municipal corporation in which the real property is located. 17290

The legislative authority of that municipal corporation shall 17291
establish all regulations necessary to provide for the 17292
administration and remittance of such fees. The regulations may 17293
prescribe the time for payment of the fee, and may provide for the 17294
imposition of a penalty or interest, or both, for late 17295
remittances, provided that the penalty does not exceed ten per 17296
cent of the amount of fee due, and the rate at which interest 17297
accrues does not exceed the rate per annum prescribed pursuant to 17298
section 5703.47 of the Revised Code. The regulations shall 17299
provide, after deducting the real and actual costs of 17300
administering the fee, that the revenue be used exclusively for 17301
fostering and developing tourism within the tourism development 17302
district. 17303

(D) The legislative authority of an eligible municipal 17304
corporation that has designated a tourism development district may 17305
levy the tax authorized under section 5739.101 of the Revised 17306
Code. Nothing in this section limits the power of the legislative 17307
authority of a municipal corporation to levy a tax on the basis of 17308
admissions in a tourism development district pursuant to its 17309
powers of local self-government conferred by Section 3 of Article 17310
XVIII, Ohio Constitution. 17311

(E) On or before the first day of each January and ~~June~~ July, 17312
beginning after the designation of the tourism development 17313

district, the fiscal officer shall certify a list of vendors 17314
located within the tourism development district to the tax 17315
commissioner, which shall include the name, address, and vendor's 17316
license number for each vendor. 17317

Sec. 718.01. Any term used in this chapter that is not 17318
otherwise defined in this chapter has the same meaning as when 17319
used in a comparable context in laws of the United States relating 17320
to federal income taxation or in Title LVII of the Revised Code, 17321
unless a different meaning is clearly required. ~~If~~ Except as 17322
provided in section 718.81 of the Revised Code, if a term used in 17323
this chapter that is not otherwise defined in this chapter is used 17324
in a comparable context in both the laws of the United States 17325
relating to federal income tax and in Title LVII of the Revised 17326
Code and the use is not consistent, then the use of the term in 17327
the laws of the United States relating to federal income tax shall 17328
control over the use of the term in Title LVII of the Revised 17329
Code. 17330

~~As~~ Except as otherwise provided in section 718.81 of the 17331
Revised Code, as used in this chapter: 17332

(A)(1) "Municipal taxable income" means the following: 17333

(a) For a person other than an individual, income ~~reduced by~~ 17334
~~exempt income to the extent otherwise included in income and then,~~ 17335
~~as applicable,~~ apportioned or situated to the municipal corporation 17336
under section 718.02 of the Revised Code, ~~and further~~ as 17337
applicable, reduced by any pre-2017 net operating loss 17338
carryforward available to the person for the municipal 17339
corporation. 17340

(b)(i) For an individual who is a resident of a municipal 17341
corporation other than a qualified municipal corporation, income 17342
reduced by exempt income to the extent otherwise included in 17343
income, then reduced as provided in division (A)(2) of this 17344

section, and further reduced by any pre-2017 net operating loss 17345
carryforward available to the individual for the municipal 17346
corporation. 17347

(ii) For an individual who is a resident of a qualified 17348
municipal corporation, Ohio adjusted gross income reduced by 17349
income exempted, and increased by deductions excluded, by the 17350
qualified municipal corporation from the qualified municipal 17351
corporation's tax. If a qualified municipal corporation, on or 17352
before December 31, 2013, exempts income earned by individuals who 17353
are not residents of the qualified municipal corporation and net 17354
profit of persons that are not wholly located within the qualified 17355
municipal corporation, such individual or person shall have no 17356
municipal taxable income for the purposes of the tax levied by the 17357
qualified municipal corporation and may be exempted by the 17358
qualified municipal corporation from the requirements of section 17359
718.03 of the Revised Code. 17360

(c) For an individual who is a nonresident of a municipal 17361
corporation, income reduced by exempt income to the extent 17362
otherwise included in income and then, as applicable, apportioned 17363
or situated to the municipal corporation under section 718.02 of 17364
the Revised Code, then reduced as provided in division (A)(2) of 17365
this section, and further reduced by any pre-2017 net operating 17366
loss carryforward available to the individual for the municipal 17367
corporation. 17368

(2) In computing the municipal taxable income of a taxpayer 17369
who is an individual, the taxpayer may subtract, as provided in 17370
division (A)(1)(b)(i) or (c) of this section, the amount of the 17371
individual's employee business expenses reported on the 17372
individual's form 2106 that the individual deducted for federal 17373
income tax purposes for the taxable year, subject to the 17374
limitation imposed by section 67 of the Internal Revenue Code. For 17375
the municipal corporation in which the taxpayer is a resident, the 17376

taxpayer may deduct all such expenses allowed for federal income 17377
tax purposes. For a municipal corporation in which the taxpayer is 17378
not a resident, the taxpayer may deduct such expenses only to the 17379
extent the expenses are related to the taxpayer's performance of 17380
personal services in that nonresident municipal corporation. 17381

(B) "Income" means the following: 17382

(1)(a) For residents, all income, salaries, qualifying wages, 17383
commissions, and other compensation from whatever source earned or 17384
received by the resident, including the resident's distributive 17385
share of the net profit of pass-through entities owned directly or 17386
indirectly by the resident and any net profit of the resident, 17387
except as provided in division (D)~~(4)~~(5) of this section. 17388

(b) For the purposes of division (B)(1)(a) of this section: 17389

(i) Any net operating loss of the resident incurred in the 17390
taxable year and the resident's distributive share of any net 17391
operating loss generated in the same taxable year and attributable 17392
to the resident's ownership interest in a pass-through entity 17393
shall be allowed as a deduction, for that taxable year and the 17394
following five taxable years, against any other net profit of the 17395
resident or the resident's distributive share of any net profit 17396
attributable to the resident's ownership interest in a 17397
pass-through entity until fully utilized, subject to division 17398
(B)(1)(d) of this section; 17399

(ii) The resident's distributive share of the net profit of 17400
each pass-through entity owned directly or indirectly by the 17401
resident shall be calculated without regard to any net operating 17402
loss that is carried forward by that entity from a prior taxable 17403
year and applied to reduce the entity's net profit for the current 17404
taxable year. 17405

(c) Division (B)(1)(b) of this section does not apply with 17406
respect to any net profit or net operating loss attributable to an 17407

ownership interest in an S corporation unless shareholders' 17408
distributive shares of net profits from S corporations are subject 17409
to tax in the municipal corporation as provided in division 17410
(C)(14)(b) or (c) of this section. 17411

(d) Any amount of a net operating loss used to reduce a 17412
taxpayer's net profit for a taxable year shall reduce the amount 17413
of net operating loss that may be carried forward to any 17414
subsequent year for use by that taxpayer. In no event shall the 17415
cumulative deductions for all taxable years with respect to a 17416
taxpayer's net operating loss exceed the original amount of that 17417
net operating loss available to that taxpayer. 17418

(2) In the case of nonresidents, all income, salaries, 17419
qualifying wages, commissions, and other compensation from 17420
whatever source earned or received by the nonresident for work 17421
done, services performed or rendered, or activities conducted in 17422
the municipal corporation, including any net profit of the 17423
nonresident, but excluding the nonresident's distributive share of 17424
the net profit or loss of only pass-through entities owned 17425
directly or indirectly by the nonresident. 17426

(3) For taxpayers that are not individuals, net profit of the 17427
taxpayer; 17428

(4) Lottery, sweepstakes, gambling and sports winnings, 17429
winnings from games of chance, and prizes and awards. If the 17430
taxpayer is a professional gambler for federal income tax 17431
purposes, the taxpayer may deduct related wagering losses and 17432
expenses to the extent authorized under the Internal Revenue Code 17433
and claimed against such winnings. 17434

(C) "Exempt income" means all of the following: 17435

(1) The military pay or allowances of members of the armed 17436
forces of the United States or members of their reserve 17437
components, including the national guard of any state; 17438

(2)(a) Except as provided in division (C)(2)(b) of this section, intangible income; 17439
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(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988. 17441
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(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code. 17448
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(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities. 17459
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(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation. 17463
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(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;	17471 17472 17473
(7) Alimony and child support received;	17474
(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;	17475 17476 17477 17478
(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.	17479 17480 17481 17482
(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;	17483 17484 17485 17486 17487 17488
(11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;	17489 17490
(12) Employee compensation that is not qualifying wages as defined in division (R) of this section;	17491 17492
(13) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.	17493 17494 17495 17496 17497 17498 17499 17500 17501

(14)(a) Except as provided in division (C)(14)(b) or (c) of 17502
this section, an S corporation shareholder's distributive share of 17503
net profits of the S corporation, other than any part of the 17504
distributive share of net profits that represents wages as defined 17505
in section 3121(a) of the Internal Revenue Code or net earnings 17506
from self-employment as defined in section 1402(a) of the Internal 17507
Revenue Code. 17508

(b) If, pursuant to division (H) of former section 718.01 of 17509
the Revised Code as it existed before March 11, 2004, a majority 17510
of the electors of a municipal corporation voted in favor of the 17511
question at an election held on November 4, 2003, the municipal 17512
corporation may continue after 2002 to tax an S corporation 17513
shareholder's distributive share of net profits of an S 17514
corporation. 17515

(c) If, on December 6, 2002, a municipal corporation was 17516
imposing, assessing, and collecting a tax on an S corporation 17517
shareholder's distributive share of net profits of the S 17518
corporation to the extent the distributive share would be 17519
allocated or apportioned to this state under divisions (B)(1) and 17520
(2) of section 5733.05 of the Revised Code if the S corporation 17521
were a corporation subject to taxes imposed under Chapter 5733. of 17522
the Revised Code, the municipal corporation may continue to impose 17523
the tax on such distributive shares to the extent such shares 17524
would be so allocated or apportioned to this state only until 17525
December 31, 2004, unless a majority of the electors of the 17526
municipal corporation voting on the question of continuing to tax 17527
such shares after that date voted in favor of that question at an 17528
election held November 2, 2004. If a majority of those electors 17529
voted in favor of the question, the municipal corporation may 17530
continue after December 31, 2004, to impose the tax on such 17531
distributive shares only to the extent such shares would be so 17532
allocated or apportioned to this state. 17533

(d) A municipal corporation shall be deemed to have elected to tax S corporation shareholders' distributive shares of net profits of the S corporation in the hands of the shareholders if a majority of the electors of a municipal corporation voted in favor of a question at an election held under division (C)(14)(b) or (c) of this section. The municipal corporation shall specify by resolution or ordinance that the tax applies to the distributive share of a shareholder of an S corporation in the hands of the shareholder of the S corporation.

(15) To the extent authorized under a resolution or ordinance adopted by a municipal corporation before January 1, 2016, all or a portion of the income of individuals or a class of individuals under eighteen years of age.

(16)(a) Except as provided in divisions (C)(16)(b), (c), and (d) of this section, qualifying wages described in division (B)(1) or (E) of section 718.011 of the Revised Code to the extent the qualifying wages are not subject to withholding for the municipal corporation under either of those divisions.

(b) The exemption provided in division (C)(16)(a) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(c) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of section 718.011 of the Revised Code.

(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply:

(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer

withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation.

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances:

(i) The individual's base of operation is located in the municipal corporation.

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(17)(b)(ii) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 718.011 of the Revised Code.

(c) Compensation to which division (C)(17) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received

where the individual is domiciled. 17596

(d) For purposes of division (C)(17) of this section, "base 17597
of operation" means the location where an individual owns or rents 17598
an office, storefront, or similar facility to which the individual 17599
regularly reports and at which the individual regularly performs 17600
personal services for compensation. 17601

(18) Compensation paid to a person for personal services 17602
performed for a political subdivision on property owned by the 17603
political subdivision, regardless of whether the compensation is 17604
received by an employee of the subdivision or another person 17605
performing services for the subdivision under a contract with the 17606
subdivision, if the property on which services are performed is 17607
annexed to a municipal corporation pursuant to section 709.023 of 17608
the Revised Code on or after March 27, 2013, unless the person is 17609
subject to such taxation because of residence. If the compensation 17610
is subject to taxation because of residence, municipal income tax 17611
shall be payable only to the municipal corporation of residence. 17612

(19) In the case of a tax administered, collected, and 17613
enforced by a municipal corporation pursuant to an agreement with 17614
the board of directors of a joint economic development district 17615
under section 715.72 of the Revised Code, the net profits of a 17616
business, and the income of the employees of that business, 17617
exempted from the tax under division (Q) of that section. 17618

(20) Income the taxation of which is prohibited by the 17619
constitution or laws of the United States. 17620

Any item of income that is exempt income of a pass-through 17621
entity under division (C) of this section is exempt income of each 17622
owner of the pass-through entity to the extent of that owner's 17623
distributive or proportionate share of that item of the entity's 17624
income. 17625

(D)(1) ~~"Net profit" for a person other than an individual~~ 17626

~~means adjusted federal taxable income.~~ 17627

~~(2)~~ "Net profit" for a person who is an individual means the 17628
individual's net profit required to be reported on schedule C, 17629
schedule E, or schedule F reduced by any net operating loss 17630
carried forward. For the purposes of division (D)~~(2)~~(1) of this 17631
section, the net operating loss carried forward shall be 17632
calculated and deducted in the same manner as provided in division 17633
~~(E)~~(8)(D)(3) of this section. 17634

~~(3)(2)~~ "Net profit" for a person other than an individual 17635
means adjusted federal taxable income reduced by any net operating 17636
loss incurred by the person in a taxable year beginning on or 17637
after January 1, 2017, subject to the limitations of division 17638
(D)(3) of this section. 17639

(3)(a) The amount of such net operating loss shall be 17640
deducted from net profit to the extent necessary to reduce 17641
municipal taxable income to zero, with any remaining unused 17642
portion of the net operating loss carried forward to not more than 17643
five consecutive taxable years following the taxable year in which 17644
the loss was incurred, but in no case for more years than 17645
necessary for the deduction to be fully utilized. 17646

(b) No person shall use the deduction allowed by division 17647
(D)(3) of this section to offset qualifying wages. 17648

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 17649
or 2022, a person may not deduct, for purposes of an income tax 17650
levied by a municipal corporation that levies an income tax before 17651
January 1, 2016, more than fifty per cent of the amount of the 17652
deduction otherwise allowed by division (D)(3) of this section. 17653

(ii) For taxable years beginning in 2023 or thereafter, a 17654
person may deduct, for purposes of an income tax levied by a 17655
municipal corporation that levies an income tax before January 1, 17656
2016, the full amount allowed by division (D)(3) of this section 17657

without regard to the limitation of division (D)(3)(b)(i) of this section. 17658
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(d) Any pre-2017 net operating loss carryforward deduction that is available may be utilized before a taxpayer may deduct any amount pursuant to division (D)(3) of this section. 17660
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(e) Nothing in division (D)(3)(c)(i) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (D)(3)(c)(i) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (D)(3)(c)(i) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (D)(3)(c)(i) of this section shall apply to the amount carried forward. 17663
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(4) For the purposes of this chapter, and notwithstanding division (D)(~~1~~)(2) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity. 17674
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~~(4)~~(5) For the purposes of this chapter, and notwithstanding any other provision of this chapter, the net profit of a publicly traded partnership that makes the election described in division (D)~~(4)~~(5) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership. 17679
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A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for 17685
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municipal income tax purposes. The publicly traded partnership 17689
shall make the election in every municipal corporation in which 17690
the partnership is subject to taxation on its net profits. The 17691
election shall be made on the annual tax return filed in each such 17692
municipal corporation. The publicly traded partnership shall not 17693
be required to file the election with any municipal corporation in 17694
which the partnership is not subject to taxation on its net 17695
profits, but division (D)~~(4)~~(5) of this section applies to all 17696
municipal corporations in which an individual owner of the 17697
partnership resides. 17698

(E) "Adjusted federal taxable income," for a person required 17699
to file as a C corporation, or for a person that has elected to be 17700
taxed as a C corporation under division (D)~~(4)~~(5) of this section, 17701
means a C corporation's federal taxable income before net 17702
operating losses and special deductions as determined under the 17703
Internal Revenue Code, adjusted as follows: 17704

(1) Deduct intangible income to the extent included in 17705
federal taxable income. The deduction shall be allowed regardless 17706
of whether the intangible income relates to assets used in a trade 17707
or business or assets held for the production of income. 17708

(2) Add an amount equal to five per cent of intangible income 17709
deducted under division (E)(1) of this section, but excluding that 17710
portion of intangible income directly related to the sale, 17711
exchange, or other disposition of property described in section 17712
1221 of the Internal Revenue Code; 17713

(3) Add any losses allowed as a deduction in the computation 17714
of federal taxable income if the losses directly relate to the 17715
sale, exchange, or other disposition of an asset described in 17716
section 1221 or 1231 of the Internal Revenue Code; 17717

(4)(a) Except as provided in division (E)(4)(b) of this 17718
section, deduct income and gain included in federal taxable income 17719

to the extent the income and gain directly relate to the sale, 17720
exchange, or other disposition of an asset described in section 17721
1221 or 1231 of the Internal Revenue Code; 17722

(b) Division (E)(4)(a) of this section does not apply to the 17723
extent the income or gain is income or gain described in section 17724
1245 or 1250 of the Internal Revenue Code. 17725

(5) Add taxes on or measured by net income allowed as a 17726
deduction in the computation of federal taxable income; 17727

(6) In the case of a real estate investment trust or 17728
regulated investment company, add all amounts with respect to 17729
dividends to, distributions to, or amounts set aside for or 17730
credited to the benefit of investors and allowed as a deduction in 17731
the computation of federal taxable income; 17732

(7) Deduct, to the extent not otherwise deducted or excluded 17733
in computing federal taxable income, any income derived from a 17734
transfer agreement or from the enterprise transferred under that 17735
agreement under section 4313.02 of the Revised Code; 17736

~~(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d)~~ 17737
~~of this section, deduct any net operating loss incurred by the~~ 17738
~~person in a taxable year beginning on or after January 1, 2017.~~ 17739

~~The amount of such net operating loss shall be deducted from~~ 17740
~~net profit that is reduced by exempt income to the extent~~ 17741
~~necessary to reduce municipal taxable income to zero, with any~~ 17742
~~remaining unused portion of the net operating loss carried forward~~ 17743
~~to not more than five consecutive taxable years following the~~ 17744
~~taxable year in which the loss was incurred, but in no case for~~ 17745
~~more years than necessary for the deduction to be fully utilized.~~ 17746

~~(b) No person shall use the deduction allowed by division~~ 17747
~~(E)(8) of this section to offset qualifying wages.~~ 17748

~~(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021,~~ 17749

~~or 2022, a person may not deduct, for purposes of an income tax 17750
levied by a municipal corporation that levies an income tax before 17751
January 1, 2016, more than fifty per cent of the amount of the 17752
deduction otherwise allowed by division (E)(8)(a) of this section. 17753~~

~~(ii) For taxable years beginning in 2023 or thereafter, a 17754
person may deduct, for purposes of an income tax levied by a 17755
municipal corporation that levies an income tax before January 1, 17756
2016, the full amount allowed by division (E)(8)(a) of this 17757
section. 17758~~

~~(d) Any pre 2017 net operating loss carryforward deduction 17759
that is available must be utilized before a taxpayer may deduct 17760
any amount pursuant to division (E)(8) of this section. 17761~~

~~(e) Nothing in division (E)(8)(c)(i) of this section 17762
precludes a person from carrying forward, for use with respect to 17763
any return filed for a taxable year beginning after 2018, any 17764
amount of net operating loss that was not fully utilized by 17765
operation of division (E)(8)(c)(i) of this section. To the extent 17766
that an amount of net operating loss that was not fully utilized 17767
in one or more taxable years by operation of division (E)(8)(c)(i) 17768
of this section is carried forward for use with respect to a 17769
return filed for a taxable year beginning in 2019, 2020, 2021, or 17770
2022, the limitation described in division (E)(8)(c)(i) of this 17771
section shall apply to the amount carried forward Deduct exempt 17772
income to the extent not otherwise deducted or excluded in 17773
computing adjusted federal taxable income. 17774~~

(9) Deduct any net profit of a pass-through entity owned 17775
directly or indirectly by the taxpayer and included in the 17776
taxpayer's federal taxable income unless an affiliated group of 17777
corporations includes that net profit in the group's federal 17778
taxable income in accordance with division (E)(3)(b) of section 17779
718.06 of the Revised Code. 17780

(10) Add any loss incurred by a pass-through entity owned 17781
directly or indirectly by the taxpayer and included in the 17782
taxpayer's federal taxable income unless an affiliated group of 17783
corporations includes that loss in the group's federal taxable 17784
income in accordance with division (E)(3)(b) of section 718.06 of 17785
the Revised Code. 17786

If the taxpayer is not a C corporation, is not a disregarded 17787
entity that has made the election described in division (L)(2) of 17788
this section, is not a publicly traded partnership that has made 17789
the election described in division (D)~~(4)~~(5) of this section, and 17790
is not an individual, the taxpayer shall compute adjusted federal 17791
taxable income under this section as if the taxpayer were a C 17792
corporation, except guaranteed payments and other similar amounts 17793
paid or accrued to a partner, former partner, shareholder, former 17794
shareholder, member, or former member shall not be allowed as a 17795
deductible expense unless such payments are in consideration for 17796
the use of capital and treated as payment of interest under 17797
section 469 of the Internal Revenue Code or United States treasury 17798
regulations. Amounts paid or accrued to a qualified self-employed 17799
retirement plan with respect to a partner, former partner, 17800
shareholder, former shareholder, member, or former member of the 17801
taxpayer, amounts paid or accrued to or for health insurance for a 17802
partner, former partner, shareholder, former shareholder, member, 17803
or former member, and amounts paid or accrued to or for life 17804
insurance for a partner, former partner, shareholder, former 17805
shareholder, member, or former member shall not be allowed as a 17806
deduction. 17807

Nothing in division (E) of this section shall be construed as 17808
allowing the taxpayer to add or deduct any amount more than once 17809
or shall be construed as allowing any taxpayer to deduct any 17810
amount paid to or accrued for purposes of federal self-employment 17811
tax. 17812

(F) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	17813 17814 17815
(G) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	17816 17817 17818
(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	17819 17820 17821
(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.	17822 17823
(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.	17824 17825 17826
(K) "Nonresident" means an individual that is not a resident.	17827
(L)(1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L)(2)(a) of this section, a disregarded entity.	17828 17829 17830 17831
(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:	17832 17833 17834 17835 17836 17837
(i) The limited liability company's single member is also a limited liability company.	17838 17839
(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.	17840 17841 17842

(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.

(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(b) For purposes of division (L)(2)(a)(v) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.

(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity"

does not include a trust, estate, grantor of a grantor trust, or 17874
disregarded entity. 17875

(O) "S corporation" means a person that has made an election 17876
under subchapter S of Chapter 1 of Subtitle A of the Internal 17877
Revenue Code for its taxable year. 17878

(P) "Single member limited liability company" means a limited 17879
liability company that has one direct member. 17880

(Q) "Limited liability company" means a limited liability 17881
company formed under Chapter 1705. of the Revised Code or under 17882
the laws of another state. 17883

(R) "Qualifying wages" means wages, as defined in section 17884
3121(a) of the Internal Revenue Code, without regard to any wage 17885
limitations, adjusted as follows: 17886

(1) Deduct the following amounts: 17887

(a) Any amount included in wages if the amount constitutes 17888
compensation attributable to a plan or program described in 17889
section 125 of the Internal Revenue Code. 17890

(b) Any amount included in wages if the amount constitutes 17891
payment on account of a disability related to sickness or an 17892
accident paid by a party unrelated to the employer, agent of an 17893
employer, or other payer. 17894

(c) Any amount attributable to a nonqualified deferred 17895
compensation plan or program described in section 3121(v)(2)(C) of 17896
the Internal Revenue Code if the compensation is included in wages 17897
and the municipal corporation has, by resolution or ordinance 17898
adopted before January 1, 2016, exempted the amount from 17899
withholding and tax. 17900

(d) Any amount included in wages if the amount arises from 17901
the sale, exchange, or other disposition of a stock option, the 17902
exercise of a stock option, or the sale, exchange, or other 17903

disposition of stock purchased under a stock option and the 17904
municipal corporation has, by resolution or ordinance adopted 17905
before January 1, 2016, exempted the amount from withholding and 17906
tax. 17907

(e) Any amount included in wages that is exempt income. 17908

(2) Add the following amounts: 17909

(a) Any amount not included in wages solely because the 17910
employee was employed by the employer before April 1, 1986. 17911

(b) Any amount not included in wages because the amount 17912
arises from the sale, exchange, or other disposition of a stock 17913
option, the exercise of a stock option, or the sale, exchange, or 17914
other disposition of stock purchased under a stock option and the 17915
municipal corporation has not, by resolution or ordinance, 17916
exempted the amount from withholding and tax adopted before 17917
January 1, 2016. Division (R)(2)(b) of this section applies only 17918
to those amounts constituting ordinary income. 17919

(c) Any amount not included in wages if the amount is an 17920
amount described in section 401(k), 403(b), or 457 of the Internal 17921
Revenue Code. Division (R)(2)(c) of this section applies only to 17922
employee contributions and employee deferrals. 17923

(d) Any amount that is supplemental unemployment compensation 17924
benefits described in section 3402(o)(2) of the Internal Revenue 17925
Code and not included in wages. 17926

(e) Any amount received that is treated as self-employment 17927
income for federal tax purposes in accordance with section 17928
1402(a)(8) of the Internal Revenue Code. 17929

(f) Any amount not included in wages if all of the following 17930
apply: 17931

(i) For the taxable year the amount is employee compensation 17932
that is earned outside of the United States and that either is 17933

included in the taxpayer's gross income for federal income tax 17934
purposes or would have been included in the taxpayer's gross 17935
income for such purposes if the taxpayer did not elect to exclude 17936
the income under section 911 of the Internal Revenue Code; 17937

(ii) For no preceding taxable year did the amount constitute 17938
wages as defined in section 3121(a) of the Internal Revenue Code; 17939

(iii) For no succeeding taxable year will the amount 17940
constitute wages; and 17941

(iv) For any taxable year the amount has not otherwise been 17942
added to wages pursuant to either division (R)(2) of this section 17943
or section 718.03 of the Revised Code, as that section existed 17944
before the effective date of H.B. 5 of the 130th general assembly, 17945
March 23, 2015. 17946

(S) "Intangible income" means income of any of the following 17947
types: income yield, interest, capital gains, dividends, or other 17948
income arising from the ownership, sale, exchange, or other 17949
disposition of intangible property including, but not limited to, 17950
investments, deposits, money, or credits as those terms are 17951
defined in Chapter 5701. of the Revised Code, and patents, 17952
copyrights, trademarks, tradenames, investments in real estate 17953
investment trusts, investments in regulated investment companies, 17954
and appreciation on deferred compensation. "Intangible income" 17955
does not include prizes, awards, or other income associated with 17956
any lottery winnings, gambling winnings, or other similar games of 17957
chance. 17958

(T) "Taxable year" means the corresponding tax reporting 17959
period as prescribed for the taxpayer under the Internal Revenue 17960
Code. 17961

(U) "Tax administrator" means the individual charged with 17962
direct responsibility for administration of an income tax levied 17963
by a municipal corporation in accordance with this chapter, and 17964

also includes the following:	17965
(1) A municipal corporation acting as the agent of another municipal corporation;	17966 17967
(2) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;	17968 17969 17970 17971
(3) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency.	17972 17973 17974 17975
<u>"Tax administrator" does not include the tax commissioner.</u>	17976
(V) "Employer" means a person that is an employer for federal income tax purposes.	17977 17978
(W) "Employee" means an individual who is an employee for federal income tax purposes.	17979 17980
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	17981 17982 17983 17984 17985
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	17986 17987
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	17988 17989
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.	17990 17991 17992 17993
(BB) "Disregarded entity" means a single member limited	17994

liability company, a qualifying subchapter S subsidiary, or 17995
another entity if the company, subsidiary, or entity is a 17996
disregarded entity for federal income tax purposes. 17997

(CC) "Generic form" means an electronic or paper form that is 17998
not prescribed by a particular municipal corporation and that is 17999
designed for reporting taxes withheld by an employer, agent of an 18000
employer, or other payer, estimated municipal income taxes, or 18001
annual municipal income tax liability or for filing a refund 18002
claim. 18003

(DD) "Tax return preparer" means any individual described in 18004
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 18005
301.7701-15. 18006

(EE) "Ohio business gateway" means the online computer 18007
network system, created under section 125.30 of the Revised Code, 18008
that allows persons to electronically file business reply forms 18009
with state agencies and includes any successor electronic filing 18010
and payment system. 18011

(FF) "Local board of tax review" and "board of tax review" 18012
mean the entity created under section 718.11 of the Revised Code. 18013

(GG) "Net operating loss" means a loss incurred by a person 18014
in the operation of a trade or business. "Net operating loss" does 18015
not include unutilized losses resulting from basis limitations, 18016
at-risk limitations, or passive activity loss limitations. 18017

(HH) "Casino operator" and "casino facility" have the same 18018
meanings as in section 3772.01 of the Revised Code. 18019

(II) "Video lottery terminal" has the same meaning as in 18020
section 3770.21 of the Revised Code. 18021

(JJ) "Video lottery terminal sales agent" means a lottery 18022
sales agent licensed under Chapter 3770. of the Revised Code to 18023
conduct video lottery terminals on behalf of the state pursuant to 18024

section 3770.21 of the Revised Code. 18025

(KK) "Postal service" means the United States postal service. 18026

(LL) "Certified mail," "express mail," "United States mail," 18027
"postal service," and similar terms include any delivery service 18028
authorized pursuant to section 5703.056 of the Revised Code. 18029

(MM) "Postmark date," "date of postmark," and similar terms 18030
include the date recorded and marked in the manner described in 18031
division (B)(3) of section 5703.056 of the Revised Code. 18032

(NN) "Related member" means a person that, with respect to 18033
the taxpayer during all or any portion of the taxable year, is 18034
either a related entity, a component member as defined in section 18035
1563(b) of the Internal Revenue Code, or a person to or from whom 18036
there is attribution of stock ownership in accordance with section 18037
1563(e) of the Internal Revenue Code except, for purposes of 18038
determining whether a person is a related member under this 18039
division, "twenty per cent" shall be substituted for "5 percent" 18040
wherever "5 percent" appears in section 1563(e) of the Internal 18041
Revenue Code. 18042

(OO) "Related entity" means any of the following: 18043

(1) An individual stockholder, or a member of the 18044
stockholder's family enumerated in section 318 of the Internal 18045
Revenue Code, if the stockholder and the members of the 18046
stockholder's family own directly, indirectly, beneficially, or 18047
constructively, in the aggregate, at least fifty per cent of the 18048
value of the taxpayer's outstanding stock; 18049

(2) A stockholder, or a stockholder's partnership, estate, 18050
trust, or corporation, if the stockholder and the stockholder's 18051
partnerships, estates, trusts, or corporations own directly, 18052
indirectly, beneficially, or constructively, in the aggregate, at 18053
least fifty per cent of the value of the taxpayer's outstanding 18054
stock; 18055

(3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (00)(4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;

(4) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (00)(1) to (3) of this section have been met.

(PP)(1) "Assessment" means a written finding by the tax administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the local board of tax review pursuant to section 718.11 of the Revised Code, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(2) "Assessment" does not include an informal notice denying a request for refund issued under division (B)(3) of section 718.19 of the Revised Code, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a tax administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a tax administrator's other written correspondence to a person or taxpayer that does meet the criteria prescribed by division (PP)(1) of this section.

(QQ) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in sections 718.11, 718.12, 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the Revised Code and the responsibilities of taxpayers to file,

report, withhold, remit, and pay municipal income tax and 18088
otherwise comply with Chapter 718. of the Revised Code and 18089
resolutions, ordinances, and rules adopted by a municipal 18090
corporation for the imposition and administration of a municipal 18091
income tax. 18092

(RR) "Qualified municipal corporation" means a municipal 18093
corporation that, by resolution or ordinance adopted on or before 18094
December 31, 2011, adopted Ohio adjusted gross income, as defined 18095
by section 5747.01 of the Revised Code, as the income subject to 18096
tax for the purposes of imposing a municipal income tax. 18097

(SS)(1) "Pre-2017 net operating loss carryforward" means any 18098
net operating loss incurred in a taxable year beginning before 18099
January 1, 2017, to the extent such loss was permitted, by a 18100
resolution or ordinance of the municipal corporation that was 18101
adopted by the municipal corporation before January 1, 2016, to be 18102
carried forward and utilized to offset income or net profit 18103
generated in such municipal corporation in future taxable years. 18104

(2) For the purpose of calculating municipal taxable income, 18105
any pre-2017 net operating loss carryforward may be carried 18106
forward to any taxable year, including taxable years beginning in 18107
2017 or thereafter, for the number of taxable years provided in 18108
the resolution or ordinance or until fully utilized, whichever is 18109
earlier. 18110

(TT) "Small employer" means any employer that had total 18111
revenue of less than five hundred thousand dollars during the 18112
preceding taxable year. For purposes of this division, "total 18113
revenue" means receipts of any type or kind, including, but not 18114
limited to, sales receipts; payments; rents; profits; gains, 18115
dividends, and other investment income; compensation; commissions; 18116
premiums; money; property; grants; contributions; donations; 18117
gifts; program service revenue; patient service revenue; premiums; 18118
fees, including premium fees and service fees; tuition payments; 18119

unrelated business revenue; reimbursements; any type of payment 18120
from a governmental unit, including grants and other allocations; 18121
and any other similar receipts reported for federal income tax 18122
purposes or under generally accepted accounting principles. "Small 18123
employer" does not include the federal government; any state 18124
government, including any state agency or instrumentality; any 18125
political subdivision; or any entity treated as a government for 18126
financial accounting and reporting purposes. 18127

(UU) "Audit" means the examination of a person or the 18128
inspection of the books, records, memoranda, or accounts of a 18129
person for the purpose of determining liability for a municipal 18130
income tax. 18131

(VV) "Publicly traded partnership" means any partnership, an 18132
interest in which is regularly traded on an established securities 18133
market. A "publicly traded partnership" may have any number of 18134
partners. 18135

(WW) "Tax commissioner" means the tax commissioner appointed 18136
under section 121.03 of the Revised Code. 18137

Sec. 718.02. This section applies to any taxpayer engaged in 18138
a business or profession in a municipal corporation that imposes 18139
an income tax in accordance with this chapter, unless the taxpayer 18140
is an individual who resides in the municipal corporation or the 18141
taxpayer is an electric company, combined company, or telephone 18142
company that is subject to and required to file reports under 18143
Chapter 5745. of the Revised Code. 18144

(A) Except as otherwise provided in division (B) of this 18145
section, net profit from a business or profession conducted both 18146
within and without the boundaries of a municipal corporation shall 18147
be considered as having a taxable situs in the municipal 18148
corporation for purposes of municipal income taxation in the same 18149
proportion as the average ratio of the following: 18150

(1) The average original cost of the real property and 18151
tangible personal property owned or used by the taxpayer in the 18152
business or profession in the municipal corporation during the 18153
taxable period to the average original cost of all of the real and 18154
tangible personal property owned or used by the taxpayer in the 18155
business or profession during the same period, wherever situated. 18156

As used in the preceding paragraph, tangible personal or real 18157
property shall include property rented or leased by the taxpayer 18158
and the value of such property shall be determined by multiplying 18159
the annual rental thereon by eight; 18160

(2) Wages, salaries, and other compensation paid during the 18161
taxable period to individuals employed in the business or 18162
profession for services performed in the municipal corporation to 18163
wages, salaries, and other compensation paid during the same 18164
period to individuals employed in the business or profession, 18165
wherever the individual's services are performed, excluding 18166
compensation from which taxes are not required to be withheld 18167
under section 718.011 of the Revised Code; 18168

(3) Total gross receipts of the business or profession from 18169
sales and rentals made and services performed during the taxable 18170
period in the municipal corporation to total gross receipts of the 18171
business or profession during the same period from sales, rentals, 18172
and services, wherever made or performed. 18173

(B)(1) If the apportionment factors described in division (A) 18174
of this section do not fairly represent the extent of a taxpayer's 18175
business activity in a municipal corporation, the taxpayer may 18176
request, or the tax administrator of the municipal corporation may 18177
require, that the taxpayer use, with respect to all or any portion 18178
of the income of the taxpayer, an alternative apportionment method 18179
involving one or more of the following: 18180

(a) Separate accounting; 18181

(b) The exclusion of one or more of the factors;	18182
(c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;	18183 18184 18185
(d) A modification of one or more of the factors.	18186
(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax administrator denies the request in an assessment issued within the period prescribed by division (A) of section 718.12 of the Revised Code.	18187 18188 18189 18190 18191 18192 18193
(3) A tax administrator may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 718.12 of the Revised Code.	18194 18195 18196 18197 18198
(4) Nothing in division (B) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by a tax administrator or otherwise agreed upon by both the tax administrator and taxpayer before January 1, 2016.	18199 18200 18201 18202
(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:	18203 18204 18205 18206
(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:	18207 18208
(a) The employer;	18209
(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or	18210 18211

patient; 18212

(c) A vendor, customer, client, or patient of a person 18213
described in division (C)(1)(b) of this section, or a related 18214
member of such a vendor, customer, client, or patient. 18215

(2) Any location at which a trial, appeal, hearing, 18216
investigation, inquiry, review, court-martial, or similar 18217
administrative, judicial, or legislative matter or proceeding is 18218
being conducted, provided that the compensation is paid for 18219
services performed for, or on behalf of, the employer or that the 18220
employee's presence at the location directly or indirectly 18221
benefits the employer; 18222

(3) Any other location, if the tax administrator determines 18223
that the employer directed the employee to perform the services at 18224
the other location in lieu of a location described in division 18225
(C)(1) or (2) of this section solely in order to avoid or reduce 18226
the employer's municipal income tax liability. If a tax 18227
administrator makes such a determination, the employer may dispute 18228
the determination by establishing, by a preponderance of the 18229
evidence, that the tax administrator's determination was 18230
unreasonable. 18231

(D) For the purposes of division (A)(3) of this section, 18232
receipts from sales and rentals made and services performed shall 18233
be situated to a municipal corporation as follows: 18234

(1) Gross receipts from the sale of tangible personal 18235
property shall be situated to the municipal corporation ~~in which~~ 18236
~~the sale originated. For the purposes of this division, a sale of~~ 18237
~~property originates in a municipal corporation~~ only if, regardless 18238
of where title passes, the property meets ~~any~~ either of the 18239
following criteria: 18240

(a) The property is shipped to or delivered within the 18241
municipal corporation from a stock of goods located within the 18242

municipal corporation. 18243

(b) The property is delivered within the municipal 18244
corporation from a location outside the municipal corporation, 18245
provided the taxpayer is regularly engaged through its own 18246
employees in the solicitation or promotion of sales within such 18247
municipal corporation and the sales result from such solicitation 18248
or promotion. 18249

~~(c) The property is shipped from a place within the municipal 18250
corporation to purchasers outside the municipal corporation, 18251
provided that the taxpayer is not, through its own employees, 18252
regularly engaged in the solicitation or promotion of sales at the 18253
place where delivery is made. 18254~~

(2) Gross receipts from the sale of services shall be sitused 18255
to the municipal corporation to the extent that such services are 18256
performed in the municipal corporation. 18257

(3) To the extent included in income, gross receipts from the 18258
sale of real property located in the municipal corporation shall 18259
be sitused to the municipal corporation. 18260

(4) To the extent included in income, gross receipts from 18261
rents and royalties from real property located in the municipal 18262
corporation shall be sitused to the municipal corporation. 18263

(5) Gross receipts from rents and royalties from tangible 18264
personal property shall be sitused to the municipal corporation 18265
based upon the extent to which the tangible personal property is 18266
used in the municipal corporation. 18267

(E) The net profit received by an individual taxpayer from 18268
the rental of real estate owned directly by the individual or by a 18269
disregarded entity owned by the individual shall be subject to tax 18270
only by the municipal corporation in which the property generating 18271
the net profit is located and the municipal corporation in which 18272
the individual taxpayer that receives the net profit resides. 18273

A municipal corporation shall allow such taxpayers to elect 18274
to use separate accounting for the purpose of calculating net 18275
profit sitused under this division to the municipal corporation in 18276
which the property is located. 18277

(F)(1) Except as provided in division (F)(2) of this section, 18278
commissions received by a real estate agent or broker relating to 18279
the sale, purchase, or lease of real estate shall be sitused to 18280
the municipal corporation in which the real estate is located. Net 18281
profit reported by the real estate agent or broker shall be 18282
allocated to a municipal corporation based upon the ratio of the 18283
commissions the agent or broker received from the sale, purchase, 18284
or lease of real estate located in the municipal corporation to 18285
the commissions received from the sale, purchase, or lease of real 18286
estate everywhere in the taxable year. 18287

(2) An individual who is a resident of a municipal 18288
corporation that imposes a municipal income tax shall report the 18289
individual's net profit from all real estate activity on the 18290
individual's annual tax return for that municipal corporation. The 18291
individual may claim a credit for taxes the individual paid on 18292
such net profit to another municipal corporation to the extent 18293
that such a credit is allowed under the municipal income tax 18294
ordinance, or rules of the municipal corporation of residence. 18295

(G) If, in computing a taxpayer's adjusted federal taxable 18296
income, the taxpayer deducted any amount with respect to a stock 18297
option granted to an employee, and if the employee is not required 18298
to include in the employee's income any such amount or a portion 18299
thereof because it is exempted from taxation under divisions 18300
(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a 18301
municipal corporation to which the taxpayer has apportioned a 18302
portion of its net profit, the taxpayer shall add the amount that 18303
is exempt from taxation to the taxpayer's net profit that was 18304
apportioned to that municipal corporation. In no case shall a 18305

taxpayer be required to add to its net profit that was apportioned 18306
to that municipal corporation any amount other than the amount 18307
upon which the employee would be required to pay tax were the 18308
amount related to the stock option not exempted from taxation. 18309

This division applies solely for the purpose of making an 18310
adjustment to the amount of a taxpayer's net profit that was 18311
apportioned to a municipal corporation under this section. 18312

(H) When calculating the ratios described in division (A) of 18313
this section for the purposes of that division or division (B) of 18314
this section, the owner of a disregarded entity shall include in 18315
the owner's ratios the property, payroll, and gross receipts of 18316
such disregarded entity. 18317

Sec. 718.06. (A) As used in this section: 18318

(1) "Affiliated group of corporations" means an affiliated 18319
group as defined in section 1504 of the Internal Revenue Code, 18320
except that, if such a group includes at least one incumbent local 18321
exchange carrier that is primarily engaged in the business of 18322
providing local exchange telephone service in this state, the 18323
affiliated group shall not include any incumbent local exchange 18324
carrier that would otherwise be included in the group. 18325

(2) "Consolidated federal income tax return" means a 18326
consolidated return filed for federal income tax purposes pursuant 18327
to section 1501 of the Internal Revenue Code. 18328

(3) "Consolidated federal taxable income" means the 18329
consolidated taxable income of an affiliated group of 18330
corporations, as computed for the purposes of filing a 18331
consolidated federal income tax return, before consideration of 18332
net operating losses or special deductions. "Consolidated federal 18333
taxable income" does not include income or loss of an incumbent 18334
local exchange carrier that is excluded from the affiliated group 18335

under division (A)(1) of this section. 18336

(4) "Incumbent local exchange carrier" has the same meaning 18337
as in section 4927.01 of the Revised Code. 18338

(5) "Local exchange telephone service" has the same meaning 18339
as in section 5727.01 of the Revised Code. 18340

(B)(1) For taxable years beginning on or after January 1, 18341
2016, a taxpayer that is a member of an affiliated group of 18342
corporations may elect to file a consolidated municipal income tax 18343
return for a taxable year if at least one member of the affiliated 18344
group of corporations is subject to the municipal income tax in 18345
that taxable year and if the affiliated group of corporations 18346
filed a consolidated federal income tax return with respect to 18347
that taxable year. The election is binding for a five-year period 18348
beginning with the first taxable year of the initial election 18349
unless a change in the reporting method is required under federal 18350
law. The election continues to be binding for each subsequent 18351
five-year period unless the taxpayer elects to discontinue filing 18352
consolidated municipal income tax returns under division (B)(2) of 18353
this section or a taxpayer receives permission from the tax 18354
administrator. The tax administrator shall approve such a request 18355
for good cause shown. 18356

(2) An election to discontinue filing consolidated municipal 18357
income tax returns under this section must be made in the first 18358
year following the last year of a five-year consolidated municipal 18359
income tax return election period in effect under division (B)(1) 18360
of this section. The election to discontinue filing a consolidated 18361
municipal income tax return is binding for a five-year period 18362
beginning with the first taxable year of the election. 18363

(3) An election made under division (B)(1) or (2) of this 18364
section is binding on all members of the affiliated group of 18365
corporations subject to a municipal income tax. 18366

(4) When a taxpayer makes the election allowed under section 718.80 of the Revised Code, a valid election made by the taxpayer under division (B)(1) or (2) of this section is binding upon the tax commissioner for the remainder of the five-year period. 18367
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(5) When an election made under section 718.80 of the Revised Code is terminated, a valid election made under section 718.86 of the Revised Code is binding upon the tax administrator for the remainder of the five-year period. 18371
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(C) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated municipal income tax return for that taxable year if the tax administrator determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to the municipal corporation. A taxpayer that is required to file a consolidated municipal income tax return for a taxable year shall file a consolidated municipal income tax return for all subsequent taxable years unless the taxpayer requests and receives written permission from the tax administrator to file a separate return or a taxpayer has experienced a change in circumstances. 18375
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(D) A taxpayer shall prepare a consolidated municipal income tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member. 18389
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(E)(1) Except as otherwise provided in divisions (E)(2), (3), and (4) of this section, corporations that file a consolidated municipal income tax return shall compute adjusted federal taxable income, as defined in section 718.01 of the Revised Code, by 18395
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substituting "consolidated federal taxable income" for "federal
taxable income" wherever "federal taxable income" appears in that
division and by substituting "an affiliated group of
corporation's" for "a C corporation's" wherever "a C
corporation's" appears in that division.

(2) No corporation filing a consolidated municipal income tax
return shall make any adjustment otherwise required under division
(E) of section 718.01 of the Revised Code to the extent that the
item of income or deduction otherwise subject to the adjustment
has been eliminated or consolidated in the computation of
consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having
at least eighty per cent of the value of its ownership interest
owned or controlled, directly or indirectly, by an affiliated
group of corporations is included in that affiliated group's
consolidated federal taxable income for a taxable year, the
corporation filing a consolidated municipal income tax return
shall do one of the following with respect to that pass-through
entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from
the consolidated federal taxable income of the affiliated group
and, for the purpose of making the computations required in
section 718.02 of the Revised Code, exclude the property, payroll,
and gross receipts of the pass-through entity in the computation
of the affiliated group's net profit situated to a municipal
corporation. If the entity's net profit or loss is so excluded,
the entity shall be subject to taxation as a separate taxpayer on
the basis of the entity's net profits that would otherwise be
included in the consolidated federal taxable income of the
affiliated group.

(b) Include the pass-through entity's net profit or loss in
the consolidated federal taxable income of the affiliated group

and, for the purpose of making the computations required in 18431
section 718.02 of the Revised Code, include the property, payroll, 18432
and gross receipts of the pass-through entity in the computation 18433
of the affiliated group's net profit sitused to a municipal 18434
corporation. If the entity's net profit or loss is so included, 18435
the entity shall not be subject to taxation as a separate taxpayer 18436
on the basis of the entity's net profits that are included in the 18437
consolidated federal taxable income of the affiliated group. 18438

(4) If the net profit or loss of a pass-through entity having 18439
less than eighty per cent of the value of its ownership interest 18440
owned or controlled, directly or indirectly, by an affiliated 18441
group of corporations is included in that affiliated group's 18442
consolidated federal taxable income for a taxable year, all of the 18443
following shall apply: 18444

(a) The corporation filing the consolidated municipal income 18445
tax return shall exclude the pass-through entity's net profit or 18446
loss from the consolidated federal taxable income of the 18447
affiliated group and, for the purposes of making the computations 18448
required in section 718.02 of the Revised Code, exclude the 18449
property, payroll, and gross receipts of the pass-through entity 18450
in the computation of the affiliated group's net profit sitused to 18451
a municipal corporation; 18452

(b) The pass-through entity shall be subject to municipal 18453
income taxation as a separate taxpayer in accordance with this 18454
chapter on the basis of the entity's net profits that would 18455
otherwise be included in the consolidated federal taxable income 18456
of the affiliated group. 18457

(F) Corporations filing a consolidated municipal income tax 18458
return shall make the computations required under section 718.02 18459
of the Revised Code by substituting "consolidated federal taxable 18460
income attributable to" for "net profit from" wherever "net profit 18461
from" appears in that section and by substituting "affiliated 18462

group of corporations" for "taxpayer" wherever "taxpayer" appears 18463
in that section. 18464

(G) Each corporation filing a consolidated municipal income 18465
tax return is jointly and severally liable for any tax, interest, 18466
penalties, fines, charges, or other amounts imposed by a municipal 18467
corporation in accordance with this chapter on the corporation, an 18468
affiliated group of which the corporation is a member for any 18469
portion of the taxable year, or any one or more members of such an 18470
affiliated group. 18471

(H) Corporations and their affiliates that made an election 18472
or entered into an agreement with a municipal corporation before 18473
January 1, 2016, to file a consolidated or combined tax return 18474
with such municipal corporation may continue to file consolidated 18475
or combined tax returns in accordance with such election or 18476
agreement for taxable years beginning on and after January 1, 18477
2016. 18478

"Sec. 718.08. (A) As used in this section: 18479

(1) "Estimated taxes" means the amount that the taxpayer 18480
reasonably estimates to be the taxpayer's tax liability for a 18481
municipal corporation's income tax for the current taxable year. 18482

(2) "Tax liability" means the total taxes due to a municipal 18483
corporation for the taxable year, after allowing any credit to 18484
which the taxpayer is entitled, and after applying any estimated 18485
tax payment, withholding payment, or credit from another taxable 18486
year. 18487

(B)(1) Except as provided in division (F) of this section, 18488
every taxpayer shall make a declaration of estimated taxes for the 18489
current taxable year, on the form prescribed by the tax 18490
administrator, if the amount payable as estimated taxes is at 18491
least two hundred dollars. For the purposes of this section: 18492

(a) Taxes withheld from qualifying wages shall be considered 18493
as paid to the municipal corporation for which the taxes were 18494
withheld in equal amounts on each payment date unless the taxpayer 18495
establishes the dates on which all amounts were actually withheld, 18496
in which case the amounts withheld shall be considered as paid on 18497
the dates on which the amounts were actually withheld. 18498

(b) An overpayment of tax applied as a credit to a subsequent 18499
taxable year is deemed to be paid on the date of the postmark 18500
stamped on the cover in which the payment is mailed or, if the 18501
payment is made by electronic funds transfer, the date the payment 18502
is submitted. As used in this division, "date of the postmark" 18503
means, in the event there is more than one date on the cover, the 18504
earliest date imprinted on the cover by the postal service. 18505

(c) Taxes withheld by a casino operator or by a lottery sales 18506
agent under section 718.031 of the Revised Code are deemed to be 18507
paid to the municipal corporation for which the taxes were 18508
withheld on the date the taxes are withheld from the taxpayer's 18509
winnings. 18510

(2) Except as provided in division (F) of this section, 18511
taxpayers filing joint returns shall file joint declarations of 18512
estimated taxes. A taxpayer may amend a declaration under rules 18513
prescribed by the tax administrator. Except as provided in 18514
division (F) of this section, a taxpayer having a taxable year of 18515
less than twelve months shall make a declaration under rules 18516
prescribed by the tax administrator. 18517

(3) The declaration of estimated taxes shall be filed on or 18518
before the date prescribed for the filing of municipal income tax 18519
returns under division (G) of section 718.05 of the Revised Code 18520
or on or before the fifteenth day of the fourth month after the 18521
taxpayer becomes subject to tax for the first time. 18522

(4) Taxpayers reporting on a fiscal year basis shall file a 18523

declaration on or before the fifteenth day of the fourth month 18524
after the beginning of each fiscal year or period. 18525

(5) The original declaration or any subsequent amendment may 18526
be increased or decreased on or before any subsequent quarterly 18527
payment day as provided in this section. 18528

(C)(1) The required portion of the tax liability for the 18529
taxable year that shall be paid through estimated taxes made 18530
payable to the municipal corporation or tax administrator, 18531
including the application of tax refunds to estimated taxes and 18532
withholding on or before the applicable payment date, shall be as 18533
follows: 18534

(a) On or before the fifteenth day of the fourth month after 18535
the beginning of the taxable year, twenty-two and one-half per 18536
cent of the tax liability for the taxable year; 18537

(b) On or before the fifteenth day of the sixth month after 18538
the beginning of the taxable year, forty-five per cent of the tax 18539
liability for the taxable year; 18540

(c) On or before the fifteenth day of the ninth month after 18541
the beginning of the taxable year, sixty-seven and one-half per 18542
cent of the tax liability for the taxable year; 18543

(d) ~~On~~ For an individual, on or before the fifteenth day of 18544
the first month of the following taxable year, ninety per cent of 18545
the tax liability for the taxable year. For a person other than an 18546
individual, on or before the fifteenth day of the twelfth month of 18547
the taxable year, ninety per cent of the tax liability for the 18548
taxable year. 18549

(2) When an amended declaration has been filed, the unpaid 18550
balance shown due on the amended declaration shall be paid in 18551
equal installments on or before the remaining payment dates. 18552

(3) On or before the fifteenth day of the fourth month of the 18553

year following that for which the declaration or amended 18554
declaration was filed, an annual return shall be filed and any 18555
balance which may be due shall be paid with the return in 18556
accordance with section 718.05 of the Revised Code. 18557

(D)(1) In the case of any underpayment of any portion of a 18558
tax liability, penalty and interest may be imposed pursuant to 18559
section 718.27 of the Revised Code upon the amount of underpayment 18560
for the period of underpayment, unless the underpayment is due to 18561
reasonable cause as described in division (E) of this section. The 18562
amount of the underpayment shall be determined as follows: 18563

(a) For the first payment of estimated taxes each year, 18564
twenty-two and one-half per cent of the tax liability, less the 18565
amount of taxes paid by the date prescribed for that payment; 18566

(b) For the second payment of estimated taxes each year, 18567
forty-five per cent of the tax liability, less the amount of taxes 18568
paid by the date prescribed for that payment; 18569

(c) For the third payment of estimated taxes each year, 18570
sixty-seven and one-half per cent of the tax liability, less the 18571
amount of taxes paid by the date prescribed for that payment; 18572

(d) For the fourth payment of estimated taxes each year, 18573
ninety per cent of the tax liability, less the amount of taxes 18574
paid by the date prescribed for that payment. 18575

(2) The period of the underpayment shall run from the day the 18576
estimated payment was required to be made to the date on which the 18577
payment is made. For purposes of this section, a payment of 18578
estimated taxes on or before any payment date shall be considered 18579
a payment of any previous underpayment only to the extent the 18580
payment of estimated taxes exceeds the amount of the payment 18581
presently required to be paid to avoid any penalty. 18582

(E) An underpayment of any portion of tax liability 18583
determined under division (D) of this section shall be due to 18584

reasonable cause and the penalty imposed by this section shall not 18585
be added to the taxes for the taxable year if any of the following 18586
apply: 18587

(1) The amount of estimated taxes that were paid equals at 18588
least ninety per cent of the tax liability for the current taxable 18589
year, determined by annualizing the income received during the 18590
year up to the end of the month immediately preceding the month in 18591
which the payment is due. 18592

(2) The amount of estimated taxes that were paid equals at 18593
least one hundred per cent of the tax liability shown on the 18594
return of the taxpayer for the preceding taxable year, provided 18595
that the immediately preceding taxable year reflected a period of 18596
twelve months and the taxpayer filed a return with the municipal 18597
corporation under section 718.05 of the Revised Code for that 18598
year. 18599

(3) The taxpayer is an individual who resides in the 18600
municipal corporation but was not domiciled there on the first day 18601
of January of the calendar year that includes the first day of the 18602
taxable year. 18603

(F)(1) A tax administrator may waive the requirement for 18604
filing a declaration of estimated taxes for any class of taxpayers 18605
after finding that the waiver is reasonable and proper in view of 18606
administrative costs and other factors. 18607

(2) A municipal corporation may, by ordinance or rule, waive 18608
the requirement for filing a declaration of estimated taxes for 18609
all taxpayers." 18610

Sec. 718.27. (A) As used in this section: 18611

(1) "Applicable law" means this chapter, the resolutions, 18612
ordinances, codes, directives, instructions, and rules adopted by 18613
a municipal corporation provided such resolutions, ordinances, 18614

codes, directives, instructions, and rules impose or directly or 18615
indirectly address the levy, payment, remittance, or filing 18616
requirements of a municipal income tax. 18617

(2) "Income tax," "estimated income tax," and "withholding 18618
tax" means any income tax, estimated income tax, and withholding 18619
tax imposed by a municipal corporation pursuant to applicable law, 18620
including at any time before January 1, 2016. 18621

(3) A "return" includes any tax return, report, 18622
reconciliation, schedule, and other document required to be filed 18623
with a tax administrator or municipal corporation by a taxpayer, 18624
employer, any agent of the employer, or any other payer pursuant 18625
to applicable law, including at any time before January 1, 2016. 18626

(4) "Federal short-term rate" means the rate of the average 18627
market yield on outstanding marketable obligations of the United 18628
States with remaining periods to maturity of three years or less, 18629
as determined under section 1274 of the Internal Revenue Code, for 18630
July of the current year. 18631

(5) "Interest rate as described in division (A) of this 18632
section" means the federal short-term rate, rounded to the nearest 18633
whole number per cent, plus five per cent. The rate shall apply 18634
for the calendar year next following the July of the year in which 18635
the federal short-term rate is determined in accordance with 18636
division (A)(4) of this section. 18637

(6) "Unpaid estimated income tax" means estimated income tax 18638
due but not paid by the date the tax is required to be paid under 18639
applicable law. 18640

(7) "Unpaid income tax" means income tax due but not paid by 18641
the date the income tax is required to be paid under applicable 18642
law. 18643

(8) "Unpaid withholding tax" means withholding tax due but 18644
not paid by the date the withholding tax is required to be paid 18645

under applicable law. 18646

(9) "Withholding tax" includes amounts an employer, any agent 18647
of an employer, or any other payer did not withhold in whole or in 18648
part from an employee's qualifying wages, but that, under 18649
applicable law, the employer, agent, or other payer is required to 18650
withhold from an employee's qualifying wages. 18651

(B)(1) This section applies to the following: 18652

(a) Any return required to be filed under applicable law for 18653
taxable years beginning on or after January 1, 2016; 18654

(b) Income tax, estimated income tax, and withholding tax 18655
required to be paid or remitted to the municipal corporation on or 18656
after January 1, 2016. 18657

(2) This section does not apply to returns required to be 18658
filed or payments required to be made before January 1, 2016, 18659
regardless of the filing or payment date. Returns required to be 18660
filed or payments required to be made before January 1, 2016, but 18661
filed or paid after that date shall be subject to the ordinances 18662
or rules, as adopted before January 1, 2016, of the municipal 18663
corporation to which the return is to be filed or the payment is 18664
to be made. 18665

(C) Each municipal corporation levying a tax on income may 18666
impose on a taxpayer, employer, any agent of the employer, and any 18667
other payer, and must attempt to collect, the interest amounts and 18668
penalties prescribed under division (C) of this section when the 18669
taxpayer, employer, any agent of the employer, or any other payer 18670
for any reason fails, in whole or in part, to make to the 18671
municipal corporation timely and full payment or remittance of 18672
income tax, estimated income tax, or withholding tax or to file 18673
timely with the municipal corporation any return required to be 18674
filed. 18675

(1) Interest shall be imposed at the rate described in 18676

division (A) of this section, per annum, on all unpaid income tax, 18677
unpaid estimated income tax, and unpaid withholding tax. 18678

(2)(a) With respect to unpaid income tax and unpaid estimated 18679
income tax, a municipal corporation may impose a penalty equal to 18680
fifteen per cent of the amount not timely paid. 18681

(b) With respect to any unpaid withholding tax, a municipal 18682
corporation may impose a penalty ~~equal to~~ not exceeding fifty per 18683
cent of the amount not timely paid. 18684

(3) With respect to returns other than estimated income tax 18685
returns, a municipal corporation may impose a penalty of 18686
twenty-five dollars for each failure to timely file each return, 18687
regardless of the liability shown thereon for each month, or any 18688
fraction thereof, during which the return remains unfiled 18689
regardless of the liability shown thereon. The penalty shall not 18690
exceed one hundred fifty dollars for each failure. 18691

(D)(1) With respect to the income taxes, estimated income 18692
taxes, withholding taxes, and returns, no municipal corporation 18693
shall impose, seek to collect, or collect any penalty, amount of 18694
interest, charges, or additional fees not described in this 18695
section. 18696

(2) With respect to the income taxes, estimated income taxes, 18697
withholding taxes, and returns not described in division (A) of 18698
this section, nothing in this section requires a municipal 18699
corporation to refund or credit any penalty, amount of interest, 18700
charges, or additional fees that the municipal corporation has 18701
properly imposed or collected before January 1, 2016. 18702

(E) Nothing in this section limits the authority of a 18703
municipal corporation to abate or partially abate penalties or 18704
interest imposed under this section when the tax administrator 18705
determines, in the tax administrator's sole discretion, that such 18706
abatement is appropriate. 18707

(F) By the thirty-first day of October of each year the 18708
municipal corporation shall publish the rate described in division 18709
(A) of this section applicable to the next succeeding calendar 18710
year. 18711

(G) The municipal corporation may impose on the taxpayer, 18712
employer, any agent of the employer, or any other payer the 18713
municipal corporation's post-judgment collection costs and fees, 18714
including attorney's fees. 18715

Sec. 718.60. (A) There is hereby created the municipal income 18716
tax net operating loss review committee for the purpose of 18717
evaluating and quantifying the potential fiscal impact to 18718
municipal corporations levying an income tax of requiring such 18719
municipal corporations to allow taxpayers to carry forward net 18720
operating losses for five years. The committee is a public body 18721
for the purposes of section 121.22 of the Revised Code. 18722

(B) The committee shall be composed of the following members: 18723

(1) Two members of the house of representatives who are not 18724
of the same political party, appointed by the speaker of the house 18725
of representatives; 18726

(2) Two members of the senate who are not of the same 18727
political party, appointed by the president of the senate; 18728

(3) Three members representing municipal income taxpayers, 18729
appointed by the speaker of the house of representatives; 18730

(4) Three members representing municipal corporations that 18731
levy an income tax in calendar year 2016, appointed by the 18732
president of the senate. At least two of the members appointed 18733
under division (B)(4) of this section shall represent municipal 18734
corporations that do not allow taxpayers to carry forward net 18735
operating losses to future taxable years. 18736

(5) One member appointed by the governor, who shall serve as 18737

the chairperson of the committee. 18738

An appointed member shall serve until the member resigns or 18739
is removed by the member's appointing authority. Vacancies shall 18740
be filled in the same manner as original appointments. A vacancy 18741
on the committee does not impair the right of the other members to 18742
exercise all the functions of the committee. 18743

The committee shall meet at the call of the chairperson. The 18744
presence of a majority of the members of the committee constitutes 18745
a quorum for the conduct of business of the committee. The 18746
concurrence of at least a majority of the members of the committee 18747
is necessary to approve the report issued by the committee under 18748
division (D) of this section. Members of the committee shall not 18749
be compensated or reimbursed for members' expenses. 18750

(C)(1) As used in this section, "reporting municipal 18751
corporation" means any municipal corporation that does not allow 18752
net operating losses incurred before January 1, 2017, to be 18753
carried forward and utilized to offset income or net profit 18754
generated in such municipal corporation in future taxable years. 18755

(2) On or before August 31, 2021, each reporting municipal 18756
corporation shall report to the municipal income tax net operating 18757
loss review committee the difference between (a) the municipal 18758
corporation's actual municipal income tax revenue received for 18759
taxable years ending in 2018 and 2019 and (b) the projected amount 18760
of municipal income tax revenue that the municipal corporation 18761
would have received for taxable years ending in 2018 and 2019 if 18762
the municipal corporation were not required to allow net operating 18763
losses incurred in prior taxable years to be carried forward to 18764
taxable years ending in 2018 or 2019. Each municipal corporation's 18765
calculations shall be made using the microsimulation model adopted 18766
by the committee at its meeting on May 5, 2016, but applied to 18767
taxable years ending in 2018 and 2019. 18768

(D) The municipal income tax net operating loss review 18769
committee shall review the information reported by municipal 18770
corporations under division (C) of this section and calculate the 18771
total of the revenue effects reported by such municipal 18772
corporations. On or before May 1, 2022, the committee shall issue 18773
a written report to the speaker and minority leader of the house 18774
of representatives and the president and minority leader of the 18775
senate reporting the committee's findings and the estimated 18776
revenue impact of requiring municipal corporations levying an 18777
income tax to allow net operating loss to be carried forward for 18778
five years. The report shall contain recommendations to address 18779
revenue shortfalls, which may include, but which shall not be 18780
limited to, the use of supplemental funds from the local 18781
government fund to mitigate those shortfalls. 18782

(E) Nothing in this section delays or otherwise affects the 18783
taxable years to which division ~~(E)(8)(D)(3)~~ of section 718.01 of 18784
the Revised Code applies as prescribed in that division. 18785

(F) The municipal income tax net operating loss review 18786
committee shall cease to exist on May 1, 2022. 18787

Sec. 718.80. (A) A taxpayer may elect to be subject to 18788
sections 718.80 to 718.95 of the Revised Code in lieu of the 18789
provisions set forth in the remainder of this chapter. 18790
Notwithstanding any other provision of this chapter, upon the 18791
taxpayer's election, both of the following shall apply: 18792

(1) The tax commissioner shall serve as the sole 18793
administrator of each municipal income tax for which the taxpayer 18794
is liable for the term of the election; 18795

(2) The commissioner shall administer the tax pursuant to 18796
sections 718.80 to 718.95 of the Revised Code and any applicable 18797
provision of Chapter 5703. of the Revised Code. 18798

(B)(1) A taxpayer shall make the initial election on or before the first day of the third month after the beginning of taxpayer's taxable year by notifying the tax commissioner and each municipal corporation in which the taxpayer conducted business during the previous taxable year, on a form prescribed by the tax commissioner. 18799
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(2)(a) The election, once made by the taxpayer, applies to the taxable year in which the election is made and to each subsequent taxable year until the taxpayer notifies the tax commissioner and each municipal corporation in which the taxpayer conducted business during the previous taxable year of its termination of the election. 18805
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(b) A notification of termination shall be made, on a form prescribed by the tax commissioner, on or before the first day of the third month of any taxable year. 18811
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(c) Upon a timely and valid termination of the election, the taxpayer is no longer subject to sections 718.80 to 718.95 of the Revised Code, and is instead subject to the provisions set forth in the remainder of this chapter. 18814
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(C)(1) On or before the thirty-first day of January each year, each municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year. 18818
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(2) A municipal corporation, within ninety days of receiving a taxpayer's notification of election under division (B) of this section, shall submit to the tax commissioner, on a form prescribed by the tax commissioner, the following information regarding the taxpayer: 18822
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(a) The amount of any net operating loss that the taxpayer is entitled to carry forward to a future tax year; 18827
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(b) The amount of any net operating loss carryforward 18829

utilized by the taxpayer in prior years; 18830

(c) Any credits granted by the municipal corporation to which 18831
the taxpayer is entitled, the amount of such credits, whether the 18832
credits may be carried forward to future tax years, and, if the 18833
credits may be carried forward, the duration of any such 18834
carryforward; 18835

(d) Any overpayments of tax that the taxpayer has elected to 18836
carry forward to a subsequent tax year; 18837

(e) Any other information the municipal corporation deems 18838
relevant in order to effectuate the tax commissioner's efficient 18839
administration of the tax on the municipal corporation's behalf. 18840

(3) If any municipal corporation fails to timely comply with 18841
divisions (C)(1) and (2) of this section, the tax commissioner 18842
shall notify the director of budget and management, who, upon 18843
receiving such notification, shall withhold from each payment made 18844
to the municipal corporation under section 718.83 of the Revised 18845
Code fifty per cent of the amount of the payment otherwise due to 18846
the municipal corporation under that section. The director shall 18847
compute the withholding on the basis of the tax rate most recently 18848
certified to the tax commissioner until the municipal corporation 18849
complies with divisions (C)(1) and (2) of this section. 18850

(D) The tax commissioner shall enforce and administer 18851
sections 718.80 to 718.95 of the Revised Code. In addition to any 18852
other powers conferred upon the tax commissioner by law, the tax 18853
commissioner may: 18854

(1) Prescribe all forms necessary to administer those 18855
sections; 18856

(2) Adopt such rules as the tax commissioner finds necessary 18857
to carry out those sections; 18858

(3) Appoint and employ such personnel as are necessary to 18859

carry out the duties imposed upon the tax commissioner by those 18860
sections. 18861

(E) No tax administrator shall utilize sections 718.81 to 18862
718.95 of the Revised Code in the administrator's administration 18863
of a municipal income tax, and those sections shall not be applied 18864
to any taxpayer that has not made the election under this section. 18865

(F) Nothing in this chapter shall be construed to make any 18866
section of this chapter, other than sections 718.01 and 718.80 to 18867
718.95 of the Revised Code, applicable to the tax commissioner's 18868
administration of a municipal income tax or to any taxpayer that 18869
has made the election under this section. 18870

(G) The tax commissioner shall not be considered a tax 18871
administrator, as that term is defined in section 718.01 of the 18872
Revised Code. 18873

Sec. 718.81. If a term used in sections 718.80 to 718.95 of 18874
the Revised Code that is not otherwise defined in this chapter is 18875
used in a comparable context in both the laws of the United States 18876
relating to federal income tax and in Title LVII of the Revised 18877
Code and the use is not consistent, then the use of the term in 18878
the laws of the United States relating to federal income tax shall 18879
have control over the use of the term in Title LVII of the Revised 18880
Code, unless the term is defined in Chapter 5703. of the Revised 18881
Code, in which case the definition in that chapter shall control. 18882
Any reference in this chapter to the Internal Revenue Code 18883
includes other laws of the United States related to federal income 18884
taxes. If a term is defined in both this section and section 18885
718.01 of the Revised Code, the definition in this section shall 18886
control for all uses of that term in sections 718.80 through 18887
718.95 of the Revised Code. 18888

As used in sections 718.80 to 718.95 of the Revised Code 18889
only: 18890

(A) "Municipal taxable income" means income apportioned or 18891
sitused to the municipal corporation under section 718.82 of the 18892
Revised Code, as applicable, reduced by any pre-2017 net operating 18893
loss carryforward available to the person for the municipal 18894
corporation. 18895

(B) "Adjusted federal taxable income," for a person required 18896
to file as a C corporation, or for a person that has elected to be 18897
taxed as a C corporation as described in division (D)(5) of 18898
section 718.01 of the Revised Code, means a C corporation's 18899
federal taxable income before net operating losses and special 18900
deductions as determined under the Internal Revenue Code, adjusted 18901
as follows: 18902

(1) Deduct intangible income to the extent included in 18903
federal taxable income. The deduction shall be allowed regardless 18904
of whether the intangible income relates to assets used in a trade 18905
or business or assets held for the production of income. 18906

(2) Add an amount equal to five per cent of intangible income 18907
deducted under division (B)(1) of this section, but excluding that 18908
portion of intangible income directly related to the sale, 18909
exchange, or other disposition of property described in section 18910
1221 of the Internal Revenue Code. 18911

(3) Add any losses allowed as a deduction in the computation 18912
of federal taxable income if the losses directly relate to the 18913
sale, exchange, or other disposition of an asset described in 18914
section 1221 or 1231 of the Internal Revenue Code. 18915

(4)(a) Except as provided in division (B)(4)(b) of this 18916
section, deduct income and gain included in federal taxable income 18917
to the extent the income and gain directly relate to the sale, 18918
exchange, or other disposition of an asset described in section 18919
1221 or 1231 of the Internal Revenue Code. 18920

(b) Division (B)(4)(a) of this section does not apply to the 18921

extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code. 18922
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(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income. 18924
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(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income. 18926
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(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code. 18931
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(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income. 18935
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(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.86 of the Revised Code. 18937
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(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.86 of the Revised Code. 18943
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If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (L)(2) of section 718.01 of the Revised Code, and is not a publicly traded partnership that has made the election described in division 18949
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18952

(D)(5) of section 718.01 of the Revised Code, the taxpayer shall 18953
compute adjusted federal taxable income under this section as if 18954
the taxpayer were a C corporation, except guaranteed payments and 18955
other similar amounts paid or accrued to a partner, former 18956
partner, shareholder, former shareholder, member, or former member 18957
shall not be allowed as a deductible expense unless such payments 18958
are in consideration for the use of capital and treated as payment 18959
of interest under section 469 of the Internal Revenue Code or 18960
United States treasury regulations. Amounts paid or accrued to a 18961
qualified self-employed retirement plan with respect to a partner, 18962
former partner, shareholder, former shareholder, member, or former 18963
member of the taxpayer, amounts paid or accrued to or for health 18964
insurance for a partner, former partner, shareholder, former 18965
shareholder, member, or former member, and amounts paid or accrued 18966
to or for life insurance for a partner, former partner, 18967
shareholder, former shareholder, member, or former member shall 18968
not be allowed as a deduction. 18969

Nothing in division (B) of this section shall be construed as 18970
allowing the taxpayer to add or deduct any amount more than once 18971
or shall be construed as allowing any taxpayer to deduct any 18972
amount paid to or accrued for purposes of federal self-employment 18973
tax. 18974

(C) "Taxpayer" has the same meaning as in section 718.01 of 18975
the Revised Code, except that "taxpayer" does not include natural 18976
persons or entities subject to the tax imposed under Chapter 5745. 18977
of the Revised Code. "Taxpayer" may include receivers, assignees, 18978
or trustees in bankruptcy when such persons are required to assume 18979
the role of a taxpayer. 18980

(D) "Tax return" or "return" means the notifications and 18981
reports required to be filed pursuant to sections 718.80 to 718.95 18982
of the Revised Code for the purpose of reporting municipal income 18983
taxes, and includes declarations of estimated tax. 18984

(E) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the calculation of the taxpayer's adjusted federal taxable income is based pursuant to this chapter. If a taxpayer's taxable year is changed for federal income tax purposes, the taxable year for purposes of sections 718.80 to 718.95 of the Revised Code is changed accordingly but may consist of an aggregation of more than one taxable year for federal income tax purposes. The tax commissioner may prescribe by rule an appropriate period as the taxable year for a taxpayer that has had a change of its taxable year for federal income tax purposes, for a taxpayer that has two or more short taxable years for federal income tax purposes as the result of a change of ownership, or for a new taxpayer that would otherwise have no taxable year.

(F) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 718.90 of the Revised Code.

Sec. 718.82. This section applies to any taxpayer that is engaged in a business or profession in a municipal corporation and that has made the election under section 718.80 of the Revised Code.

(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the

business or profession during the same period, wherever situated. 19016

As used in the preceding paragraph, tangible personal or real 19017
property shall include property rented or leased by the taxpayer 19018
and the value of such property shall be determined by multiplying 19019
the annual rental thereon by eight; 19020

(2) Wages, salaries, and other compensation paid during the 19021
taxable period to individuals employed in the business or 19022
profession for services performed in the municipal corporation to 19023
wages, salaries, and other compensation paid during the same 19024
period to individuals employed in the business or profession, 19025
wherever the individual's services are performed, excluding 19026
compensation from which taxes are not required to be withheld 19027
under section 718.011 of the Revised Code; 19028

(3) Total gross receipts of the business or profession from 19029
sales and rentals made and services performed during the taxable 19030
period in the municipal corporation to total gross receipts of the 19031
business or profession during the same period from sales, rentals, 19032
and services, wherever made or performed. 19033

(B)(1) If the apportionment factors described in division (A) 19034
of this section do not fairly represent the extent of a taxpayer's 19035
business activity in a municipal corporation, the taxpayer may 19036
request, or the tax commissioner may require, that the taxpayer 19037
use, with respect to all or any portion of the income of the 19038
taxpayer, an alternative apportionment method involving one or 19039
more of the following: 19040

(a) Separate accounting; 19041

(b) The exclusion of one or more of the factors; 19042

(c) The inclusion of one or more additional factors that 19043
would provide for a more fair apportionment of the income of the 19044
taxpayer to the municipal corporation; 19045

(d) A modification of one or more of the factors. 19046

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (A) of section 718.90 of the Revised Code. 19047
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(3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 718.90 of the Revised Code. 19054
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(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations: 19059
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(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following: 19063
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(a) The employer; 19065

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient; 19066
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(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient. 19069
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(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for 19072
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services performed for, or on behalf of, the employer or that the 19076
employee's presence at the location directly or indirectly 19077
benefits the employer; 19078

(3) Any other location, if the tax commissioner determines 19079
that the employer directed the employee to perform the services at 19080
the other location in lieu of a location described in division 19081
(C)(1) or (2) of this section solely in order to avoid or reduce 19082
the employer's municipal income tax liability. If the tax 19083
commissioner makes such a determination, the employer may dispute 19084
the determination by establishing, by a preponderance of the 19085
evidence, that the tax commissioner's determination was 19086
unreasonable. 19087

(D) For the purposes of division (A)(3) of this section, 19088
receipts from sales and rentals made and services performed shall 19089
be sitused to a municipal corporation as follows: 19090

(1) Gross receipts from the sale of tangible personal 19091
property shall be sitused to the municipal corporation only if, 19092
regardless of where title passes, the property meets either of the 19093
following criteria: 19094

(a) The property is shipped to or delivered within the 19095
municipal corporation from a stock of goods located within the 19096
municipal corporation. 19097

(b) The property is delivered within the municipal 19098
corporation from a location outside the municipal corporation, 19099
provided the taxpayer is regularly engaged through its own 19100
employees in the solicitation or promotion of sales within such 19101
municipal corporation and the sales result from such solicitation 19102
or promotion. 19103

(2) Gross receipts from the sale of services shall be sitused 19104
to the municipal corporation to the extent that such services are 19105
performed in the municipal corporation. 19106

(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be sitused to the municipal corporation. 19107
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(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be sitused to the municipal corporation. 19110
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(5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation. 19113
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(E) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year. 19117
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(F) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a municipal corporation to which the taxpayer has apportioned a portion of its net profit, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the 19126
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amount related to the stock option not exempted from taxation. 19139

This division applies solely for the purpose of making an 19140
adjustment to the amount of a taxpayer's net profit that was 19141
apportioned to a municipal corporation under this section. 19142

(G) When calculating the ratios described in division (A) of 19143
this section for the purposes of that division or division (B) of 19144
this section, the owner of a disregarded entity shall include in 19145
the owner's ratios the property, payroll, and gross receipts of 19146
such disregarded entity. 19147

Sec. 718.83. (A) On or before the last day of each month, the 19148
tax commissioner shall certify to the director of budget and 19149
management the amount to be paid to each municipal corporation, 19150
based on amounts reported on annual returns and declarations of 19151
estimated tax under sections 718.85 and 718.88 of the Revised 19152
Code, less any amounts previously distributed and net of any audit 19153
adjustments made or refunds granted by the commissioner, for the 19154
calender month preceding the month in which the certification is 19155
made. Not later than the fifth day of each month, the director 19156
shall provide for payment of the amount certified to each 19157
municipal corporation from the municipal income tax fund, plus a 19158
pro rata share of any investment earnings accruing to the fund 19159
since the previous payment under this section. Each municipal 19160
corporation's share of such earnings shall equal the proportion 19161
that the municipal corporation's certified tax payment is of the 19162
total taxes certified to all municipal corporations in that 19163
quarter. All investment earnings on money in the municipal income 19164
tax fund shall be credited to that fund. 19165

(B) If the tax commissioner determines that the amount of tax 19166
paid by a taxpayer and distributed to a municipal corporation 19167
under this section for a taxable year exceeds the amount payable 19168
to that municipal corporation under sections 718.80 to 718.95 of 19169

the Revised Code after accounting for amounts remitted with the 19170
annual return and as estimated taxes, the commissioner shall 19171
proceed according to divisions (A) and (B) of section 5703.77 of 19172
the Revised Code. 19173

Sec. 718.84. (A) Any information gained as a result of 19174
returns, investigations, hearings, or verifications required or 19175
authorized by sections 718.80 to 718.95 of the Revised Code is 19176
confidential, and no person shall disclose such information, 19177
except for official purposes, in accordance with a proper judicial 19178
order, or as provided in section 4123.271 or 5703.21 of the 19179
Revised Code. The tax commissioner may furnish the internal 19180
revenue service with copies of returns filed. This section does 19181
not prohibit the publication of statistics in a form which does 19182
not disclose information with respect to particular taxpayers. 19183

(B) In March of each year, the tax commissioner shall provide 19184
each tax administrator with the following information for every 19185
taxpayer that filed tax returns with the commissioner under 19186
sections 718.80 to 718.95 of the Revised Code and that had 19187
municipal taxable income apportionable to the municipal 19188
corporation under this chapter for any prior year: 19189

(1) The taxpayer's name, address, and federal employer 19190
identification number; 19191

(2) The taxpayer's apportionment ratio for, and amount of 19192
municipal taxable income apportionable to, the municipal 19193
corporation pursuant to section 718.82 of the Revised Code; 19194

(3) The amount of any pre-2017 net operating loss 19195
carryforward utilized by the taxpayer; 19196

(4) Whether the taxpayer requested that any overpayment be 19197
carried forward to a future taxable year; 19198

(5) The amount of any credit claimed under section 718.94 of 19199

the Revised Code. 19200

(C) Not later than thirty days after each distribution made 19201
to municipal corporations under section 718.83 of the Revised 19202
Code, the tax commissioner shall provide to each municipal 19203
corporation a report stating the name of every taxpayer that made 19204
estimated payments that are attributable to the municipal 19205
corporation and the amount of each such taxpayer's estimated 19206
payment. 19207

(D) Not later than the thirty-first day of January of each 19208
year, every municipal corporation shall provide to the tax 19209
commissioner, in a format prescribed by the commissioner, the name 19210
and mailing address of up to two persons to whom the municipal 19211
corporation requests that the commissioner send the information 19212
described in division (B) of this section. The commissioner shall 19213
not provide such information to any person other than a person 19214
employed by the municipal corporation or by a tax administrator, 19215
as defined in section 718.01 of the Revised Code, that administers 19216
the municipal corporation's income tax, except as may otherwise be 19217
provided by law. 19218

(E)(1) The tax commissioner may adopt rules that further 19219
govern the terms and conditions under which tax returns filed with 19220
the commissioner under this chapter, and any other information 19221
gained in the performance of the commissioner's duties prescribed 19222
by this chapter, shall be available for inspection by properly 19223
authorized officers, employees, or agents of the municipal 19224
corporations to which the taxpayer's net profit is apportioned 19225
under section 718.82 of the Revised Code. 19226

(2) As used in this division, "properly authorized officer, 19227
employee, or agent" means an officer, employee, or agent of a 19228
municipal corporation who is authorized by charter or ordinance of 19229
the municipal corporation to view or possess information referred 19230
to in section 718.13 of the Revised Code. 19231

(F)(1) If, upon receiving the information described in 19232
division (B) of this section, a municipal corporation discovers 19233
that it has additional information in its possession that could 19234
result in a change to a taxpayer's tax liability, the municipal 19235
corporation may refer the taxpayer to the tax commissioner for an 19236
audit. Such referral shall be made on a form prescribed by the 19237
commissioner and shall include any information that forms the 19238
basis for the referral. 19239

(2) Upon receipt of a referral under division (F)(1) of this 19240
section, the commissioner shall review the referral and may 19241
conduct an audit of the taxpayer that is the subject of the 19242
referral based on the information in the referral and any other 19243
relevant information available to the commissioner. 19244

(3) Nothing in division (F) of this section shall be 19245
construed as forming the sole basis upon which the commissioner 19246
may conduct an audit of a taxpayer, nor shall it be construed to 19247
require the commissioner to conduct any audit. 19248

Sec. 718.85. (A)(1) For each taxable year, every taxpayer 19249
shall file an annual return. Such return, along with the amount of 19250
tax shown to be due on the return less the amount paid for the 19251
taxable year under section 718.88 of the Revised Code, shall be 19252
submitted to the tax commissioner, on a form and in the manner 19253
prescribed by the commissioner, on or before the fifteenth day of 19254
the fourth month following the end of the taxpayer's taxable year. 19255

(2) If a taxpayer has multiple taxable years ending within 19256
one calendar year, the taxpayer shall aggregate the facts and 19257
figures necessary to compute the tax due under this chapter, in 19258
accordance with sections 718.81, 718.82, and, if applicable, 19259
718.86 of the Revised Code onto its annual return. 19260

(3) The remittance shall be made payable to the treasurer of 19261
state and in the form prescribed by the tax commissioner. If the 19262

amount payable with the tax return is ten dollars or less, no 19263
remittance is required. 19264

(B) The tax commissioner shall immediately forward to the 19265
treasurer of state all amounts the commissioner receives pursuant 19266
to sections 718.80 to 718.95 of the Revised Code. The treasurer 19267
shall credit ninety-nine per cent of such amounts to the municipal 19268
income tax fund and the remainder to the municipal income tax 19269
administrative fund established under section 5745.03 of the 19270
Revised Code. 19271

(C)(1) Each return required to be filed under this section 19272
shall contain the signature of the taxpayer or the taxpayer's duly 19273
authorized agent and of the person who prepared the return for the 19274
taxpayer, and shall include the taxpayer's identification number. 19275
Each return shall be verified by a declaration under penalty of 19276
perjury. 19277

(2)(a) The tax commissioner may require a taxpayer to 19278
include, with each annual tax return, amended return, or request 19279
for refund filed with the commissioner under sections 718.80 to 19280
718.95 of the Revised Code, copies of any relevant documents or 19281
other information. 19282

(b) A taxpayer that files an annual tax return electronically 19283
through the Ohio business gateway or in another manner as 19284
prescribed by the tax commissioner shall either submit the 19285
documents required under this division electronically as 19286
prescribed at the time of filing or, if electronic submission is 19287
not available, mail the documents to the tax commissioner. The 19288
department of taxation shall publish a method of electronically 19289
submitting the documents required under this division on or before 19290
January 1, 2019. 19291

(3) After a taxpayer files a tax return, the tax commissioner 19292
may request, and the taxpayer shall provide, any information, 19293

statements, or documents required to determine and verify the 19294
taxpayer's municipal income tax. 19295

(D)(1)(a) Any taxpayer that has duly requested an automatic 19296
extension for filing the taxpayer's federal income tax return 19297
shall automatically receive an extension for the filing of a tax 19298
return with the commissioner under this section. The extended due 19299
date of the return shall be the fifteenth day of the tenth month 19300
after the last day of the taxable year to which the return 19301
relates. 19302

(b) A taxpayer that has not requested or received a six-month 19303
extension for filing the taxpayer's federal income tax return may 19304
request that the commissioner grant the taxpayer a six-month 19305
extension of the date for filing the taxpayer's municipal income 19306
tax return. If the commissioner receives the request on or before 19307
the date the municipal income tax return is due, the commissioner 19308
shall grant the taxpayer's extension request. 19309

(c) An extension of time to file under division (D)(1) of 19310
this section is not an extension of the time to pay any tax due 19311
unless the tax commissioner grants an extension of that date. 19312

(2) If the commissioner considers it necessary in order to 19313
ensure payment of a tax imposed in accordance with section 718.04 19314
of the Revised Code, the commissioner may require taxpayers to 19315
file returns and make payments otherwise than as provided in this 19316
section, including taxpayers not otherwise required to file annual 19317
returns. 19318

(E) Each return required to be filed in accordance with this 19319
section shall include a box that the taxpayer may check to 19320
authorize another person, including a tax return preparer who 19321
prepared the return, to communicate with the tax commissioner 19322
about matters pertaining to the return. The return or instructions 19323
accompanying the return shall indicate that by checking the box 19324

the taxpayer authorizes the commissioner to contact the preparer 19325
or other person concerning questions that arise during the 19326
examination or other review of the return and authorizes the 19327
preparer or other person only to provide the commissioner with 19328
information that is missing from the return, to contact the 19329
commissioner for information about the examination or other review 19330
of the return or the status of the taxpayer's refund or payments, 19331
and to respond to notices about mathematical errors, offsets, or 19332
return preparation that the taxpayer has received from the 19333
commissioner and has shown to the preparer or other person. 19334

(F) When income tax returns or other documents require the 19335
signature of a tax return preparer, the tax commissioner shall 19336
accept a facsimile or electronic version of such a signature in 19337
lieu of a manual signature. 19338

Sec. 718.851. (A) All taxpayers that have made the election 19339
allowed under section 718.80 of the Revised Code shall file any 19340
tax return or extension for filing a tax return, and shall make 19341
payment of amounts shown to be due on such returns, 19342
electronically, either through the Ohio business gateway or in 19343
another manner as prescribed by the tax commissioner. 19344

(B) A taxpayer may apply to the commissioner, on a form 19345
prescribed by the commissioner, to be excused from the requirement 19346
to file returns and make payments electronically. For good cause 19347
shown, the commissioner may excuse the applicant from the 19348
requirement and permit the applicant to file the returns or make 19349
the payments by nonelectronic means. 19350

(C) The tax commissioner may adopt rules establishing the 19351
following: 19352

(1) The format of documents to be used by taxpayers to file 19353
returns and make payments by electronic means; 19354

(2) The information taxpayers must submit when filing tax returns by electronic means. 19355
19356

Sec. 718.86. (A) As used in this section: 19357

(1) "Affiliated group of corporations" means an affiliated group as defined in section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group. 19358
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(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to section 1501 of the Internal Revenue Code. 19365
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(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (A)(1) of this section. 19368
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(4) "Incumbent local exchange carrier" has the same meaning as in section 4927.01 of the Revised Code. 19376
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(5) "Local exchange telephone service" has the same meaning as in section 5727.01 of the Revised Code. 19378
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(B)(1) A taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated tax return for a taxable year if at least one member of the affiliated group of corporations is subject to a tax imposed in accordance with section 718.04 of the Revised Code in that taxable year and if the 19380
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affiliated group of corporations filed a consolidated federal 19385
income tax return with respect to that taxable year. The election 19386
is binding for a five-year period beginning with the first taxable 19387
year of the initial election unless a change in the reporting 19388
method is required under federal law. The election continues to be 19389
binding for each subsequent five-year period unless the taxpayer 19390
elects to discontinue filing consolidated tax returns under 19391
division (B)(2) of this section or a taxpayer receives permission 19392
from the tax commissioner. The tax commissioner shall approve such 19393
a request for good cause shown. 19394

(2) An election to discontinue filing consolidated tax 19395
returns under this section must be made on or before the fifteenth 19396
day of the fourth month of the year following the last year of a 19397
five-year consolidated tax return election period in effect under 19398
division (B)(1) of this section. The election to discontinue 19399
filing a consolidated tax return is binding for a five-year period 19400
beginning with the first taxable year of the election. 19401

(3) An election made under division (B)(1) or (2) of this 19402
section is binding on all members of the affiliated group of 19403
corporations subject to a municipal income tax. 19404

(4) When a taxpayer makes the election allowed under section 19405
718.80 of the Revised Code, a valid election made by the taxpayer 19406
under division (B)(1) or (2) of section 718.06 of the Revised Code 19407
is binding upon the tax commissioner for the remainder of the 19408
five-year period. 19409

(5) When an election made under section 718.80 of the Revised 19410
Code is terminated, a valid election made under this section is 19411
binding upon the tax administrator for the remainder of the 19412
five-year period. 19413

(C) A taxpayer that is a member of an affiliated group of 19414
corporations that filed a consolidated federal income tax return 19415

for a taxable year shall file a consolidated tax return for that 19416
taxable year if the tax commissioner determines, by a 19417
preponderance of the evidence, that intercompany transactions have 19418
not been conducted at arm's length and that there has been a 19419
distortive shifting of income or expenses with regard to 19420
allocation of net profits to a municipal corporation. A taxpayer 19421
that is required to file a consolidated tax return for a taxable 19422
year shall file a consolidated tax return for all subsequent 19423
taxable years unless the taxpayer requests and receives written 19424
permission from the commissioner to file a separate return or a 19425
taxpayer has experienced a change in circumstances. 19426

(D) A taxpayer shall prepare a consolidated tax return in the 19427
same manner as is required under the United States department of 19428
treasury regulations that prescribe procedures for the preparation 19429
of the consolidated federal income tax return required to be filed 19430
by the common parent of the affiliated group of which the taxpayer 19431
is a member. 19432

(E)(1) Except as otherwise provided in divisions (E)(2), (3), 19433
and (4) of this section, corporations that file a consolidated tax 19434
return shall compute adjusted federal taxable income, as defined 19435
in section 718.81 of the Revised Code, by substituting 19436
"consolidated federal taxable income" for "federal taxable income" 19437
wherever "federal taxable income" appears in that division and by 19438
substituting "an affiliated group of corporation's" for "a C 19439
corporation's" wherever "a C corporation's" appears in that 19440
division. 19441

(2) No corporation filing a consolidated tax return shall 19442
make any adjustment otherwise required under division (B) of 19443
section 718.81 of the Revised Code to the extent that the item of 19444
income or deduction otherwise subject to the adjustment has been 19445
eliminated or consolidated in the computation of consolidated 19446
federal taxable income. 19447

(3) If the net profit or loss of a pass-through entity having 19448
at least eighty per cent of the value of its ownership interest 19449
owned or controlled, directly or indirectly, by an affiliated 19450
group of corporations is included in that affiliated group's 19451
consolidated federal taxable income for a taxable year, the 19452
corporation filing a consolidated tax return shall do one of the 19453
following with respect to that pass-through entity's net profit or 19454
loss for that taxable year: 19455

(a) Exclude the pass-through entity's net profit or loss from 19456
the consolidated federal taxable income of the affiliated group 19457
and, for the purpose of making the computations required in 19458
section 718.82 of the Revised Code, exclude the property, payroll, 19459
and gross receipts of the pass-through entity in the computation 19460
of the affiliated group's net profit sitused to a municipal 19461
corporation. If the entity's net profit or loss is so excluded, 19462
the entity shall be subject to taxation as a separate taxpayer on 19463
the basis of the entity's net profits that would otherwise be 19464
included in the consolidated federal taxable income of the 19465
affiliated group. 19466

(b) Include the pass-through entity's net profit or loss in 19467
the consolidated federal taxable income of the affiliated group 19468
and, for the purpose of making the computations required in 19469
section 718.82 of the Revised Code, include the property, payroll, 19470
and gross receipts of the pass-through entity in the computation 19471
of the affiliated group's net profit sitused to a municipal 19472
corporation. If the entity's net profit or loss is so included, 19473
the entity shall not be subject to taxation as a separate taxpayer 19474
on the basis of the entity's net profits that are included in the 19475
consolidated federal taxable income of the affiliated group. 19476

(4) If the net profit or loss of a pass-through entity having 19477
less than eighty per cent of the value of its ownership interest 19478
owned or controlled, directly or indirectly, by an affiliated 19479

group of corporations is included in that affiliated group's 19480
consolidated federal taxable income for a taxable year, all of the 19481
following shall apply: 19482

(a) The corporation filing the consolidated tax return shall 19483
exclude the pass-through entity's net profit or loss from the 19484
consolidated federal taxable income of the affiliated group and, 19485
for the purposes of making the computations required in section 19486
718.82 of the Revised Code, exclude the property, payroll, and 19487
gross receipts of the pass-through entity in the computation of 19488
the affiliated group's net profit situated to a municipal 19489
corporation; 19490

(b) The pass-through entity shall be subject to municipal 19491
income taxation as a separate taxpayer in accordance with sections 19492
718.80 to 718.95 of the Revised Code on the basis of the entity's 19493
net profits that would otherwise be included in the consolidated 19494
federal taxable income of the affiliated group. 19495

(F) Corporations filing a consolidated tax return shall make 19496
the computations required under section 718.82 of the Revised Code 19497
by substituting "consolidated federal taxable income attributable 19498
to" for "net profit from" wherever "net profit from" appears in 19499
that section and by substituting "affiliated group of 19500
corporations" for "taxpayer" wherever "taxpayer" appears in that 19501
section. 19502

(G) Each corporation filing a consolidated tax return is 19503
jointly and severally liable for any tax, interest, penalties, 19504
finances, charges, or other amounts applicable under section 718.80 19505
to 718.95 or Chapter 5703. of the Revised Code to the corporation, 19506
an affiliated group of which the corporation is a member for any 19507
portion of the taxable year, or any one or more members of such an 19508
affiliated group. 19509

Sec. 718.87. If a taxpayer that has made the election allowed 19510

under section 718.80 of the Revised Code fails to pay any tax as 19511
required under sections 718.80 to 718.95 of the Revised Code, or 19512
any portion of that tax, on or before the date prescribed for its 19513
payment, interest shall be assessed, collected, and paid, in the 19514
same manner as the tax, upon such unpaid amount at the rate per 19515
annum prescribed by section 5703.47 of the Revised Code from the 19516
date prescribed for its payment until it is paid or until the date 19517
an assessment is issued under section 718.90 of the Revised Code, 19518
whichever occurs first. 19519

Sec. 718.88. (A) As used in this section: 19520

(1) "Combined tax liability" means the total amount of a 19521
taxpayer's income tax liabilities to all municipal corporations in 19522
this state for a taxable year. 19523

(2) "Estimated taxes" means the amount that the taxpayer 19524
reasonably estimates to be the taxpayer's combined tax liability 19525
for the current taxable year. 19526

(B)(1) Except as provided in division (B)(4) of this section, 19527
every taxpayer shall make a declaration of estimated taxes for the 19528
current taxable year, on the form prescribed by the tax 19529
commissioner, if the amount payable as estimated taxes is at least 19530
two hundred dollars. 19531

(2) Except as provided in division (B)(4) of this section, a 19532
taxpayer having a taxable year of less than twelve months shall 19533
make a declaration under rules prescribed by the commissioner. 19534

(3) The declaration of estimated taxes shall be filed on or 19535
before the fifteenth day of the fourth month after the beginning 19536
of the taxable year or on or before the fifteenth day of the 19537
fourth month after the taxpayer becomes subject to tax for the 19538
first time. 19539

(4) The tax commissioner may waive the requirement for filing 19540

a declaration of estimated taxes for any class of taxpayers after 19541
finding that the waiver is reasonable and proper in view of 19542
administrative costs and other factors. 19543

(C) Each taxpayer shall file the declaration of estimated 19544
taxes with, and remit estimated taxes to, the tax commissioner at 19545
the times and in the amounts prescribed in division (C)(1) of this 19546
section. Remitted taxes shall be made payable to the treasurer of 19547
state. 19548

(1) The required portion of the combined tax liability for 19549
the taxable year that shall be paid through estimated taxes shall 19550
be as follows: 19551

(a) On or before the fifteenth day of the fourth month after 19552
the beginning of the taxable year, twenty-two and one-half per 19553
cent of the combined tax liability for the taxable year; 19554

(b) On or before the fifteenth day of the sixth month after 19555
the beginning of the taxable year, forty-five per cent of the 19556
combined tax liability for the taxable year; 19557

(c) On or before the fifteenth day of the ninth month after 19558
the beginning of the taxable year, sixty-seven and one-half per 19559
cent of the combined tax liability for the taxable year; 19560

(d) On or before the fifteenth day of the twelfth month of 19561
the taxable year, ninety per cent of the combined tax liability 19562
for the taxable year. 19563

(2) If the taxpayer determines that its declaration of 19564
estimated taxes will not accurately reflect the taxpayer's tax 19565
liability for the taxable year, the taxpayer shall increase or 19566
decrease, as appropriate, its subsequent payments in equal 19567
installments to result in a more accurate payment of estimated 19568
taxes. 19569

(3)(a) Each taxpayer shall report on the declaration of 19570

estimated taxes the portion of the remittance that the taxpayer 19571
estimates that it owes to each municipal corporation for the 19572
taxable year. 19573

(b) Upon receiving a payment of estimated taxes under this 19574
section, the commissioner shall immediately forward the payment to 19575
the treasurer of state. The treasurer shall credit the payment in 19576
the same manner as in division (B) of section 718.85 of the 19577
Revised Code. 19578

(D)(1) In the case of any underpayment of estimated taxes, 19579
there shall be added to the taxes an amount determined at the rate 19580
per annum prescribed by section 5703.47 of the Revised Code upon 19581
the amount of underpayment for the period of underpayment, unless 19582
the underpayment is due to reasonable cause as described in 19583
division (E) of this section. The amount of the underpayment shall 19584
be determined as follows: 19585

(a) For the first payment of estimated taxes each year, 19586
twenty-two and one-half per cent of the combined tax liability, 19587
less the amount of taxes paid by the date prescribed for that 19588
payment; 19589

(b) For the second payment of estimated taxes each year, 19590
forty-five per cent of the combined tax liability, less the amount 19591
of taxes paid by the date prescribed for that payment; 19592

(c) For the third payment of estimated taxes each year, 19593
sixty-seven and one-half per cent of the combined tax liability, 19594
less the amount of taxes paid by the date prescribed for that 19595
payment; 19596

(d) For the fourth payment of estimated taxes each year, 19597
ninety per cent of the combined tax liability, less the amount of 19598
taxes paid by the date prescribed for that payment. 19599

(2) The period of the underpayment shall run from the day the 19600
estimated payment was required to be made to the date on which the 19601

payment is made. For purposes of this section, a payment of 19602
estimated taxes on or before any payment date shall be considered 19603
a payment of any previous underpayment only to the extent the 19604
payment of estimated taxes exceeds the amount of the payment 19605
presently due. 19606

(3) All amounts collected under this section shall be 19607
considered as taxes collected under sections 718.80 to 718.95 of 19608
the Revised Code and shall be credited and distributed to 19609
municipal corporations in accordance with section 718.83 of the 19610
Revised Code. 19611

(E) An underpayment of any portion of a combined tax 19612
liability shall be due to reasonable cause and the penalty imposed 19613
by this section shall not be added to the taxes for the taxable 19614
year if any of the following apply: 19615

(1) The amount of estimated taxes that were paid equals at 19616
least ninety per cent of the combined tax liability for the 19617
current taxable year, determined by annualizing the income 19618
received during the year up to the end of the month immediately 19619
preceding the month in which the payment is due. 19620

(2) The amount of estimated taxes that were paid equals at 19621
least one hundred per cent of the tax liability shown on the 19622
return of the taxpayer for the preceding taxable year, provided 19623
that the immediately preceding taxable year reflected a period of 19624
twelve months and the taxpayer filed a municipal income tax return 19625
for that year. 19626

Sec. 718.89. (A) In addition to any other penalty imposed by 19627
sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, 19628
the following penalties shall apply: 19629

(1) If a taxpayer required to file a tax return under 19630
sections 718.80 to 718.95 of the Revised Code fails to make and 19631

file the return within the time prescribed, including any 19632
extensions of time granted by the tax commissioner, the 19633
commissioner may impose a penalty not exceeding twenty-five 19634
dollars per month or fraction of a month, for each month or 19635
fraction of a month elapsing between the due date, including 19636
extensions of the due date, and the date on which the return is 19637
filed. The aggregate penalty, per instance, under this division 19638
shall not exceed one hundred fifty dollars. 19639

(2) If a person required to file a tax return electronically 19640
under sections 718.80 to 718.95 of the Revised Code fails to do 19641
so, the commissioner may impose a penalty not to exceed the 19642
following: 19643

(a) For each of the first two failures, five per cent of the 19644
amount required to be reported on the return; 19645

(b) For the third and any subsequent failure, ten per cent of 19646
the amount required to be reported on the return. 19647

(3) If a taxpayer that has made the election allowed under 19648
section 718.80 of the Revised Code fails to timely pay an amount 19649
of tax required to be paid under this chapter, the commissioner 19650
may impose a penalty equal to fifteen per cent of the amount not 19651
timely paid. 19652

(4) If a taxpayer files what purports to be a tax return 19653
required by sections 718.80 to 718.95 of the Revised Code that 19654
does not contain information upon which the substantial 19655
correctness of the return may be judged or contains information 19656
that on its face indicates that the return is substantially 19657
incorrect, and the filing of the return in that manner is due to a 19658
position that is frivolous or a desire that is apparent from the 19659
return to delay or impede the administration of sections 718.80 to 19660
718.95 of the Revised Code, a penalty of up to five hundred 19661
dollars may be imposed. 19662

(5) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under sections 718.80 to 718.95 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return. 19663
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(6) If any person makes a false or fraudulent claim for a refund under section 718.91 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 718.90 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section. 19669
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(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return. 19677
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(C) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties. 19681
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(D) All amounts collected under this section shall be considered as taxes collected under sections 718.80 to 718.95 of the Revised Code and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under section 718.83 of the Revised Code. 19686
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Sec. 718.90. (A) If any taxpayer required to file a return under section 718.80 to 718.95 of the Revised Code fails to file 19692
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the return within the time prescribed, files an incorrect return, 19694
or fails to remit the full amount of the tax due for the period 19695
covered by the return, the tax commissioner may make an assessment 19696
against the taxpayer for any deficiency for the period for which 19697
the return or tax is due, based upon any information in the 19698
commissioner's possession. 19699

The tax commissioner shall not make or issue an assessment 19700
against a taxpayer more than three years after the later of the 19701
date the return subject to assessment was required to be filed or 19702
the date the return was filed. Such time limit may be extended if 19703
both the taxpayer and the commissioner consent in writing to the 19704
extension. Any such extension shall extend the three-year time 19705
limit in section 718.91 of the Revised Code for the same period of 19706
time. There shall be no bar or limit to an assessment against a 19707
taxpayer that fails to file a return subject to assessment as 19708
required by sections 718.80 to 718.95 of the Revised Code, or that 19709
files a fraudulent return. The commissioner shall give the 19710
taxpayer assessed written notice of the assessment as provided in 19711
section 5703.37 of the Revised Code. With the notice, the 19712
commissioner shall provide instructions on how to petition for 19713
reassessment and request a hearing on the petition. 19714

(B) Unless the taxpayer assessed files with the tax 19715
commissioner within sixty days after service of the notice of 19716
assessment, either personally or by certified mail, a written 19717
petition for reassessment signed by the authorized agent of the 19718
taxpayer assessed having knowledge of the facts, the assessment 19719
becomes final, and the amount of the assessment is due and payable 19720
from the taxpayer to the treasurer of state. The petition shall 19721
indicate the taxpayer's objections, but additional objections may 19722
be raised in writing if received by the commissioner prior to the 19723
date shown on the final determination. If the petition has been 19724
properly filed, the commissioner shall proceed under section 19725

5703.60 of the Revised Code. 19726

(C) After an assessment becomes final, if any portion of the 19727
assessment remains unpaid, including accrued interest, a certified 19728
copy of the tax commissioner's entry making the assessment final 19729
may be filed in the office of the clerk of the court of common 19730
pleas in the county in which the taxpayer has an office or place 19731
of business in this state, the county in which the taxpayer's 19732
statutory agent is located, or Franklin county. 19733

Immediately upon the filing of the entry, the clerk shall 19734
enter a judgment against the taxpayer assessed in the amount shown 19735
on the entry. The judgment may be filed by the clerk in a 19736
loose-leaf book entitled "special judgments for municipal income 19737
taxes," and shall have the same effect as other judgments. 19738
Execution shall issue upon the judgment upon the request of the 19739
tax commissioner, and all laws applicable to sales on execution 19740
shall apply to sales made under the judgment. 19741

If the assessment is not paid in its entirety within sixty 19742
days after the day the assessment was issued, the portion of the 19743
assessment consisting of tax due shall bear interest at the rate 19744
per annum prescribed by section 5703.47 of the Revised Code from 19745
the day the commissioner issues the assessment until the 19746
assessment is paid or until it is certified to the attorney 19747
general for collection under section 131.02 of the Revised Code, 19748
whichever comes first. If the unpaid portion of the assessment is 19749
certified to the attorney general for collection, the entire 19750
unpaid portion of the assessment shall bear interest at the rate 19751
per annum prescribed by section 5703.47 of the Revised Code from 19752
the date of certification until the date it is paid in its 19753
entirety. Interest shall be paid in the same manner as the tax and 19754
may be collected by issuing an assessment under this section. 19755

(D) All money collected under this section shall be credited 19756
to the municipal income tax fund and distributed to the municipal 19757

corporation to which the money is owed based on the assessment 19758
issued under this section. 19759

(E) If the tax commissioner believes that collection of the 19760
tax will be jeopardized unless proceedings to collect or secure 19761
collection of the tax are instituted without delay, the 19762
commissioner may issue a jeopardy assessment against the taxpayer 19763
liable for the tax. Immediately upon the issuance of the jeopardy 19764
assessment, the commissioner shall file an entry with the clerk of 19765
the court of common pleas in the manner prescribed by division (C) 19766
of this section. Notice of the jeopardy assessment shall be served 19767
on the taxpayer assessed or the taxpayer's legal representative in 19768
the manner provided in section 5703.37 of the Revised Code within 19769
five days of the filing of the entry with the clerk. The total 19770
amount assessed is immediately due and payable, unless the 19771
taxpayer assessed files a petition for reassessment in accordance 19772
with division (B) of this section and provides security in a form 19773
satisfactory to the commissioner and in an amount sufficient to 19774
satisfy the unpaid balance of the assessment. Full or partial 19775
payment of the assessment does not prejudice the commissioner's 19776
consideration of the petition for reassessment. 19777

(F) Notwithstanding the fact that a petition for reassessment 19778
is pending, the taxpayer may pay all or a portion of the 19779
assessment that is the subject of the petition. The acceptance of 19780
a payment by the treasurer of state does not prejudice any claim 19781
for refund upon final determination of the petition. 19782

If upon final determination of the petition an error in the 19783
assessment is corrected by the tax commissioner, upon petition so 19784
filed or pursuant to a decision of the board of tax appeals or any 19785
court to which the determination or decision has been appealed, so 19786
that the amount due from the taxpayer under the corrected 19787
assessment is less than the portion paid, there shall be issued to 19788
the taxpayer, its assigns, or legal representative a refund in the 19789

amount of the overpayment as provided by section 718.91 of the 19790
Revised Code, with interest on that amount as provided by that 19791
section. 19792

Sec. 718.91. (A) An application to refund to a taxpayer the 19793
amount of taxes paid on any illegal, erroneous, or excessive 19794
payment of tax under sections 718.80 to 718.95 of the Revised 19795
Code, including assessments, shall be filed with the tax 19796
commissioner within three years after the date of the illegal, 19797
erroneous, or excessive payment of the tax, or within any 19798
additional period allowed by division (A) of section 718.90 of the 19799
Revised Code. The application shall be filed in the form 19800
prescribed by the tax commissioner. 19801

(B)(1) On the filing of a refund application, the tax 19802
commissioner shall determine the amount of refund to which the 19803
applicant is entitled. If the amount is greater than ten dollars 19804
and not less than that claimed, the commissioner shall certify 19805
that amount to the director of budget and management and the 19806
treasurer of state for payment from the tax refund fund created in 19807
section 5703.052 of the Revised Code. If the amount is greater 19808
than ten dollars but less than that claimed, the commissioner 19809
shall proceed in accordance with section 5703.70 of the Revised 19810
Code. 19811

(2) Upon issuance of a refund under this section, the 19812
commissioner shall notify each municipal corporation of the amount 19813
refunded to the taxpayer attributable to that municipal 19814
corporation, which shall be deducted from the municipal 19815
corporation's next distribution under section 718.83 of the 19816
Revised Code. 19817

(C) Any portion of a refund determined under division (B) of 19818
this section that is not issued within ninety days after such 19819
determination shall bear interest at the rate per annum prescribed 19820

by section 5703.47 of the Revised Code from the ninety-first day 19821
after such determination until the day the refund is paid or 19822
credited. On an illegal or erroneous assessment, interest shall be 19823
paid at that rate from the date of payment on the illegal or 19824
erroneous assessment until the day the refund is paid or credited. 19825

Sec. 718.92. (A) If any of the facts, figures, computations, 19826
or attachments required in an annual return filed by a taxpayer 19827
that has made the election allowed under section 718.80 of the 19828
Revised Code and used to determine the tax due under sections 19829
718.80 to 718.95 of the Revised Code must be altered as the result 19830
of an adjustment to the taxpayer's federal income tax return, 19831
whether initiated by the taxpayer or the internal revenue service, 19832
and such alteration affects the taxpayer's tax liability under 19833
those sections, the taxpayer shall file an amended return with the 19834
tax commissioner in such form as the commissioner requires. The 19835
amended return shall be filed not later than sixty days after the 19836
adjustment is agreed upon or finally determined for federal income 19837
tax purposes or after any federal income tax deficiency or refund, 19838
or the abatement or credit resulting therefrom, has been assessed 19839
or paid, whichever occurs first. If a taxpayer intends to file an 19840
amended consolidated municipal income tax return, or to amend its 19841
type of return from a separate return to a consolidated return, 19842
based on the taxpayer's consolidated federal income tax return, 19843
the taxpayer shall notify the commissioner before filing the 19844
amended return. 19845

(B) In the case of an underpayment, the amended return shall 19846
be accompanied by payment of any combined additional tax due 19847
together with any penalty and interest thereon. An amended return 19848
required by this section is a return subject to assessment under 19849
section 718.90 of the Revised Code for the purpose of assessing 19850
any additional tax due under this section, together with any 19851
applicable penalty and interest. The amended return shall not 19852

reopen those facts, figures, computations, or attachments from a 19853
previously filed return no longer subject to assessment that are 19854
not affected, either directly or indirectly, by the adjustment to 19855
the taxpayer's federal tax return. 19856

(C) In the case of an overpayment, an application for refund 19857
may be filed under this division within the sixty-day period 19858
prescribed for filing the amended return, even if that period 19859
extends beyond the period prescribed in section 718.91 of the 19860
Revised Code, if the application otherwise conforms to the 19861
requirements of that section. An application filed under this 19862
division shall claim refund of overpayments resulting from 19863
alterations to only those facts, figures, computations, or 19864
attachments required in the taxpayer's annual return that are 19865
affected, either directly or indirectly, by the adjustment to the 19866
taxpayer's federal income tax return unless it is also filed 19867
within the time prescribed in section 718.91 of the Revised Code. 19868
The application shall not reopen those facts, figures, 19869
computations, or attachments that are not affected, either 19870
directly or indirectly, by the adjustment to the taxpayer's 19871
federal income tax return. 19872

Sec. 718.93. (A) The tax commissioner, or any authorized 19873
agent or employee thereof, may examine the books, papers, records, 19874
and federal and state income tax returns of any taxpayer or other 19875
person that is subject to sections 718.80 to 718.95 of the Revised 19876
Code for the purpose of verifying the accuracy of any return made 19877
or, if no return was filed, to ascertain the tax due as required 19878
under those sections. Upon written request by the commissioner or 19879
a duly authorized agent or employee thereof, every taxpayer or 19880
other person subject to this section is required to furnish the 19881
opportunity for the commissioner, authorized agent, or employee to 19882
investigate and examine such books, papers, records, and federal 19883
and state income tax returns at a reasonable time and place 19884

designated in the request. 19885

(B) The records and other documents of any taxpayer or other person that is subject to sections 718.80 to 718.95 of the Revised Code shall be open to the tax commissioner's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The commissioner may require any person, by notice served on that person, to keep such records as the commissioner determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by a municipal corporation. 19886
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(C) The tax commissioner may examine under oath any person that the commissioner reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The commissioner may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney. 19898
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(D) No person issued written notice by the tax commissioner compelling attendance at a hearing or examination or the production of books, papers, records, or federal income tax returns under this section shall fail to comply. 19909
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Sec. 718.94. (A) A credit, granted by resolution or ordinance of a municipal corporation pursuant to section 718.15 or 718.151 19913
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of the Revised Code, shall be available to a taxpayer that has 19915
made the election allowed under section 718.80 of the Revised 19916
Code, against the municipal corporation's tax on income, provided 19917
that the municipal corporation submits the following information 19918
to the tax commissioner on or before the later of January 31, 19919
2018, or the thirty-first day of January of the first year in 19920
which the municipal corporation allows the credit: 19921

(1) A copy of the agreement entered into by the municipal 19922
corporation and taxpayer under section 718.15 or 718.151 of the 19923
Revised Code; 19924

(2) A copy of the municipal ordinance or resolution allowing 19925
the credit. 19926

(B)(1) Each taxpayer that claims a credit shall submit, with 19927
the taxpayer's tax return, documentation issued by the municipal 19928
corporation granting the credit that shows the following: 19929

(a) The taxpayer is entitled to claim the credit for the tax 19930
year; 19931

(b) The amount of the credit to which the taxpayer is 19932
entitled. 19933

(2) Nothing in this section shall be construed to authorize 19934
the tax commissioner to enter into an agreement with a taxpayer to 19935
grant a credit or to determine if a taxpayer meets the conditions 19936
of a tax credit agreement entered into by a municipal corporation 19937
and taxpayer under section 718.15 or 718.151 of the Revised Code. 19938

(C) The tax commissioner may adopt rules to delineate the 19939
documentation necessary to verify that a taxpayer claiming a 19940
credit under this section is entitled to the credit and the amount 19941
of the credit. 19942

Sec. 718.95. (A) Except as provided in division (B) of this 19943
section, whoever recklessly violates division (A) of section 19944

718.84 of the Revised Code shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both.

(B) Any person who recklessly discloses information received from the internal revenue service in violation of division (A) of section 718.84 of the Revised Code shall be guilty of a felony of the fifth degree and shall be subject to a fine of not more than five thousand dollars plus the costs of prosecution, or imprisonment for a term not exceeding five years, or both.

(C) Each instance of access or disclosure in violation of division (A) of section 718.84 of the Revised Code constitutes a separate offense.

Sec. 725.01. As used in sections 725.01 to 725.11 of the Revised Code:

(A) "Slum area" means an area within a municipal corporation, in which area there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property, by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to public health, safety, morals, or welfare.

(B) "Blighted area" means an area within a municipal corporation, ~~which area~~ that substantially impairs or arrests the sound growth of a municipal corporation, retards the provision of housing accommodations, or constitutes an economic or social

liability and is a menace to the public health, safety, morals, or 19975
welfare in its present condition and use by reason of the presence 19976
of a substantial number of slums, deteriorated or deteriorating 19977
structures, predominance of defective or inadequate street layout, 19978
faulty lot layout in relation to size, adequacy, accessibility, or 19979
usefulness, unsanitary or unsafe conditions, contamination by 19980
hazardous substances or petroleum, deterioration of site or other 19981
improvements, diversity of ownership, tax or special assessment 19982
delinquency exceeding the fair value of the land, defective or 19983
unusual conditions to title, or the existence of conditions which 19984
endanger life or property by fire and other causes, or any 19985
combination of such factors, ~~substantially impairs or arrests the~~ 19986
~~sound growth of a municipal corporation, retards the provision of~~ 19987
~~housing accommodations, or constitutes an economic or social~~ 19988
~~liability and is a menace to the public health, safety, morals, or~~ 19989
~~welfare in its present condition and use.~~ 19990

(C)(1) "Development agreement" means an agreement that 19991
includes as a minimum all of the following agreements between a 19992
municipal corporation as obligee and the following parties as 19993
obligors: 19994

(a) An agreement to construct or rehabilitate the structures 19995
and facilities described in the development agreement on real 19996
property described in the agreement situated in an urban renewal 19997
area, the obligor of such agreement to be a party determined by 19998
the legislative authority of the municipal corporation to have the 19999
ability to perform or cause the performance of the agreement; 20000

(b) The agreement required by section 725.04 of the Revised 20001
Code, the obligor of the agreement to be the owner or owners of 20002
the improvements to be constructed or rehabilitated; 20003

(c) An agreement of the owner or owners of the fee simple of 20004
the real property to which the development agreement pertains, as 20005
obligor, that the owner or owners and their successors and assigns 20006

shall use, develop, and redevelop the real property in accordance 20007
with, and for the period of, the urban renewal plan and shall so 20008
bind their successors and assigns by appropriate agreements and 20009
covenants running with the land enforceable by the municipal 20010
corporation. 20011

(2) A municipal corporation on behalf of the holders of urban 20012
renewal bonds may be the obligor of any of the agreements 20013
described in division (C)(1) of this section. 20014

(D) "Revenues" means all rentals received under leases made 20015
by the municipal corporation in any part or all of one or more 20016
urban renewal areas; all proceeds of the sale or other disposition 20017
of property of the municipal corporation in any part or all of one 20018
or more urban renewal areas; all revenue available to the 20019
municipal corporation pursuant to a development agreement 20020
described in division (C)(1) of this section; and all urban 20021
renewal service payments collected from any part or all of one or 20022
more urban renewal areas. 20023

(E) "Urban renewal area" means a slum area or a blighted area 20024
or a combination thereof which the legislative authority of the 20025
municipal corporation designates as appropriate for an urban 20026
renewal project. 20027

(F) "Urban renewal bonds" means, unless the context indicates 20028
a different meaning, definitive bonds, interim receipts, temporary 20029
bonds, and urban renewal refunding bonds issued pursuant to 20030
sections 725.01 to 725.11 of the Revised Code, and bonds issued 20031
pursuant to Article XVIII, Section 3, Ohio Constitution, for the 20032
uses specified in section 725.07 of the Revised Code. 20033

(G) "Urban renewal refunding bonds" means the refunding bonds 20034
authorized by section 725.07 of the Revised Code. 20035

(H) "Urban renewal plan" means a plan, as it exists from time 20036
to time, for an urban renewal project, which plan shall ~~conform~~ do 20037

both of the following: 20038

(1) Conform to the general plan for the municipal corporation, if any, ~~and shall be;~~ 20039
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(2) Be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, cleanup or remediation of hazardous substances or petroleum, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning, and planning changes, if any, land uses, maximum densities, and building requirements. 20041
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(I) "Urban renewal project" may include undertakings and activities of a municipal corporation in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, ~~and~~. "Urban renewal project" may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof, in accordance with an urban renewal plan, and such aforesaid undertakings and activities may include ~~acquisition~~ any of the following: 20047
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(1) Acquisition of a slum area or a blighted area, or portion thereof, demolition and removal of buildings and improvements; ~~installation~~ 20056
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(2) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public buildings and facilities, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives in accordance with the urban renewal plan, disposition of any property acquired in the urban renewal area, including sale, leasing, or retention by the municipal corporation itself, at its fair value for uses in accordance with the urban renewal plan; ~~carrying~~ 20059
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(3) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other 20067
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improvements in accordance with the urban renewal plan; ~~the~~ 20069

(4) The cleanup or remediation of hazardous substances or 20070
petroleum in fulfillment of revitalization purposes provided for 20071
in Article VIII, section 2q, Ohio Constitution; 20072

(5) The acquisition, construction, enlargement, improvement, 20073
or equipment of property, structures, equipment, or facilities for 20074
industry, commerce, distribution, or research from the proceeds of 20075
urban renewal bonds issued pursuant to division (C) of section 20076
725.05 of the Revised Code; and ~~acquisition~~ 20077

(6) Acquisition of any other real property in the urban 20078
renewal area where necessary to eliminate unhealthful, unsanitary, 20079
or unsafe conditions, lessen density, eliminate obsolete, or other 20080
uses detrimental to the public welfare, or otherwise to remove or 20081
prevent the spread of blight or deterioration, or to provide land 20082
for needed public facilities. 20083

(J) "Urban renewal debt retirement fund" means a fund, 20084
created pursuant to section 725.03 of the Revised Code by the 20085
legislative authority of a municipal corporation when authorizing 20086
a single issue or a series of urban renewal bonds, to be used for 20087
payment of the principal of and interest and redemption premium on 20088
such urban renewal bonds, trustee's fees, and costs and expenses 20089
of providing credit facilities, put arrangements, and interest 20090
rate hedges, and for fees and expenses of agents, and other fees, 20091
costs, and expenses, in connection with arrangements under 20092
sections 9.98 to 9.983 of the Revised Code; or when authorizing 20093
the repayment of loans from the state issued pursuant to Chapter 20094
164. of the Revised Code and used for urban renewal projects, to 20095
be used to repay the principal and interest on such loans. When so 20096
authorized by the legislative authority of a municipal 20097
corporation, such a fund may be used for both purposes permitted 20098
under this division. 20099

(K) "Urban renewal service payments" means the urban renewal service payments, in lieu of taxes, provided for in section 725.04 of the Revised Code. 20100
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(L) "Improvements" means the structures and facilities constructed or rehabilitated pursuant to a development agreement. 20103
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(M) "Exemption period" means that period during which all or a portion of the assessed valuation of the improvements has been exempted from real property taxation pursuant to section 725.02 of the Revised Code. 20105
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(N) "Cleanup or remediation" has the same meaning as in section 122.65 of the Revised Code. 20109
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(O) "Hazardous substances" and "petroleum" have the same meanings as in section 3746.01 of the Revised Code. 20111
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Sec. 725.04. A development agreement shall contain an agreement binding on the owner or owners of the improvements, and all subsequent owners of the improvements, to make semiannual urban renewal service payments, in lieu of taxes upon the improvements during the exemption period, equal annually in the aggregate to the amount of real property taxes that would have been paid on the portion of the assessed valuation of the improvements declared to be a public purpose had an exemption period not been specified by the municipal corporation. A development agreement may contain an obligation binding on the owner or owners of the improvements, and all subsequent owners of the improvements, to make a semiannual urban renewal service payment in an amount that is higher than the amount of real property taxes that would have been paid on the assessed valuation of the improvements had an exemption period not been specified by the municipal corporation. All semiannual urban renewal service payments shall be collected at the same time that real property taxes are collected. The entire amount of these urban renewal 20113
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service payments, when collected, shall be deposited in an urban 20131
renewal debt retirement fund established pursuant to section 20132
725.03 of the Revised Code. 20133

If the municipal corporation owns the improvements, it may 20134
require the lessee of the improvements to make the semiannual 20135
urban renewal service payments required under this section. 20136

The legislative authority of the municipal corporation may 20137
secure the urban renewal service payments by a lien on the 20138
improvements. Such a lien shall attach, and may be perfected, 20139
collected, and enforced, in the same manner as a mortgage lien on 20140
real property, and shall otherwise have the same force and effect 20141
as a mortgage lien on real property. 20142

Sec. 733.44. (A) The treasurer of a municipal corporation 20143
shall demand and receive, from the county treasurer, taxes levied 20144
and assessments made and certified to the county auditor by the 20145
legislative authority of such municipal corporation and placed on 20146
the tax list by such auditor for collection, moneys, from persons 20147
authorized to collect or required to pay them, accruing to the 20148
municipal corporation from any judgments, fines, penalties, 20149
forfeitures, licenses, costs taxed in mayor's court, and debts due 20150
the municipal corporation. Such funds shall be disbursed by the 20151
treasurer and county auditor on the order of any person authorized 20152
by law or ordinance to issue orders therefor. 20153

(B) The treasurer of a village that does not have a charter 20154
form of government shall not disburse any funds except upon an 20155
order signed by at least one member of the village's legislative 20156
authority or the village clerk and countersigned by the treasurer. 20157
The clerk-treasurer or fiscal officer of a village that does not 20158
have a charter form of government shall not disburse any funds 20159
except upon an order signed by at least one member of the 20160
village's legislative authority and countersigned by the 20161

clerk-treasurer or village fiscal officer. 20162

Sec. 733.46. (A) The treasurer of a municipal corporation 20163
shall receive and disburse all funds of the municipal corporation 20164
and such other funds as arise in or belong to any department or 20165
part of the municipal corporation, except as provided in division 20166
(B) of this section. 20167

(B) The treasurer of a village that does not have a charter 20168
form of government shall not disburse any funds except upon an 20169
order signed by at least one member of the village's legislative 20170
authority or the village clerk and countersigned by the treasurer. 20171
The clerk-treasurer or fiscal officer of a village that does not 20172
have a charter form of government shall not disburse any funds 20173
except upon an order signed by at least one member of the 20174
village's legislative authority and countersigned by the 20175
clerk-treasurer or village fiscal officer. 20176

Sec. 733.78. (A) As used in this section, "fiscal officer" 20177
means a village fiscal officer, a village clerk-treasurer, a 20178
village clerk, a city auditor, a city treasurer or, in the case of 20179
a municipal corporation having a charter that designates an 20180
officer who, by virtue of the charter, has duties and functions 20181
similar to those of the city or village officers referred to in 20182
this section, the officer so designated by the charter. 20183

(B)(1) If a fiscal officer purposely, knowingly, or 20184
recklessly fails to perform a fiscal duty expressly imposed by law 20185
with respect to the fiscal duties of the office of fiscal officer 20186
or purposely, knowingly, or recklessly commits any act expressly 20187
prohibited by law with respect to the fiscal duties of the office 20188
of fiscal officer, a member of the legislative authority of the 20189
municipal corporation may submit a sworn affidavit alleging the 20190
violation, together with evidence supporting the allegations, to 20191

the auditor of state. The sworn affidavit and evidence shall be 20192
submitted in the format prescribed by rule of the auditor of state 20193
under section 117.45 of the Revised Code. A person who makes a 20194
false statement in a sworn affidavit, for purposes of this 20195
section, is guilty of falsification under section 2921.13 of the 20196
Revised Code. 20197

(2) The auditor of state shall review the sworn affidavit and 20198
the evidence. Within ~~ten business~~ thirty calendar days after 20199
receiving the sworn affidavit and evidence, unless, for good 20200
cause, additional time is required, the auditor of state shall 20201
determine whether clear and convincing evidence supports the 20202
allegations. If the auditor of state finds that no allegation is 20203
supported by clear and convincing evidence, the auditor of state 20204
shall submit those findings in writing to the fiscal officer and 20205
the person who initiated the sworn affidavit. If the auditor of 20206
state finds by clear and convincing evidence that an allegation is 20207
supported by the evidence, the auditor of state shall submit those 20208
findings in writing to the attorney general, the fiscal officer, 20209
and the person who initiated the sworn affidavit. The findings 20210
shall include a copy of the sworn affidavit and the evidence 20211
submitted under division (B)(1) of this section. 20212

(3)(a) The attorney general shall review the auditor of 20213
state's findings and the sworn affidavit and evidence. Within ten 20214
business days after receiving them, unless, for good cause, 20215
additional time is required, the attorney general shall determine 20216
whether clear and convincing evidence supports the allegations. If 20217
the attorney general finds that no allegation is supported by 20218
clear and convincing evidence, the attorney general, by certified 20219
mail, shall notify the auditor of state, the fiscal officer, and 20220
the person who initiated the sworn affidavit that no complaint for 20221
the removal of the fiscal officer from public office will be 20222
filed. 20223

(b) If the attorney general finds by clear and convincing evidence that an allegation is supported by the evidence, the attorney general, by certified mail, shall notify the auditor of state, the fiscal officer, and the person who initiated the sworn affidavit of that fact, and shall commence an action for the removal of the fiscal officer from public office under division (C) of this section.

(c) Nothing in this section is intended to limit the authority of the attorney general to enter into mediation, settlement, or resolution of any alleged violation before or following the commencement of an action under this section.

(C)(1)(a) The attorney general has a cause of action for removal of a fiscal officer who purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of fiscal officer or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of fiscal officer. Not later than forty-five days after sending a notice under division (B)(3)(b) of this section, the attorney general shall cause an action to be commenced against the fiscal officer by filing a complaint for the removal of the fiscal officer from public office. If any money is due, the attorney general shall join the sureties on the fiscal officer's bond as parties. The court of common pleas of the county in which the fiscal officer holds office has exclusive original jurisdiction of the action. The action shall proceed de novo as in the trial of a civil action. The court is not restricted to the evidence that was presented to the auditor of state and the attorney general before the action was filed. The action is governed by the Rules of Civil Procedure.

(b) If the court finds by clear and convincing evidence that the fiscal officer purposely, knowingly, or recklessly failed to

perform a fiscal duty expressly imposed by law with respect to the 20256
fiscal duties of the office of fiscal officer or purposely, 20257
knowingly, or recklessly committed any act expressly prohibited by 20258
law with respect to the fiscal duties of that office, the court 20259
shall issue an order removing the fiscal officer from office and 20260
any order necessary for the preservation or restitution of public 20261
funds. 20262

(2) Except as otherwise provided in this division, an action 20263
for removal from office under this section is stayed during the 20264
pendency of any criminal action concerning a violation of an 20265
existing or former municipal ordinance or law of this or any other 20266
state or the United States that is substantially equivalent to any 20267
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 20268
conduct in office, if the person charged in the criminal action 20269
committed the violation while serving as a fiscal officer and the 20270
conduct constituting the violation was related to the duties of 20271
the office of fiscal officer or to the person's actions as the 20272
fiscal officer. The stay may be lifted upon motion of the 20273
prosecuting attorney in the related criminal action. 20274

(3) Prior to or at the hearing, upon a showing of good cause, 20275
the court may issue an order restraining the fiscal officer from 20276
entering the fiscal officer's office and from conducting the 20277
affairs of the office pending the hearing on the complaint. If 20278
such an order is issued, the court may continue the order until 20279
the conclusion of the hearing and any appeals under this section. 20280

(4) The legislative authority of the municipal corporation 20281
shall be responsible for the payment of reasonable attorney's fees 20282
for counsel for the fiscal officer. If judgment is entered against 20283
the fiscal officer, the court shall order the fiscal officer to 20284
reimburse the legislative authority for attorney's fees and costs 20285
up to a reasonable amount, as determined by the court. 20286

(D) The judgment of the court is final and conclusive unless 20287

reversed, vacated, or modified on appeal. An appeal may be taken 20288
by any party, and shall proceed as in the case of appeals in civil 20289
actions and in accordance with the Rules of Appellate Procedure. 20290
Upon the filing of a notice of appeal by any party to the 20291
proceedings, the court of appeals shall hear the case as an 20292
expedited appeal under Rule 11.2 of the Rules of Appellate 20293
Procedure. The fiscal officer has the right of review or appeal to 20294
the supreme court. 20295

(E) If a final judgment for removal from public office is 20296
entered against the fiscal officer, the office shall be deemed 20297
vacated, and the vacancy shall be filled as provided in section 20298
733.31 of the Revised Code. Except as otherwise provided by law, 20299
an individual removed from public office under this section is not 20300
entitled to hold any public office for four years following the 20301
date of the final judgment, and is not entitled to hold any public 20302
office until any repayment or restitution required by the court is 20303
satisfied. 20304

(F) If a municipal corporation's charter establishes a 20305
procedure for the removal of officers from office that conflicts 20306
with the removal procedure established by this section, the 20307
procedure for the removal of officers in the charter prevails. 20308

(G) For the purposes of this section: 20309

(1) A person acts purposely when it is the person's specific 20310
intention to cause a certain result, or, when the gist of the 20311
offense is a prohibition against conduct of a certain nature, 20312
regardless of what the person intends to accomplish thereby, it is 20313
the person's specific intention to engage in conduct of that 20314
nature. 20315

(2) A person acts knowingly, regardless of the person's 20316
purpose, when the person is aware that the person's conduct will 20317
probably cause a certain result or will probably be of a certain 20318

nature. A person has knowledge of circumstances when the person is 20319
aware that such circumstances probably exist. 20320

(3) A person acts recklessly when, with heedless indifference 20321
to the consequences, the person perversely disregards a known risk 20322
that the person's conduct is likely to cause a certain result or 20323
is likely to be of a certain nature. A person is reckless with 20324
respect to circumstances when, with heedless indifference to the 20325
consequences, the person perversely disregards a known risk that 20326
such circumstances are likely to exist. 20327

(H) The proceedings provided for in this section may be used 20328
as an alternative to the removal proceedings prescribed under 20329
sections 3.07 to 3.10 of the Revised Code or other methods of 20330
removal authorized by law. 20331

Sec. 733.81. (A) As used in this section, "fiscal officer" 20332
means the city auditor, city treasurer, village fiscal officer, 20333
village clerk-treasurer, village clerk, and, in the case of a 20334
municipal corporation having a charter that designates an officer 20335
who, by virtue of the charter, has duties and functions similar to 20336
those of the city or village officers referred to in this section, 20337
the officer so designated by the charter. 20338

(B) To enhance the background and working knowledge of fiscal 20339
officers in government accounting, budgeting and financing, 20340
financial report preparation, cybersecurity, and the rules adopted 20341
by the auditor of state, the auditor of state shall conduct 20342
education programs and continuing education courses for 20343
individuals elected or appointed for the first time to the office 20344
of fiscal officer, and shall conduct continuing education courses 20345
for individuals who continue to hold the office in a subsequent 20346
term. The Ohio municipal league also may conduct such initial 20347
education programs and continuing education courses if approved by 20348
the auditor of state. The auditor of state, in conjunction with 20349

the Ohio municipal league, shall determine the manner and content 20350
of the initial education programs and continuing education 20351
courses. 20352

(C) A newly elected or appointed fiscal officer shall 20353
complete at least six hours of initial education programs before 20354
commencing, or during the first year of, office. A fiscal officer 20355
who participates in a training program held under section 117.44 20356
of the Revised Code may apply those hours taken before commencing 20357
office to the six hours of initial education programs required 20358
under this division. 20359

(D)(1) In addition to the six hours of initial education 20360
required under division (B) of this section, a newly elected 20361
fiscal officer shall complete at least a total of eighteen 20362
continuing education hours during the fiscal officer's first term 20363
of office. 20364

(2) A fiscal officer who is elected to a subsequent term of 20365
office shall complete twelve hours of continuing education courses 20366
in each subsequent term of office. 20367

(3) The auditor of state shall adopt rules specifying the 20368
initial education programs and continuing education courses that 20369
are required for a fiscal officer who has been appointed to fill a 20370
vacancy. The requirements shall be proportionally equivalent, 20371
based on the time remaining in the vacated office, to the 20372
requirements for a newly elected fiscal officer. 20373

(4) At least two hours of ethics instruction shall be 20374
included in the continuing education hours required by divisions 20375
(D)(1) and (2) of this section. 20376

(5) A fiscal officer who participates in a training program 20377
or seminar established under section 109.43 of the Revised Code 20378
may apply the three hours of training to the continuing education 20379
hours required by divisions (D)(1) and (2) of this section. 20380

(E)(1) A certified public accountant who serves as a fiscal officer may apply to the continuing education hours required by division (D) of this section any hours of continuing education completed under section 4701.11 of the Revised Code after being elected or appointed as a fiscal officer.

(2) A fiscal officer may apply to the continuing education hours required by division (D) of this section any hours of continuing education completed under section 135.22 of the Revised Code after being elected or appointed as a fiscal officer.

(3) A fiscal officer who teaches an approved continuing education course under division (D) of this section is entitled to credit for the course in the same manner as if the fiscal officer had attended the course.

(F) The auditor of state shall adopt rules for verifying the completion of initial education programs and continuing education courses required under this section for each category of fiscal officer. The auditor of state shall issue a certificate of completion to each fiscal officer who completes the initial education programs and continuing education courses. The auditor of state shall issue a "failure to complete" notice to any fiscal officer who is required to complete initial education programs and continuing education courses under this section, but who fails to do so. The notice is for informational purposes only and does not affect any individual's ability to hold the office to which the individual was elected or appointed.

(G) The legislative authority of a municipal corporation shall approve a reasonable amount requested by the fiscal officer to cover the costs the fiscal officer is required to incur to meet the requirements of this section, including registration fees, lodging and meal expenses, and travel expenses.

Sec. 763.01. As used in this chapter:

(A) "Private entity" means an entity other than a government entity. 20412
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(B) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code. 20414
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~~(C) "Workforce Investment Act" means the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended.~~ 20416
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Sec. 763.07. To enhance the administration, delivery, and effectiveness of family services duties and workforce development activities, the chief elected official of a municipal corporation that is a local area for the purpose of Chapter 6301. of the Revised Code, ~~is the type of local area defined in division (A)(1) of section 6301.01 of the Revised Code~~ may enter into a regional plan of cooperation with one or more boards of county commissioners pursuant to section 307.984 of the Revised Code. A regional plan of cooperation must specify how the private and government entities subject to the plan will coordinate and enhance the administration, delivery, and effectiveness of family services duties and workforce development activities. 20419
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Sec. 901.04. (A) The department of agriculture may solicit or accept from any public or private source and shall deposit in the state treasury to the credit of the agro Ohio fund any grant, gift, devise, or bequest of money made to or for the use of the department in fulfilling its statutory duties or for promoting any part of the public welfare that is under the supervision and control of the department. The department may also accept and hold on behalf of this state any grant, gift, devise, or bequest of other property made to or for the use of the department or for promoting any part of the public welfare that is under the supervision and control of the department. The department may 20431
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contract for and carry out the terms and conditions of any devise, 20442
grant, gift, or donation that may be so made. 20443

(B) There is hereby created in the state treasury the agro 20444
Ohio fund, to which shall be credited all sums received under 20445
division (A) of this section, divisions (A)(2) and (C) of section 20446
2105.09 of the Revised Code, and ~~section~~ sections 4503.503 and 20447
4503.504 of the Revised Code. ~~All money received under divisions~~ 20448
~~(A)(2) and (C) of section 2105.09 of the Revised Code shall be~~ 20449
~~used for the benefit of agriculture. All~~ 20450

(C) All money received under section 4503.504 of the Revised 20451
Code shall be used for the benefit of sustainable agriculture 20452
markets in the state as determined by the director of agriculture. 20453

~~(C) The director may use all or any portion of the moneys in~~ 20454
~~the agro Ohio fund to award grants for the purpose of promoting~~ 20455
~~agriculture in this state. With respect to such grants that~~ 20456
~~consist of moneys other than federal moneys, the director shall~~ 20457
~~adopt rules in accordance with Chapter 119. of the Revised Code~~ 20458
~~establishing all of the following:~~ 20459

~~(1) Specific purposes for which grants may be awarded;~~ 20460

~~(2) Procedures for soliciting grant applications, applying~~ 20461
~~for grants, awarding grants, and otherwise administering grants;~~ 20462

~~(3) Eligibility criteria for receiving grants that must be~~ 20463
~~satisfied by applicants for the grants;~~ 20464

~~(4) Any other procedures and requirements that are necessary~~ 20465
~~to administer a grant program.~~ 20466

~~(D) Federal moneys deposited into~~ Federal money credited to 20467
the agro Ohio fund shall be used in accordance with any terms that 20468
federal law prescribes for their use. All other money credited to 20469
the fund shall be used for the purpose of promoting agriculture in 20470
the state as determined by the director. 20471

Sec. 901.43. (A) The director of agriculture may authorize 20472
any department of agriculture laboratory to perform a laboratory 20473
service for any person, organization, political subdivision, state 20474
agency, federal agency, or other entity, whether public or 20475
private. The director shall adopt and enforce rules to provide for 20476
the rendering of a laboratory service. 20477

(B) The director may charge a reasonable fee for the 20478
performance of a laboratory service, except when the service is 20479
performed on an official sample taken by the director acting 20480
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 20481
Revised Code; by a board of health acting as the licensor of 20482
retail food establishments or food service operations under 20483
Chapter 3717. of the Revised Code; or by the director of health 20484
acting as the licensor of food service operations under Chapter 20485
3717. of the Revised Code. The director of agriculture shall adopt 20486
rules specifying what constitutes an official sample. 20487

The director shall publish a list of laboratory services 20488
offered, together with the fee for each service. 20489

(C) The director may enter into a contract with any person, 20490
organization, political subdivision, state agency, federal agency, 20491
or other entity for the provision of a laboratory service. 20492

(D)(1) The director may adopt rules establishing standards 20493
for accreditation of laboratories and laboratory services and in 20494
doing so may adopt by reference existing or recognized standards 20495
or practices. 20496

(2) The director may inspect and accredit laboratories and 20497
laboratory services, and may charge a reasonable fee for the 20498
inspections and accreditation. 20499

(E)(1) There is hereby created in the state treasury the 20500
animal and consumer protection laboratory fund. Moneys from the 20501

following sources shall be deposited into the state treasury to 20502
the credit of the fund: all moneys collected by the director under 20503
this section that are from fees generated by a laboratory service 20504
performed by the department and related to the diseases of 20505
animals, all moneys so collected that are from fees generated for 20506
the inspection and accreditation of laboratories and laboratory 20507
services related to the diseases of animals, all moneys collected 20508
by the director under this section that are from fees generated by 20509
a laboratory service performed by the consumer protection 20510
laboratory, all moneys so collected that are from fees generated 20511
for the inspection and accreditation of laboratories and 20512
laboratory services not related to weights and measures, money 20513
received by the director under sections 947.01 to 947.06 of the 20514
Revised Code, and all moneys collected under Chapters 942., 943., 20515
and 953. of the Revised Code. The director may use the moneys held 20516
in the fund to pay the expenses necessary to operate the animal 20517
industry laboratory and the consumer protection laboratory, 20518
including the purchase of supplies and equipment. 20519

(2) All moneys collected by the director under this section 20520
that are from fees generated by a laboratory service performed by 20521
the weights and measures laboratory, and all moneys so collected 20522
that are from fees generated for the inspection and accreditation 20523
of laboratories and laboratory services related to weights and 20524
measures, shall be deposited in the state treasury to the credit 20525
of the weights and measures laboratory fund, which is hereby 20526
created in the state treasury. The moneys held in the fund may be 20527
used to pay the expenses necessary to operate the division of 20528
weights and measures, including the purchase of supplies and 20529
equipment. 20530

Sec. 909.10. (A) No person shall ship or move bee colonies or 20531
any used beekeeping equipment into this state from any other state 20532
or country without an inspection certificate issued by an 20533

authorized inspector from the state or country wherein shipment or 20534
movement originated. The certificate shall identify all pathogens 20535
and parasites diagnosed and any controls that were implemented. 20536

In the absence of inspection facilities in another state or 20537
country, the director of agriculture may issue a permit 20538
authorizing the shipment or movement of the bee colonies or used 20539
beekeeping equipment into this state, provided that upon entry the 20540
bees or equipment is inspected by the department of agriculture. 20541
The cost of the inspection shall be paid upon completion in an 20542
amount determined by rule of the director. The inspection fees 20543
shall be paid to the director and deposited by ~~him~~ the director 20544
with the treasurer of state to the credit of the ~~general revenue~~
plant pest program fund created in section 927.54 of the Revised 20546
Code. 20547

If any serious bee diseases are diagnosed, appropriate 20548
controls and eradication measures immediately shall be implemented 20549
by the person shipping or owning the bee colonies or used 20550
beekeeping equipment. If the person shipping or owning the bee 20551
colonies or equipment does not implement any controls or 20552
eradication measures within forty-eight hours from the inspection, 20553
the bee colonies or equipment shall be removed from this state at 20554
the cost of the person shipping or owning them. 20555

(B) Any person selling, shipping, or moving into this state 20556
any queen bees or packaged bees shall submit to the director an 20557
inspection report issued by an authorized inspector from the state 20558
or country wherein shipment or movement originated. One such 20559
report shall be submitted annually thirty days prior to the 20560
initial sale, shipment, or movement of queen bees or packaged bees 20561
of that year. The report shall identify any pathogens and 20562
parasites diagnosed and any controls that were implemented. If any 20563
serious bee diseases have not been controlled or if inspection 20564
reports are not provided as required under this section, such 20565

shipments shall be prohibited from entering this state. 20566

(C) The director may deny entry of the bee colonies or used 20567
equipment if ~~he~~ the director determines they are a threat to the 20568
bee population of this state. 20569

(D) No person shall ship or move into this state any 20570
Africanized honey bees. 20571

Sec. 911.11. The director of agriculture may require any 20572
person intending to work or working in a bakery to submit to a 20573
thorough examination for the purpose of ascertaining whether the 20574
person is afflicted with any contagious, infectious, or other 20575
disease or physical ailment, which may render employment 20576
detrimental to the public health. All such examinations shall be 20577
made by a qualified physician ~~certified~~ licensed under section 20578
4731.14 of the Revised Code, by a physician assistant, by a 20579
clinical nurse specialist, by a certified nurse practitioner, or 20580
by a certified nurse-midwife. Any written documentation of the 20581
examination shall be completed by the individual who did the 20582
examination. 20583

Sec. 924.01. As used in sections 924.01 to 924.16 and 924.40 20584
to 924.55 of the Revised Code: 20585

(A) "Agricultural commodity" means any food, fiber, feed, 20586
animal, or plant, or group of foods, fibers, feeds, animals, or 20587
plants that the director of agriculture determines to be of the 20588
same nature, in either a natural or a processed state. 20589
"Agricultural commodity" does not include grain as defined in 20590
section 924.20 of the Revised Code or soybeans. 20591

(B) "Distributor" means any person who sells, offers for 20592
sale, markets, or distributes an agricultural commodity that the 20593
person has purchased or acquired directly from a producer, or that 20594
the person markets on behalf of a producer. 20595

(C) "Handler" means any person who is in the business of packing, grading, selling, offering for sale, or marketing any agricultural commodity in commercial quantities as defined in a marketing program.

(D) "Marketing program" means a program that is established by order of the director pursuant to this chapter, to improve or expand the market for an agricultural commodity.

(E) "Operating committee" means a committee established to administer a marketing program for an agricultural commodity.

(F) "Person" means any natural person, partnership, sole proprietorship, limited liability company, corporation, society, agricultural cooperative as defined in section 1729.01 of the Revised Code, association, or fiduciary.

(G) "Processor" means any person who is in the business of grading, packaging, packing, canning, freezing, dehydrating, fermenting, distilling, extracting, preserving, grinding, crushing, juicing, or in any other way preserving or changing the form of any agricultural commodity.

(H) "Producer" means any person who is in the business of producing, or causing to be produced, any agricultural commodity for commercial sale, except that when used in reference to nursery stock, "producer" also means a distributor, processor, handler, or retailer of nursery stock.

Sec. 924.09. (A) Each operating committee may make assessments upon the marketable agricultural commodity for which the marketing program was established.

(B) No operating committee shall levy any assessment:

(1) That was not approved by the producers affected by the program;

(2) That exceeds two cents per bushel of corn ~~or soybeans~~ or

two per cent of the average market price of any other agricultural 20626
commodity during the preceding marketing year as defined for the 20627
commodity by the United States department of agriculture or, if 20628
there is no such definition, by the director of agriculture; 20629

(3) Against any producer who is not eligible to vote in a 20630
referendum for the marketing program that the operating committee 20631
administers. 20632

(C) The director may require a producer, processor, 20633
distributor, or handler of an agricultural commodity for which a 20634
marketing program has been established under sections 924.01 to 20635
924.16 of the Revised Code to withhold assessments from any 20636
amounts that the producer, processor, distributor, or handler owes 20637
to producers of the commodity and, notwithstanding division (B)(3) 20638
of this section, to remit them to the operating committee. Any 20639
processor, distributor, or handler who pays for any producer any 20640
assessment that is levied under authority of this section may 20641
deduct the amount of the assessment from any moneys that the 20642
processor, distributor, or handler owes to the producer. 20643

(D) No operating committee shall use any assessments that it 20644
levies for any political or legislative purpose, or for 20645
preferential treatment of one person to the detriment of any other 20646
person affected by the marketing program. 20647

(E) The operating committee of each marketing program shall 20648
refund to a producer the assessments that it collects from the 20649
producer not later than sixty days after receipt of a valid 20650
application by the producer for a refund, provided that the 20651
producer complies with the procedures for a refund that were 20652
included in the program under division (B)(3) of section 924.04 of 20653
the Revised Code. 20654

(F) Each application for a refund of assessments levied for a 20655
program established after April 10, 1985 shall be made on a form 20656

provided by the director of agriculture. Each operating committee 20657
for such a program shall ensure that refund forms are available 20658
where assessments for its program are withheld. 20659

A producer, processor, distributor, or handler marketing 20660
cattle subject to the "Beef Promotion and Research Act," as 20661
amended, shall remit the assessment for the national cattlemen's 20662
beef promotion and research board, as specified in the "Beef 20663
Promotion and Research Act," 99 Stat. 1597 (1985), 7 U.S.C. 20664
2904(8), to the state beef marketing program if the state beef 20665
marketing program is a qualified state beef council as defined by 20666
that act. Division (E) of this section does not apply to such 20667
assessments collected by the state beef marketing program on 20668
behalf of the national cattlemen's beef promotion and research 20669
board pursuant to the "Beef Promotion and Research Act," as 20670
amended, for which the producers that pay the assessments receive 20671
credits from the board. 20672

Sec. 924.211. (A) There is hereby established the soybean 20673
marketing program. Except as provided under divisions (B) and (C) 20674
of this section, the procedures, requirements, and other 20675
provisions that are established under sections 924.20 to 924.30 of 20676
the Revised Code and rules that apply to the grain marketing 20677
program shall apply to the soybean marketing program. For purposes 20678
of that application, references in those sections to "grain" are 20679
deemed to be replaced with references to "soybeans." 20680

(B) The soybean marketing program operating committee shall 20681
consist of eighteen members. Fourteen of those members shall be 20682
elected in accordance with section 924.22 of the Revised Code. The 20683
director of agriculture shall appoint the remaining four members, 20684
who shall be from the united soybean board from this state. The 20685
appointed members of the board shall be voting members of the 20686
committee. 20687

(C) With regard to the levying of assessments under section 20688
924.26 of the Revised Code, the assessment on soybeans shall be 20689
one-half of one per cent of the per-bushel price of soybeans at 20690
the first point of sale. However, if assessments are levied under 20691
the national soybean checkoff program created by the "Soybean 20692
Promotion, Research, and Consumer Information Act," 104 Stat. 3881 20693
(1990), 7 U.S.C. 6301 et seq., no assessments shall be levied for 20694
purposes of the soybean marketing program established under this 20695
section. 20696

Sec. 927.55. The fees required by section 927.53 of the 20697
Revised Code do not apply to: 20698

(A) A person who produces for sale either within this state 20699
or within any state in which such plants and parts do not require 20700
a certificate of inspection as a condition of entry, only nonhardy 20701
plants and plant parts, vegetable plants, herbs, or forced floral 20702
plants, of whatever nature, while in bloom; 20703

(B) A person who conducts the sale of nursery stock as a fund 20704
raiser for a nonprofit organization or nonprofit purpose for no 20705
more than two days per year, who is not a nurseryman, dealer, or 20706
collector, and who makes no more than two ~~hundred~~ thousand dollars 20707
in ~~sales~~ revenue from the sale of nursery stock during a calendar 20708
year; 20709

(C) Any public or private arboretum operated not for profit, 20710
which exchanges inspected nursery stock in limited quantities for 20711
experimental or permanent arboretum plantings. 20712

Sec. 939.02. The director of agriculture shall do all of the 20713
following: 20714

(A) Provide administrative leadership to soil and water 20715
conservation districts in planning, budgeting, staffing, and 20716
administering district programs and the training of district 20717

supervisors and personnel in their duties, responsibilities, and 20718
authorities as prescribed in this chapter and Chapter 940. of the 20719
Revised Code; 20720

(B) Administer this chapter and Chapter 940. of the Revised 20721
Code pertaining to state responsibilities and provide staff 20722
assistance to the Ohio soil and water conservation commission in 20723
exercising its statutory responsibilities; 20724

(C) Assist in expediting state responsibilities for watershed 20725
development and other natural resource conservation works of 20726
improvement; 20727

(D) Coordinate the development and implementation of 20728
cooperative programs and working agreements between soil and water 20729
conservation districts and the department of agriculture or other 20730
agencies of local, state, and federal government; 20731

(E) Subject to the approval of the Ohio soil and water 20732
conservation commission, adopt rules in accordance with Chapter 20733
119. of the Revised Code that do or comply with all of the 20734
following: 20735

(1) Establish technically feasible and economically 20736
reasonable standards to achieve a level of management and 20737
conservation practices in farming operations that will abate wind 20738
or water erosion of the soil or abate the degradation of the 20739
waters of the state by residual farm products, manure, or soil 20740
sediment, including attached substances, and establish criteria 20741
for determination of the acceptability of such management and 20742
conservation practices; 20743

(2) Establish procedures for administration of rules for 20744
agricultural pollution abatement and for enforcement of those 20745
rules; 20746

(3) Specify the pollution abatement practices eligible for 20747
state cost sharing and determine the conditions for eligibility, 20748

the construction standards and specifications, the useful life, 20749
the maintenance requirements, and the limits of cost sharing for 20750
those practices. Eligible practices shall be limited to practices 20751
that address agricultural operations and that require expenditures 20752
that are likely to exceed the economic returns to the owner or 20753
operator and that abate soil erosion or degradation of the waters 20754
of the state by residual farm products, manure, or soil sediment, 20755
including attached pollutants. 20756

(4) Establish procedures for administering grants to owners 20757
or operators of agricultural land or animal feeding operations for 20758
the implementation of operation and management plans; 20759

(5) Do both of the following with regard to composting 20760
conducted in conjunction with agricultural operations: 20761

(a) Establish methods, techniques, or practices for 20762
composting dead animals, or particular types of dead animals, that 20763
are to be used at such operations, as the director considers to be 20764
necessary or appropriate; 20765

(b) Establish requirements and procedures governing the 20766
review and approval or disapproval of composting plans by the 20767
supervisors of soil and water conservation districts under 20768
division (R) of section 940.06 of the Revised Code. 20769

(6) Establish best management practices for inclusion in 20770
operation and management plans; 20771

(7) Establish the amount of civil penalties assessed by the 20772
director under division ~~(B)~~(A) of section 939.07 of the Revised 20773
Code for violation of rules adopted under division (E) of this 20774
section; 20775

(8) Not conflict with air or water quality standards adopted 20776
pursuant to section 3704.03 or 6111.041 of the Revised Code. 20777
Compliance with rules adopted under this section does not affect 20778
liability for noncompliance with air or water quality standards 20779

adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. The application of a level of management and conservation practices recommended under this section to control windblown soil from farming operations creates a presumption of compliance with section 3704.03 of the Revised Code as that section applies to windblown soil.

(F) Cost share with landowners on practices established pursuant to division (E)(3) of this section as moneys are appropriated and available for that purpose. Any practice for which cost share is provided shall be maintained for its useful life. Failure to maintain a cost share practice for its useful life shall subject the landowner to full repayment to the department.

(G) Employ field assistants and other employees that are necessary for the performance of the work prescribed by Chapter 940. of the Revised Code, for performance of work of the department under this chapter, and as agreed to under working agreements or contractual arrangements with soil and water conservation districts, prescribe their duties, and fix their compensation in accordance with schedules that are provided by law for the compensation of state employees. All such employees of the department, unless specifically exempted by law, shall be employed subject to the classified civil service laws in force at the time of employment.

(H) In connection with new or relocated projects involving highways, underground cables, pipelines, railroads, and other improvements affecting soil and water resources, including surface and subsurface drainage:

(1) Provide engineering service that is mutually agreeable to the Ohio soil and water conservation commission and the director to aid in the design and installation of soil and water conservation practices as a necessary component of such projects;

- (2) Maintain close liaison between the owners of lands on which the projects are executed, soil and water conservation districts, and authorities responsible for such projects; 20812
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- (3) Review plans for such projects to ensure their compliance with standards developed under division (E) of this section in cooperation with the department of transportation or with any other interested agency that is engaged in soil or water conservation projects in the state in order to minimize adverse impacts on soil and water resources adjacent to or otherwise affected by these projects; 20815
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- (4) Recommend measures to retard erosion and protect soil and water resources through the installation of water impoundment or other soil and water conservation practices; 20822
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- (5) Cooperate with other agencies and subdivisions of the state to protect the agricultural status of rural lands adjacent to such projects and control adverse impacts on soil and water resources. 20825
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- (I) Collect, analyze, inventory, and interpret all available information pertaining to the origin, distribution, extent, use, and conservation of the soil resources of the state; 20829
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- (J) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public; 20832
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- (K) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be on terms that are mutually agreeable to the districts and the department of agriculture. 20836
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- (L) Assist local government officials in utilizing land use 20842

planning and zoning, current agricultural use value assessment, 20843
development reviews, and land management activities; 20844

(M) When necessary for the purposes of this chapter or 20845
Chapter 940. of the Revised Code, develop or approve operation and 20846
management plans. The director may designate an employee of the 20847
department to develop or approve operation and management plans in 20848
lieu of the director. 20849

This section does not restrict the manure of domestic or farm 20850
animals defecated on land outside an animal feeding operation or 20851
runoff from that land into the waters of the state. 20852

Sec. 940.15. (A) ~~Except as provided in division (B) of this~~ 20853
~~section, within~~ Within the limits of funds appropriated to the 20854
department of agriculture and the soil and water conservation 20855
district assistance fund created in this section, there shall be 20856
paid in each calendar year to each soil and water conservation 20857
district ~~an~~ a matching amount not to exceed one dollar for each 20858
one dollar received ~~in~~ by a district as follows: 20859

(1) In accordance with section 940.12 of the Revised Code, 20860
~~received from;~~ 20861

(2) From tax levies in excess of the ten-mill levy limitation 20862
approved for the benefit of soil and water conservation districts, 20863
~~received pursuant to a contract entered into under section~~ 20864
~~6117.021 of the Revised Code, or received from; or~~ 20865

(3) From an appropriation by a municipal corporation or a 20866
township to a maximum of eight thousand dollars, provided that the 20867
Ohio soil and water conservation commission may approve payment to 20868
a district in an amount in excess of eight thousand dollars in any 20869
calendar year upon receipt of a request and justification from the 20870
district. ~~The~~ 20871

The county auditor shall credit such payments to the special 20872

fund established pursuant to section 940.12 of the Revised Code 20873
for the soil and water conservation district. The department may 20874
make advances at least quarterly to each district on the basis of 20875
the estimated contribution of the state to each district. Moneys 20876
received by each district shall be expended for the purposes of 20877
the district. 20878

~~(B) Money paid to a soil and water conservation district 20879
under division (A) of this section that results from a board of 20880
county commissioners' compensation to the district pursuant to a 20881
contract entered into under section 6117.021 of the Revised Code 20882
in calendar years 2015, 2016, and 2017 shall not exceed the amount 20883
of money paid to the district under that division during calendar 20884
year 2013 that resulted from the board of county commissioners' 20885
having used the proceeds of a contract entered into between the 20886
board of county commissioners and a district of a type similar to 20887
that which is authorized by section 6117.021 of the Revised Code, 20888
directly or indirectly, for matching funds in calendar year 2013, 20889
but may exceed that amount to the extent that other sources of 20890
local matching funds specified by division (A) of this section are 20891
used by the district for local matching funds in state fiscal 20892
years 2015, 2016, and 2017. 20893~~

~~(C) For the purpose of providing money to soil and water 20894
conservation districts under this section, there is hereby created 20895
in the state treasury the soil and water conservation district 20896
assistance fund consisting of money credited to it under sections 20897
3714.073 and 3734.901 and division (A)(4) of section 3734.57 of 20898
the Revised Code. 20899~~

Sec. 941.12. ~~(A) Except as provided in rules adopted under 20900
section 941.41 of the Revised Code, no animal shall be ordered 20901
destroyed by the director of agriculture, in accordance with this 20902
chapter, until that animal has been appraised in accordance with 20903~~

~~divisions (B) and (C) of this section. This section does not apply to any animal that is adulterated with residues and ordered destroyed by the director.~~

~~(B) The director of agriculture shall appraise, based on current market value, any animal destroyed by his order under this chapter, and If an animal is ordered destroyed by the director of agriculture under this chapter, the director shall take an inventory of each animal that is destroyed and record sufficient information in order for an appraisal to be conducted, if necessary.~~

~~(B)(1) Within thirty days after receiving a destruction order issued under this chapter, the owner of the animal subject to the order that seeks indemnification for the animal shall do both of the following:~~

~~(a) Request the information recorded under division (A) of this section and have an appraisal of the animal conducted at the owner's expense;~~

~~(b) Request that the department of agriculture conduct an appraisal of the animal. If an appraisal is requested, the director shall order the appraisal to be conducted.~~

~~(2) If the owner and the department do not agree on the value of the animal ordered destroyed, the two shall select a third disinterested person, at the owner's expense, to appraise the animal. The appraisal conducted by that person is the value of the animal for purposes of indemnification.~~

~~(3) If an appraisal is not conducted under division (B)(1)(a) of this section or requested under division (B)(1)(b) of this section within thirty days of receiving the destruction order issued under this chapter, the owner waives the right to indemnification of the animal.~~

~~(C) Once the value of the animal ordered destroyed is~~

determined, the director may indemnify the owner of the animal if, 20935
upon the request of the director, the director of budget and 20936
management provides written notification to the director of 20937
agriculture that there is an unencumbered balance in the 20938
appropriation for the current biennium sufficient to pay the 20939
indemnity. The amount of indemnity ~~shall be~~ is the appraised value 20940
of the animal, less any salvage value and indemnity received from 20941
another agency. In no case shall the state indemnity payment 20942
exceed fifty dollars per head for a grade animal or one hundred 20943
dollars per head for a registered purebred animal. 20944

~~(C) For the purpose of indemnification, the value of any 20945
animal ordered destroyed shall be determined by an appraisal made 20946
by a representative chosen by the owner and a representative 20947
chosen by the department of agriculture. In the event of a 20948
disagreement as to the amount of the appraisal, a third 20949
disinterested person shall be selected, at the owner's expense, by 20950
the two, to act with them in the appraisal of the animal. 20951~~

(D) The director of agriculture may refuse to pay an 20952
indemnity for any animal ordered destroyed if the owner has been 20953
convicted of or pleads guilty to a violation of any of the 20954
provisions of this chapter or the rules promulgated thereunder. 20955

Sec. 941.55. (A) Notwithstanding ~~sections~~ section 941.11 ~~and~~ 20956
~~941.12~~ of the Revised Code, every bovine animal that is ordered 20957
destroyed because of tuberculosis following a tuberculosis test 20958
made in accordance with section 941.54 of the Revised Code shall 20959
be slaughtered in an establishment approved by the department of 20960
agriculture no later than fifteen days after it is ordered 20961
destroyed, unless an extension of time is granted by the 20962
department. 20963

(B) A post mortem examination shall be made by a veterinarian 20964
authorized by the department, and a report of the examination 20965

shall be filed within five days after the examination on forms 20966
provided by the department. 20967

Sec. 943.23. (A) A captive whitetail deer licensee shall 20968
comply with the requirements established in sections 943.20 to 20969
943.26 of the Revised Code and in rules. The director of 20970
agriculture may suspend or revoke a license issued under section 20971
943.03 or 943.031 of the Revised Code regarding monitored captive 20972
deer, captive deer with status, or captive deer with certified 20973
chronic wasting disease status if the licensee fails to comply 20974
with those requirements. 20975

(B)(1) The director, after providing an opportunity for an 20976
adjudication hearing under Chapter 119. of the Revised Code, may 20977
assess a civil penalty against a person who has violated or is in 20978
violation of section 943.20 of the Revised Code. If the director 20979
assesses a civil penalty, the director shall do so as follows: 20980

(a) If, within five years of the violation, the director has 20981
not previously assessed a civil penalty against the person under 20982
this section, in an amount not exceeding five hundred dollars; 20983

(b) If, within five years of the violation, the director has 20984
previously assessed one civil penalty against the person under 20985
this section, in an amount not exceeding two thousand five hundred 20986
dollars; 20987

(c) If, within five years of the violation, the director has 20988
previously assessed two or more civil penalties against the person 20989
under this section, in an amount not exceeding ten thousand 20990
dollars. 20991

(2) Money collected under division (B)(1) of this section 20992
shall be deposited in the state treasury to the credit of the 20993
captive deer fund created in section 943.26 of the Revised Code. 20994

Sec. 947.06. (A) The director of agriculture shall adopt 20995

rules, subject to Chapter 119. of the Revised Code, to implement, 20996
administer, and enforce this chapter. No person shall violate such 20997
a rule of the director. 20998

(B) In cooperation with law enforcement officers in this and 20999
other states, the director shall develop a uniform procedure for 21000
notifying livestock marketing and slaughtering establishments of 21001
reported livestock thefts and of any brands or other identifying 21002
marks on such livestock. 21003

(C) Moneys received by the director under sections 947.01 to 21004
947.06 of the Revised Code shall be deposited in the ~~brand~~ 21005
~~registration state treasury to the credit of the animal and~~ 21006
~~consumer protection laboratory fund, which is hereby created in~~ 21007
~~the state treasury. The director shall spend moneys from the fund~~ 21008
~~to pay the costs and expenses of administering sections 947.01 to~~ 21009
947.06 section 901.43 of the Revised Code. 21010

Sec. 1121.10. (A) As often as the superintendent of financial 21011
institutions considers necessary, but at least once each 21012
twenty-four-month cycle, the superintendent, or any deputy or 21013
examiner appointed by the superintendent for that purpose, shall 21014
thoroughly examine the records and affairs of each bank. The 21015
examination shall include a review of both of the following: 21016

(1) Compliance with law; 21017

(2) Other matters the superintendent determines. 21018

(B) The superintendent may examine the records and affairs of 21019
any of the following as the superintendent considers necessary: 21020

(1) Any party to a proposed reorganization for which the 21021
superintendent's approval is required by section 1115.11 or 21022
1115.14 of the Revised Code; 21023

(2) Any bank, savings and loan association, or savings bank 21024
proposing to convert to a bank doing business under authority 21025

granted by the superintendent for which the superintendent's approval is required by section 1115.01 of the Revised Code; 21026
21027

(3) Any person proposing to acquire control of a bank for which the superintendent's approval is required by section 1115.06 of the Revised Code, or who acquired control of a bank without the approval of the superintendent when that approval was required by section 1115.06 of the Revised Code, was the bank of which control is to be, or was, acquired; 21028
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(4) Any bank proposing to establish or acquire a branch for which the superintendent's approval is required by section 1117.02 of the Revised Code; 21034
21035
21036

(5) Any foreign bank that maintains, or proposes to establish, one or more offices in this state; 21037
21038

(6) Any trust company. 21039

(C) The board of directors or holders of a majority of the shares of a bank or trust company may request the superintendent conduct a special examination of the records and affairs of the bank or trust company. The superintendent has sole discretion over the scope and timing of a special examination, and may impose restrictions and limitations on the use of the results of a special examination in addition to the restrictions and limitations otherwise imposed by law. The fee for a special examination shall be paid by the bank or trust company examined in accordance with section 1121.29 of the Revised Code. 21040
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(D) The superintendent may conduct all aspects of an examination concurrently or may divide the examination into constituent parts and conduct them at various times. 21050
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21052

(E) The superintendent shall preserve the report of each examination, including related correspondence received and copies of related correspondence sent, for ~~twenty~~ ten years after the examination date. 21053
21054
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21056

Sec. 1121.24. (A) If, under Chapters 1101. to 1127. of the 21057
Revised Code, a proposed action or transaction is subject to the 21058
approval of the superintendent of financial institutions or an 21059
opportunity for the superintendent to disapprove, and if the 21060
person proposing the action or transaction is required to submit 21061
an application or notice to the superintendent, then the 21062
application or notice is not complete and the superintendent shall 21063
not accept it for processing until the person pays the fee 21064
established pursuant to division (C) of section 1121.29 of the 21065
Revised Code. 21066

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 21067
a proposed action or transaction is subject to the approval of the 21068
superintendent or an opportunity for the superintendent to 21069
disapprove and the superintendent must make that determination 21070
within a certain time, and if the person proposing the action or 21071
transaction is required to submit an application or notice to the 21072
superintendent, then the time in which the superintendent must 21073
make the determination does not begin to run until the 21074
superintendent has determined the application or notice is 21075
complete and has accepted it for processing. 21076

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 21077
either of the following: 21078

(a) The superintendent from denying, or issuing a disapproval 21079
of, an application or notice, prior to the superintendent's 21080
acceptance of the application or notice for processing, on the 21081
basis that the person who submitted the application or notice 21082
failed to include all of the items and address all of the issues 21083
required for the application or notice, if both of the following 21084
apply: 21085

(i) The superintendent advised the person that the 21086
application or notice was incomplete. 21087

(ii) After being advised by the superintendent that the application or notice was incomplete, the person did not, within a reasonable period of time, complete the application or notice.

(b) The superintendent from denying, or issuing a disapproval of, an application or notice on the basis that the person who submitted the application or notice failed to provide the information necessary for the superintendent to adequately consider the application or notice after the superintendent's acceptance of the application or notice for processing, if both of the following apply:

(i) After having begun processing the application or notice, the superintendent determined and advised the person that additional information was necessary to adequately consider the application or notice.

(ii) After being advised by the superintendent that additional information was necessary to adequately consider the application or notice, the person did not, within a reasonable period of time, provide that information.

~~(B)~~(C) A determination by the superintendent that an application or notice is complete and is accepted for processing means only that the application or notice, on its face, appears to include all of the items and to address all of the matters that are required. A determination by the superintendent that an application or notice is complete and is accepted for processing is not an assessment of the substance of the application or notice, or of the sufficiency of the information provided.

Sec. 1121.29. (A)(1) Each bank, savings and loan association, and savings bank subject to inspection and examination by the superintendent of financial institutions and transacting business on the thirty-first day of December, or their successors in interest, shall pay to the treasurer of state assessments as

provided in this section. The superintendent shall make each 21119
assessment based on the total assets as shown on the books of the 21120
bank, savings and loan association, or savings bank as of the 21121
thirty-first day of December of the previous year. The 21122
superintendent shall collect the assessment on an annual or 21123
periodic basis, as provided by the superintendent. All assessments 21124
shall be paid within fourteen days after receiving an invoice for 21125
payment of the assessment. 21126

(2) After determining the budget of the division of financial 21127
institutions for examination and regulation of banks, savings and 21128
loan associations, and savings banks, but prior to establishing 21129
the schedule of assessments under this division necessary to fund 21130
that budget, the superintendent shall consider any necessary cash 21131
reserves and any amounts collected but not yet expended or 21132
encumbered by the superintendent in the previous fiscal year's 21133
budget and remaining in the banks fund pursuant to division (C) of 21134
section 1121.30 of the Revised Code. 21135

(3) The superintendent shall establish the actual schedule of 21136
assessments on an annual basis, present the schedule to the 21137
banking commission for confirmation, and forward copies of the 21138
current year's schedule to banks, savings and loan associations, 21139
and savings banks doing business under authority granted by the 21140
superintendent, or their successors in interest. 21141

If during the period between the banking commission's 21142
confirmation of the schedule of assessments and the completion of 21143
the fiscal year in which those assessments will be collected, the 21144
banking commission determines additional money is required to 21145
adequately fund the operations of the division of financial 21146
institutions for that fiscal year, the banking commission may, by 21147
the affirmative vote of two-thirds of its members, increase the 21148
schedule of assessments for that fiscal year. The superintendent 21149

shall promptly notify each bank, savings and loan association, and 21150
savings bank of the increased assessment, and each bank, savings 21151
and loan association, and savings bank shall pay the increased 21152
assessment as made and invoiced by the superintendent. 21153

(4) A bank, savings and loan association, or savings bank 21154
authorized by the superintendent to commence business in the 21155
period between assessments shall pay the actual reasonable costs 21156
of the division's examinations and visitations. The bank, savings 21157
and loan association, or savings bank shall pay the costs within 21158
fourteen days after receiving an invoice for payment. 21159

(B)(1) Whenever in the judgment of the superintendent the 21160
condition or conduct of a bank renders it necessary to make 21161
additional examinations and follow-up visitations within the 21162
examination cycle beyond the minimum required by division (A) of 21163
section 1121.10 of the Revised Code, the superintendent shall 21164
charge the bank for the additional examinations and follow-up 21165
visitations as provided in division (C) of this section. The bank 21166
shall pay the fee charged within fourteen days after receiving an 21167
invoice for payment. 21168

(2) The superintendent shall charge a bank for any 21169
examination of the bank's operations as a trust company and data 21170
processing facility in accordance with division (C) of this 21171
section whether that examination is the only examination of the 21172
bank in the examination cycle or in addition to other examinations 21173
of the bank's operations. 21174

(C) The superintendent shall periodically establish a 21175
schedule of fees to be paid for examinations, applications, 21176
certifications, and notices considered necessary by the 21177
superintendent. 21178

(D)(1) The superintendent may waive any fees provided for in 21179
division (C) of this section to protect the interests of 21180

depositors and for other fair and reasonable purposes as 21181
determined by the superintendent. 21182

(2) The fees established by the superintendent pursuant to 21183
division (C) of this section for processing applications and 21184
notices and conducting and processing examinations shall be 21185
reasonable considering the direct and indirect costs to the 21186
division, as determined by the superintendent, of processing the 21187
applications and for conducting and processing the examinations. 21188

(E) The superintendent may determine and charge reasonable 21189
fees for furnishing and certifying copies of documents filed with 21190
the division and for any expenses incurred by the division in the 21191
publication or serving of required notices. 21192

(F) Assessments and examination and application fees charged 21193
and collected pursuant to this section are not refundable. Any fee 21194
charged pursuant to this section shall be paid within fourteen 21195
days after receiving an invoice for payment of the fee. 21196

(G) The superintendent shall pay all assessments and fees 21197
charged pursuant to this section and all forfeitures required to 21198
be paid to the superintendent into the state treasury to the 21199
credit of the banks fund. 21200

Sec. 1121.30. (A) All assessments, fees, charges, and 21201
forfeitures provided for in Chapters 1101. to ~~1127.~~ 1165. and 21202
sections 1315.01 to 1315.18 of the Revised Code, except civil 21203
penalties assessed pursuant to section 1121.35 or 1315.152 of the 21204
Revised Code, shall be paid to the superintendent of financial 21205
institutions, and the superintendent shall deposit them into the 21206
state treasury to the credit of the banks fund, which is hereby 21207
created. 21208

(B) The superintendent may expend or obligate the banks fund 21209
to defray the costs of the division of financial institutions in 21210

administering Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 21211
to 1315.18 of the Revised Code. The superintendent shall pay from 21212
the fund all actual and necessary expenses incurred by the 21213
superintendent, including for any services rendered by the 21214
department of commerce for the division's administration of 21215
Chapters 1101. to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of 21216
the Revised Code. The fund shall be assessed a proportionate share 21217
of the administrative costs of the department and the division of 21218
financial institutions. The proportionate share of the 21219
administration costs of the division of financial institutions 21220
shall be determined in accordance with procedures prescribed by 21221
the superintendent and approved by the director of budget and 21222
management. The amount assessed for the fund's proportional share 21223
of the department's administrative costs and the division's 21224
administrative costs shall be paid from the banks fund to the 21225
division of administration fund and the division of financial 21226
institutions fund respectively. 21227

(C) Any money deposited into the state treasury to the credit 21228
of the banks fund, but not expended or encumbered by the 21229
superintendent to defray the costs of administering Chapters 1101. 21230
to ~~1127.~~ 1165. and sections 1315.01 to 1315.18 of the Revised 21231
Code, shall remain in the banks fund for expenditures by the 21232
superintendent in subsequent years. 21233

Sec. 1123.01. (A) There is hereby created in the division of 21234
financial institutions a banking commission which shall consist of 21235
~~seven~~ nine members. The deputy superintendent for banks shall be a 21236
member of the commission and its chairperson. The governor, with 21237
the advice and consent of the senate, shall appoint the remaining 21238
~~six~~ eight members. 21239

(B) After the second Monday in January of each year, the 21240
governor shall appoint two members. Terms of office shall be for 21241

~~three~~ four years commencing on the first day of February and 21242
ending on the thirty-first day of January. Each member shall hold 21243
office from the date appointed until the end of the term for which 21244
appointed. In the case of a vacancy in the office of any member, 21245
the governor shall appoint a successor who shall hold office for 21246
the remainder of the term for which the successor's predecessor 21247
was appointed. Any member shall continue in office subsequent to 21248
the expiration date of the member's term until the member's 21249
successor is appointed, or until sixty days have elapsed, 21250
whichever occurs first. 21251

(C) No person appointed as a member of the commission may 21252
serve more than two consecutive full terms. However, a member may 21253
serve two consecutive full terms following the remainder of a term 21254
for which the member was appointed to fill a vacancy. 21255

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 21256
to the commission shall be, at the time of appointment, executive 21257
officers of banks, savings and loan associations, or savings banks 21258
transacting business under authority granted by the superintendent 21259
of financial institutions, and ~~four~~ all of the ~~six~~ members 21260
appointed to the commission shall have banking experience as a 21261
director or officer of a bank, savings bank, or savings 21262
association insured by the federal deposit insurance corporation, 21263
a bank holding company, or a savings and loan holding company. The 21264
membership of the commission shall be representative of the 21265
banking industry as a whole, including representatives of banks of 21266
various asset sizes and ownership structures, as determined by the 21267
governor after consultation with the superintendent of financial 21268
institutions ~~from time to time.~~ 21269

(2) No person who has been convicted of, or has pleaded 21270
guilty to, a felony involving an act of fraud, dishonesty or, 21271
breach of trust, theft, or money laundering shall take or hold 21272
office as a member of the banking commission. 21273

(E) The members of the commission shall receive no salary, 21274
but their expenses incurred in the performance of their duties 21275
shall be paid from funds appropriated for that purpose. 21276

(F) The governor may remove any of the ~~six~~ eight members 21277
appointed to the commission whenever in the governor's judgment 21278
the public interest requires removal. Upon removing a member of 21279
the commission, the governor shall file with the superintendent a 21280
statement of the cause for the removal. 21281

Sec. 1123.02. (A) The banking commission shall hold regular 21282
meetings at the times and places it fixes, and shall meet at any 21283
time on call of the deputy superintendent for banks upon two days' 21284
notice unless the commission by resolution provides for a shorter 21285
notice. 21286

(B) A majority of the full commission constitutes a quorum, 21287
and action taken by a majority of those present at a meeting at 21288
which there is a quorum constitutes the action of the commission. 21289

(C) No member shall participate before the commission in a 21290
proceeding involving any bank, savings and loan association, or 21291
savings bank of which the member is, or was at any time in the 21292
preceding twelve months, a member of the board of directors, an 21293
officer, an employee, or a shareholder. A member may refrain from 21294
participating in a proceeding before the commission for any other 21295
cause the member considers sufficient. 21296

(D) The commission may, by a majority vote of those present 21297
at a meeting at which there is a quorum, adopt and amend bylaws 21298
and rules the commission, in its judgment, considers necessary and 21299
proper. The commission shall select one of its members as 21300
secretary, who shall keep a record of all its proceedings. 21301

Sec. 1123.03. The banking commission shall do all of the 21302
following: 21303

(A) Make recommendations to the deputy superintendent for banks and the superintendent of financial institutions on the business of banking;	21304 21305 21306
(B) Consider and make recommendations on any matter the superintendent or deputy superintendent submits to the commission for that purpose;	21307 21308 21309
(C) Pass upon and determine any matter the superintendent or deputy superintendent submits to the commission for determination;	21310 21311
(D) <u>Consider and determine whether to confirm the annual schedule of assessments proposed by the superintendent in accordance with section 1121.29 of the Revised Code;</u>	21312 21313 21314
(E) <u>Determine whether to increase the schedule of assessments as provided in division (A)(3) of section 1121.29 of the Revised Code;</u>	21315 21316 21317
(F) Determine, as provided in division (D) of section 1121.12 of the Revised Code, both of the following:	21318 21319
(1) Whether there is reasonable cause to believe that there is a significant risk of imminent material harm to the bank;	21320 21321
(2) Whether the examination of the bank holding company is necessary to fully determine the risk to the bank, or to determine how best to address the risk to the bank.	21322 21323 21324
Sec. 1155.07. Every savings and loan association organized under the laws of this state shall make, as of the thirty-first day of December and the thirtieth day of June of each year, a report of the affairs and business of the association for the preceding half year, showing its financial condition at the end thereof. The statement as of the thirty-first day of December shall be the annual statement of the association. The superintendent of financial institutions may also require monthly reports.	21325 21326 21327 21328 21329 21330 21331 21332 21333

The superintendent may, by written order mailed to the managing officer of such an association, require any association to submit to the superintendent within a reasonable time specified in the written order a report concerning its real estate and other assets, other than the appraisals required by section 1151.54 of the Revised Code.

Any such association refusing or neglecting to file any report required by this section within the time specified shall forfeit one hundred dollars for every day that such default continues unless such penalty, in whole or in part, is waived by the superintendent. The superintendent may maintain an action in the name of the state to recover such forfeiture which, upon its collection, shall be paid into the state treasury to the credit of the ~~savings institutions~~ banks fund established under section ~~1181.18~~ 1121.30 of the Revised Code.

Every such association shall maintain adequate, complete, and correct accounts and shall observe such generally accepted accounting principles and practices or generally accepted auditing standards, as the superintendent prescribes. The superintendent shall demand once a year, and at the expense of the association, that its accounts be audited by an independent auditor. A copy of the audit report shall be submitted to the board of directors of the association and filed, together with management's ~~response~~ response, with the superintendent within thirty days after presentation of the completed report to the board or not later than the thirty-first day of March of the year next succeeding the year for which the audit was conducted, whichever occurs first, unless the time is extended by the superintendent.

At the conclusion of the audit of an association, an independent auditor shall attend a meeting at which there are present only the outside directors of the association or a committee comprised of and appointed by such outside directors and

fully disclose at that time to those directors all audit 21366
exceptions that developed during the audit and all relevant data 21367
and information concerning the financial condition, investment 21368
practices, and other financial policies and procedures of the 21369
association. The meeting shall be held at a time and place that is 21370
agreed upon by the independent auditor and the outside directors 21371
or their committee. A complete record of the proceedings of the 21372
meeting shall be kept in a minute book that is maintained solely 21373
for the purpose of keeping such records. Nothing in this paragraph 21374
shall be construed to prevent the independent auditor from meeting 21375
at other times with inside directors, officers, or employees of 21376
the association. 21377

The superintendent may prescribe a schedule for the 21378
preservation and destruction of books, records, certificates, 21379
documents, reports, correspondence, and other instruments, papers, 21380
and writings of such an association, even if such association has 21381
been liquidated pursuant to law. An association may dispose of any 21382
books, records, certificates, documents, reports, correspondence, 21383
and other instruments, papers, and writings which have been 21384
retained or preserved for the period prescribed by the 21385
superintendent pursuant to this paragraph. The requirements of 21386
this paragraph may be complied with by the preservation of records 21387
in the manner prescribed in section 2317.41 of the Revised Code. 21388

Sec. 1155.10. Whenever the superintendent of financial 21389
institutions considers it necessary, the superintendent may make a 21390
special examination of any savings and loan association, and the 21391
expense of the examination shall be paid by the association. Such 21392
expenses shall be collected by the superintendent and paid into 21393
the state treasury to the credit of the ~~savings institutions~~ banks 21394
fund established under section ~~1181.18~~ 1121.30 of the Revised 21395
Code. Any examination made by the superintendent otherwise than in 21396
the ordinary routine of the superintendent's duties and because, 21397

in the superintendent's opinion, the condition of the association 21398
requires such examination, is a special examination within the 21399
meaning of this section. 21400

Sec. 1163.09. (A) Every savings bank organized under the laws 21401
of this state, as of the thirty-first day of December and the 21402
thirtieth day of June of each year, shall make a report of the 21403
affairs and business of the savings bank for the preceding half 21404
year, showing its financial condition at the end thereof. The 21405
statement as of the thirty-first day of December shall be the 21406
annual statement of the savings bank. The superintendent of 21407
financial institutions may also require monthly reports. 21408

(B) The superintendent, by written order mailed to the 21409
managing officer of a savings bank, may require any savings bank 21410
to submit to the superintendent within a reasonable time specified 21411
in the written order a report concerning its real estate and other 21412
assets, other than the appraisals required by section 1161.81 of 21413
the Revised Code. 21414

(C) Any savings bank refusing or neglecting to file any 21415
report required by this section within the time specified shall 21416
forfeit one hundred dollars for every day that the default 21417
continues unless the penalty, in whole or in part, is waived by 21418
the superintendent. The superintendent may maintain an action in 21419
the name of the state to recover the forfeiture which, upon its 21420
collection, shall be paid into the state treasury to the credit of 21421
the ~~savings institutions~~ banks fund established under section 21422
~~1191.18~~ 1121.30 of the Revised Code. 21423

(D) Every savings bank shall maintain adequate, complete, and 21424
correct accounts and shall observe such generally accepted 21425
accounting principles and practices or generally accepted auditing 21426
standards, as the superintendent prescribes. The superintendent 21427
shall demand once a year, and at the expense of the savings bank, 21428

that its accounts be audited by an independent auditor. A copy of 21429
the audit report shall be submitted to the board of directors of 21430
the savings bank and filed, together with management's ~~reponse~~ 21431
response, with the superintendent within thirty days after 21432
presentation of the completed report to the board or not later 21433
than the thirty-first day of March of the year next succeeding the 21434
year for which the audit was conducted, whichever occurs first, 21435
unless the time is extended by the superintendent. 21436

(E) At the conclusion of the audit of a savings bank, an 21437
independent auditor shall attend a meeting at which there are 21438
present only the outside directors of the savings bank or a 21439
committee composed of and appointed by the outside directors and 21440
fully disclose at that time to those directors all audit 21441
exceptions that developed during the audit and all relevant data 21442
and information concerning the financial condition, investment 21443
practices, and other financial policies and procedures of the 21444
savings bank. The meeting shall be held at a time and place that 21445
is agreed upon by the independent auditor and the outside 21446
directors or their committee. A complete record of the proceedings 21447
of the meeting shall be kept in a minute book that is maintained 21448
solely for the purpose of keeping these records. Nothing in this 21449
division shall be construed to prevent the independent auditor 21450
from meeting at other times with inside directors, officers, or 21451
employees of the savings bank. 21452

(F) The superintendent may prescribe a schedule for the 21453
preservation and destruction of books, records, certificates, 21454
documents, reports, correspondence, and other instruments, papers, 21455
and writings of a savings bank, even if the savings bank has been 21456
liquidated pursuant to law. A savings bank may dispose of any 21457
books, records, certificates, documents, reports, correspondence, 21458
and other instruments, papers, and writings that have been 21459
retained or preserved for the period prescribed by the 21460

superintendent pursuant to this division. The requirements of this 21461
division may be complied with by the preservation of records in 21462
the manner prescribed in section 2317.41 of the Revised Code. 21463

Sec. 1163.13. Whenever the superintendent of financial 21464
institutions considers it necessary, the superintendent may make a 21465
special examination of any savings bank, and the expense of the 21466
examination shall be paid by the savings bank. These moneys shall 21467
be collected by the superintendent and paid into the state 21468
treasury to the credit of the ~~savings institutions~~ banks fund 21469
established under section ~~1181.18~~ 1121.30 of the Revised Code. Any 21470
examination made by the superintendent otherwise than in the 21471
ordinary routine of the superintendent's duties and because, in 21472
the superintendent's opinion, the condition of the savings bank 21473
requires the examination, is a special examination within the 21474
meaning of this section. 21475

Sec. 1181.06. There is hereby created in the state treasury 21476
the financial institutions fund. The fund shall receive 21477
assessments on the banks fund established under section 1121.30 of 21478
the Revised Code, ~~the savings institutions fund established under~~ 21479
~~section 1181.18 of the Revised Code,~~ the credit unions fund 21480
established under section 1733.321 of the Revised Code, and the 21481
consumer finance fund established under section 1321.21 of the 21482
Revised Code in accordance with procedures prescribed by the 21483
superintendent of financial institutions and approved by the 21484
director of budget and management. Such assessments shall be in 21485
addition to any assessments on these funds required under division 21486
(G) of section 121.08 of the Revised Code. All operating expenses 21487
of the division of financial institutions shall be paid from the 21488
financial institutions fund. 21489

Sec. 1349.21. No escrow or closing agent knowingly shall 21490

make, in an escrow transaction, a disbursement from an escrow 21491
account on behalf of another person, unless the following 21492
conditions are met: 21493

(A) The funds necessary for the disbursement: 21494

(1) Have been transferred electronically to or deposited into 21495
the escrow account of the escrow or closing agent and are 21496
immediately available for withdrawal and disbursement; 21497

(2) Are in an aggregate amount not exceeding ~~one~~ ten thousand 21498
dollars, have been physically received by the agent prior to 21499
disbursement and are intended for deposit no later than the next 21500
banking day after the date of disbursement; or 21501

(3) Are funds drawn on a special or trust bank account as 21502
described in division (A)(26) of section 4735.18 of the Revised 21503
Code. 21504

(B) The transfers or deposits described in division (A) of 21505
this section consist of any of the following: 21506

(1) Business checks drawn on special or trust bank accounts 21507
described in division (A)(26) of section 4735.18 of the Revised 21508
Code; 21509

(2) Cash, personal checks, business checks other than those 21510
described in division (B)(1) of this section, certified checks, 21511
cashier's checks, official checks, or money orders that are in an 21512
aggregate amount not exceeding ~~one~~ ten thousand dollars and are 21513
drawn on an existing account at a federally insured bank, savings 21514
and loan association, credit union, or savings bank; 21515

(3) Electronically transferred funds via the automated 21516
clearing house system initiated by, or a check issued by, the 21517
United States or this state, or by an agency, instrumentality, or 21518
political subdivision of the United States or this state; or 21519

(4) ~~Electronically transferred funds via the real-time gross~~ 21520

~~settlement system provided by the federal reserve banks~~ Any direct 21521
and irrevocable electronic transfer that originates from a 21522
federally insured financial institution into an escrow account. 21523

Sec. 1501.08. (A) There is hereby created in the state 21524
treasury the state park maintenance fund. 21525

(1) Notwithstanding section 1546.21 of the Revised Code, on 21526
or after the first day of July of each fiscal year, the director 21527
of natural resources may request the director of budget and 21528
management to transfer money from the state park fund to the state 21529
park maintenance fund in an amount not exceeding five per cent of 21530
the annual average revenue deposited in the state park fund. 21531

(2) The department of natural resources shall use money in 21532
the state park maintenance fund only for maintenance, repair, and 21533
renovation projects at state parks that are approved by the 21534
director. The department shall not use money in the fund to 21535
construct new facilities. 21536

(B) The chief of the division of parks and watercraft shall 21537
submit to the director a list of projects in order to request 21538
disbursements from the state park maintenance fund. The chief 21539
shall include with each list a description of necessary 21540
maintenance, repair, and renovation at state park facilities. The 21541
director shall determine which projects are eligible for 21542
disbursement from the fund. The chief shall not begin any project 21543
for which disbursement is requested before obtaining the 21544
director's approval as required by this section. 21545

Sec. 1503.05. (A) The chief of the division of forestry may 21546
sell timber and other forest products from the state forest and 21547
state forest nurseries whenever the chief considers such a sale 21548
desirable and, with the approval of the attorney general and the 21549
director of natural resources, may sell portions of the state 21550

forest lands when such a sale is advantageous to the state. 21551

(B) Except as otherwise provided in this section, a timber 21552
sale agreement shall not be executed unless the person or 21553
governmental entity bidding on the sale executes and files a 21554
surety bond conditioned on completion of the timber sale in 21555
accordance with the terms of the agreement in an amount determined 21556
by the chief. All bonds shall be given in a form prescribed by the 21557
chief and shall run to the state as obligee. 21558

The chief shall not approve any bond until it is personally 21559
signed and acknowledged by both principal and surety, or as to 21560
either by the attorney in fact thereof, with a certified copy of 21561
the power of attorney attached. The chief shall not approve the 21562
bond unless there is attached a certificate of the superintendent 21563
of insurance that the company is authorized to transact a fidelity 21564
and surety business in this state. 21565

In lieu of a bond, the bidder may deposit any of the 21566
following: 21567

(1) Cash in an amount equal to the amount of the bond; 21568

(2) United States government securities having a par value 21569
equal to or greater than the amount of the bond; 21570

(3) Negotiable certificates of deposit or irrevocable letters 21571
of credit issued by any bank organized or transacting business in 21572
this state having a par value equal to or greater than the amount 21573
of the bond. 21574

The cash or securities shall be deposited on the same terms 21575
as bonds. If one or more certificates of deposit are deposited in 21576
lieu of a bond, the chief shall require the bank that issued any 21577
of the certificates to pledge securities of the aggregate market 21578
value equal to the amount of the certificate or certificates that 21579
is in excess of the amount insured by the federal deposit 21580
insurance corporation. The securities to be pledged shall be those 21581

designated as eligible under section 135.18 of the Revised Code. 21582
The securities shall be security for the repayment of the 21583
certificate or certificates of deposit. 21584

Immediately upon a deposit of cash, securities, certificates 21585
of deposit, or letters of credit, the chief shall deliver them to 21586
the treasurer of state, who shall hold them in trust for the 21587
purposes for which they have been deposited. The treasurer of 21588
state is responsible for the safekeeping of the deposits. A bidder 21589
making a deposit of cash, securities, certificates of deposit, or 21590
letters of credit may withdraw and receive from the treasurer of 21591
state, on the written order of the chief, all or any portion of 21592
the cash, securities, certificates of deposit, or letters of 21593
credit upon depositing with the treasurer of state cash, other 21594
United States government securities, or other negotiable 21595
certificates of deposit or irrevocable letters of credit issued by 21596
any bank organized or transacting business in this state, equal in 21597
par value to the par value of the cash, securities, certificates 21598
of deposit, or letters of credit withdrawn. 21599

A bidder may demand and receive from the treasurer of state 21600
all interest or other income from any such securities or 21601
certificates as it becomes due. If securities so deposited with 21602
and in the possession of the treasurer of state mature or are 21603
called for payment by their issuer, the treasurer of state, at the 21604
request of the bidder who deposited them, shall convert the 21605
proceeds of the redemption or payment of the securities into other 21606
United States government securities, negotiable certificates of 21607
deposit, or cash as the bidder designates. 21608

When the chief finds that a person or governmental agency has 21609
failed to comply with the conditions of the person's or 21610
governmental agency's bond, the chief shall make a finding of that 21611
fact and declare the bond, cash, securities, certificates, or 21612
letters of credit forfeited. The chief thereupon shall certify the 21613

total forfeiture to the attorney general, who shall proceed to 21614
collect the amount of the bond, cash, securities, certificates, or 21615
letters of credit. 21616

In lieu of total forfeiture, the surety, at its option, may 21617
cause the timber sale to be completed or pay to the treasurer of 21618
state the cost thereof. 21619

All moneys collected as a result of forfeitures of bonds, 21620
cash, securities, certificates, and letters of credit under this 21621
section shall be credited to the state forest fund created in this 21622
section. 21623

(C) The chief may grant easements and leases on portions of 21624
the state forest lands and state forest nurseries under terms that 21625
are advantageous to the state, and the chief may grant mineral 21626
rights on a royalty basis on those lands and nurseries, with the 21627
approval of the attorney general and the director. 21628

(D) All moneys received from the sale of state forest lands, 21629
or in payment for easements or leases on or as rents from those 21630
lands or from state forest nurseries, shall be paid into the state 21631
treasury to the credit of the state forest fund, which is hereby 21632
created. In addition, all moneys received from federal grants, 21633
payments, and reimbursements, from the sale of reforestation tree 21634
stock, from the sale of forest products, other than standing 21635
timber, and from the sale of minerals taken from the state forest 21636
lands and state forest nurseries, together with royalties from 21637
mineral rights, shall be paid into the state treasury to the 21638
credit of the state forest fund. Any other revenues derived from 21639
the operation of the state forests and related facilities or 21640
equipment also shall be paid into the state treasury to the credit 21641
of the state forest fund, as shall contributions received for the 21642
issuance of Smokey Bear license plates under section 4503.574 of 21643
the Revised Code and any other moneys required by law to be 21644
deposited in the fund. 21645

The state forest fund shall not be expended for any purpose 21646
other than the administration, operation, maintenance, 21647
development, or utilization of the state forests, forest 21648
nurseries, and forest programs, for facilities or equipment 21649
incident to them, ~~or~~ for the further purchase of lands for state 21650
forest or forest nursery purposes, or for wildfire suppression 21651
payments and, in the case of contributions received pursuant to 21652
section 4503.574 of the Revised Code, for fire prevention 21653
purposes. 21654

All moneys received from the sale of standing timber taken 21655
from state forest lands and state forest nurseries shall be 21656
deposited into the state treasury to the credit of the forestry 21657
holding account redistribution fund, which is hereby created. The 21658
moneys shall remain in the fund until they are redistributed in 21659
accordance with this division. 21660

The redistribution shall occur at least once each year. To 21661
begin the redistribution, the chief first shall determine the 21662
amount of all standing timber sold from state forest lands and 21663
state forest nurseries, together with the amount of the total sale 21664
proceeds, in each county, in each township within the county, and 21665
in each school district within the county. The chief next shall 21666
determine the amount of the direct costs that the division of 21667
forestry incurred in association with the sale of that standing 21668
timber. The amount of the direct costs shall be subtracted from 21669
the amount of the total sale proceeds and shall be transferred 21670
from the forestry holding account redistribution fund to the state 21671
forest fund. 21672

The remaining amount of the total sale proceeds equals the 21673
net value of the standing timber that was sold. The chief shall 21674
determine the net value of standing timber sold from state forest 21675
lands and state forest nurseries in each county, in each township 21676
within the county, and in each school district within the county 21677

and shall send to each county treasurer a copy of the 21678
determination at the time that moneys are paid to the county 21679
treasurer under this division. 21680

Thirty-five per cent of the net value of standing timber sold 21681
from state forest lands and state forest nurseries located in a 21682
county shall be transferred from the forestry holding account 21683
redistribution fund to the state forest fund. The remaining 21684
sixty-five per cent of the net value shall be transferred from the 21685
forestry holding account redistribution fund and paid to the 21686
county treasurer for the use of the general fund of that county. 21687

The county auditor shall do all of the following: 21688

(1) Retain for the use of the general fund of the county 21689
one-fourth of the amount received by the county under division (D) 21690
of this section; 21691

(2) Pay into the general fund of any township located within 21692
the county and containing such lands and nurseries one-fourth of 21693
the amount received by the county from standing timber sold from 21694
lands and nurseries located in the township; 21695

(3) Request the board of education of any school district 21696
located within the county and containing such lands and nurseries 21697
to identify which fund or funds of the district should receive the 21698
moneys available to the school district under division (D)(3) of 21699
this section. After receiving notice from the board, the county 21700
auditor shall pay into the fund or funds so identified one-half of 21701
the amount received by the county from standing timber sold from 21702
lands and nurseries located in the school district, distributed 21703
proportionately as identified by the board. 21704

The division of forestry shall not supply logs, lumber, or 21705
other forest products or minerals, taken from the state forest 21706
lands or state forest nurseries, to any other agency or 21707
subdivision of the state unless payment is made therefor in the 21708

amount of the actual prevailing value thereof. This section is 21709
applicable to the moneys so received. 21710

(E) The chief may enter into a personal service contract for 21711
consulting services to assist the chief with the sale of timber or 21712
other forest products and related inventory. Compensation for 21713
consulting services shall be paid from the proceeds of the sale of 21714
timber or other forest products and related inventory that are the 21715
subject of the personal service contract. 21716

~~Sec. 1503.141. There is hereby created in the state treasury 21717
the wildfire suppression fund. The fund shall consist of any 21718
federal moneys received for the purposes of this section and 21719
donations, gifts, bequests, and other moneys received for those 21720
purposes. In addition, the chief of the division of forestry 21721
annually may request that the director of budget and management 21722
transfer, and, if so requested, the director shall transfer, Each 21723
fiscal year, the director of natural resources or the director's 21724
designee shall designate not more than ~~one~~ two hundred thousand 21725
dollars ~~to the wildfire suppression fund from~~ in the state forest 21726
fund created in section 1503.05 of the Revised Code for wildfire 21727
suppression payments. The amount ~~transferred~~ designated shall 21728
consist only of money ~~deposited into the state forest~~ credited to 21729
the fund from the sale of standing timber taken from state forest 21730
lands as set forth in that section. 21731~~

The ~~chief~~ chief director or the director's designee may use ~~moneys~~ 21732
~~in the~~ money designated for wildfire suppression ~~fund~~ payments to 21733
reimburse firefighting agencies and private fire companies for 21734
their costs incurred in the suppression of wildfires in counties 21735
within fire protection areas established under section 1503.08 of 21736
the Revised Code where there is a state forest or national forest, 21737
or portion thereof. The ~~chief, with the approval of the director~~ 21738
~~of natural resources, or the director's designee~~ may provide such 21739

reimbursement in additional counties. The ~~chief~~ director or the 21740
director's designee shall provide such reimbursement pursuant to 21741
agreements and contracts entered into under section 1503.14 of the 21742
Revised Code and in accordance with the following schedule: 21743

(A) For wildfire suppression on private land, an initial 21744
seventy-dollar payment to the firefighting agency or private fire 21745
company; 21746

(B) For wildfire suppression on land under the administration 21747
or care of the department of natural resources or on land that is 21748
part of any national forest administered by the United States 21749
department of agriculture forest service, an initial 21750
one-hundred-dollar payment to the firefighting agency or private 21751
fire company; 21752

(C) For any wildfire suppression on land specified in 21753
division (A) or (B) of this section lasting more than two hours, 21754
an additional payment of thirty-five dollars per hour. 21755

~~If at any time moneys in the fund exceed two hundred thousand 21756
dollars, the chief shall transfer the moneys that exceed that 21757
amount to the state forest fund. 21758~~

As used in this section, "firefighting agency" and "private 21759
fire company" have the same meanings as in section 9.60 of the 21760
Revised Code. 21761

Sec. 1505.09. (A) There is hereby created in the state 21762
treasury the geological mapping fund, to be administered by the 21763
chief of the division of geological survey. The Except as provided 21764
in division (B) of this section, the fund shall be used for the 21765
purposes of performing the necessary field, laboratory, and 21766
administrative tasks to map and make public reports on the 21767
geology, geologic hazards, and energy and mineral resources of the 21768
state. The source of ~~moneys~~ money for the fund shall include, but 21769

not be limited to, the mineral severance tax as specified in 21770
section 5749.02 of the Revised Code transfers made to the fund in 21771
accordance with section 6111.046 of the Revised Code, and the fees 21772
collected under rules adopted under section 1505.05 of the Revised 21773
Code. The chief may seek federal or other ~~moneys~~ money in addition 21774
to the mineral severance tax and fees to carry out the purposes of 21775
this section. If the chief receives federal ~~moneys~~ money for the 21776
purposes of this section, the chief shall deposit ~~those moneys~~ 21777
that money into the state treasury to the credit of a fund created 21778
by the controlling board to carry out those purposes. Other ~~moneys~~ 21779
money received by the chief for the purposes of this section in 21780
addition to the mineral severance tax, fees, and federal ~~moneys~~ 21781
money shall be credited to the geological mapping fund. 21782

(B) Any money transferred to the geological mapping fund in 21783
accordance with section 6111.046 of the Revised Code shall be used 21784
by the chiefs of the divisions of mineral resources management, 21785
oil and gas resources management, geological survey, and water 21786
resources in the department of natural resources for the purpose 21787
of executing their duties under sections 6111.043 to 6111.047 of 21788
the Revised Code. 21789

Sec. 1506.23. (A) There is hereby created in the state 21790
treasury the Lake Erie protection fund, which shall consist of 21791
~~moneys~~ money deposited into the fund from the issuance of Lake 21792
Erie license plates under section 4503.52 of the Revised Code, 21793
money awarded to the state from the great lakes protection fund, 21794
and donations, gifts, bequests, and other moneys received for the 21795
purposes of this section. Not later than the first day of June 21796
each year, the Ohio Lake Erie commission created in section 21797
1506.21 of the Revised Code shall designate one of its members to 21798
administer the fund and, with the approval of the commission, to 21799
expend ~~moneys~~ from the fund for any of the following purposes: 21800

(1) Accelerating the pace of research into the economic,	21801
environmental, and human health effects of contamination of Lake	21802
Erie and its tributaries;	21803
(2) Funding cooperative research and data collection	21804
regarding Lake Erie water quality and toxic contamination;	21805
(3) Developing improved methods of measuring water quality	21806
and establishing a firm scientific base for implementing a	21807
basinwide system of water quality management for Lake Erie and its	21808
tributaries;	21809
(4) Supporting research to improve the scientific knowledge	21810
on which protection policies are based and devising new and	21811
innovative clean-up techniques for toxic contaminants;	21812
(5) Supplementing, in a stable and predictable manner, state	21813
commitments to policies and programs pertaining to Lake Erie water	21814
quality and resource protection;	21815
(6) Encouraging cooperation with and among leaders from state	21816
legislatures, state agencies, political subdivisions, business and	21817
industry, labor, institutions of higher education, environmental	21818
organizations, and conservation groups within the Lake Erie basin;	21819
(7) Awarding of grants to any agency of the United States,	21820
any state agency, as "agency" is defined in division (A)(2) of	21821
section 111.15 of the Revised Code, any political subdivision, any	21822
educational institution, or any nonprofit organization for the	21823
development and implementation of projects and programs that are	21824
designed to protect Lake Erie by reducing toxic contamination of	21825
or improving water quality in Lake Erie;	21826
(8) Expenses authorized by the Ohio Lake Erie commission	21827
necessary to implement this chapter.	21828
(B) Moneys in the Lake Erie protection fund are not intended	21829
to replace other moneys expended by any agency of the United	21830

States, any state agency, as "agency" is so defined, any political 21831
subdivision, any educational institution, or any nonprofit 21832
organization for projects and programs that are designed to 21833
protect Lake Erie by reducing toxic contamination of or improving 21834
water quality in Lake Erie. 21835

(C) Each March, the Ohio Lake Erie commission shall publish a 21836
Lake Erie protection agenda that describes proposed uses of the 21837
Lake Erie protection fund for the following state fiscal year. The 21838
agenda shall be the subject of at least one public meeting of the 21839
commission held in the Lake Erie basin. The commission shall 21840
submit the agenda to the governor, the president of the senate, 21841
and the speaker of the house of representatives. 21842

(D) Not later than September 1, 1991, and annually 21843
thereafter, the Lake Erie commission shall prepare a report of the 21844
activities that were undertaken by the commission under this 21845
section during the immediately preceding fiscal year, including, 21846
without limitation, revenues and expenses for the preceding fiscal 21847
year. The commission shall submit the report to the governor, the 21848
president of the senate, and the speaker of the house of 21849
representatives. 21850

Sec. 1509.02. There is hereby created in the department of 21851
natural resources the division of oil and gas resources 21852
management, which shall be administered by the chief of the 21853
division of oil and gas resources management. The division has 21854
sole and exclusive authority to regulate the permitting, location, 21855
and spacing of oil and gas wells and production operations within 21856
the state, excepting only those activities regulated under federal 21857
laws for which oversight has been delegated to the environmental 21858
protection agency and activities regulated under sections 6111.02 21859
to 6111.028 of the Revised Code. The regulation of oil and gas 21860
activities is a matter of general statewide interest that requires 21861

uniform statewide regulation, and this chapter and rules adopted 21862
under it constitute a comprehensive plan with respect to all 21863
aspects of the locating, drilling, well stimulation, completing, 21864
and operating of oil and gas wells within this state, including 21865
site construction and restoration, permitting related to those 21866
activities, and the disposal of wastes from those wells. In order 21867
to assist the division in the furtherance of its sole and 21868
exclusive authority as established in this section, the chief may 21869
enter into cooperative agreements with other state agencies for 21870
advice and consultation, including visitations at the surface 21871
location of a well on behalf of the division. Such cooperative 21872
agreements do not confer on other state agencies any authority to 21873
administer or enforce this chapter and rules adopted under it. In 21874
addition, such cooperative agreements shall not be construed to 21875
dilute or diminish the division's sole and exclusive authority as 21876
established in this section. Nothing in this section affects the 21877
authority granted to the director of transportation and local 21878
authorities in section 723.01 or 4513.34 of the Revised Code, 21879
provided that the authority granted under those sections shall not 21880
be exercised in a manner that discriminates against, unfairly 21881
impedes, or obstructs oil and gas activities and operations 21882
regulated under this chapter. 21883

The chief shall not hold any other public office, nor shall 21884
the chief be engaged in any occupation or business that might 21885
interfere with or be inconsistent with the duties as chief. 21886

~~All moneys~~ Money collected by the chief pursuant to sections 21887
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 21888
1509.28, 1509.34, ~~and~~ 1509.50, and 5749.02 of the Revised Code, 21889
~~ninety per cent of moneys received by the treasurer of state from~~ 21890
~~the tax levied in divisions (A)(5) and (6) of section 5749.02 of~~ 21891
~~the Revised Code,~~ all civil penalties paid under section 1509.33 21892
of the Revised Code, and, notwithstanding any section of the 21893

Revised Code relating to the distribution or crediting of fines 21894
for violations of the Revised Code, all fines imposed under 21895
divisions (A) and (B) of section 1509.99 of the Revised Code and 21896
fines imposed under divisions (C) and (D) of section 1509.99 of 21897
the Revised Code for all violations prosecuted by the attorney 21898
general and for violations prosecuted by prosecuting attorneys 21899
that do not involve the transportation of brine by vehicle shall 21900
be deposited into the state treasury to the credit of the oil and 21901
gas well fund, which is hereby created. Fines imposed under 21902
divisions (C) and (D) of section 1509.99 of the Revised Code for 21903
violations prosecuted by prosecuting attorneys that involve the 21904
transportation of brine by vehicle and penalties associated with a 21905
compliance agreement entered into pursuant to this chapter shall 21906
be paid to the county treasury of the county where the violation 21907
occurred. 21908

The fund shall be used solely and exclusively for the 21909
purposes enumerated in division (B) of section 1509.071 of the 21910
Revised Code, for the expenses of the division associated with the 21911
administration of this chapter and Chapter 1571. of the Revised 21912
Code and rules adopted under them, and for expenses that are 21913
critical and necessary for the protection of human health and 21914
safety and the environment related to oil and gas production in 21915
this state. The expenses of the division in excess of the moneys 21916
available in the fund shall be paid from general revenue fund 21917
appropriations to the department. 21918

Sec. 1509.071. (A) When the chief of the division of oil and 21919
gas resources management finds that an owner has failed to comply 21920
with a final nonappealable order issued or compliance agreement 21921
entered into under section 1509.04, the restoration requirements 21922
of section 1509.072, plugging requirements of section 1509.12, or 21923
permit provisions of section 1509.13 of the Revised Code, or rules 21924
and orders relating thereto, the chief shall make a finding of 21925

that fact and declare any surety bond filed to ensure compliance 21926
with those sections and rules forfeited in the amount set by rule 21927
of the chief. The chief thereupon shall certify the total 21928
forfeiture to the attorney general, who shall proceed to collect 21929
the amount of the forfeiture. In addition, the chief may require 21930
an owner, operator, producer, or other person who forfeited a 21931
surety bond to post a new surety bond in the amount of fifteen 21932
thousand dollars for a single well, thirty thousand dollars for 21933
two wells, or fifty thousand dollars for three or more wells. 21934

In lieu of total forfeiture, the surety or owner, at the 21935
surety's or owner's option, may cause the well to be properly 21936
plugged and abandoned and the area properly restored or pay to the 21937
treasurer of state the cost of plugging and abandonment. 21938

(B) All moneys collected because of forfeitures of bonds as 21939
provided in this section shall be deposited in the state treasury 21940
to the credit of the oil and gas well fund created in section 21941
1509.02 of the Revised Code. 21942

The chief annually shall spend not less than fourteen per 21943
cent of the revenue credited to the fund during the previous 21944
fiscal year for the following purposes: 21945

(1) In accordance with division (D) of this section, to plug 21946
idle and orphaned wells or to restore the land surface properly as 21947
required in section 1509.072 of the Revised Code; 21948

(2) In accordance with division (E) of this section, to 21949
correct conditions that the chief reasonably has determined are 21950
causing imminent health or safety risks at an idle and orphaned 21951
well or a well for which the owner cannot be contacted in order to 21952
initiate a corrective action within a reasonable period of time as 21953
determined by the chief. 21954

Expenditures from the fund shall be made only for lawful 21955
purposes. In addition, expenditures from the fund shall not be 21956

made to purchase real property or to remove a dwelling in order to 21957
access a well. 21958

The director of budget and management, in consultation with 21959
the chief, shall establish an accounting code for purposes of 21960
tracking expenditures made as required under this division. 21961

(C)(1) Upon determining that the owner of a well has failed 21962
to properly plug and abandon it or to properly restore the land 21963
surface at the well site in compliance with the applicable 21964
requirements of this chapter and applicable rules adopted and 21965
orders issued under it or that a well is an abandoned well for 21966
which no funds are available to plug the well in accordance with 21967
this chapter, the chief shall do all of the following: 21968

(a) Determine from the records in the office of the county 21969
recorder of the county in which the well is located the identity 21970
of the owner of the land on which the well is located, the 21971
identity of the owner of the oil or gas lease under which the well 21972
was drilled or the identity of each person owning an interest in 21973
the lease, and the identities of the persons having legal title 21974
to, or a lien upon, any of the equipment appurtenant to the well; 21975

(b) Mail notice to the owner of the land on which the well is 21976
located informing the landowner that the well is to be plugged. If 21977
the owner of the oil or gas lease under which the well was drilled 21978
is different from the owner of the well or if any persons other 21979
than the owner of the well own interests in the lease, the chief 21980
also shall mail notice that the well is to be plugged to the owner 21981
of the lease or to each person owning an interest in the lease, as 21982
appropriate. 21983

(c) Mail notice to each person having legal title to, or a 21984
lien upon, any equipment appurtenant to the well, informing the 21985
person that the well is to be plugged and offering the person the 21986
opportunity to plug the well and restore the land surface at the 21987

well site at the person's own expense in order to avoid forfeiture 21988
of the equipment to this state. 21989

(2) If none of the persons described in division (C)(1)(c) of 21990
this section plugs the well within sixty days after the mailing of 21991
the notice required by that division, all equipment appurtenant to 21992
the well is hereby declared to be forfeited to this state without 21993
compensation and without the necessity for any action by the state 21994
for use to defray the cost of plugging and abandoning the well and 21995
restoring the land surface at the well site. 21996

(D) Expenditures from the fund for the purpose of division 21997
(B)(1) of this section shall be made in accordance with either of 21998
the following: 21999

(1) The expenditures may be made pursuant to contracts 22000
entered into by the chief with persons who agree to furnish all of 22001
the materials, equipment, work, and labor as specified and 22002
provided in such a contract for activities associated with the 22003
restoration or plugging of a well as determined by the chief. The 22004
activities may include excavation to uncover a well, geophysical 22005
methods to locate a buried well when clear evidence of leakage 22006
from the well exists, cleanout of wellbores to remove material 22007
from a failed plugging of a well, plugging operations, 22008
installation of vault and vent systems, including associated 22009
engineering certifications and permits, restoration of property, 22010
and repair of damage to property that is caused by such 22011
activities. Expenditures shall not be used for salaries, 22012
maintenance, equipment, or other administrative purposes, except 22013
for costs directly attributed to the plugging of an idle and 22014
orphaned well. Agents or employees of persons contracting with the 22015
chief for a restoration or plugging project may enter upon any 22016
land, public or private, on which the well is located for the 22017
purpose of performing the work. Prior to such entry, the chief 22018
shall give to the following persons written notice of the 22019

existence of a contract for a project to restore or plug a well, 22020
the names of the persons with whom the contract is made, and the 22021
date that the project will commence: the owner of the well, the 22022
owner of the land upon which the well is located, the owner or 22023
agents of adjoining land, and, if the well is located in the same 22024
township as or in a township adjacent to the excavations and 22025
workings of a mine and the owner or lessee of that mine has 22026
provided written notice identifying those townships to the chief 22027
at any time during the immediately preceding three years, the 22028
owner or lessee of the mine. 22029

(2)(a) The owner of the land on which a well is located who 22030
has received notice under division (C)(1)(b) of this section may 22031
plug the well and be reimbursed by the division of oil and gas 22032
resources management for the reasonable cost of plugging the well. 22033
In order to plug the well, the landowner shall submit an 22034
application to the chief on a form prescribed by the chief and 22035
approved by the technical advisory council on oil and gas created 22036
in section 1509.38 of the Revised Code. The application, at a 22037
minimum, shall require the landowner to provide the same 22038
information as is required to be included in the application for a 22039
permit to plug and abandon under section 1509.13 of the Revised 22040
Code. The application shall be accompanied by a copy of a proposed 22041
contract to plug the well prepared by a contractor regularly 22042
engaged in the business of plugging oil and gas wells. The 22043
proposed contract shall require the contractor to furnish all of 22044
the materials, equipment, work, and labor necessary to plug the 22045
well properly and shall specify the price for doing the work, 22046
including a credit for the equipment appurtenant to the well that 22047
was forfeited to the state through the operation of division 22048
(C)(2) of this section. Expenditures under division (D)(2)(a) of 22049
this section shall be consistent with the expenditures for 22050
activities described in division (D)(1) of this section. The 22051
application also shall be accompanied by the permit fee required 22052

by section 1509.13 of the Revised Code unless the chief, in the 22053
chief's discretion, waives payment of the permit fee. The 22054
application constitutes an application for a permit to plug and 22055
abandon the well for the purposes of section 1509.13 of the 22056
Revised Code. 22057

(b) Within thirty days after receiving an application and 22058
accompanying proposed contract under division (D)(2)(a) of this 22059
section, the chief shall determine whether the plugging would 22060
comply with the applicable requirements of this chapter and 22061
applicable rules adopted and orders issued under it and whether 22062
the cost of the plugging under the proposed contract is 22063
reasonable. If the chief determines that the proposed plugging 22064
would comply with those requirements and that the proposed cost of 22065
the plugging is reasonable, the chief shall notify the landowner 22066
of that determination and issue to the landowner a permit to plug 22067
and abandon the well under section 1509.13 of the Revised Code. 22068
Upon approval of the application and proposed contract, the chief 22069
shall transfer ownership of the equipment appurtenant to the well 22070
to the landowner. The chief may disapprove an application 22071
submitted under division (D)(2)(a) of this section if the chief 22072
determines that the proposed plugging would not comply with the 22073
applicable requirements of this chapter and applicable rules 22074
adopted and orders issued under it, that the cost of the plugging 22075
under the proposed contract is unreasonable, or that the proposed 22076
contract is not a bona fide, arm's length contract. 22077

(c) After receiving the chief's notice of the approval of the 22078
application and permit to plug and abandon a well under division 22079
(D)(2)(b) of this section, the landowner shall enter into the 22080
proposed contract to plug the well. 22081

(d) Upon determining that the plugging has been completed in 22082
compliance with the applicable requirements of this chapter and 22083
applicable rules adopted and orders issued under it, the chief 22084

shall reimburse the landowner for the cost of the plugging as set forth in the proposed contract approved by the chief. The reimbursement shall be paid from the oil and gas well fund. If the chief determines that the plugging was not completed in accordance with the applicable requirements, the chief shall not reimburse the landowner for the cost of the plugging, and the landowner or the contractor, as applicable, promptly shall transfer back to this state title to and possession of the equipment appurtenant to the well that previously was transferred to the landowner under division (D)(2)(b) of this section. If any such equipment was removed from the well during the plugging and sold, the landowner shall pay to the chief the proceeds from the sale of the equipment, and the chief promptly shall pay the moneys so received to the treasurer of state for deposit into the oil and gas well fund.

The chief may establish an annual limit on the number of wells that may be plugged under division (D)(2) of this section or an annual limit on the expenditures to be made under that division.

As used in division (D)(2) of this section, "plug" and "plugging" include the plugging of the well and the restoration of the land surface disturbed by the plugging.

(E) Expenditures from the oil and gas well fund for the purpose of division (B)(2) of this section may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract. The competitive bidding requirements of Chapter 153. of the Revised Code do not apply if the chief reasonably determines that an emergency situation exists requiring immediate action for the correction of the applicable health or safety risk. A contract or purchase of materials for purposes of addressing the emergency situation is not subject to

division (B) of section 127.16 of the Revised Code. The chief, 22117
designated representatives of the chief, and agents or employees 22118
of persons contracting with the chief under this division may 22119
enter upon any land, public or private, for the purpose of 22120
performing the work. 22121

(F) Contracts entered into by the chief under this section 22122
are not subject to any of the following: 22123

(1) Chapter 4115. of the Revised Code; 22124

(2) Section 153.54 of the Revised Code, except that the 22125
contractor shall obtain and provide to the chief as a bid guaranty 22126
a surety bond or letter of credit in an amount equal to ten per 22127
cent of the amount of the contract; 22128

(3) Section 4733.17 of the Revised Code. 22129

(G) The owner of land on which a well is located who has 22130
received notice under division (C)(1)(b) of this section, in lieu 22131
of plugging the well in accordance with division (D)(2) of this 22132
section, may cause ownership of the well to be transferred to an 22133
owner who is lawfully doing business in this state and who has met 22134
the financial responsibility requirements established under 22135
section 1509.07 of the Revised Code, subject to the approval of 22136
the chief. The transfer of ownership also shall be subject to the 22137
landowner's filing the appropriate forms required under section 22138
1509.31 of the Revised Code and providing to the chief sufficient 22139
information to demonstrate the landowner's or owner's right to 22140
produce a formation or formations. That information may include a 22141
deed, a lease, or other documentation of ownership or property 22142
rights. 22143

The chief shall approve or disapprove the transfer of 22144
ownership of the well. If the chief approves the transfer, the 22145
owner is responsible for operating the well in accordance with 22146
this chapter and rules adopted under it, including, without 22147

limitation, all of the following: 22148

(1) Filing an application with the chief under section 22149
1509.06 of the Revised Code if the owner intends to drill deeper 22150
or produce a formation that is not listed in the records of the 22151
division for that well; 22152

(2) Taking title to and possession of the equipment 22153
appurtenant to the well that has been identified by the chief as 22154
having been abandoned by the former owner; 22155

(3) Complying with all applicable requirements that are 22156
necessary to drill deeper, plug the well, or plug back the well. 22157

(H) The chief shall issue an order that requires the owner of 22158
a well to pay the actual documented costs of a corrective action 22159
that is described in division (B)(2) of this section concerning 22160
the well. The chief shall transmit the money so recovered to the 22161
treasurer of state who shall deposit the money in the state 22162
treasury to the credit of the oil and gas well fund. 22163

(I) The chief may engage in cooperative projects under this 22164
section with any agency of this state, another state, or the 22165
United States; any other governmental agencies; or any state 22166
university or college as defined in section 3345.27 of the Revised 22167
Code. A contract entered into for purposes of a cooperative 22168
project is not subject to division (B) of section 127.16 of the 22169
Revised Code. 22170

Sec. 1509.28. (A) The chief of the division of oil and gas 22171
resources management, upon the chief's own motion ~~or upon~~ 22172
~~application by the owners of sixty five per cent of the land area~~ 22173
~~overlying the pool~~, shall hold a hearing not later than forty-five 22174
days after the chief's motion to consider the need for the 22175
operation as a unit of an entire pool or part thereof. ~~An~~ 22176

In addition, an applicant that has the assent of the owners 22177

of at least sixty-five per cent of the land area overlying a pool 22178
or a part of a pool may submit an application for the operation as 22179
a unit of the entire pool or part of the pool. An application by 22180
owners shall be accompanied by a ~~all~~ of the following: 22181

(1) A nonrefundable fee of ten thousand dollars ~~and by such;~~ 22182

(2) The name, address, and telephone number of the applicant; 22183

(3) An affidavit attesting that the owners of at least 22184
sixty-five per cent of the proposed unit have assented to the 22185
submission of the application; 22186

(4) An identification of all owners to be included in the 22187
unit, including a list specifying which owners are consenting or 22188
nonconsenting; 22189

(5) Maps illustrating the location of the proposed unit, its 22190
boundaries, and the planned development of the proposed unit and 22191
identifying each county and township in which the proposed unit is 22192
to be located; 22193

(6) Such information as the chief may request. 22194

The Not later than five business days after receipt of an 22195
application for unit operation, the chief or the chief's designee 22196
shall review the application and determine whether the application 22197
is complete. If the application is determined to be incomplete, 22198
the chief or the chief's designee shall provide to the applicant a 22199
notice explaining the deficiency and the additional information 22200
needed to eliminate the deficiency. The applicant may submit such 22201
additional information needed to eliminate the deficiency. Not 22202
later than five business days after additional information is 22203
received from an applicant for purposes of remedying a deficiency, 22204
the chief shall review the additional information, determine if 22205
the additional information eliminates the deficiency in the 22206
application, and provide notice to the applicant if any deficiency 22207
remains. 22208

If notice is not provided by the chief or chief's designee to the applicant within five business days after receipt of the application or, if applicable, within five business days after the chief receives additional information for purposes of remedying a deficiency, the application shall be determined to be complete. Notwithstanding anything in this section to the contrary, the chief shall hold a hearing on an application not later than forty-five days after the application was submitted. However, the chief may grant a continuance of the hearing of not more than fourteen calendar days upon a request by a person owning an interest in the proposed unit not later than ten calendar days prior to the scheduled hearing.

The applicant shall attempt to notify all unleased mineral rights owners, all nonconsenting owners, and all working interest owners proposed to be included in the unit of the hearing by certified mail at least fourteen calendar days prior to the scheduled hearing date. At the scheduled hearing, the applicant shall provide to the chief proof of certified mailing to such owners. The applicant also shall publish notice of the hearing in a newspaper of general circulation in the county or counties, as applicable, in which the proposed unit is to be located. If such a newspaper is not available in the applicable county or counties, the applicant shall publish the notice in the newspaper of general circulation that is nearest to the proposed unit. At the hearing, the chief shall consider the need for the operation as a unit of an entire pool or part of a pool.

(B) The chief shall ~~make~~ issue an order providing for the unit operation of a pool or part thereof not later than thirty days after the date of the hearing if the chief finds that such operation is reasonably necessary to increase substantially the ultimate recovery of oil and gas, and the value of the estimated additional recovery of oil or gas exceeds the estimated additional

cost incident to conducting the operation. The However, if the 22241
chief does not receive either a transcript of the hearing or 22242
substantive information regarding an application that was 22243
requested by the chief from the applicant at the hearing within 22244
thirty days of the date of the hearing, the chief may delay 22245
issuing the order. However, the chief shall issue the order not 22246
later than five business days after receiving either the 22247
transcript or the substantive information. 22248

Notwithstanding anything in this section to the contrary, the 22249
chief shall issue an order under this section not later than 22250
forty-five days after the date of the hearing, unless the 22251
forty-five-day period is waived by the applicant in writing and 22252
submitted to the chief. 22253

(C) An order providing for the unit operation of a pool or 22254
part thereof shall be upon terms and conditions that are just and 22255
reasonable and shall prescribe a plan for unit operations that 22256
shall include: 22257

(1) A description of the unitized area, termed the unit area; 22258

(2) A statement of the nature of the operations contemplated; 22259

(3) An allocation to the separately owned tracts in the unit 22260
area of all the oil and gas that is produced from the unit area 22261
and is saved, being the production that is not used in the conduct 22262
of operations on the unit area or not unavoidably lost. The 22263
allocation shall be in accord with the agreement, if any, of the 22264
interested parties. If there is no such agreement, the chief shall 22265
determine the value, from the evidence introduced at the hearing, 22266
of each separately owned tract in the unit area, exclusive of 22267
physical equipment, for development of oil and gas by unit 22268
operations, and the production allocated to each tract shall be 22269
the proportion that the value of each tract so determined bears to 22270
the value of all tracts in the unit area. 22271

(4) A provision for the credits and charges to be made in the 22272
adjustment among the owners in the unit area for their respective 22273
investments in wells, tanks, pumps, machinery, materials, and 22274
equipment contributed to the unit operations; 22275

(5) A provision providing how the expenses of unit 22276
operations, including capital investment, shall be determined and 22277
charged to the separately owned tracts and how the expenses shall 22278
be paid; 22279

(6) A provision, if necessary, for carrying or otherwise 22280
financing any person who is unable to meet the person's financial 22281
obligations in connection with the unit, allowing a reasonable 22282
interest charge for such service that, for an unleased mineral 22283
rights owner, is two hundred per cent; 22284

(7) A provision for the supervision and conduct of the unit 22285
operations, in respect to which each person shall have a vote with 22286
a value corresponding to the percentage of the expenses of unit 22287
operations chargeable against the interest of that person; 22288

(8) The time when the unit operations shall commence, and the 22289
manner in which, and the circumstances under which, the unit 22290
operations shall terminate; 22291

(9) A provision that if the plan for unit operation includes 22292
unleased mineral rights, each unleased mineral rights owner shall 22293
receive a one-eighth royalty on production that is allocated to 22294
each tract, or portions of each tract, included in the unit area 22295
in which the unleased mineral rights owner has an interest. 22296
However, nothing in a provision included under division (C)(9) of 22297
this section precludes the chief from including in the plan for 22298
unit operation another provision allocating to an unleased mineral 22299
rights owner its proportionate share of working interest net 22300
revenues on production allocated to the tract or portions of the 22301
tract, after accounting for the royalty and the recovery of the 22302

reasonable interest charge under division (C)(6) of this section. 22303
If an unleased mineral rights owner owns less than the entire 22304
undivided mineral interest in a tract, the royalty and working 22305
interest net revenues on production allocated to the tract, or 22306
portions thereof, shall be paid only in the proportion that the 22307
unleased mineral rights owner's interest bears to the entire 22308
undivided mineral interest in the tract; 22309

(10) Such additional provisions as are found to be 22310
appropriate for carrying on the unit operations, and for the 22311
protection or adjustment of correlative rights. 22312

~~(B)~~(D) No order of the chief providing for unit operations 22313
shall become effective unless and until the plan for unit 22314
operations prescribed by the chief has been approved in writing by 22315
those owners who, under the chief's order, will be required to pay 22316
at least sixty-five per cent of the costs of the unit operation, 22317
and also by the royalty or, with respect to unleased acreage, fee 22318
owners of sixty-five per cent of the acreage to be included in the 22319
unit. If the plan for unit operations has not been so approved by 22320
owners and royalty owners at the time the order providing for unit 22321
operations is made, the chief shall upon application and notice 22322
hold such supplemental hearings as may be required to determine if 22323
and when the plan for unit operations has been so approved. If the 22324
owners and royalty owners, or either, owning the required 22325
percentage of interest in the unit area do not approve the plan 22326
for unit operations within a period of six months from the date on 22327
which the order providing for unit operations is made, the order 22328
shall cease to be of force and shall be revoked by the chief. 22329

An order providing for unit operations may be amended by an 22330
order made by the chief, in the same manner and subject to the 22331
same conditions as an original order providing for unit 22332
operations, provided that: 22333

(1) If such an amendment affects only the rights and 22334

interests of the owners, the approval of the amendment by the 22335
royalty owners shall not be required. 22336

(2) No such order of amendment shall change the percentage 22337
for allocation of oil and gas as established for any separately 22338
owned tract by the original order, except with the consent of all 22339
persons owning interest in the tract. 22340

The chief, by an order, may provide for the unit operation of 22341
a pool or a part thereof that embraces a unit area established by 22342
a previous order of the chief. Such an order, in providing for the 22343
allocation of unit production, shall first treat the unit area 22344
previously established as a single tract, and the portion of the 22345
unit production so allocated thereto shall then be allocated among 22346
the separately owned tracts included in the previously established 22347
unit area in the same proportions as those specified in the 22348
previous order. 22349

Oil and gas allocated to a separately owned tract shall be 22350
deemed, for all purposes, to have been actually produced from the 22351
tract, and all operations, including, but not limited to, the 22352
commencement, drilling, operation of, or production from a well 22353
upon any portion of the unit area shall be deemed for all purposes 22354
the conduct of such operations and production from any lease or 22355
contract for lands any portion of which is included in the unit 22356
area. The operations conducted pursuant to the order of the chief 22357
shall constitute a fulfillment of all the express or implied 22358
obligations of each lease or contract covering lands in the unit 22359
area to the extent that compliance with such obligations cannot be 22360
had because of the order of the chief. 22361

Oil and gas allocated to any tract, and the proceeds from the 22362
sale thereof, shall be the property and income of the several 22363
persons to whom, or to whose credit, the same are allocated or 22364
payable under the order providing for unit operations. 22365

No order of the chief or other contract relating to the sale 22366
or purchase of production from a separately owned tract shall be 22367
terminated by the order providing for unit operations, but shall 22368
remain in force and apply to oil and gas allocated to the tract 22369
until terminated in accordance with the provisions thereof. 22370

Notwithstanding divisions (A) to (H) of section 1509.73 of 22371
the Revised Code and rules adopted under it, the chief shall issue 22372
an order for the unit operation of a pool or a part of a pool that 22373
encompasses a unit area for which all or a portion of the mineral 22374
rights are owned by the department of transportation. 22375

Except to the extent that the parties affected so agree, no 22376
order providing for unit operations shall be construed to result 22377
in a transfer of all or any part of the title of any person to the 22378
oil and gas rights in any tract in the unit area. All property, 22379
whether real or personal, that may be acquired for the account of 22380
the owners within the unit area shall be the property of such 22381
owners in the proportion that the expenses of unit operations are 22382
charged. 22383

(E) An order of the chief providing for unit operation under 22384
this section does not authorize an owner to use the surface of 22385
unleased land unless that use is consistent with a separate 22386
agreement between the surface rights owner of that land and the 22387
owner. 22388

(F) An unleased mineral rights owner of any tract included in 22389
a unit by an order of the chief issued under this section shall 22390
not incur liability for any personal or property damage associated 22391
with any drilling, testing, completing, producing, operating, or 22392
plugging activities related to a well within the unit unless the 22393
damage arises from a purposeful or grossly negligent act of the 22394
unleased mineral rights owner. 22395

(G) As used in this section, "unleased mineral rights owner" 22396

means an owner that has not leased the owner's mineral rights for 22397
oil or gas, unless the chief separately defines that class of 22398
owner in an order for unit operation. 22399

Sec. 1513.18. (A) All money that becomes the property of the 22400
state under division (G) of section 1513.16 of the Revised Code 22401
shall be deposited in the reclamation forfeiture fund, which is 22402
hereby created in the state treasury. Disbursements from the fund 22403
shall be made by the chief of the division of mineral resources 22404
management for the purpose of reclaiming areas of land affected by 22405
coal mining under a coal mining and reclamation permit issued on 22406
or after September 1, 1981, on which an operator has defaulted. 22407

(B) The fund also shall consist of all money from the 22408
collection of liens under section 1513.081 of the Revised Code, 22409
~~any moneys transferred to it under section 1513.181 of the Revised~~ 22410
~~Code from the coal mining and reclamation reserve fund created in~~ 22411
~~that section,~~ all money credited to the fund from the fee levied 22412
by division (F)(8)(c) of section 1513.16 of the Revised Code, 22413
fines collected under division (E) of section 1513.02 and section 22414
1513.99 of the Revised Code, fines collected for a violation of 22415
section 2921.31 of the Revised Code that, prior to July 1, 1996, 22416
would have been a violation of division (G) of section 1513.17 of 22417
the Revised Code as it existed prior to that date, and ~~moneys~~ 22418
money collected and credited to it pursuant to section 5749.02 of 22419
the Revised Code. Disbursements from the fund shall be made by the 22420
chief in accordance with division (D) of this section for the 22421
purpose of reclaiming areas that an operator has affected by 22422
mining and failed to reclaim under a coal mining and reclamation 22423
permit issued under this chapter. 22424

The chief may expend ~~moneys~~ money from the fund to pay 22425
necessary administrative costs, including engineering and design 22426
services, incurred by the division of mineral resources management 22427

in reclaiming these areas. The chief also may expend ~~moneys~~ money 22428
from the fund to pay necessary administrative costs of the 22429
reclamation forfeiture fund advisory board created in section 22430
1513.182 of the Revised Code as authorized by the board under that 22431
section. Expenditures from the fund to pay such administrative 22432
costs need not be made under contract. 22433

(C) Except when paying necessary administrative costs 22434
authorized by division (B) of this section, expenditures from the 22435
fund shall be made under contracts entered into by the chief, with 22436
the approval of the director of natural resources, in accordance 22437
with procedures established by the chief, by rules adopted in 22438
accordance with section 1513.02 of the Revised Code. The chief may 22439
reclaim the land in the same manner as set forth in sections 22440
1513.21 to 1513.24 of the Revised Code. Each contract awarded by 22441
the chief shall be awarded to the lowest responsive and 22442
responsible bidder, in accordance with section 9.312 of the 22443
Revised Code, after sealed bids are received, opened, and 22444
published at the time and place fixed by the chief. The chief 22445
shall publish notice of the time and place at which bids will be 22446
received, opened, and published, at least once and at least ten 22447
days before the date of the opening of the bids, in a newspaper of 22448
general circulation in the county in which the area of land to be 22449
reclaimed under the contract is located. If, after advertising, no 22450
bids are received at the time and place fixed for receiving them, 22451
the chief may advertise again for bids, or, if the chief considers 22452
the public interest will best be served, the chief may enter into 22453
a contract for the reclamation of the area of land without further 22454
advertisement for bids. The chief may reject any or all bids 22455
received and again publish notice of the time and place at which 22456
bids for contracts will be received, opened, and published. The 22457
chief, with the approval of the director, may enter into a 22458
contract with the landowner, a coal mine operator or surface mine 22459
operator mining under a current, valid permit issued under this 22460

chapter or Chapter 1514. of the Revised Code, or a contractor 22461
hired by the surety or trustee, if the performance security is 22462
held in trust, to complete reclamation on land affected by coal 22463
mining on which an operator has defaulted, or with a contractor 22464
hired by the trust administrator of an alternative financial 22465
security that is provided in accordance with division (F)(8) of 22466
section 1513.16 of the Revised Code to provide long-term water 22467
treatment or a long-term alternative water supply on areas 22468
affected by coal mining on which a permittee has defaulted or not 22469
fully funded an alternative financial security, without 22470
advertising for bids. 22471

(D)(1) The chief shall expend money credited to the 22472
reclamation forfeiture fund from the forfeiture of the performance 22473
security applicable to an area of land to pay for the cost of 22474
completing reclamation to the standards established by this 22475
chapter and rules adopted under it. 22476

(2) If the performance security for the area of land was 22477
provided under division (C)(1) of section 1513.08 of the Revised 22478
Code, the chief shall use the money from the forfeited performance 22479
security and any alternative financial security provided under 22480
division (F)(8) of section 1513.16 of the Revised Code to complete 22481
the reclamation that the operator failed to do under the 22482
operator's applicable coal mining and reclamation permit issued 22483
under this chapter. 22484

(3) If the performance security for the area of land was 22485
provided under division (C)(2) of section 1513.08 of the Revised 22486
Code, the chief shall use the money from the forfeited performance 22487
security and any alternative financial security provided under 22488
division (F)(8) of section 1513.16 of the Revised Code to complete 22489
the reclamation that the operator failed to do under the 22490
operator's applicable coal mining and reclamation permit issued 22491
under this chapter. If the money credited to the reclamation 22492

forfeiture fund from the forfeiture of the performance security 22493
provided under division (C)(2) of section 1513.08 of the Revised 22494
Code and any alternative financial security provided under 22495
division (F)(8) of section 1513.16 of the Revised Code is not 22496
sufficient to complete the reclamation to the standards 22497
established by this chapter and rules adopted under it, the chief 22498
shall notify the reclamation forfeiture fund advisory board of the 22499
amount of the insufficiency. The chief may expend money credited 22500
to the reclamation forfeiture fund under section 5749.02 of the 22501
Revised Code, or credited to the reclamation forfeiture fund from 22502
the fee levied by division (F)(8)(c) of section 1513.16 of the 22503
Revised Code, ~~or transferred to the fund under section 1513.181 of~~ 22504
~~the Revised Code~~ to complete the reclamation to the standards 22505
established by this chapter and rules adopted under it. Except as 22506
provided in division (D)(5) of this section, the chief shall not 22507
expend money from the fund in an amount that exceeds the 22508
difference between the amount of the performance security provided 22509
under division (C)(2) of section 1513.08 of the Revised Code and 22510
the estimated cost of reclamation as determined by the chief under 22511
divisions (B) and (E) of that section. 22512

(4) Except as provided in division (D)(5) of this section, 22513
money from the reclamation forfeiture fund shall not be used for 22514
reclamation of land or water resources affected by mine drainage 22515
that requires extended water treatment after reclamation is 22516
completed under the terms of the permit. In addition, money from 22517
the reclamation forfeiture fund shall not be used to supplement 22518
the performance security of an applicant or permittee that has 22519
provided performance security in accordance with division (C)(1) 22520
of section 1513.08 of the Revised Code. 22521

(5) If a permittee relies in part on the reclamation 22522
forfeiture fund for alternative financial security under division 22523
(F)(8)(c) of section 1513.16 of the Revised Code, money from the 22524

reclamation forfeiture fund may be used for reclamation of the 22525
land or water resources affected by mine drainage that requires 22526
water treatment after reclamation is completed under the terms of 22527
the permit or an alternative water supply after reclamation is 22528
completed under the terms of the permit in an amount not to exceed 22529
the balance of the alternative financial security provided by the 22530
reclamation forfeiture fund under that division. 22531

(E) The chief shall keep a detailed accounting of the 22532
expenditures from the reclamation forfeiture fund to complete 22533
reclamation of the land or water resources, as applicable, and, 22534
upon completion of the reclamation, shall certify the expenditures 22535
to the attorney general. Upon the chief's certification of the 22536
expenditures from the reclamation forfeiture fund, the attorney 22537
general shall bring an action for that amount of money. The 22538
operator is liable for that expense in addition to any other 22539
liabilities imposed by law. ~~Moneys~~ Money so recovered shall be 22540
credited to the reclamation forfeiture fund. The chief shall not 22541
postpone the reclamation because of any action brought by the 22542
attorney general under this division. Prior to completing 22543
reclamation, the chief may collect through the attorney general 22544
any additional amount that the chief believes will be necessary 22545
for reclamation in excess of the forfeited performance security 22546
and any alternative financial security amount applicable to the 22547
land or water resources that the operator should have, but failed 22548
to, reclaim. 22549

(F) Except as otherwise provided in division (H) of this 22550
section, if any part of the ~~moneys~~ money in the reclamation 22551
forfeiture fund remains in the fund after the chief has caused the 22552
area of land to be reclaimed and has paid all the reclamation 22553
costs and expenses, the chief may expend those ~~moneys~~ money to 22554
complete other reclamation work performed under this section on 22555
forfeiture areas affected under a coal mining and reclamation 22556

permit issued on or after September 1, 1981. 22557

(G) The chief shall require every contractor performing 22558
reclamation work pursuant to this section to pay workers at the 22559
greater of their regular rate of pay, as established by contract, 22560
agreement, or prior custom or practice, or the average wage rate 22561
paid in this state for the same or similar work as determined by 22562
the chief under section 1513.02 of the Revised Code. 22563

(H) All investment earnings of the fund shall be credited to 22564
the fund and shall be used only for the reclamation of land for 22565
which performance security was provided under division (C)(2) of 22566
section 1513.08 of the Revised Code. 22567

Sec. 1513.20. The chief of the division of mineral resources 22568
management, with the approval of the director of natural 22569
resources, may purchase or acquire by gift, donation, or 22570
contribution any eroded land, including land affected by strip 22571
mining, for which no cash is held in the reclamation forfeiture 22572
fund created by section 1513.18 of the Revised Code. For this 22573
purpose the chief may expend ~~moneys~~ money deposited in the 22574
~~unreclaimed lands~~ mining regulation and safety fund created by 22575
section 1513.30 of the Revised Code. All lands purchased or 22576
acquired shall be deeded to the state, but no deed shall be 22577
accepted or the purchase price paid until the title has been 22578
approved by the attorney general. 22579

Sec. 1513.25. After completion of the reclamation of a tract 22580
of land acquired pursuant to section 1513.20 of the Revised Code, 22581
the chief of the division of mineral resources management may, if 22582
the land is suitable to the uses of any other department, 22583
division, office, or institution of the state, transfer the land 22584
or tract to that department, division, office, or institution, 22585
subject to the approval of the director of natural resources. 22586

With the approval of the attorney general and the director, 22587
the chief may sell any such land or tract, after completion of the 22588
plan of reclamation, when the sale is advantageous to the state. 22589

With the approval of the attorney general and the director, 22590
the chief may grant easements and leases on the land or tract 22591
under terms advantageous to the state, and may grant mineral 22592
rights on a royalty basis. 22593

All ~~moneys~~ money received from the sale of reclaimed lands, 22594
or in payment for easements, leases, or royalties, shall be paid 22595
to the ~~unreclaimed lands~~ mining regulation and safety fund created 22596
in section 1513.30 of the Revised Code. 22597

Sec. 1513.27. As used in this section and sections 1513.28, 22598
1513.30, 1513.31, and 1513.32 of the Revised Code, "damage to 22599
adjacent property" means physical injury or harm to nearby 22600
property caused by the unreclaimed condition of lands mined prior 22601
to April 10, 1972, or pursuant to a license issued prior to April 22602
10, 1972, including, without limitation, injury or harm to 22603
vegetation on adjacent property, pollution of surface or 22604
underground waters on adjacent property, loss or interruption of 22605
water supply on adjacent property, flow of acid water onto or 22606
across adjacent property, flooding of adjacent property, 22607
landslides onto or across adjacent property, erosion of adjacent 22608
property, or deposition of sediment upon adjacent property. Damage 22609
to adjacent property does not include any diminution of the market 22610
value of adjacent property caused exclusively by the visual or 22611
aesthetic appearance of such unreclaimed lands. 22612

The chief of the division of mineral resources management, 22613
with the approval of the director of natural resources, may enter 22614
into a written agreement, which may be in the form of a contract, 22615
with the owner of any unreclaimed land affected by mining before 22616
April 10, 1972, or pursuant to a license issued before April 10, 22617

1972, that causes or may cause pollution of the waters of the 22618
state or damage to adjacent property, is not likely to be mined in 22619
the foreseeable future, and lies within the boundaries of a 22620
project area approved by the chief under section 1513.30 of the 22621
Revised Code, under which the state or its agents may enter the 22622
land to reclaim it at state expense with ~~moneys~~ money from the 22623
~~unreclaimed lands~~ mining regulation and safety fund by 22624
establishing vegetative cover and substantially reducing or 22625
eliminating erosion, sedimentation, landslides, pollution, 22626
accumulation or discharge of acid water, flooding, and damage to 22627
adjacent property. The agreement may include provisions pertaining 22628
to liability for damages and any other provisions necessary or 22629
desirable to achieve the purposes of this section. 22630

If the chief makes a finding of fact that land or water 22631
resources have been adversely affected by past coal mining 22632
practices; if the adverse effects are at a stage where, in the 22633
public interest, action to restore, reclaim, abate, control, or 22634
prevent the adverse effects should be taken; and if the owners of 22635
the affected land or water resources either are not known or 22636
readily available or will not give permission for the state, 22637
political subdivisions, or their agents, employees, or contractors 22638
to enter on the property to restore, reclaim, abate, control, or 22639
prevent the adverse effects, the chief or the chief's agents, 22640
employees, or contractors may enter on the affected property in 22641
order to do all things necessary or expedient to restore, reclaim, 22642
abate, control, or prevent the adverse effects. Prior to entering 22643
on the property, the chief or the chief's agents, employees, or 22644
contractors shall give notice by mail to the owners, if known, or, 22645
if not known, by posting notice on the premises and advertising 22646
once in a newspaper of general circulation in the county or 22647
municipal corporation in which the land lies. Such an entry shall 22648
be construed as an exercise of the police power for the protection 22649
of public health, safety, and welfare and shall not be construed 22650

as an act of condemnation of property or of trespass. The ~~moneys~~ 22651
money expended for the work and the benefits accruing to any 22652
premises so entered upon shall be chargeable against land and 22653
shall mitigate or offset any claim in or any action brought by any 22654
owner of any interest in the premises for any alleged damages by 22655
virtue of the entry. This provision is not intended to create new 22656
rights of action or eliminate existing immunities. 22657

Each agreement entered into pursuant to this section shall 22658
contain provisions for the reimbursement of a portion of the costs 22659
of the reclamation that is commensurate with the increase in the 22660
fair market value of the property attributable to the reclamation 22661
work thereon, as determined by appraisals made before and after 22662
reclamation in the manner stated in the agreement, unless the 22663
determination discloses an increase in value that is 22664
insubstantial. For reimbursement of the portion, the agreement may 22665
include provisions for any of the following: 22666

(A) Public use for soil, water, forest, or wildlife 22667
conservation or public recreation purposes; 22668

(B) Payment to the state of the share of the income from the 22669
crops or timber produced on the land that is stated in the 22670
agreement; 22671

(C) Imposition of a lien in the amount of the increase in 22672
fair market value payable upon transfer or conveyance of the 22673
property to a new owner. All such reimbursements and payments 22674
shall be credited to the ~~unreclaimed lands~~ mining regulation and 22675
safety fund. 22676

(D) Payment to the state in cash of the amount of the 22677
increase in fair market value, payable upon completion of the 22678
reclamation. 22679

For the purpose of selecting lands to be reclaimed within the 22680
boundaries of approved project areas, the chief shall consult the 22681

owners of unreclaimed lands, may consult with local officials, 22682
civic and professional organizations, and interested individuals, 22683
and shall consider the feasibility, cost, and public benefits of 22684
reclaiming particular lands, their potential for being mined, and 22685
the availability of federal or other assistance for reclamation. 22686
Before entering into the agreement, the chief shall prepare or 22687
approve a detailed plan with topographic maps indicating the 22688
reclamation improvements to be made. The plan may include 22689
improvements recommended by the owner, but may not include 22690
improvements that the chief finds are not necessary to establish 22691
vegetative cover or substantially reduce or eliminate erosion, 22692
sedimentation, landslides, pollution, accumulation or discharge of 22693
acid water, flooding, or damage to adjacent property. 22694

With the approval of the director and upon entering into the 22695
agreement with the owner, the chief may carry out the plan of 22696
reclamation or any part thereof with the employees and equipment 22697
of any division of the department of natural resources, or the 22698
chief may carry out the plan or any part thereof by contracting 22699
therefor. 22700

The chief, with the approval of the director and written 22701
consent of the owner, may enter into a contract with an operator 22702
mining adjacent land under a current, valid permit to carry out 22703
the plan of reclamation on the unreclaimed land or any part of the 22704
plan without advertising for bids. Contracts entered into with 22705
operators mining adjacent land are not subject to division (B) of 22706
section 127.16 of the Revised Code. 22707

The chief shall require every operator mining adjacent land 22708
who performs reclamation work pursuant to this section to pay 22709
workers at the greater of their regular rate of pay, as 22710
established by contract, agreement, or prior custom or practice, 22711
or the average wage rate paid in this state for the same or 22712
similar work performed in the same or similar locality by private 22713

companies doing their own reclamation work. Each contract awarded 22714
by the chief to other than an operator mining adjacent land shall 22715
be awarded to the lowest responsible bidder after sealed bids are 22716
received, opened, and published at the time and place fixed by the 22717
chief. The chief shall publish notice of the time and place at 22718
which bids will be received, opened, and published, at least once 22719
at least ten days before the date of the opening of the bids, in a 22720
newspaper of general circulation in the county in which the area 22721
of land to be reclaimed under the contract is located. If, after 22722
so advertising for bids, no bids are received by the chief at the 22723
time and place fixed for receiving them, the chief may advertise 22724
again for bids, or, if the chief considers the public interest 22725
will be best served, the chief may enter into a contract for the 22726
reclamation of the area of land without further advertisement for 22727
bids. The chief may reject all bids received and again publish 22728
notice of the time and place at which bids for contracts will be 22729
received, opened, and published. The chief, with the approval of 22730
the director and written consent of the owner, may enter into a 22731
contract with a licensed mine operator mining adjacent land under 22732
a valid permit to carry out the plan of reclamation on the 22733
unreclaimed land or any part of the plan without advertising for 22734
bids. 22735

Sec. 1513.28. The chief of the division of mineral resources 22736
management, with the approval of the director of natural 22737
resources, may make grants of ~~moneys~~ money from the ~~unreclaimed~~ 22738
~~lands~~ mining regulation and safety fund created by section 1513.30 22739
of the Revised Code for the payment by the state of up to 22740
seventy-five per cent of the reasonable and necessary reclamation 22741
expenses incurred by the owner of any unreclaimed land affected by 22742
mining before April 10, 1972, or pursuant to a license issued 22743
before April 10, 1972, that causes or may cause pollution of the 22744
waters of the state or damage to adjacent property, is not likely 22745

to be mined in the foreseeable future, and lies within the 22746
boundaries of a project area approved by the chief under section 22747
1513.30 of the Revised Code. 22748

The owner shall submit application for a grant on forms 22749
furnished by the division, together with detailed plans and 22750
topographic maps indicating the reclamation improvements to be 22751
made, an itemized estimate of the project's cost, a description of 22752
the project's benefits, and such other information as the chief 22753
prescribes. The plan of reclamation may be prepared in 22754
consultation with a local soil and water conservation district. 22755

The chief may award the applicant a grant only after finding 22756
that the proposed reclamation work will establish vegetative cover 22757
and substantially reduce or eliminate erosion, sedimentation, 22758
landslides, pollution, accumulation or discharge of acid water, 22759
flooding, and damage to adjacent property. 22760

For the purpose of establishing priorities for awarding 22761
grants under this section and section 1513.31 of the Revised Code, 22762
the chief shall consider each project's feasibility, cost, and 22763
public benefits of reclaiming the particular land, its potential 22764
for being mined, and the availability of federal or other 22765
financial assistance for reclamation. 22766

The chief shall determine the amount of a grant under this 22767
section based upon the chief's determination of what constitutes 22768
reasonable and necessary expenses actually incurred for 22769
establishing vegetative cover, substantially reducing or 22770
eliminating erosion, sedimentation, landslides, pollution, 22771
accumulation or discharge of acid water, flooding, or damage to 22772
adjacent property, and preparing the plan of reclamation. The 22773
owner may elect to have other improvements made concurrently, but 22774
in no event shall any part of the grant be made for such other 22775
improvements, and in no event shall the amount of the grant exceed 22776

seventy-five per cent of the total amount, determined by the 22777
chief, of what constitutes reasonable and necessary expenses 22778
actually incurred for the reclamation measures listed in this 22779
section. 22780

The chief shall enter into a contract for funding with each 22781
applicant awarded a grant to ensure that the ~~moneys~~ money granted 22782
are used for the purposes of this section and that the reclamation 22783
work is properly done. The final payment may not be made until the 22784
chief inspects and approves the completed reclamation work. 22785

Each such contract shall contain provisions for the 22786
reimbursement of a portion of the costs of the reclamation that is 22787
commensurate with the increase in the fair market value of the 22788
property attributable to the reclamation work thereon, as 22789
determined by appraisals made before and after reclamation in the 22790
manner stated in the agreement, unless such determination 22791
discloses an increase in value that is insubstantial in comparison 22792
to the benefits to the public from the abatement of pollution or 22793
prevention of damage to adjacent property, considering the 22794
applicant's share of the reclamation cost. For reimbursement of 22795
such portion, the contract may include provisions for: 22796

(A) Public use for soil, water, forest, or wildlife 22797
conservation or public recreation purposes; 22798

(B) Payment to the state of the share of the income from the 22799
crops or timber produced on the land that is stated in the 22800
agreement; 22801

(C) Imposition of a lien in the amount of the increase in 22802
fair market value payable upon transfer or conveyance of the 22803
property to a new owner; 22804

(D) Payment to the state in cash in the amount of the 22805
increase in fair market value, payable upon completion of the 22806
reclamation. 22807

All such reimbursements and payments shall be credited to the 22808
~~unreclaimed lands~~ mining regulation and safety fund. 22809

Not more than forty per cent of the money credited to the 22810
fund during the preceding calendar year may be expended during a 22811
calendar year for grants under this section. 22812

The chief shall require every landowner performing 22813
reclamation work pursuant to this section to pay workers at the 22814
greater of their regular rate of pay, as established by contract, 22815
agreement, or prior custom or practice, or the average wage rate 22816
in this state for the same or similar work performed in the same 22817
or similar locality by private companies doing their own 22818
reclamation work. 22819

Sec. 1513.30. (A) There is hereby created in the state 22820
treasury the ~~unreclaimed lands~~ mining regulation and safety fund, 22821
to be administered by the chief of the division of mineral 22822
resources management ~~and~~. The fund shall be used for the purpose 22823
~~of reclaiming following purposes:~~ 22824

(1) Reclaiming land, public or private, affected by mining, 22825
or controlling mine drainage, for which no cash is held in the 22826
reclamation forfeiture fund created in section 1513.18 of the 22827
Revised Code ~~or the surface mining fund created in section;~~ 22828

(2) Specified purposes in sections 1514.06, 1514.11, and 22829
1561.48 of the Revised Code; 22830

(3) Administration and enforcement of Chapter 1513. of the 22831
Revised Code. 22832

All investment earnings of the fund shall be deposited into 22833
the fund. 22834

(B) In order to direct expenditures from the ~~unreclaimed~~ 22835
~~lands~~ mining regulation and safety fund toward reclamation 22836
projects that fulfill priority needs and provide the greatest 22837

public benefits, the chief periodically shall consider projects to 22838
be financed from the ~~unreclaimed lands~~ mining regulation and 22839
safety fund. For the purpose of selecting project areas and 22840
determining the boundaries of project areas, the chief shall 22841
consider the feasibility, cost, and public benefits of reclaiming 22842
the areas, their potential for being mined, the availability of 22843
federal or other financial assistance for reclamation, and the 22844
geographic distribution of project areas to ensure fair 22845
distribution among affected areas. 22846

(C) The chief shall give priority to areas where there is 22847
little or no likelihood of mining within the foreseeable future, 22848
reclamation is feasible at reasonable cost with available funds, 22849
and either of the following applies: 22850

~~(A)(1)~~ The pollution of the waters of the state and damage to 22851
adjacent property are most severe and widespread. 22852

~~(B)(2)~~ Reclamation will make possible public uses for soil, 22853
water, forest, or wildlife conservation or public recreation 22854
purposes, will facilitate orderly commercial or industrial site 22855
development, or will facilitate the use or improve the enjoyment 22856
of nearby public conservation or recreation lands. 22857

(D) Expenditures from the ~~unreclaimed lands~~ mining regulation 22858
and safety fund for reclamation projects may be made only for 22859
projects that are within the boundaries of project areas approved 22860
by the chief. Expenditures from the ~~unreclaimed lands~~ mining 22861
regulation and safety fund shall be made by the chief, with the 22862
approval of the director of natural resources. 22863

~~The chief may expend an amount not to exceed twenty per cent~~ 22864
~~of the moneys credited annually by the treasurer of state to the~~ 22865
~~unreclaimed lands fund for the purpose of administering the fund.~~ 22866

(E) The chief may engage in cooperative projects under this 22867
section with any agency of the United States, appropriate state 22868

agencies, or state universities or colleges as defined in section 22869
3345.27 of the Revised Code and may transfer money from the fund 22870
to other appropriate state agencies or to state universities or 22871
colleges in order to carry out the reclamation activities 22872
authorized by this section. 22873

~~If the director of natural resources determines it to be 22874
necessary, the director may request the controlling board to 22875
transfer an amount of money from the fund to the coal mining 22876
administration and reclamation reserve fund created in section 22877
1513.181 of the Revised Code. 22878~~

(F) Notwithstanding any other provisions of law to the 22879
contrary, money credited to the mining regulation and safety fund 22880
that is derived from taxes levied in division (A)(3) or (4) of 22881
section 5749.02 of the Revised Code shall not be used for any 22882
purposes authorized under this chapter. 22883

Sec. 1513.31. For the purpose of promoting local or regional 22884
economic or community development, the chief of the division of 22885
mineral resources management, with the approval of the director of 22886
natural resources, may make grants of money from the ~~unreclaimed~~ 22887
~~lands~~ mining regulation and safety fund created by section 1513.30 22888
of the Revised Code for the payment by the state of up to 22889
seventy-five per cent of the reasonable and necessary expenses 22890
incurred by a political subdivision, community improvement 22891
corporation incorporated under Chapter 1724. of the Revised Code, 22892
or other nonprofit corporation incorporated under Chapter 1702. of 22893
the Revised Code for the reclamation of any unreclaimed land 22894
affected by mining before April 10, 1972, or pursuant to a license 22895
issued before April 10, 1972, that is owned by the political 22896
subdivision or corporation, is to be reclaimed for the purpose of 22897
commercial or industrial site development by the political 22898
subdivision or corporation or the development of recreational 22899

facilities by the political subdivision, and lies within the 22900
boundaries of a project area approved by the chief. 22901

The owner shall submit an application for a grant on forms 22902
furnished by the division of mineral resources management together 22903
with detailed plans and topographic maps indicating the 22904
reclamation improvements to be made, an itemized estimate of the 22905
project's cost, a description of the project's benefits, and such 22906
other information as the chief prescribes. The chief may award the 22907
applicant a grant only after finding that the proposed reclamation 22908
work will render the unreclaimed land suitable for commercial, 22909
industrial, or, if the land is owned by a political subdivision, 22910
recreational site development and will substantially reduce or 22911
eliminate the damage, if any, to adjacent property that is or may 22912
be caused by the condition of the unreclaimed land. 22913

The chief shall determine the amount of the grant based upon 22914
the chief's determination of what constitutes reasonable and 22915
necessary expenses actually incurred for preparing the plan of 22916
reclamation; preparing the unreclaimed land for commercial, 22917
industrial, or, in the case of land owned by a political 22918
subdivision, recreational site development, including backfilling, 22919
grading, resoiling, planting, or other work to restore the land to 22920
a condition suitable for such development; and, if the condition 22921
of the unreclaimed land so requires, establishing vegetative cover 22922
or substantially reducing or eliminating erosion, sedimentation, 22923
landslides, pollution, accumulation or discharge of acid water, 22924
flooding, or damage to adjacent property. The owner may have other 22925
improvements made concurrently with the reclamation work, but 22926
shall not spend any part of the grant for such other improvements. 22927
No grant shall exceed seventy-five per cent of the total amount, 22928
as determined by the chief, of what constitutes reasonable and 22929
necessary expenses actually incurred for the reclamation measures 22930
listed in this section. 22931

The chief shall enter into a contract for funding with each 22932
applicant awarded a grant in order to ensure that the ~~moneys~~ money 22933
granted are used for the purposes of this section and that the 22934
reclamation work is properly done. The final payment under a grant 22935
may not be made until the chief inspects and approves the 22936
completed reclamation work. 22937

Sec. 1513.32. For the purpose of promoting local or regional 22938
economic or community development, the chief of the division of 22939
mineral resources management, with the approval of the director of 22940
natural resources, may enter into a written agreement, which may 22941
be in the form of a contract, with a political subdivision, 22942
community improvement corporation incorporated under Chapter 1724. 22943
of the Revised Code, or other nonprofit corporation incorporated 22944
under Chapter 1702. of the Revised Code that owns any unreclaimed 22945
land affected by mining before April 10, 1972, or pursuant to a 22946
license issued before April 10, 1972, under which the state or its 22947
agents may enter upon the land to reclaim it at state expense with 22948
~~moneys~~ money from the ~~unreclaimed lands~~ mining regulation and 22949
safety fund created by section 1513.30 of the Revised Code for the 22950
purpose of commercial or industrial site development if the land 22951
is owned by a political subdivision or corporation or the 22952
development of recreational facilities if the land is owned by a 22953
political subdivision. The agreement may include provisions 22954
pertaining to liability for damages and any other provisions 22955
necessary or desirable to achieve the purposes of this section. 22956

For the purpose of selecting lands to be reclaimed for 22957
commercial, industrial, or, if the lands are owned by a political 22958
subdivision, recreational site development, the chief shall 22959
consult with the owners of unreclaimed lands and with local 22960
officials, civic and professional organizations, and interested 22961
individuals and shall consider the feasibility, cost, and public 22962
benefits of reclaiming particular lands and the availability of 22963

federal or other assistance for the reclamation. The chief shall 22964
select for reclamation under this section only lands that lie 22965
within the boundaries of a project area approved by the chief. 22966

Before entering into the agreement, the chief shall prepare 22967
or approve a detailed plan with topographic maps indicating the 22968
reclamation improvements to be made, an itemized estimate of the 22969
project's cost, a description of the project's benefits, and such 22970
other information as the chief considers appropriate. The plan 22971
shall include only reclamation work that is necessary to render 22972
the unreclaimed land suitable for commercial, industrial, or, if 22973
the land is owned by a political subdivision, recreational site 22974
development and will substantially reduce or eliminate the damage, 22975
if any, to adjacent property that is or may be caused by the 22976
condition of the unreclaimed land. The plan may include 22977
improvements recommended by the owner, but may not include any 22978
improvements that the chief finds are not necessary to prepare the 22979
unreclaimed land for commercial, industrial, or, if the land is 22980
owned by a political subdivision, recreational site development, 22981
or if the condition of the unreclaimed land so requires, are not 22982
necessary to establish vegetative cover or substantially reduce or 22983
eliminate erosion, sedimentation, landslides, pollution, 22984
accumulation or discharge of acid water, flooding, or damage to 22985
adjacent property. 22986

With the approval of the director and upon entering into an 22987
agreement with the owner, the chief may carry out the plan of 22988
reclamation or any part thereof with the employees or equipment of 22989
the department, or the chief may carry out the plan or any part 22990
thereof by contracting therefor in accordance with the procedures 22991
prescribed in section 1513.27 of the Revised Code. The chief shall 22992
keep an itemized record of the state's expense in carrying out the 22993
plan. 22994

Expenditure of not more than twenty per cent of the ~~moneys~~ 22995

money credited to the ~~unreclaimed lands~~ mining regulation and 22996
safety fund during the preceding fiscal year may be approved by 22997
the chief during a fiscal year for conducting reclamation projects 22998
under this section and for making grants under section 1513.31 of 22999
the Revised Code, provided that such expenditures are primarily 23000
for the pollution abatement purposes of section 1513.30 of the 23001
Revised Code. 23002

Sec. 1513.33. The amount of any grant to a community 23003
improvement corporation or nonprofit corporation made under 23004
section 1513.31 of the Revised Code or the state's expenses 23005
incurred in reclaiming unreclaimed land owned by a community 23006
improvement corporation or nonprofit corporation under section 23007
1513.32 of the Revised Code shall constitute a loan by the state 23008
to the corporation. Entry into a grant contract under section 23009
1513.31 of the Revised Code or into a reclamation agreement under 23010
section 1513.32 of the Revised Code by the chief of the division 23011
of mineral resources management constitutes the designation of the 23012
community improvement corporation or nonprofit corporation as the 23013
state's agent for the commercial or industrial development of the 23014
land named in the contract or agreement. 23015

Each grant contract under section 1513.31 of the Revised Code 23016
or reclamation agreement under section 1513.32 of the Revised Code 23017
shall include terms for repayment of the grant or reimbursement of 23018
the state for its reclamation expenses, which shall require 23019
repayment of the loan in full upon the first sale, lease, or 23020
rental of the land reclaimed under the contract or agreement if 23021
the entire parcel of reclaimed land is sold, leased, or rented. If 23022
the corporation establishes a business enterprise on the entire 23023
parcel of reclaimed land, the contract shall require repayment of 23024
the loan in full upon the commencement of operation of the 23025
business enterprise. If the reclaimed land is sold, leased, or 23026
rented in portions or the corporation establishes a business 23027

enterprise on any portion of the reclaimed land, the contract or 23028
agreement shall require repayment of that portion of the loan that 23029
corresponds to the portion of the reclaimed land sold, leased, or 23030
rented upon the first sale, lease, or rental of that portion, or 23031
upon commencement of operation of the business enterprise on that 23032
portion, by the corporation in the proportion that the acreage of 23033
the reclaimed land sold, leased, rented, or used in business by 23034
the corporation bears to the total acreage of land reclaimed under 23035
the contract or agreement. 23036

To secure repayment of the ~~moneys~~ money granted under section 23037
1513.31 of the Revised Code or of the state's reclamation expenses 23038
under section 1513.32 of the Revised Code to or on behalf of a 23039
community improvement corporation or nonprofit corporation, the 23040
state shall have a lien on the land owned by the corporation that 23041
is land reclaimed under section 1513.31 or 1513.32 of the Revised 23042
Code equal to the amount of the grant made under section 1513.31 23043
of the Revised Code or to the state's expenses incurred in 23044
reclaiming the land under section 1513.32 of the Revised Code. 23045
Within thirty days after the final grant payment is made under 23046
section 1513.31 of the Revised Code or after the completion of the 23047
reclamation work under section 1513.32 of the Revised Code, the 23048
chief shall cause to be recorded in the office of the county 23049
recorder of the county in which the reclaimed land is located a 23050
statement that shall contain an itemized accounting of the grant 23051
paid under section 1513.31 of the Revised Code or an itemized 23052
record of the state's expenses incurred in reclaiming the land 23053
under section 1513.32 of the Revised Code. The statement shall 23054
constitute a notice of lien and operate as of the date of delivery 23055
as a lien on the land reclaimed in the amount of the grant ~~moneys~~ 23056
money paid out or the reclamation expenses incurred by the state 23057
and shall have priority as a lien second only to the lien of real 23058
property taxes imposed upon the land. The notice of lien and the 23059
lien shall not be valid as against any mortgagee, pledgee, 23060

purchaser, or judgment creditor whose rights have attached prior 23061
to the date of filing of the statement by the chief or to any 23062
prior or subsequent lien for real property taxes imposed pursuant 23063
to section 5719.04 of the Revised Code. 23064

The county recorder shall record and index the chief's 23065
statement, under the name of the state and the corporation, in the 23066
official records maintained by the county recorder's office. The 23067
county recorder shall impose no charge for the recording or 23068
indexing of the statement. If the land is registered, the county 23069
recorder shall make a notation and enter a memorial of the lien 23070
upon the page of the register in which the last certificate of 23071
title to the land is registered, stating the name of the claimant, 23072
amount claimed, volume and page of the record where recorded, and 23073
exact time the memorial was entered. 23074

The lien shall continue in force so long as any portion of 23075
the amount granted under section 1513.31 of the Revised Code or 23076
the state's reclamation expenses incurred under section 1513.32 of 23077
the Revised Code remains unpaid. Upon repayment in full of those 23078
~~moneys~~ money or expenses, the chief promptly shall issue a 23079
certificate of release of the lien. Upon presentation of the 23080
certificate of release, the county recorder of the county where 23081
the lien is recorded shall record the lien as having been 23082
discharged. 23083

A lien imposed under this section shall be foreclosed upon 23084
the substantial failure of a corporation to repay any portion of 23085
the amount granted under section 1513.31 of the Revised Code or 23086
the state's reclamation expenses incurred under section 1513.32 of 23087
the Revised Code in accordance with the terms of the grant 23088
contract or reclamation agreement. Before foreclosing any lien 23089
under this section, the chief shall make a written demand upon the 23090
corporation to comply with the repayment terms of the contract or 23091
agreement. If the corporation does not pay the amount due within 23092

sixty days, the chief shall refer the matter to the attorney 23093
general, who shall institute a civil action to foreclose the lien 23094
of the state. 23095

All ~~moneys~~ money collected from loan repayments and lien 23096
foreclosures under this section shall be credited to the 23097
~~unreclaimed lands~~ mining regulation and safety fund created by 23098
section 1513.30 of the Revised Code. 23099

Sec. 1513.37. (A) There is hereby created in the state 23100
treasury the abandoned mine reclamation fund, which shall be 23101
administered by the chief of the division of mineral resources 23102
management. The fund shall consist of grants from the secretary of 23103
the interior from the federal abandoned mine reclamation fund 23104
established by Title IV of the "Surface Mining Control and 23105
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 23106
regulations adopted under it, and amendments to the act and 23107
regulations. Expenditures from the abandoned mine reclamation fund 23108
shall be made by the chief for the following purposes: 23109

(1) Reclamation and restoration of land and water resources 23110
adversely affected by past coal mining, including, but not limited 23111
to, reclamation and restoration of abandoned strip mine areas, 23112
abandoned coal processing areas, and abandoned coal refuse 23113
disposal areas; sealing and filling of abandoned deep mine entries 23114
and voids; planting of land adversely affected by past coal 23115
mining; prevention of erosion and sedimentation; prevention, 23116
abatement, treatment, and control of water pollution created by 23117
coal mine drainage, including restoration of streambeds and 23118
construction and operation of water treatment plants; prevention, 23119
abatement, and control of burning coal refuse disposal areas and 23120
burning coal in situ; and prevention, abatement, and control of 23121
coal mine subsidence; 23122

(2) Acquisition and filling of voids and sealing of tunnels, 23123

shafts, and entryways of noncoal lands;	23124
(3) Acquisition of land as provided for in this section;	23125
(4) Administrative expenses incurred in accomplishing the purposes of this section;	23126 23127
(5) All other necessary expenses to accomplish the purposes of this section.	23128 23129
(B) Expenditures of moneys <u>money</u> from the fund on land and water eligible pursuant to division (C) of this section shall reflect the following priorities in the order stated:	23130 23131 23132
(1) The protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;	23133 23134 23135
(2) The protection of public health, safety, and general welfare from adverse effects of coal mining practices;	23136 23137
(3) The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices, including measures for the conservation and development of soil and water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity;	23138 23139 23140 23141 23142
(4) Research and demonstration projects relating to the development of coal mining reclamation and water quality control program methods and techniques;	23143 23144 23145
(5) The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation facilities, and conservation facilities adversely affected by coal mining practices;	23146 23147 23148 23149
(6) The development of publicly owned land adversely affected by coal mining practices, including land acquired as provided in this section for recreation and historic purposes, conservation and reclamation purposes, and open space benefits.	23150 23151 23152 23153

(C)(1) Lands and water eligible for reclamation or drainage abatement expenditures under this section are those that were mined for coal or were affected by such mining, wastebanks, coal processing, or other coal mining processes and that meet one of the following criteria:

(a) Are lands that were abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws;

(b) Are lands for which the chief finds that surface coal mining operations occurred at any time between August 4, 1977, and August 16, 1982, and that any ~~moneys~~ money for reclamation or abatement that are available pursuant to a bond, performance security, or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site;

(c) Are lands for which the chief finds that surface coal mining operations occurred at any time between August 4, 1977, and November 5, 1990, that the surety of the mining operator became insolvent during that time, and that, as of November 5, 1990, any ~~moneys~~ money immediately available from proceedings relating to that insolvency or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement at the site.

(2) In determining which sites to reclaim pursuant to divisions (C)(1)(b) and (c) of this section, the chief shall follow the priorities stated in divisions (B)(1) and (2) of this section and shall ensure that priority is given to those sites that are in the immediate vicinity of a residential area or that have an adverse economic impact on a local community.

(3) Surface coal mining operations on lands eligible for

remining shall not affect the eligibility of those lands for 23185
reclamation and restoration under this section after the release 23186
of the bond, performance security, or other form of financial 23187
guarantee for any such operation as provided under division (F) of 23188
section 1513.16 of the Revised Code. If the bond, performance 23189
security, or other form of financial guarantee for a surface coal 23190
mining operation on lands eligible for remining is forfeited, 23191
~~moneys~~ money available under this section may be used if the 23192
amount of the bond, performance security, or other form of 23193
financial guarantee is not sufficient to provide for adequate 23194
reclamation or abatement, except that if conditions warrant, the 23195
chief immediately shall exercise the authority granted under 23196
division (L) of this section. 23197

(D) The chief may submit to the secretary of the interior a 23198
state reclamation plan and annual projects to carry out the 23199
purposes of this section. 23200

(1) The reclamation plan generally shall identify the areas 23201
to be reclaimed, the purposes for which the reclamation is 23202
proposed, the relationship of the lands to be reclaimed and the 23203
proposed reclamation to surrounding areas, the specific criteria 23204
for ranking and identifying projects to be funded, and the legal 23205
authority and programmatic capability to perform the work in 23206
accordance with this section. 23207

(2) On an annual basis, the chief may submit to the secretary 23208
an application for support of the abandoned mine reclamation fund 23209
and implementation of specific reclamation projects. The annual 23210
requests shall include such information as may be requested by the 23211
secretary. 23212

(3) The costs for each proposed project under this section 23213
shall include actual construction costs, actual operation and 23214
maintenance costs of permanent facilities, planning and 23215
engineering costs, construction inspection costs, and other 23216

necessary administrative expenses. 23217

(4) The chief may submit annual and other reports required by 23218
the secretary when funds are provided by the secretary under Title 23219
IV of the "Surface Mining Control and Reclamation Act of 1977," 91 23220
Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and 23221
amendments to the act and regulations. 23222

(E)(1) There is hereby created in the state treasury the acid 23223
mine drainage abatement and treatment fund, which shall be 23224
administered by the chief. The fund shall consist of grants from 23225
the secretary of the interior from the federal abandoned mine 23226
reclamation fund pursuant to section 402(g)(6) of Title IV of the 23227
"Surface Mining Control and Reclamation Act of 1977," 91 Stat. 23228
445, 30 U.S.C.A. 1201. All investment earnings of the fund shall 23229
be credited to the fund. 23230

(2) The chief shall make expenditures from the fund, in 23231
consultation with the United States department of agriculture, 23232
soil conservation service, to implement acid mine drainage 23233
abatement and treatment plans approved by the secretary. The plans 23234
shall provide for the comprehensive abatement of the causes and 23235
treatment of the effects of acid mine drainage within qualified 23236
hydrologic units affected by coal mining practices and shall 23237
include at least all of the following: 23238

(a) An identification of the qualified hydrologic unit. As 23239
used in division (E) of this section, "qualified hydrologic unit" 23240
means a hydrologic unit that meets all of the following criteria: 23241

(i) The water quality in the unit has been significantly 23242
affected by acid mine drainage from coal mining practices in a 23243
manner that has an adverse impact on biological resources. 23244

(ii) The unit contains lands and waters that meet the 23245
eligibility requirements established under division (C) of this 23246
section and any of the priorities established in divisions (B)(1) 23247

to (3) of this section.	23248
(iii) The unit contains lands and waters that are proposed to be the subject of expenditures from the reclamation forfeiture fund created in section 1513.18 of the Revised Code or the unreclaimed lands <u>mining regulation and safety</u> fund created in section 1513.30 of the Revised Code.	23249 23250 23251 23252 23253
(b) The extent to which acid mine drainage is affecting the water quality and biological resources within the hydrologic unit;	23254 23255
(c) An identification of the sources of acid mine drainage within the hydrologic unit;	23256 23257
(d) An identification of individual projects and the measures proposed to be undertaken to abate and treat the causes or effects of acid mine drainage within the hydrologic unit;	23258 23259 23260
(e) The cost of undertaking the proposed abatement and treatment measures;	23261 23262
(f) An identification of existing and proposed sources of funding for those measures;	23263 23264
(g) An analysis of the cost-effectiveness and environmental benefits of abatement and treatment measures.	23265 23266
(3) The chief may make grants of moneys <u>money</u> from the acid mine drainage abatement and treatment fund to watershed groups for conducting projects to accomplish the purposes of this section. A grant may be made in an amount equal to not more than fifty per cent of each of the following:	23267 23268 23269 23270 23271
(a) Reasonable and necessary expenses for the collection and analysis of data sufficient to do either or both of the following:	23272 23273
(i) Identify a watershed as a qualified hydrologic unit;	23274
(ii) Monitor the quality of water in a qualified hydrologic unit before, during, and at any time after completion of the project by the watershed group.	23275 23276 23277

(b) Engineering design costs and construction costs involved 23278
in the project, provided that the project is conducted in a 23279
qualified hydrologic unit and the chief considers the project to 23280
be a priority. 23281

A watershed group that wishes to obtain a grant under 23282
division (E)(3) of this section shall submit an application to the 23283
chief on forms provided by the division of mineral resources 23284
management, together with detailed estimates and timetables for 23285
accomplishing the stated goals of the project and any other 23286
information that the chief requires. 23287

For the purposes of establishing priorities for awarding 23288
grants under division (E)(3) of this section, the chief shall 23289
consider each project's feasibility, cost-effectiveness, and 23290
environmental benefit, together with the availability of matching 23291
funding, including in-kind services, for the project. 23292

The chief shall enter into a contract for funding with each 23293
applicant awarded a grant to ensure that the ~~moneys~~ money granted 23294
are used for the purposes of this section and that the work that 23295
the project involves is done properly. The contract is not subject 23296
to division (B) of section 127.16 of the Revised Code. The final 23297
payment of grant ~~moneys~~ money shall not be made until the chief 23298
inspects and approves the completed project. 23299

The chief shall require each applicant awarded a grant under 23300
this section who conducts a project involving construction work to 23301
pay workers at the greater of their regular rate of pay, as 23302
established by contract, agreement, or prior custom or practice, 23303
or the average wage rate paid in this state for the same or 23304
similar work performed in the same or a similar locality by 23305
private companies doing similar work on similar projects. 23306

As used in division (E)(3) of this section, "watershed group" 23307
means a charitable organization as defined in section 1716.01 of 23308

the Revised Code that has been established for the purpose of 23309
conducting reclamation of land and waters adversely affected by 23310
coal mining practices and specifically for conducting acid mine 23311
drainage abatement. 23312

(F)(1) If the chief makes a finding of fact that land or 23313
water resources have been adversely affected by past coal mining 23314
practices; the adverse effects are at a stage where, in the public 23315
interest, action to restore, reclaim, abate, control, or prevent 23316
the adverse effects should be taken; the owners of the land or 23317
water resources where entry must be made to restore, reclaim, 23318
abate, control, or prevent the adverse effects of past coal mining 23319
practices are not known or are not readily available; or the 23320
owners will not give permission for the state, political 23321
subdivisions, or their agents, employees, or contractors to enter 23322
upon the property to restore, reclaim, abate, control, or prevent 23323
the adverse effects of past coal mining practices; then, upon 23324
giving notice by mail to the owners, if known, or, if not known, 23325
by posting notice upon the premises and advertising once in a 23326
newspaper of general circulation in the municipal corporation or 23327
county in which the land lies, the chief or the chief's agents, 23328
employees, or contractors may enter upon the property adversely 23329
affected by past coal mining practices and any other property to 23330
have access to the property to do all things necessary or 23331
expedient to restore, reclaim, abate, control, or prevent the 23332
adverse effects. The entry shall be construed as an exercise of 23333
the police power for the protection of the public health, safety, 23334
and general welfare and shall not be construed as an act of 23335
condemnation of property nor of trespass on it. The ~~moneys~~ money 23336
expended for the work and the benefits accruing to any such 23337
premises so entered upon shall be chargeable against the land and 23338
shall mitigate or offset any claim in or any action brought by any 23339
owner of any interest in the premises for any alleged damages by 23340
virtue of the entry, but this provision is not intended to create 23341

new rights of action or eliminate existing immunities. 23342

(2) The chief or the chief's authorized representatives may 23343
enter upon any property for the purpose of conducting studies or 23344
exploratory work to determine the existence of adverse effects of 23345
past coal mining practices and to determine the feasibility of 23346
restoration, reclamation, abatement, control, or prevention of 23347
such adverse effects. The entry shall be construed as an exercise 23348
of the police power for the protection of the public health, 23349
safety, and general welfare and shall not be construed as an act 23350
of condemnation of property nor trespass on it. 23351

(3) The chief may acquire any land by purchase, donation, or 23352
condemnation that is adversely affected by past coal mining 23353
practices if the chief determines that acquisition of the land is 23354
necessary to successful reclamation and that all of the following 23355
apply: 23356

(a) The acquired land, after restoration, reclamation, 23357
abatement, control, or prevention of the adverse effects of past 23358
coal mining practices, will serve recreation and historic 23359
purposes, serve conservation and reclamation purposes, or provide 23360
open space benefits. 23361

(b) Permanent facilities such as a treatment plant or a 23362
relocated stream channel will be constructed on the land for the 23363
restoration, reclamation, abatement, control, or prevention of the 23364
adverse effects of past coal mining practices. 23365

(c) Acquisition of coal refuse disposal sites and all coal 23366
refuse thereon will serve the purposes of this section or public 23367
ownership is desirable to meet emergency situations and prevent 23368
recurrences of the adverse effects of past coal mining practices. 23369

(4)(a) Title to all lands acquired pursuant to this section 23370
shall be in the name of the state. The price paid for land 23371
acquired under this section shall reflect the market value of the 23372

land as adversely affected by past coal mining practices. 23373

(b) The chief may receive grants on a matching basis from the 23374
secretary of the interior for the purpose of carrying out this 23375
section. 23376

(5)(a) Where land acquired pursuant to this section is 23377
considered to be suitable for industrial, commercial, residential, 23378
or recreational development, the chief may sell the land by public 23379
sale under a system of competitive bidding at not less than fair 23380
market value and under other requirements imposed by rule to 23381
ensure that the lands are put to proper use consistent with local 23382
and state land use plans, if any, as determined by the chief. 23383

(b) The chief, when requested, and after appropriate public 23384
notice, shall hold a public meeting in the county, counties, or 23385
other appropriate political subdivisions of the state in which 23386
lands acquired pursuant to this section are located. The meetings 23387
shall be held at a time that shall afford local citizens and 23388
governments the maximum opportunity to participate in the decision 23389
concerning the use or disposition of the lands after restoration, 23390
reclamation, abatement, control, or prevention of the adverse 23391
effects of past coal mining practices. 23392

(6) In addition to the authority to acquire land under 23393
division (F)(3) of this section, the chief may use money in the 23394
fund to acquire land by purchase, donation, or condemnation, and 23395
to reclaim and transfer acquired land to a political subdivision, 23396
or to any person, if the chief determines that it is an integral 23397
and necessary element of an economically feasible plan for the 23398
construction or rehabilitation of housing for persons disabled as 23399
the result of employment in the mines or work incidental to that 23400
employment, persons displaced by acquisition of land pursuant to 23401
this section, persons dislocated as the result of adverse effects 23402
of coal mining practices that constitute an emergency as provided 23403
in the "Surface Mining Control and Reclamation Act of 1977," 91 23404

Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons 23405
dislocated as the result of natural disasters or catastrophic 23406
failures from any cause. Such activities shall be accomplished 23407
under such terms and conditions as the chief requires, which may 23408
include transfers of land with or without monetary consideration, 23409
except that to the extent that the consideration is below the fair 23410
market value of the land transferred, no portion of the difference 23411
between the fair market value and the consideration shall accrue 23412
as a profit to those persons. No part of the funds provided under 23413
this section may be used to pay the actual construction costs of 23414
housing. The chief may carry out the purposes of division (F)(6) 23415
of this section directly or by making grants and commitments for 23416
grants and may advance money under such terms and conditions as 23417
the chief may require to any agency or instrumentality of the 23418
state or any public body or nonprofit organization designated by 23419
the chief. 23420

(G)(1) Within six months after the completion of projects to 23421
restore, reclaim, abate, control, or prevent adverse effects of 23422
past coal mining practices on privately owned land, the chief 23423
shall itemize the ~~moneys~~ money so expended and may file a 23424
statement of the expenditures in the office of the county recorder 23425
of the county in which the land lies, together with a notarized 23426
appraisal by an independent appraiser of the value of the land 23427
before the restoration, reclamation, abatement, control, or 23428
prevention of adverse effects of past coal mining practices if the 23429
~~moneys~~ money so expended result in a significant increase in 23430
property value. The statement shall constitute a lien upon the 23431
land as of the date of the expenditures of the ~~moneys~~ money and 23432
shall have priority as a lien second only to the lien of real 23433
property taxes imposed upon the land. The lien shall not exceed 23434
the amount determined by the appraisal to be the increase in the 23435
fair market value of the land as a result of the restoration, 23436
reclamation, abatement, control, or prevention of the adverse 23437

effects of past coal mining practices. No lien shall be filed 23438
under division (G) of this section against the property of any 23439
person who owned the surface prior to May 2, 1977, and did not 23440
consent to, participate in, or exercise control over the mining 23441
operation that necessitated the reclamation performed. 23442

(2) The landowner may petition, within sixty days after the 23443
filing of the lien, to determine the increase in the fair market 23444
value of the land as a result of the restoration, reclamation, 23445
abatement, control, or prevention of the adverse effects of past 23446
coal mining practices. The amount reported to be the increase in 23447
value of the premises shall constitute the amount of the lien and 23448
shall be recorded with the statement provided in this section. Any 23449
party aggrieved by the decision may appeal as provided by state 23450
law. 23451

(3) The lien provided in division (G) of this section shall 23452
be recorded and indexed, under the name of the state and the 23453
landowner, in the official records in the office of the county 23454
recorder of the county in which the land lies. The county recorder 23455
shall impose no charge for the recording or indexing of the lien. 23456
If the land is registered, the county recorder shall make a 23457
notation and enter a memorial of the lien upon the page of the 23458
register in which the last certificate of title to the land is 23459
registered, stating the name of the claimant, amount claimed, 23460
volume and page of the record where recorded, and exact time the 23461
memorial was entered. 23462

(4) The lien shall continue in force so long as any portion 23463
of the amount of the lien remains unpaid. If the lien remains 23464
unpaid at the time of conveyance of the land on which the lien was 23465
placed, the conveyance may be set aside. Upon repayment in full of 23466
the ~~moneys~~ money expended under this section, the chief promptly 23467
shall issue a certificate of release of the lien. Upon 23468
presentation of the certificate of release, the county recorder of 23469

the county in which the lien is recorded shall record the lien as 23470
having been discharged. 23471

(5) A lien imposed under this section shall be foreclosed 23472
upon the substantial failure of a landowner to pay any portion of 23473
the amount of the lien. Before foreclosing any lien under this 23474
section, the chief shall make a written demand upon the landowner 23475
for payment. If the landowner does not pay the amount due within 23476
sixty days, the chief shall refer the matter to the attorney 23477
general, who shall institute a civil action to foreclose the lien. 23478

(H)(1) The chief may fill voids, seal abandoned tunnels, 23479
shafts, and entryways, and reclaim surface impacts of underground 23480
or strip mines that the chief determines could endanger life and 23481
property, constitute a hazard to the public health and safety, or 23482
degrade the environment. 23483

(2) In those instances where mine waste piles are being 23484
reworked for conservation purposes, the incremental costs of 23485
disposing of the wastes from those operations by filling voids and 23486
sealing tunnels may be eligible for funding, provided that the 23487
disposal of these wastes meets the purposes of this section. 23488

(3) The chief may acquire by purchase, donation, easement, or 23489
otherwise such interest in land as the chief determines necessary 23490
to carry out division (H) of this section. 23491

(I) The chief shall report annually to the secretary of the 23492
interior on operations under the fund and include recommendations 23493
as to its future uses. 23494

(J)(1) The chief may engage in any work and do all things 23495
necessary or expedient, including the adoption of rules, to 23496
implement and administer this section. 23497

(2) The chief may engage in cooperative projects under this 23498
section with any agency of the United States, any other state, or 23499
their governmental agencies or with any state university or 23500

college as defined in section 3345.27 of the Revised Code. The 23501
cooperative projects are not subject to division (B) of section 23502
127.16 of the Revised Code. 23503

(3) The chief may request the attorney general to initiate in 23504
any court of competent jurisdiction an action in equity for an 23505
injunction to restrain any interference with the exercise of the 23506
right to enter or to conduct any work provided in this section, 23507
which remedy is in addition to any other remedy available under 23508
this section. 23509

(4) The chief may construct or operate a plant or plants for 23510
the control and treatment of water pollution resulting from mine 23511
drainage. The extent of this control and treatment may be 23512
dependent upon the ultimate use of the water. Division (J)(4) of 23513
this section does not repeal or supersede any portion of the 23514
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 23515
U.S.C.A. 1151, as amended, and no control or treatment under 23516
division (J)(4) of this section, in any way, shall be less than 23517
that required by that act. The construction of a plant or plants 23518
may include major interceptors and other facilities appurtenant to 23519
the plant. 23520

(5) The chief may transfer money from the abandoned mine 23521
reclamation fund and the acidmine drainage abatement and 23522
treatment fund to other appropriate state agencies or to state 23523
universities or colleges in order to carry out the reclamation 23524
activities authorized by this section. 23525

(K) The chief may contract for any part of work to be 23526
performed under this section, with or without advertising for 23527
bids, if the chief determines that a condition exists that could 23528
reasonably be expected to cause substantial physical harm to 23529
persons, property, or the environment and to which persons or 23530
improvements on real property are currently exposed. 23531

The chief shall require every contractor performing 23532
reclamation work under this section to pay its workers at the 23533
greater of their regular rate of pay, as established by contract, 23534
agreement, or prior custom or practice, or the average wage rate 23535
paid in this state for the same or similar work as determined by 23536
the chief under section 1513.02 of the Revised Code. 23537

(L)(1) The chief may contract for the emergency restoration, 23538
reclamation, abatement, control, or prevention of adverse effects 23539
of mining practices on eligible lands if the chief determines that 23540
an emergency exists constituting a danger to the public health, 23541
safety, or welfare and that no other person or agency will act 23542
expeditiously to restore, reclaim, abate, control, or prevent 23543
those adverse effects. The chief may enter into a contract for 23544
emergency work under division (L) of this section without 23545
advertising for bids. Any such contract or any purchase of 23546
materials for emergency work under division (L) of this section is 23547
not subject to division (B) of section 127.16 of the Revised Code. 23548

(2) The chief or the chief's agents, employees, or 23549
contractors may enter on any land where such an emergency exists, 23550
and on other land in order to have access to that land, in order 23551
to restore, reclaim, abate, control, or prevent the adverse 23552
effects of mining practices and to do all things necessary or 23553
expedient to protect the public health, safety, or welfare. Such 23554
an entry shall be construed as an exercise of the police power and 23555
shall not be construed as an act of condemnation of property or of 23556
trespass. The ~~moneys~~ money expended for the work and the benefits 23557
accruing to any premises so entered upon shall be chargeable 23558
against the land and shall mitigate or offset any claim in or any 23559
action brought by any owner of any interest in the premises for 23560
any alleged damages by virtue of the entry. This provision is not 23561
intended to create new rights of action or eliminate existing 23562
immunities. 23563

Sec. 1514.03. Within thirty days after each anniversary date 23564
of issuance of a surface or in-stream mining permit, the operator 23565
shall file with the chief of the division of mineral resources 23566
management an annual report, on a form prescribed and furnished by 23567
the chief, that, for the period covered by the report, shall state 23568
the amount of and identify the types of minerals and coal, if any 23569
coal, produced and shall state the number of acres affected and 23570
the number of acres estimated to be affected during the next year 23571
of operation. An annual report is not required to be filed if a 23572
final report is filed in lieu thereof. 23573

Each annual report for a surface mining operation shall 23574
include a progress map indicating the location of areas of land 23575
affected during the period of the report and the location of the 23576
area of land estimated to be affected during the next year. The 23577
map shall be prepared in accordance with division (A)(11) or (12) 23578
of section 1514.02 of the Revised Code, as appropriate, except 23579
that a map prepared in accordance with division (A)(12) of that 23580
section may be certified by the operator or authorized agent of 23581
the operator in lieu of certification by a professional engineer 23582
or surveyor registered under Chapter 4733. of the Revised Code. 23583
However, the chief may require that an annual progress map or a 23584
final map be prepared by a registered professional engineer or 23585
registered surveyor if the chief has reason to believe that the 23586
operator exceeded the boundaries of the permit area or, if the 23587
operator filed the map required under division (A)(11) of section 23588
1514.02 of the Revised Code, that the operator extracted ten 23589
thousand tons or more of minerals during the period covered by the 23590
report. 23591

Each annual report for an in-stream mining operation shall 23592
include a statement of the total tonnage removed by in-stream 23593
mining for each month and of the surface acreage and depth of 23594
material removed by in-stream mining and shall include a map that 23595

identifies the area affected by the in-stream mining if the 23596
in-stream mining for the year addressed by the report occurred 23597
beyond the area identified in the most recent approved map, 23598
soundings that depict the cross-sectional views of the channel 23599
bottom of the watercourse if the soundings depict a 23600
cross-sectional view of the channel bottom that is different from 23601
the most recent approved map, and water elevations for the 23602
watercourse if water elevations are different from those indicated 23603
on the most recent approved map. 23604

Each annual report shall be accompanied by a filing fee in 23605
the amount of five hundred dollars, except in the case of an 23606
annual report filed by a small operator or an in-stream mining 23607
operator. A small operator, which is a surface mine operator who 23608
intends to extract fewer than ten thousand tons of minerals and no 23609
coal during the next year of operation under the permit, or an 23610
in-stream mining operator shall include a filing fee in the amount 23611
of two hundred fifty dollars with each annual report. The annual 23612
report of any operator also shall be accompanied by an acreage fee 23613
in the amount of seventy-five dollars multiplied by the number of 23614
acres estimated in the report to be affected during the next year 23615
of operation under the permit. The acreage fee shall be adjusted 23616
by subtracting a credit of seventy-five dollars per excess acre 23617
paid for the preceding year if the acreage paid for the preceding 23618
year exceeds the acreage actually affected or by adding an 23619
additional amount of seventy-five dollars per excess acre affected 23620
if the acreage actually affected exceeds the acreage paid for the 23621
preceding year. 23622

With each annual report the operator shall file a performance 23623
bond in the amount, unless otherwise provided by rule, of five 23624
hundred dollars multiplied by the number of acres estimated to be 23625
affected during the next year of operation under the permit for 23626
which no performance bond previously was filed. Unless otherwise 23627

provided by rule, the bond shall be adjusted by subtracting a 23628
credit of five hundred dollars per excess acre for which bond was 23629
filed for the preceding year if the acreage for which the bond was 23630
filed for the preceding year exceeds the acreage actually 23631
affected, or by adding an amount of five hundred dollars per 23632
excess acre affected if the acreage actually affected exceeds the 23633
acreage for which bond was filed for the preceding year. 23634

Within thirty days after the expiration of the surface or 23635
in-stream mining permit, or completion or abandonment of the 23636
operation, whichever occurs earlier, the operator shall submit a 23637
final report containing the same information required in an annual 23638
report, but covering the time from the last annual report to the 23639
expiration of the permit, or completion or abandonment of the 23640
operation, whichever occurs earlier. 23641

Each final report shall include a map indicating the location 23642
of the area of land affected during the period of the report and 23643
the location of the total area of land affected under the permit. 23644
The map shall be prepared in accordance with division (A)(11) or 23645
(12) of section 1514.02 of the Revised Code, as appropriate. 23646

In the case of a final report for an in-stream mining 23647
operation, the map also shall include the information required 23648
under division (A)(18) of section 1514.02 of the Revised Code, as 23649
applicable. 23650

If the final report and certified map, as verified by the 23651
chief, show that the number of acres affected under the permit is 23652
larger than the number of acres for which the operator has paid an 23653
acreage fee or filed a performance bond, upon notification by the 23654
chief, the operator shall pay an additional acreage fee in the 23655
amount of seventy-five dollars multiplied by the difference 23656
between the number of acres affected under the permit and the 23657
number of acres for which the operator has paid an acreage fee and 23658
shall file an additional performance bond in the amount, unless 23659

otherwise provided by rule, of five hundred dollars multiplied by 23660
the difference between the number of acres affected under the 23661
permit and the number of acres for which the operator has filed 23662
bond. 23663

If the final report and certified map, as verified by the 23664
chief, show that the number of acres affected under the permit is 23665
smaller than the number of acres for which the operator has filed 23666
a performance bond, the chief shall order release of the excess 23667
bond. However, the chief shall retain a performance bond in a 23668
minimum amount of ten thousand dollars irrespective of the number 23669
of acres affected under the permit. The release of the excess bond 23670
shall be in an amount, unless otherwise provided by rule, equal to 23671
five hundred dollars multiplied by the difference between the 23672
number of acres affected under the permit and the number of acres 23673
for which the operator has filed bond. 23674

The fees collected pursuant to this section and section 23675
1514.02 of the Revised Code shall be deposited with the treasurer 23676
of state to the credit of the ~~surface~~ surface mining regulation and safety 23677
fund created under section ~~1514.06~~ 1513.30 of the Revised Code. 23678

If upon inspection the chief finds that any filing fee, 23679
acreage fee, performance bond, or part thereof is not paid when 23680
due or is paid on the basis of false or substantially inaccurate 23681
reports, the chief may request the attorney general to recover the 23682
unpaid amounts that are due the state, and the attorney general 23683
shall commence appropriate legal proceedings to recover the unpaid 23684
amounts. 23685

Sec. 1514.051. (A) If an operator or a partner or officer of 23686
the operator forfeits a performance bond, the division of mineral 23687
resources management shall have a priority lien in front of all 23688
other interested creditors against the assets of that operator for 23689
the amount that is needed to perform any reclamation that is 23690

required as a result of the operator's mining activities. The 23691
chief of the division of mineral resources management shall file a 23692
statement in the office of the county recorder of each county in 23693
which the mined land lies of the estimated costs to reclaim the 23694
land. Estimated costs shall include direct and indirect costs of 23695
the development, design, construction, management, and 23696
administration of the reclamation. The statement shall constitute 23697
a lien on the assets of the operator as of the date of the filing. 23698
The lien shall continue in force so long as any portion of the 23699
lien remains unpaid or until the chief issues a certificate of 23700
release of the lien. If the chief issues a certificate of release 23701
of the lien, the chief shall file a certificate of release in the 23702
office of each applicable county recorder. 23703

(B) The chief promptly shall issue a certificate of release 23704
under any of the following circumstances: 23705

(1) Upon the repayment in full of the money that is necessary 23706
to complete the reclamation; 23707

(2) Upon the transfer of an existing permit that includes the 23708
areas of the surface mine for which reclamation was not completed 23709
from the operator that forfeited the performance bond to a new 23710
operator; 23711

(3) Any other circumstance that the chief determines to be in 23712
the best interests of the state. 23713

(C) The chief may modify the amount of a lien under this 23714
section. If the chief modifies a lien, the chief shall file a 23715
statement in the office of the county recorder of each applicable 23716
county of the new amount of the lien. 23717

(D) The chief may authorize a closing agent to hold a 23718
certificate of release in escrow for a period not to exceed one 23719
hundred eighty days for the purpose of facilitating the transfer 23720

of unreclaimed mine land. 23721

(E) All money from the collection of liens under this section 23722
shall be deposited in the state treasury to the credit of the 23723
~~surface mining regulation and safety~~ fund created in section 23724
~~1514.06~~ 1513.30 of the Revised Code. 23725

Sec. 1514.06. (A) ~~There is hereby created in the state~~ 23726
~~treasury the surface mining fund consisting of all~~ All money that 23727
becomes the property of the state pursuant to sections 1514.05 and 23728
1514.051 of the Revised Code, money ~~credited to the fund~~ collected 23729
under divisions (C)(1) and (2) of section 1514.071, and other 23730
money specified in section 1514.11 of the Revised Code shall be 23731
credited to the mining regulation and safety fund created in 23732
section 1513.30 of the Revised Code. ~~All investment earnings of~~ 23733
~~the fund shall be credited to the fund. Expenditures from the fund~~ 23734
~~shall be made by the~~ The chief of the division of mineral 23735
resources management may expend such money for the purpose of 23736
reclaiming areas of land affected by surface or in-stream mining 23737
under a permit issued under this chapter that the operator has 23738
failed to reclaim. ~~Provided that the chief maintains a balance in~~ 23739
~~the fund that is sufficient to achieve that purpose and, in doing~~ 23740
~~so, considers the timeliness of reclamation activity, the chief~~ 23741
~~may use the fund for other purposes specified in section 1514.11~~ 23742
~~of the Revised Code.~~ 23743

(B) Expenditures of ~~moneys~~ money from the fund for the 23744
purposes specified in division (A) of this section, except as 23745
otherwise provided by this section, shall be made pursuant to 23746
contracts entered into by the chief with persons who agree to 23747
furnish all of the materials, equipment, work, and labor, as 23748
specified and provided in the contracts, for the prices stipulated 23749
therein. With the approval of the director of natural resources, 23750
the chief may reclaim the land in the same manner as the chief 23751

required of the operator who failed to reclaim the land. Each 23752
contract awarded by the chief shall be awarded to the lowest 23753
responsive and responsible bidder, in accordance with section 23754
9.312 of the Revised Code, after sealed bids are received, opened, 23755
and published at the time and place fixed by the chief. The chief 23756
shall publish notice of the time and place at which bids will be 23757
received, opened, and published, at least once at least ten days 23758
before the date of the opening of the bids, in a newspaper of 23759
general circulation in the county in which the area of land to be 23760
reclaimed under the contract is located. If, after so advertising 23761
for bids, no bids are received by the chief at the time and place 23762
fixed for receiving them, the chief may advertise again for bids, 23763
or, if the chief considers the public interest will be best 23764
served, the chief may enter into a contract for the reclamation of 23765
the area of land without further advertisement for bids. The chief 23766
may reject any or all bids received and again publish notice of 23767
the time and place at which bids for contracts will be received, 23768
opened, and published. 23769

(C) With the approval of the director, the chief, without 23770
advertising for bids, may enter into a contract with the 23771
landowner, a surface or in-stream mine operator or coal mine 23772
operator mining under a current, valid permit issued under this 23773
chapter or Chapter 1513. of the Revised Code, or a contractor 23774
hired by a surety to complete reclamation, to carry out 23775
reclamation on land affected by surface or in-stream mining 23776
operations that an operator has failed to reclaim. 23777

(D) With the approval of the director, the chief may carry 23778
out all or part of the reclamation work on land affected by 23779
surface or in-stream mining operations that the operator has 23780
failed to reclaim using the employees and equipment of any 23781
division of the department of natural resources. 23782

(E) The chief shall require every contractor performing 23783

reclamation work under this section to pay workers at the greater 23784
of their regular rate of pay, as established by contract, 23785
agreement, or prior custom or practice, or the average wage rate 23786
paid in this state for the same or similar work, as determined by 23787
the chief under section 1513.02 of the Revised Code. 23788

(F) Each contract entered into by the chief under this 23789
section shall provide only for the reclamation of land affected by 23790
the surface or in-stream mining operation or operations of one 23791
operator and not reclaimed by the operator as required by this 23792
chapter. If there is money in the fund derived from the 23793
performance bond deposited with the chief by one operator to 23794
ensure the reclamation of two or more areas of land affected by 23795
the surface or in-stream mining operation or operations of one 23796
operator and not reclaimed by the operator as required by this 23797
chapter, the chief may award a single contract for the reclamation 23798
of all such areas of land. 23799

(G) The cost of the reclamation work done under this section 23800
on each area of land affected by surface or in-stream mining 23801
operations that an operator has failed to reclaim shall be paid 23802
out of the money in the fund derived from the performance bond 23803
that was deposited with the chief to ensure the reclamation of 23804
that area of land. ~~If the amount of money is not sufficient to pay~~ 23805
~~the cost of doing all of the reclamation work on the area of land~~ 23806
~~that the operator should have done, but failed to do, the chief~~ 23807
~~may expend from the reclamation forfeiture fund created in section~~ 23808
~~1513.18 of the Revised Code or the surface mining fund created in~~ 23809
~~this section the amount of money needed to complete reclamation to~~ 23810
~~the standards required by this chapter.~~ The operator is liable for 23811
that expense in addition to any other liabilities imposed by law. 23812
At the request of the chief, the attorney general shall bring an 23813
action against the operator for the amount of the expenditures 23814
from ~~either~~ the mining regulation and safety fund. ~~Moneys~~ Money so 23815

recovered shall be deposited in the state treasury to the credit 23816
of the that fund from which the expenditures were made. 23817

~~(H) If any part of the money in the surface mining fund 23818
remains in the fund after the chief has caused the area of land to 23819
be reclaimed and has paid all the reclamation costs and expenses, 23820
or if any money remains because the area of land has been 23821
repermitted under this chapter or reclaimed by a person other than 23822
the chief, the chief may expend the remaining money to complete 23823
other reclamation work performed under this section. The chief 23824
shall prepare an annual report that summarizes the money credited 23825
to the fund and expenditures made from the fund and post the 23826
report on the division of mineral resources management's web site. 23827~~

Sec. 1514.071. (A) In addition to any other penalties 23828
established under this chapter, the chief of the division of 23829
mineral resources management may assess a civil penalty against 23830
any person who fails to comply with an order issued by the chief 23831
under section 1514.07 of the Revised Code by the date specified in 23832
the order or as subsequently extended by the chief. 23833

(B) Civil penalties assessed under this section shall not 23834
exceed one thousand dollars for each occurrence of noncompliance 23835
with an order. Each day of continuing noncompliance, up to a 23836
maximum of thirty days, may be deemed a separate occurrence for 23837
purposes of penalty assessments. In determining the amount of the 23838
assessment, the chief shall consider the seriousness of the 23839
noncompliance, the effect of the noncompliance, and the operator's 23840
history of noncompliance. 23841

(C) Upon issuance of a notice of noncompliance with an order, 23842
the chief shall inform the person to whom the notice of 23843
noncompliance is issued of the amount of any civil penalty to be 23844
assessed and provide an opportunity for an adjudicatory hearing 23845
with the reclamation commission pursuant to section 1514.09 of the 23846

Revised Code. The person charged with the penalty shall have 23847
thirty days from receipt of the assessment to pay the penalty in 23848
full or, if the person wishes to contest the amount of the 23849
penalty, file a petition for review of the assessment with the 23850
commission pursuant to section 1514.09 of the Revised Code and 23851
forward the amount of the penalty to the secretary of the 23852
commission as required by this division. Failure to forward the 23853
money to the secretary within thirty days after the chief informs 23854
the person of the amount of the penalty shall result in a waiver 23855
of all legal rights to contest the amount of the penalty. 23856

If, after a hearing, the commission affirms or modifies the 23857
amount of the penalty, the person charged with the penalty shall 23858
have thirty days after receipt of the written decision to file an 23859
appeal from the commission's order in accordance with section 23860
1514.09 of the Revised Code. 23861

At the time that the petition for review of the assessment is 23862
filed with the secretary, the person shall forward the amount of 23863
the penalty to the secretary for placement in the reclamation 23864
penalty fund created in division (F)(3) of section 1513.02 of the 23865
Revised Code. Pursuant to administrative or judicial review of the 23866
penalty, the secretary shall do either of the following: 23867

(1) If it is determined that the amount of the penalty should 23868
be reduced, within thirty days, remit the appropriate amount of 23869
the penalty to the person, with interest, and forward any balance 23870
of the penalty, with interest, to the chief for deposit in the 23871
~~surface~~ mining regulation and safety fund created in section 23872
~~1514.06~~ 1513.30 of the Revised Code for reclamation of abandoned 23873
surface or in-stream mining operations in the state; 23874

(2) If the penalty was not reduced, forward the entire 23875
penalty, with interest, to the chief for deposit in the ~~surface~~ 23876
mining regulation and safety fund for reclamation of abandoned 23877
surface or in-stream mining operations in the state. 23878

(D) Civil penalties owed under this section may be recovered 23879
in a civil action brought by the attorney general upon the request 23880
of the chief. 23881

Sec. 1514.11. In addition to the purposes otherwise 23882
authorized ~~in section 1514.06 of the Revised Code by law~~, the 23883
chief of the division of mineral resources management may use 23884
~~moneys~~ money in the ~~surface~~ mining regulation and safety fund 23885
created under ~~that~~ section 1513.30 of the Revised Code for the 23886
administration and enforcement of this chapter, for the 23887
reclamation of land affected by surface or in-stream mining under 23888
a permit issued under this chapter that the operator failed to 23889
reclaim and for which the performance bond filed by the operator 23890
is insufficient to complete the reclamation, and for the 23891
reclamation of land affected by surface or in-stream mining that 23892
was abandoned and left unreclaimed and for which no permit was 23893
issued or bond filed under this chapter. Also, the chief may use 23894
the portion of the ~~surface~~ mining regulation and safety fund that 23895
consists of ~~moneys~~ money collected from the severance taxes levied 23896
under section 5749.02 of the Revised Code for mine safety and 23897
first aid training. For purposes of reclamation under this 23898
section, the chief shall expend ~~moneys~~ money in the fund in 23899
accordance with the procedures and requirements established in 23900
section 1514.06 of the Revised Code and may enter into contracts 23901
and perform work in accordance with that section. 23902

Fees collected under sections 1514.02 and 1514.03 of the 23903
Revised Code, ~~one half of the moneys and money~~ collected from the 23904
severance taxes levied under ~~divisions (A)(3) and (4) of section~~ 23905
5749.02 of the Revised Code, ~~and all of the moneys collected from~~ 23906
~~the severance tax levied under division (A)(7) of section 5749.02~~ 23907
~~of the Revised Code~~ shall be credited to the fund in accordance 23908
with those sections. Notwithstanding any section of the Revised 23909
Code relating to the distribution or crediting of fines for 23910

violations of the Revised Code, all fines imposed under section 23911
1514.99 of the Revised Code shall be credited to the fund. 23912

Sec. 1514.46. If the operator of a surface mining operation 23913
requests the division of mineral resources management to conduct 23914
mine safety training, the chief of the division of mineral 23915
resources management shall conduct mine safety training for the 23916
employees of that operator. For persons who are not employed by a 23917
holder of a surface mining permit issued under this chapter and 23918
who seek the training, the chief may charge a fee in an amount 23919
established in rules for conducting it. The safety training shall 23920
be conducted in accordance with rules and shall emphasize the 23921
standards adopted in rules and include any other content that the 23922
chief determines is beneficial. Any fees collected under this 23923
section shall be deposited in the state treasury to the credit of 23924
the ~~surface~~ mining regulation and safety fund created in section 23925
~~1514.06~~ 1513.30 of the Revised Code. 23926

Sec. 1521.06. (A) No dam may be constructed for the purpose 23927
of storing, conserving, or retarding water, or for any other 23928
purpose, nor shall any levee be constructed for the purpose of 23929
diverting or retaining flood water, unless the person or 23930
governmental agency desiring the construction has a construction 23931
permit for the dam or levee issued by the chief of the division of 23932
water resources. 23933

A construction permit is not required under this section for: 23934

(1) A dam that is or will be less than ten feet in height and 23935
that has or will have a storage capacity of not more than fifty 23936
acre-feet at the elevation of the top of the dam, as determined by 23937
the chief. For the purposes of this section, the height of a dam 23938
shall be measured from the natural stream bed or lowest ground 23939
elevation at the downstream or outside limit of the dam to the 23940

elevation of the top of the dam. 23941

(2) A dam, regardless of height, that has or will have a 23942
storage capacity of not more than fifteen acre-feet at the 23943
elevation of the top of the dam, as determined by the chief; 23944

(3) A dam, regardless of storage capacity, that is or will be 23945
six feet or less in height, as determined by the chief; 23946

(4) A dam or levee that belongs to a class exempted by the 23947
chief; 23948

(5) The repair, maintenance, improvement, alteration, or 23949
removal of a dam or levee that is subject to section 1521.062 of 23950
the Revised Code, unless the construction constitutes an 23951
enlargement or reconstruction of the structure as determined by 23952
the chief; 23953

(6) A dam or impoundment constructed under Chapter 1513. of 23954
the Revised Code. 23955

(B) Before a construction permit may be issued, three copies 23956
of the plans and specifications, including a detailed cost 23957
estimate, for the proposed construction, prepared by a registered 23958
professional engineer, together with ~~the~~ any filing fee specified 23959
by rules adopted by the chief in accordance with division (I) of 23960
this section and the bond or other security required by section 23961
1521.061 of the Revised Code, shall be filed with the chief. The 23962
detailed estimate of the cost shall include all costs associated 23963
with the construction of the dam or levee, including supervision 23964
and inspection of the construction by a registered professional 23965
engineer. ~~The filing fee shall be based on the detailed cost~~ 23966
~~estimate for the proposed construction as filed with and approved~~ 23967
~~by the chief, and shall be determined by the following schedule~~ 23968
~~unless otherwise provided by rules adopted under this section:~~ 23969

~~(1) For the first one hundred thousand dollars of estimated~~ 23970
~~cost, a fee of four per cent;~~ 23971

(2) For the next four hundred thousand dollars of estimated cost, a fee of three per cent;	23972
	23973
(3) For the next five hundred thousand dollars of estimated cost, a fee of two per cent;	23974
	23975
(4) For all costs in excess of one million dollars, a fee of one half of one per cent.	23976
	23977
In no case shall the filing fee be less than one thousand dollars or more than one hundred thousand dollars. If the actual cost exceeds the estimated cost by more than fifteen per cent, an additional filing fee shall be required equal to the fee determined by the preceding schedule less the original filing fee.	23978
All fees collected pursuant to this section, and all fines collected pursuant to section 1521.99 of the Revised Code, shall be deposited in the state treasury to the credit of the dam safety fund, which is hereby created. Expenditures from the fund shall be made by the chief for the purpose of administering this section and sections 1521.061 and 1521.062 of the Revised Code.	23979
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(C) The chief shall, within thirty days from the date of the receipt of the application, fee, and bond or other security, issue or deny a construction permit for the construction or may issue a construction permit conditioned upon the making of such changes in the plans and specifications for the construction as the chief considers advisable if the chief determines that the construction of the proposed dam or levee, in accordance with the plans and specifications filed, would endanger life, health, or property.	23989
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(D) The chief may deny a construction permit after finding that a dam or levee built in accordance with the plans and specifications would endanger life, health, or property, because of improper or inadequate design, or for such other reasons as the chief may determine.	23997
	23998
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	24000
	24001
In the event the chief denies a permit for the construction	24002

of the dam or levee, or issues a permit conditioned upon a making 24003
of changes in the plans or specifications for the construction, 24004
the chief shall state the reasons therefor and so notify, in 24005
writing, the person or governmental agency making the application 24006
for a permit. If the permit is denied, the chief shall return the 24007
bond or other security to the person or governmental agency making 24008
application for the permit. 24009

The decision of the chief conditioning or denying a 24010
construction permit is subject to appeal as provided in Chapter 24011
119. of the Revised Code. A dam or levee built substantially at 24012
variance from the plans and specifications upon which a 24013
construction permit was issued is in violation of this section. 24014
The chief may at any time inspect any dam or levee, or site upon 24015
which any dam or levee is to be constructed, in order to determine 24016
whether it complies with this section. 24017

(E) A registered professional engineer shall inspect the 24018
construction for which the permit was issued during all phases of 24019
construction and shall furnish to the chief such regular reports 24020
of the engineer's inspections as the chief may require. When the 24021
chief finds that construction has been fully completed in 24022
accordance with the terms of the permit and the plans and 24023
specifications approved by the chief, the chief shall approve the 24024
construction. When one year has elapsed after approval of the 24025
completed construction, and the chief finds that within this 24026
period no fact has become apparent to indicate that the 24027
construction was not performed in accordance with the terms of the 24028
permit and the plans and specifications approved by the chief, or 24029
that the construction as performed would endanger life, health, or 24030
property, the chief shall release the bond or other security. No 24031
bond or other security shall be released until one year after 24032
final approval by the chief, unless the dam or levee has been 24033
modified so that it will not retain water and has been approved as 24034

nonhazardous after determination by the chief that the dam or 24035
levee as modified will not endanger life, health, or property. 24036

(F) When inspections required by this section are not being 24037
performed, the chief shall notify the person or governmental 24038
agency to which the permit has been issued that inspections are 24039
not being performed by the registered professional engineer and 24040
that the chief will inspect the remainder of the construction. 24041
Thereafter, the chief shall inspect the construction and the cost 24042
of inspection shall be charged against the owner. Failure of the 24043
registered professional engineer to submit required inspection 24044
reports shall be deemed notice that the engineer's inspections are 24045
not being performed. 24046

(G) The chief may order construction to cease on any dam or 24047
levee that is being built in violation of this section, and may 24048
prohibit the retention of water behind any dam or levee that has 24049
been built in violation of this section. The attorney general, 24050
upon written request of the chief, may bring an action for an 24051
injunction against any person who violates this section or to 24052
enforce an order or prohibition of the chief made pursuant to this 24053
section. 24054

(H) The chief may adopt rules in accordance with Chapter 119. 24055
of the Revised Code, for the design and construction of dams and 24056
levees for which a construction permit is required by this section 24057
or for which periodic inspection is required by section 1521.062 24058
of the Revised Code, ~~for establishing a filing fee schedule in~~ 24059
~~lieu of the schedule established under division (B) of this~~ 24060
~~section,~~ for deposit and forfeiture of bonds and other securities 24061
required by section 1521.061 of the Revised Code, for the periodic 24062
inspection, operation, repair, improvement, alteration, or removal 24063
of all dams and levees, as specified in section 1521.062 of the 24064
Revised Code, and for establishing classes of dams or levees that 24065
are exempt from the requirements of this section and section 24066

1521.062 of the Revised Code as being of a size, purpose, or 24067
situation that does not present a substantial hazard to life, 24068
health, or property. The chief may, by rule, limit the period 24069
during which a construction permit issued under this section is 24070
valid. The rules may allow for the extension of the period during 24071
which a permit is valid upon written request, provided that the 24072
written request includes a revised construction cost estimate, and 24073
may require the payment of an additional filing fee for the 24074
requested extension. If a construction permit expires without an 24075
extension before construction is completed, the person or agency 24076
shall apply for a new permit, and shall not continue construction 24077
until the new permit is issued. 24078

(I) The chief shall adopt rules in accordance with Chapter 24079
119. of the Revised Code establishing a filing fee schedule for 24080
purposes of division (B) of this section. 24081

Sec. 1521.063. (A) Except for the federal government, the 24082
owner of a dam, that is classified as a class I, class II, or 24083
class III dam under rules adopted under section 1521.06 of the 24084
Revised Code and subject to section 1521.062 of the Revised Code 24085
shall pay an annual fee, ~~based upon the height of the dam, the~~ 24086
~~linear foot length of the dam, and the per acre foot of volume of~~ 24087
~~water impounded by the dam~~ in accordance with the annual fee 24088
schedule established in rules adopted under division (B) of this 24089
section. The fee shall be paid to the division of water resources 24090
on or before the thirtieth day of June of each year. ~~The annual~~ 24091
~~fee shall be as follows until otherwise provided by rules adopted~~ 24092
~~under this section:~~ 24093

~~(1) For any dam classified as a class I dam under rules 24094~~
~~adopted by the chief of the division of water resources under 24095~~
~~section 1521.06 of the Revised Code, three hundred dollars plus 24096~~
~~ten dollars per foot of height of dam, five cents per foot of 24097~~

~~length of the dam and five cents per acre foot of water impounded
by the dam;~~ 24098
24099

~~(2) For any dam classified as a class II dam under those
rules, ninety dollars plus six dollars per foot of height of dam,
five cents per foot of length of the dam and five cents per acre
foot of water impounded by the dam;~~ 24100
24101
24102
24103

~~(3) For any dam classified as a class III dam under those
rules, ninety dollars plus four dollars per foot of height of the
dam, five cents per foot of length of the dam, and five cents
per acre foot of volume of water impounded by the dam.~~ 24104
24105
24106
24107

~~For purposes of this section, the height of a dam is the
vertical height, to the nearest foot, as determined by the
division under section 1521.062 of the Revised Code.~~ 24108
24109
24110

All fees collected under this section shall be deposited in 24111
the dam safety fund created in section 1521.06 of the Revised 24112
Code. Any owner who fails to pay any annual fee required by this 24113
section within sixty days after the due date shall be assessed a 24114
penalty of ten per cent of the annual fee plus interest at the 24115
rate of one-half per cent per month from the due date until the 24116
date of payment. 24117

There is hereby created the compliant dam discount program to 24118
be administered by the chief of the division of water resources. 24119
Under the program, the chief may reduce the amount of the annual 24120
fee that an owner of a dam is required to pay in accordance with 24121
rules adopted by the chief under division ~~(A)(1), (2), or (3)~~ (B) 24122
of this section if the owner is in compliance with section 24123
1521.062 of the Revised Code and has developed an emergency action 24124
plan pursuant to standards established in rules adopted under this 24125
section. The chief shall not discount an annual fee by more than 24126
twenty-five per cent of the total annual fee that is due. In 24127
addition, the chief shall not discount the annual fee that is due 24128

from the owner of a dam who has been assessed a penalty under this 24129
section. 24130

(B)(1) The chief shall, in accordance with Chapter 119. of 24131
the Revised Code and subject to the prior approval of the director 24132
of natural resources, adopt, and may amend or rescind, rules for 24133
the collection of fees and the administration, implementation, and 24134
enforcement of this section ~~and~~. 24135

(2) The chief shall, in accordance with Chapter 119. of the 24136
Revised Code, adopt rules for the establishment of an annual fee 24137
schedule in lieu of the schedule established in division (A) for 24138
purposes of this section. 24139

(3) The annual fee schedule must be based on the height of 24140
the dam, the linear foot length of the dam, and the per-acre foot 24141
of volume of water impounded by the dam. For purposes of this 24142
section, the height of a dam is the vertical height, to the 24143
nearest foot, as determined by the division under section 1521.062 24144
of the Revised Code. 24145

(C)(1) No person, political subdivision, or state 24146
governmental agency shall violate or fail to comply with this 24147
section or any rule or order adopted or issued under it. 24148

(2) The attorney general, upon written request of the chief, 24149
may commence an action against any such violator. Any action under 24150
division (C)(2) of this section is a civil action. 24151

(D) As used in this section, "political subdivision" includes 24152
townships, municipal corporations, counties, school districts, 24153
municipal universities, park districts, sanitary districts, and 24154
conservancy districts and subdivisions thereof. 24155

Sec. 1531.01. As used in this chapter and Chapter 1533. of 24156
the Revised Code: 24157

(A) "Person" means a person as defined in section 1.59 of the 24158

Revised Code or a company; an employee, agent, or officer of such 24159
a person or company; a combination of individuals; the state; a 24160
political subdivision of the state; an interstate body created by 24161
a compact; or the federal government or a department, agency, or 24162
instrumentality of it. 24163

(B) "Resident" means any individual who has resided in this 24164
state for not less than six months ~~next~~ preceding the date of 24165
making application for a license or permit. 24166

(C) "Nonresident" means any individual who does not qualify 24167
as a resident. 24168

(D) "Division rule" or "rule" means any rule adopted by the 24169
chief of the division of wildlife under section 1531.10 of the 24170
Revised Code unless the context indicates otherwise. 24171

(E) "Closed season" means that period of time during which 24172
the taking of wild animals protected by this chapter and Chapter 24173
1533. of the Revised Code is prohibited. 24174

(F) "Open season" means that period of time during which the 24175
taking of wild animals protected by this chapter and Chapter 1533. 24176
of the Revised Code is permitted. 24177

(G) "Take or taking" includes pursuing, shooting, hunting, 24178
killing, trapping, angling, fishing with a trotline, or netting 24179
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 24180
wild bird, or wild quadruped, and any lesser act, such as 24181
wounding, or placing, setting, drawing, or using any other device 24182
for killing or capturing any wild animal, whether it results in 24183
killing or capturing the animal or not. "Take or taking" includes 24184
every attempt to kill or capture and every act of assistance to 24185
any other person in killing or capturing or attempting to kill or 24186
capture a wild animal. 24187

(H) "Possession" means both actual and constructive 24188
possession and any control of things referred to. 24189

(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.	24190 24191 24192
(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	24193 24194
(K) "Sell and sale" means barter, exchange, or offer or expose for sale.	24195 24196
(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.	24197 24198 24199 24200
(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.	24201 24202 24203 24204 24205 24206 24207 24208
(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.	24209 24210 24211
(O) "Fish" means a cold-blooded vertebrate having fins.	24212
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	24213 24214
(Q) "Wild birds" includes game birds and nongame birds.	24215
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	24216 24217
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated	24218 24219

grouse, wild turkey, Hungarian partridge, Chukar partridge,	24220
woodcocks, black-breasted plover, golden plover, Wilson's snipe or	24221
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules,	24222
duck, geese, brant, and crows.	24223
(T) "Nongame birds" includes all other wild birds not	24224
included and defined as game birds or migratory game birds.	24225
(U) "Wild quadrupeds" includes game quadrupeds and	24226
fur-bearing animals.	24227
(V) "Game quadrupeds" includes cottontail rabbits, gray	24228
squirrels, black squirrels, fox squirrels, red squirrels, flying	24229
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer,	24230
wild boar, <u>elk</u> , and black bears.	24231
(W) "Fur-bearing animals" includes minks, weasels, raccoons,	24232
skunks, opossums, muskrats, fox, beavers, badgers, otters,	24233
coyotes, and bobcats.	24234
(X) "Wild animals" includes mollusks, crustaceans, aquatic	24235
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds,	24236
and all other wild mammals, but does not include domestic deer.	24237
(Y) "Hunting" means pursuing, shooting, killing, following	24238
after or on the trail of, lying in wait for, shooting at, or	24239
wounding wild birds or wild quadrupeds while employing any device	24240
commonly used to kill or wound wild birds or wild quadrupeds	24241
whether or not the acts result in killing or wounding. "Hunting"	24242
includes every attempt to kill or wound and every act of	24243
assistance to any other person in killing or wounding or	24244
attempting to kill or wound wild birds or wild quadrupeds.	24245
(Z) "Trapping" means securing or attempting to secure	24246
possession of a wild bird or wild quadruped by means of setting,	24247
placing, drawing, or using any device that is designed to close	24248
upon, hold fast, confine, or otherwise capture a wild bird or wild	24249
quadruped whether or not the means results in capture. "Trapping"	24250

includes every act of assistance to any other person in capturing 24251
wild birds or wild quadrupeds by means of the device whether or 24252
not the means results in capture. 24253

(AA) "Muskrat spear" means any device used in spearing 24254
muskrats. 24255

(BB) "Channels and passages" means those narrow bodies of 24256
water lying between islands or between an island and the mainland 24257
in Lake Erie. 24258

(CC) "Island" means a rock or land elevation above the waters 24259
of Lake Erie having an area of five or more acres above water. 24260

(DD) "Reef" means an elevation of rock, either broken or in 24261
place, or gravel shown by the latest United States chart to be 24262
above the common level of the surrounding bottom of the lake, 24263
other than the rock bottom, or in place forming the base or 24264
foundation rock of an island or mainland and sloping from the 24265
shore of it. "Reef" also means all elevations shown by that chart 24266
to be above the common level of the sloping base or foundation 24267
rock of an island or mainland, whether running from the shore of 24268
an island or parallel with the contour of the shore of an island 24269
or in any other way and whether formed by rock, broken or in 24270
place, or from gravel. 24271

(EE) "Fur farm" means any area used exclusively for raising 24272
fur-bearing animals or in addition thereto used for hunting game, 24273
the boundaries of which are plainly marked as such. 24274

(FF) "Waters" includes any lake, pond, reservoir, stream, 24275
channel, lagoon, or other body of water, or any part thereof, 24276
whether natural or artificial. 24277

(GG) "Crib" or "car" refers to that particular compartment of 24278
the net from which the fish are taken when the net is lifted. 24279

(HH) "Commercial fish" means those species of fish permitted 24280

to be taken, possessed, bought, or sold unless otherwise	24281
restricted by the Revised Code or division rule and are alewife	24282
(<i>Alosa pseudoharengus</i>), American eel (<i>Anguilla rostrata</i>), bowfin	24283
(<i>Amia calva</i>), burbot (<i>Lota lota</i>), carp (<i>Cyprinus carpio</i>),	24284
smallmouth buffalo (<i>Ictiobus bubalus</i>), bigmouth buffalo (<i>Ictiobus</i>	24285
<i>cyprinellus</i>), black bullhead (<i>Ictalurus melas</i>), yellow bullhead	24286
(<i>Ictalurus natalis</i>), brown bullhead (<i>Ictalurus nebulosus</i>), channel	24287
catfish (<i>Ictalurus punctatus</i>), flathead catfish (<i>Pylodictis</i>	24288
<i>olivaris</i>), whitefish (<i>Coregonus</i> sp.), cisco (<i>Coregonus</i> sp.),	24289
freshwater drum or sheepshead (<i>Aplodinotus grunniens</i>), gar	24290
(<i>Lepisosteus</i> sp.), gizzard shad (<i>Dorosoma cepedianum</i>), goldfish	24291
(<i>Carassius auratus</i>), lake trout (<i>Salvelinus namaycush</i>), mooneye	24292
(<i>Hiodon tergisus</i>), quillback (<i>Carpiodes cyprinus</i>), smelt	24293
(<i>Allosmerus elongatus</i> , <i>Hypomesus</i> sp., <i>Osmerus</i> sp., <i>Spirinchus</i>	24294
sp.), sturgeon (<i>Acipenser</i> sp., <i>Scaphirhynchus</i> sp.), sucker other	24295
than buffalo and quillback (<i>Carpiodes</i> sp., <i>Catostomus</i> sp.,	24296
<i>Hypentelium</i> sp., <i>Minytrema</i> sp., <i>Moxostoma</i> sp.), white bass (<i>Morone</i>	24297
<i>chrysops</i>), white perch (<i>Roccus americanus</i>), and yellow perch	24298
(<i>Perca flavescens</i>). When the common name of a fish is used in this	24299
chapter or Chapter 1533. of the Revised Code, it refers to the	24300
fish designated by the scientific name in this definition.	24301
(II) "Fishing" means taking or attempting to take fish by any	24302
method, and all other acts such as placing, setting, drawing, or	24303
using any device commonly used to take fish whether resulting in a	24304
taking or not.	24305
(JJ) "Fillet" means the pieces of flesh taken or cut from	24306
both sides of a fish, joined to form one piece of flesh.	24307
(KK) "Part fillet" means a piece of flesh taken or cut from	24308
one side of a fish.	24309
(LL) "Round" when used in describing fish means with head and	24310
tail intact.	24311

(MM) "Migrate" means the transit or movement of fish to or 24312
from one place to another as a result of natural forces or 24313
instinct and includes, but is not limited to, movement of fish 24314
induced or caused by changes in the water flow. 24315

(NN) "Spreader bar" means a brail or rigid bar placed across 24316
the entire width of the back, at the top and bottom of the cars in 24317
all trap, crib, and fyke nets for the purpose of keeping the 24318
meshes hanging squarely while the nets are fishing. 24319

(OO) "Fishing guide" means any person who, for consideration 24320
or hire, operates a boat, rents, leases, or otherwise furnishes 24321
angling devices, ice fishing shanties or shelters of any kind, or 24322
other fishing equipment, and accompanies, guides, directs, or 24323
assists any other person in order for the other person to engage 24324
in fishing. 24325

(PP) "Net" means fishing devices with meshes composed of 24326
twine or synthetic material and includes, but is not limited to, 24327
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 24328
seines, except minnow seines and minnow dip nets. 24329

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 24330
nets, dip nets, carp aprons, trotlines, other similar gear, and 24331
any boat used in conjunction with that gear, but does not include 24332
gill nets. 24333

(RR) "Native wildlife" means any species of the animal 24334
kingdom indigenous to this state. 24335

(SS) "Gill net" means a single section of fabric or netting 24336
seamed to a float line at the top and a lead line at the bottom, 24337
which is designed to entangle fish in the net openings as they 24338
swim into it. 24339

(TT) "Tag fishing tournament" means a contest in which a 24340
participant pays a fee, or gives other valuable consideration, for 24341
a chance to win a prize by virtue of catching a tagged or 24342

otherwise specifically marked fish within a limited period of 24343
time. 24344

(UU) "Tenant" means an individual who resides on land for 24345
which the individual pays rent and whose annual income is 24346
primarily derived from agricultural production conducted on that 24347
land, as "agricultural production" is defined in section 929.01 of 24348
the Revised Code. 24349

(VV) "Nonnative wildlife" means any wild animal not 24350
indigenous to this state, but does not include domestic deer. 24351

(WW) "Reptiles" includes common musk turtle (*sternotherus* 24352
odoratus), common snapping turtle (*Chelydra serpentina* 24353
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 24354
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 24355
blandingii), common map turtle (*Graptemys geographica*), ouachita 24356
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 24357
painted turtle (*Chrysemys picta marginata*), red-eared slider 24358
(*Trachemys scripta elegans*), eastern spiny softshell turtle 24359
(*Apalone spinifera spinifera*), midland smooth softshell turtle 24360
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 24361
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 24362
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 24363
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 24364
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 24365
septemvittata), Kirtland's snake (*Clonophis kirtlandii*), northern 24366
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 24367
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 24368
erythrogaster neglecta), northern brown snake (*Storeria dekayi* 24369
dekayi), midland brown snake (*Storeria dekayi wrightorum*), 24370
northern redbelly snake (*Storeria occipitomaculata* 24371
occipitomaculata), eastern garter snake (*Thamnophis sirtalis* 24372
sirtalis), eastern plains garter snake (*Thamnophis radix radix*), 24373
Butler's garter snake (*Thamnophis butleri*), shorthead garter snake 24374

(*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis sauritus sauritus*), northern ribbon snake (*Thamnophis sauritus septentrionalis*), eastern hognose snake (*Heterodon platirhinos*), eastern smooth earth snake (*Virginia valeriae valeriae*), northern ringneck snake (*Diadophis punctatus edwardsii*), midwest worm snake (*Carphophis amoenus helenae*), eastern worm snake (*Carphophis amoenus amoenus*), black racer (*Coluber constrictor constrictor*), blue racer (*Coluber constrictor foxii*), rough green snake (*Opheodrys aestivus*), smooth green snake (*Opheodrys vernalis vernalis*), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis getula nigra*), eastern milk snake (*Lampropeltis triangulum triangulum*), northern copperhead (*Agkistrodon contortrix mokasen*), eastern massasauga (*Sistrurus catenatus catenatus*), and timber rattlesnake (*Crotalus horridus horridus*).

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*), mudpuppy (*Necturus maculosus maculosus*), red-spotted newt (*Notophthalmus viridescens viridescens*), Jefferson salamander (*Ambystoma jeffersonianum*), spotted salamander (*Ambystoma maculatum*), blue-spotted salamander (*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), streamside salamander (*Ambystoma barbouri*), marbled salamander (*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum tigrinum*), northern dusky salamander (*Desmognathus fuscus fuscus*), mountain dusky salamander (*Desmognathus ochrophaeus*), redback salamander (*Plethodon cinereus*), ravine salamander (*Plethodon richmondi*), northern slimy salamander (*Plethodon glutinosus*), Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander (*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus porphyriticus duryi*), northern spring salamander (*Gyrinophilus porphyriticus porphyriticus*), mud salamander (*Pseudotriton montanus*), northern red salamander (*Pseudotriton ruber ruber*), green salamander (*Aneides aeneus*), northern two-lined salamander

(Eurycea bislineata), longtail salamander (Eurycea longicauda longicauda), cave salamander (Eurycea lucifuga), southern two-lined salamander (Eurycea cirrigera), Fowler's toad (Bufo woodhousii fowleri), American toad (Bufo americanus), eastern spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog (Acris crepitans blanchardi), northern spring peeper (Pseudacris crucifer crucifer), gray treefrog (Hyla versicolor), Cope's gray treefrog (Hyla chrysoscelis), western chorus frog (Pseudacris triseriata triseriata), mountain chorus frog (Pseudacris brachyphona), bullfrog (Rana catesbeiana), green frog (Rana clamitans melanota), northern leopard frog (Rana pipiens), pickerel frog (Rana palustris), southern leopard frog (Rana utricularia), and wood frog (Rana sylvatica).	24408 24409 24410 24411 24412 24413 24414 24415 24416 24417 24418 24419 24420
(YY) "Deer" means white-tailed deer (Odocoileus virginianus).	24421 24422
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	24423 24424 24425
(AAA) "Migratory game bird" includes waterfowl (Anatidae); doves (Columbidae); cranes (Gruidae); cormorants (Phalacrocoracidae); rails, coots, and gallinules (Rallidae); and woodcock and snipe (Scolopacidae).	24426 24427 24428 24429
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	24430 24431 24432
(CCC) "Electric-powered all-purpose vehicle" means any battery-powered self-propelled electric vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as	24433 24434 24435 24436 24437 24438

all-terrain vehicles, all-season vehicles, mini-bikes, and trail 24439
bikes. "Electric-powered all-purpose vehicle" does not include a 24440
utility vehicle as defined in section 4501.01 of the Revised Code, 24441
any vehicle that is principally used in playing golf, any motor 24442
vehicle or aircraft that is required to be registered under 24443
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 24444
excluded from the definition of "motor vehicle" as provided in 24445
division (B) of section 4501.01 of the Revised Code. 24446

(DDD) "Wholly enclosed preserve" means an area of land that 24447
is surrounded by a fence that is at least six feet in height, 24448
unless otherwise specified in division rule, and is constructed of 24449
a woven wire mesh, or another enclosure that the division of 24450
wildlife may approve, where game birds, game quadrupeds, reptiles, 24451
amphibians, or fur-bearing animals are raised and may be sold 24452
under the authority of a commercial propagating license or captive 24453
white-tailed deer propagation license obtained under section 24454
1533.71 of the Revised Code. 24455

(EEE) "Commercial bird shooting preserve" means an area of 24456
land where game birds are released and hunted by shooting as 24457
authorized by a commercial bird shooting preserve license obtained 24458
under section 1533.72 of the Revised Code. 24459

(FFF) "Wild animal hunting preserve" means an area of land 24460
where game, captive white-tailed deer, and nonnative wildlife, 24461
other than game birds, are released and hunted as authorized by a 24462
wild animal hunting preserve license obtained under section 24463
1533.721 of the Revised Code. 24464

(GGG) "Captive white-tailed deer" means legally acquired deer 24465
that are held in private ownership at a facility licensed under 24466
section 943.03 or 943.031 of the Revised Code and under section 24467
1533.71 or 1533.721 of the Revised Code. 24468

Sec. 1531.06. (A) The chief of the division of wildlife, with 24469

the approval of the director of natural resources, may acquire by 24470
gift, lease, purchase, or otherwise lands or surface rights upon 24471
lands and waters or surface rights upon waters for wild animals, 24472
fish or game management, preservation, propagation, and 24473
protection, outdoor and nature activities, public fishing and 24474
hunting grounds, and flora and fauna preservation. The chief, with 24475
the approval of the director, may receive by grant, devise, 24476
bequest, donation, or assignment evidences of indebtedness, the 24477
proceeds of which are to be used for the purchase of such lands or 24478
surface rights upon lands and waters or surface rights upon 24479
waters. 24480

(B)(1) The chief shall adopt rules for the protection of 24481
state-owned or leased lands and waters and property under the 24482
control of the division of wildlife against wrongful use or 24483
occupancy that will ensure the carrying out of the intent of this 24484
section, protect those lands, waters, and property from 24485
depredations, and preserve them from molestation, spoilation, 24486
destruction, or any improper use or occupancy thereof, including 24487
rules with respect to recreational activities and for the 24488
government and use of such lands, waters, and property. 24489

(2) The chief may adopt rules benefiting wild animals, fish 24490
or game management, preservation, propagation, and protection, 24491
outdoor and nature activities, public fishing and hunting grounds, 24492
and flora and fauna preservation, and regulating the taking and 24493
possession of wild animals on any lands or waters owned or leased 24494
or under the division's supervision and control and, for a 24495
specified period of years, may prohibit or recall the taking and 24496
possession of any wild animal on any portion of such lands or 24497
waters. The division clearly shall define and mark the boundaries 24498
of the lands and waters owned or leased or under its supervision 24499
and control upon which the taking of any wild animal is 24500
prohibited. 24501

(C) The chief, with the approval of the director, may acquire 24502
by gift, lease, or purchase land for the purpose of establishing 24503
state fish hatcheries and game farms and may erect on it buildings 24504
or structures that are necessary. 24505

The title to or lease of such lands and waters shall be taken 24506
by the chief in the name of the state. The lease or purchase price 24507
of all such lands and waters may be paid from hunting and trapping 24508
and fishing licenses and any other funds. 24509

(D) To provide more public recreation, stream and lake 24510
agreements for public fishing only may be obtained under rules 24511
adopted by the chief. 24512

(E) The chief, with the approval of the director, may 24513
establish user fees for the use of special public facilities or 24514
participation in special activities on lands and waters 24515
administered by the division. The special facilities and 24516
activities may include hunting or fishing on special designated 24517
public lands and waters intensively managed or stocked with 24518
artificially propagated game birds or fish, field trial 24519
facilities, wildlife nature centers, firearm ranges, boat mooring 24520
facilities, camping sites, and other similar special facilities 24521
and activities. The chief shall determine whether the user fees 24522
are refundable and shall ensure that that information is provided 24523
at the time the user fees are paid. 24524

(F) The chief, with the approval of the director, may enter 24525
into lease agreements for rental of concessions or other special 24526
projects situated on state-owned or leased lands or waters or 24527
other property under the division's control. The chief shall set 24528
and collect the fees for concession rentals or other special 24529
projects; regulate through contracts between the division and 24530
concessionaires the sale of tangible objects at concessions or 24531
other special projects; and keep a record of all such fee payments 24532
showing the amount received, from whom received, and for what 24533

purpose the fee was collected. 24534

(G) The chief may sell or donate conservation-related items 24535
or items that promote wildlife conservation, including, but not 24536
limited to, stamps, pins, badges, books, bulletins, maps, 24537
publications, calendars, and any other educational article or 24538
artifact pertaining to wild animals; sell confiscated or forfeited 24539
items; and sell surplus structures and equipment, and timber or 24540
crops from lands owned, administered, leased, or controlled by the 24541
division. The chief, with the approval of the director, also may 24542
engage in campaigns and special events that promote wildlife 24543
conservation by selling or donating wildlife-related materials, 24544
memberships, and other items of promotional value. 24545

(H) The chief may sell, lease, or transfer minerals or 24546
mineral rights, with the approval of the director, when the chief 24547
and the director determine it to be in the best interest of the 24548
state. Upon approval of the director, the chief may make, execute, 24549
and deliver contracts, including leases, to mine, drill, or 24550
excavate iron ore, stone, coal, salt, and other minerals, other 24551
than oil or gas, upon and under lands owned by the state and 24552
administered by the division to any person who complies with the 24553
terms of such a contract. No such contract shall be valid for more 24554
than fifty years from its effective date. Consideration for 24555
minerals and mineral rights shall be by rental or royalty basis as 24556
prescribed by the chief and payable as prescribed by contract. 24557
Moneys collected under this division shall be paid into the state 24558
treasury to the credit of the wildlife habitat fund created in 24559
section 1531.33 of the Revised Code. Contracts entered into under 24560
this division also may provide for consideration for minerals or 24561
mineral rights in the form of acquisition of lands as provided 24562
under divisions (A) and (C) of this section. 24563

(I) All moneys received under divisions (E), (F), and (G) of 24564
this section shall be paid into the state treasury to the credit 24565

of a fund that shall be used for the purposes outlined in section 24566
1533.15 of the Revised Code and for the management of other wild 24567
animals for their ecological and nonconsumptive recreational value 24568
or benefit. 24569

(J) The chief, with the approval of the director, may barter 24570
or sell wild animals to other states, state or federal agencies, 24571
and conservation or zoological organizations. Moneys received from 24572
the sale of wild animals shall be deposited into the wildlife fund 24573
created in section 1531.17 of the Revised Code. 24574

(K) The chief shall adopt rules establishing standards and 24575
guidelines for the administration of contraceptive chemicals to 24576
noncaptive wild animals. The rules may specify chemical delivery 24577
methods and devices and monitoring requirements. 24578

The chief shall establish criteria for the issuance of and 24579
shall issue permits for the administration of contraceptive 24580
chemicals to noncaptive wild animals. No person shall administer 24581
contraceptive chemicals to noncaptive wild animals without a 24582
permit issued by the chief. 24583

(L) All fees set by the chief under this section shall be 24584
approved by the wildlife council. 24585

(M) Information contained in the wildlife diversity database 24586
that is established pursuant to division (B)(2) of this section 24587
and section 1531.25 of the Revised Code may be made available to 24588
any individual or public or private agency for research, 24589
educational, environmental, land management, or other similar 24590
purposes that are not detrimental to the conservation of a species 24591
or feature. Information regarding sensitive site locations of 24592
species that are listed pursuant to section 1531.25 of the Revised 24593
Code and of features that are included in the wildlife diversity 24594
database is not subject to section 149.43 of the Revised Code if 24595
the chief determines that the release of the information could be 24596

detrimental to the conservation of a species or feature. 24597

(N) Not later than one year after the effective date of this 24598
amendment, the chief shall establish both of the following: 24599

(1) A risk assessment policy for aquatic species that 24600
provides for both of the following: 24601

(a) An evaluation of the overall risk of a species based on 24602
the best available biological information derived from 24603
professionally accepted science and practices in fisheries or 24604
aquatic invasive species management; 24605

(b) A determination of whether a species shall be listed as 24606
an injurious aquatic invasive species. 24607

(2) A definition of injurious invasive aquatic species. 24608

The chief shall adopt rules in accordance with section 24609
1531.10 of the Revised Code necessary to administer division (N) 24610
of this section. 24611

Sec. 1533.11. (A)(1) Except as provided in this section or 24612
section 1533.731 of the Revised Code, no person shall hunt deer on 24613
lands of another without first obtaining an annual deer permit. 24614
Except as provided in this section, no person shall hunt wild 24615
turkeys on lands of another without first obtaining an annual wild 24616
turkey permit. ~~Each~~ Except as provided in division (A)(2) of 24617
section 1533.12 of the Revised Code, a deer or wild turkey permit 24618
shall run concurrently with the hunting license. Except as 24619
provided in rules adopted under division (B) of that section, each 24620
applicant for a deer or wild turkey permit shall pay an annual fee 24621
~~of twenty three dollars~~ for each permit ~~unless the rules adopted~~ 24622
~~under division (B) of section 1533.12 of the Revised Code provide~~ 24623
~~for issuance of a deer or wild turkey permit to the applicant free~~ 24624
~~of charge. Except as provided in rules adopted under division~~ 24625
~~(B)(2) of that section, each applicant who is a resident of this~~ 24626

~~state and who at the time of application is sixty six years of age~~ 24627
~~or older shall procure a senior deer or wild turkey permit, the~~ 24628
~~fee for which shall be one half of the regular deer or wild turkey~~ 24629
~~permit fee. Each applicant who is under the age of eighteen years~~ 24630
~~shall procure a youth deer or wild turkey permit, the fee for~~ 24631
~~which shall be one half of the regular deer or wild turkey permit~~ 24632
~~fee. Except as provided in division (A)(2) of section 1533.12 of~~ 24633
~~the Revised Code, a deer or wild turkey permit shall run~~ 24634
~~concurrently with the hunting license in accordance with the~~ 24635
~~following schedule:~~ 24636

<u>Deer permit - resident</u>	<u>\$23.00</u>	24637
<u>Deer permit - nonresident</u>	<u>\$74.00</u>	24638
<u>Youth deer permit - resident and nonresident</u>	<u>\$11.50</u>	24639
<u>Senior deer permit - resident</u>	<u>\$11.50</u>	24640
<u>Senior deer permit - nonresident</u>	<u>\$23.00</u>	24641
<u>Wild turkey permit - resident</u>	<u>\$23.00</u>	24642
<u>Wild turkey permit - nonresident</u>	<u>\$35.00</u>	24643
<u>Youth wild turkey permit - resident and</u>	<u>\$11.50</u>	24644
<u>nonresident</u>		
<u>Senior wild turkey permit - resident</u>	<u>\$11.50</u>	24645
<u>Senior wild turkey permit - nonresident</u>	<u>\$23.00</u>	24646

(2) As used in division (A)(1) of this section: 24647

(a) "Resident" means any individual who has resided in this 24648
state for not less than six months preceding the date of making 24649
application for a permit and a person who owns real property in 24650
this state. 24651

(b) "Nonresident" means any individual who does not qualify 24652
as a resident. 24653

(c) "Youth" means an applicant who is under the age of 24654
eighteen years at the time of application for a permit. 24655

(d) "Senior" means an applicant who is sixty-six years of age 24656

or older at the time of application for a permit. ~~The~~ 24657

(3) The money received shall be paid into the state treasury 24658
to the credit of the wildlife fund, created in section 1531.17 of 24659
the Revised Code, exclusively for the use of the division of 24660
wildlife in the acquisition and development of land for deer or 24661
wild turkey management, for investigating deer or wild turkey 24662
problems, and for the stocking, management, and protection of deer 24663
or wild turkey. ~~Every~~ 24664

(4) Every person, while hunting deer or wild turkey on lands 24665
of another, shall carry the person's deer or wild turkey permit 24666
and exhibit it to any enforcement officer so requesting. Failure 24667
to so carry and exhibit such a permit constitutes an offense under 24668
this section. ~~The~~ 24669

(5) The chief of the division of wildlife shall adopt any 24670
additional rules the chief considers necessary to carry out this 24671
section and section 1533.10 of the Revised Code. 24672

(6) An owner who is a resident of this state or an owner who 24673
is exempt from obtaining a hunting license under section 1533.10 24674
of the Revised Code and the children of the owner of lands in this 24675
state may hunt deer or wild turkey thereon without a deer or wild 24676
turkey permit. If the owner of land in this state is a limited 24677
liability company or a limited liability partnership that consists 24678
of three or fewer individual members or partners, as applicable, 24679
an individual member or partner who is a resident of this state 24680
and the member's or partner's children of any age may hunt deer or 24681
wild turkey on the land owned by the limited liability company or 24682
limited liability partnership without a deer or wild turkey 24683
permit. In addition, if the owner of land in this state is a trust 24684
that has a total of three or fewer trustees and beneficiaries, an 24685
individual who is a trustee or beneficiary and who is a resident 24686
of this state and the individual's children of any age may hunt 24687
deer or wild turkey on the land owned by the trust without a deer 24688

or wild turkey permit. The tenant and children of the tenant may 24689
hunt deer or wild turkey on lands where they reside without a deer 24690
or wild turkey permit. 24691

(B) A deer or wild turkey permit is not transferable. No 24692
person shall carry a deer or wild turkey permit issued in the name 24693
of another person. 24694

(C) The wildlife refunds fund is hereby created in the state 24695
treasury. The fund shall consist of money received from 24696
application fees for deer permits that are not issued. Money in 24697
the fund shall be used to make refunds of such application fees. 24698

(D) If the division establishes a system for the electronic 24699
submission of information regarding deer or wild turkey that are 24700
taken, the division shall allow the owner and the children of the 24701
owner of lands in this state to use the owner's name or address 24702
for purposes of submitting that information electronically via 24703
that system. 24704

Sec. 1533.12. (A)(1) Except as otherwise provided in division 24705
(A)(2) of this section, every person on active duty in the armed 24706
forces of the United States who is stationed in this state and who 24707
wishes to engage in an activity for which a license, permit, or 24708
stamp is required under this chapter first shall obtain the 24709
requisite license, permit, or stamp. Such a person is eligible to 24710
obtain a resident hunting or fishing license regardless of whether 24711
the person qualifies as a resident of this state. To obtain a 24712
resident hunting or fishing license, the person shall present a 24713
card or other evidence identifying the person as being on active 24714
duty in the armed forces of the United States and as being 24715
stationed in this state. 24716

(2) Every person on active duty in the armed forces of the 24717
United States, while on leave or furlough, may take or catch fish 24718
of the kind lawfully permitted to be taken or caught within the 24719

state, may hunt any wild bird or wild quadruped lawfully permitted 24720
to be hunted within the state, and may trap fur-bearing animals 24721
lawfully permitted to be trapped within the state, without 24722
procuring a fishing license, a hunting license, a fur taker 24723
permit, or a wetlands habitat stamp required by this chapter, 24724
provided that the person shall carry on the person when fishing, 24725
hunting, or trapping, a card or other evidence identifying the 24726
person as being on active duty in the armed forces of the United 24727
States, and provided that the person is not otherwise violating 24728
any of the hunting, fishing, and trapping laws of this state. 24729

In order to hunt deer or wild turkey, any such person shall 24730
obtain a deer or wild turkey permit, as applicable, under section 24731
1533.11 of the Revised Code. Such a person is eligible to obtain a 24732
deer or wild turkey permit at the resident rate, regardless of 24733
whether the person is a resident of this state. However, the 24734
person need not obtain a hunting license in order to obtain such a 24735
permit. 24736

(B) The chief of the division of wildlife shall provide by 24737
rule adopted under section 1531.10 of the Revised Code all of the 24738
following: 24739

(1) Every resident of this state with a disability that has 24740
been determined by the veterans administration to be permanently 24741
and totally disabling, who receives a pension or compensation from 24742
the veterans administration, and who received an honorable 24743
discharge from the armed forces of the United States, and every 24744
veteran to whom the registrar of motor vehicles has issued a set 24745
of license plates under section 4503.41 of the Revised Code, shall 24746
be issued a fishing license, hunting license, fur taker permit, 24747
deer or wild turkey permit, or wetlands habitat stamp, or any 24748
combination of those licenses, permits, and stamp, free of charge 24749
on an annual, multi-year, or lifetime basis as determined 24750
appropriate by the chief when application is made to the chief in 24751

the manner prescribed by and on forms provided by the chief. 24752

(2) Every resident of the state who was born on or before 24753
December 31, 1937, shall be issued an annual fishing license, 24754
hunting license, fur taker permit, deer or wild turkey permit, or 24755
wetlands habitat stamp, or any combination of those licenses, 24756
permits, and stamp, free of charge when application is made to the 24757
chief in the manner prescribed by and on forms provided by the 24758
chief. 24759

(3) Every resident of state or county institutions, 24760
charitable institutions, and military homes in this state shall be 24761
issued an annual fishing license free of charge when application 24762
is made to the chief in the manner prescribed by and on forms 24763
provided by the chief. 24764

(4) Any mobility impaired or blind person, as defined in 24765
section 955.011 of the Revised Code, who is a resident of this 24766
state and who is unable to engage in fishing without the 24767
assistance of another person shall be issued an annual fishing 24768
license free of charge when application is made to the chief in 24769
the manner prescribed by and on forms provided by the chief. The 24770
person who is assisting the mobility impaired or blind person may 24771
assist in taking or catching fish of the kind permitted to be 24772
taken or caught without procuring the license required under 24773
section 1533.32 of the Revised Code, provided that only one line 24774
is used by both persons. 24775

(5) As used in division (B)(5) of this section, "prisoner of 24776
war" means any regularly appointed, enrolled, enlisted, or 24777
inducted member of the military forces of the United States who 24778
was captured, separated, and incarcerated by an enemy of the 24779
United States. 24780

Any person who has been a prisoner of war, was honorably 24781
discharged from the military forces, and is a resident of this 24782

state shall be issued a fishing license, hunting license, fur 24783
taker permit, or wetlands habitat stamp, or any combination of 24784
those licenses, permits, and stamp, free of charge on an annual, 24785
multi-year, or lifetime basis as determined appropriate by the 24786
chief when application is made to the chief in the manner 24787
prescribed by and on forms provided by the chief. 24788

(C) The chief shall adopt rules pursuant to section 1531.08 24789
of the Revised Code designating not more than two days, which need 24790
not be consecutive, in each year as "free sport fishing days" on 24791
which any resident may exercise the privileges accorded the holder 24792
of a fishing license issued under section 1533.32 of the Revised 24793
Code without procuring such a license, provided that the person is 24794
not otherwise violating any of the fishing laws of this state. 24795

Sec. 1561.14. A person who applies for a certificate as a 24796
mine electrician shall be able to read and write the English 24797
language, and prior to the date of the application for examination 24798
either shall have had at least one year's experience in performing 24799
electrical work underground in a coal mine, in the surface work 24800
area of an underground coal mine, in a surface coal mine, or in a 24801
noncoal mine, or shall have had such experience as the chief of 24802
the division of mineral resources management determines to be 24803
equivalent. Each applicant for examination shall pay a fee of ten 24804
dollars to the chief on the first day of the examination. Any 24805
~~moneys~~ money collected under this section shall be paid into the 24806
state treasury to the credit of the mining regulation and safety 24807
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 24808

Sec. 1561.16. (A) As used in this section and sections 24809
1561.17 to 1561.21 of the Revised Code, "actual practical 24810
experience" means previous employment that involved a person's 24811
regular presence in the type of mining operation in which the 24812
experience is required to exist; participation in functions 24813

relating to the hazards involved in and the utilization of 24814
equipment, tools, and work crews and individuals for that type of 24815
mining; and regular exposure to the methods, procedures, and 24816
safety laws applicable to that type of mining. Credit of up to one 24817
year for a portion of the required experience time may be given 24818
upon documentation to the chief of the division of mineral 24819
resources management of an educational degree in a field related 24820
to mining. Credit of up to two years of the required experience 24821
time may be given upon presentation to the chief of proof of 24822
graduation from an accredited school of mines or mining after a 24823
four-year course of study with employment in the mining industry 24824
during interim breaks during the school years. 24825

(B) A person who applies for a certificate as a mine 24826
foreperson of gaseous mines shall be able to read and write the 24827
English language; shall have had at least five years' actual 24828
practical experience in the underground workings of a gaseous mine 24829
or the equivalent thereof in the judgment of the chief; and shall 24830
have had practical experience obtained by actual contact with gas 24831
in mines and have knowledge of the dangers and nature of noxious 24832
and explosive gases and ventilation of gaseous mines. An applicant 24833
for a certificate as a foreperson of gaseous mines shall meet the 24834
same requirements, except that the applicant shall have had at 24835
least three years' actual practical experience in the underground 24836
workings of a gaseous mine or the equivalent thereof in the 24837
judgment of the chief. Each applicant for examination shall pay a 24838
fee established in rules adopted under this section to the chief 24839
on the first day of such examination. 24840

(C) A person who has been issued a certificate as a mine 24841
foreperson or a foreperson of a gaseous mine and who has not 24842
worked in an underground coal mine for a period of more than two 24843
calendar years shall apply for and obtain recertification from the 24844
chief in accordance with rules adopted under this section before 24845

performing the duties of a mine foreperson or a foreperson of a gaseous mine. An applicant for recertification shall pay a fee established in rules adopted under this section at the time of application for recertification.

(D) A person who has been issued a certificate as a mine foreperson or a foreperson of a gaseous mine and who has not worked in an underground coal mine for a period of one or more calendar years shall successfully complete a retraining course in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a gaseous mine.

(E) The chief, in consultation with a statewide association representing the coal mining industry and a statewide association representing employees of coal mines, shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe requirements, criteria, and procedures for the recertification of a mine foreperson or a foreperson of a gaseous mine who has not worked in an underground coal mine for a period of more than two calendar years;

(2) Prescribe requirements, criteria, and procedures for the retraining of a mine foreperson or a foreperson of a gaseous mine who has not worked in an underground coal mine for a period of one or more calendar years;

(3) Establish fees for the examination and recertification of mine forepersons or forepersons of gaseous mines under this section;

(4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section.

(F) Any ~~moneys~~ money collected under this section shall be paid into the state treasury to the credit of the mining

regulation and safety fund created in section ~~1561.48~~ 1513.30 of 24877
the Revised Code. 24878

Sec. 1561.17. (A) A person who applies for a certificate as 24879
mine foreperson or foreperson of nongaseous mines shall be able to 24880
read and write the English language; shall have had at least three 24881
years' actual practical experience in mines, or the equivalent 24882
thereof in the judgment of the chief of the division of mineral 24883
resources management; and shall have knowledge of the dangers and 24884
nature of noxious gases. Each applicant for examination shall pay 24885
a fee established in rules adopted under this section to the chief 24886
on the first day of the examination. 24887

(B) A person who has been issued a certificate as a mine 24888
foreperson or a foreperson of a nongaseous coal mine and who has 24889
not worked in an underground coal mine for a period of more than 24890
two calendar years shall apply for and obtain recertification from 24891
the chief in accordance with rules adopted under this section 24892
before performing the duties of a mine foreperson or a foreperson 24893
of a nongaseous coal mine. An applicant for recertification shall 24894
pay a fee established in rules adopted under this section at the 24895
time of application for recertification. 24896

(C) A person who has been issued a certificate as a mine 24897
foreperson or a foreperson of a nongaseous coal mine and who has 24898
not worked in an underground coal mine for a period of one or more 24899
calendar years shall successfully complete a retraining course in 24900
accordance with rules adopted under this section before performing 24901
the duties of a mine foreperson or a foreperson of a nongaseous 24902
coal mine. 24903

(D) The chief, in consultation with a statewide association 24904
representing the coal mining industry and a statewide association 24905
representing employees of coal mines, shall adopt rules in 24906
accordance with Chapter 119. of the Revised Code that do all of 24907

the following: 24908

(1) Prescribe requirements, criteria, and procedures for the 24909
recertification of a mine foreperson or a foreperson of a 24910
nongaseous coal mine who has not worked in an underground coal 24911
mine for a period of more than two calendar years; 24912

(2) Prescribe requirements, criteria, and procedures for the 24913
retraining of a mine foreperson or a foreperson of a nongaseous 24914
coal mine who has not worked in an underground coal mine for a 24915
period of one or more calendar years; 24916

(3) Establish fees for the examination and recertification of 24917
mine forepersons or forepersons of nongaseous coal mines under 24918
this section; 24919

(4) Prescribe any other requirements, criteria, and 24920
procedures that the chief determines are necessary to administer 24921
this section. 24922

(E) Any ~~moneys~~ money collected under this section shall be 24923
paid into the state treasury to the credit of the mining 24924
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 24925
the Revised Code. 24926

Sec. 1561.18. A person who applies for a certificate as a 24927
foreperson of surface maintenance facilities at underground or 24928
surface mines shall be able to read and write the English language 24929
and shall have had at least three years' actual practical 24930
experience in or around the surface maintenance facilities of 24931
underground or surface mines or the equivalent thereof in the 24932
judgment of the chief of the division of mineral resources 24933
management. Each applicant for examination shall pay a fee of ten 24934
dollars to the chief on the first day of the examination. Any 24935
~~moneys~~ money collected under this section shall be paid into the 24936
state treasury to the credit of the mining regulation and safety 24937

fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 24938

Sec. 1561.19. A person who applies for a certificate as a 24939
mine foreperson of surface mines shall be able to read and write 24940
the English language and shall have had at least five years' 24941
actual practical experience in surface mines. An applicant for a 24942
certificate as a foreperson of surface mines shall meet the same 24943
requirements, except that the applicant shall have had at least 24944
three years' actual practical experience in surface mines or the 24945
equivalent thereof in the judgment of the chief of the division of 24946
mineral resources management. Each applicant for examination shall 24947
pay a fee of ten dollars to the chief on the first day of the 24948
examination. Any ~~moneys~~ money collected under this section shall 24949
be paid into the state treasury to the credit of the mining 24950
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 24951
the Revised Code. 24952

Sec. 1561.20. A person who applies for a certificate as a 24953
surface mine blaster shall be able to read and write the English 24954
language; shall have had at least one year's actual practical 24955
experience in surface mines or the equivalent thereof in the 24956
judgment of the chief of the division of mineral resources 24957
management; shall have knowledge of the dangers and nature of the 24958
use of explosives, related equipment, and blasting techniques; and 24959
shall have knowledge of safety laws and rules, including those 24960
related to the storage, use, and transportation of explosives. 24961
Each applicant for examination shall pay a fee of ten dollars to 24962
the chief on the first day of the examination. Any ~~moneys~~ money 24963
collected under this section shall be paid into the state treasury 24964
to the credit of the mining regulation and safety fund created in 24965
section ~~1561.48~~ 1513.30 of the Revised Code. 24966

Sec. 1561.21. A person who applies for a certificate as a 24967

shot firer shall be able to read and write the English language; 24968
shall have had at least one year's actual practical experience in 24969
the underground workings of mines or the equivalent thereof in the 24970
judgment of the chief of the division of mineral resources 24971
management; shall have knowledge of the dangers and nature of 24972
noxious and explosive gases; shall have knowledge of the dangers 24973
and nature of the use of explosives, related equipment, and 24974
blasting techniques; and shall have knowledge of safety laws and 24975
rules, including those related to the underground storage, use, 24976
and transportation of explosives. Each applicant for examination 24977
shall pay a fee of ten dollars to the chief on the first day of 24978
the examination. Any ~~moneys~~ money collected under this section 24979
shall be paid into the state treasury to the credit of the mining 24980
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 24981
the Revised Code. 24982

Any person who possesses a mine foreperson or foreperson 24983
certificate issued by the chief shall be considered certified as a 24984
shot firer. 24985

Sec. 1561.22. A person who applies for a certificate as fire 24986
boss shall be able to read and write the English language; shall 24987
have had at least three years' actual practical experience in the 24988
underground workings of a gaseous mine or the equivalent thereof 24989
in the judgment of the chief of the division of mineral resources 24990
management; and shall have knowledge of the dangers and nature of 24991
noxious and explosive gases gained by actual contact with gas in 24992
mines and ventilation of gaseous mines. Each applicant for 24993
examination shall pay a fee of ten dollars to the chief on the 24994
first day of the examination. Any ~~moneys~~ money collected under 24995
this section shall be paid into the state treasury to the credit 24996
of the mining regulation and safety fund created in section 24997
~~1561.48~~ 1513.30 of the Revised Code. 24998

Sec. 1561.26. (A) As used in this section: 24999

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 25000
meanings as in section 4765.01 of the Revised Code. 25001

(2) "Mine medical responder" has the same meaning as in 25002
section 1565.15 of the Revised Code. 25003

(B) The superintendent of rescue stations, with the approval 25004
of the chief of the division of mineral resources management, 25005
shall, at each rescue station provided for in section 1561.25 of 25006
the Revised Code, train and employ rescue crews of six members 25007
each, one of whom shall hold a mine foreperson or fire boss 25008
certificate and be designated captain, and train and employ any 25009
number of such rescue crews as the superintendent believes 25010
necessary. One member of a rescue crew shall be certified as an 25011
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 25012
member of a rescue crew shall devote the time specified by the 25013
chief each month for training purposes and shall be available at 25014
all times to assist in rescue work at explosions, mine fires, and 25015
other emergencies. 25016

A captain of mine rescue crews shall receive for service as 25017
captain the sum of twenty-four dollars per month, and each member 25018
shall receive the sum of twenty dollars per month, all payable on 25019
requisition approved by the chief. When engaged in rescue work at 25020
explosions, mine fires, or other emergencies away from their 25021
station, the members of the rescue crews and captains of the same 25022
shall be paid the sum of six dollars per hour for work on the 25023
surface, which includes the time consumed by those members in 25024
traveling to and from the scene of the emergency when the scene is 25025
away from the station of the members, and the sum of seven dollars 25026
per hour for all work underground at the emergency, and in 25027
addition thereto, the necessary living expenses of the members 25028
when the emergency is away from their home station, all payable on 25029

requisition approved by the chief. 25030

Each member of a mine rescue crew shall undergo an annual 25031
medical examination. The chief may designate to perform an 25032
examination any individual authorized by the Revised Code to do 25033
so, including a physician assistant, a clinical nurse specialist, 25034
a certified nurse practitioner, or a certified nurse-midwife. In 25035
designating the individual to perform a medical examination, the 25036
chief shall choose one near the station of the member of the 25037
rescue crews. The examiner shall report the examination results to 25038
the chief and if, in the opinion of the chief, the report 25039
indicates that the member is physically unfit for further 25040
services, the chief shall relieve the member from further duty. 25041
The fee charged by the examiner for the examination shall be paid 25042
in the same manner as fees are paid to doctors employed by the 25043
industrial commission for special medical examinations. 25044

The chief may remove any member of a rescue crew for any 25045
reason. Such crews shall be subject to the orders of the chief, 25046
the superintendent, and the deputy mine inspectors when engaged in 25047
actual mine rescue work. Mine rescue crews shall, in case of death 25048
or injury when engaged in rescue work, wherever the same may 25049
occur, be paid compensation, or their dependents shall be paid 25050
death benefits, from the workers' compensation fund, in the same 25051
manner as other employees of the state. 25052

(C) In addition to the training of rescue crews, each 25053
assistant superintendent of rescue stations, with the approval of 25054
the superintendent, shall provide for and conduct safety, first 25055
aid, and rescue classes at any mine or for any group of miners who 25056
make application for the conducting of such classes. The chief may 25057
assess a fee for safety and first aid classes for the purpose of 25058
covering the costs associated with providing those classes. The 25059
chief shall establish a fee schedule for safety and first aid 25060
classes by rule adopted in accordance with Chapter 119. of the 25061

Revised Code. Fees collected under this section shall be deposited 25062
in the ~~surface~~ mining regulation and safety fund created in 25063
section ~~1514.06~~ 1513.30 of the Revised Code. 25064

The superintendent shall prescribe and provide for a uniform 25065
schedule of conducting such safety and rescue classes as will 25066
provide a competent knowledge of modern safety and rescue methods 25067
in, at, and about mines. 25068

(D) No member of a mine rescue crew who performs mine rescue 25069
at an underground coal mine and no operator of a mine whose 25070
employee participates as a member of such a mine rescue crew is 25071
liable in any civil action that arises under the laws of this 25072
state for damage or injury caused in the performance of rescue 25073
work at an underground coal mine. However, a member of such a mine 25074
rescue crew may be liable if the member acted with malicious 25075
purpose, in bad faith, or in a wanton or reckless manner. 25076

This division does not eliminate, limit, or reduce any 25077
immunity from civil liability that is conferred on a member of 25078
such a mine rescue crew or an operator by any other provision of 25079
the Revised Code or by case law. 25080

Sec. 1561.45. Fines collected by reason of prosecutions under 25081
this chapter and Chapters 1563., 1565., and 1567. of the Revised 25082
Code shall be paid to the chief of the division of mineral 25083
resources management, and by the chief paid into the state 25084
treasury to the credit of the mining regulation and safety fund 25085
created in section ~~1561.48~~ 1513.30 of the Revised Code. 25086

Sec. 1561.46. Fees received by the chief of the division of 25087
mineral resources management under sections 1561.16 to 1561.22 of 25088
the Revised Code shall be paid by the chief into the state 25089
treasury to the credit of the mining regulation and safety fund 25090
created in section ~~1561.48~~ 1513.30 of the Revised Code. 25091

Sec. 1561.48. All ~~moneys~~ money collected under sections 25092
1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 25093
1561.22, 1561.45, and 1561.46 of the Revised Code shall be paid 25094
into the state treasury to the credit of the mining regulation and 25095
safety fund, ~~which is hereby created by section 1513.30 of the~~ 25096
Revised Code. The department of natural resources shall use the 25097
~~moneys~~ money in the fund to pay the operating expenses of the 25098
division of mineral resources management. 25099

Sec. 1721.01. A company or association incorporated for 25100
cemetery purposes may appropriate or otherwise acquire, and may 25101
hold, not more than six hundred forty acres of land at any one 25102
location, which shall be exempt from execution, and from being 25103
appropriated for any public purpose, except as otherwise provided 25104
in this section, ~~and from taxation, if held exclusively for~~ 25105
~~cemetery or burial purposes, and with no view to profit~~. A company 25106
or association of that nature may own land at multiple locations, 25107
and as many as six hundred forty acres owned at each location in 25108
accordance with this section are entitled to the exemptions 25109
specified in this section. 25110

Lands of cemetery associations not containing graves or not 25111
containing graves that are in use as such on the date a written 25112
notice, as provided in this section, is served upon the officers 25113
of a cemetery, shall be subject to appropriation for highway or 25114
street purposes if an appropriation commences within four years of 25115
the serving of the notice. For such purposes said lands shall be 25116
subject to the exercise of the right of eminent domain by the 25117
municipal corporation in which such lands are located, by the 25118
board of county commissioners of the county in which such lands 25119
are located, or by the director of transportation under the same 25120
conditions and in the same manner as any private property; and, if 25121
any burial occurs within the area specifically designated in the 25122

written notice, the appropriating agency shall have the same 25123
powers with respect to such burial as are given to a board of 25124
township trustees by section 517.21 of the Revised Code and shall 25125
pay any costs resulting from the exercise of these powers. This 25126
section shall not be construed as authorizing an appropriating 25127
agency to exercise the powers specified by section 517.21 of the 25128
Revised Code in any part of a cemetery other than the area 25129
specifically designated in the written notice. 25130

The appropriating agency shall serve upon the officers or 25131
agents having control of a cemetery a written notice that a 25132
specifically designated area of the cemetery may be needed for 25133
highway purposes. No such notice may be served more than once. 25134

Such appropriation proceedings shall be made in the manner 25135
provided for in sections 163.01 to 163.22 of the Revised Code or, 25136
if by the director of transportation, as otherwise provided by 25137
law. 25138

The board of trustees of such company or association, 25139
whenever in its opinion any portion of such lands is unsuitable 25140
for burial purposes, may sell and convey by deed in fee simple, in 25141
such manner, and upon such terms, as are provided by resolution of 25142
such board, any such portion of said lands, and apply the proceeds 25143
thereof to the general purposes of the company or association; but 25144
on such sale being made, the lands so sold shall be returned by 25145
the board to the auditor of the proper county and placed by that 25146
auditor upon the ~~grand~~ tax list and duplicate of real and public 25147
utility property for taxation. 25148

Such company or association may also take, set aside, or hold 25149
any personal property received by it from any source for cemetery 25150
purposes; and if such company or association is incorporated not 25151
for profit, all personal property, including the income therefrom, 25152
owned or held by it, or for its use, for cemetery purposes and 25153
with no view to profit, shall be exempt from execution, from being 25154

appropriated for any public purpose, and from taxation, and no tax 25155
shall be assessed upon any personal property or the income 25156
therefrom expressly exempted under this section. 25157

~~This chapter does not authorize the exemption of real 25158
property used for a funeral home or any other activity not 25159
permitted to be conducted by a cemetery association exempt from 25160
taxation under section 501(c)(13) of the "Internal Revenue Code of 25161
1954," 26 U.S.C.A. 501, or any successor provision. 25162~~

All exemptions ~~from taxation~~ provided for in this section 25163
shall be in addition to such other exemptions ~~from taxation~~ as a 25164
company or association incorporated for cemetery purposes, or its 25165
real or personal property, has under any other provisions of the 25166
Revised Code. 25167

Sec. 1721.10. Except as otherwise provided in this section, 25168
lands appropriated and set apart as burial grounds, either for 25169
public or for private use, and recorded or filed as such in the 25170
office of the county recorder of the county where they are 25171
situated, and any burial ground that has been used as such for 25172
fifteen years are exempt from sale on execution on a judgment, 25173
~~taxation~~, dower, and compulsory partition; but land appropriated 25174
and set apart as a private burial ground is not so exempt if it 25175
exceeds in value the sum of fifty dollars. 25176

The lien for taxes against such burial grounds may be 25177
enforced in the same manner prescribed for abandoned lands under 25178
sections 323.65 to 323.79 of the Revised Code except that the 25179
burial ground may be transferred only to a municipal corporation, 25180
county, or township under division (D) of section 323.74 of the 25181
Revised Code. No burial ground that is otherwise exempt from sale 25182
or execution under this section shall be offered for sale at 25183
public auction. 25184

Sec. 1733.04. (A) In addition to the authority conferred by 25185
section 1701.13 of the Revised Code, but subject to any 25186
limitations contained in sections 1733.01 to 1733.45 of the 25187
Revised Code, and its articles and regulations, a credit union may 25188
do any of the following: 25189

(1) Make loans as provided in section 1733.25 of the Revised 25190
Code; 25191

(2) Invest its money as provided in section 1733.30 of the 25192
Revised Code; 25193

(3) If authorized by the code of regulations, rebate to the 25194
borrowing members a portion of the member's interest paid to the 25195
credit union; 25196

(4) If authorized by the regulations, charge a membership or 25197
entrance fee not to exceed one dollar per member; 25198

(5) Purchase group savings life insurance and group credit 25199
life insurance; 25200

(6) Make reasonable contributions to any nonprofit civic, 25201
charitable, or service organizations; 25202

(7) Act as trustee or custodian, for which reasonable 25203
compensation may be received, under any written trust instrument 25204
or custodial agreement created or organized in the United States 25205
and forming part of a tax-advantaged savings plan that qualifies 25206
for specific tax treatment under sections 223, 401(d), 408, 408A, 25207
and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 25208
408A, and 530, as amended, for its members or groups of its 25209
members, provided that the funds of such plans are invested in 25210
share accounts or share certificate accounts of the credit union. 25211
These services include, but are not limited to, acting as a 25212
trustee or custodian for member retirement, education, or health 25213
savings accounts. 25214

(8) Participate in and pledge assets in connection with the business linked deposit program under sections 135.77 to 135.774 of the Revised Code and the agricultural linked deposit program under sections 135.71 to 135.76 of the Revised Code.

(B) The authority of a credit union shall be subject to the following:

(1) A credit union may not borrow money in excess of twenty-five per cent of its shares and undivided earnings, without prior specific authorization by the superintendent of credit unions.

(2) A credit union may not pay a commission or other compensation to any person for securing members or for the sale of its shares, except that reasonable incentives may be made available directly to members or potential members to promote thrift.

(3) A credit union, subject to the approval of the superintendent, may have service facilities other than its home office.

(4) Real estate may be acquired by lease, purchase, or otherwise as necessary and to the extent required for use of the credit union presently and in the future operation of its office or headquarters, and in case of a purchase of real estate, the superintendent must first be notified in writing prior to the purchase of the real estate. The superintendent shall notify the credit union not more than thirty days after receipt of the notification to purchase the real estate if the purchase is denied, approved, or modified. If the superintendent does not respond within thirty days after receipt of the notification to purchase the real estate, it shall be deemed approved. Nothing herein contained shall be deemed to prohibit a credit union from taking title to real estate in connection with a default in the

payment of a loan, provided that title to such real estate shall 25246
not be held by the credit union for more than two years without 25247
the prior written approval of the superintendent. A credit union 25248
also may lease space in any real estate it acquires in accordance 25249
with rules adopted by the superintendent. 25250

(C)(1) As used in division (C) of this section: 25251

(a) "School" means an elementary or secondary school. 25252

(b) "Student" means a child enrolled in a school. 25253

(c) "Student branch" means the designation provided to the 25254
credit union for the in-school services and financial education 25255
offered to students. 25256

(2) A credit union, upon agreement with a school board, in 25257
the case of a public school, or the governing authority, in the 25258
case of a nonpublic school, and with the permission of the 25259
superintendent, may open and maintain a student branch. 25260

(3) Notwithstanding any other provision of this section, any 25261
student enrolled in the school maintaining a student branch who is 25262
not otherwise qualified for membership in the credit union 25263
maintaining the student branch is qualified to be a member of that 25264
student branch. 25265

(4) The student's membership in the student branch expires 25266
upon the student's graduation from secondary school. 25267

(5) The student branch is for the express use of students and 25268
may not be used by faculty, staff, or lineal ancestors or 25269
descendents of students. 25270

(6) Faculty, staff, or lineal ancestors or descendents of 25271
students are not eligible for membership in the credit union 25272
maintaining the student branch unless otherwise qualified by this 25273
section to be members. 25274

(7) The superintendent may adopt rules appropriate to the 25275

formation and operation of student branches. 25276

(D) A credit union may guarantee the signature of a member in 25277
connection with a transaction involving tangible or intangible 25278
property in which a member has or seeks to acquire an interest. 25279

Sec. 1733.24. (A) A credit union is authorized to receive 25280
funds for deposit in share accounts, share draft accounts, and 25281
share certificates from its members, from other credit unions, and 25282
from an officer, employee, or agent of the federal, state, or 25283
local governments, or political subdivisions of the state, in 25284
accordance with such terms, rates, and conditions as may be 25285
established by its board of directors, and for purposes of the 25286
agricultural linked deposit program created under sections 135.71 25287
to 135.76 of the Revised Code and the business linked deposit 25288
program created under sections 135.77 to 135.774 of the Revised 25289
Code. 25290

(B) The shares and share accounts of the credit union may be 25291
of one or more classes, as designated by the board of directors, 25292
subject to approval of the superintendent of credit unions based 25293
on rules that shall assure equitable distribution of dividends 25294
among classes, considering costs and advantages of each class to 25295
the members of the credit union, including without limitation 25296
special services rendered, length of ownership, minimum 25297
investment, conditions of repurchase, and other appropriate 25298
standards or combinations thereof. In the event the articles of 25299
incorporation of the credit union indicate the authorized number 25300
of shares to be unlimited, the designation of classification of 25301
shares and share accounts of the credit union may be effected by 25302
the board of directors, subject to the approval of the 25303
superintendent, and does not require amendment of the articles of 25304
incorporation. All shares of the credit union shall have a par 25305
value per share as set by the board of directors. Redemptions and 25306

liquidating dividends shall be prorated to each member on the 25307
basis of the price paid the credit union for such share, 25308
irrespective of the class of such shares. 25309

(C)(1) Each credit union shall have one class of shares 25310
designated as "membership share." The membership shares, or if a 25311
credit union has but one class of shares, then all of the shares 25312
of the credit union, shall have a par value as set by the board of 25313
directors. 25314

(2) Two or more persons that are eligible for membership that 25315
have jointly subscribed for one or more shares under a joint 25316
account each may be admitted to membership. 25317

(D) A credit union need not issue certificates for any or all 25318
of its classes of shares but irrespective of whether certificates 25319
are issued, a registry of shares must be kept, including all of 25320
the transactions of the credit union pertaining to such shares. 25321

(E) A credit union is authorized to maintain share draft 25322
accounts in accordance with rules prescribed by the 25323
superintendent. The credit union may pay dividends on share draft 25324
accounts, may pay dividends at different rates on different types 25325
of share draft accounts, and may permit the owners of such share 25326
draft accounts to make withdrawals by negotiable or transferable 25327
instruments or other orders for the purpose of making transfers to 25328
third parties. 25329

(F) Unless otherwise provided by written agreement of the 25330
parties, the rights, responsibilities, and liabilities attaching 25331
to a share draft withdrawn from, transferred to, or otherwise 25332
handled by a credit union are defined in and governed by Chapters 25333
1303. and 1304. of the Revised Code, as if the credit union were a 25334
bank. 25335

(G) Unless otherwise provided in the articles or regulations, 25336
a member may designate any person or persons to own or hold 25337

shares, or share accounts with the member in joint tenancy with 25338
right of survivorship and not as tenants in common. 25339

(H) Shares or share accounts may be issued in the name of a 25340
custodian under the Ohio transfers to minors act, a member in 25341
trust for a beneficiary, a fiduciary or custodian in trust for a 25342
member beneficiary, or a fiduciary or custodian in trust upon the 25343
death of a member. Redemption of such shares or payment of such 25344
share accounts to a member, to the extent of the payment, 25345
discharges the liability of the credit union to the member and the 25346
beneficiary, and the credit union shall be under no obligation to 25347
see to the application of the payment. Unless prior to the death 25348
of a member, the member has notified the credit union in writing 25349
in a form approved by the credit union of a different beneficiary 25350
to receive the proceeds of such shares or share accounts, then the 25351
proceeds shall be paid to the beneficiary or to the beneficiary's 25352
parent or legal representative. Any payment made pursuant to 25353
written instructions of the member or pursuant to the provisions 25354
herein contained shall be a valid and sufficient release and 25355
discharge of the credit union in connection with any such share or 25356
share accounts. 25357

(I)(1) Except as otherwise provided in the articles or 25358
regulations, and subject to the provisions thereof, a minor may 25359
purchase shares, share accounts, or other depository instruments, 25360
and except for qualification as a voting member, the credit union 25361
may deal with the minor with respect to shares, share accounts, or 25362
other depository instruments owned by the minor as if the minor 25363
were a person of legal age. 25364

(2) If shares, share accounts, or other depository 25365
instruments are issued in the name of a minor, redemption of any 25366
part or all of the shares or withdrawal of funds by payment to the 25367
minor of the shares or funds and any declared dividends or 25368
interest releases the credit union from all obligation to the 25369

minor as to the shares reduced or funds withdrawn.	25370
(J) The regulations may require advance written notice of a member's intention to withdraw the member's shares. Such advance notice shall not exceed sixty days.	25371 25372 25373
Sec. 1751.72. (A) As used in this section:	25374
(1) "Chronic condition" means a medical condition that has persisted after reasonable efforts have been made to relieve or cure its cause and has continued, either continuously or episodically, for longer than six continuous months.	25375 25376 25377 25378
(2) "Clinical peer" means a health care practitioner in the same, or in a similar, specialty that typically manages the medical condition, procedure, or treatment under review.	25379 25380 25381
(3) "Covered person" means a person receiving coverage for health services under a policy, contract, or agreement issued by a health insuring corporation.	25382 25383 25384
(4) "Emergency services" has the same meaning as in section 1753.28 of the Revised Code.	25385 25386
(5) "Fraudulent or materially incorrect information" means any type of intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to the covered person in question.	25387 25388 25389 25390
(6) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code.	25391 25392
(7) "NCPDP SCRIPT standard" means the national council for prescription drug programs SCRIPT standard version 201310 or the most recent standard adopted by the the United States department of health and human services.	25393 25394 25395 25396
(8) "Prior authorization requirement" means any practice implemented by a health insuring corporation in which coverage of	25397 25398

a health care service, device, or drug is dependent upon a covered person or a health care practitioner obtaining approval from the health insuring corporation prior to the service, device, or drug being performed, received, or prescribed, as applicable. "Prior authorization" includes prospective or utilization review procedures conducted prior to providing a health care service, device, or drug.

(9) "Urgent care services" means a medical care or other service for a condition where application of the timeframe for making routine or non-life threatening care determinations is either of the following:

(a) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state;

(b) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(10) "Utilization review" and "utilization review organization" have the same meanings as in section 1751.77 of the Revised Code.

(B) If a policy, contract, or agreement issued by a health insuring corporation contains a prior authorization requirement, then all of the following apply:

(1) On or before January 1, 2018, the health insuring corporation shall permit health care practitioners to access the prior authorization form through the applicable electronic software system.

(2)(a) For policies issued on or after January 1, 2018, the health insuring corporation or other payer acting on behalf of the health insuring corporation, shall accept prior authorization requests through a secure electronic transmission.

(b) For policies issued on or after January 1, 2018, the health insuring corporation, a pharmacy benefit manager responsible for handling prior authorization requests, or other payer acting on behalf of the health insuring corporation shall accept and respond to prior prescription benefit authorization requests through a secure electronic transmission using NCPDP SCRIPT standard ePA transactions, and for prior medical benefit authorization requests through a secure electronic transmission using standards established by the council for affordable quality health care on operating rules for information exchange or its successor.

(c) For purposes of division (B)(2) of this section, neither of the following shall be considered a secure electronic transmission:

(i) A facsimile;

(ii) A proprietary payer portal for prescription drug requests that does not use NCPDP SCRIPT standard.

(3) For policies issued on or after January 1, 2018, a health care practitioner and health insuring corporation may enter into a contractual arrangement under which the health insuring corporation agrees to process prior authorization requests that are not submitted electronically because of the financial hardship that electronic submission of prior authorization requests would create for the health care practitioner or if internet connectivity is limited or unavailable where the health care practitioner is located.

(4)(a) For policies issued on or after January 1, 2018, if the health care practitioner submits the request for prior authorization as described in divisions (B)(1) and (2) of this section, the health insuring corporation shall respond to all prior authorization requests within forty-eight hours for urgent

care services, or ten calendar days for any prior authorization request that is not for an urgent care service, of the time the request is received by the health insuring corporation. Division (B)(4) of this section does not apply to emergency services.

(b) The response required under division (B)(4)(a) of this section shall indicate whether the request is approved or denied. If the prior authorization is denied, the health insuring corporation shall provide the specific reason for the denial.

(c) If the prior authorization request is incomplete, the health insuring corporation shall indicate the specific additional information that is required to process the request.

(5)(a) For policies issued on or after January 1, 2018, if a health care practitioner submits a prior authorization request as described in divisions (B)(1) and (2) of this section, the health insuring corporation shall provide an electronic receipt to the health care practitioner acknowledging that the prior authorization request was received.

(b) For policies issued on or after January 1, 2018, if a health insuring corporation requests additional information that is required to process a prior authorization request as described in division (B)(4)(c) of this section, the health care practitioner shall provide an electronic receipt to the health insuring corporation acknowledging that the request for additional information was received.

(6)(a) For policies issued on or after January 1, 2017, for a prior approval related to a chronic condition, the health insuring corporation shall honor a prior authorization approval for an approved drug for the lesser of the following from the date of the approval:

(i) Twelve months;

(ii) The last day of the covered person's eligibility under

the policy, contract, or agreement. 25492

(b) The duration of all other prior authorization approvals 25493
shall be dictated by the policy, contract, or agreement issued by 25494
the health insuring corporation. 25495

(c) A health insuring corporation may, in relation to a prior 25496
approval under division (B)(6)(a) of this section, require a 25497
health care practitioner to submit information to the health 25498
insuring corporation indicating that the patient's chronic 25499
condition has not changed. 25500

(i) The request for information by the health insuring 25501
corporation and the response by the health care practitioner shall 25502
be in an electronic format, which may be by electronic mail or 25503
other electronic communication. 25504

(ii) The frequency of the submission of requested information 25505
shall be consistent with medical or scientific evidence as defined 25506
in section 3922.01 of the Revised Code, but shall not be required 25507
more frequently than quarterly. 25508

(iii) If the health care practitioner does not respond within 25509
five calendar days from the date the request was received, the 25510
health insuring corporation may terminate the twelve-month 25511
approval. 25512

(d) A twelve-month approval provided under division (B)(6)(a) 25513
of this section is no longer valid and automatically terminates if 25514
there are changes to federal or state laws or federal regulatory 25515
guidance or compliance information prescribing that the drug in 25516
question is no longer approved or safe for the intended purpose. 25517

(e) A twelve-month approval provided under division (B)(6)(a) 25518
of this section does not apply to and is not required for any of 25519
the following: 25520

(i) Medications that are prescribed for a non-maintenance 25521

condition;	25522
(ii) Medications that have a typical treatment of less than one year;	25523 25524
(iii) Medications that require an initial trial period to determine effectiveness and tolerability, beyond which a one-year, or greater, prior authorization period will be given;	25525 25526 25527
(iv) Medications where there is medical or scientific evidence as defined in section 3922.01 of the Revised Code that do not support a twelve-month prior approval;	25528 25529 25530
(v) Medications that are a schedule I or II controlled substance or any opioid analgesic or benzodiazepine, as defined in section 3719.01 of the Revised Code;	25531 25532 25533
(vi) Medications that are not prescribed by an in-network provider as part of a care management program.	25534 25535
(7) For policies issued on or after January 1, 2017, a health insuring corporation may, but is not required to, provide the twelve-month approval prescribed in division (B)(6)(a) of this section for a prescription drug that meets either of the following:	25536 25537 25538 25539 25540
(a) The drug is prescribed or administered to treat a rare medical condition and pursuant to medical or scientific evidence as defined in section 3922.01 of the Revised Code.	25541 25542 25543
(b) Medications that are controlled substances not included in division (B)(6)(e)(v) of this section.	25544 25545
For purposes of division (B)(7) of this section, "rare medical condition" means any disease or condition that affects fewer than two hundred thousand individuals in the United States.	25546 25547 25548
(8) Nothing in division (B)(6) or (7) of this section prohibits the substitution, in accordance with section 4729.38 of the Revised Code, of any drug that has received a twelve-month	25549 25550 25551

approval under division (B)(6)(a) of this section when there is a 25552
release of either of the following: 25553

(a) A United States food and drug administration approved 25554
comparable brand product or a generic counterpart of a brand 25555
product that is listed as therapeutically equivalent in the United 25556
States food and drug administration's publication titled approved 25557
drug products with therapeutic equivalence evaluations; 25558

(b) An interchangeable biological product, as defined in 25559
section 3715.01 of the Revised Code. 25560

(9)(a) For policies issued on or after January 1, 2017, upon 25561
written request, a health insuring corporation shall permit a 25562
retrospective review for a claim that is submitted for a service 25563
where prior authorization was required but not obtained if the 25564
service in question meets all of the following: 25565

(i) The service is directly related to another service for 25566
which prior approval has already been obtained and that has 25567
already been performed. 25568

(ii) The new service was not known to be needed at the time 25569
the original prior authorized service was performed. 25570

(iii) The need for the new service was revealed at the time 25571
the original authorized service was performed. 25572

(b) Once the written request and all necessary information is 25573
received, the health insuring corporation shall review the claim 25574
for coverage and medical necessity. The health insuring 25575
corporation shall not deny a claim for such a new service based 25576
solely on the fact that a prior authorization approval was not 25577
received for the new service in question. 25578

(10)(a) For policies issued on or after January 1, 2017, the 25579
health insuring corporation shall disclose to all participating 25580
health care practitioners any new prior authorization requirement 25581

at least thirty days prior to the effective date of the new requirement. 25582
25583

(b) The notice may be sent via electronic mail or standard mail and shall be conspicuously entitled "Notice of Changes to Prior Authorization Requirements." The notice is not required to contain a complete listing of all changes made to the prior authorization requirements, but shall include specific information on where the health care practitioner may locate the information on the health insuring corporation's web site or, if applicable, the health insuring corporation's portal. 25584
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(c) All participating health care practitioners shall promptly notify the health insuring corporation of any changes to the health care practitioner's electronic mail or standard mail address. 25592
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(11)(a) For policies issued on or after January 1, 2017, the health insuring corporation shall make available to all participating health care practitioners on its web site or provider portal a listing of its prior authorization requirements, including specific information or documentation that a practitioner must submit in order for the prior authorization request to be considered complete. 25596
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(b) The health insuring corporation shall make available on its web site information about the policies, contracts, or agreements offered by the health insuring corporation that clearly identifies specific services, drugs, or devices to which a prior authorization requirement exists. 25603
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(12) For policies issued on or after January 1, 2018, the health insuring corporation shall establish a streamlined appeal process relating to adverse prior authorization determinations that shall include all of the following: 25608
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(a) For urgent care services, the appeal shall be considered 25612

within forty-eight hours after the health insuring corporation receives the appeal. 25613
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(b) For all other matters, the appeal shall be considered within ten calendar days after the health insuring corporation receives the appeal. 25615
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(c) The appeal shall be between the health care practitioner requesting the service in question and a clinical peer. 25618
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(d) If the appeal does not resolve the disagreement, either the covered person or an authorized representative as defined in section 3922.01 of the Revised Code may request an external review under Chapter 3922. of the Revised Code to the extent Chapter 3922. of the Revised Code is applicable. 25620
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(C) For policies issued on or after January 1, 2017, except in cases of fraudulent or materially incorrect information, a health insuring corporation shall not retroactively deny a prior authorization for a health care service, drug, or device when all of the following are met: 25625
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(1) The health care practitioner submits a prior authorization request to the health insuring corporation for a health care service, drug, or device. 25630
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(2) The health insuring corporation approves the prior authorization request after determining that all of the following are true: 25633
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(a) The patient is eligible under the health benefit plan. 25636

(b) The health care service, drug, or device is covered under the patient's health benefit plan. 25637
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(c) The health care service, drug, or device meets the health insuring corporation's standards for medical necessity and prior authorization. 25639
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(3) The health care practitioner renders the health care 25642

service, drug, or device pursuant to the approved prior 25643
authorization request and all of the terms and conditions of the 25644
health care practitioner's contract with the health insuring 25645
corporation. 25646

(4) On the date the health care practitioner renders the 25647
prior approved health care service, drug, or device, all of the 25648
following are true: 25649

(a) The patient is eligible under the health benefit plan. 25650

(b) The patient's condition or circumstances related to the 25651
patient's care has not changed. 25652

(c) The health care practitioner submits an accurate claim 25653
that matches the information submitted by the health care 25654
practitioner in the approved prior authorization request. 25655

(5) If the health care practitioner submits a claim that 25656
includes an unintentional error and the error results in a claim 25657
that does not match the information originally submitted by the 25658
health care practitioner in the approved prior authorization 25659
request, upon receiving a denial of services from the health 25660
insuring corporation, the health care practitioner may resubmit 25661
the claim pursuant to division (C) of this section with the 25662
information that matches the information included in the approved 25663
prior authorization. 25664

(D) Any provision of a contractual arrangement entered into 25665
between a health insuring corporation and a health care 25666
practitioner or beneficiary that is contrary to divisions (A) to 25667
(C) of this section is unenforceable. 25668

(E) For policies issued on or after January 1, 2017, 25669
committing a series of violations of this section that, taken 25670
together, constitute a practice or pattern shall be considered an 25671
unfair and deceptive practice under sections 3901.19 to 3901.26 of 25672
the Revised Code. 25673

(F) The superintendent of insurance may adopt rules in 25674
accordance with Chapter 119. of the Revised Code as necessary to 25675
implement the provisions of this section. 25676

(G) This section does not apply to any of the following types 25677
of coverage: a policy, contract, certificate, or agreement that 25678
covers only a specified accident, accident only, credit, dental, 25679
disability income, long-term care, hospital indemnity, 25680
supplemental coverage as described in section 3923.37 of the 25681
Revised Code, specified disease, or vision care; a dental benefit 25682
that is offered as a part of a policy, contract, certificate, or 25683
agreement offered by a health insuring corporation; coverage 25684
issued as a supplement to liability insurance; insurance arising 25685
out of workers' compensation or similar law; automobile medical 25686
payment insurance; insurance under which benefits are payable with 25687
or without regard to fault and which is statutorily required to be 25688
contained in any liability insurance policy or equivalent 25689
self-insurance; a medicare supplement policy of insurance as 25690
defined by the superintendent of insurance by rule; coverage under 25691
a plan through medicare or the federal employees benefit program; 25692
or any coverage issued under Chapter 55 of Title 10 of the United 25693
States Code and any coverage issued as a supplement to that 25694
coverage. 25695

Sec. 1751.75. A health insuring corporation may present 25696
evidence of compliance with the requirements of sections 1751.73 25697
and 1751.74 of the Revised Code by submitting certification to the 25698
superintendent of insurance of its accreditation by an 25699
independent, private accrediting organization, such as the 25700
national committee on quality assurance, the national quality 25701
health council, the joint commission on accreditation of health 25702
care organizations, the accreditation association for ambulatory 25703
health care, or the American accreditation healthcare 25704
commission/utilization review accreditation commission. The 25705

superintendent, upon review of the organization's accreditation 25706
process, may determine that such accreditation constitutes 25707
compliance by the health insuring corporation with the 25708
requirements of these sections. 25709

Sec. 1923.12. (A) If a resident or a resident's estate has 25710
been evicted from a manufactured home park pursuant to a judgment 25711
entered under section 1923.09 or 1923.11 of the Revised Code and 25712
if the resident or estate has abandoned or otherwise left 25713
unoccupied the resident's manufactured home, mobile home, or 25714
recreational vehicle on the residential premises of the 25715
manufactured home park for a period of three days following the 25716
entry of the judgment, the operator of the manufactured home park 25717
may provide to the titled owner of the home or vehicle a written 25718
notice to remove the home or vehicle from the manufactured home 25719
park within fourteen days from the date of the delivery of the 25720
notice. The park operator shall deliver or cause the delivery of 25721
the notice by personal delivery to the owner or by ordinary mail 25722
sent to the last known address of the owner. Except as provided in 25723
divisions (D) and (E) of this section, if the owner of the 25724
manufactured home, mobile home, or recreational vehicle does not 25725
remove it or cause it to be removed from the manufactured home 25726
park within fourteen days from the date of the delivery of the 25727
notice, the park operator may follow the procedures of division 25728
(B) of section 1923.13 and division (B) of section 1923.14 of the 25729
Revised Code to permit the removal of the home or vehicle from the 25730
manufactured home park, and the potential sale, destruction, or 25731
transfer of ownership of the home or vehicle. 25732

(B) Every notice provided to the titled owner of a 25733
manufactured home, mobile home, or recreational vehicle under this 25734
section shall contain the following language printed in a 25735
conspicuous manner: "You are being asked to remove your 25736
manufactured home, mobile home, or recreational vehicle from the 25737

residential premises of, a manufactured home park, in 25738
accordance with a judgment of eviction entered in court 25739
on against If the manufactured home, mobile 25740
home, or recreational vehicle is not removed from the manufactured 25741
home park within fourteen days from the date of delivery of this 25742
notice, the home or vehicle may be sold or destroyed, or its title 25743
may be transferred to, pursuant to division (B) of both 25744
sections 1923.13 and 1923.14 of the Revised Code. If you are in 25745
doubt regarding your legal rights, it is recommended that you seek 25746
legal assistance." 25747

(C)(1) Before requesting a writ of execution under division 25748
(B) of section 1923.13 of the Revised Code, the park operator 25749
shall conduct or cause to be conducted a search of the appropriate 25750
public records that relate to the manufactured home, mobile home, 25751
or recreational vehicle, and make or cause to be made reasonably 25752
diligent inquiries, for the purpose of identifying any persons who 25753
have an outstanding right, title, or interest in the home or 25754
vehicle. 25755

(2) If the search or inquiries pursuant to division (C)(1) of 25756
this section reveal any person who has an outstanding right, 25757
title, or interest in the manufactured home, mobile home, or 25758
recreational vehicle, the park operator shall ~~list the name and~~ 25759
~~last known address of each~~ provide to the person with a right, 25760
~~title, or interest of that nature on its request for the writ of~~ 25761
~~execution. In addition, if personal property has been abandoned on~~ 25762
~~the residential premises and the park operator has knowledge of~~ 25763
~~any person who has an outstanding right, title, or interest in any~~ 25764
~~of the personal property, the park operator shall list the item or~~ 25765
~~items of personal property and the name and last known address of~~ 25766
~~each person with the outstanding right, title, or interest on the~~ 25767
~~request for the writ of execution. The park operator also shall~~ 25768
~~certify on the request that the park operator provided the written~~ 25769

~~notice required by this section. The clerk of the municipal court, 25770
county court, or court of common pleas may require the park 25771
operator to pay an advance deposit sufficient to secure payment of 25772
the appraisal of the manufactured home, mobile home, or 25773
recreational vehicle and the advertisement of the sale of the home 25774
or vehicle written notice to remove the home or vehicle from the 25775
manufactured home park or arrange for the sale of the home or 25776
vehicle within twenty-one days from the date of the delivery of 25777
the notice. 25778~~

The notice shall contain the following language printed in a 25779
conspicuous manner: "You are being asked to remove the 25780
manufactured home, mobile home, or recreational vehicle that you 25781
have an outstanding right, title, or interest in from the 25782
residential premises of, a manufactured home park, in 25783
accordance with a judgment of eviction entered in court 25784
on against If the manufactured home, mobile 25785
home, or recreational vehicle is not removed from the manufactured 25786
home park within twenty-one days from the date of delivery of this 25787
notice, the home or vehicle may be sold or destroyed, or its title 25788
may be transferred to, pursuant to division (B) of both 25789
sections 1923.13 and 1923.14 of the Revised Code. If you are in 25790
doubt regarding your legal rights, it is recommended that you seek 25791
legal assistance." 25792

The park operator shall deliver or cause the delivery of the 25793
notice by personal delivery to the person or by ordinary mail sent 25794
to the last known address of the person. If a sale of the home or 25795
vehicle is arranged, the person shall pay any rent due to the park 25796
operator during the pendency of the sale. If the person does not 25797
remove the home or vehicle or arrange for its sale within 25798
twenty-one days from the date of the delivery of the notice, the 25799
park operator may follow the procedures of division (B) of section 25800
1923.13 and division (B) of section 1923.14 of the Revised Code to 25801

permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 25802
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(3) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 25805
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(D) When a deceased resident or a resident's estate has been evicted from a manufactured home park pursuant to a judgment entered under section 1923.09 or 1923.11 of the Revised Code, the removal from the park and potential sale, destruction, or transfer of ownership of the resident's manufactured home, mobile home, or recreational vehicle and any personal property abandoned on the residential premises shall be conducted in the manner prescribed by the probate court in which letters testamentary or of administration have been granted for the estate in accordance with Title XXI of the Revised Code. The park operator may store the resident's manufactured home, mobile home, or recreational vehicle at a storage facility or at another location within the manufactured home park during the administration of the estate. The park operator shall notify the executor or administrator of the resident's estate where the manufactured home, mobile home, or recreational vehicle will be stored during the administration of the estate. The costs for the removal and storage of the manufactured home, mobile home, or recreational vehicle shall be a claim against the resident's estate without further presentation of the claim to the executor or administrator. 25813
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(E)(1) When the resident who has been evicted from a 25833

manufactured home park pursuant to a judgment entered under 25834
section 1923.09 or 1923.11 of the Revised Code is the titled owner 25835
of a manufactured home, mobile home, or recreational vehicle and 25836
is or becomes deceased prior to the removal of the home or vehicle 25837
from the manufactured home park, and no probate court has granted 25838
~~letters testamentary or of~~ administration with respect to the 25839
resident's estate within ninety days of the deceased's death, the 25840
park operator may store the home or vehicle at a storage facility 25841
or at another location within the manufactured home park before 25842
and after a probate court grants letters testamentary or of 25843
administration with respect to the resident's estate pursuant to 25844
Title XXI of the Revised Code. 25845

(2) If a probate court grants administration with respect to 25846
the resident's estate within ninety days of the date of the 25847
eviction of the resident from the park, the removal of the 25848
manufactured home, mobile home, or recreational vehicle from the 25849
park and potential sale, destruction, or transfer of ownership of 25850
the home or vehicle shall be conducted pursuant to division (D) of 25851
this section. 25852

(3) If no probate court grants ~~letters testamentary or of~~ 25853
administration with respect to the resident's estate within ~~one~~ 25854
~~year~~ ninety days of the date of the eviction of the resident from 25855
the manufactured home park pursuant to a judgment entered under 25856
section 1923.09 or 1923.11 of the Revised Code, the park operator 25857
~~may follow the procedures of division (B) of section 1923.13 and~~ 25858
~~division (B) of section 1923.14 of the Revised Code to permit the~~ 25859
~~removal of the manufactured home, mobile home, or recreational~~ 25860
~~vehicle from the park and potential sale, destruction, or transfer~~ 25861
~~of ownership of the home or vehicle.~~ 25862

~~(3) If a probate court grants letters testamentary or of~~ 25863
~~administration with respect to the resident's estate within one~~ 25864
~~year of the date of the eviction of the resident from the park,~~ 25865

~~the removal of the manufactured home, mobile home, or recreational vehicle from the park and potential sale, destruction, or transfer of ownership of the home or vehicle shall be conducted pursuant to division (D) of this section shall conduct or cause to be conducted a search of the appropriate public records that relate to the manufactured home, mobile home, or recreational vehicle, and make or cause to be made reasonably diligent inquiries, for the purpose of identifying any persons who have an outstanding right, title, or interest in the home or vehicle.~~ 25866
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(a) If the search or inquiries pursuant to division (E)(3) of this section reveal any person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall provide to the person a written notice to remove the home or vehicle from the manufactured home park or arrange for the sale of the home or vehicle within twenty-one days from the date of the delivery of the notice. The notice shall be in the form described in division (C)(2) of this section. The park operator shall deliver or cause the delivery of the notice by personal delivery to the person or by ordinary mail sent to the last known address of the person. If a sale of the home or vehicle is arranged, the person shall pay any rent due to the park operator during the pendency of the sale. If the person does not remove the home or vehicle or arrange for its sale within twenty-one days from the date of the delivery of the notice, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 25875
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(b) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall 25895
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publish notice of a petition for a writ of execution in a 25898
newspaper of general circulation in the county where the home or 25899
vehicle has been abandoned. The publication shall contain the name 25900
of the deceased and the last known address of the home or vehicle 25901
and shall run for two consecutive weeks. The park operator shall 25902
provide to the clerk of the court written certification by the 25903
newspaper of the dates of the publication and an affidavit signed 25904
by the operator attesting to the publication. The park operator 25905
may then follow the procedures of division (B) of section 1923.13 25906
and division (B) of section 1923.14 of the Revised Code to permit 25907
the removal of the home or vehicle from the manufactured home 25908
park, and the potential sale, destruction, or transfer of 25909
ownership of the home or vehicle. 25910

Sec. 1923.13. (A) When a judgment of restitution is entered 25911
by a court in an action under this chapter, unless the plaintiff 25912
or the plaintiff's agent or attorney proceeds under division (B) 25913
of this section, at the request of the plaintiff or the 25914
plaintiff's agent or attorney, that court shall issue a writ of 25915
execution on the judgment, in the following form, as near as 25916
practicable: 25917

"The state of Ohio, county: To any 25918
constable or police officer of township, city, 25919
or village; or To the sheriff of 25920
county; or To any authorized bailiff of the (name of 25921
court): 25922

Whereas, in a certain action for the forcible entry and 25923
detention (or the forcible detention, as the case may be), of the 25924
following described premises, to wit:, lately tried 25925
before this court, wherein was plaintiff, and 25926
..... was defendant, judgment was rendered on 25927
the day of,, that the plaintiff 25928

have restitution of those premises; and also that the plaintiff 25929
recover costs in the sum of You therefore are 25930
hereby commanded to cause the defendant to be forthwith removed 25931
from those premises, and the plaintiff to have restitution of 25932
them; also, that you levy of the goods and chattels of the 25933
defendant, and make the costs previously mentioned and all 25934
accruing costs, and of this writ make legal service and due 25935
return. 25936

Witness my hand, this day of, 25937
..... Judge, (Name of court)" 25938

(B) When a judgment of restitution is entered by a court in 25939
any action under this chapter against a manufactured home park 25940
resident or the estate of a manufactured home park resident, at 25941
the request of the plaintiff or the plaintiff's agent or attorney, 25942
that court shall issue a writ of execution on the judgment, in the 25943
following form, as near as practicable: 25944

"The state of Ohio, county; To any constable or 25945
police officer of township, city, or village; or To the 25946
sheriff of county; or To any authorized bailiff of the 25947
..... (name of court): 25948

Whereas, in a certain action for eviction of a resident or a 25949
resident's estate from the following described residential 25950
premises of a manufactured home park on which the following 25951
described manufactured home, mobile home, or recreational vehicle 25952
is located, to wit:, lately tried before this court, 25953
wherein was plaintiff, and was defendant, 25954
..... judgment was rendered on the day of 25955
.....,, that the plaintiff have restitution of the 25956
premises and also that the plaintiff recover costs in the sum of 25957
..... You therefore are hereby authorized to cause the 25958
defendant to be removed and set out from the residential premises, 25959
if ~~necessary~~ the defendant holds over on the premises subsequent 25960

to an eviction judgment against the defendant. In accordance with 25961
division (A) of section 1923.12 of the Revised Code, three days 25962
after the eviction judgment, the plaintiff is hereby commanded to 25963
post a fourteen-day notice to the defendant to sell or remove the 25964
manufactured home, mobile home, or recreational vehicle from the 25965
premises, at the defendant's costs. If the manufactured home, 25966
mobile home, or recreational vehicle is not sold or removed by the 25967
defendant at the expiration of the fourteen-day notice, it is 25968
hereby ordered that the defendant forfeits the right to the 25969
manufactured home, mobile home, or recreational vehicle and the 25970
plaintiff is hereby authorized to exercise the rights set forth 25971
herein. Also, you are to levy of the goods and chattels of the 25972
defendant, and make the costs previously mentioned and all 25973
accruing costs, and of this writ make legal service and due 25974
return. 25975

Further, you are authorized to cause the manufactured home, 25976
mobile home, or recreational vehicle, and all personal property on 25977
the residential premises, to be, ~~at your option, either (1)~~ 25978
~~removed from the manufactured home park and, if necessary, moved~~ 25979
~~to a storage facility of your choice, or (2) retained at their~~ 25980
current location on the residential premises, until they are 25981
disposed of in a manner authorized by this writ or the law of this 25982
state. 25983

If the manufactured home, mobile home, or recreational 25984
vehicle has been abandoned by the defendant, the park operator is 25985
hereby commanded to submit a notarized affidavit to the county 25986
auditor of the county where the park is located listing the titled 25987
owner, address, serial number, and the value of the manufactured 25988
home, mobile home, or recreational vehicle. Within fifteen days 25989
after receipt of the affidavit, the county auditor is hereby 25990
commanded to confirm whether the county auditor agrees or 25991
disagrees with the stated value on the affidavit. Either of the 25992

following shall apply: 25993

(1) If the county auditor agrees with the stated value on the affidavit, the county auditor is hereby commanded to sign the original affidavit attesting to the agreement of the value of the manufactured home, mobile home, or recreational vehicle and return the original affidavit to the park operator within fifteen days after receipt of the affidavit from the park operator. 25994
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(2) If the county auditor disagrees with the stated value on the affidavit, the county auditor is hereby commanded to notify the park operator of the disagreement within fifteen days after receipt of the affidavit. The park operator is hereby authorized to submit additional materials in support of the stated value on the affidavit consistent with industry valuation standards within ten days after receipt of the notice of the disagreement. If the park operator submits additional materials in support of the stated value on the affidavit, then after reviewing the additional materials submitted, either of the following shall apply: 26000
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(a) If the county auditor agrees with the stated value on the affidavit, the county auditor is hereby commanded to sign the original affidavit attesting to the agreement of the value of the manufactured home, mobile home, or recreational vehicle and return the original affidavit to the park operator within ten days after receipt of the additional materials. 26010
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(b) If the county auditor continues to disagree with the stated value on the affidavit, the county auditor is hereby commanded to notify the park operator of the continued disagreement within ten days of receipt of the additional material and return the original affidavit to the park operator. The park operator is hereby authorized to appeal to this court for a ruling on the disagreement pursuant to court rule. 26016
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The park operator is hereby commanded to submit to this court 26023

the affidavit signed by the county auditor stating the value of 26024
the manufactured home, mobile home, or recreational vehicle, which 26025
shall be deemed to be the park operator's sworn testimony. If the 26026
park operator knowingly falsifies information on the affidavit the 26027
park operator shall be guilty of falsification under divisions 26028
(A)(1), (3), and (6) of section 2921.13 of the Revised Code. 26029

If the manufactured home, mobile home, or recreational 26030
vehicle has been so abandoned and has a value of more than three 26031
thousand dollars, and the requirements of section 1923.12 of the 26032
Revised Code have been satisfied, you are hereby authorized to 26033
cause the sale of the home or vehicle and personal property in the 26034
home or vehicle in accordance with division (B)(3) of section 26035
1923.14 of the Revised Code. ~~A search of appropriate public~~ 26036
~~records or other reasonably diligent inquiries reveals the~~ 26037
~~following persons, whose last known addresses are listed next to~~ 26038
~~their names, may continue to have an outstanding right, title, or~~ 26039
~~interest in the home or vehicle:~~ In addition, the 26040
~~following persons, whose last known addresses are listed next to~~ 26041
~~their names, may continue to have an outstanding right, title, or~~ 26042
~~interest in certain personal property left in the home and listed~~ 26043
~~next to their names:~~ If you are unable to sell the 26044
manufactured home, mobile home, or recreational vehicle due to a 26045
want of bidders, after it is offered for sale on two occasions, 26046
you are hereby commanded to cause the presentation of this writ to 26047
a clerk of the court of common pleas title division for the 26048
issuance of a certificate of title transferring the title of the 26049
home or vehicle to the plaintiff, free and clear of all security 26050
interests, liens, and encumbrances, in accordance with division 26051
(B)(3) of section 1923.14 of the Revised Code. 26052

If the manufactured home, mobile home, or recreational 26053
vehicle has been so abandoned and has a value of ~~less than~~ three 26054
thousand dollars or less and if the requirements of section 26055

1923.12 of the Revised Code have been satisfied, you are hereby 26056
authorized ~~either to cause the sale or destruction of the home or~~ 26057
~~vehicle, or~~ to cause the presentation of this writ to a clerk of 26058
the court of common pleas title division for the issuance of a 26059
certificate of title transferring the title of the home or vehicle 26060
to the plaintiff, free and clear of all security interests, liens, 26061
and encumbrances, in accordance with division (B)(4) of section 26062
1923.14 of the Revised Code. 26063

Upon this writ's presentation by the levying officer to a 26064
clerk of the court of common pleas title division under the 26065
circumstances described in either of the two preceding paragraphs 26066
and in accordance with division (B)(3) or (4) of section 1923.14 26067
of the Revised Code, as applicable, the clerk is hereby commanded 26068
to issue a certificate of title transferring the title of the 26069
manufactured home, mobile home, or recreational vehicle to the 26070
plaintiff, free and clear of all security interests, liens, and 26071
encumbrances, in the manner prescribed in section 4505.10 of the 26072
Revised Code. 26073

Witness my hand, this day of, 26074
..... , Judge, (Name of court)." 26075

Sec. 1923.14. (A) Except as otherwise provided in this 26076
section, within ten days after receiving a writ of execution 26077
described in division (A) or (B) of section 1923.13 of the Revised 26078
Code, the sheriff, police officer, constable, or bailiff shall 26079
execute it by restoring the plaintiff to the possession of the 26080
premises, and shall levy and collect the reasonable costs, not to 26081
exceed the standard motion fee, and make return, as upon other 26082
executions. If an appeal from the judgment of restitution is filed 26083
and if, following the filing of the appeal, a stay of execution is 26084
obtained and any required bond is filed with the court of common 26085
pleas, municipal court, or county court, the judge of that court 26086

immediately shall issue an order to the sheriff, police officer, 26087
constable, or bailiff commanding the delay of all further 26088
proceedings upon the execution. If the premises have been restored 26089
to the plaintiff, the sheriff, police officer, constable, or 26090
bailiff shall forthwith place the defendant in possession of them, 26091
and return the writ with the sheriff's, police officer's, 26092
constable's, or bailiff's proceedings and the costs taxed on it. 26093

(B)(1) After a ~~court of common pleas~~, municipal court, or 26094
county court issues a writ of execution described in division (B) 26095
of section 1923.13 of the Revised Code, the clerk of the court 26096
shall send by regular mail, to the last known address of each 26097
person other than the titled owner of the manufactured home, 26098
mobile home, or recreational vehicle that is the subject of the 26099
writ ~~and to the last known address of each other person~~ who is 26100
listed on the writ as having any outstanding right, title, or 26101
interest in the home, vehicle, or personal property and to the 26102
auditor and treasurer of the county in which the court is located, 26103
a written notice that the home or vehicle potentially may be sold, 26104
destroyed, or have its title transferred under the circumstances 26105
described in division (B)(3) or (4) of this section. A person 26106
having any outstanding right, title, or interest in the home, 26107
vehicle, or personal property is not required to consent to the 26108
notice required under this division in order for the writ to be 26109
executed. 26110

(2) Except as otherwise provided in this division, after 26111
causing the defendant to be removed from the residential premises 26112
of the manufactured home park, if necessary, by writ of 26113
restitution, and receiving a writ of execution described in 26114
division (B) of section 1923.13 of the Revised Code, ~~and after~~ 26115
~~causing the defendant to be removed from the residential premises~~ 26116
~~of the manufactured home park, if necessary,~~ in accordance with 26117
the writ, the sheriff, police officer, constable, or bailiff may 26118

cause the manufactured home, mobile home, or recreational vehicle 26119
that is the subject of the writ, and all personal property on the 26120
residential premises, ~~at the sheriff's, police officer's,~~ 26121
~~constable's, or bailiff's option, either to be removed from the~~ 26122
~~manufactured home park and, if necessary, moved to a storage~~ 26123
~~facility of the sheriff's, police officer's, constable's, or~~ 26124
~~bailiff's choice, or to be retained at their current location on~~ 26125
the residential premises, until they are claimed by the defendant 26126
or they are disposed of in a manner authorized by division (B)(3), 26127
(4), or (6) of this section or by another section of the Revised 26128
Code. ~~The sheriff, police officer, constable, or bailiff shall not~~ 26129
~~cause the manufactured home, mobile home, or recreational vehicle~~ 26130
~~that is the subject of the writ, or the personal property, to be~~ 26131
~~removed from the manufactured home park or moved to a storage~~ 26132
~~facility if the holder of any outstanding lien, right, title, or~~ 26133
~~interest in the home or vehicle, other than the titled owner of~~ 26134
~~the home or vehicle, meets the conditions set forth in division~~ 26135
~~(B)(6) or (7) of this section.~~ 26136

~~The sheriff, police officer, constable, or bailiff who~~ 26137
~~removes the manufactured home, mobile home, or recreational~~ 26138
~~vehicle, or the abandoned personal property, from the residential~~ 26139
~~premises shall be immune from civil liability pursuant to section~~ 26140
~~2744.03 of the Revised Code for any damage caused to the home,~~ 26141
~~vehicle, or any personal property during the removal.~~ 26142

The park operator shall not be liable for any damage caused 26143
by the park operator's removal of the manufactured home, mobile 26144
home, or recreational vehicle or the removal of the personal 26145
property from the residential premises, or for any damage to the 26146
home, vehicle, or personal property during the time the home, 26147
vehicle, or property remains abandoned or stored in the 26148
manufactured home park, unless the damage is the result of acts 26149
that the park operator or the park operator's agents or employees 26150

performed with malicious purpose, in bad faith, or in a wanton or 26151
reckless manner. The reasonable costs for a removal of the 26152
manufactured home, mobile home, or recreational vehicle and 26153
personal property and, as applicable, the reasonable costs for its 26154
storage shall constitute a lien upon the home or vehicle payable 26155
by the titled owner of the home or vehicle or payable pursuant to 26156
division (B)(3) of this section to the park operator. 26157

The sheriff, police officer, constable, or bailiff shall not 26158
be liable for any damage caused by the park operator's removal of 26159
the manufactured home, mobile home, or recreational vehicle or the 26160
removal of the personal property from the residential premises, or 26161
for any damage to the home, vehicle, or personal property during 26162
the time the home, vehicle, or property remains abandoned or 26163
stored in the manufactured home park. 26164

(3) Except as provided in divisions (B)(4), (5), and (6) of 26165
this section and division (D) of section 1923.12 of the Revised 26166
Code, within sixty days after receiving a writ of execution 26167
described in division (B) of section 1923.13 of the Revised Code 26168
for a manufactured home, mobile home, or recreational vehicle, 26169
determined to have a value of more than three thousand dollars, 26170
the sheriff, police officer, constable, or bailiff shall commence 26171
proceedings for the sale of the manufactured home, mobile home, or 26172
recreational vehicle that is the subject of the writ, and the 26173
abandoned personal property on the residential premises, if the 26174
home or vehicle is determined to be abandoned in accordance with 26175
the procedures for the sale of goods on execution under Chapter 26176
2329. of the Revised Code. In addition to all notices required to 26177
be given under section 2329.13 of the Revised Code, the sheriff, 26178
police officer, constable, or bailiff shall serve at their 26179
respective last known addresses a written notice of the date, 26180
time, and place of the sale upon all persons who are listed on the 26181
writ of execution as having any outstanding right, title, or 26182

interest in the abandoned manufactured home, mobile home, or 26183
recreational vehicle and the personal property and shall provide 26184
written notice to the auditor and the treasurer of the county in 26185
which the court issuing the writ is located. 26186

Unless the proceedings are governed by division (D) of 26187
section 1923.12 of the Revised Code, notwithstanding any statutory 26188
provision to the contrary, including, but not limited to, section 26189
2329.66 of the Revised Code, there shall be no stay of execution 26190
or exemption from levy or sale on execution available to the 26191
titled owner of the abandoned manufactured home, mobile home, or 26192
recreational vehicle in relation to a sale under this division. 26193
Except as otherwise provided in sections 2113.031, 2117.25, and 26194
5162.21 of the Revised Code in a case involving a deceased 26195
resident or resident's estate, the sheriff, police officer, 26196
constable, or bailiff shall distribute the proceeds from the sale 26197
of an abandoned manufactured home, mobile home, or recreational 26198
vehicle and any personal property under this division in the 26199
following manner: 26200

(a) The sheriff, police officer, constable, or bailiff shall 26201
first pay the costs for any moving of and any storage outside the 26202
manufactured home park of the home or vehicle and any personal 26203
property pursuant to division (B)(2) of this section, the costs of 26204
the sale, ~~including reimbursing the park operator for the deposit~~ 26205
~~that the park operator paid to the clerk of court under division~~ 26206
~~(C) of section 1923.12 of the Revised Code~~ any advertising 26207
expenses paid by the park operator for the sale of the 26208
manufactured home, mobile home, or recreational vehicle under 26209
division (B)(3) of this section, and any unpaid court costs 26210
assessed against the defendant in the underlying action. 26211

(b) Following the payment required by division (B)(3)(a) of 26212
this section, the sheriff, police officer, constable, or bailiff 26213
shall pay all outstanding tax liens on the home or vehicle. 26214

(c) Following the payment required by division (B)(3)(b) of 26215
this section, the sheriff, police officer, constable, or bailiff 26216
shall pay all other outstanding security interests, liens, or 26217
encumbrances on the home or vehicle by priority of filing or other 26218
priority. 26219

(d) Following the payment required by division (B)(3)(c) of 26220
this section, the sheriff, police officer, constable, or bailiff 26221
shall pay any outstanding monetary judgment rendered under section 26222
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 26223
and any costs associated with retaining the home or vehicle prior 26224
to the sale at its location on the residential premises within the 26225
manufactured home park pursuant to division (B)(2) of this 26226
section. 26227

(e) After complying with divisions (B)(3)(a) to (d) of this 26228
section, the sheriff, police officer, constable, or bailiff shall 26229
report any remaining money as unclaimed funds pursuant to Chapter 26230
169. of the Revised Code. 26231

Upon the return of any writ of execution for the satisfaction 26232
of which an abandoned manufactured home, mobile home, or 26233
recreational vehicle has been sold under this division, on careful 26234
examination of the proceedings of the sheriff, police officer, 26235
constable, or bailiff conducting the sale, if the court that 26236
issued the writ finds that the sale was made, in all respects, in 26237
conformity with ~~the relevant provisions of Chapter 2329. of the~~ 26238
~~Revised Code and with~~ this division, it the court shall direct the 26239
clerk of the court to make an entry on the journal that the court 26240
is satisfied with the legality of the sale and order the ~~court~~ 26241
~~shall direct the~~ clerk of the court of common pleas ~~of the county~~ 26242
~~in which the writ was issued~~ title division to issue a certificate 26243
of title, free and clear of all security interests, liens, and 26244
encumbrances, to the purchaser of the home or vehicle. ~~The clerk~~ 26245
~~of the court of common pleas shall issue the new certificate of~~ 26246

~~title to the purchaser of the home or vehicle regardless of~~ 26247
~~whether the writ was issued by the court of common pleas or~~ 26248
~~another court duly authorized to issue the writ.~~ If the 26249
manufactured home, mobile home, or recreational vehicle sold under 26250
this division is located in a manufactured home park, the 26251
purchaser of the home or vehicle shall have no right to maintain 26252
the home or vehicle in the manufactured home park without the park 26253
operator's consent and the sheriff, police officer, constable, or 26254
bailiff conducting the sale shall notify all prospective 26255
purchasers of this fact prior to the commencement of the sale. 26256

If, after it is offered for sale on two occasions under this 26257
division, the abandoned manufactured home, mobile home, or 26258
recreational vehicle cannot be sold due to a want of bidders, the 26259
sheriff, police officer, constable, or bailiff shall present the 26260
writ of execution unsatisfied to the clerk of the court of common 26261
pleas title division, of the county in which the writ was issued 26262
for the issuance by the clerk in the manner prescribed in section 26263
4505.10 of the Revised Code of a certificate of title transferring 26264
the title of the home or vehicle to the plaintiff, free and clear 26265
of all security interests, liens, and encumbrances. ~~The clerk of~~ 26266
~~the court of common pleas shall issue the new certificate of title~~ 26267
~~transferring the title of the manufactured home, mobile home, or~~ 26268
~~recreational vehicle to the plaintiff regardless of whether the~~ 26269
~~writ was issued by the court of common pleas or another court duly~~ 26270
~~authorized to issue the writ.~~ If any taxes are owed on the home or 26271
vehicle at this time, the county auditor shall remove the 26272
delinquent taxes from the manufactured home tax list and the 26273
delinquent manufactured home tax list and remit any penalties for 26274
late payment of manufactured home taxes. Acceptance of the 26275
certificate of title by the plaintiff terminates all further 26276
proceedings under this section. In accordance with division (E)(3) 26277
of section 4503.061 of the Revised Code, the plaintiff shall 26278
notify the county auditor of the transfer of title. Pursuant to 26279

section 4503.061 of the Revised Code, if the manufactured home, mobile home, or recreational vehicle is destroyed or removed, the plaintiff shall provide the county auditor with notice of removal or destruction of the manufactured home, mobile home, or recreational vehicle.

(4) Except as provided in division (B)(5) or (6) of this section and division (D) of section 1923.12 of the Revised Code, within ~~sixty~~ thirty days after receiving a writ of execution described in division (B) of section 1923.13 of the Revised Code, if the manufactured home, mobile home, or recreational vehicle is determined to be abandoned and to have a value of ~~less than~~ three thousand dollars or less, ~~the sheriff, police officer, constable, or bailiff shall serve at their respective last known addresses a written notice of potential action as described in this division upon all persons who are listed on the writ as having any outstanding right, title, or interest in the home or vehicle. This notice shall be in addition to all notices required to be given under section 2329.13 of the Revised Code. Subject to the fulfillment of these notice requirements, the sheriff, police officer, constable, or bailiff shall take one of the following actions with respect to the abandoned manufactured home, mobile home, or recreational vehicle:~~

~~(a) Cause its destruction if there is no person having an outstanding right, title, or interest in the home or vehicle, other than the titled owner of the home or vehicle;~~

~~(b) Proceed with its sale under division (B)(3) of this section;~~

~~(c) If there is no person having an outstanding right, title, or interest in the home or vehicle other than the titled owner of the home or vehicle, or if there is an outstanding right, title, or interest in the home or vehicle and the lienholder consents in writing, present the writ of execution to the clerk of the court~~

of common pleas title division, of the county in which the writ 26312
was issued for the issuance by the clerk in the manner prescribed 26313
in section 4505.10 of the Revised Code of a certificate of title 26314
transferring the title of the home or vehicle to the plaintiff, 26315
free and clear of all security interests, liens, and encumbrances. 26316
~~The clerk of the court of common pleas shall issue the new~~ 26317
~~certificate of title transferring the title of the home or vehicle~~ 26318
~~regardless of whether the writ was issued by the court of common~~ 26319
~~pleas or another court duly authorized to issue the writ.~~ If any 26320
taxes are owed on the home or vehicle at this time, the county 26321
auditor shall remove the delinquent taxes from the manufactured 26322
home tax list and the delinquent manufactured home tax list and 26323
remit any penalties for late payment of manufactured home taxes. 26324
Acceptance of the certificate of title by the plaintiff terminates 26325
all further proceedings under this section. In accordance with 26326
division (E)(3) of section 4503.061 of the Revised Code, the 26327
plaintiff shall notify the county auditor of the transfer of 26328
title. Pursuant to section 4503.0611 of the Revised Code, if the 26329
manufactured home, mobile home, or recreational vehicle is 26330
destroyed or removed, the plaintiff shall provide the county 26331
auditor with notice of removal or destruction of the manufactured 26332
home, mobile home, or recreational vehicle. 26333

(5) At any time prior to the issuance of the writ of 26334
execution described in division (B) of section 1923.13 of the 26335
Revised Code, the titled owner of the manufactured home, mobile 26336
home, or recreational vehicle that would be the subject of the 26337
writ may remove the abandoned home or vehicle from the 26338
manufactured home park ~~or other place of storage~~ upon payment to 26339
the county auditor of all outstanding tax liens on the home or 26340
vehicle and, unless the owner is indigent, payment to the clerk of 26341
court of all unpaid court costs assessed against the defendant in 26342
the underlying action. After the issuance of the writ of 26343
execution, the titled owner of the home or vehicle may remove the 26344

abandoned home or vehicle from the manufactured home park ~~or other~~ 26345
~~place of storage~~ at any time up to the day before the scheduled 26346
sale, destruction, or transfer of the home or vehicle pursuant to 26347
division (B)(3) or (4) of this section upon payment of all of the 26348
following: 26349

(a) All costs ~~for moving and storage of the home or vehicle~~ 26350
~~pursuant to division (B)(2) of this section and all costs~~ incurred 26351
by the sheriff, police officer, constable, or bailiff ~~up to and~~ 26352
~~including the date of the removal of the home or vehicle;~~ 26353

(b) All outstanding tax liens on the home or vehicle; 26354

(c) Unless the owner is indigent, all unpaid court costs 26355
assessed against the defendant in the underlying action. 26356

(6) At any time after the issuance of the writ of execution 26357
described in division (B) of section 1923.13 of the Revised Code, 26358
the holder of any outstanding lien, right, title, or interest in 26359
the manufactured home, mobile home, or recreational vehicle, other 26360
than the titled owner of the home or vehicle, may stop the 26361
sheriff, police officer, constable, or bailiff from proceeding 26362
with the sale under this division by doing both of the following: 26363

(a) Commencing a proceeding to repossess the home or vehicle 26364
pursuant to Chapters 1309. and 1317. of the Revised Code; 26365

(b) Paying to the park operator all monthly rental payments 26366
for the lot on which the home or vehicle is located from the time 26367
of the issuance of the writ of execution until the time that the 26368
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 26369
the Revised Code. 26370

(7)(a) At any time prior to the day before the scheduled sale 26371
of the property pursuant to division (B)(3) of this section, the 26372
defendant may remove any personal property of the defendant from 26373
the abandoned home or vehicle or other place of storage. 26374

(b) If personal property owned by a person other than the defendant is abandoned on the residential premises and has not previously been removed, the owner of the personal property may remove the personal property from the abandoned home or vehicle or other place of storage up to the day before the scheduled sale of the property pursuant to division (B)(3) of this section upon presentation of proof of ownership of the property that is satisfactory to the sheriff, police officer, constable, or bailiff conducting the sale.

Sec. 2151.353. (A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody of a any of the following:

(a) A public children services agency,~~a~~

(b) A private child placing agency,~~either;~~

(c) Either parent,~~a~~

(d) A relative residing within or outside the state,~~or a~~

(e) A probation officer for placement in a certified foster home,~~or in any other home approved by the court;~~

(f) Any other person approved by the court.

(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal

custody of the child only if the person identified signs a 26404
statement of understanding for legal custody that contains at 26405
least the following provisions: 26406

(a) That it is the intent of the person to become the legal 26407
custodian of the child and the person is able to assume legal 26408
responsibility for the care and supervision of the child; 26409

(b) That the person understands that legal custody of the 26410
child in question is intended to be permanent in nature and that 26411
the person will be responsible as the custodian for the child 26412
until the child reaches the age of majority. Responsibility as 26413
custodian for the child shall continue beyond the age of majority 26414
if, at the time the child reaches the age of majority, the child 26415
is pursuing a diploma granted by the board of education or other 26416
governing authority, successful completion of the curriculum of 26417
any high school, successful completion of an individualized 26418
education program developed for the student by any high school, or 26419
an age and schooling certificate. Responsibility beyond the age of 26420
majority shall terminate when the child ceases to continuously 26421
pursue such an education, completes such an education, or is 26422
excused from such an education under standards adopted by the 26423
state board of education, whichever occurs first. 26424

(c) That the parents of the child have residual parental 26425
rights, privileges, and responsibilities, including, but not 26426
limited to, the privilege of reasonable visitation, consent to 26427
adoption, the privilege to determine the child's religious 26428
affiliation, and the responsibility for support; 26429

(d) That the person understands that the person must be 26430
present in court for the dispositional hearing in order to affirm 26431
the person's intention to become legal custodian, to affirm that 26432
the person understands the effect of the custodianship before the 26433
court, and to answer any questions that the court or any parties 26434
to the case may have. 26435

(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section 2151.414 of the Revised Code that the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent and determines in accordance with division (D)(1) of section 2151.414 of the Revised Code that the permanent commitment is in the best interest of the child. If the court grants permanent custody under this division, the court, upon the request of any party, shall file a written opinion setting forth its findings of fact and conclusions of law in relation to the proceeding.

(5) Place the child in a planned permanent living arrangement with a public children services agency or private child placing agency, if a public children services agency or private child placing agency requests the court to place the child in a planned permanent living arrangement and if the court finds, by clear and convincing evidence, that a planned permanent living arrangement is in the best interest of the child, that the child is sixteen years of age or older, and that one of the following exists:

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care now and for the foreseeable future beyond the date of the dispositional hearing held pursuant to section 2151.35 of the Revised Code.

(b) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D)(1) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative.

(c) The child has been counseled on the permanent placement options available to the child, and is unwilling to accept or unable to adapt to a permanent placement.

(6) Order the removal from the child's home until further order of the court of the person who committed abuse as described in section 2151.031 of the Revised Code against the child, who caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, or who is the parent, guardian, or custodian of a child who is adjudicated a dependent child and order any person not to have contact with the child or the child's siblings.

(B)(1) When making a determination on whether to place a child in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section, the court shall consider all relevant information that has been presented to the court, including information gathered from the child, the child's guardian ad litem, and the public children services agency or private child placing agency.

(2) A child who is placed in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section shall be placed in an independent living setting or in a family setting in which the caregiver has been provided by the agency that has custody of the child with a notice that addresses the following:

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings

and court hearings as appropriate, complete training, as provided 26499
in division (B) of section 5103.035 of the Revised Code, related 26500
to providing the child independent living services, and assist in 26501
the child's transition into adulthood. 26502

(3) The department of job and family services shall develop a 26503
model notice to be provided by an agency that has custody of a 26504
child to a caregiver under division (B)(2) of this section. The 26505
agency may modify the model notice to apply to the needs of the 26506
agency. 26507

(C) No order for permanent custody or temporary custody of a 26508
child or the placement of a child in a planned permanent living 26509
arrangement shall be made pursuant to this section unless the 26510
complaint alleging the abuse, neglect, or dependency contains a 26511
prayer requesting permanent custody, temporary custody, or the 26512
placement of the child in a planned permanent living arrangement 26513
as desired, the summons served on the parents of the child 26514
contains as is appropriate a full explanation that the granting of 26515
an order for permanent custody permanently divests them of their 26516
parental rights, a full explanation that an adjudication that the 26517
child is an abused, neglected, or dependent child may result in an 26518
order of temporary custody that will cause the removal of the 26519
child from their legal custody until the court terminates the 26520
order of temporary custody or permanently divests the parents of 26521
their parental rights, or a full explanation that the granting of 26522
an order for a planned permanent living arrangement will result in 26523
the removal of the child from their legal custody if any of the 26524
conditions listed in divisions (A)(5)(a) to (c) of this section 26525
are found to exist, and the summons served on the parents contains 26526
a full explanation of their right to be represented by counsel and 26527
to have counsel appointed pursuant to Chapter 120. of the Revised 26528
Code if they are indigent. 26529

If after making disposition as authorized by division (A)(2) 26530

of this section, a motion is filed that requests permanent custody 26531
of the child, the court may grant permanent custody of the child 26532
to the movant in accordance with section 2151.414 of the Revised 26533
Code. 26534

(D) If the court issues an order for protective supervision 26535
pursuant to division (A)(1) of this section, the court may place 26536
any reasonable restrictions upon the child, the child's parents, 26537
guardian, or custodian, or any other person, including, but not 26538
limited to, any of the following: 26539

(1) Order a party, within forty-eight hours after the 26540
issuance of the order, to vacate the child's home indefinitely or 26541
for a specified period of time; 26542

(2) Order a party, a parent of the child, or a physical 26543
custodian of the child to prevent any particular person from 26544
having contact with the child; 26545

(3) Issue an order restraining or otherwise controlling the 26546
conduct of any person which conduct would not be in the best 26547
interest of the child. 26548

(E) As part of its dispositional order, the court shall 26549
journalize a case plan for the child. The journalized case plan 26550
shall not be changed except as provided in section 2151.412 of the 26551
Revised Code. 26552

(F)(1) The court shall retain jurisdiction over any child for 26553
whom the court issues an order of disposition pursuant to division 26554
(A) of this section or pursuant to section 2151.414 or 2151.415 of 26555
the Revised Code until the child attains the age of eighteen years 26556
if the child is not mentally retarded, developmentally disabled, 26557
or physically impaired, the child attains the age of twenty-one 26558
years if the child is mentally retarded, developmentally disabled, 26559
or physically impaired, or the child is adopted and a final decree 26560
of adoption is issued, except that the court may retain 26561

jurisdiction over the child and continue any order of disposition 26562
under division (A) of this section or under section 2151.414 or 26563
2151.415 of the Revised Code for a specified period of time to 26564
enable the child to graduate from high school or vocational 26565
school. The court shall retain jurisdiction over a person who 26566
meets the requirements described in division (A)(1) of section 26567
5101.1411 of the Revised Code and who is subject to a voluntary 26568
participation agreement that is in effect. The court shall make an 26569
entry continuing its jurisdiction under this division in the 26570
journal. 26571

(2) Any public children services agency, any private child 26572
placing agency, the department of job and family services, or any 26573
party, other than any parent whose parental rights with respect to 26574
the child have been terminated pursuant to an order issued under 26575
division (A)(4) of this section, by filing a motion with the 26576
court, may at any time request the court to modify or terminate 26577
any order of disposition issued pursuant to division (A) of this 26578
section or section 2151.414 or 2151.415 of the Revised Code. The 26579
court shall hold a hearing upon the motion as if the hearing were 26580
the original dispositional hearing and shall give all parties to 26581
the action and the guardian ad litem notice of the hearing 26582
pursuant to the Juvenile Rules. If applicable, the court shall 26583
comply with section 2151.42 of the Revised Code. 26584

(G) Any temporary custody order issued pursuant to division 26585
(A) of this section shall terminate one year after the earlier of 26586
the date on which the complaint in the case was filed or the child 26587
was first placed into shelter care, except that, upon the filing 26588
of a motion pursuant to section 2151.415 of the Revised Code, the 26589
temporary custody order shall continue and not terminate until the 26590
court issues a dispositional order under that section. In 26591
resolving the motion, the court shall not order an existing 26592
temporary custody order to continue beyond two years after the 26593

date on which the complaint was filed or the child was first 26594
placed into shelter care, whichever date is earlier, regardless of 26595
whether any extensions have been previously ordered pursuant to 26596
division (D) of section 2151.415 of the Revised Code. 26597

(H)(1) No later than one year after the earlier of the date 26598
the complaint in the case was filed or the child was first placed 26599
in shelter care, a party may ask the court to extend an order for 26600
protective supervision for six months or to terminate the order. A 26601
party requesting extension or termination of the order shall file 26602
a written request for the extension or termination with the court 26603
and give notice of the proposed extension or termination in 26604
writing before the end of the day after the day of filing it to 26605
all parties and the child's guardian ad litem. If a public 26606
children services agency or private child placing agency requests 26607
termination of the order, the agency shall file a written status 26608
report setting out the facts supporting termination of the order 26609
at the time it files the request with the court. If no party 26610
requests extension or termination of the order, the court shall 26611
notify the parties that the court will extend the order for six 26612
months or terminate it and that it may do so without a hearing 26613
unless one of the parties requests a hearing. All parties and the 26614
guardian ad litem shall have seven days from the date a notice is 26615
sent pursuant to this division to object to and request a hearing 26616
on the proposed extension or termination. 26617

(a) If it receives a timely request for a hearing, the court 26618
shall schedule a hearing to be held no later than thirty days 26619
after the request is received by the court. The court shall give 26620
notice of the date, time, and location of the hearing to all 26621
parties and the guardian ad litem. At the hearing, the court shall 26622
determine whether extension or termination of the order is in the 26623
child's best interest. If termination is in the child's best 26624
interest, the court shall terminate the order. If extension is in 26625

the child's best interest, the court shall extend the order for 26626
six months. 26627

(b) If it does not receive a timely request for a hearing, 26628
the court may extend the order for six months or terminate it 26629
without a hearing and shall journalize the order of extension or 26630
termination not later than fourteen days after receiving the 26631
request for extension or termination or after the date the court 26632
notifies the parties that it will extend or terminate the order. 26633
If the court does not extend or terminate the order, it shall 26634
schedule a hearing to be held no later than thirty days after the 26635
expiration of the applicable fourteen-day time period and give 26636
notice of the date, time, and location of the hearing to all 26637
parties and the child's guardian ad litem. At the hearing, the 26638
court shall determine whether extension or termination of the 26639
order is in the child's best interest. If termination is in the 26640
child's best interest, the court shall terminate the order. If 26641
extension is in the child's best interest, the court shall issue 26642
an order extending the order for protective supervision six 26643
months. 26644

(2) If the court grants an extension of the order for 26645
protective supervision pursuant to division (H)(1) of this 26646
section, a party may, prior to termination of the extension, file 26647
with the court a request for an additional extension of six months 26648
or for termination of the order. The court and the parties shall 26649
comply with division (H)(1) of this section with respect to 26650
extending or terminating the order. 26651

(3) If a court grants an extension pursuant to division 26652
(H)(2) of this section, the court shall terminate the order for 26653
protective supervision at the end of the extension. 26654

(I) The court shall not issue a dispositional order pursuant 26655
to division (A) of this section that removes a child from the 26656
child's home unless the court complies with section 2151.419 of 26657

the Revised Code and includes in the dispositional order the findings of fact required by that section.

(J) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following:

(1) Notice and a copy of the motion or application;

(2) The grounds for the motion or application;

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;

(4) An opportunity to be represented by counsel at the hearing.

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following:

(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located;

(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award.

The court in the county in which the legal custodian resides then shall have jurisdiction in the matter.

Sec. 2151.417. (A) Any court that issues a dispositional

order pursuant to section 2151.353, 2151.414, or 2151.415 of the Revised Code may review at any time the child's placement or custody arrangement, the case plan prepared for the child pursuant to section 2151.412 of the Revised Code, the actions of the public children services agency or private child placing agency in implementing that case plan, the child's permanency plan if the child's permanency plan has been approved, and any other aspects of the child's placement or custody arrangement. In conducting the review, the court shall determine the appropriateness of any agency actions, the safety and appropriateness of continuing the child's placement or custody arrangement, and whether any changes should be made with respect to the child's permanency plan or placement or custody arrangement or with respect to the actions of the agency under the child's placement or custody arrangement. Based upon the evidence presented at a hearing held after notice to all parties and the guardian ad litem of the child, the court may require the agency, the parents, guardian, or custodian of the child, and the physical custodians of the child to take any reasonable action that the court determines is necessary and in the best interest of the child or to discontinue any action that it determines is not in the best interest of the child.

(B) If a court issues a dispositional order pursuant to section 2151.353, 2151.414, or 2151.415 of the Revised Code, the court has continuing jurisdiction over the child as set forth in division (F)(1) of section 2151.353 of the Revised Code. The court may amend a dispositional order in accordance with division (F)(2) of section 2151.353 of the Revised Code at any time upon its own motion or upon the motion of any interested party. The court shall comply with section 2151.42 of the Revised Code in amending any dispositional order pursuant to this division.

(C)(1) Any court that issues a dispositional order pursuant to section 2151.353, 2151.414, or 2151.415 of the Revised Code

shall hold a review hearing one year after the earlier of the date 26719
on which the complaint in the case was filed or the child was 26720
first placed into shelter care to review the case plan prepared 26721
pursuant to section 2151.412 of the Revised Code and the child's 26722
placement or custody arrangement, to approve or review the 26723
permanency plan for the child, and to make changes to the case 26724
plan and placement or custody arrangement consistent with the 26725
permanency plan. The court shall schedule the review hearing at 26726
the time that it holds the dispositional hearing pursuant to 26727
section 2151.35 of the Revised Code. 26728

(2) The court shall hold a similar review hearing no later 26729
than every twelve months after the initial review hearing until 26730
the child is adopted, returned to the parents, or the court 26731
otherwise terminates the child's placement or custody arrangement, 26732
except that the dispositional hearing held pursuant to section 26733
2151.415 of the Revised Code shall take the place of the first 26734
review hearing to be held under this section. The court shall 26735
schedule each subsequent review hearing at the conclusion of the 26736
review hearing immediately preceding the review hearing to be 26737
scheduled. 26738

(3) The court is not required to continue holding review 26739
hearings under divisions (C)(1) and (2) of this section regarding 26740
a child subject to an order of legal custody under section 26741
2151.353 or 2151.415 of the Revised Code, if all of the following 26742
apply: 26743

(a) The child is not subject to an order of protective 26744
supervision under section 2151.353 or 2151.415 of the Revised 26745
Code. 26746

(b) A public children services agency or private child 26747
placing agency is not providing services to the child. 26748

(c) The court finds that further review under divisions 26749

(C)(1) and (2) of this section are no longer necessary to serve 26750
the child's best interests. 26751

(D) If, within fourteen days after a written summary of an 26752
administrative review is filed with the court pursuant to section 26753
2151.416 of the Revised Code, the court does not approve the 26754
proposed change to the case plan filed pursuant to division (E) of 26755
section 2151.416 of the Revised Code or a party or the guardian ad 26756
litem requests a review hearing pursuant to division (E) of that 26757
section, the court shall hold a review hearing in the same manner 26758
that it holds review hearings pursuant to division (C) of this 26759
section, except that if a review hearing is required by this 26760
division and if a hearing is to be held pursuant to division (C) 26761
of this section or section 2151.415 of the Revised Code, the 26762
hearing held pursuant to division (C) of this section or section 26763
2151.415 of the Revised Code shall take the place of the review 26764
hearing required by this division. 26765

(E) If a court determines pursuant to section 2151.419 of the 26766
Revised Code that a public children services agency or private 26767
child placing agency is not required to make reasonable efforts to 26768
prevent the removal of a child from the child's home, eliminate 26769
the continued removal of a child from the child's home, and return 26770
the child to the child's home, and the court does not return the 26771
child to the child's home pursuant to division (A)(3) of section 26772
2151.419 of the Revised Code, the court shall hold a review 26773
hearing to approve the permanency plan for the child and, if 26774
appropriate, to make changes to the child's case plan and the 26775
child's placement or custody arrangement consistent with the 26776
permanency plan. The court may hold the hearing immediately 26777
following the determination under section 2151.419 of the Revised 26778
Code and shall hold it no later than thirty days after making that 26779
determination. 26780

(F) The court shall give notice of the review hearings held 26781

pursuant to this section to every interested party, including, but 26782
not limited to, the appropriate agency employees who are 26783
responsible for the child's care and planning, the child's 26784
parents, any person who had guardianship or legal custody of the 26785
child prior to the custody order, the child's guardian ad litem, 26786
and the child. The court shall summon every interested party to 26787
appear at the review hearing and give them an opportunity to 26788
testify and to present other evidence with respect to the child's 26789
custody arrangement, including, but not limited to, the following: 26790
the case plan for the child; the permanency plan, if one exists; 26791
the actions taken by the child's custodian; the need for a change 26792
in the child's custodian or caseworker; and the need for any 26793
specific action to be taken with respect to the child. The court 26794
shall require any interested party to testify or present other 26795
evidence when necessary to a proper determination of the issues 26796
presented at the review hearing. In any review hearing that 26797
pertains to a permanency plan for a child who will not be returned 26798
to the parent, the court shall consider in-state and out-of-state 26799
placement options and the court shall determine whether the 26800
in-state or the out-of-state placement continues to be appropriate 26801
and in the best interests of the child. In any review hearing that 26802
pertains to a permanency plan for a child, the court or a citizens 26803
board appointed by the court pursuant to division (H) of this 26804
section shall consult with the child, in an age-appropriate 26805
manner, regarding the proposed permanency plan for the child. 26806

(G) After the review hearing, the court shall take the 26807
following actions based upon the evidence presented: 26808

(1) If an administrative review has been conducted, determine 26809
whether the conclusions of the review are supported by a 26810
preponderance of the evidence and approve or modify the case plan 26811
based upon that evidence; 26812

(2) If the hearing was held under division (C) or (E) of this 26813

section, approve a permanency plan for the child that specifies 26814
whether and, if applicable, when the child will be safely returned 26815
home or placed for adoption, for legal custody, or in a planned 26816
permanent living arrangement. A permanency plan approved after a 26817
hearing under division (E) of this section shall not include any 26818
provision requiring the child to be returned to the child's home. 26819

(3) If the child is in temporary custody, do all of the 26820
following: 26821

(a) Determine whether the child can and should be returned 26822
home with or without an order for protective supervision; 26823

(b) If the child can and should be returned home with or 26824
without an order for protective supervision, terminate the order 26825
for temporary custody; 26826

(c) If the child cannot or should not be returned home with 26827
an order for protective supervision, determine whether the agency 26828
currently with custody of the child should retain custody or 26829
whether another public children services agency, private child 26830
placing agency, or an individual should be given custody of the 26831
child. 26832

The court shall comply with section 2151.42 of the Revised 26833
Code in taking any action under this division. 26834

(4) If the child is in permanent custody, determine what 26835
actions are required by the custodial agency and of any other 26836
organizations or persons in order to facilitate an adoption of the 26837
child and make any appropriate orders with respect to the custody 26838
arrangement or conditions of the child, including, but not limited 26839
to, a transfer of permanent custody to another public children 26840
services agency or private child placing agency; 26841

(5) Journalize the terms of the updated case plan for the 26842
child. 26843

(H) The court may appoint a referee or a citizens review board to conduct the review hearings that the court is required by this section to conduct, subject to the review and approval by the court of any determinations made by the referee or citizens review board. If the court appoints a citizens review board to conduct the review hearings, the board shall consist of one member representing the general public and four members who are trained or experienced in the care or placement of children and have training or experience in the fields of medicine, psychology, social work, education, or any related field. Of the initial appointments to the board, two shall be for a term of one year, two shall be for a term of two years, and one shall be for a term of three years, with all the terms ending one year after the date on which the appointment was made. Thereafter, all terms of the board members shall be for three years and shall end on the same day of the same month of the year as did the term that they succeed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term.

(I) A copy of the court's determination following any review hearing held pursuant to this section shall be sent to the custodial agency, the guardian ad litem of the child who is the subject of the review hearing, and, if that child is not the subject of a permanent commitment hearing, the parents of the child.

(J) If the hearing held under this section takes the place of an administrative review that otherwise would have been held under section 2151.416 of the Revised Code, the court at the hearing held under this section shall do all of the following in addition to any other requirements of this section:

(1) Determine the continued necessity for and the safety and appropriateness of the child's placement;

(2) Determine the extent of compliance with the child's case plan;	26876 26877
(3) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating the child's placement in foster care;	26878 26879 26880
(4) Project a likely date by which the child may be safely returned home or placed for adoption or legal custody.	26881 26882
(K)(1) Whenever the court is required to approve a permanency plan under this section or section 2151.415 of the Revised Code, the public children services agency or private child placing agency that filed the complaint in the case, has custody of the child, or will be given custody of the child shall develop a permanency plan for the child. The agency must file the plan with the court prior to the hearing under this section or section 2151.415 of the Revised Code.	26883 26884 26885 26886 26887 26888 26889 26890
(2) The permanency plan developed by the agency must specify whether and, if applicable, when the child will be safely returned home or placed for adoption or legal custody. If the agency determines that there is a compelling reason why returning the child home or placing the child for adoption or legal custody is not in the best interest of the child, the plan shall provide that the child will be placed in a planned permanent living arrangement. A permanency plan developed as a result of a determination made under division (A)(2) of section 2151.419 of the Revised Code may not include any provision requiring the child to be returned home.	26891 26892 26893 26894 26895 26896 26897 26898 26899 26900 26901
(3)(a) Whenever a court is required under this section or section 2151.415 or 2151.419 of the Revised Code to conduct a review hearing to approve a permanency plan, the court shall determine whether the agency required to develop the plan has made reasonable efforts to finalize it. If the court determines the	26902 26903 26904 26905 26906

agency has not made reasonable efforts to finalize the plan, the 26907
court shall issue an order finalizing a permanency plan requiring 26908
the agency to use reasonable efforts to do the following: 26909

(i) Place the child in a timely manner into a permanent 26910
placement; 26911

(ii) Complete whatever steps are necessary to finalize the 26912
permanent placement of the child. 26913

(b) In making reasonable efforts as required in division 26914
(K)(3)(a) of this section, the agency shall consider the child's 26915
health and safety as the paramount concern. 26916

Sec. 2151.43. In cases against an adult under sections 26917
2151.01 to 2151.54 of the Revised Code, any person may file an 26918
affidavit with the clerk of the juvenile court setting forth 26919
briefly, in plain and ordinary language, the charges against the 26920
accused who shall be tried thereon. When the child is a recipient 26921
of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised Code, the 26922
county department of job and family services shall file charges 26923
against any person who fails to provide support to a child in 26924
violation of section 2919.21 of the Revised Code, unless the 26925
department files charges under section 3113.06 of the Revised 26926
Code, or unless charges of nonsupport are filed by a relative or 26927
guardian of the child, or unless action to enforce support is 26928
brought under Chapter 3115. of the Revised Code. 26929

In such prosecution an indictment by the grand jury or 26930
information by the prosecuting attorney shall not be required. The 26931
clerk shall issue a warrant for the arrest of the accused, who, 26932
when arrested, shall be taken before the juvenile judge and tried 26933
according to such sections. 26934

The affidavit may be amended at any time before or during the 26935
trial. 26936

The judge may bind such adult over to the grand jury, where 26937
the act complained of constitutes a felony. 26938

Sec. 2151.49. In every case of conviction under sections 26939
2151.01 to 2151.54 of the Revised Code, where imprisonment is 26940
imposed as part of the punishment, the juvenile judge may suspend 26941
sentence, before or during commitment, upon such condition as the 26942
juvenile judge imposes. In the case of conviction for nonsupport 26943
of a child who is receiving aid under Chapter 5107. ~~or 5115.~~ of 26944
the Revised Code, if the juvenile judge suspends sentence on 26945
condition that the person make payments for support, the payment 26946
shall be made to the county department of job and family services 26947
rather than to the child or custodian of the child. 26948

The court, in accordance with sections 3119.29 to 3119.56 of 26949
the Revised Code, shall include in each support order made under 26950
this section the requirement that one or both of the parents 26951
provide for the health care needs of the child to the satisfaction 26952
of the court. 26953

Sec. 2301.56. (A) A facility governing board that proposes or 26954
establishes one or more community-based correctional facilities 26955
and programs or district community-based correctional facilities 26956
and programs may apply to the division of parole and community 26957
services of the department of rehabilitation and correction for 26958
state financial assistance for the cost of renovation, 26959
maintenance, and operation of any of the facilities and programs. 26960
If the facility governing board has proposed or established more 26961
than one facility and program and if it desires state financial 26962
assistance for more than one of the facilities and programs, the 26963
board shall submit a separate application for each facility and 26964
program for which it desires the financial assistance. 26965

An application for state financial assistance under this 26966

section may be made when the facility governing board submits for 26967
approval of the division of parole and community services its 26968
proposal for the establishment of the facility and program in 26969
question under division (B) of section 2301.51 of the Revised 26970
Code, or at any time after the division has approved the proposal. 26971
All applications for state financial assistance for proposed or 26972
approved facilities and programs shall be made on forms that are 26973
prescribed and furnished by the department of rehabilitation and 26974
correction, and in accordance with section 5120.112 of the Revised 26975
Code. 26976

(B) The facility governing board may submit a request for 26977
funding of some or all of its community-based correctional 26978
facilities and programs or district community-based correctional 26979
facilities and programs to the board of county commissioners of 26980
the county, if the facility governing board serves a 26981
community-based correctional facility and program, or to the 26982
boards of county commissioners of all of the member counties, if 26983
the facility governing board serves a district community-based 26984
correctional facility and program. The board or boards may 26985
appropriate, but are not required to appropriate, a sum of money 26986
for funding all aspects of each facility and program as outlined 26987
in sections 2301.51 to 2301.58 of the Revised Code. The facility 26988
governing board has no recourse against a board or boards of 26989
county commissioners if the board or boards of county 26990
commissioners do not appropriate money for funding any facility 26991
and program or if they appropriate money for funding a facility 26992
and program in an amount less than the total amount of the 26993
submitted request for funding. 26994

(C) Pursuant to section 2929.37 of the Revised Code, a board 26995
of county commissioners may require a person who was convicted of 26996
an offense and who is confined in a community-based correctional 26997
facility or district community-based correctional facility as 26998

provided in sections 2301.51 to 2301.58 of the Revised Code to 26999
reimburse the county for its expenses incurred by reason of the 27000
person's confinement. 27001

(D)(1) Community-based correctional facilities and programs 27002
and district community-based correctional facilities and programs 27003
are public offices under section 117.01 of the Revised Code and 27004
are subject to audit under section 117.10 of the Revised Code. The 27005
audits of the facilities and programs shall include financial 27006
audits and, in addition, in the circumstances specified in this 27007
division, performance audits by the auditor of state. If a private 27008
or nonprofit entity performs the day-to-day operation of any 27009
community-based correctional facility and program or district 27010
community-based correctional facility and program, the private or 27011
nonprofit entity also is subject to financial audits under section 27012
117.10 of the Revised Code, and, in addition, in the circumstances 27013
specified in this division, to performance audits by the auditor 27014
of state. The auditor of state shall conduct the performance 27015
audits of a facility and program and of an entity required under 27016
section 117.10 of the Revised Code and this division and, 27017
notwithstanding the time period for audits specified in section 27018
117.11 of the Revised Code, shall conduct the financial audits of 27019
a facility and program and of an entity required under section 27020
117.10 of the Revised Code and this division, in accordance with 27021
the following criteria: 27022

(a) For each facility and program and each entity, the 27023
auditor of state shall conduct the initial financial audit within 27024
two years after March 31, 2003, or, if the facility and program in 27025
question is established on or after March 31, 2003, within two 27026
years after the date on which it is established. 27027

(b) After the initial financial audit described in division 27028
(D)(1)(a) of this section, for each facility and program and each 27029
entity, the auditor of state shall conduct the financial audits of 27030

the facility and program or the entity at least once every two 27031
fiscal years. 27032

(c) At any time after March 31, 2003, regarding a facility 27033
and program or regarding an entity that performs the day-to-day 27034
operation of a facility and program, the department of 27035
rehabilitation and correction or the facility governing board that 27036
established the facility and program may request, or the auditor 27037
of state on its own initiative may undertake, a performance audit 27038
of the facility and program or the entity. Upon the receipt of the 27039
request, or upon the auditor of state's own initiative as 27040
described in this division, the auditor of state shall conduct a 27041
performance audit of the facility and program or the entity. 27042

(2) ~~The department of rehabilitation and correction~~ Each 27043
community-based correctional facility and program, district 27044
community-based correctional facility and program, and, to the 27045
extent that information is available, private or nonprofit entity 27046
that performs the day-to-day operation of any community-based 27047
correctional facility and program or district community-based 27048
correctional facility and program shall prepare and provide to the 27049
auditor of state ~~quarterly~~ an annual financial reports for each 27050
~~community based correctional facility and program, for each~~ 27051
~~district community based correctional facility and program, and,~~ 27052
to the extent that information is available, for each private or 27053
nonprofit entity that performs the day to day operation of any 27054
~~community based correctional facility and program or district~~ 27055
~~community based correctional facility and program.~~ Each report 27056
shall cover a three month period and shall be provided to the 27057
auditor of state not later than fifteen days after the end of the 27058
period covered by the report in accordance with section 117.38 of 27059
the Revised Code. 27060

Sec. 2305.02. The A court of common pleas ~~in the county where~~ 27061

~~the underlying criminal action was initiated~~ determined as 27062
specified in division (B)(1) of section 2743.48 of the Revised 27063
Code has exclusive, original jurisdiction to hear and determine a 27064
~~civil~~ an action or proceeding that is commenced by an individual 27065
who ~~seeks a determination by that court that the individual~~ 27066
satisfies divisions (A)(1) to (5) of section 2743.48 of the 27067
Revised Code and that seeks a determination by the court either 27068
that the offense of which the individual was found guilty, 27069
including all lesser included offenses, was not committed by the 27070
individual or that no offense was committed by any person. If ~~that~~ 27071
the court enters the requested determination, it shall comply with 27072
division (B) of that section. 27073

Sec. 2329.211. (A)(1) In every action demanding the judicial 27074
or execution sale of residential property, if the judgment 27075
creditor is the purchaser at the sale, the purchaser shall not be 27076
required to make a sale deposit. All other purchasers shall make a 27077
sale deposit as follows: 27078

(a) If the appraised value of the residential property is 27079
less than or equal to ten thousand dollars, the deposit shall be 27080
two thousand dollars. 27081

(b) If the appraised value of the residential property is 27082
greater than ten thousand dollars but less than or equal to two 27083
hundred thousand dollars, the deposit shall be five thousand 27084
dollars. 27085

(c) If the appraised value of the residential property is 27086
greater than two hundred thousand dollars, the deposit shall be 27087
ten thousand dollars. 27088

(2) The timing of the deposit and other payment requirements 27089
shall be established by the court or the person conducting the 27090
sale and included in the advertisement of the sale. If the 27091
purchaser fails to meet the timing or other requirements of the 27092

deposit, the sale shall be invalid. 27093

(3) If the sale is held online, the deposit may be made by a 27094
financial transaction device as defined in section 301.28 of the 27095
Revised Code. 27096

(B) In every action demanding the judicial or execution sale 27097
of commercial property, the purchaser at the sale shall make a 27098
deposit pursuant to the requirements, if any, established for the 27099
sale. 27100

Sec. 2329.271. (A)(1) Subject to division (A)(2) of this 27101
section, the purchaser of lands and tenements taken in execution 27102
shall submit to the officer who makes the sale the following 27103
information: 27104

(a)(i) If the purchaser is an individual, the information 27105
shall include the individual's name, mailing address, which shall 27106
not be a post office box, electronic mail address, telephone 27107
number, and financial transaction device information of the 27108
purchaser; 27109

(ii) If the purchaser is an entity, the information shall 27110
include the entity's legal name, trade name if different from its 27111
legal name, state and date of formation, active status with the 27112
office of the secretary of state, mailing address, telephone 27113
number, financial transaction device information, the name of an 27114
individual contact person for the entity, and the contact person's 27115
title, mailing address, which shall not be a post office box, 27116
electronic mail address, and telephone number. 27117

(b) An attorney or a law firm that represents a purchaser may 27118
submit the information required under division (A)(1)(a) of this 27119
section in a representative capacity, either as an individual or 27120
entity. 27121

(c) If the lands and tenements taken in execution are 27122

intended to be used as residential rental property and the 27123
residential rental property is purchased by a trust, business 27124
trust, estate, partnership, limited partnership, limited liability 27125
company, association, corporation, or any other business entity, 27126
the name, address, and telephone number of the following with the 27127
provision that the purchaser be readily accessible through the 27128
identified contact person: 27129

(i) A trustee, in the case of a trust or business trust; 27130

(ii) The executor or administrator, in the case of an estate; 27131

(iii) A general partner, in the case of a partnership or a 27132
limited partnership; 27133

(iv) A member, manager, ~~or~~ officer, or contact person, in the 27134
case of a limited liability company; 27135

(v) An associate, in the case of an association; 27136

(vi) An officer, in the case of a corporation; 27137

(vii) A member, manager, or officer, in the case of any other 27138
business entity. 27139

(d) A statement indicating ~~whether if~~ if the purchaser ~~will~~ 27140
~~occupy~~ intends to use the lands and tenements taken in execution 27141
as residential rental property. 27142

(2) If the lands and tenements taken in execution are not 27143
residential rental property and the purchaser of those lands and 27144
tenements is a corporation, partnership, association, estate, 27145
trust, or other business organization the only place of business 27146
of which is in the county in which the real property is located, 27147
the information required by divisions (A)(1)(a) and (d) of this 27148
section shall be the contact information for ~~the office of~~ an 27149
employee or contact person of the purchasing entity that is 27150
located in that county and that the purchasing entity has 27151
designated to receive notices or inquiries about the property. If 27152

the purchasing entity has a place of business outside the county 27153
in which the real property is located and the purchasing entity's 27154
principal place of business is located in this state, the 27155
information required by divisions (A)(1)(a) and (d) of this 27156
section shall be the contact information for ~~the office of~~ an 27157
employee or contact person of the purchasing entity that is 27158
located in this state and that the purchasing entity has 27159
designated to receive notices or inquiries about the property. If 27160
the purchasing entity's principal place of business is not located 27161
in this state, the information required by divisions (A)(1)(a) and 27162
(d) of this section shall be the contact information for ~~a natural~~ 27163
~~person who is employed by the purchasing entity~~ an employee or 27164
contact person at the purchasing entity's principal place of 27165
business outside of this state and whom the purchasing entity has 27166
designated to receive notices or inquiries about the property. 27167

(B)(1) The information required by division (A) of this 27168
section shall be part of the record of the court of common pleas. 27169
If the court has ordered or the clerk of the court has issued an 27170
order for the sheriff to advertise and sell the lands and 27171
tenements, the information also shall be part of the sheriff's 27172
record of proceedings. Except as provided in division (B)(2) of 27173
this section, the information is a public record and open to 27174
public inspection. 27175

(2) The electronic mail address, telephone number, and 27176
financial transaction device information required in division 27177
(A)(1) of this section are confidential and not public records for 27178
purposes of section 149.43 of the Revised Code. 27179

(C) The requirements of division (A) of this section shall 27180
not apply if the purchaser of the lands and tenements of the sale 27181
is the plaintiff or a lien holder who is a party to the action. 27182

(D) As used in this section, ~~"financial~~ 27183

(1) "Financial transaction device" has the same meaning as in section 301.28 of the Revised Code. 27184
27185

(2) "Residential rental property" has the same meaning as in section 5323.01 of the Revised Code. 27186
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Sec. 2329.31. (A) Upon the return of any writ of execution for the satisfaction of which lands and tenements have been sold, on careful examination of the proceedings of the officer making the sale, if the court of common pleas finds that the sale was made, in all respects, in conformity with sections 2329.01 to 2329.61 of the Revised Code, it shall, within thirty days of the return of the writ, direct the clerk of the court of common pleas to make an entry on the journal that the court is satisfied of the legality of such sale. Nothing in this section prevents the court of common pleas from staying the confirmation of the sale to permit a property owner time to redeem the property or for any other reason that it determines is appropriate. In those instances, the sale shall be confirmed within thirty days after the termination of any stay of confirmation. 27188
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(B) The officer making the sale shall require the purchaser, ~~including a lienholder,~~ to pay within thirty days of the confirmation of the sale the balance due on the purchase price of the lands and tenements. 27202
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(C)(1) The officer making the sale shall record the prepared deed required by section 2329.36 of the Revised Code within fourteen days after the confirmation of sale and payment of the balance due. 27206
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(2)(a) If the deed is not prepared and recorded within the fourteen-day period, the purchaser may file a motion with the court to proceed with the transfer of title. If the court finds that a proper sale was made, it shall enter an order transferring the title of the lands and tenements to the purchaser, ordering 27210
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the plaintiff to present a certified copy of the order to the 27215
county recorder for recording, and ordering the county recorder to 27216
record the order in the record of deeds. The order, when filed 27217
with the county recorder, shall have the same effect as a deed 27218
prepared pursuant to section 2329.36 of the Revised Code. 27219

(b) Upon the issuance of the court order described in 27220
division (C)(2)(a) of this section, the plaintiff, or the 27221
plaintiff's attorney, shall present a certified copy of the order 27222
to be recorded in the office of the county recorder. The county 27223
recorder shall record the order in the record of deeds. 27224

(c) The clerk shall issue a copy of the court order to the 27225
county auditor to transfer record ownership of the lands and 27226
tenements for the purpose of real estate taxes. Real estate taxes 27227
coming due after the date of the sale shall not prohibit the 27228
auditor from transferring ownership of the lands and tenements on 27229
its records or cause the recorder to deny recording. The real 27230
estate taxes shall become the responsibility of the new title 27231
holder of the lands and tenements. The sheriff shall not require 27232
the confirmation of sale to be amended for taxes not due and 27233
payable as of the date of the sale. 27234

Sec. 2329.311. (A) In sales of residential properties taken 27235
in execution or order of sale that are sold at an auction with the 27236
minimum bid pursuant to division (B) of section 2329.52 of the 27237
Revised Code, the judgment creditor and the first lienholder each 27238
have the right to redeem the property within fourteen days after 27239
the sale by paying the purchase price. The redeeming party shall 27240
pay the purchase price to the clerk of the court in which the 27241
judgment was rendered or the order of sale was made. Upon timely 27242
payment, the court shall proceed as described in section 2329.31 27243
of the Revised Code, with the redeeming party considered the 27244
successful purchaser at the sale. 27245

(B) If the judgment creditor and the first lienholder each seek to redeem the property, pursuant to division (A) of this section, the court shall resolve the conflict in favor of the first lienholder.

Sec. 2329.44. (A) On a sale made pursuant to this chapter, if the officer who makes the sale receives from the sale more money than is necessary to satisfy the writ of execution, with interest and costs, the officer who made the sale shall deliver any balance remaining after satisfying the writ of execution, with interest and costs, to the clerk of the court that issued the writ of execution. The clerk then shall do one of the following:

(1) If the balance is ~~twenty-five~~ one hundred dollars or more, send to the judgment debtor whose property was the subject of the sale a notice that indicates the amount of the balance, informs the judgment debtor that ~~he~~ the judgment debtor is entitled to receive the balance, and sets forth the procedure that the judgment debtor is required to follow to obtain the balance. This notice shall be sent to the judgment debtor at the address of the judgment debtor in the caption on the judgment or at any different address ~~he~~ the judgment debtor may have provided, by certified mail, return receipt requested, within ninety days after the sale. If the certified mail envelope is returned with an endorsement showing failure or refusal of delivery, the clerk immediately shall send the judgment debtor, at the address of the judgment debtor in the caption on the judgment or any different address ~~he~~ the judgment debtor may have provided, a similar notice by ordinary mail. If the ordinary mail envelope is returned for any reason, the clerk immediately shall give a similar notice to the judgment debtor by an advertisement in a newspaper published in and of general circulation in the county, which advertisement shall run at least ~~once a week for at least three consecutive weeks~~. The advertisement shall include the case number, the name

of the judgment debtor, and information on how to contact the 27278
clerk. If the balance remains unclaimed for ninety days following 27279
the first date of publication, the clerk shall dispose of the 27280
balance in the same manner as unclaimed money is disposed of under 27281
sections 2335.34 and 2335.35 of the Revised Code. 27282

(2) If the balance is less than ~~twenty five~~ one hundred 27283
dollars, send to the judgment debtor whose property was the 27284
subject of the sale a notice that indicates the amount of the 27285
balance, informs the judgment debtor that ~~he~~ the judgment debtor 27286
is entitled to receive the balance, and sets forth the procedure 27287
that the judgment debtor is required to follow to obtain the 27288
balance. This notice shall be sent to the judgment debtor at the 27289
address of the judgment debtor in the caption on the judgment or 27290
at any different address ~~he~~ the judgment debtor may have provided, 27291
by ordinary mail. If the balance remains unclaimed for ninety days 27292
following the date of mailing, the clerk shall dispose of the 27293
balance in the same manner as unclaimed money is disposed of under 27294
sections 2335.34 and 2335.35 of the Revised Code. 27295

(B)(1) Subject to division (B)(2) of this section, the clerk 27296
of the court that issued the writ of execution, on demand and 27297
whether or not the notice required by division (A)(1) or (2) of 27298
this section is provided as prescribed, shall pay the balance to 27299
the judgment debtor or ~~his~~ the judgment debtor's legal 27300
representatives. 27301

(2) The clerk of the court that issued the writ of execution 27302
is not required to pay the balance to the judgment debtor or ~~his~~ 27303
the judgment debtor's legal representatives pursuant to division 27304
(B)(1) of this section until the judgment debtor or the legal 27305
representatives pay to the clerk ~~twenty five dollars if the~~ 27306
~~balance is twenty five dollars or more, or five dollars if the~~ 27307
~~balance is less than twenty five dollars to compensate the clerk~~ 27308
~~for~~ the actual costs incurred in the provision of the notice 27309

required by division (A)(1) or (2) of this section. 27310

Sec. 2329.66. (A) Every person who is domiciled in this state 27311
may hold property exempt from execution, garnishment, attachment, 27312
or sale to satisfy a judgment or order, as follows: 27313

(1)(a) In the case of a judgment or order regarding money 27314
owed for health care services rendered or health care supplies 27315
provided to the person or a dependent of the person, one parcel or 27316
item of real or personal property that the person or a dependent 27317
of the person uses as a residence. Division (A)(1)(a) of this 27318
section does not preclude, affect, or invalidate the creation 27319
under this chapter of a judgment lien upon the exempted property 27320
but only delays the enforcement of the lien until the property is 27321
sold or otherwise transferred by the owner or in accordance with 27322
other applicable laws to a person or entity other than the 27323
surviving spouse or surviving minor children of the judgment 27324
debtor. Every person who is domiciled in this state may hold 27325
exempt from a judgment lien created pursuant to division (A)(1)(a) 27326
of this section the person's interest, not to exceed one hundred 27327
twenty-five thousand dollars, in the exempted property. 27328

(b) In the case of all other judgments and orders, the 27329
person's interest, not to exceed one hundred twenty-five thousand 27330
dollars, in one parcel or item of real or personal property that 27331
the person or a dependent of the person uses as a residence. 27332

(c) For purposes of divisions (A)(1)(a) and (b) of this 27333
section, "parcel" means a tract of real property as identified on 27334
the records of the auditor of the county in which the real 27335
property is located. 27336

(2) The person's interest, not to exceed three thousand two 27337
hundred twenty-five dollars, in one motor vehicle; 27338

(3) The person's interest, not to exceed four hundred 27339

dollars, in cash on hand, money due and payable, money to become 27340
due within ninety days, tax refunds, and money on deposit with a 27341
bank, savings and loan association, credit union, public utility, 27342
landlord, or other person, other than personal earnings. 27343

(4)(a) The person's interest, not to exceed five hundred 27344
twenty-five dollars in any particular item or ten thousand seven 27345
hundred seventy-five dollars in aggregate value, in household 27346
furnishings, household goods, wearing apparel, appliances, books, 27347
animals, crops, musical instruments, firearms, and hunting and 27348
fishing equipment that are held primarily for the personal, 27349
family, or household use of the person; 27350

(b) The person's aggregate interest in one or more items of 27351
jewelry, not to exceed one thousand three hundred fifty dollars, 27352
held primarily for the personal, family, or household use of the 27353
person or any of the person's dependents. 27354

(5) The person's interest, not to exceed an aggregate of two 27355
thousand twenty-five dollars, in all implements, professional 27356
books, or tools of the person's profession, trade, or business, 27357
including agriculture; 27358

(6)(a) The person's interest in a beneficiary fund set apart, 27359
appropriated, or paid by a benevolent association or society, as 27360
exempted by section 2329.63 of the Revised Code; 27361

(b) The person's interest in contracts of life or endowment 27362
insurance or annuities, as exempted by section 3911.10 of the 27363
Revised Code; 27364

(c) The person's interest in a policy of group insurance or 27365
the proceeds of a policy of group insurance, as exempted by 27366
section 3917.05 of the Revised Code; 27367

(d) The person's interest in money, benefits, charity, 27368
relief, or aid to be paid, provided, or rendered by a fraternal 27369
benefit society, as exempted by section 3921.18 of the Revised 27370

Code;	27371
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	27372 27373 27374 27375
(7) The person's professionally prescribed or medically necessary health aids;	27376 27377
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	27378 27379 27380
(9) The person's interest in the following:	27381
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	27382 27383
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	27384 27385
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	27386 27387
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	27388 27389
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	27390 27391 27392
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	27393 27394
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	27395 27396
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from	27397 27398 27399

payments was issued under division (C)(2)(b) of that section, in 27400
cases in which an order for withholding was issued under section 27401
2907.15 of the Revised Code, in cases in which an order for 27402
forfeiture was issued under division (A) or (B) of section 27403
2929.192 of the Revised Code, and in cases in which an order was 27404
issued under section 2929.193 or 2929.194 of the Revised Code, and 27405
only to the extent provided in the order, and except as provided 27406
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 27407
and 3123.06 of the Revised Code, the person's rights to or 27408
interests in a pension, benefit, annuity, retirement allowance, or 27409
accumulated contributions, the person's rights to or interests in 27410
a participant account in any deferred compensation program offered 27411
by the Ohio public employees deferred compensation board, a 27412
government unit, or a municipal corporation, or the person's other 27413
accrued or accruing rights or interests, as exempted by section 27414
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 27415
5505.22 of the Revised Code, and the person's rights to or 27416
interests in benefits from the Ohio public safety officers death 27417
benefit fund; 27418

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 27419
3121.03, and 3123.06 of the Revised Code, the person's rights to 27420
receive or interests in receiving a payment or other benefits 27421
under any pension, annuity, or similar plan or contract, not 27422
including a payment or benefit from a stock bonus or 27423
profit-sharing plan or a payment included in division (A)(6)(b) or 27424
(10)(a) of this section, on account of illness, disability, death, 27425
age, or length of service, to the extent reasonably necessary for 27426
the support of the person and any of the person's dependents, 27427
except if all the following apply: 27428

(i) The plan or contract was established by or under the 27429
auspices of an insider that employed the person at the time the 27430
person's rights or interests under the plan or contract arose. 27431

(ii) The payment is on account of age or length of service. 27432

(iii) The plan or contract is not qualified under the 27433
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 27434
amended. 27435

(c) Except for any portion of the assets that were deposited 27436
for the purpose of evading the payment of any debt and except as 27437
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 27438
3123.06 of the Revised Code, the person's rights or interests in 27439
the assets held in, or to directly or indirectly receive any 27440
payment or benefit under, any individual retirement account, 27441
individual retirement annuity, "Roth IRA," account opened pursuant 27442
to a program administered by a state under section 529 or 529A of 27443
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 27444
as amended, or education individual retirement account that 27445
provides payments or benefits by reason of illness, disability, 27446
death, retirement, or age or provides payments or benefits for 27447
purposes of education or qualified disability expenses, to the 27448
extent that the assets, payments, or benefits described in 27449
division (A)(10)(c) of this section are attributable to or derived 27450
from any of the following or from any earnings, dividends, 27451
interest, appreciation, or gains on any of the following: 27452

(i) Contributions of the person that were less than or equal 27453
to the applicable limits on deductible contributions to an 27454
individual retirement account or individual retirement annuity in 27455
the year that the contributions were made, whether or not the 27456
person was eligible to deduct the contributions on the person's 27457
federal tax return for the year in which the contributions were 27458
made; 27459

(ii) Contributions of the person that were less than or equal 27460
to the applicable limits on contributions to a Roth IRA or 27461
education individual retirement account in the year that the 27462
contributions were made; 27463

(iii) Contributions of the person that are within the 27464
applicable limits on rollover contributions under subsections 219, 27465
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 27466
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 27467
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 27468

(iv) Contributions by any person into any plan, fund, or 27469
account that is formed, created, or administered pursuant to, or 27470
is otherwise subject to, section 529 or 529A of the "Internal 27471
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 27472

(d) Except for any portion of the assets that were deposited 27473
for the purpose of evading the payment of any debt and except as 27474
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 27475
3123.06 of the Revised Code, the person's rights or interests in 27476
the assets held in, or to receive any payment under, any Keogh or 27477
"H.R. 10" plan that provides benefits by reason of illness, 27478
disability, death, retirement, or age, to the extent reasonably 27479
necessary for the support of the person and any of the person's 27480
dependents. 27481

(e) The person's rights to or interests in any assets held 27482
in, or to directly or indirectly receive any payment or benefit 27483
under, any individual retirement account, individual retirement 27484
annuity, "Roth IRA," account opened pursuant to a program 27485
administered by a state under section 529 or 529A of the "Internal 27486
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 27487
education individual retirement account that a decedent, upon or 27488
by reason of the decedent's death, directly or indirectly left to 27489
or for the benefit of the person, either outright or in trust or 27490
otherwise, including, but not limited to, any of those rights or 27491
interests in assets or to receive payments or benefits that were 27492
transferred, conveyed, or otherwise transmitted by the decedent by 27493
means of a will, trust, exercise of a power of appointment, 27494
beneficiary designation, transfer or payment on death designation, 27495

or any other method or procedure. 27496

(f) The exemptions under divisions (A)(10)(a) to (e) of this 27497
section also shall apply or otherwise be available to an alternate 27498
payee under a qualified domestic relations order (QDRO) or other 27499
similar court order. 27500

(g) A person's interest in any plan, program, instrument, or 27501
device described in divisions (A)(10)(a) to (e) of this section 27502
shall be considered an exempt interest even if the plan, program, 27503
instrument, or device in question, due to an error made in good 27504
faith, failed to satisfy any criteria applicable to that plan, 27505
program, instrument, or device under the "Internal Revenue Code of 27506
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 27507

(11) The person's right to receive spousal support, child 27508
support, an allowance, or other maintenance to the extent 27509
reasonably necessary for the support of the person and any of the 27510
person's dependents; 27511

(12) The person's right to receive, or moneys received during 27512
the preceding twelve calendar months from, any of the following: 27513

(a) An award of reparations under sections 2743.51 to 2743.72 27514
of the Revised Code, to the extent exempted by division (D) of 27515
section 2743.66 of the Revised Code; 27516

(b) A payment on account of the wrongful death of an 27517
individual of whom the person was a dependent on the date of the 27518
individual's death, to the extent reasonably necessary for the 27519
support of the person and any of the person's dependents; 27520

(c) Except in cases in which the person who receives the 27521
payment is an inmate, as defined in section 2969.21 of the Revised 27522
Code, and in which the payment resulted from a civil action or 27523
appeal against a government entity or employee, as defined in 27524
section 2969.21 of the Revised Code, a payment, not to exceed 27525
twenty thousand two hundred dollars, on account of personal bodily 27526

injury, not including pain and suffering or compensation for 27527
actual pecuniary loss, of the person or an individual for whom the 27528
person is a dependent; 27529

(d) A payment in compensation for loss of future earnings of 27530
the person or an individual of whom the person is or was a 27531
dependent, to the extent reasonably necessary for the support of 27532
the debtor and any of the debtor's dependents. 27533

(13) Except as provided in sections 3119.80, 3119.81, 27534
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 27535
earnings of the person owed to the person for services in an 27536
amount equal to the greater of the following amounts: 27537

(a) If paid weekly, thirty times the current federal minimum 27538
hourly wage; if paid biweekly, sixty times the current federal 27539
minimum hourly wage; if paid semimonthly, sixty-five times the 27540
current federal minimum hourly wage; or if paid monthly, one 27541
hundred thirty times the current federal minimum hourly wage that 27542
is in effect at the time the earnings are payable, as prescribed 27543
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 27544
U.S.C. 206(a)(1), as amended; 27545

(b) Seventy-five per cent of the disposable earnings owed to 27546
the person. 27547

(14) The person's right in specific partnership property, as 27548
exempted by the person's rights in a partnership pursuant to 27549
section 1776.50 of the Revised Code, except as otherwise set forth 27550
in section 1776.50 of the Revised Code; 27551

(15) A seal and official register of a notary public, as 27552
exempted by section 147.04 of the Revised Code; 27553

(16) The person's interest in a tuition unit or a payment 27554
under section 3334.09 of the Revised Code pursuant to a tuition 27555
payment contract, as exempted by section 3334.15 of the Revised 27556
Code; 27557

(17) Any other property that is specifically exempted from 27558
execution, attachment, garnishment, or sale by federal statutes 27559
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 27560
U.S.C.A. 101, as amended; 27561

(18) The person's aggregate interest in any property, not to 27562
exceed one thousand seventy-five dollars, except that division 27563
(A)(18) of this section applies only in bankruptcy proceedings. 27564

(B) On April 1, 2010, and on the first day of April in each 27565
third calendar year after 2010, the Ohio judicial conference shall 27566
adjust each dollar amount set forth in this section to reflect any 27567
increase in the consumer price index for all urban consumers, as 27568
published by the United States department of labor, or, if that 27569
index is no longer published, a generally available comparable 27570
index, for the three-year period ending on the thirty-first day of 27571
December of the preceding year. Any adjustments required by this 27572
division shall be rounded to the nearest twenty-five dollars. 27573

The Ohio judicial conference shall prepare a memorandum 27574
specifying the adjusted dollar amounts. The judicial conference 27575
shall transmit the memorandum to the director of the legislative 27576
service commission, and the director shall publish the memorandum 27577
in the register of Ohio. (Publication of the memorandum in the 27578
register of Ohio shall continue until the next memorandum 27579
specifying an adjustment is so published.) The judicial conference 27580
also may publish the memorandum in any other manner it concludes 27581
will be reasonably likely to inform persons who are affected by 27582
its adjustment of the dollar amounts. 27583

(C) As used in this section: 27584

(1) "Disposable earnings" means net earnings after the 27585
garnishee has made deductions required by law, excluding the 27586
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 27587
3121.03, or 3123.06 of the Revised Code. 27588

(2) "Insider" means:	27589
(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;	27590 27591 27592 27593 27594
(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;	27595 27596 27597 27598 27599 27600
(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;	27601 27602 27603 27604 27605
(d) An entity or person to which or whom any of the following applies:	27606 27607
(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.	27608 27609 27610 27611 27612 27613 27614
(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.	27615 27616 27617 27618 27619

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(D) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Sec. 2743.48. (A) As used in this section and section 2743.49 of the Revised Code, a "wrongfully imprisoned individual" means an

individual who satisfies each of the following: 27649

(1) The individual was charged with a violation of a section 27650
of the Revised Code by an indictment or information, and the 27651
violation charged was an aggravated felony ~~or~~, felony, or 27652
misdemeanor. 27653

(2) The individual was found guilty of, but did not plead 27654
guilty to, the particular charge or a lesser-included offense by 27655
the court or jury involved, and the offense of which the 27656
individual was found guilty was an aggravated felony ~~or~~, felony, 27657
or misdemeanor. 27658

(3) The individual was sentenced to an indefinite or definite 27659
term of imprisonment in a state correctional institution for the 27660
offense of which the individual was found guilty. 27661

(4) The individual's conviction was vacated, dismissed, or 27662
reversed on appeal, ~~the prosecuting attorney in the case cannot or~~ 27663
~~will not seek any further appeal of right or upon leave of court,~~ 27664
and no criminal proceeding is pending, ~~can be brought, or will be~~ 27665
~~brought by any prosecuting attorney, city director of law, village~~ 27666
~~solicitor, or other chief legal officer of a municipal corporation~~ 27667
against the individual ~~for any act associated with that~~ 27668
~~conviction~~. 27669

(5) Subsequent to sentencing ~~and~~ or during or subsequent to 27670
imprisonment, an error in procedure was discovered that occurred 27671
prior to, during, or after sentencing, that violated the 27672
individual's rights to a fair trial under the Ohio Constitution or 27673
the United States Constitution, and that resulted in the 27674
individual's release, or it was determined by ~~the~~ a court of 27675
common pleas ~~in the county where the underlying criminal action~~ 27676
~~was initiated~~ either that the ~~charged~~ offense of which the 27677
individual was found guilty, including all lesser-included 27678
offenses, ~~either~~ was not committed by the individual or that no 27679

offense was not committed by any person. In addition to any other 27680
application of the provisions of this division regarding an error 27681
in procedure as they exist on and after the effective date of this 27682
amendment, if an individual had a claim dismissed, has a claim 27683
pending, or did not file a claim because the state of the law in 27684
effect prior to the effective date of this amendment barred the 27685
claim or made the claim appear to be futile, those provisions 27686
apply with respect to the individual and the claim and, on or 27687
after that effective date, the individual may file a claim and 27688
obtain the benefit of those provisions. 27689

(B)(1) A person who is a resident of this state may file a 27690
civil action to be declared a wrongfully imprisoned individual in 27691
the a court of common pleas. A person who is not a resident of 27692
this state may file a civil action to be declared a wrongfully 27693
imprisoned individual in the court of common pleas in the county 27694
where the underlying criminal action was initiated. That civil 27695
action shall be separate from the underlying finding of guilt ~~by~~ 27696
~~the court of common pleas.~~ Upon the filing of a civil action to be 27697
determined a wrongfully imprisoned individual, the attorney 27698
general shall be served with a copy of the complaint and shall be 27699
heard. 27700

(2) When ~~the a court of common pleas in the county where the~~ 27701
~~underlying criminal action was initiated~~ as specified in division 27702
(B)(1) of this section determines ~~in a separate civil action~~ that 27703
a person is a wrongfully imprisoned individual, the court shall 27704
provide the person with a copy of this section and orally inform 27705
the person and the person's attorney of the person's rights under 27706
this section to commence a civil action against the state in the 27707
court of claims because of the person's wrongful imprisonment and 27708
to be represented in that civil action by counsel of the person's 27709
own choice. 27710

(3) The court described in division (B)(1) of this section 27711

shall notify the clerk of the court of claims, in writing and 27712
within seven days after the date of the entry of its determination 27713
that the person is a wrongfully imprisoned individual, of the name 27714
and proposed mailing address of the person and of the fact that 27715
the person has the rights to commence a civil action and to have 27716
legal representation as provided in this section. The clerk of the 27717
court of claims shall maintain in the clerk's office a list of 27718
wrongfully imprisoned individuals for whom notices are received 27719
under this section and shall create files in the clerk's office 27720
for each such individual. 27721

(4) Within sixty days after the date of the entry of the 27722
determination by ~~the a~~ court of common pleas ~~in the county where~~ 27723
~~the underlying criminal action was initiated~~ as specified in 27724
division (B)(1) of this section that a person is a wrongfully 27725
imprisoned individual, the clerk of the court of claims shall 27726
forward a preliminary judgment to the president of the controlling 27727
board requesting the payment of fifty per cent of the amount 27728
described in division (E)(2)(b) of this section to the wrongfully 27729
imprisoned individual. The board shall take all actions necessary 27730
to cause the payment of that amount out of the emergency purposes 27731
special purpose account of the board. 27732

(5) If an individual was serving at the time of the wrongful 27733
imprisonment concurrent sentences on other convictions that were 27734
not vacated, dismissed, or reversed on appeal, the individual is 27735
not eligible for compensation as described in this section for any 27736
portion of that wrongful imprisonment that occurred during a 27737
concurrent sentence of that nature. 27738

(C)(1) In a civil action under this section, a wrongfully 27739
imprisoned individual has the right to have counsel of the 27740
individual's own choice. 27741

(2) If a wrongfully imprisoned individual who is the subject 27742
of a court determination as described in division (B)(2) of this 27743

section does not commence a civil action under this section within 27744
six months after the entry of that determination, the clerk of the 27745
court of claims shall send a letter to the wrongfully imprisoned 27746
individual, at the address set forth in the notice received from 27747
the court of common pleas pursuant to division (B)(3) of this 27748
section or to any later address provided by the wrongfully 27749
imprisoned individual, that reminds the wrongfully imprisoned 27750
individual of the wrongfully imprisoned individual's rights under 27751
this section. Until the statute of limitations provided in 27752
division (H) of this section expires and unless the wrongfully 27753
imprisoned individual commences a civil action under this section, 27754
the clerk of the court of claims shall send a similar letter in a 27755
similar manner to the wrongfully imprisoned individual at least 27756
once each three months after the sending of the first reminder. 27757

(D) Notwithstanding any provisions of this chapter to the 27758
contrary, a wrongfully imprisoned individual has and may file a 27759
civil action against the state, in the court of claims, to recover 27760
a sum of money as described in this section, because of the 27761
individual's wrongful imprisonment. The court of claims shall have 27762
exclusive, original jurisdiction over such a civil action. The 27763
civil action shall proceed, be heard, and be determined as 27764
provided in sections 2743.01 to 2743.20 of the Revised Code, 27765
except that if a provision of this section conflicts with a 27766
provision in any of those sections, the provision in this section 27767
controls. 27768

(E)(1) In a civil action as described in division (D) of this 27769
section, the complainant may establish that the claimant is a 27770
wrongfully imprisoned individual by submitting to the court of 27771
claims a certified copy of the judgment entry of the court of 27772
common pleas associated with the claimant's conviction and 27773
sentencing, and a certified copy of the entry of the determination 27774
of the court of common pleas that the claimant is a wrongfully 27775

imprisoned individual under division (B)(2) of this section. No 27776
other evidence shall be required of the complainant to establish 27777
that the claimant is a wrongfully imprisoned individual, and the 27778
claimant shall be irrebuttably presumed to be a wrongfully 27779
imprisoned individual. 27780

(2) In a civil action as described in division (D) of this 27781
section, upon presentation of requisite proof to the court of 27782
claims, a wrongfully imprisoned individual is entitled to receive 27783
a sum of money that equals the total of each of the following 27784
amounts: 27785

(a) The amount of any fine or court costs imposed and paid, 27786
and the reasonable attorney's fees and other expenses incurred by 27787
the wrongfully imprisoned individual in connection with all 27788
associated criminal proceedings and appeals, and, if applicable, 27789
in connection with obtaining the wrongfully imprisoned 27790
individual's discharge from confinement in the state correctional 27791
institution; 27792

(b) For each full year of imprisonment in the state 27793
correctional institution for the offense of which the wrongfully 27794
imprisoned individual was found guilty, forty thousand three 27795
hundred thirty dollars or the adjusted amount determined by the 27796
auditor of state pursuant to section 2743.49 of the Revised Code, 27797
and for each part of a year of being so imprisoned, a pro-rated 27798
share of forty thousand three hundred thirty dollars or the 27799
adjusted amount determined by the auditor of state pursuant to 27800
section 2743.49 of the Revised Code; 27801

(c) Any loss of wages, salary, or other earned income that 27802
directly resulted from the wrongfully imprisoned individual's 27803
arrest, prosecution, conviction, and wrongful imprisonment; 27804

(d) The amount of the following cost debts the department of 27805
rehabilitation and correction recovered from the wrongfully 27806

imprisoned individual who was in custody of the department or 27807
under the department's supervision: 27808

(i) Any user fee or copayment for services at a detention 27809
facility, including, but not limited to, a fee or copayment for 27810
sick call visits; 27811

(ii) The cost of housing and feeding the wrongfully 27812
imprisoned individual in a detention facility; 27813

(iii) The cost of supervision of the wrongfully imprisoned 27814
individual; 27815

(iv) The cost of any ancillary services provided to the 27816
wrongfully imprisoned individual. 27817

(3) The court of claims shall deduct any known debts owed by 27818
the wrongfully imprisoned individual to the state, as defined in 27819
division (A) of section 2743.01 of the Revised Code, or a 27820
political subdivision, as defined in division (B) of section 27821
2743.01 of the Revised Code, from the sum of money described in 27822
division (E)(2) of this section, and those deducted amounts shall 27823
be paid to the state or political subdivision, whichever is 27824
applicable. 27825

(F)(1) If the court of claims determines in a civil action as 27826
described in division (D) of this section that the complainant is 27827
a wrongfully imprisoned individual, it shall enter judgment for 27828
the wrongfully imprisoned individual in the amount of the sum of 27829
money to which the wrongfully imprisoned individual is entitled 27830
under division (E)(2) of this section. In determining that sum, 27831
the court of claims shall not take into consideration any expenses 27832
incurred by the state or any of its political subdivisions in 27833
connection with the arrest, prosecution, and imprisonment of the 27834
wrongfully imprisoned individual, including, but not limited to, 27835
expenses for food, clothing, shelter, and medical services. The 27836
court shall reduce that sum by the amount of the payment to the 27837

wrongfully imprisoned individual described in division (B)(4) of 27838
this section. 27839

(2) If the wrongfully imprisoned individual was represented 27840
in the civil action under this section by counsel of the 27841
wrongfully imprisoned individual's own choice, the court of claims 27842
shall include in the judgment entry referred to in division (F)(1) 27843
of this section an award for the reasonable attorney's fees of 27844
that counsel. These fees shall be paid as provided in division (G) 27845
of this section. 27846

(3) The state consents to be sued by a wrongfully imprisoned 27847
individual because the imprisonment was wrongful, and to liability 27848
on its part because of that fact, only as provided in this 27849
section. However, this section does not affect any liability of 27850
the state or of its employees to a wrongfully imprisoned 27851
individual on a claim for relief that is not based on the fact of 27852
the wrongful imprisonment, including, but not limited to, a claim 27853
for relief that arises out of circumstances occurring during the 27854
wrongfully imprisoned individual's confinement in the state 27855
correctional institution. 27856

(G) The clerk of the court of claims shall forward a 27857
certified copy of a judgment under division (F) of this section to 27858
the president of the controlling board. The board shall take all 27859
actions necessary to cause the payment of the judgment out of the 27860
emergency purposes special purpose account of the board. 27861

(H) To be eligible to recover a sum of money as described in 27862
this section because of wrongful imprisonment, both of the 27863
following shall apply to a wrongfully imprisoned individual: 27864

(1) The wrongfully imprisoned individual shall not have been, 27865
prior to September 24, 1986, the subject of an act of the general 27866
assembly that authorized an award of compensation for the wrongful 27867
imprisonment or have been the subject of an action before the 27868

former sundry claims board that resulted in an award of 27869
compensation for the wrongful imprisonment. 27870

(2) The wrongfully imprisoned individual shall commence a 27871
civil action under this section in the court of claims no later 27872
than two years after the date of the entry of the determination of 27873
the court of common pleas that the individual is a wrongfully 27874
imprisoned individual under division (B)(2) of this section. 27875

Sec. 2743.75. (A) In order to provide for an expeditious and 27876
economical procedure that attempts to resolve disputes alleging a 27877
denial of access to public records in violation of division (B) of 27878
section 149.43 of the Revised Code, except for a court that hears 27879
a mandamus action pursuant to that section, the court of claims 27880
shall be the sole and exclusive authority in this state that 27881
adjudicates or resolves complaints based on alleged violations of 27882
that section. The clerk of the court of claims shall designate one 27883
or more current employees or hire one or more individuals to serve 27884
as special masters to hear complaints brought under this section. 27885
All special masters shall have been engaged in the practice of law 27886
in this state for at least four years and be in good standing with 27887
the supreme court at the time of designation or hiring. The clerk 27888
may assign administrative and clerical work associated with 27889
complaints brought under this section to current employees or may 27890
hire such additional employees as may be necessary to perform such 27891
work. 27892

(B) The clerk of the court of common pleas in each county 27893
shall act as the clerk of the court of claims for purposes of 27894
accepting those complaints filed with the clerk under division 27895
(D)(1) of this section, accepting filing fees for those 27896
complaints, and serving those complaints. 27897

(C)(1) Subject to division (C)(2) of this section, a person 27898
allegedly aggrieved by a denial of access to public records in 27899

violation of division (B) of section 149.43 of the Revised Code 27900
may seek relief under that section or under this section, 27901
provided, however, that if the allegedly aggrieved person files a 27902
complaint under either section, that person may not seek relief 27903
that pertains to the same request for records in a complaint filed 27904
under the other section. 27905

(2) If the allegedly aggrieved person files a complaint under 27906
this section and the court of claims determines that the complaint 27907
constitutes a case of first impression that involves an issue of 27908
substantial public interest, the court shall dismiss the complaint 27909
without prejudice and direct the allegedly aggrieved person to 27910
commence a mandamus action in the court of appeals with 27911
appropriate jurisdiction as provided in division (C)(1) of section 27912
149.43 of the Revised Code. 27913

(D)(1) An allegedly aggrieved person who proceeds under this 27914
section shall file a complaint, on a form prescribed by the clerk 27915
of the court of claims, with the clerk of the court of claims or 27916
with the clerk of the court of common pleas of the county in which 27917
the public office from which the records are requested is located. 27918
The person shall attach to the complaint copies of the original 27919
records request and any written responses or other communications 27920
relating to the request from the public office or person 27921
responsible for public records and shall pay a filing fee of 27922
twenty-five dollars made payable to the clerk of the court with 27923
whom the complaint is filed. The clerk shall serve a copy of the 27924
complaint on the public office or person responsible for public 27925
records for the particular public office in accordance with Civil 27926
Rule 4.1 and, if the complaint is filed with the clerk of the 27927
court of common pleas, shall forward the complaint to the clerk of 27928
the court of claims, and to no other court, within three business 27929
days after service is complete. 27930

(2) Upon receipt of a complaint filed under division (D)(1) 27931

of this section, the clerk of the court of claims shall assign a 27932
case number for the action and a special master to examine the 27933
complaint. Notwithstanding any provision to the contrary in this 27934
section, upon the recommendation of the special master, the court 27935
of claims on its own motion may dismiss the complaint at any time. 27936
The allegedly aggrieved person may voluntarily dismiss the 27937
complaint filed by that person under division (D)(1) of this 27938
section. 27939

(E)(1) Upon service of a complaint under division (D)(1) of 27940
this section, except as otherwise provided in this division, the 27941
special master assigned by the clerk under division (D)(2) of this 27942
section immediately shall refer the case to mediation services 27943
that the court of claims makes available to persons. If, in the 27944
interest of justice considering the circumstances of the case or 27945
the parties, the special master determines that the case should 27946
not be referred to mediation, the special master shall notify the 27947
court that the case was not referred to mediation, and the case 27948
shall proceed in accordance with division (F) of this section. If 27949
the case is referred to mediation, any further proceedings under 27950
division (F) of this section shall be stayed until the conclusion 27951
of the mediation. Any mediation proceedings under this division 27952
may be conducted by teleconference, telephone, or other electronic 27953
means. If an agreement is reached during mediation, the court 27954
shall dismiss the complaint. If an agreement is not reached, the 27955
special master shall notify the court that the case was not 27956
resolved and that the mediation has been terminated. 27957

(2) Within ten business days after the termination of the 27958
mediation or the notification to the court that the case was not 27959
referred to mediation under division (E)(1) of this section, the 27960
public office or person responsible for public records shall file 27961
a response, and if applicable, a motion to dismiss the complaint, 27962
with the clerk of the court of claims and transmit copies of the 27963

pleadings to the allegedly aggrieved party. No further motions or 27964
pleadings shall be accepted by the clerk of the court of claims or 27965
by the special master assigned by the clerk under division (D)(2) 27966
of this section unless the special master directs in writing that 27967
a further motion or pleading be filed. 27968

(3) All of the following apply prior to the submission of the 27969
special master's report and recommendation to the court of claims 27970
under division (F)(1) of this section: 27971

(a) The special master shall not permit any discovery. 27972

(b) The parties may attach supporting affidavits to their 27973
respective pleadings. 27974

(c) The special master may require either or both of the 27975
parties to submit additional information or documentation 27976
supported by affidavits. 27977

(F)(1) Not later than seven business days after receiving the 27978
response, or motion to dismiss the complaint, if applicable, of 27979
the public office or person responsible for public records, the 27980
special master shall submit to the court of claims a report and 27981
recommendation based on the ordinary application of statutory law 27982
and case law as they existed at the time of the filing of the 27983
complaint. For good cause shown, the special master may extend the 27984
seven-day period for the submission of the report and 27985
recommendation to the court of claims under this division by an 27986
additional seven business days. 27987

(2) Upon submission of the special master's report and 27988
recommendation to the court of claims under division (F)(1) of 27989
this section, the clerk shall send copies of the report and 27990
recommendation to each party by certified mail, return receipt 27991
requested, not later than three business days after the report and 27992
recommendation is filed. Either party may object to the report and 27993
recommendation within seven business days after receiving the 27994

report and recommendation by filing a written objection with the clerk and sending a copy to the other party by certified mail, return receipt requested. Any objection to the report and recommendation shall be specific and state with particularity all grounds for the objection. If neither party timely objects, the court of claims shall promptly issue a final order adopting the report and recommendation, unless it determines that there is an error of law or other defect evident on the face of the report and recommendation. If either party timely objects, the other party may file with the clerk a response within seven business days after receiving the objection and send a copy of the response to the objecting party by certified mail, return receipt requested. The court, within seven business days after the response to the objection is filed, shall issue a final order that adopts, modifies, or rejects the report and recommendation.

(3) If the court of claims determines that the public office or person responsible for the public records denied the aggrieved person access to the public records in violation of division (B) of section 149.43 of the Revised Code and if no appeal from the court's final order is taken under division (G) of this section, both of the following apply:

(a) The public office or the person responsible for the public records shall permit the aggrieved person to inspect or receive copies of the public records that the court requires to be disclosed in its order.

(b) The aggrieved person shall be entitled to recover from the public office or person responsible for the public records the amount of the filing fee of twenty-five dollars and any other costs associated with the action that are incurred by the aggrieved person, but shall not be entitled to recover attorney's fees, except that division (G)(2) of this section applies if an appeal is taken under division (G)(1) of this section.

(G)(1) Any appeal from a final order of the court of claims 28027
under this section or from an order of the court of claims 28028
dismissing the complaint as provided in division (D)(2) of this 28029
section shall be taken to the court of appeals of the appellate 28030
district where the principal place of business of the public 28031
office from which the public record is requested is located. 28032
However, no appeal may be taken from a final order of the court of 28033
claims that adopts the special master's report and recommendation 28034
unless a timely objection to that report and recommendation was 28035
filed under division (F)(2) of this section. If the court of 28036
claims materially modifies the special master's report and 28037
recommendation, either party may take an appeal to the court of 28038
appeals of the appellate district of the principal place of 28039
business where that public office is located but the appeal shall 28040
be limited to the issue in the report and recommendation that is 28041
materially modified by the court of claims. In order to facilitate 28042
the expeditious resolution of disputes over alleged denials of 28043
access to public records in violation of division (B) of section 28044
149.43 of the Revised Code, the appeal shall be given such 28045
precedence over other pending matters as will ensure that the 28046
court will reach a decision promptly. 28047

(2) If a court of appeals in any appeal taken under division 28048
(G)(1) of this section by the public office or person responsible 28049
for the public records determines that the public office or person 28050
denied the aggrieved person access to the public records in 28051
violation of division (B) of section 149.43 of the Revised Code 28052
and obviously filed the appeal with the intent to either delay 28053
compliance with the court of claims' order from which the appeal 28054
is taken for no reasonable cause or unduly harass the aggrieved 28055
person, the court of appeals may award reasonable attorney's fees 28056
to the aggrieved person in accordance with division (C) of section 28057
149.43 of the Revised Code. No discovery may be conducted on the 28058
issue of the public office or person responsible for the public 28059

records filing the appeal with the alleged intent to either delay 28060
compliance with the court of claims' order for no reasonable cause 28061
or unduly harass the aggrieved person. This division shall not be 28062
construed as creating a presumption that the public office or the 28063
person responsible for the public records filed the appeal with 28064
the intent to either delay compliance with the court of claims' 28065
order for no reasonable cause or unduly harass the aggrieved 28066
person. 28067

(H) The powers of the court of claims prescribed in section 28068
2743.05 of the Revised Code apply to the proceedings in that court 28069
under this section. 28070

(I)(1) All filing fees collected by a clerk of the court of 28071
common pleas under division (D)(1) of this section shall be paid 28072
to the county treasurer for deposit into the county general 28073
revenue fund. All such money collected during a month shall be 28074
transmitted on or before the twentieth day of the following month 28075
by the clerk of the court of common pleas to the county treasurer. 28076

(2) All filing fees collected by the clerk of the court of 28077
claims under division (D)(1) of this section shall be ~~kept~~ 28078
deposited into the state treasury to the credit of the public 28079
records fund, which is hereby created. Money credited to the fund 28080
shall be used by the court of claims to assist in paying for its 28081
costs to implement this section. All investment earnings of the 28082
fund shall be credited to the fund. Not later than the first day 28083
of February of each year, the clerk of the court of claims shall 28084
prepare a report accessible to the public that details the fees 28085
collected during the preceding calendar year by the clerk of the 28086
court of claims and the clerks of the courts of common pleas under 28087
this section. 28088

(J) Nothing in this section shall be construed to limit the 28089
authority of the auditor of state under division (G) of section 28090
109.43 of the Revised Code. 28091

Sec. 2925.01. As used in this chapter:	28092
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	28093 28094 28095 28096 28097 28098
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	28099 28100
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	28101 28102 28103
(D) "Bulk amount" of a controlled substance means any of the following:	28104 28105
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:	28106 28107 28108 28109 28110 28111
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	28112 28113 28114 28115
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	28116 28117 28118
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than	28119 28120 28121

tetrahydrocannabinol or lysergic acid amide, or a schedule I 28122
stimulant or depressant; 28123

(d) An amount equal to or exceeding twenty grams or five 28124
times the maximum daily dose in the usual dose range specified in 28125
a standard pharmaceutical reference manual of a compound, mixture, 28126
preparation, or substance that is or contains any amount of a 28127
schedule II opiate or opium derivative; 28128

(e) An amount equal to or exceeding five grams or ten unit 28129
doses of a compound, mixture, preparation, or substance that is or 28130
contains any amount of phencyclidine; 28131

(f) An amount equal to or exceeding one hundred twenty grams 28132
or thirty times the maximum daily dose in the usual dose range 28133
specified in a standard pharmaceutical reference manual of a 28134
compound, mixture, preparation, or substance that is or contains 28135
any amount of a schedule II stimulant that is in a final dosage 28136
form manufactured by a person authorized by the "Federal Food, 28137
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 28138
amended, and the federal drug abuse control laws, as defined in 28139
section 3719.01 of the Revised Code, that is or contains any 28140
amount of a schedule II depressant substance or a schedule II 28141
hallucinogenic substance; 28142

(g) An amount equal to or exceeding three grams of a 28143
compound, mixture, preparation, or substance that is or contains 28144
any amount of a schedule II stimulant, or any of its salts or 28145
isomers, that is not in a final dosage form manufactured by a 28146
person authorized by the Federal Food, Drug, and Cosmetic Act and 28147
the federal drug abuse control laws. 28148

(2) An amount equal to or exceeding one hundred twenty grams 28149
or thirty times the maximum daily dose in the usual dose range 28150
specified in a standard pharmaceutical reference manual of a 28151
compound, mixture, preparation, or substance that is or contains 28152

any amount of a schedule III or IV substance other than an 28153
anabolic steroid or a schedule III opiate or opium derivative; 28154

(3) An amount equal to or exceeding twenty grams or five 28155
times the maximum daily dose in the usual dose range specified in 28156
a standard pharmaceutical reference manual of a compound, mixture, 28157
preparation, or substance that is or contains any amount of a 28158
schedule III opiate or opium derivative; 28159

(4) An amount equal to or exceeding two hundred fifty 28160
milliliters or two hundred fifty grams of a compound, mixture, 28161
preparation, or substance that is or contains any amount of a 28162
schedule V substance; 28163

(5) An amount equal to or exceeding two hundred solid dosage 28164
units, sixteen grams, or sixteen milliliters of a compound, 28165
mixture, preparation, or substance that is or contains any amount 28166
of a schedule III anabolic steroid. 28167

(E) "Unit dose" means an amount or unit of a compound, 28168
mixture, or preparation containing a controlled substance that is 28169
separately identifiable and in a form that indicates that it is 28170
the amount or unit by which the controlled substance is separately 28171
administered to or taken by an individual. 28172

(F) "Cultivate" includes planting, watering, fertilizing, or 28173
tilling. 28174

(G) "Drug abuse offense" means any of the following: 28175

(1) A violation of division (A) of section 2913.02 that 28176
constitutes theft of drugs, or a violation of section 2925.02, 28177
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 28178
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 28179
2925.37 of the Revised Code; 28180

(2) A violation of an existing or former law of this or any 28181
other state or of the United States that is substantially 28182

equivalent to any section listed in division (G)(1) of this section;	28183 28184
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	28185 28186 28187 28188 28189 28190 28191
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.	28192 28193 28194
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	28195 28196 28197
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	28198 28199
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	28200 28201 28202 28203 28204 28205
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	28206 28207 28208 28209
(b) Any aerosol propellant;	28210
(c) Any fluorocarbon refrigerant;	28211
(d) Any anesthetic gas.	28212

(2) Gamma Butyrolactone;	28213
(3) 1,4 Butanediol.	28214
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	28215 28216 28217 28218 28219 28220
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	28221 28222 28223 28224
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	28225 28226 28227 28228 28229 28230
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	28231 28232 28233
(N) "Juvenile" means a person under eighteen years of age.	28234
(O) "Counterfeit controlled substance" means any of the following:	28235 28236
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	28237 28238 28239 28240
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or	28241 28242

distributed by a person other than the person that manufactured, 28243
processed, packed, or distributed it; 28244

(3) Any substance that is represented to be a controlled 28245
substance but is not a controlled substance or is a different 28246
controlled substance; 28247

(4) Any substance other than a controlled substance that a 28248
reasonable person would believe to be a controlled substance 28249
because of its similarity in shape, size, and color, or its 28250
markings, labeling, packaging, distribution, or the price for 28251
which it is sold or offered for sale. 28252

(P) An offense is "committed in the vicinity of a school" if 28253
the offender commits the offense on school premises, in a school 28254
building, or within one thousand feet of the boundaries of any 28255
school premises, regardless of whether the offender knows the 28256
offense is being committed on school premises, in a school 28257
building, or within one thousand feet of the boundaries of any 28258
school premises. 28259

(Q) "School" means any school operated by a board of 28260
education, any community school established under Chapter 3314. of 28261
the Revised Code, or any nonpublic school for which the state 28262
board of education prescribes minimum standards under section 28263
3301.07 of the Revised Code, whether or not any instruction, 28264
extracurricular activities, or training provided by the school is 28265
being conducted at the time a criminal offense is committed. 28266

(R) "School premises" means either of the following: 28267

(1) The parcel of real property on which any school is 28268
situated, whether or not any instruction, extracurricular 28269
activities, or training provided by the school is being conducted 28270
on the premises at the time a criminal offense is committed; 28271

(2) Any other parcel of real property that is owned or leased 28272
by a board of education of a school, the governing authority of a 28273

community school established under Chapter 3314. of the Revised 28274
Code, or the governing body of a nonpublic school for which the 28275
state board of education prescribes minimum standards under 28276
section 3301.07 of the Revised Code and on which some of the 28277
instruction, extracurricular activities, or training of the school 28278
is conducted, whether or not any instruction, extracurricular 28279
activities, or training provided by the school is being conducted 28280
on the parcel of real property at the time a criminal offense is 28281
committed. 28282

(S) "School building" means any building in which any of the 28283
instruction, extracurricular activities, or training provided by a 28284
school is conducted, whether or not any instruction, 28285
extracurricular activities, or training provided by the school is 28286
being conducted in the school building at the time a criminal 28287
offense is committed. 28288

(T) "Disciplinary counsel" means the disciplinary counsel 28289
appointed by the board of commissioners on grievances and 28290
discipline of the supreme court under the Rules for the Government 28291
of the Bar of Ohio. 28292

(U) "Certified grievance committee" means a duly constituted 28293
and organized committee of the Ohio state bar association or of 28294
one or more local bar associations of the state of Ohio that 28295
complies with the criteria set forth in Rule V, section 6 of the 28296
Rules for the Government of the Bar of Ohio. 28297

(V) "Professional license" means any license, permit, 28298
certificate, registration, qualification, admission, temporary 28299
license, temporary permit, temporary certificate, or temporary 28300
registration that is described in divisions (W)(1) to (36) of this 28301
section and that qualifies a person as a professionally licensed 28302
person. 28303

(W) "Professionally licensed person" means any of the 28304

following:	28305
(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;	28306 28307 28308
(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;	28309 28310 28311 28312
(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	28313 28314 28315
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	28316 28317 28318
(5) A person licensed under Chapter 4707. of the Revised Code;	28319 28320
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	28321 28322 28323
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	28324 28325 28326
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license,	28327 28328 28329 28330 28331 28332 28333 28334

independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	28335 28336
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	28337 28338 28339 28340 28341
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	28342 28343 28344 28345
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	28346 28347 28348 28349
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	28350 28351 28352
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	28353 28354
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	28355 28356
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	28357 28358 28359 28360
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	28361 28362
(17) A person who has been issued a certificate <u>license</u> to practice medicine and surgery, osteopathic medicine and surgery, a	28363 28364

limited branch of medicine, or podiatry <u>podiatric medicine and</u>	28365
<u>surgery</u> under Chapter 4731. of the Revised Code <u>or has been issued</u>	28366
<u>a certificate to practice a limited branch of medicine under that</u>	28367
<u>chapter;</u>	28368
(18) A person licensed as a psychologist or school	28369
psychologist under Chapter 4732. of the Revised Code;	28370
(19) A person registered to practice the profession of	28371
engineering or surveying under Chapter 4733. of the Revised Code;	28372
(20) A person who has been issued a license to practice	28373
chiropractic under Chapter 4734. of the Revised Code;	28374
(21) A person licensed to act as a real estate broker or real	28375
estate salesperson under Chapter 4735. of the Revised Code;	28376
(22) A person registered as a registered sanitarian under	28377
Chapter 4736. of the Revised Code;	28378
(23) A person licensed to operate or maintain a junkyard	28379
under Chapter 4737. of the Revised Code;	28380
(24) A person who has been issued a motor vehicle salvage	28381
dealer's license under Chapter 4738. of the Revised Code;	28382
(25) A person who has been licensed to act as a steam	28383
engineer under Chapter 4739. of the Revised Code;	28384
(26) A person who has been issued a license or temporary	28385
permit to practice veterinary medicine or any of its branches, or	28386
who is registered as a graduate animal technician under Chapter	28387
4741. of the Revised Code;	28388
(27) A person who has been issued a hearing aid dealer's or	28389
fitter's license or trainee permit under Chapter 4747. of the	28390
Revised Code;	28391
(28) A person who has been issued a class A, class B, or	28392
class C license or who has been registered as an investigator or	28393
security guard employee under Chapter 4749. of the Revised Code;	28394

(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	28395 28396 28397
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	28398 28399 28400
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	28401 28402
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	28403 28404 28405 28406 28407
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	28408 28409
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	28410 28411 28412
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	28413 28414
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	28415 28416 28417
(X) "Cocaine" means any of the following:	28418
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	28419 28420
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	28421 28422 28423 28424

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 28425
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(Y) "L.S.D." means lysergic acid diethylamide. 28431

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 28432
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(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 28435
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(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense. 28437
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(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. 28444
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(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code. 28450
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(EE) "Minor drug possession offense" means either of the following: 28452
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(1) A violation of section 2925.11 of the Revised Code as it 28454

existed prior to July 1, 1996;	28455
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	28456 28457 28458
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	28459 28460
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	28461 28462
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	28463 28464 28465
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	28466 28467 28468 28469
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	28470 28471 28472 28473 28474
(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	28475 28476
Sec. 2925.23. (A) No person shall knowingly make a false statement in any prescription, order, report, or record required by Chapter 3719. or 4729. of the Revised Code.	28477 28478 28479
(B) No person shall intentionally make, utter, or sell, or knowingly possess any of the following that is a false or forged:	28480 28481
(1) Prescription;	28482
(2) Uncompleted preprinted prescription blank used for	28483

writing a prescription;	28484
(3) Official written order;	28485
(4) License for a terminal distributor of dangerous drugs, as required <u>defined</u> in section 4729.60 <u>4729.01</u> of the Revised Code;	28486 28487
(5) Registration certificate <u>License</u> for a wholesale distributor of dangerous drugs, as required <u>defined</u> in section 4729.60 <u>4729.01</u> of the Revised Code.	28488 28489 28490
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	28491 28492
(1) A prescription;	28493
(2) An uncompleted preprinted prescription blank used for writing a prescription;	28494 28495
(3) An official written order;	28496
(4) A blank official written order;	28497
(5) A license or blank license for a terminal distributor of dangerous drugs, as required <u>defined</u> in section 4729.60 <u>4729.01</u> of the Revised Code;	28498 28499 28500
(6) A registration certificate <u>license</u> or blank registration certificate <u>license</u> for a wholesale distributor of dangerous drugs, as required <u>defined</u> in section 4729.60 <u>4729.01</u> of the Revised Code.	28501 28502 28503 28504
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	28505 28506 28507
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	28508 28509 28510 28511 28512

(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:

(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, illegal processing of drug documents is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(G)(1) In addition to any prison term authorized or required by division (F) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to any violation of divisions (A) to (D) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of

circumstances as the violation, the court shall suspend the 28545
offender's driver's or commercial driver's license or permit for 28546
not more than five years. 28547

If the offender is a professionally licensed person, in 28548
addition to any other sanction imposed for a violation of this 28549
section, the court immediately shall comply with section 2925.38 28550
of the Revised Code. 28551

(2) Any offender who received a mandatory suspension of the 28552
offender's driver's or commercial driver's license or permit under 28553
this section prior to ~~the effective date of this amendment~~ 28554
September 13, 2016, may file a motion with the sentencing court 28555
requesting the termination of the suspension. However, an offender 28556
who pleaded guilty to or was convicted of a violation of section 28557
4511.19 of the Revised Code or a substantially similar municipal 28558
ordinance or law of another state or the United States that arose 28559
out of the same set of circumstances as the violation for which 28560
the offender's license or permit was suspended under this section 28561
shall not file such a motion. 28562

Upon the filing of a motion under division (G)(2) of this 28563
section, the sentencing court, in its discretion, may terminate 28564
the suspension. 28565

(H) Notwithstanding any contrary provision of section 3719.21 28566
of the Revised Code, the clerk of court shall pay a fine imposed 28567
for a violation of this section pursuant to division (A) of 28568
section 2929.18 of the Revised Code in accordance with and subject 28569
to the requirements of division (F) of section 2925.03 of the 28570
Revised Code. The agency that receives the fine shall use the fine 28571
as specified in division (F) of section 2925.03 of the Revised 28572
Code. 28573

Sec. 2929.15. (A)(1) If in sentencing an offender for a 28574
felony the court is not required to impose a prison term, a 28575

mandatory prison term, or a term of life imprisonment upon the 28576
offender, the court may directly impose a sentence that consists 28577
of one or more community control sanctions authorized pursuant to 28578
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 28579
court is sentencing an offender for a fourth degree felony OVI 28580
offense under division (G)(1) of section 2929.13 of the Revised 28581
Code, in addition to the mandatory term of local incarceration 28582
imposed under that division and the mandatory fine required by 28583
division (B)(3) of section 2929.18 of the Revised Code, the court 28584
may impose upon the offender a community control sanction or 28585
combination of community control sanctions in accordance with 28586
sections 2929.16 and 2929.17 of the Revised Code. If the court is 28587
sentencing an offender for a third or fourth degree felony OVI 28588
offense under division (G)(2) of section 2929.13 of the Revised 28589
Code, in addition to the mandatory prison term or mandatory prison 28590
term and additional prison term imposed under that division, the 28591
court also may impose upon the offender a community control 28592
sanction or combination of community control sanctions under 28593
section 2929.16 or 2929.17 of the Revised Code, but the offender 28594
shall serve all of the prison terms so imposed prior to serving 28595
the community control sanction. 28596

The duration of all community control sanctions imposed upon 28597
an offender under this division shall not exceed five years. If 28598
the offender absconds or otherwise leaves the jurisdiction of the 28599
court in which the offender resides without obtaining permission 28600
from the court or the offender's probation officer to leave the 28601
jurisdiction of the court, or if the offender is confined in any 28602
institution for the commission of any offense while under a 28603
community control sanction, the period of the community control 28604
sanction ceases to run until the offender is brought before the 28605
court for its further action. If the court sentences the offender 28606
to one or more nonresidential sanctions under section 2929.17 of 28607

the Revised Code, the court shall impose as a condition of the 28608
nonresidential sanctions that, during the period of the sanctions, 28609
the offender must abide by the law and must not leave the state 28610
without the permission of the court or the offender's probation 28611
officer. The court may impose any other conditions of release 28612
under a community control sanction that the court considers 28613
appropriate, including, but not limited to, requiring that the 28614
offender not ingest or be injected with a drug of abuse and submit 28615
to random drug testing as provided in division (D) of this section 28616
to determine whether the offender ingested or was injected with a 28617
drug of abuse and requiring that the results of the drug test 28618
indicate that the offender did not ingest or was not injected with 28619
a drug of abuse. 28620

(2)(a) If a court sentences an offender to any community 28621
control sanction or combination of community control sanctions 28622
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 28623
Revised Code, the court shall place the offender under the general 28624
control and supervision of a department of probation in the county 28625
that serves the court for purposes of reporting to the court a 28626
violation of any condition of the sanctions, any condition of 28627
release under a community control sanction imposed by the court, a 28628
violation of law, or the departure of the offender from this state 28629
without the permission of the court or the offender's probation 28630
officer. Alternatively, if the offender resides in another county 28631
and a county department of probation has been established in that 28632
county or that county is served by a multicounty probation 28633
department established under section 2301.27 of the Revised Code, 28634
the court may request the court of common pleas of that county to 28635
receive the offender into the general control and supervision of 28636
that county or multicounty department of probation for purposes of 28637
reporting to the court a violation of any condition of the 28638
sanctions, any condition of release under a community control 28639
sanction imposed by the court, a violation of law, or the 28640

departure of the offender from this state without the permission 28641
of the court or the offender's probation officer, subject to the 28642
jurisdiction of the trial judge over and with respect to the 28643
person of the offender, and to the rules governing that department 28644
of probation. 28645

If there is no department of probation in the county that 28646
serves the court, the court shall place the offender, regardless 28647
of the offender's county of residence, under the general control 28648
and supervision of the adult parole authority for purposes of 28649
reporting to the court a violation of any of the sanctions, any 28650
condition of release under a community control sanction imposed by 28651
the court, a violation of law, or the departure of the offender 28652
from this state without the permission of the court or the 28653
offender's probation officer. 28654

(b) If the court imposing sentence upon an offender sentences 28655
the offender to any community control sanction or combination of 28656
community control sanctions authorized pursuant to section 28657
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 28658
offender violates any condition of the sanctions, any condition of 28659
release under a community control sanction imposed by the court, 28660
violates any law, or departs the state without the permission of 28661
the court or the offender's probation officer, the public or 28662
private person or entity that operates or administers the sanction 28663
or the program or activity that comprises the sanction shall 28664
report the violation or departure directly to the sentencing 28665
court, or shall report the violation or departure to the county or 28666
multicounty department of probation with general control and 28667
supervision over the offender under division (A)(2)(a) of this 28668
section or the officer of that department who supervises the 28669
offender, or, if there is no such department with general control 28670
and supervision over the offender under that division, to the 28671
adult parole authority. If the public or private person or entity 28672

that operates or administers the sanction or the program or 28673
activity that comprises the sanction reports the violation or 28674
departure to the county or multicounty department of probation or 28675
the adult parole authority, the department's or authority's 28676
officers may treat the offender as if the offender were on 28677
probation and in violation of the probation, and shall report the 28678
violation of the condition of the sanction, any condition of 28679
release under a community control sanction imposed by the court, 28680
the violation of law, or the departure from the state without the 28681
required permission to the sentencing court. 28682

(3) If an offender who is eligible for community control 28683
sanctions under this section admits to being drug addicted or the 28684
court has reason to believe that the offender is drug addicted, 28685
and if the offense for which the offender is being sentenced was 28686
related to the addiction, the court may require that the offender 28687
be assessed by a properly credentialed professional within a 28688
specified period of time and shall require the professional to 28689
file a written assessment of the offender with the court. If a 28690
court imposes treatment and recovery support services as a 28691
community control sanction, the court shall direct the level and 28692
type of treatment and recovery support services after 28693
consideration of the written assessment, if available at the time 28694
of sentencing, and recommendations of the professional and other 28695
treatment and recovery support services providers. 28696

(4) If an assessment completed pursuant to division (A)(3) of 28697
this section indicates that the offender is addicted to drugs or 28698
alcohol, the court may include in any community control sanction 28699
imposed for a violation of section 2925.02, 2925.03, 2925.04, 28700
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 28701
2925.37 of the Revised Code a requirement that the offender 28702
participate in alcohol and drug addiction services and recovery 28703
supports certified under section 5119.36 of the Revised Code or 28704

offered by a properly credentialed community addiction services provider. 28705
28706

(B)(1) If the conditions of a community control sanction are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose upon the violator one or more of the following penalties: 28707
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(a) A longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified in division (A) of this section; 28712
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(b) A more restrictive sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code; 28715
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(c) A prison term on the offender pursuant to section 2929.14 of the Revised Code and division (B)(3) of this section, provided that a prison term imposed under this division for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony shall not exceed ninety days. 28717
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(2) If an offender was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a community control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, the sentencing court may consider the offender's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the offender being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in division (B)(1) of this section. 28725
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(3) The prison term, if any, imposed upon a violator pursuant to this division shall be within the range of prison terms available for the offense for which the sanction that was violated was imposed and shall not exceed the prison term specified in the notice provided to the offender at the sentencing hearing pursuant to division (B)(2) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to this division by the time the offender successfully spent under the sanction that was initially imposed.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction or impose a less restrictive sanction, but the court shall not permit the offender to violate any law or permit the offender to leave the state without the permission of the court or the offender's probation officer.

(D)(1) If a court under division (A)(1) of this section imposes a condition of release under a community control sanction that requires the offender to submit to random drug testing, the department of probation or the adult parole authority that has general control and supervision of the offender under division (A)(2)(a) of this section may cause the offender to submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a contract with that laboratory or entity under section 341.26, 753.33, or 5120.63 of the Revised Code.

(2) If no laboratory or entity described in division (D)(1) of this section has entered into a contract as specified in that

division, the department of probation or the adult parole 28768
authority that has general control and supervision of the offender 28769
under division (A)(2)(a) of this section shall cause the offender 28770
to submit to random drug testing performed by a reputable public 28771
laboratory to determine whether the individual who is the subject 28772
of the drug test ingested or was injected with a drug of abuse. 28773

(3) A laboratory or entity that has entered into a contract 28774
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 28775
shall perform the random drug tests under division (D)(1) of this 28776
section in accordance with the applicable standards that are 28777
included in the terms of that contract. A public laboratory shall 28778
perform the random drug tests under division (D)(2) of this 28779
section in accordance with the standards set forth in the policies 28780
and procedures established by the department of rehabilitation and 28781
correction pursuant to section 5120.63 of the Revised Code. An 28782
offender who is required under division (A)(1) of this section to 28783
submit to random drug testing as a condition of release under a 28784
community control sanction and whose test results indicate that 28785
the offender ingested or was injected with a drug of abuse shall 28786
pay the fee for the drug test if the department of probation or 28787
the adult parole authority that has general control and 28788
supervision of the offender requires payment of a fee. A 28789
laboratory or entity that performs the random drug testing on an 28790
offender under division (D)(1) or (2) of this section shall 28791
transmit the results of the drug test to the appropriate 28792
department of probation or the adult parole authority that has 28793
general control and supervision of the offender under division 28794
(A)(2)(a) of this section. 28795

Sec. 2929.20. (A) As used in this section: 28796

(1)(a) Except as provided in division (A)(1)(b) of this 28797
section, "eligible offender" means any person who, on or after 28798

April 7, 2009, is serving a stated prison term that includes one 28799
or more nonmandatory prison terms. 28800

(b) "Eligible offender" does not include any person who, on 28801
or after April 7, 2009, is serving a stated prison term for any of 28802
the following criminal offenses that was a felony and was 28803
committed while the person held a public office in this state: 28804

(i) A violation of section 2921.02, 2921.03, 2921.05, 28805
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 28806
Code; 28807

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 28808
2921.12 of the Revised Code, when the conduct constituting the 28809
violation was related to the duties of the offender's public 28810
office or to the offender's actions as a public official holding 28811
that public office; 28812

(iii) A violation of an existing or former municipal 28813
ordinance or law of this or any other state or the United States 28814
that is substantially equivalent to any violation listed in 28815
division (A)(1)(b)(i) of this section; 28816

(iv) A violation of an existing or former municipal ordinance 28817
or law of this or any other state or the United States that is 28818
substantially equivalent to any violation listed in division 28819
(A)(1)(b)(ii) of this section, when the conduct constituting the 28820
violation was related to the duties of the offender's public 28821
office or to the offender's actions as a public official holding 28822
that public office; 28823

(v) A conspiracy to commit, attempt to commit, or complicity 28824
in committing any offense listed in division (A)(1)(b)(i) or 28825
described in division (A)(1)(b)(iii) of this section; 28826

(vi) A conspiracy to commit, attempt to commit, or complicity 28827
in committing any offense listed in division (A)(1)(b)(ii) or 28828
described in division (A)(1)(b)(iv) of this section, if the 28829

conduct constituting the offense that was the subject of the 28830
conspiracy, that would have constituted the offense attempted, or 28831
constituting the offense in which the offender was complicit was 28832
or would have been related to the duties of the offender's public 28833
office or to the offender's actions as a public official holding 28834
that public office. 28835

(2) "Nonmandatory prison term" means a prison term that is 28836
not a mandatory prison term. 28837

(3) "Public office" means any elected federal, state, or 28838
local government office in this state. 28839

(4) "Victim's representative" has the same meaning as in 28840
section 2930.01 of the Revised Code. 28841

(5) "Imminent danger of death," "medically incapacitated," 28842
and "terminal illness" have the same meanings as in section 28843
2967.05 of the Revised Code. 28844

(B) On the motion of an eligible offender or upon its own 28845
motion, the sentencing court may reduce the eligible offender's 28846
aggregated nonmandatory prison term or terms through a judicial 28847
release under this section. 28848

(C) An eligible offender may file a motion for judicial 28849
release with the sentencing court within the following applicable 28850
periods: 28851

(1) If the aggregated nonmandatory prison term or terms is 28852
less than two years, the eligible offender may file the motion ~~not~~ 28853
~~earlier than thirty days~~ at any time after the offender is 28854
delivered to a state correctional institution or, if the prison 28855
term includes a mandatory prison term or terms, ~~not earlier than~~ 28856
~~thirty days~~ at any time after the expiration of all mandatory 28857
prison terms. 28858

(2) If the aggregated nonmandatory prison term or terms is at 28859

least two years but less than five years, the eligible offender 28860
may file the motion not earlier than one hundred eighty days after 28861
the offender is delivered to a state correctional institution or, 28862
if the prison term includes a mandatory prison term or terms, not 28863
earlier than one hundred eighty days after the expiration of all 28864
mandatory prison terms. 28865

(3) If the aggregated nonmandatory prison term or terms is 28866
five years, the eligible offender may file the motion not earlier 28867
than the date on which the eligible offender has served four years 28868
of the offender's stated prison term or, if the prison term 28869
includes a mandatory prison term or terms, not earlier than four 28870
years after the expiration of all mandatory prison terms. 28871

(4) If the aggregated nonmandatory prison term or terms is 28872
more than five years but not more than ten years, the eligible 28873
offender may file the motion not earlier than the date on which 28874
the eligible offender has served five years of the offender's 28875
stated prison term or, if the prison term includes a mandatory 28876
prison term or terms, not earlier than five years after the 28877
expiration of all mandatory prison terms. 28878

(5) If the aggregated nonmandatory prison term or terms is 28879
more than ten years, the eligible offender may file the motion not 28880
earlier than the later of the date on which the offender has 28881
served one-half of the offender's stated prison term or the date 28882
specified in division (C)(4) of this section. 28883

(D) Upon receipt of a timely motion for judicial release 28884
filed by an eligible offender under division (C) of this section 28885
or upon the sentencing court's own motion made within the 28886
appropriate time specified in that division, the court may deny 28887
the motion without a hearing or schedule a hearing on the motion. 28888
The court shall not grant the motion without a hearing. If a court 28889
denies a motion without a hearing, the court later may consider 28890
judicial release for that eligible offender on a subsequent motion 28891

filed by that eligible offender unless the court denies the motion 28892
with prejudice. If a court denies a motion with prejudice, the 28893
court may later consider judicial release on its own motion. If a 28894
court denies a motion after a hearing, the court shall not 28895
consider a subsequent motion for that eligible offender. The court 28896
shall hold only one hearing for any eligible offender. 28897

A hearing under this section shall be conducted in open court 28898
not less than thirty or more than sixty days after the motion is 28899
filed, provided that the court may delay the hearing for one 28900
hundred eighty additional days. If the court holds a hearing, the 28901
court shall enter a ruling on the motion within ten days after the 28902
hearing. If the court denies the motion without a hearing, the 28903
court shall enter its ruling on the motion within sixty days after 28904
the motion is filed. 28905

(E) If a court schedules a hearing under division (D) of this 28906
section, the court shall notify the eligible offender and the head 28907
of the state correctional institution in which the eligible 28908
offender is confined prior to the hearing. The head of the state 28909
correctional institution immediately shall notify the appropriate 28910
person at the department of rehabilitation and correction of the 28911
hearing, and the department within twenty-four hours after receipt 28912
of the notice, shall post on the database it maintains pursuant to 28913
section 5120.66 of the Revised Code the offender's name and all of 28914
the information specified in division (A)(1)(c)(i) of that 28915
section. If the court schedules a hearing for judicial release, 28916
the court promptly shall give notice of the hearing to the 28917
prosecuting attorney of the county in which the eligible offender 28918
was indicted. Upon receipt of the notice from the court, the 28919
prosecuting attorney shall do whichever of the following is 28920
applicable: 28921

(1) Subject to division (E)(2) of this section, notify the 28922
victim of the offense or the victim's representative pursuant to 28923

division (B) of section 2930.16 of the Revised Code; 28924

(2) If the offense was an offense of violence that is a 28925
felony of the first, second, or third degree, except as otherwise 28926
provided in this division, notify the victim or the victim's 28927
representative of the hearing regardless of whether the victim or 28928
victim's representative has requested the notification. The notice 28929
of the hearing shall not be given under this division to a victim 28930
or victim's representative if the victim or victim's 28931
representative has requested pursuant to division (B)(2) of 28932
section 2930.03 of the Revised Code that the victim or the 28933
victim's representative not be provided the notice. If notice is 28934
to be provided to a victim or victim's representative under this 28935
division, the prosecuting attorney may give the notice by any 28936
reasonable means, including regular mail, telephone, and 28937
electronic mail, in accordance with division (D)(1) of section 28938
2930.16 of the Revised Code. If the notice is based on an offense 28939
committed prior to March 22, 2013, the notice also shall include 28940
the opt-out information described in division (D)(1) of section 28941
2930.16 of the Revised Code. The prosecuting attorney, in 28942
accordance with division (D)(2) of section 2930.16 of the Revised 28943
Code, shall keep a record of all attempts to provide the notice, 28944
and of all notices provided, under this division. Division (E)(2) 28945
of this section, and the notice-related provisions of division (K) 28946
of this section, division (D)(1) of section 2930.16, division (H) 28947
of section 2967.12, division (E)(1)(b) of section 2967.19, 28948
division (A)(3)(b) of section 2967.26, division (D)(1) of section 28949
2967.28, and division (A)(2) of section 5149.101 of the Revised 28950
Code enacted in the act in which division (E)(2) of this section 28951
was enacted, shall be known as "Roberta's Law." 28952

(F) Upon an offender's successful completion of 28953
rehabilitative activities, the head of the state correctional 28954
institution may notify the sentencing court of the successful 28955

completion of the activities. 28956

(G) Prior to the date of the hearing on a motion for judicial 28957
release under this section, the head of the state correctional 28958
institution in which the eligible offender is confined shall send 28959
to the court an institutional summary report on the eligible 28960
offender's conduct in the institution and in any institution from 28961
which the eligible offender may have been transferred. Upon the 28962
request of the prosecuting attorney of the county in which the 28963
eligible offender was indicted or of any law enforcement agency, 28964
the head of the state correctional institution, at the same time 28965
the person sends the institutional summary report to the court, 28966
also shall send a copy of the report to the requesting prosecuting 28967
attorney and law enforcement agencies. The institutional summary 28968
report shall cover the eligible offender's participation in 28969
school, vocational training, work, treatment, and other 28970
rehabilitative activities and any disciplinary action taken 28971
against the eligible offender. The report shall be made part of 28972
the record of the hearing. A presentence investigation report is 28973
not required for judicial release. 28974

(H) If the court grants a hearing on a motion for judicial 28975
release under this section, the eligible offender shall attend the 28976
hearing if ordered to do so by the court. Upon receipt of a copy 28977
of the journal entry containing the order, the head of the state 28978
correctional institution in which the eligible offender is 28979
incarcerated shall deliver the eligible offender to the sheriff of 28980
the county in which the hearing is to be held. The sheriff shall 28981
convey the eligible offender to and from the hearing. 28982

(I) At the hearing on a motion for judicial release under 28983
this section, the court shall afford the eligible offender and the 28984
eligible offender's attorney an opportunity to present written 28985
and, if present, oral information relevant to the motion. The 28986
court shall afford a similar opportunity to the prosecuting 28987

attorney, the victim or the victim's representative, and any other 28988
person the court determines is likely to present additional 28989
relevant information. The court shall consider any statement of a 28990
victim made pursuant to section 2930.14 or 2930.17 of the Revised 28991
Code, any victim impact statement prepared pursuant to section 28992
2947.051 of the Revised Code, and any report made under division 28993
(G) of this section. The court may consider any written statement 28994
of any person submitted to the court pursuant to division (L) of 28995
this section. After ruling on the motion, the court shall notify 28996
the victim of the ruling in accordance with sections 2930.03 and 28997
2930.16 of the Revised Code. 28998

(J)(1) A court shall not grant a judicial release under this 28999
section to an eligible offender who is imprisoned for a felony of 29000
the first or second degree, or to an eligible offender who 29001
committed an offense under Chapter 2925. or 3719. of the Revised 29002
Code and for whom there was a presumption under section 2929.13 of 29003
the Revised Code in favor of a prison term, unless the court, with 29004
reference to factors under section 2929.12 of the Revised Code, 29005
finds both of the following: 29006

(a) That a sanction other than a prison term would adequately 29007
punish the offender and protect the public from future criminal 29008
violations by the eligible offender because the applicable factors 29009
indicating a lesser likelihood of recidivism outweigh the 29010
applicable factors indicating a greater likelihood of recidivism; 29011

(b) That a sanction other than a prison term would not demean 29012
the seriousness of the offense because factors indicating that the 29013
eligible offender's conduct in committing the offense was less 29014
serious than conduct normally constituting the offense outweigh 29015
factors indicating that the eligible offender's conduct was more 29016
serious than conduct normally constituting the offense. 29017

(2) A court that grants a judicial release to an eligible 29018
offender under division (J)(1) of this section shall specify on 29019

the record both findings required in that division and also shall 29020
list all the factors described in that division that were 29021
presented at the hearing. 29022

(K) If the court grants a motion for judicial release under 29023
this section, the court shall order the release of the eligible 29024
offender, shall place the eligible offender under an appropriate 29025
community control sanction, under appropriate conditions, and 29026
under the supervision of the department of probation serving the 29027
court and shall reserve the right to reimpose the sentence that it 29028
reduced if the offender violates the sanction. If the court 29029
reimposes the reduced sentence, it may do so either concurrently 29030
with, or consecutive to, any new sentence imposed upon the 29031
eligible offender as a result of the violation that is a new 29032
offense. Except as provided in division (R)(2) of this section, 29033
the period of community control shall be no longer than five 29034
years. The court, in its discretion, may reduce the period of 29035
community control by the amount of time the eligible offender 29036
spent in jail or prison for the offense and in prison. If the 29037
court made any findings pursuant to division (J)(1) of this 29038
section, the court shall serve a copy of the findings upon counsel 29039
for the parties within fifteen days after the date on which the 29040
court grants the motion for judicial release. 29041

If the court grants a motion for judicial release, the court 29042
shall notify the appropriate person at the department of 29043
rehabilitation and correction, and the department shall post 29044
notice of the release on the database it maintains pursuant to 29045
section 5120.66 of the Revised Code. The court also shall notify 29046
the prosecuting attorney of the county in which the eligible 29047
offender was indicted that the motion has been granted. Unless the 29048
victim or the victim's representative has requested pursuant to 29049
division (B)(2) of section 2930.03 of the Revised Code that the 29050
victim or victim's representative not be provided the notice, the 29051

prosecuting attorney shall notify the victim or the victim's 29052
representative of the judicial release in any manner, and in 29053
accordance with the same procedures, pursuant to which the 29054
prosecuting attorney is authorized to provide notice of the 29055
hearing pursuant to division (E)(2) of this section. If the notice 29056
is based on an offense committed prior to March 22, 2013, the 29057
notice to the victim or victim's representative also shall include 29058
the opt-out information described in division (D)(1) of section 29059
2930.16 of the Revised Code. 29060

(L) In addition to and independent of the right of a victim 29061
to make a statement pursuant to section 2930.14, 2930.17, or 29062
2946.051 of the Revised Code and any right of a person to present 29063
written information or make a statement pursuant to division (I) 29064
of this section, any person may submit to the court, at any time 29065
prior to the hearing on the offender's motion for judicial 29066
release, a written statement concerning the effects of the 29067
offender's crime or crimes, the circumstances surrounding the 29068
crime or crimes, the manner in which the crime or crimes were 29069
perpetrated, and the person's opinion as to whether the offender 29070
should be released. 29071

(M) The changes to this section that are made on September 29072
30, 2011, apply to any judicial release decision made on or after 29073
September 30, 2011, for any eligible offender. 29074

(N) Notwithstanding the eligibility requirements specified in 29075
division (A) of this section and the filing time frames specified 29076
in division (C) of this section and notwithstanding the findings 29077
required under division (J) of this section, the sentencing court, 29078
upon the court's own motion and after considering whether the 29079
release of the offender into society would create undue risk to 29080
public safety, may grant a judicial release to an offender who is 29081
not serving a life sentence at any time during the offender's 29082
imposed sentence when the director of rehabilitation and 29083

correction certifies to the sentencing court through the chief 29084
medical officer for the department of rehabilitation and 29085
correction that the offender is in imminent danger of death, is 29086
medically incapacitated, or is suffering from a terminal illness. 29087

(O) The director of rehabilitation and correction shall not 29088
certify any offender under division (N) of this section who is 29089
serving a death sentence. 29090

(P) A motion made by the court under division (N) of this 29091
section is subject to the notice, hearing, and other procedural 29092
requirements specified in divisions (D), (E), (G), (H), (I), (K), 29093
and (L) of this section, except for the following: 29094

(1) The court may waive the offender's appearance at any 29095
hearing scheduled by the court if the offender's condition makes 29096
it impossible for the offender to participate meaningfully in the 29097
proceeding. 29098

(2) The court may grant the motion without a hearing, 29099
provided that the prosecuting attorney and victim or victim's 29100
representative to whom notice of the hearing was provided under 29101
division (E) of this section indicate that they do not wish to 29102
participate in the hearing or present information relevant to the 29103
motion. 29104

(Q) The court may request health care records from the 29105
department of rehabilitation and correction to verify the 29106
certification made under division (N) of this section. 29107

(R)(1) If the court grants judicial release under division 29108
(N) of this section, the court shall do all of the following: 29109

(a) Order the release of the offender; 29110

(b) Place the offender under an appropriate community control 29111
sanction, under appropriate conditions; 29112

(c) Place the offender under the supervision of the 29113

department of probation serving the court or under the supervision 29114
of the adult parole authority. 29115

(2) The court, in its discretion, may revoke the judicial 29116
release if the offender violates the community control sanction 29117
described in division (R)(1) of this section. The period of that 29118
community control is not subject to the five-year limitation 29119
described in division (K) of this section and shall not expire 29120
earlier than the date on which all of the offender's mandatory 29121
prison terms expire. 29122

(S) If the health of an offender who is released under 29123
division (N) of this section improves so that the offender is no 29124
longer terminally ill, medically incapacitated, or in imminent 29125
danger of death, the court shall, upon the court's own motion, 29126
revoke the judicial release. The court shall not grant the motion 29127
without a hearing unless the offender waives a hearing. If a 29128
hearing is held, the court shall afford the offender and the 29129
offender's attorney an opportunity to present written and, if the 29130
offender or the offender's attorney is present, oral information 29131
relevant to the motion. The court shall afford a similar 29132
opportunity to the prosecuting attorney, the victim or the 29133
victim's representative, and any other person the court determines 29134
is likely to present additional relevant information. A court that 29135
grants a motion under this division shall specify its findings on 29136
the record. 29137

Sec. 2929.34. (A) A person who is convicted of or pleads 29138
guilty to aggravated murder, murder, or an offense punishable by 29139
life imprisonment and who is sentenced to a term of life 29140
imprisonment or a prison term pursuant to that conviction shall 29141
serve that term in an institution under the control of the 29142
department of rehabilitation and correction. 29143

(B)(1) A person who is convicted of or pleads guilty to a 29144

felony other than aggravated murder, murder, or an offense 29145
punishable by life imprisonment and who is sentenced to a term of 29146
imprisonment or a prison term pursuant to that conviction shall 29147
serve that term as follows: 29148

(a) Subject to divisions (B)(1)(b) ~~and~~, (B)(2), and (B)(3) of 29149
this section, in an institution under the control of the 29150
department of rehabilitation and correction if the term is a 29151
prison term or as otherwise determined by the sentencing court 29152
pursuant to section 2929.16 of the Revised Code if the term is not 29153
a prison term; 29154

(b) In a facility of a type described in division (G)(1) of 29155
section 2929.13 of the Revised Code, if the offender is sentenced 29156
pursuant to that division. 29157

(2) If the term is a prison term, the person may be 29158
imprisoned in a jail that is not a minimum security jail pursuant 29159
to agreement under section 5120.161 of the Revised Code between 29160
the department of rehabilitation and correction and the local 29161
authority that operates the jail. 29162

(3)(a) As used in divisions (B)(3)(a) to (d) of this section: 29163

(i) "Target county" means Franklin county, Cuyahoga county, 29164
Hamilton county, Summit county, Montgomery county, Lucas county, 29165
Butler county, Stark county, Lorain county, and Mahoning county. 29166

(ii) "Voluntary county" means any county in which the board 29167
of county commissioners of the county and the administrative judge 29168
of the general division of the court of common pleas of the county 29169
enter into an agreement of the type described in division 29170
(B)(3)(b) of this section and in which the agreement has not been 29171
terminated as described in that division. 29172

(b) In any county other than a target county, the board of 29173
county commissioners of the county and the administrative judge of 29174
the general division of the court of common pleas of the county 29175

may agree to having the county participate in the procedures 29176
regarding local and state confinement established under division 29177
(B)(3)(c) of this section. A board of county commissioners and an 29178
administrative judge of a court of common pleas that enter into an 29179
agreement of the type described in this division may terminate the 29180
agreement, but a termination under this division shall take effect 29181
only at the end of the state fiscal biennium in which the 29182
termination decision is made. 29183

(c) Except as provided in division (B)(3)(d) of this section, 29184
on and after July 1, 2018, no person sentenced by the court of 29185
common pleas of a target county or of a voluntary county to a 29186
prison term that is twelve months or less for a felony of the 29187
fifth degree shall serve the term in an institution under the 29188
control of the department of rehabilitation and correction. The 29189
person shall instead serve the sentence as a term of confinement 29190
in a facility of a type described in division (C) or (D) of this 29191
section. Nothing in this division or in section 5120.116 of the 29192
Revised Code relieves the state of its obligation to pay for the 29193
cost of confinement of the person in a community-based 29194
correctional facility under division (D) of this section. 29195

(d) Division (B)(3)(c) of this section does not apply to any 29196
person to whom any of the following apply: 29197

(i) The felony of the fifth degree was an offense of 29198
violence, as defined in section 2901.01 of the Revised Code, a sex 29199
offense under Chapter 2907. of the Revised Code, or any offense 29200
for which a mandatory prison term is required. 29201

(ii) The person previously has been convicted of or pleaded 29202
guilty to any felony offense of violence, as defined in section 29203
2901.01 of the Revised Code. 29204

(iii) The person previously has been convicted of or pleaded 29205
guilty to any felony sex offense under Chapter 2907. of the 29206

<u>Revised Code.</u>	29207
<u>(iv) The person's sentence is required to be served</u>	29208
<u>concurrently to any other sentence imposed upon the person for a</u>	29209
<u>felony that is required to be served in an institution under the</u>	29210
<u>control of the department of rehabilitation and correction.</u>	29211
(C) A person who is convicted of or pleads guilty to one or	29212
more misdemeanors and who is sentenced to a jail term or term of	29213
imprisonment pursuant to the conviction or convictions shall serve	29214
that term in a county, multicounty, municipal, municipal-county,	29215
or multicounty-municipal jail or workhouse; in a community	29216
alternative sentencing center or district community alternative	29217
sentencing center when authorized by section 307.932 of the	29218
Revised Code; or, if the misdemeanor or misdemeanors are not	29219
offenses of violence, in a minimum security jail.	29220
(D) Nothing in this section prohibits the commitment,	29221
referral, or sentencing of a person who is convicted of or pleads	29222
guilty to a felony to a community-based correctional facility.	29223
Sec. 2941.51. (A) Counsel appointed to a case or selected by	29224
an indigent person under division (E) of section 120.16 or	29225
division (E) of section 120.26 of the Revised Code, or otherwise	29226
appointed by the court, except for counsel appointed by the court	29227
to provide legal representation for a person charged with a	29228
violation of an ordinance of a municipal corporation, shall be	29229
paid for their services by the county the compensation and	29230
expenses that the trial court approves. Each request for payment	29231
shall be accompanied by <u>include</u> a financial disclosure form and an	29232
affidavit of indigency that are completed by the indigent person	29233
on forms <u>a form</u> prescribed by the state public defender.	29234
Compensation and expenses shall not exceed the amounts fixed by	29235
the board of county commissioners pursuant to division (B) of this	29236
section.	29237

(B) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid by the county for legal services provided by appointed counsel. Prior to establishing such schedule, the board shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to counsel in the amount or at the rate set by the capital case attorney fee council pursuant to division (D) of section 120.33 of the Revised Code, and the board of county commissioners shall approve that amount or rate.

With respect to capital cases, counsel shall be paid compensation and expenses in accordance with the amount or at the rate set by the capital case attorney fee council pursuant to division (D) of section 120.33 of the Revised Code.

(C) In a case where counsel have been appointed to conduct an appeal under Chapter 120. of the Revised Code, such compensation shall be fixed by the court of appeals or the supreme court, as provided in divisions (A) and (B) of this section.

(D) The fees and expenses approved by the court under this section shall not be taxed as part of the costs and shall be paid by the county. However, if the person represented has, or reasonably may be expected to have, the means to meet some part of the cost of the services rendered to the person, the person shall pay the county an amount that the person reasonably can be expected to pay. Pursuant to section 120.04 of the Revised Code, the county shall pay to the state public defender a percentage of the payment received from the person in an amount proportionate to the percentage of the costs of the person's case that were paid to

the county by the state public defender pursuant to this section. 29270
The money paid to the state public defender shall be credited to 29271
the client payment fund created pursuant to division (B)(5) of 29272
section 120.04 of the Revised Code. 29273

(E) The county auditor shall draw a warrant on the county 29274
treasurer for the payment of such counsel in the amount fixed by 29275
the court, plus the expenses that the court fixes and certifies to 29276
the auditor. The county auditor shall report periodically, but not 29277
less than annually, to the board of county commissioners and to 29278
the Ohio public defender commission the amounts paid out pursuant 29279
to the approval of the court under this section, separately 29280
stating costs and expenses that are reimbursable under section 29281
120.35 of the Revised Code. The board, after review and approval 29282
of the auditor's report, may then certify it to the state public 29283
defender for reimbursement. The request for reimbursement shall be 29284
accompanied by a financial disclosure form completed by each 29285
indigent person for whom counsel was provided on a form prescribed 29286
by the state public defender. The state public defender shall 29287
review the report and, in accordance with the standards, 29288
guidelines, and maximums established pursuant to divisions (B)(7) 29289
and (8) of section 120.04 of the Revised Code, pay fifty per cent 29290
of the total cost, other than costs and expenses that are 29291
reimbursable under section 120.35 of the Revised Code, if any, of 29292
paying appointed counsel in each county and pay ~~fifty~~ one hundred 29293
per cent of costs and expenses that are reimbursable under section 29294
120.35 of the Revised Code, if any, to the board. 29295

(F) If any county system for paying appointed counsel fails 29296
to maintain the standards for the conduct of the system 29297
established by the rules of the Ohio public defender commission 29298
pursuant to divisions (B) and (C) of section 120.03 of the Revised 29299
Code or the standards established by the state public defender 29300
pursuant to division (B)(7) of section 120.04 of the Revised Code, 29301

the commission shall notify the board of county commissioners of 29302
the county that the county system for paying appointed counsel has 29303
failed to comply with its rules. Unless the board corrects the 29304
conduct of its appointed counsel system to comply with the rules 29305
within ninety days after the date of the notice, the state public 29306
defender may deny all or part of the county's reimbursement from 29307
the state provided for in this section. 29308

Sec. 2953.25. (A) As used in this section: 29309

(1) "Collateral sanction" means a penalty, disability, or 29310
disadvantage that is related to employment or occupational 29311
licensing, however denominated, as a result of the individual's 29312
conviction of or plea of guilty to an offense and that applies by 29313
operation of law in this state whether or not the penalty, 29314
disability, or disadvantage is included in the sentence or 29315
judgment imposed. 29316

"Collateral sanction" does not include imprisonment, 29317
probation, parole, supervised release, forfeiture, restitution, 29318
fine, assessment, or costs of prosecution. 29319

(2) "Decision-maker" includes, but is not limited to, the 29320
state acting through a department, agency, board, commission, or 29321
instrumentality established by the law of this state for the 29322
exercise of any function of government, a political subdivision, 29323
an educational institution, or a government contractor or 29324
subcontractor made subject to this section by contract, law, or 29325
ordinance. 29326

(3) "Department-funded program" means a residential or 29327
nonresidential program that is not a term in a state correctional 29328
institution, that is funded in whole or part by the department of 29329
rehabilitation and correction, and that is imposed as a sanction 29330
for an offense, as part of a sanction that is imposed for an 29331
offense, or as a term or condition of any sanction that is imposed 29332

for an offense. 29333

(4) "Designee" means the person designated by the deputy 29334
director of the division of parole and community services to 29335
perform the duties designated in division (B) of this section. 29336

(5) "Division of parole and community services" means the 29337
division of parole and community services of the department of 29338
rehabilitation and correction. 29339

(6) "Offense" means any felony or misdemeanor under the laws 29340
of this state. 29341

(7) "Political subdivision" has the same meaning as in 29342
section 2969.21 of the Revised Code. 29343

(8) "Discretionary civil impact," "licensing agency," and 29344
"mandatory civil impact" have the same meanings as in section 29345
2961.21 of the Revised Code. 29346

(B)(1) ~~After the provisions of this division become operative~~ 29347
~~as described in division (J) of this section, an~~ An individual who 29348
is subject to one or more collateral sanctions as a result of 29349
being convicted of or pleading guilty to an offense and who either 29350
has served a term in a state correctional institution for any 29351
offense or has spent time in a department-funded program for any 29352
offense may file a petition with the designee of the deputy 29353
director of the division of parole and community services for a 29354
certificate of qualification for employment. 29355

(2) ~~After the provisions of this division become operative as~~ 29356
~~described in division (J) of this section, an~~ An individual who is 29357
subject to one or more collateral sanctions as a result of being 29358
convicted of or pleading guilty to an offense and who is not in a 29359
category described in division (B)(1) of this section may file a 29360
~~petition with the court of common pleas of the county in which the~~ 29361
~~person resides or with the designee of the deputy director of the~~ 29362
~~division of parole and community services for a certificate of~~ 29363

qualification for employment by doing either of the following: 29364

(a) In the case of an individual who resides in this state, 29365
filing a petition with the court of common pleas of the county in 29366
which the person resides or with the designee of the deputy 29367
director of the division of parole and community services; 29368

(b) In the case of an individual who resides outside of this 29369
state, filing a petition with the court of common pleas of any 29370
county in which any conviction or plea of guilty from which the 29371
individual seeks relief was entered or with the designee of the 29372
deputy director of the division of parole and community services. 29373

(3) A petition under division (B)(1) or (2) of this section 29374
shall be made on a copy of the form prescribed by the division of 29375
parole and community services under division (J) of this section 29376
and shall contain all of the information described in division (F) 29377
of this section. 29378

(4) ~~An~~ (a) Except as provided in division (B)(4)(b) of this 29379
section, an individual may file a petition under division (B)(1) 29380
or (2) of this section at any time after the expiration of 29381
whichever of the following is applicable: 29382

~~(a)~~(i) If the offense that resulted in the collateral 29383
sanction from which the individual seeks relief is a felony, at 29384
any time after the expiration of one year from the date of release 29385
of the individual from any period of incarceration in a state or 29386
local correctional facility that was imposed for that offense and 29387
all periods of supervision imposed after release from the period 29388
of incarceration or, if the individual was not incarcerated for 29389
that offense, at any time after the expiration of one year from 29390
the date of the individual's final release from all other 29391
sanctions imposed for that offense. 29392

~~(b)~~(ii) If the offense that resulted in the collateral 29393
sanction from which the individual seeks relief is a misdemeanor, 29394

at any time after the expiration of six months from the date of 29395
release of the individual from any period of incarceration in a 29396
local correctional facility that was imposed for that offense and 29397
all periods of supervision imposed after release from the period 29398
of incarceration or, if the individual was not incarcerated for 29399
that offense, at any time after the expiration of six months from 29400
the date of the final release of the individual from all sanctions 29401
imposed for that offense including any period of supervision. 29402

(b) The department of rehabilitation and correction may 29403
establish criteria by rule adopted under Chapter 119. of the 29404
Revised Code that, if satisfied by an individual, would allow the 29405
individual to file a petition before the expiration of six months 29406
or one year from the date of final release, whichever is 29407
applicable under division (B)(4)(a) of this section. 29408

(5)(a) A designee that receives a petition for a 29409
~~certification~~ certificate of qualification for employment from an 29410
individual under division (B)(1) or (2) of this section shall 29411
review the petition to determine whether it is complete. If the 29412
petition is complete, the designee shall forward the petition, and 29413
any other information the designee possesses that relates to the 29414
petition, to the court of common pleas of the county in which the 29415
individual resides if the individual submitting the petition 29416
resides in this state or, if the individual resides outside of 29417
this state, to the court of common pleas of the county in which 29418
the conviction or plea of guilty from which the individual seeks 29419
relief was entered. 29420

(b) A court of common pleas that receives a petition for a 29421
certificate of qualification for employment from an individual 29422
under division (B)(2) of this section, or that is forwarded a 29423
petition for such a certificate under division (B)(5)(a) of this 29424
section, shall attempt to determine all other courts in this state 29425
in which the individual was convicted of or pleaded guilty to an 29426

offense other than the offense from which the individual is 29427
seeking relief. The court that receives or is forwarded the 29428
petition shall notify all other courts in this state that it 29429
determines under this division were courts in which the individual 29430
was convicted of or pleaded guilty to an offense other than the 29431
offense from which the individual is seeking relief that the 29432
individual has filed the petition and that the court may send 29433
comments regarding the possible issuance of the certificate. 29434

A court of common pleas that receives a petition for a 29435
certificate of qualification for employment under division (B)(2) 29436
of this section shall notify the county's prosecuting attorney ~~of~~ 29437
~~the county in which the individual resides~~ that the individual has 29438
filed the petition. 29439

A court of common pleas that receives a petition for a 29440
certificate of qualification for employment under division (B)(2) 29441
of this section, or that is forwarded a petition for qualification 29442
under division (B)(5)(a) of this section may direct the clerk of 29443
court to process and record all notices required in or under this 29444
section. 29445

(C)(1) Upon receiving a petition for a certificate of 29446
qualification for employment filed by an individual under division 29447
(B)(2) of this section or being forwarded a petition for such a 29448
certificate under division (B)(5)(a) of this section, the court 29449
shall review the individual's petition, the individual's criminal 29450
history, all filings submitted by the prosecutor or by the victim 29451
in accordance with rules adopted by the division of parole and 29452
community services, the applicant's military service record, if 29453
applicable, and whether the applicant has an emotional, mental, or 29454
physical condition that is traceable to the applicant's military 29455
service in the armed forces of the United States and that was a 29456
contributing factor in the commission of the offense or offenses, 29457
and all other relevant evidence. The court may order any report, 29458

investigation, or disclosure by the individual that the court 29459
believes is necessary for the court to reach a decision on whether 29460
to approve the individual's petition for a certificate of 29461
qualification for employment. 29462

(2) Upon receiving a petition for a certificate of 29463
qualification for employment filed by an individual under division 29464
(B)(2) of this section or being forwarded a petition for such a 29465
certificate under division (B)(5)(a) of this section, except as 29466
otherwise provided in this division, the court shall decide 29467
whether to issue the certificate within sixty days after the court 29468
receives or is forwarded the completed petition and all 29469
information requested for the court to make that decision. Upon 29470
request of the individual who filed the petition, the court may 29471
extend the sixty-day period specified in this division. 29472

(3) Subject to division (C)(5) of this section, a court that 29473
receives an individual's petition for a certificate of 29474
qualification for employment under division (B)(2) of this section 29475
or that is forwarded a petition for such a certificate under 29476
division (B)(5)(a) of this section may issue a certificate of 29477
qualification for employment, at the court's discretion, if the 29478
court finds that the individual has established all of the 29479
following by a preponderance of the evidence: 29480

(a) Granting the petition will materially assist the 29481
individual in obtaining employment or occupational licensing. 29482

(b) The individual has a substantial need for the relief 29483
requested in order to live a law-abiding life. 29484

(c) Granting the petition would not pose an unreasonable risk 29485
to the safety of the public or any individual. 29486

(4) The submission of an incomplete petition by an individual 29487
shall not be grounds for the designee or court to deny the 29488
petition. 29489

(5) ~~A court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section shall not issue a certificate of qualification for employment that grants the individual shall not create relief from any of the following collateral sanctions:~~ 29490
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(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code; 29497
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(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code; 29500
29501
29502
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(c) Restrictions on employment as a prosecutor or law enforcement officer; 29505
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(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code; 29507
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(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 29517
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29520

of the Revised Code; 29521

(f) The denial or ineligibility for employment in a pain 29522
clinic under division (B)(4) of section 4729.552 of the Revised 29523
Code; 29524

(g) The mandatory suspension of a license that is imposed on 29525
an individual applying for or holding a license as a health care 29526
professional under Title XLVII of the Revised Code pursuant to 29527
section 3123.43 of the Revised Code. 29528

(6) If a court that receives an individual's petition for a 29529
certificate of qualification for employment under division (B)(2) 29530
of this section or that is forwarded a petition for such a 29531
certificate under division (B)(5)(a) of this section denies the 29532
petition, the court shall provide written notice to the individual 29533
of the court's denial. The court may place conditions on the 29534
individual regarding the individual's filing of any subsequent 29535
petition for a certificate of qualification for employment. The 29536
written notice must notify the individual of any conditions placed 29537
on the individual's filing of a subsequent petition for a 29538
certificate of qualification for employment. 29539

If a court of common pleas that receives an individual's 29540
petition for a certificate of qualification for employment under 29541
division (B)(2) of this section or that is forwarded a petition 29542
for such a certificate under division (B)(5)(a) of this section 29543
denies the petition, the individual may appeal the decision to the 29544
court of appeals only if the individual alleges that the denial 29545
was an abuse of discretion on the part of the court of common 29546
pleas. 29547

(D)(1) A certificate of qualification for employment issued 29548
to an individual lifts the automatic bar of a collateral sanction, 29549
and a decision-maker shall consider on a case-by-case basis 29550
whether to grant or deny the issuance or restoration of an 29551

occupational license or an employment opportunity, notwithstanding 29552
the individual's possession of the certificate, without, however, 29553
reconsidering or rejecting any finding made by a designee or court 29554
under division (C)(3) of this section. 29555

(2) The certificate constitutes a rebuttable presumption that 29556
the person's criminal convictions are insufficient evidence that 29557
the person is unfit for the license, employment opportunity, or 29558
certification in question. Notwithstanding the presumption 29559
established under this division, the agency may deny the license 29560
or certification for the person if it determines that the person 29561
is unfit for issuance of the license. 29562

(3) If an employer that has hired a person who has been 29563
issued a certificate of qualification for employment applies to a 29564
licensing agency for a license or certification and the person has 29565
a conviction or guilty plea that otherwise would bar the person's 29566
employment with the employer or licensure for the employer because 29567
of a mandatory civil impact, the agency shall give the person 29568
individualized consideration, notwithstanding the mandatory civil 29569
impact, the mandatory civil impact shall be considered for all 29570
purposes to be a discretionary civil impact, and the certificate 29571
constitutes a rebuttable presumption that the person's criminal 29572
convictions are insufficient evidence that the person is unfit for 29573
the employment, or that the employer is unfit for the license or 29574
certification, in question. 29575

(E) A certificate of qualification for employment does not 29576
grant the individual to whom the certificate was issued relief 29577
from the mandatory civil impacts identified in division (A)(1) of 29578
section 2961.01 or division (B) of section 2961.02 of the Revised 29579
Code. 29580

(F) A petition for a certificate of qualification for 29581
employment filed by an individual under division (B)(1) or (2) of 29582
this section shall include all of the following: 29583

(1) The individual's name, date of birth, and social security number;	29584 29585
(2) All aliases of the individual and all social security numbers associated with those aliases;	29586 29587
(3) The individual's residence address, including the city, county, and state of residence and zip code;	29588 29589
(4) The length of time that the individual has been a resident of this <u>resided in the individual's current state of residence</u> , expressed in years and months of residence;	29590 29591 29592
(5) The name or type of each collateral sanction from which the individual is requesting a certificate of qualification for employment <u>A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;</u>	29593 29594 29595 29596 29597
(6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	29598 29599 29600 29601
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	29602 29603 29604
(8) Verifiable references and endorsements;	29605
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	29606 29607 29608
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	29609 29610
(11) Any other information required by rule by the department of rehabilitation and correction.	29611 29612
(G)(1) In a judicial or administrative proceeding alleging	29613

negligence or other fault, a certificate of qualification for 29614
employment issued to an individual under this section may be 29615
introduced as evidence of a person's due care in hiring, 29616
retaining, licensing, leasing to, admitting to a school or 29617
program, or otherwise transacting business or engaging in activity 29618
with the individual to whom the certificate of qualification for 29619
employment was issued if the person knew of the certificate at the 29620
time of the alleged negligence or other fault. 29621

(2) In any proceeding on a claim against an employer for 29622
negligent hiring, a certificate of qualification for employment 29623
issued to an individual under this section shall provide immunity 29624
for the employer as to the claim if the employer knew of the 29625
certificate at the time of the alleged negligence. 29626

(3) If an employer hires an individual who has been issued a 29627
certificate of qualification for employment under this section, if 29628
the individual, after being hired, subsequently demonstrates 29629
dangerousness or is convicted of or pleads guilty to a felony, and 29630
if the employer retains the individual as an employee after the 29631
demonstration of dangerousness or the conviction or guilty plea, 29632
the employer may be held liable in a civil action that is based on 29633
or relates to the retention of the individual as an employee only 29634
if it is proved by a preponderance of the evidence that the person 29635
having hiring and firing responsibility for the employer had 29636
actual knowledge that the employee was dangerous or had been 29637
convicted of or pleaded guilty to the felony and was willful in 29638
retaining the individual as an employee after the demonstration of 29639
dangerousness or the conviction or guilty plea of which the person 29640
has actual knowledge. 29641

(H) A certificate of qualification for employment issued 29642
under this section shall be ~~presumptively~~ revoked if the 29643
individual to whom the certificate of qualification for employment 29644
was issued is convicted of or pleads guilty to a felony offense 29645

committed subsequent to the issuance of the certificate of 29646
qualification for employment. The department of rehabilitation and 29647
correction shall periodically review the certificates listed in 29648
the database described in division (K) of this section to identify 29649
those that are subject to revocation under this division. Upon 29650
identifying a certificate of qualification for employment that is 29651
subject to revocation, the department shall note in the database 29652
that the certificate has been revoked, the reason for revocation, 29653
and the effective date of revocation, which shall be the date of 29654
the conviction or plea of guilty subsequent to the issuance of the 29655
certificate. 29656

(I) A designee's forwarding, or failure to forward, a 29657
petition for a certificate of qualification for employment to a 29658
court or a court's issuance, or failure to issue, a petition for a 29659
certificate of qualification for employment to an individual under 29660
division (B) of this section does not give rise to a claim for 29661
damages against the department of rehabilitation and correction or 29662
court. 29663

(J) ~~Not later than ninety days after September 28, 2012, the 29664~~
~~The~~ division of parole and community services shall adopt rules in 29665
accordance with Chapter 119. of the Revised Code for the 29666
implementation and administration of this section and shall 29667
prescribe the form for the petition to be used under division 29668
(B)(1) or (2) of this section. The form for the petition shall 29669
include places for all of the information specified in division 29670
(F) of this section. ~~Upon the adoption of the rules, the 29671~~
~~provisions of divisions (A) to (I) of this section become 29672~~
~~operative.~~ 29673

(K) The department of rehabilitation and correction shall 29674
~~conduct a study to determine the manner for transferring the 29675~~
~~mechanism for the issuance of a certificate of qualification for 29676~~
~~employment created by this section to an electronic database 29677~~

~~established and maintained by the department. The maintain a 29678
database to which the mechanism is to be transferred shall include 29679
that identifies granted certificates and revoked certificates and 29680
~~shall be designed to track~~ tracks the number of certificates 29681
granted and revoked, the industries, occupations, and professions 29682
with respect to which the certificates have been most applicable, 29683
and the types of employers that have accepted the certificates, 29684
~~and the recidivism rates of individuals who have been issued the~~ 29685
~~certificates. Not later than the date that is one year after~~ 29686
~~September 28, 2012, the~~ The department of rehabilitation and 29687
~~correction shall submit to the general assembly and the governor~~ 29688
annually create a report that contains the results of the study 29689
and recommendations for transferring the mechanism for the 29690
~~issuance of certificate of qualification for employment created by~~ 29691
~~this section to an electronic~~ summarizes the information 29692
maintained in the database established and maintained by the 29693
department and shall make the report available to the public on 29694
its internet web site. 29695~~

~~(L) The department of rehabilitation and correction, in 29696
conjunction with the Ohio judicial conference, shall conduct a 29697
study to determine whether the application process for 29698
certificates of qualification for employment created by this 29699
section is feasible based upon the caseload capacity of the 29700
department and the courts of common pleas. Not later than the date 29701
that is one year after September 28, 2012, the department shall 29702
submit to the general assembly a report that contains the results 29703
of the study and any recommendations for improvement of the 29704
application process.~~ 29705

Sec. 2967.122. (A) Except as provided in division (B) of this 29706
section, at least two weeks before any offender who is serving a 29707
sentence for a felony is released from confinement in any state 29708
correctional institution, the adult parole authority shall provide 29709

notice of the release to the sheriff of the county in which the offender was convicted and to the sheriff of the county in which the offender will reside. Notice required by this section may be contained in a weekly list of all offenders who are scheduled for release. 29710
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(B)(1) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for an offender or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to an offender, the adult parole authority shall provide notice to the sheriff of the county in which the offender was convicted and the county in which the offender will reside. 29715
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(2) At least sixty days before an offender is transferred to transitional control under section 2967.26 of the Revised Code, the adult parole authority shall provide notice of the pendency of the transfer to the sheriff of the county in which the offender was convicted and the county in which the offender will reside. 29722
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(C) The notice required by divisions (A) and (B) of this section shall contain all of the following: 29727
29728

(1) The name of the offender being released; 29729

(2) The date of the offender's release; 29730

(3) The offense for the violation of which the offender was convicted and incarcerated; 29731
29732

(4) The date of the offender's conviction pursuant to which the offender was incarcerated; 29733
29734

(5) The sentence imposed for that conviction; 29735

(6) The length of any supervision that the offender will be under; 29736
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(7) The name, business address, and business phone number of 29738

the offender's supervising officer, if the offender is to be supervised upon release; 29739
29740

(8) The address at which the convict will reside. 29741

(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence. 29742
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Sec. 2967.193. (A)(1) Except as provided in division (C) of 29746
this section and subject to the maximum aggregate total specified 29747
in division (A)~~(2)~~(3) of this section, a person confined in a 29748
state correctional institution or placed in the substance use 29749
disorder treatment program may provisionally earn one day or five 29750
days of credit, based on the category set forth in division 29751
(D)(1), (2), (3), (4), or (5) of this section in which the person 29752
is included, toward satisfaction of the person's stated prison 29753
term for each completed month during which the person, if confined 29754
in a state correctional institution, productively participates in 29755
an education program, vocational training, employment in prison 29756
industries, treatment for substance abuse, or any other 29757
constructive program developed by the department with specific 29758
standards for performance by prisoners or during which the person, 29759
if placed in the substance use disorder treatment program, 29760
productively participates in the program. Except as provided in 29761
division (C) of this section and subject to the maximum aggregate 29762
total specified in division (A)~~(2)~~(3) of this section, a person so 29763
confined in a state correctional institution who successfully 29764
completes two programs or activities of that type may, in 29765
addition, provisionally earn up to five days of credit toward 29766
satisfaction of the person's stated prison term for the successful 29767
completion of the second program or activity. The person shall not 29768
be awarded any provisional days of credit for the successful 29769

completion of the first program or activity or for the successful 29770
completion of any program or activity that is completed after the 29771
second program or activity. At the end of each calendar month in 29772
which a person productively participates in a program or activity 29773
listed in this division or successfully completes a program or 29774
activity listed in this division, the department of rehabilitation 29775
and correction shall determine and record the total number of days 29776
credit that the person provisionally earned in that calendar 29777
month. If the person in a state correctional institution violates 29778
prison rules or the person in the substance use disorder treatment 29779
program violates program or department rules, the department may 29780
deny the person a credit that otherwise could have been 29781
provisionally awarded to the person or may withdraw one or more 29782
credits previously provisionally earned by the person. Days of 29783
credit provisionally earned by a person shall be finalized and 29784
awarded by the department subject to administrative review by the 29785
department of the person's conduct. 29786

(2) The Regardless of the category in which a person is 29787
included in division (D) of this section, and notwithstanding the 29788
maximum aggregate total specified in division (A)(3) of this 29789
section, a person who successfully completes any of the following 29790
shall earn ninety days of credit toward satisfaction of the 29791
person's stated prison term: 29792

(a) An Ohio high school diploma or Ohio certificate of high 29793
school equivalence certified by the Ohio central school system; 29794

(b) A therapeutic drug community program; 29795

(c) All three phases of the department of rehabilitation and 29796
correction's intensive outpatient drug treatment program; 29797

(d) A career technical vocational school program; 29798

(e) A college certification program; 29799

(f) The criteria for a certificate of achievement and 29800

employability as specified in division (A)(1) of section 2961.22 29801
of the Revised Code. 29802

(3) Except for persons described in division (A)(2) of this 29803
section, the aggregate days of credit provisionally earned by a 29804
person for program or activity participation and program and 29805
activity completion under this section and the aggregate days of 29806
credit finally credited to a person under this section shall not 29807
exceed eight per cent of the total number of days in the person's 29808
stated prison term. 29809

(B) The department of rehabilitation and correction shall 29810
adopt rules that specify the programs or activities for which 29811
credit may be earned under this section, the criteria for 29812
determining productive participation in, or completion of, the 29813
programs or activities and the criteria for awarding credit, 29814
including criteria for awarding additional credit for successful 29815
program or activity completion, and the criteria for denying or 29816
withdrawing previously provisionally earned credit as a result of 29817
a violation of prison rules, or program or department rules, 29818
whichever is applicable. 29819

(C) No person confined in a state correctional institution or 29820
placed in a substance use disorder treatment program to whom any 29821
of the following applies shall be awarded any days of credit under 29822
division (A) of this section: 29823

(1) The person is serving a prison term that section 2929.13 29824
or section 2929.14 of the Revised Code specifies cannot be reduced 29825
pursuant to this section or this chapter or is serving a sentence 29826
for which section 2967.13 or division (B) of section 2929.143 of 29827
the Revised Code specifies that the person is not entitled to any 29828
earned credit under this section. 29829

(2) The person is sentenced to death or is serving a prison 29830
term or a term of life imprisonment for aggravated murder, murder, 29831

or a conspiracy or attempt to commit, or complicity in committing, 29832
aggravated murder or murder. 29833

(3) The person is serving a sentence of life imprisonment 29834
without parole imposed pursuant to section 2929.03 or 2929.06 of 29835
the Revised Code, a prison term or a term of life imprisonment 29836
without parole imposed pursuant to section 2971.03 of the Revised 29837
Code, or a sentence for a sexually oriented offense that was 29838
committed on or after September 30, 2011. 29839

(D) This division does not apply to a determination of 29840
whether a person confined in a state correctional institution or 29841
placed in a substance use disorder treatment program may earn any 29842
days of credit under division (A) of this section for successful 29843
completion of a second program or activity. The determination of 29844
whether a person confined in a state correctional institution may 29845
earn one day of credit or five days of credit under division (A) 29846
of this section for each completed month during which the person 29847
productively participates in a program or activity specified under 29848
that division shall be made in accordance with the following: 29849

(1) The offender may earn one day of credit under division 29850
(A) of this section, except as provided in division (C) of this 29851
section, if the most serious offense for which the offender is 29852
confined is any of the following that is a felony of the first or 29853
second degree: 29854

(a) A violation of division (A) of section 2903.04 or of 29855
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 29856
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 29857
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 29858
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 29859
of the Revised Code; 29860

(b) A conspiracy or attempt to commit, or complicity in 29861
committing, any other offense for which the maximum penalty is 29862

imprisonment for life or any offense listed in division (D)(1)(a) 29863
of this section. 29864

(2) The offender may earn one day of credit under division 29865
(A) of this section, except as provided in division (C) of this 29866
section, if the offender is serving a stated prison term that 29867
includes a prison term imposed for a sexually oriented offense 29868
that the offender committed prior to September 30, 2011. 29869

(3) The offender may earn one day of credit under division 29870
(A) of this section, except as provided in division (C) of this 29871
section, if the offender is serving a stated prison term that 29872
includes a prison term imposed for a felony other than carrying a 29873
concealed weapon an essential element of which is any conduct or 29874
failure to act expressly involving any deadly weapon or dangerous 29875
ordnance. 29876

(4) Except as provided in division (C) of this section, if 29877
the most serious offense for which the offender is confined is a 29878
felony of the first or second degree and divisions (D)(1), (2), 29879
and (3) of this section do not apply to the offender, the offender 29880
may earn one day of credit under division (A) of this section if 29881
the offender committed that offense prior to September 30, 2011, 29882
and the offender may earn five days of credit under division (A) 29883
of this section if the offender committed that offense on or after 29884
September 30, 2011. 29885

(5) Except as provided in division (C) of this section, if 29886
the most serious offense for which the offender is confined is a 29887
felony of the third, fourth, or fifth degree or an unclassified 29888
felony and neither division (D)(2) nor (3) of this section applies 29889
to the offender, the offender may earn one day of credit under 29890
division (A) of this section if the offender committed that 29891
offense prior to September 30, 2011, and the offender may earn 29892
five days of credit under division (A) of this section if the 29893
offender committed that offense on or after September 30, 2011. 29894

(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

(F) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the department of rehabilitation and correction under section 5120.035 of the Revised Code.

Sec. 3109.15. There is hereby created within the department of job and family services the children's trust fund board consisting of fifteen members. The directors of mental health and addiction services, health, and job and family services shall be members of the board. Eight public members shall be appointed by the governor. These members shall be persons with demonstrated knowledge in programs for children, shall be representative of the demographic composition of this state, and, to the extent practicable, shall be representative of the following categories: the educational community; the legal community; the social work community; the medical community; the voluntary sector; and professional providers of child abuse and child neglect services. ~~Five of these members shall be residents of metropolitan statistical areas as defined by the United States office of management and budget where the population exceeds four hundred thousand; no two such members shall be residents of the same~~

~~metropolitan statistical area.~~ Two members of the board shall be 29926
members of the house of representatives appointed by the speaker 29927
of the house of representatives and shall be members of two 29928
different political parties. Two members of the board shall be 29929
members of the senate appointed by the president of the senate and 29930
shall be members of two different political parties. All members 29931
of the board appointed by the speaker of the house of 29932
representatives or the president of the senate shall serve until 29933
the expiration of the sessions of the general assembly during 29934
which they were appointed. They may be reappointed to an unlimited 29935
number of successive terms of two years at the pleasure of the 29936
speaker of the house of representatives or president of the 29937
senate. Public members shall serve terms of three years. Each 29938
member shall serve until the member's successor is appointed, or 29939
until a period of sixty days has elapsed, whichever occurs first. 29940
No public member may serve more than two consecutive full terms. 29941
All vacancies on the board shall be filled for the balance of the 29942
unexpired term in the same manner as the original appointment. 29943

Any member of the board may be removed by the member's 29944
appointing authority for misconduct, incompetency, or neglect of 29945
duty after first being given the opportunity to be heard in the 29946
member's own behalf. Pursuant to section 3.17 of the Revised Code, 29947
a member, except a member of the general assembly or a judge of 29948
any court in the state, who fails to attend at least three-fifths 29949
of the regular and special meetings held by the board during any 29950
two-year period forfeits the member's position on the board. 29951

Each member of the board shall serve without compensation but 29952
shall be reimbursed for all actual and necessary expenses incurred 29953
in the performance of official duties. 29954

At the beginning of the first year of each even-numbered 29955
general assembly, the chairperson of the board shall be appointed 29956
by the speaker of the house of representatives from among members 29957

of the board who are members of the house of representatives. At 29958
the beginning of the first year of each odd-numbered general 29959
assembly, the chairperson of the board shall be appointed by the 29960
president of the senate from among the members of the board who 29961
are senate members. 29962

The board shall biennially select a vice-chair from among its 29963
nonlegislative members. 29964

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of 29965
this section, an action to determine the existence or nonexistence 29966
of the father and child relationship may be brought by the child 29967
or the child's personal representative, the child's mother or her 29968
personal representative, a man alleged or alleging himself to be 29969
the child's father, the child support enforcement agency of the 29970
county in which the child resides if the child's mother, father, 29971
or alleged father is a recipient of public assistance or of 29972
services under Title IV-D of the "Social Security Act," 88 Stat. 29973
2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's 29974
personal representative. 29975

(2) A man alleged or alleging himself to be the child's 29976
father is not eligible to file an action under division (A)(1) of 29977
this section if the man was convicted of or pleaded guilty to rape 29978
or sexual battery, the victim of the rape or sexual battery was 29979
the child's mother, and the child was conceived as a result of the 29980
rape or sexual battery. 29981

(B) An agreement does not bar an action under this section. 29982

(C) If an action under this section is brought before the 29983
birth of the child and if the action is contested, all 29984
proceedings, except service of process and the taking of 29985
depositions to perpetuate testimony, may be stayed until after the 29986
birth. 29987

(D) A recipient of public assistance or of services under 29988
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 29989
U.S.C.A. 651, as amended, shall cooperate with the child support 29990
enforcement agency of the county in which a child resides to 29991
obtain an administrative determination pursuant to sections 29992
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 29993
determination pursuant to sections 3111.01 to 3111.18 of the 29994
Revised Code, of the existence or nonexistence of a parent and 29995
child relationship between the father and the child. If the 29996
recipient fails to cooperate, the agency may commence an action to 29997
determine the existence or nonexistence of a parent and child 29998
relationship between the father and the child pursuant to sections 29999
3111.01 to 3111.18 of the Revised Code. 30000

(E) As used in this section: 30001

(1) "Public assistance" means ~~all~~ both of the following: 30002

(a) Medicaid; 30003

(b) Ohio works first under Chapter 5107. of the Revised Code; 30004

~~(c) Disability financial assistance under Chapter 5115. of 30005
the Revised Code. 30006~~

(2) "Rape" means a violation of section 2907.02 of the 30007
Revised Code or similar law of another state. 30008

(3) "Sexual battery" means a violation of section 2907.03 of 30009
the Revised Code or similar law of another state. 30010

Sec. 3113.06. No father, or mother when she is charged with 30011
the maintenance, of a child under eighteen years of age, or a 30012
mentally or physically handicapped child under age twenty-one, who 30013
is legally a ward of a public children services agency or is the 30014
recipient of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised 30015
Code, shall neglect or refuse to pay such agency the reasonable 30016
cost of maintaining such child when such father or mother is able 30017

to do so by reason of property, labor, or earnings. 30018

An offense under this section shall be held committed in the 30019
county in which the agency is located. The agency shall file 30020
charges against any parent who violates this section, unless the 30021
agency files charges under section 2919.21 of the Revised Code, or 30022
unless charges of nonsupport are filed by a relative or guardian 30023
of the child, or unless an action to enforce support is brought 30024
under Chapter 3115. of the Revised Code. 30025

Sec. 3113.07. As used in this section, "executive director" 30026
has the same meaning as in section 5153.01 of the Revised Code. 30027

Sentence may be suspended, if a person, after conviction 30028
under section 3113.06 of the Revised Code and before sentence 30029
thereunder, appears before the court of common pleas in which such 30030
conviction took place and enters into bond to the state in a sum 30031
fixed by the court at not less than five hundred dollars, with 30032
sureties approved by such court, conditioned that such person will 30033
pay, so long as the child remains a ward of the public children 30034
services agency or a recipient of aid pursuant to Chapter 5107. ~~or~~ 30035
~~5115.~~ of the Revised Code, to the executive director thereof or to 30036
a trustee to be named by the court, for the benefit of such agency 30037
or if the child is a recipient of aid pursuant to Chapter 5107. ~~or~~ 30038
~~5115.~~ of the Revised Code, to the county department of job and 30039
family services, the reasonable cost of keeping such child. The 30040
amount of such costs and the time of payment shall be fixed by the 30041
court. 30042

The court, in accordance with sections 3119.29 to 3119.56 of 30043
the Revised Code, shall include in each support order made under 30044
this section the requirement that one or both of the parents 30045
provide for the health care needs of the child to the satisfaction 30046
of the court. 30047

Sec. 3119.05. When a court computes the amount of child support required to be paid under a court child support order or a child support enforcement agency computes the amount of child support to be paid pursuant to an administrative child support order, all of the following apply:

(A) The parents' current and past income and personal earnings shall be verified by electronic means or with suitable documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and all supporting documentation and schedules for the tax returns.

(B) The amount of any pre-existing child support obligation of a parent under a child support order and the amount of any court-ordered spousal support actually paid shall be deducted from the gross income of that parent to the extent that payment under the child support order or that payment of the court-ordered spousal support is verified by supporting documentation.

(C) If other minor children who were born to the parent and a person other than the other parent who is involved in the immediate child support determination live with the parent, the court or agency shall deduct an amount from that parent's gross income that equals the number of such minor children times the federal income tax exemption for such children less child support received for them for the year, not exceeding the federal income tax exemption.

(D) When the court or agency calculates the gross income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

(2) The total overtime, commissions, and bonuses received 30079
during the year immediately prior to the time when the person's 30080
child support obligation is being computed. 30081

(E) When the court or agency calculates the gross income of a 30082
parent, it shall not include any income earned by the spouse of 30083
that parent. 30084

(F) The court shall issue a separate order for extraordinary 30085
medical or dental expenses, including, but not limited to, 30086
orthodontia, psychological, appropriate private education, and 30087
other expenses, and may consider the expenses in adjusting a child 30088
support order. 30089

(G) When a court or agency calculates the amount of child 30090
support to be paid pursuant to a court child support order or an 30091
administrative child support order, if the combined gross income 30092
of both parents is an amount that is between two amounts set forth 30093
in the first column of the schedule, the court or agency may use 30094
the basic child support obligation that corresponds to the higher 30095
of the two amounts in the first column of the schedule, use the 30096
basic child support obligation that corresponds to the lower of 30097
the two amounts in the first column of the schedule, or calculate 30098
a basic child support obligation that is between those two amounts 30099
and corresponds proportionally to the parents' actual combined 30100
gross income. 30101

(H) When the court or agency calculates gross income, the 30102
court or agency, when appropriate, may average income over a 30103
reasonable period of years. 30104

(I) Unless it would be unjust or inappropriate and therefore 30105
not in the best interests of the child, a court or agency shall 30106
not determine a parent to be voluntarily unemployed or 30107
underemployed and shall not impute income to that parent if either 30108
of the following conditions exist: 30109

(1) The parent is receiving recurring monetary income from 30110
means-tested public assistance benefits, including cash assistance 30111
payments under the Ohio works first program established under 30112
Chapter 5107. of the Revised Code, ~~financial assistance under the~~ 30113
~~disability financial assistance program established under Chapter~~ 30114
~~5115. of the Revised Code,~~ supplemental security income, or 30115
means-tested veterans' benefits; 30116

(2) The parent is incarcerated or institutionalized for a 30117
period of twelve months or more with no other available assets, 30118
unless the parent is incarcerated for an offense relating to the 30119
abuse or neglect of a child who is the subject of the support 30120
order or an offense under Title XXIX of the Revised Code when the 30121
obligee or a child who is the subject of the support order is a 30122
victim of the offense. 30123

(J) When a court or agency requires a parent to pay an amount 30124
for that parent's failure to support a child for a period of time 30125
prior to the date the court modifies or issues a court child 30126
support order or an agency modifies or issues an administrative 30127
child support order for the current support of the child, the 30128
court or agency shall calculate that amount using the basic child 30129
support schedule, worksheets, and child support laws in effect, 30130
and the incomes of the parents as they existed, for that prior 30131
period of time. 30132

(K) A court or agency may disregard a parent's additional 30133
income from overtime or additional employment when the court or 30134
agency finds that the additional income was generated primarily to 30135
support a new or additional family member or members, or under 30136
other appropriate circumstances. 30137

(L) If both parents involved in the immediate child support 30138
determination have a prior order for support relative to a minor 30139
child or children born to both parents, the court or agency shall 30140
collect information about the existing order or orders and 30141

consider those together with the current calculation for support 30142
to ensure that the total of all orders for all children of the 30143
parties does not exceed the amount that would have been ordered if 30144
all children were addressed in a single judicial or administrative 30145
proceeding. 30146

Sec. 3121.03. If a court or child support enforcement agency 30147
that issued or modified a support order, or the agency 30148
administering the support order, is required by the Revised Code 30149
to issue one or more withholding or deduction notices described in 30150
this section or other orders described in this section, the court 30151
or agency shall issue one or more of the following types of 30152
notices or orders, as appropriate, for payment of the support and 30153
also, if required by the Revised Code or the court, to pay any 30154
arrearages: 30155

(A)(1) If the court or the child support enforcement agency 30156
determines that the obligor is receiving income from a payor, the 30157
court or agency shall require the payor to do all of the 30158
following: 30159

(a) Withhold from the obligor's income a specified amount for 30160
support in satisfaction of the support order and begin the 30161
withholding no later than fourteen business days following the 30162
date the notice is mailed or transmitted to the payor under 30163
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 30164
division (A)(2) of this section or, if the payor is an employer, 30165
no later than the first pay period that occurs after fourteen 30166
business days following the date the notice is mailed or 30167
transmitted; 30168

(b) Send the amount withheld to the office of child support 30169
in the department of job and family services pursuant to section 30170
3121.43 of the Revised Code immediately but not later than seven 30171
business days after the date the obligor is paid; 30172

(c) Continue the withholding at intervals specified in the notice until further notice from the court or child support enforcement agency.

To the extent possible, the amount specified to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding any applicable limitations of sections 2329.66, 2329.70, 2716.02, 2716.041, and 2716.05 of the Revised Code. However, in no case shall the sum of the amount to be withheld and any fee withheld by the payor as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(2) A court or agency that imposes an income withholding requirement shall, within the applicable time specified in section 3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised Code, send to the obligor's payor by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to withholding notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court.

(B)(1) If the court or child support enforcement agency determines that the obligor has funds that are not exempt under the laws of this state or the United States from execution, attachment, or other legal process and are on deposit in an account in a financial institution under the jurisdiction of the court that issued the court support order, or in the case of an administrative child support order, under the jurisdiction of the common pleas court of the county in which the agency that issued or is administering the order is located, the court or agency may require any financial institution in which the obligor's funds are on deposit to do all of the following:

(a) Deduct from the obligor's account a specified amount for support in satisfaction of the support order and begin the deduction no later than fourteen business days following the date the notice was mailed or transmitted to the financial institution under section 3121.035 or 3123.06 of the Revised Code and division (B)(2) of this section;

(b) Send the amount deducted to the office of child support in the department of job and family services pursuant to section 3121.43 of the Revised Code immediately but not later than seven business days after the date the latest deduction was made;

(c) Provide the date on which the amount was deducted;

(d) Continue the deduction at intervals specified in the notice until further notice from the court or child support enforcement agency.

To the extent possible, the amount to be deducted shall satisfy the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code.

(2) A court or agency that imposes a deduction requirement shall, within the applicable period of time specified in section 3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send to the financial institution by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to deduction notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court.

(C) With respect to any court support order it issues, a court may issue an order requiring the obligor to enter into a cash bond with the court. The court shall issue the order as part

of the court support order or, if the court support order has 30236
previously been issued, as a separate order. The cash bond shall 30237
be in a sum fixed by the court at not less than five hundred nor 30238
more than ten thousand dollars, conditioned that the obligor will 30239
make payment as previously ordered and will pay any arrearages 30240
under any prior court support order that pertained to the same 30241
child or spouse. 30242

The order, along with an additional order requiring the 30243
obligor to immediately notify the child support enforcement 30244
agency, in writing, if the obligor begins to receive income from a 30245
payor, shall be attached to and served on the obligor at the same 30246
time as service of the court support order or, if the court 30247
support order has previously been issued, as soon as possible 30248
after the issuance of the order under this section. The additional 30249
order requiring notice by the obligor shall state all of the 30250
following: 30251

(1) That when the obligor begins to receive income from a 30252
payor the obligor may request that the court cancel its bond order 30253
and instead issue a notice requiring the withholding of an amount 30254
from income for support in accordance with this section; 30255

(2) That when the obligor begins to receive income from a 30256
payor the court will proceed to collect on the bond if the court 30257
determines that payments due under the court support order have 30258
not been made and that the amount that has not been paid is at 30259
least equal to the support owed for one month under the court 30260
support order and will issue a notice requiring the withholding of 30261
an amount from income for support in accordance with this section. 30262
The notice required of the obligor shall include a description of 30263
the nature of any new employment, the name and business address of 30264
any new employer, and any other information reasonably required by 30265
the court. 30266

The court shall not order an obligor to post a cash bond 30267

under this section unless the court determines that the obligor 30268
has the ability to do so. 30269

A child support enforcement agency may not issue a cash bond 30270
order. If a child support enforcement agency is required to issue 30271
a withholding or deduction notice under this section with respect 30272
to a court support order but the agency determines that no 30273
withholding or deduction notice would be appropriate, the agency 30274
may request that the court issue a cash bond order under this 30275
section, and upon the request, the court may issue the order. 30276

(D)(1) If the obligor under a court support order is 30277
unemployed, has no income, and does not have an account at any 30278
financial institution, or on request of a child support 30279
enforcement agency under division (D)(1) or (2) of this section, 30280
the court shall issue an order requiring the obligor, if able to 30281
engage in employment, to seek employment or participate in a work 30282
activity to which a recipient of assistance under Title IV-A of 30283
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 30284
as amended, may be assigned as specified in section 407(d) of the 30285
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 30286
shall include in the order requirements that the obligor register 30287
with the OhioMeansJobs web site and to notify the child support 30288
enforcement agency on obtaining employment, obtaining any income, 30289
or obtaining ownership of any asset with a value of five hundred 30290
dollars or more. The court may issue the order regardless of 30291
whether the obligee to whom the obligor owes support is a 30292
recipient of assistance under Title IV-A of the "Social Security 30293
Act." The court shall issue the order as part of a court support 30294
order or, if a court support order has previously been issued, as 30295
a separate order. If a child support enforcement agency is 30296
required to issue a withholding or deduction notice under this 30297
section with respect to a court support order but determines that 30298
no withholding or deduction notice would be appropriate, the 30299

agency may request that the court issue a court order under 30300
division (D)(1) of this section, and, on the request, the court 30301
may issue the order. 30302

(2) If the obligor under an administrative child support 30303
order is unemployed, has no income, and does not have an account 30304
at any financial institution, the agency shall issue an 30305
administrative order requiring the obligor, if able to engage in 30306
employment, to seek employment or participate in a work activity 30307
to which a recipient of assistance under Title IV-A of the "Social 30308
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 30309
may be assigned as specified in section 407(d) of the "Social 30310
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 30311
include in the order requirements that the obligor register with 30312
the OhioMeansJobs web site and to notify the agency on obtaining 30313
employment or income, or ownership of any asset with a value of 30314
five hundred dollars or more. The agency may issue the order 30315
regardless of whether the obligee to whom the obligor owes support 30316
is a recipient of assistance under Title IV-A of the "Social 30317
Security Act." If an obligor fails to comply with an 30318
administrative order issued pursuant to division (D)(2) of this 30319
section, the agency shall submit a request to a court for the 30320
court to issue an order under division (D)(1) of this section. 30321

Sec. 3301.0710. The state board of education shall adopt 30322
rules establishing a statewide program to assess student 30323
achievement. The state board shall ensure that all assessments 30324
administered under the program are aligned with the academic 30325
standards and model curricula adopted by the state board and are 30326
created with input from Ohio parents, Ohio classroom teachers, 30327
Ohio school administrators, and other Ohio school personnel 30328
pursuant to section 3301.079 of the Revised Code. 30329

The assessment program shall be designed to ensure that 30330

students who receive a high school diploma demonstrate at least 30331
high school levels of achievement in English language arts, 30332
mathematics, science, and social studies. 30333

(A)(1) The state board shall prescribe all of the following: 30334

(a) Two statewide achievement assessments, one each designed 30335
to measure the level of English language arts and mathematics 30336
skill expected at the end of third grade; 30337

(b) ~~Three~~ Two statewide achievement assessments, one each 30338
designed to measure the level of English language arts, and 30339
~~mathematics, and social studies~~ skill expected at the end of 30340
fourth grade; 30341

(c) Three statewide achievement assessments, one each 30342
designed to measure the level of English language arts, 30343
mathematics, and science skill expected at the end of fifth grade; 30344

(d) ~~Three~~ Two statewide achievement assessments, one each 30345
designed to measure the level of English language arts, and 30346
~~mathematics, and social studies~~ skill expected at the end of sixth 30347
grade; 30348

(e) Two statewide achievement assessments, one each designed 30349
to measure the level of English language arts and mathematics 30350
skill expected at the end of seventh grade; 30351

(f) Three statewide achievement assessments, one each 30352
designed to measure the level of English language arts, 30353
mathematics, and science skill expected at the end of eighth 30354
grade. 30355

(2) The state board shall determine and designate at least 30356
five ranges of scores on each of the achievement assessments 30357
described in divisions (A)(1) and (B)(1) of this section. Each 30358
range of scores shall be deemed to demonstrate a level of 30359
achievement so that any student attaining a score within such 30360

range has achieved one of the following: 30361

(a) An advanced level of skill; 30362

(b) An accelerated level of skill; 30363

(c) A proficient level of skill; 30364

(d) A basic level of skill; 30365

(e) A limited level of skill. 30366

(3) For the purpose of implementing division (A) of section 30367
3313.608 of the Revised Code, the state board shall determine and 30368
designate a level of achievement, not lower than the level 30369
designated in division (A)(2)(e) of this section, on the third 30370
grade English language arts assessment for a student to be 30371
promoted to the fourth grade. The state board shall review and 30372
adjust upward the level of achievement designated under this 30373
division each year the test is administered until the level is set 30374
equal to the level designated in division (A)(2)(c) of this 30375
section. 30376

(4) Each school district or school shall teach and assess 30377
social studies in at least the fourth and sixth grades. Any 30378
assessment in such area shall be determined by the district or 30379
school and may be formative or summative in nature. The results of 30380
such assessment shall not be reported to the department of 30381
education. 30382

(B)(1) The assessments prescribed under division (B)(1) of 30383
this section shall collectively be known as the Ohio graduation 30384
tests. The state board shall prescribe five statewide high school 30385
achievement assessments, one each designed to measure the level of 30386
reading, writing, mathematics, science, and social studies skill 30387
expected at the end of tenth grade. The state board shall 30388
designate a score in at least the range designated under division 30389
(A)(2)(c) of this section on each such assessment that shall be 30390

deemed to be a passing score on the assessment as a condition 30391
toward granting high school diplomas under sections 3313.61, 30392
3313.611, 3313.612, and 3325.08 of the Revised Code until the 30393
assessment system prescribed by section 3301.0712 of the Revised 30394
Code is implemented in accordance with division (B)(2) of this 30395
section. 30396

(2) The state board shall prescribe an assessment system in 30397
accordance with section 3301.0712 of the Revised Code that shall 30398
replace the Ohio graduation tests beginning with students who 30399
enter the ninth grade for the first time on or after July 1, 2014. 30400

(3) The state board may enter into a reciprocal agreement 30401
with the appropriate body or agency of any other state that has 30402
similar statewide achievement assessment requirements for 30403
receiving high school diplomas, under which any student who has 30404
met an achievement assessment requirement of one state is 30405
recognized as having met the similar requirement of the other 30406
state for purposes of receiving a high school diploma. For 30407
purposes of this section and sections 3301.0711 and 3313.61 of the 30408
Revised Code, any student enrolled in any public high school in 30409
this state who has met an achievement assessment requirement 30410
specified in a reciprocal agreement entered into under this 30411
division shall be deemed to have attained at least the applicable 30412
score designated under this division on each assessment required 30413
by division (B)(1) or (2) of this section that is specified in the 30414
agreement. 30415

(C) The superintendent of public instruction shall designate 30416
dates and times for the administration of the assessments 30417
prescribed by divisions (A) and (B) of this section. 30418

In prescribing administration dates pursuant to this 30419
division, the superintendent shall designate the dates in such a 30420
way as to allow a reasonable length of time between the 30421
administration of assessments prescribed under this section and 30422

any administration of the national assessment of educational 30423
progress given to students in the same grade level pursuant to 30424
section 3301.27 of the Revised Code or federal law. 30425

(D) The state board shall prescribe a practice version of 30426
each Ohio graduation test described in division (B)(1) of this 30427
section that is of comparable length to the actual test. 30428

(E) Any committee established by the department of education 30429
for the purpose of making recommendations to the state board 30430
regarding the state board's designation of scores on the 30431
assessments described by this section shall inform the state board 30432
of the probable percentage of students who would score in each of 30433
the ranges established under division (A)(2) of this section on 30434
the assessments if the committee's recommendations are adopted by 30435
the state board. To the extent possible, these percentages shall 30436
be disaggregated by gender, major racial and ethnic groups, 30437
limited English proficient students, economically disadvantaged 30438
students, students with disabilities, and migrant students. 30439

Sec. 3301.0711. (A) The department of education shall: 30440

(1) Annually furnish to, grade, and score all assessments 30441
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 30442
the Revised Code to be administered by city, local, exempted 30443
village, and joint vocational school districts, except that each 30444
district shall score any assessment administered pursuant to 30445
division (B)(10) of this section. Each assessment so furnished 30446
shall include the data verification code of the student to whom 30447
the assessment will be administered, as assigned pursuant to 30448
division (D)(2) of section 3301.0714 of the Revised Code. In 30449
furnishing the practice versions of Ohio graduation tests 30450
prescribed by division (D) of section 3301.0710 of the Revised 30451
Code, the department shall make the tests available on its web 30452
site for reproduction by districts. In awarding contracts for 30453

grading assessments, the department shall give preference to 30454
Ohio-based entities employing Ohio residents. 30455

(2) Adopt rules for the ethical use of assessments and 30456
prescribing the manner in which the assessments prescribed by 30457
section 3301.0710 of the Revised Code shall be administered to 30458
students. 30459

(B) Except as provided in divisions (C) and (J) of this 30460
section, the board of education of each city, local, and exempted 30461
village school district shall, in accordance with rules adopted 30462
under division (A) of this section: 30463

(1) Administer the English language arts assessments 30464
prescribed under division (A)(1)(a) of section 3301.0710 of the 30465
Revised Code twice annually to all students in the third grade who 30466
have not attained the score designated for that assessment under 30467
division (A)(2)(c) of section 3301.0710 of the Revised Code. 30468

(2) Administer the mathematics assessment prescribed under 30469
division (A)(1)(a) of section 3301.0710 of the Revised Code at 30470
least once annually to all students in the third grade. 30471

(3) Administer the assessments prescribed under division 30472
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 30473
annually to all students in the fourth grade. 30474

(4) Administer the assessments prescribed under division 30475
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 30476
annually to all students in the fifth grade. 30477

(5) Administer the assessments prescribed under division 30478
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 30479
annually to all students in the sixth grade. 30480

(6) Administer the assessments prescribed under division 30481
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 30482
annually to all students in the seventh grade. 30483

(7) Administer the assessments prescribed under division	30484
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	30485
annually to all students in the eighth grade.	30486
(8) Except as provided in division (B)(9) of this section,	30487
administer any assessment prescribed under division (B)(1) of	30488
section 3301.0710 of the Revised Code as follows:	30489
(a) At least once annually to all tenth grade students and at	30490
least twice annually to all students in eleventh or twelfth grade	30491
who have not yet attained the score on that assessment designated	30492
under that division;	30493
(b) To any person who has successfully completed the	30494
curriculum in any high school or the individualized education	30495
program developed for the person by any high school pursuant to	30496
section 3323.08 of the Revised Code but has not received a high	30497
school diploma and who requests to take such assessment, at any	30498
time such assessment is administered in the district.	30499
(9) In lieu of the board of education of any city, local, or	30500
exempted village school district in which the student is also	30501
enrolled, the board of a joint vocational school district shall	30502
administer any assessment prescribed under division (B)(1) of	30503
section 3301.0710 of the Revised Code at least twice annually to	30504
any student enrolled in the joint vocational school district who	30505
has not yet attained the score on that assessment designated under	30506
that division. A board of a joint vocational school district may	30507
also administer such an assessment to any student described in	30508
division (B)(8)(b) of this section.	30509
(10) If the district has a three-year average graduation rate	30510
of not more than seventy-five per cent, administer each assessment	30511
prescribed by division (D) of section 3301.0710 of the Revised	30512
Code in September to all ninth grade students who entered ninth	30513
grade prior to July 1, 2014.	30514

Except as provided in section 3313.614 of the Revised Code 30515
for administration of an assessment to a person who has fulfilled 30516
the curriculum requirement for a high school diploma but has not 30517
passed one or more of the required assessments, the assessments 30518
prescribed under division (B)(1) of section 3301.0710 of the 30519
Revised Code shall not be administered after the date specified in 30520
the rules adopted by the state board of education under division 30521
(D)(1) of section 3301.0712 of the Revised Code. 30522

(11)(a) Except as provided in division (B)(11)(b) of this 30523
section, administer the assessments prescribed by division (B)(2) 30524
of section 3301.0710 and section 3301.0712 of the Revised Code in 30525
accordance with the timeline and plan for implementation of those 30526
assessments prescribed by rule of the state board adopted under 30527
division (D)(1) of section 3301.0712 of the Revised Code; 30528

(b) A student who has presented evidence to the district or 30529
school of having satisfied the condition prescribed by division 30530
(A)(1) of section 3313.618 of the Revised Code to qualify for a 30531
high school diploma prior to the date of the administration of the 30532
assessment prescribed under division (B)(1) of section 3301.0712 30533
of the Revised Code shall not be required to take that assessment. 30534
However, no board shall prohibit a student who is not required to 30535
take such assessment from taking the assessment. 30536

(C)(1)(a) In the case of a student receiving special 30537
education services under Chapter 3323. of the Revised Code, the 30538
individualized education program developed for the student under 30539
that chapter shall specify the manner in which the student will 30540
participate in the assessments administered under this section, 30541
except that a student with significant cognitive disabilities to 30542
whom an alternate assessment is administered in accordance with 30543
division (C)(1) of this section and a student determined to have a 30544
disability that includes an intellectual disability as outlined in 30545
guidance issued by the department shall not be required to take 30546

the assessment prescribed under division (B)(1) of section 30547
3301.0712 of the Revised Code. The individualized education 30548
program may excuse the student from taking any particular 30549
assessment required to be administered under this section if it 30550
instead specifies an alternate assessment method approved by the 30551
department of education as conforming to requirements of federal 30552
law for receipt of federal funds for disadvantaged pupils. To the 30553
extent possible, the individualized education program shall not 30554
excuse the student from taking an assessment unless no reasonable 30555
accommodation can be made to enable the student to take the 30556
assessment. No board shall prohibit a student who is not required 30557
to take an assessment under division (C)(1) of this section from 30558
taking the assessment. 30559

(b) Any alternate assessment approved by the department for a 30560
student under this division shall produce measurable results 30561
comparable to those produced by the assessment it replaces in 30562
order to allow for the student's results to be included in the 30563
data compiled for a school district or building under section 30564
3302.03 of the Revised Code. 30565

(c)(i) Any student enrolled in a chartered nonpublic school 30566
who has been identified, based on an evaluation conducted in 30567
accordance with section 3323.03 of the Revised Code or section 504 30568
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 30569
794, as amended, as a child with a disability shall be excused 30570
from taking any particular assessment required to be administered 30571
under this section if a plan developed for the student pursuant to 30572
rules adopted by the state board excuses the student from taking 30573
that assessment. 30574

(ii) A student with significant cognitive disabilities to 30575
whom an alternate assessment is administered in accordance with 30576
division (C)(1) of this section and a student determined to have a 30577
disability that includes an intellectual disability as outlined in 30578

guidance issued by the department shall not be required to take 30579
the assessment prescribed under division (B)(1) of section 30580
3301.0712 of the Revised Code. 30581

(iii) In the case of any student so excused from taking an 30582
assessment under division (C)(1)(c) of this section, the chartered 30583
nonpublic school shall not prohibit the student from taking the 30584
assessment. 30585

(2) A district board may, for medical reasons or other good 30586
cause, excuse a student from taking an assessment administered 30587
under this section on the date scheduled, but that assessment 30588
shall be administered to the excused student not later than nine 30589
days following the scheduled date. The district board shall 30590
annually report the number of students who have not taken one or 30591
more of the assessments required by this section to the state 30592
board not later than the thirtieth day of June. 30593

(3) As used in this division, "limited English proficient 30594
student" has the same meaning as in 20 U.S.C. 7801. 30595

No school district board shall excuse any limited English 30596
proficient student from taking any particular assessment required 30597
to be administered under this section, except as follows: 30598

(a) Any limited English proficient student who has been 30599
enrolled in United States schools for less than two years and for 30600
whom no appropriate accommodations are available based on guidance 30601
issued by the department shall not be required to take the 30602
assessment prescribed under division (B)(1) of section 3301.0712 30603
of the Revised Code. 30604

(b) Any limited English proficient student who has been 30605
enrolled in United States schools for less than one full school 30606
year shall not be required to take any reading, writing, or 30607
English language arts assessment. 30608

However, no board shall prohibit a limited English proficient 30609

student who is not required to take an assessment under division 30610
(C)(3) of this section from taking the assessment. A board may 30611
permit any limited English proficient student to take an 30612
assessment required to be administered under this section with 30613
appropriate accommodations, as determined by the department. For 30614
each limited English proficient student, each school district 30615
shall annually assess that student's progress in learning English, 30616
in accordance with procedures approved by the department. 30617

(4)(a) The governing authority of a chartered nonpublic 30618
school may excuse a limited English proficient student from taking 30619
any assessment administered under this section. 30620

(b) No governing authority shall require a limited English 30621
proficient student who has been enrolled in United States schools 30622
for less than two years and for whom no appropriate accommodations 30623
are available based on guidance issued by the department to take 30624
the assessment prescribed under division (B)(1) of section 30625
3301.0712 of the Revised Code. 30626

(c) No governing authority shall prohibit a limited English 30627
proficient student from taking an assessment from which the 30628
student was excused under division (C)(4) of this section. 30629

(D)(1) In the school year next succeeding the school year in 30630
which the assessments prescribed by division (A)(1) or (B)(1) of 30631
section 3301.0710 of the Revised Code or former division (A)(1), 30632
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 30633
existed prior to September 11, 2001, are administered to any 30634
student, the board of education of any school district in which 30635
the student is enrolled in that year shall provide to the student 30636
intervention services commensurate with the student's performance, 30637
including any intensive intervention required under section 30638
3313.608 of the Revised Code, in any skill in which the student 30639
failed to demonstrate at least a score at the proficient level on 30640
the assessment. 30641

(2) Following any administration of the assessments 30642
prescribed by division (D) of section 3301.0710 of the Revised 30643
Code to ninth grade students, each school district that has a 30644
three-year average graduation rate of not more than seventy-five 30645
per cent shall determine for each high school in the district 30646
whether the school shall be required to provide intervention 30647
services to any students who took the assessments. In determining 30648
which high schools shall provide intervention services based on 30649
the resources available, the district shall consider each school's 30650
graduation rate and scores on the practice assessments. The 30651
district also shall consider the scores received by ninth grade 30652
students on the English language arts and mathematics assessments 30653
prescribed under division (A)(1)(f) of section 3301.0710 of the 30654
Revised Code in the eighth grade in determining which high schools 30655
shall provide intervention services. 30656

Each high school selected to provide intervention services 30657
under this division shall provide intervention services to any 30658
student whose results indicate that the student is failing to make 30659
satisfactory progress toward being able to attain scores at the 30660
proficient level on the Ohio graduation tests. Intervention 30661
services shall be provided in any skill in which a student 30662
demonstrates unsatisfactory progress and shall be commensurate 30663
with the student's performance. Schools shall provide the 30664
intervention services prior to the end of the school year, during 30665
the summer following the ninth grade, in the next succeeding 30666
school year, or at any combination of those times. 30667

(E) Except as provided in section 3313.608 of the Revised 30668
Code and division (N) of this section, no school district board of 30669
education shall utilize any student's failure to attain a 30670
specified score on an assessment administered under this section 30671
as a factor in any decision to deny the student promotion to a 30672
higher grade level. However, a district board may choose not to 30673

promote to the next grade level any student who does not take an 30674
assessment administered under this section or make up an 30675
assessment as provided by division (C)(2) of this section and who 30676
is not exempt from the requirement to take the assessment under 30677
division (C)(3) of this section. 30678

(F) No person shall be charged a fee for taking any 30679
assessment administered under this section. 30680

(G)(1) Each school district board shall designate one 30681
location for the collection of assessments administered in the 30682
spring under division (B)(1) of this section and those 30683
administered under divisions (B)(2) to (7) of this section. Each 30684
district board shall submit the assessments to the entity with 30685
which the department contracts for the scoring of the assessments 30686
as follows: 30687

(a) If the district's total enrollment in grades kindergarten 30688
through twelve during the first full school week of October was 30689
less than two thousand five hundred, not later than the Friday 30690
after all of the assessments have been administered; 30691

(b) If the district's total enrollment in grades kindergarten 30692
through twelve during the first full school week of October was 30693
two thousand five hundred or more, but less than seven thousand, 30694
not later than the Monday after all of the assessments have been 30695
administered; 30696

(c) If the district's total enrollment in grades kindergarten 30697
through twelve during the first full school week of October was 30698
seven thousand or more, not later than the Tuesday after all of 30699
the assessments have been administered. 30700

However, any assessment that a student takes during the 30701
make-up period described in division (C)(2) of this section shall 30702
be submitted not later than the Friday following the day the 30703
student takes the assessment. 30704

(2) The department or an entity with which the department
contracts for the scoring of the assessment shall send to each
school district board a list of the individual scores of all
persons taking a state achievement assessment as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this
section, within forty-five days after the administration of the
assessments prescribed by sections 3301.0710 and 3301.0712 of the
Revised Code, but in no case shall the scores be returned later
than the thirtieth day of June following the administration;

(b) In the case of the third-grade English language arts
assessment, within forty-five days after the administration of
that assessment, but in no case shall the scores be returned later
than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or
end-of-course examination in the area of English language arts,
except for the third-grade English language arts assessment, the
results may be sent after forty-five days of the administration of
the writing component, but in no case shall the scores be returned
later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a
joint vocational school district, the department or entity shall
also send to each city, local, or exempted village school district
a list of the individual scores of any students of such city,
local, or exempted village school district who are attending
school in the joint vocational school district.

(H) Individual scores on any assessments administered under
this section shall be released by a district board only in
accordance with section 3319.321 of the Revised Code and the rules
adopted under division (A) of this section. No district board or
its employees shall utilize individual or aggregate results in any
manner that conflicts with rules for the ethical use of

assessments adopted pursuant to division (A) of this section. 30736

(I) Except as provided in division (G) of this section, the 30737
department or an entity with which the department contracts for 30738
the scoring of the assessment shall not release any individual 30739
scores on any assessment administered under this section. The 30740
state board shall adopt rules to ensure the protection of student 30741
confidentiality at all times. The rules may require the use of the 30742
data verification codes assigned to students pursuant to division 30743
(D)(2) of section 3301.0714 of the Revised Code to protect the 30744
confidentiality of student scores. 30745

(J) Notwithstanding division (D) of section 3311.52 of the 30746
Revised Code, this section does not apply to the board of 30747
education of any cooperative education school district except as 30748
provided under rules adopted pursuant to this division. 30749

(1) In accordance with rules that the state board shall 30750
adopt, the board of education of any city, exempted village, or 30751
local school district with territory in a cooperative education 30752
school district established pursuant to divisions (A) to (C) of 30753
section 3311.52 of the Revised Code may enter into an agreement 30754
with the board of education of the cooperative education school 30755
district for administering any assessment prescribed under this 30756
section to students of the city, exempted village, or local school 30757
district who are attending school in the cooperative education 30758
school district. 30759

(2) In accordance with rules that the state board shall 30760
adopt, the board of education of any city, exempted village, or 30761
local school district with territory in a cooperative education 30762
school district established pursuant to section 3311.521 of the 30763
Revised Code shall enter into an agreement with the cooperative 30764
district that provides for the administration of any assessment 30765
prescribed under this section to both of the following: 30766

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1) Except as otherwise provided in division (K)(1) or (2) of this section, each chartered nonpublic school for which at least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the elementary assessments prescribed by section 3301.0710 of the Revised Code. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the school that the parent or guardian does not wish to have the student take the elementary assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code.

(2) A chartered nonpublic school may submit to the superintendent of public instruction a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The state superintendent shall approve or disapprove a request for a waiver submitted under division (K)(2) of this section. No waiver shall

be approved for any school year prior to the 2015-2016 school year. 30799
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To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions: 30801
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(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 30803
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(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years. 30812
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(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills. 30815
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(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school 30821
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will administer the specified assessments in the same manner as 30830
public schools are required to do under this section and rules 30831
adopted by the department. 30832

(4) The department of education shall furnish the assessments 30833
prescribed by section 3301.0710 of the Revised Code to each 30834
chartered nonpublic school that is subject to division (K)(1) of 30835
this section or participates under division (K)(3) of this 30836
section. 30837

(L) If a chartered nonpublic school is educating students in 30838
grades nine through twelve, the following shall apply: 30839

(1) For a student who is enrolled in a chartered nonpublic 30840
school that is accredited through the independent schools 30841
association of the central states and who is attending the school 30842
under a state scholarship program, the student shall either take 30843
all of the assessments prescribed by division (B) of section 30844
3301.0712 of the Revised Code or take an alternative assessment 30845
approved by the department under section 3313.619 of the Revised 30846
Code. However, a student who is excused from taking an assessment 30847
under division (C) of this section or has presented evidence to 30848
the chartered nonpublic school of having satisfied the condition 30849
prescribed by division (A)(1) of section 3313.618 of the Revised 30850
Code to qualify for a high school diploma prior to the date of the 30851
administration of the assessment prescribed under division (B)(1) 30852
of section 3301.0712 of the Revised Code shall not be required to 30853
take that assessment. No governing authority of a chartered 30854
nonpublic school shall prohibit a student who is not required to 30855
take such assessment from taking the assessment. 30856

(2) For a student who is enrolled in a chartered nonpublic 30857
school that is accredited through the independent schools 30858
association of the central states, and who is not attending the 30859
school under a state scholarship program, the student shall not be 30860
required to take any assessment prescribed under section 3301.0712 30861

or 3313.619 of the Revised Code. 30862

(3)(a) Except as provided in division (L)(3)(b) of this 30863
section, for a student who is enrolled in a chartered nonpublic 30864
school that is not accredited through the independent schools 30865
association of the central states, regardless of whether the 30866
student is attending or is not attending the school under a state 30867
scholarship program, the student shall do one of the following: 30868

(i) Take all of the assessments prescribed by division (B) of 30869
section 3301.0712 of the Revised Code; 30870

(ii) Take only the assessment prescribed by division (B)(1) 30871
of section 3301.0712 of the Revised Code, provided that the 30872
student's school publishes the results of that assessment for each 30873
graduating class. The published results of that assessment shall 30874
include the overall composite scores, mean scores, twenty-fifth 30875
percentile scores, and seventy-fifth percentile scores for each 30876
subject area of the assessment. 30877

(iii) Take an alternative assessment approved by the 30878
department under section 3313.619 of the Revised Code. 30879

(b) A student who is excused from taking an assessment under 30880
division (C) of this section or has presented evidence to the 30881
chartered nonpublic school of having satisfied the condition 30882
prescribed by division (A)(1) of section 3313.618 of the Revised 30883
Code to qualify for a high school diploma prior to the date of the 30884
administration of the assessment prescribed under division (B)(1) 30885
of section 3301.0712 of the Revised Code shall not be required to 30886
take that assessment. No governing authority of a chartered 30887
nonpublic school shall prohibit a student who is not required to 30888
take such assessment from taking the assessment. 30889

(M)(1) The superintendent of the state school for the blind 30890
and the superintendent of the state school for the deaf shall 30891
administer the assessments described by sections 3301.0710 and 30892

3301.0712 of the Revised Code. Each superintendent shall 30893
administer the assessments in the same manner as district boards 30894
are required to do under this section and rules adopted by the 30895
department of education and in conformity with division (C)(1)(a) 30896
of this section. 30897

(2) The department of education shall furnish the assessments 30898
described by sections 3301.0710 and 3301.0712 of the Revised Code 30899
to each superintendent. 30900

(N) Notwithstanding division (E) of this section, a school 30901
district may use a student's failure to attain a score in at least 30902
the proficient range on the mathematics assessment described by 30903
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 30904
an assessment described by division (A)(1)(b), (c), (d), (e), or 30905
(f) of section 3301.0710 of the Revised Code as a factor in 30906
retaining that student in the current grade level. 30907

(O)(1) In the manner specified in divisions (O)(3), (4), ~~and~~ 30908
(6), and (7) of this section, the assessments required by division 30909
(A)(1) of section 3301.0710 of the Revised Code shall become 30910
public records pursuant to section 149.43 of the Revised Code on 30911
the thirty-first day of July following the school year that the 30912
assessments were administered. 30913

(2) The department may field test proposed questions with 30914
samples of students to determine the validity, reliability, or 30915
appropriateness of questions for possible inclusion in a future 30916
year's assessment. The department also may use anchor questions on 30917
assessments to ensure that different versions of the same 30918
assessment are of comparable difficulty. 30919

Field test questions and anchor questions shall not be 30920
considered in computing scores for individual students. Field test 30921
questions and anchor questions may be included as part of the 30922
administration of any assessment required by division (A)(1) or 30923

(B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code. 30924
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(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section. 30926
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(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. 30931
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(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record. 30933
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(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section. 30936
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(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record. 30950
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(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record. 30953
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(6) ~~Beginning with the spring administration for~~ (a) Except 30955
as provided in division (O)(6)(b) of this section, for the 30956
administrations in the 2014-2015, 2015-2016, and 2016-2017 school 30957
year years, questions on the assessments prescribed under division 30958
(A) of section 3301.0710 and division (B)(2) of section 3301.0712 30959
of the Revised Code and the corresponding preferred answers that 30960
are used to compute a student's score shall become a public record 30961
as follows: 30962

~~(a)~~(i) Forty per cent of the questions and preferred answers 30963
on the assessments on the thirty-first day of July following the 30964
administration of the assessment; 30965

~~(b)~~(ii) Twenty per cent of the questions and preferred 30966
answers on the assessment on the thirty-first day of July one year 30967
after the administration of the assessment; 30968

~~(c)~~(iii) The remaining forty per cent of the questions and 30969
preferred answers on the assessment on the thirty-first day of 30970
July two years after the administration of the assessment. 30971

The entire content of an assessment shall become a public 30972
record within three years of its administration. 30973

The department shall make the questions that become a public 30974
record under this division readily accessible to the public on the 30975
department's web site. Questions on the spring administration of 30976
each assessment shall be released on an annual basis, in 30977
accordance with this division. 30978

(b) No questions and corresponding preferred answers shall 30979
become a public record under division (O)(6) of this section after 30980
July 31, 2017. 30981

(7) Division (O)(7) of this section applies to the 30982
assessments prescribed by division (A) of section 3301.0710 and 30983
division (B)(2) of section 3301.0712 of the Revised Code. 30984

Beginning with the assessments administered in the spring of 30985
the 2017-2018 school year, not less than forty per cent of the 30986
questions on each assessment that are used to compute a student's 30987
score shall be a public record. The department shall determine 30988
which questions will be needed for reuse on a future assessment 30989
and those questions shall not be public records and shall be 30990
redacted from the assessment prior to its release as a public 30991
record. However, for each redacted question, the department shall 30992
inform each city, local, and exempted village school district of 30993
the corresponding statewide academic standard adopted by the state 30994
board under section 3301.079 of the Revised Code and the 30995
corresponding benchmark to which the question relates. The 30996
department is not required to provide corresponding standards and 30997
benchmarks to field test questions that are redacted under 30998
division (O)(3) of this section. 30999

(P) As used in this section: 31000

(1) "Three-year average" means the average of the most recent 31001
consecutive three school years of data. 31002

(2) "Dropout" means a student who withdraws from school 31003
before completing course requirements for graduation and who is 31004
not enrolled in an education program approved by the state board 31005
of education or an education program outside the state. "Dropout" 31006
does not include a student who has departed the country. 31007

(3) "Graduation rate" means the ratio of students receiving a 31008
diploma to the number of students who entered ninth grade four 31009
years earlier. Students who transfer into the district are added 31010
to the calculation. Students who transfer out of the district for 31011
reasons other than dropout are subtracted from the calculation. If 31012
a student who was a dropout in any previous year returns to the 31013
same school district, that student shall be entered into the 31014
calculation as if the student had entered ninth grade four years 31015
before the graduation year of the graduating class that the 31016

student joins. 31017

(4) "State scholarship programs" means the educational choice 31018
scholarship pilot program established under sections 3310.01 to 31019
3310.17 of the Revised Code, the autism scholarship program 31020
established under section 3310.41 of the Revised Code, the Jon 31021
Peterson special needs scholarship program established under 31022
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 31023
project scholarship program established under sections 3313.974 to 31024
3313.979 of the Revised Code. 31025

Sec. 3301.0712. (A) The state board of education, the 31026
superintendent of public instruction, and the chancellor of higher 31027
education shall develop a system of college and work ready 31028
assessments as described in division (B) of this section to assess 31029
whether each student upon graduating from high school is ready to 31030
enter college or the workforce. Beginning with students who enter 31031
the ninth grade for the first time on or after July 1, 2014, the 31032
system shall replace the Ohio graduation tests prescribed in 31033
division (B)(1) of section 3301.0710 of the Revised Code as a 31034
measure of student academic performance and one determinant of 31035
eligibility for a high school diploma in the manner prescribed by 31036
rule of the state board adopted under division (D) of this 31037
section. 31038

(B) The college and work ready assessment system shall 31039
consist of the following: 31040

(1) Nationally standardized assessments that measure college 31041
and career readiness and are used for college admission. The 31042
assessments shall be selected jointly by the state superintendent 31043
and the chancellor, and one of which shall be selected by each 31044
school district or school to administer to its students. The 31045
assessments prescribed under division (B)(1) of this section shall 31046
be administered to all eleventh-grade students in the spring of 31047

the school year. 31048

(2) Seven end-of-course examinations, one in each of the 31049
areas of English language arts I, English language arts II, 31050
science, Algebra I, geometry, American history, and American 31051
government. The end-of-course examinations shall be selected 31052
jointly by the state superintendent and the chancellor in 31053
consultation with faculty in the appropriate subject areas at 31054
institutions of higher education of the university system of Ohio. 31055
Advanced placement examinations and international baccalaureate 31056
examinations, as prescribed under section 3313.6013 of the Revised 31057
Code, in the areas of science, American history, and American 31058
government may be used as end-of-course examinations in accordance 31059
with division (B)(4)(a)(i) of this section. Final course grades 31060
for courses taken under any other advanced standing program, as 31061
prescribed under section 3313.6013 of the Revised Code, in the 31062
areas of science, American history, and American government may be 31063
used in lieu of end-of-course examinations in accordance with 31064
division (B)(4)(a)(ii) of this section. 31065

(3)(a) Not later than July 1, 2013, each school district 31066
board of education shall adopt interim end-of-course examinations 31067
that comply with the requirements of divisions (B)(3)(b)(i) and 31068
(ii) of this section to assess mastery of American history and 31069
American government standards adopted under division (A)(1)(b) of 31070
section 3301.079 of the Revised Code and the topics required under 31071
division (M) of section 3313.603 of the Revised Code. Each high 31072
school of the district shall use the interim examinations until 31073
the state superintendent and chancellor select end-of-course 31074
examinations in American history and American government under 31075
division (B)(2) of this section. 31076

(b) Not later than July 1, 2014, the state superintendent and 31077
the chancellor shall select the end-of-course examinations in 31078
American history and American government. 31079

(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.

(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4)(a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt

guidelines for purposes of calculating the corresponding final 31112
course grades that demonstrate the level of academic achievement 31113
necessary to earn a high school diploma. 31114

Division (B)(4)(a)(ii) of this section shall apply only to 31115
courses for which students receive transcribed credit, as defined 31116
in ~~division (U)~~ of section 3365.01 of the Revised Code. It shall 31117
not apply to remedial or developmental courses. 31118

(b) No student shall take a substitute examination or 31119
examination prescribed under division (B)(4)(a) of this section in 31120
place of the end-of-course examinations in English language arts 31121
I, English language arts II, Algebra I, or geometry prescribed 31122
under division (B)(2) of this section. 31123

(c) The state board shall consider additional assessments 31124
that may be used, beginning with the 2016-2017 school year, as 31125
substitute examinations in lieu of the end-of-course examinations 31126
prescribed under division (B)(2) of this section. 31127

(5) The state board shall do all of the following: 31128

(a) Determine and designate at least five ranges of scores on 31129
each of the end-of-course examinations prescribed under division 31130
(B)(2) of this section, and substitute examinations prescribed 31131
under division (B)(4) of this section. Each range of scores shall 31132
be considered to demonstrate a level of achievement so that any 31133
student attaining a score within such range has achieved one of 31134
the following: 31135

(i) An advanced level of skill; 31136

(ii) An accelerated level of skill; 31137

(iii) A proficient level of skill; 31138

(iv) A basic level of skill; 31139

(v) A limited level of skill. 31140

(b) Determine a method by which to calculate a cumulative 31141

performance score based on the results of a student's 31142
end-of-course examinations or substitute examinations; 31143

(c) Determine the minimum cumulative performance score that 31144
demonstrates the level of academic achievement necessary to earn a 31145
high school diploma; 31146

(d) Develop a table of corresponding score equivalents for 31147
the end-of-course examinations and substitute examinations in 31148
order to calculate student performance consistently across the 31149
different examinations. 31150

A score of two on an advanced placement examination or a 31151
score of two or three on an international baccalaureate 31152
examination shall be considered equivalent to a proficient level 31153
of skill as specified under division (B)(5)(a)(iii) of this 31154
section. 31155

(6)(a) A student who meets both of the following conditions 31156
shall not be required to take an end-of-course examination: 31157

(i) The student received high school credit prior to July 1, 31158
2015, for a course for which the end-of-course examination is 31159
prescribed. 31160

(ii) The examination was not available for administration 31161
prior to July 1, 2015. 31162

Receipt of credit for the course described in division 31163
(B)(6)(a)(i) of this section shall satisfy the requirement to take 31164
the end-of-course examination. A student exempted under division 31165
(B)(6)(a) of this section may take the applicable end-of-course 31166
examination at a later date. 31167

(b) For purposes of determining whether a student who is 31168
exempt from taking an end-of-course examination under division 31169
(B)(6)(a) of this section has attained the cumulative score 31170
prescribed by division (B)(5)(c) of this section, such student 31171

shall select either of the following: 31172

(i) The student is considered to have attained a proficient 31173
score on the end-of-course examination from which the student is 31174
exempt; 31175

(ii) The student's final course grade shall be used in lieu 31176
of a score on the end-of-course examination from which the student 31177
is exempt. 31178

The state superintendent, in consultation with the 31179
chancellor, shall adopt guidelines for purposes of calculating the 31180
corresponding final course grades and the minimum cumulative 31181
performance score that demonstrates the level of academic 31182
achievement necessary to earn a high school diploma. 31183

(7)(a) Notwithstanding anything to the contrary in this 31184
section, the state board may replace the algebra I end-of-course 31185
examination prescribed under division (B)(2) of this section with 31186
an algebra II end-of-course examination, beginning with the 31187
2016-2017 school year for students who enter ninth grade on or 31188
after July 1, 2016. 31189

(b) If the state board replaces the algebra I end-of-course 31190
examination with an algebra II end-of-course examination as 31191
authorized under division (B)(7)(a) of this section, both of the 31192
following shall apply: 31193

(i) A student who is enrolled in an advanced placement or 31194
international baccalaureate course in algebra II shall take the 31195
advanced placement or international baccalaureate examination in 31196
lieu of the algebra II end-of-course examination. 31197

(ii) A student who is enrolled in an algebra II course under 31198
any other advanced standing program, as described in section 31199
3313.6013 of the Revised Code, shall not be required to take the 31200
algebra II end-of-course examination. Instead, that student's 31201
final course grade shall be used in lieu of the examination. 31202

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department of education shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.

(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A)(2) of section 3313.618 of the Revised Code.

(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history.

(C) The state board shall convene a group of national 31234
experts, state experts, and local practitioners to provide advice, 31235
guidance, and recommendations for the alignment of standards and 31236
model curricula to the assessments and in the design of the 31237
end-of-course examinations prescribed by this section. 31238

(D) Upon completion of the development of the assessment 31239
system, the state board shall adopt rules prescribing all of the 31240
following: 31241

(1) A timeline and plan for implementation of the assessment 31242
system, including a phased implementation if the state board 31243
determines such a phase-in is warranted; 31244

(2) The date after which a person shall meet the requirements 31245
of the entire assessment system as a prerequisite for a diploma of 31246
adult education under section 3313.611 of the Revised Code; 31247

(3) Whether and the extent to which a person may be excused 31248
from an American history end-of-course examination and an American 31249
government end-of-course examination under division (H) of section 31250
3313.61 and division (B)(3) of section 3313.612 of the Revised 31251
Code; 31252

(4) The date after which a person who has fulfilled the 31253
curriculum requirement for a diploma but has not passed one or 31254
more of the required assessments at the time the person fulfilled 31255
the curriculum requirement shall meet the requirements of the 31256
entire assessment system as a prerequisite for a high school 31257
diploma under division (B) of section 3313.614 of the Revised 31258
Code; 31259

(5) The extent to which the assessment system applies to 31260
students enrolled in a dropout recovery and prevention program for 31261
purposes of division (F) of section 3313.603 and section 3314.36 31262
of the Revised Code. 31263

(E) Not later than forty-five days prior to the state board's 31264

adoption of a resolution directing the department to file the 31265
rules prescribed by division (D) of this section in final form 31266
under section 119.04 of the Revised Code, the superintendent of 31267
public instruction shall present the assessment system developed 31268
under this section to the respective committees of the house of 31269
representatives and senate that consider education legislation. 31270

(F)(1) Any person enrolled in a nonchartered nonpublic school 31271
or any person who has been excused from attendance at school for 31272
the purpose of home instruction under section 3321.04 of the 31273
Revised Code may choose to participate in the system of 31274
assessments administered under divisions (B)(1) and (2) of this 31275
section. However, no such person shall be required to participate 31276
in the system of assessments. 31277

(2) The department shall adopt rules for the administration 31278
and scoring of any assessments under division (F)(1) of this 31279
section. 31280

(G) Not later than December 31, 2014, the state board shall 31281
select at least one nationally recognized job skills assessment. 31282
Each school district shall administer that assessment to those 31283
students who opt to take it. The state shall reimburse a school 31284
district for the costs of administering that assessment. The state 31285
board shall establish the minimum score a student must attain on 31286
the job skills assessment in order to demonstrate a student's 31287
workforce readiness and employability. The administration of the 31288
job skills assessment to a student under this division shall not 31289
exempt a school district from administering the assessments 31290
prescribed in division (B) of this section to that student. 31291

Sec. 3301.0714. (A) The state board of education shall adopt 31292
rules for a statewide education management information system. The 31293
rules shall require the state board to establish guidelines for 31294
the establishment and maintenance of the system in accordance with 31295

this section and the rules adopted under this section. The	31296
guidelines shall include:	31297
(1) Standards identifying and defining the types of data in	31298
the system in accordance with divisions (B) and (C) of this	31299
section;	31300
(2) Procedures for annually collecting and reporting the data	31301
to the state board in accordance with division (D) of this	31302
section;	31303
(3) Procedures for annually compiling the data in accordance	31304
with division (G) of this section;	31305
(4) Procedures for annually reporting the data to the public	31306
in accordance with division (H) of this section;	31307
(5) Standards to provide strict safeguards to protect the	31308
confidentiality of personally identifiable student data.	31309
(B) The guidelines adopted under this section shall require	31310
the data maintained in the education management information system	31311
to include at least the following:	31312
(1) Student participation and performance data, for each	31313
grade in each school district as a whole and for each grade in	31314
each school building in each school district, that includes:	31315
(a) The numbers of students receiving each category of	31316
instructional service offered by the school district, such as	31317
regular education instruction, vocational education instruction,	31318
specialized instruction programs or enrichment instruction that is	31319
part of the educational curriculum, instruction for gifted	31320
students, instruction for students with disabilities, and remedial	31321
instruction. The guidelines shall require instructional services	31322
under this division to be divided into discrete categories if an	31323
instructional service is limited to a specific subject, a specific	31324
type of student, or both, such as regular instructional services	31325

in mathematics, remedial reading instructional services, 31326
instructional services specifically for students gifted in 31327
mathematics or some other subject area, or instructional services 31328
for students with a specific type of disability. The categories of 31329
instructional services required by the guidelines under this 31330
division shall be the same as the categories of instructional 31331
services used in determining cost units pursuant to division 31332
(C)(3) of this section. 31333

(b) The numbers of students receiving support or 31334
extracurricular services for each of the support services or 31335
extracurricular programs offered by the school district, such as 31336
counseling services, health services, and extracurricular sports 31337
and fine arts programs. The categories of services required by the 31338
guidelines under this division shall be the same as the categories 31339
of services used in determining cost units pursuant to division 31340
(C)(4)(a) of this section. 31341

(c) Average student grades in each subject in grades nine 31342
through twelve; 31343

(d) Academic achievement levels as assessed under sections 31344
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 31345

(e) The number of students designated as having a disabling 31346
condition pursuant to division (C)(1) of section 3301.0711 of the 31347
Revised Code; 31348

(f) The numbers of students reported to the state board 31349
pursuant to division (C)(2) of section 3301.0711 of the Revised 31350
Code; 31351

(g) Attendance rates and the average daily attendance for the 31352
year. For purposes of this division, a student shall be counted as 31353
present for any field trip that is approved by the school 31354
administration. 31355

(h) Expulsion rates; 31356

(i) Suspension rates;	31357
(j) Dropout rates;	31358
(k) Rates of retention in grade;	31359
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	31360 31361 31362
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	31363 31364 31365 31366 31367
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	31368 31369 31370 31371 31372 31373 31374 31375 31376
<u>(o) Beginning on the first day of July that next succeeds the effective date of this amendment, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.</u>	31377 31378 31379 31380 31381 31382 31383 31384 31385 31386
<u>Division (B)(1)(o) of this section does not apply after the</u>	31387

<u>date that is two years following the submission of the report</u>	31388
<u>required by Section 733.13 of H.B. 49 of the 132nd general</u>	31389
<u>assembly.</u>	31390
(2) Personnel and classroom enrollment data for each school	31391
district, including:	31392
(a) The total numbers of licensed employees and nonlicensed	31393
employees and the numbers of full-time equivalent licensed	31394
employees and nonlicensed employees providing each category of	31395
instructional service, instructional support service, and	31396
administrative support service used pursuant to division (C)(3) of	31397
this section. The guidelines adopted under this section shall	31398
require these categories of data to be maintained for the school	31399
district as a whole and, wherever applicable, for each grade in	31400
the school district as a whole, for each school building as a	31401
whole, and for each grade in each school building.	31402
(b) The total number of employees and the number of full-time	31403
equivalent employees providing each category of service used	31404
pursuant to divisions (C)(4)(a) and (b) of this section, and the	31405
total numbers of licensed employees and nonlicensed employees and	31406
the numbers of full-time equivalent licensed employees and	31407
nonlicensed employees providing each category used pursuant to	31408
division (C)(4)(c) of this section. The guidelines adopted under	31409
this section shall require these categories of data to be	31410
maintained for the school district as a whole and, wherever	31411
applicable, for each grade in the school district as a whole, for	31412
each school building as a whole, and for each grade in each school	31413
building.	31414
(c) The total number of regular classroom teachers teaching	31415
classes of regular education and the average number of pupils	31416
enrolled in each such class, in each of grades kindergarten	31417
through five in the district as a whole and in each school	31418
building in the school district.	31419

(d) The number of lead teachers employed by each school 31420
district and each school building. 31421

(3)(a) Student demographic data for each school district, 31422
including information regarding the gender ratio of the school 31423
district's pupils, the racial make-up of the school district's 31424
pupils, the number of limited English proficient students in the 31425
district, and an appropriate measure of the number of the school 31426
district's pupils who reside in economically disadvantaged 31427
households. The demographic data shall be collected in a manner to 31428
allow correlation with data collected under division (B)(1) of 31429
this section. Categories for data collected pursuant to division 31430
(B)(3) of this section shall conform, where appropriate, to 31431
standard practices of agencies of the federal government. 31432

(b) With respect to each student entering kindergarten, 31433
whether the student previously participated in a public preschool 31434
program, a private preschool program, or a head start program, and 31435
the number of years the student participated in each of these 31436
programs. 31437

(4) Any data required to be collected pursuant to federal 31438
law. 31439

(C) The education management information system shall include 31440
cost accounting data for each district as a whole and for each 31441
school building in each school district. The guidelines adopted 31442
under this section shall require the cost data for each school 31443
district to be maintained in a system of mutually exclusive cost 31444
units and shall require all of the costs of each school district 31445
to be divided among the cost units. The guidelines shall require 31446
the system of mutually exclusive cost units to include at least 31447
the following: 31448

(1) Administrative costs for the school district as a whole. 31449
The guidelines shall require the cost units under this division 31450

(C)(1) to be designed so that each of them may be compiled and 31451
reported in terms of average expenditure per pupil in formula ADM 31452
in the school district, as determined pursuant to section 3317.03 31453
of the Revised Code. 31454

(2) Administrative costs for each school building in the 31455
school district. The guidelines shall require the cost units under 31456
this division (C)(2) to be designed so that each of them may be 31457
compiled and reported in terms of average expenditure per 31458
full-time equivalent pupil receiving instructional or support 31459
services in each building. 31460

(3) Instructional services costs for each category of 31461
instructional service provided directly to students and required 31462
by guidelines adopted pursuant to division (B)(1)(a) of this 31463
section. The guidelines shall require the cost units under 31464
division (C)(3) of this section to be designed so that each of 31465
them may be compiled and reported in terms of average expenditure 31466
per pupil receiving the service in the school district as a whole 31467
and average expenditure per pupil receiving the service in each 31468
building in the school district and in terms of a total cost for 31469
each category of service and, as a breakdown of the total cost, a 31470
cost for each of the following components: 31471

(a) The cost of each instructional services category required 31472
by guidelines adopted under division (B)(1)(a) of this section 31473
that is provided directly to students by a classroom teacher; 31474

(b) The cost of the instructional support services, such as 31475
services provided by a speech-language pathologist, classroom 31476
aide, multimedia aide, or librarian, provided directly to students 31477
in conjunction with each instructional services category; 31478

(c) The cost of the administrative support services related 31479
to each instructional services category, such as the cost of 31480
personnel that develop the curriculum for the instructional 31481

services category and the cost of personnel supervising or 31482
coordinating the delivery of the instructional services category. 31483

(4) Support or extracurricular services costs for each 31484
category of service directly provided to students and required by 31485
guidelines adopted pursuant to division (B)(1)(b) of this section. 31486
The guidelines shall require the cost units under division (C)(4) 31487
of this section to be designed so that each of them may be 31488
compiled and reported in terms of average expenditure per pupil 31489
receiving the service in the school district as a whole and 31490
average expenditure per pupil receiving the service in each 31491
building in the school district and in terms of a total cost for 31492
each category of service and, as a breakdown of the total cost, a 31493
cost for each of the following components: 31494

(a) The cost of each support or extracurricular services 31495
category required by guidelines adopted under division (B)(1)(b) 31496
of this section that is provided directly to students by a 31497
licensed employee, such as services provided by a guidance 31498
counselor or any services provided by a licensed employee under a 31499
supplemental contract; 31500

(b) The cost of each such services category provided directly 31501
to students by a nonlicensed employee, such as janitorial 31502
services, cafeteria services, or services of a sports trainer; 31503

(c) The cost of the administrative services related to each 31504
services category in division (C)(4)(a) or (b) of this section, 31505
such as the cost of any licensed or nonlicensed employees that 31506
develop, supervise, coordinate, or otherwise are involved in 31507
administering or aiding the delivery of each services category. 31508

(D)(1) The guidelines adopted under this section shall 31509
require school districts to collect information about individual 31510
students, staff members, or both in connection with any data 31511
required by division (B) or (C) of this section or other reporting 31512

requirements established in the Revised Code. The guidelines may 31513
also require school districts to report information about 31514
individual staff members in connection with any data required by 31515
division (B) or (C) of this section or other reporting 31516
requirements established in the Revised Code. The guidelines shall 31517
not authorize school districts to request social security numbers 31518
of individual students. The guidelines shall prohibit the 31519
reporting under this section of a student's name, address, and 31520
social security number to the state board of education or the 31521
department of education. The guidelines shall also prohibit the 31522
reporting under this section of any personally identifiable 31523
information about any student, except for the purpose of assigning 31524
the data verification code required by division (D)(2) of this 31525
section, to any other person unless such person is employed by the 31526
school district or the information technology center operated 31527
under section 3301.075 of the Revised Code and is authorized by 31528
the district or technology center to have access to such 31529
information or is employed by an entity with which the department 31530
contracts for the scoring or the development of state assessments. 31531
The guidelines may require school districts to provide the social 31532
security numbers of individual staff members and the county of 31533
residence for a student. Nothing in this section prohibits the 31534
state board of education or department of education from providing 31535
a student's county of residence to the department of taxation to 31536
facilitate the distribution of tax revenue. 31537

(2)(a) The guidelines shall provide for each school district 31538
or community school to assign a data verification code that is 31539
unique on a statewide basis over time to each student whose 31540
initial Ohio enrollment is in that district or school and to 31541
report all required individual student data for that student 31542
utilizing such code. The guidelines shall also provide for 31543
assigning data verification codes to all students enrolled in 31544
districts or community schools on the effective date of the 31545

guidelines established under this section. The assignment of data 31546
verification codes for other entities, as described in division 31547
(D)(2)(c) of this section, the use of those codes, and the 31548
reporting and use of associated individual student data shall be 31549
coordinated by the department in accordance with state and federal 31550
law. 31551

School districts shall report individual student data to the 31552
department through the information technology centers utilizing 31553
the code. The entities described in division (D)(2)(c) of this 31554
section shall report individual student data to the department in 31555
the manner prescribed by the department. 31556

Except as provided in sections 3301.941, 3310.11, 3310.42, 31557
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 31558
shall the state board or the department have access to information 31559
that would enable any data verification code to be matched to 31560
personally identifiable student data. 31561

(b) Each school district and community school shall ensure 31562
that the data verification code is included in the student's 31563
records reported to any subsequent school district, community 31564
school, or state institution of higher education, as defined in 31565
section 3345.011 of the Revised Code, in which the student 31566
enrolls. Any such subsequent district or school shall utilize the 31567
same identifier in its reporting of data under this section. 31568

(c) The director of any state agency that administers a 31569
publicly funded program providing services to children who are 31570
younger than compulsory school age, as defined in section 3321.01 31571
of the Revised Code, including the directors of health, job and 31572
family services, mental health and addiction services, and 31573
developmental disabilities, shall request and receive, pursuant to 31574
sections 3301.0723 and 5123.0423 of the Revised Code, a data 31575
verification code for a child who is receiving those services. 31576

(E) The guidelines adopted under this section may require 31577
school districts to collect and report data, information, or 31578
reports other than that described in divisions (A), (B), and (C) 31579
of this section for the purpose of complying with other reporting 31580
requirements established in the Revised Code. The other data, 31581
information, or reports may be maintained in the education 31582
management information system but are not required to be compiled 31583
as part of the profile formats required under division (G) of this 31584
section or the annual statewide report required under division (H) 31585
of this section. 31586

(F) Beginning with the school year that begins July 1, 1991, 31587
the board of education of each school district shall annually 31588
collect and report to the state board, in accordance with the 31589
guidelines established by the board, the data required pursuant to 31590
this section. A school district may collect and report these data 31591
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 31592

(G) The state board shall, in accordance with the procedures 31593
it adopts, annually compile the data reported by each school 31594
district pursuant to division (D) of this section. The state board 31595
shall design formats for profiling each school district as a whole 31596
and each school building within each district and shall compile 31597
the data in accordance with these formats. These profile formats 31598
shall: 31599

(1) Include all of the data gathered under this section in a 31600
manner that facilitates comparison among school districts and 31601
among school buildings within each school district; 31602

(2) Present the data on academic achievement levels as 31603
assessed by the testing of student achievement maintained pursuant 31604
to division (B)(1)(d) of this section. 31605

(H)(1) The state board shall, in accordance with the 31606
procedures it adopts, annually prepare a statewide report for all 31607

school districts and the general public that includes the profile 31608
of each of the school districts developed pursuant to division (G) 31609
of this section. Copies of the report shall be sent to each school 31610
district. 31611

(2) The state board shall, in accordance with the procedures 31612
it adopts, annually prepare an individual report for each school 31613
district and the general public that includes the profiles of each 31614
of the school buildings in that school district developed pursuant 31615
to division (G) of this section. Copies of the report shall be 31616
sent to the superintendent of the district and to each member of 31617
the district board of education. 31618

(3) Copies of the reports received from the state board under 31619
divisions (H)(1) and (2) of this section shall be made available 31620
to the general public at each school district's offices. Each 31621
district board of education shall make copies of each report 31622
available to any person upon request and payment of a reasonable 31623
fee for the cost of reproducing the report. The board shall 31624
annually publish in a newspaper of general circulation in the 31625
school district, at least twice during the two weeks prior to the 31626
week in which the reports will first be available, a notice 31627
containing the address where the reports are available and the 31628
date on which the reports will be available. 31629

(I) Any data that is collected or maintained pursuant to this 31630
section and that identifies an individual pupil is not a public 31631
record for the purposes of section 149.43 of the Revised Code. 31632

(J) As used in this section: 31633

(1) "School district" means any city, local, exempted 31634
village, or joint vocational school district and, in accordance 31635
with section 3314.17 of the Revised Code, any community school. As 31636
used in division (L) of this section, "school district" also 31637
includes any educational service center or other educational 31638

entity required to submit data using the system established under 31639
this section. 31640

(2) "Cost" means any expenditure for operating expenses made 31641
by a school district excluding any expenditures for debt 31642
retirement except for payments made to any commercial lending 31643
institution for any loan approved pursuant to section 3313.483 of 31644
the Revised Code. 31645

(K) Any person who removes data from the information system 31646
established under this section for the purpose of releasing it to 31647
any person not entitled under law to have access to such 31648
information is subject to section 2913.42 of the Revised Code 31649
prohibiting tampering with data. 31650

(L)(1) In accordance with division (L)(2) of this section and 31651
the rules adopted under division (L)(10) of this section, the 31652
department of education may sanction any school district that 31653
reports incomplete or inaccurate data, reports data that does not 31654
conform to data requirements and descriptions published by the 31655
department, fails to report data in a timely manner, or otherwise 31656
does not make a good faith effort to report data as required by 31657
this section. 31658

(2) If the department decides to sanction a school district 31659
under this division, the department shall take the following 31660
sequential actions: 31661

(a) Notify the district in writing that the department has 31662
determined that data has not been reported as required under this 31663
section and require the district to review its data submission and 31664
submit corrected data by a deadline established by the department. 31665
The department also may require the district to develop a 31666
corrective action plan, which shall include provisions for the 31667
district to provide mandatory staff training on data reporting 31668
procedures. 31669

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data

submitted by the district likely caused the district to receive a 31700
higher performance rating than it deserved under that section, 31701
issue a revised report card for the district; 31702

(ix) Any other action designed to correct the district's data 31703
reporting problems. 31704

(3) Any time the department takes an action against a school 31705
district under division (L)(2) of this section, the department 31706
shall make a report of the circumstances that prompted the action. 31707
The department shall send a copy of the report to the district 31708
superintendent or chief administrator and maintain a copy of the 31709
report in its files. 31710

(4) If any action taken under division (L)(2) of this section 31711
resolves a school district's data reporting problems to the 31712
department's satisfaction, the department shall not take any 31713
further actions described by that division. If the department 31714
withheld funds from the district under that division, the 31715
department may release those funds to the district, except that if 31716
the department withheld funding under division (L)(2)(c) of this 31717
section, the department shall not release the funds withheld under 31718
division (L)(2)(b) of this section and, if the department withheld 31719
funding under division (L)(2)(d) of this section, the department 31720
shall not release the funds withheld under division (L)(2)(b) or 31721
(c) of this section. 31722

(5) Notwithstanding anything in this section to the contrary, 31723
the department may use its own staff or an outside entity to 31724
conduct an audit of a school district's data reporting practices 31725
any time the department has reason to believe the district has not 31726
made a good faith effort to report data as required by this 31727
section. If any audit conducted by an outside entity under 31728
division (L)(2)(d)(i) or (5) of this section confirms that a 31729
district has not made a good faith effort to report data as 31730
required by this section, the district shall reimburse the 31731

department for the full cost of the audit. The department may 31732
withhold state funds due to the district for this purpose. 31733

(6) Prior to issuing a revised report card for a school 31734
district under division (L)(2)(d)(viii) of this section, the 31735
department may hold a hearing to provide the district with an 31736
opportunity to demonstrate that it made a good faith effort to 31737
report data as required by this section. The hearing shall be 31738
conducted by a referee appointed by the department. Based on the 31739
information provided in the hearing, the referee shall recommend 31740
whether the department should issue a revised report card for the 31741
district. If the referee affirms the department's contention that 31742
the district did not make a good faith effort to report data as 31743
required by this section, the district shall bear the full cost of 31744
conducting the hearing and of issuing any revised report card. 31745

(7) If the department determines that any inaccurate data 31746
reported under this section caused a school district to receive 31747
excess state funds in any fiscal year, the district shall 31748
reimburse the department an amount equal to the excess funds, in 31749
accordance with a payment schedule determined by the department. 31750
The department may withhold state funds due to the district for 31751
this purpose. 31752

(8) Any school district that has funds withheld under 31753
division (L)(2) of this section may appeal the withholding in 31754
accordance with Chapter 119. of the Revised Code. 31755

(9) In all cases of a disagreement between the department and 31756
a school district regarding the appropriateness of an action taken 31757
under division (L)(2) of this section, the burden of proof shall 31758
be on the district to demonstrate that it made a good faith effort 31759
to report data as required by this section. 31760

(10) The state board of education shall adopt rules under 31761
Chapter 119. of the Revised Code to implement division (L) of this 31762

section. 31763

(M) No information technology center or school district shall 31764
acquire, change, or update its student administration software 31765
package to manage and report data required to be reported to the 31766
department unless it converts to a student software package that 31767
is certified by the department. 31768

(N) The state board of education, in accordance with sections 31769
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 31770
license as defined under division (A) of section 3319.31 of the 31771
Revised Code that has been issued to any school district employee 31772
found to have willfully reported erroneous, inaccurate, or 31773
incomplete data to the education management information system. 31774

(O) No person shall release or maintain any information about 31775
any student in violation of this section. Whoever violates this 31776
division is guilty of a misdemeanor of the fourth degree. 31777

(P) The department shall disaggregate the data collected 31778
under division (B)(1)(n) of this section according to the race and 31779
socioeconomic status of the students assessed. 31780

(Q) If the department cannot compile any of the information 31781
required by division (H) of section 3302.03 of the Revised Code 31782
based upon the data collected under this section, the department 31783
shall develop a plan and a reasonable timeline for the collection 31784
of any data necessary to comply with that division. 31785

Sec. 3301.0715. (A) Except as required under division (B)(1) 31786
of section 3313.608 or as specified in division (D)(3) of section 31787
3301.079 of the Revised Code, the board of education of each city, 31788
local, and exempted village school district shall administer each 31789
applicable diagnostic assessment developed and provided to the 31790
district in accordance with section 3301.079 of the Revised Code 31791
to the following: 31792

(1) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. However, if a student transfers into the district prior to the administration of the diagnostic assessments to all students under division (B) of this section, the district may administer the diagnostic assessments to that student on the date or dates determined under that division.

(2) Each kindergarten student, not earlier than the first day of the school year and not later than the first day of November. However, a board of education may administer the selected response and performance task items portion of the diagnostic assessment up to two weeks prior to the first day of the school year.

For the purpose of division (A)(2) of this section, the district shall administer the kindergarten readiness assessment provided by the department of education. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

(3) Each student enrolled in first, second, or third grade.

Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department of education.

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at

least once annually to all students in the appropriate grade 31824
level. A district board may administer any diagnostic assessment 31825
in the fall and spring of a school year to measure the amount of 31826
academic growth attributable to the instruction received by 31827
students during that school year. 31828

(C) Any district that received a grade of "A" or "B" for the 31829
performance index score under division (A)(1)(b), (B)(1)(b), or 31830
(C)(1)(b) of section 3302.03 of the Revised Code or for the 31831
value-added progress dimension under division (A)(1)(e), 31832
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 31833
the immediately preceding school year may use different diagnostic 31834
assessments from those adopted under division (D) of section 31835
3301.079 of the Revised Code in order to satisfy the requirements 31836
of division (A)(3) of this section. 31837

(D) Each district board shall utilize and score any 31838
diagnostic assessment administered under division (A) of this 31839
section in accordance with rules established by the department. 31840
After the administration of any diagnostic assessment, each 31841
district shall provide a student's completed diagnostic 31842
assessment, the results of such assessment, and any other 31843
accompanying documents used during the administration of the 31844
assessment to the parent of that student, and shall include all 31845
such documents and information in any plan developed for the 31846
student under division (C) of section 3313.608 of the Revised 31847
Code. Each district shall submit to the department, in the manner 31848
the department prescribes, the results of the diagnostic 31849
assessments administered under this section, regardless of the 31850
type of assessment used under section 3313.608 of the Revised 31851
Code. The department may issue reports with respect to the data 31852
collected. The department may report school and district level 31853
kindergarten diagnostic assessment data and use diagnostic 31854
assessment data to calculate the measure prescribed by divisions 31855

(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code. 31856

(E) Each district board shall provide intervention services 31857
to students whose diagnostic assessments show that they are 31858
failing to make satisfactory progress toward attaining the 31859
academic standards for their grade level. 31860

(F) Beginning in the 2018-2019 school year, any chartered 31861
nonpublic school may elect to administer the kindergarten 31862
readiness assessment to all kindergarten students enrolled in the 31863
school. If the school so elects, the chief administrator of the 31864
school shall notify the superintendent of public instruction not 31865
later than the thirty-first day of March prior to any school year 31866
in which the school will administer the assessment. The department 31867
shall furnish the assessment to the school at no cost to the 31868
school. In administering the assessment, the school shall do all 31869
of the following: 31870

(1) Enter into a written agreement with the department 31871
specifying that the school will share each participating student's 31872
assessment data with the department and, that for the purpose of 31873
reporting the data to the department, each participating student 31874
will be assigned a data verification code as described in division 31875
(D)(2) of section 3301.0714 of the Revised Code; 31876

(2) Require the assessment to be administered by a teacher 31877
certified under section 3301.071 of the Revised Code who either 31878
has completed training on administering the kindergarten readiness 31879
assessment provided by the department or has been trained by 31880
another person who has completed such training; 31881

(3) Administer the assessment in the same manner as school 31882
districts are required to do under this section and the rules 31883
established under division (D) of this section. 31884

Sec. 3302.01. As used in this chapter: 31885

(A) "Performance index score" means the average of the totals 31886
derived from calculations, for each subject area, of the weighted 31887
proportion of untested students and students scoring at each level 31888
of skill described in division (A)(2) of section 3301.0710 of the 31889
Revised Code on the state achievement assessments, as follows: 31890

(1) For the assessments prescribed by division (A)(1) of 31891
section 3301.0710 of the Revised Code, the average for each of the 31892
subject areas of English language arts, mathematics, and science, 31893
~~and social studies.~~ 31894

(2) For the assessments prescribed by division (B)(1) of 31895
section 3301.0710 and division (B)(2) of section 3301.0712 of the 31896
Revised Code, the average for each of the subject areas of English 31897
language arts and mathematics. 31898

The department of education shall assign weights such that 31899
students who do not take an assessment receive a weight of zero 31900
and students who take an assessment receive progressively larger 31901
weights dependent upon the level of skill attained on the 31902
assessment. The department shall assign additional weights to 31903
students who have been permitted to pass over a subject in 31904
accordance with a student acceleration policy adopted under 31905
section 3324.10 of the Revised Code. If such a student attains the 31906
proficient score prescribed under division (A)(2)(c) of section 31907
3301.0710 of the Revised Code or higher on an assessment, the 31908
department shall assign the student the weight prescribed for the 31909
next higher scoring level. If such a student attains the advanced 31910
score, prescribed under division (A)(2)(a) of section 3301.0710 of 31911
the Revised Code, on an assessment, the department shall assign to 31912
the student an additional proportional weight, as approved by the 31913
state board. For each school year that such a student's score is 31914
included in the performance index score and the student attains 31915
the proficient score on an assessment, that additional weight 31916
shall be assigned to the student on a subject-by-subject basis. 31917

Students shall be included in the "performance index score" 31918
in accordance with division (K)(2) of section 3302.03 of the 31919
Revised Code. 31920

(B) "Subgroup" means a subset of the entire student 31921
population of the state, a school district, or a school building 31922
and includes each of the following: 31923

(1) Major racial and ethnic groups; 31924

(2) Students with disabilities; 31925

(3) Economically disadvantaged students; 31926

(4) Limited English proficient students; 31927

(5) Students identified as gifted in superior cognitive 31928
ability and specific academic ability fields under Chapter 3324. 31929
of the Revised Code. For students who are gifted in specific 31930
academic ability fields, the department shall use data for those 31931
students with specific academic ability in math and reading. If 31932
any other academic field is assessed, the department shall also 31933
include data for students with specific academic ability in that 31934
field. 31935

(6) Students in the lowest quintile for achievement 31936
statewide, as determined by a method prescribed by the state board 31937
of education. 31938

(C) "No Child Left Behind Act of 2001" includes the statutes 31939
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 31940
both thereto, rules and regulations promulgated pursuant to those 31941
statutes, guidance documents, and any other policy directives 31942
regarding implementation of that act issued by the United States 31943
department of education. 31944

(D) "Adequate yearly progress" means a measure of annual 31945
academic performance as calculated in accordance with the "No 31946
Child Left Behind Act of 2001." 31947

(E) "Supplemental educational services" means additional 31948
academic assistance, such as tutoring, remediation, or other 31949
educational enrichment activities, that is conducted outside of 31950
the regular school day by a provider approved by the department in 31951
accordance with the "No Child Left Behind Act of 2001." 31952

(F) "Value-added progress dimension" means a measure of 31953
academic gain for a student or group of students over a specific 31954
period of time that is calculated by applying a statistical 31955
methodology to individual student achievement data derived from 31956
the achievement assessments prescribed by section 3301.0710 of the 31957
Revised Code. The "value-added progress dimension" shall be 31958
developed and implemented in accordance with section 3302.021 of 31959
the Revised Code. 31960

(G)(1) "Four-year adjusted cohort graduation rate" means the 31961
number of students who graduate in four years or less with a 31962
regular high school diploma divided by the number of students who 31963
form the adjusted cohort for the graduating class. 31964

(2) "Five-year adjusted cohort graduation rate" means the 31965
number of students who graduate in five years with a regular high 31966
school diploma divided by the number of students who form the 31967
adjusted cohort for the four-year graduation rate. 31968

(H) "State institution of higher education" has the same 31969
meaning as in section 3345.011 of the Revised Code. 31970

(I) "Annual measurable objectives" means a measure of student 31971
progress determined in accordance with an agreement between the 31972
department of education and the United States department of 31973
education. 31974

(J) "Community school" means a community school established 31975
under Chapter 3314. of the Revised Code. 31976

(K) "STEM school" means a science, technology, engineering, 31977
and mathematics school established under Chapter 3326. of the 31978

Revised Code. 31979

(L) "Entitled to attend school in the district" means 31980
entitled to attend school in a school district under section 31981
3313.64 or 3313.65 of the Revised Code. 31982

Sec. 3302.03. Annually, not later than the fifteenth day of 31983
September or the preceding Friday when that day falls on a 31984
Saturday or Sunday, the department of education shall assign a 31985
letter grade for overall academic performance and for each 31986
separate performance measure for each school district, and each 31987
school building in a district, in accordance with this section. 31988
The state board shall adopt rules pursuant to Chapter 119. of the 31989
Revised Code to establish performance criteria for each letter 31990
grade and prescribe a method by which the department assigns each 31991
letter grade. For a school building to which any of the 31992
performance measures do not apply, due to grade levels served by 31993
the building, the state board shall designate the performance 31994
measures that are applicable to the building and that must be 31995
calculated separately and used to calculate the building's overall 31996
grade. The department shall issue annual report cards reflecting 31997
the performance of each school district, each building within each 31998
district, and for the state as a whole using the performance 31999
measures and letter grade system described in this section. The 32000
department shall include on the report card for each district and 32001
each building within each district the most recent two-year trend 32002
data in student achievement for each subject and each grade. 32003

(A)(1) For the 2012-2013 school year, the department shall 32004
issue grades as described in division (E) of this section for each 32005
of the following performance measures: 32006

(a) Annual measurable objectives; 32007

(b) Performance index score for a school district or 32008
building. Grades shall be awarded as a percentage of the total 32009

possible points on the performance index system as adopted by the 32010
state board. In adopting benchmarks for assigning letter grades 32011
under division (A)(1)(b) of this section, the state board of 32012
education shall designate ninety per cent or higher for an "A," at 32013
least seventy per cent but not more than eighty per cent for a 32014
"C," and less than fifty per cent for an "F." 32015

(c) The extent to which the school district or building meets 32016
each of the applicable performance indicators established by the 32017
state board under section 3302.02 of the Revised Code and the 32018
percentage of applicable performance indicators that have been 32019
achieved. In adopting benchmarks for assigning letter grades under 32020
division (A)(1)(c) of this section, the state board shall 32021
designate ninety per cent or higher for an "A." 32022

(d) The four- and five-year adjusted cohort graduation rates. 32023

In adopting benchmarks for assigning letter grades under 32024
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 32025
department shall designate a four-year adjusted cohort graduation 32026
rate of ninety-three per cent or higher for an "A" and a five-year 32027
cohort graduation rate of ninety-five per cent or higher for an 32028
"A." 32029

(e) The overall score under the value-added progress 32030
dimension of a school district or building, for which the 32031
department shall use up to three years of value-added data as 32032
available. The letter grade assigned for this growth measure shall 32033
be as follows: 32034

(i) A score that is at least two standard errors of measure 32035
above the mean score shall be designated as an "A." 32036

(ii) A score that is at least one standard error of measure 32037
but less than two standard errors of measure above the mean score 32038
shall be designated as a "B." 32039

(iii) A score that is less than one standard error of measure 32040

above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C."

(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D."

(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F."

Whenever the value-added progress dimension is used as a graded performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed

and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 and 2014-2015 school years, the department shall issue grades as described in division (E) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent

school year available and shall use assessment scores for only 32134
those students to whom the district or building has administered 32135
the assessments prescribed by section 3301.0710 of the Revised 32136
Code for each of the two most recent consecutive school years. 32137

As used in this division, "high mobility school district or 32138
building" means a school district or building where at least 32139
twenty-five per cent of its total enrollment is made up of 32140
students who have attended that school district or building for 32141
less than one year. 32142

(2) In addition to the graded measures in division (B)(1) of 32143
this section, the department shall include on a school district's 32144
or building's report card all of the following without an assigned 32145
letter grade: 32146

(a) The percentage of students enrolled in a district or 32147
building participating in advanced placement classes and the 32148
percentage of those students who received a score of three or 32149
better on advanced placement examinations; 32150

(b) The number of a district's or building's students who 32151
have earned at least three college credits through dual enrollment 32152
or advanced standing programs, such as the post-secondary 32153
enrollment options program under Chapter 3365. of the Revised Code 32154
and state-approved career-technical courses offered through dual 32155
enrollment or statewide articulation, that appear on a student's 32156
transcript or other official document, either of which is issued 32157
by the institution of higher education from which the student 32158
earned the college credit. The credits earned that are reported 32159
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 32160
include any that are remedial or developmental and shall include 32161
those that count toward the curriculum requirements established 32162
for completion of a degree. 32163

(c) The percentage of students enrolled in a district or 32164

building who have taken a national standardized test used for 32165
college admission determinations and the percentage of those 32166
students who are determined to be remediation-free in accordance 32167
with standards adopted under division (F) of section 3345.061 of 32168
the Revised Code; 32169

(d) The percentage of the district's or the building's 32170
students who receive industry-recognized credentials as approved 32171
under section 3313.6113 of the Revised Code. The state board shall 32172
adopt criteria for acceptable industry-recognized credentials. 32173

(e) The percentage of students enrolled in a district or 32174
building who are participating in an international baccalaureate 32175
program and the percentage of those students who receive a score 32176
of four or better on the international baccalaureate examinations. 32177

(f) The percentage of the district's or building's students 32178
who receive an honors diploma under division (B) of section 32179
3313.61 of the Revised Code. 32180

(3) Not later than December 31, 2013, the state board shall 32181
adopt rules in accordance with Chapter 119. of the Revised Code 32182
that prescribe the methods by which the performance measures under 32183
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 32184
and assigned a letter grade, including performance benchmarks for 32185
each grade. 32186

At least forty-five days prior to the state board's adoption 32187
of rules to prescribe the methods by which the performance 32188
measures under division (B)(1) of this section shall be assessed 32189
and assigned a letter grade, the department shall conduct a public 32190
presentation before the standing committees of the house of 32191
representatives and the senate that consider education legislation 32192
describing such methods, including performance benchmarks. 32193

(4) There shall not be an overall letter grade for a school 32194
district or building for the 2013-2014, 2014-2015, 2015-2016, and 32195

2016-2017 school years. 32196

(C)(1) For the 2014-2015 school year and each school year 32197
thereafter, the department shall issue grades as described in 32198
division (E) of this section for each of the performance measures 32199
prescribed in division (C)(1) of this section. The graded measures 32200
are as follows: 32201

(a) Annual measurable objectives; 32202

(b) Performance index score for a school district or 32203
building. Grades shall be awarded as a percentage of the total 32204
possible points on the performance index system as created by the 32205
department. In adopting benchmarks for assigning letter grades 32206
under division (C)(1)(b) of this section, the state board shall 32207
designate ninety per cent or higher for an "A," at least seventy 32208
per cent but not more than eighty per cent for a "C," and less 32209
than fifty per cent for an "F." 32210

(c) The extent to which the school district or building meets 32211
each of the applicable performance indicators established by the 32212
state board under section 3302.03 of the Revised Code and the 32213
percentage of applicable performance indicators that have been 32214
achieved. In adopting benchmarks for assigning letter grades under 32215
division (C)(1)(c) of this section, the state board shall 32216
designate ninety per cent or higher for an "A." 32217

(d) The four- and five-year adjusted cohort graduation rates; 32218

(e) The overall score under the value-added progress 32219
dimension, or another measure of student academic progress if 32220
adopted by the state board, of a school district or building, for 32221
which the department shall use up to three years of value-added 32222
data as available. 32223

In adopting benchmarks for assigning letter grades for 32224
overall score on value-added progress dimension under division 32225
(C)(1)(e) of this section, the state board shall prohibit the 32226

assigning of a grade of "A" for that measure unless the district's 32227
or building's grade assigned for value-added progress dimension 32228
for all subgroups under division (C)(1)(f) of this section is a 32229
"B" or higher. 32230

For the metric prescribed by division (C)(1)(e) of this 32231
section, the state board may adopt a student academic progress 32232
measure to be used instead of the value-added progress dimension. 32233
If the state board adopts such a measure, it also shall prescribe 32234
a method for assigning letter grades for the new measure that is 32235
comparable to the method prescribed in division (A)(1)(e) of this 32236
section. 32237

(f) The value-added progress dimension score of a school 32238
district or building disaggregated for each of the following 32239
subgroups: students identified as gifted in superior cognitive 32240
ability and specific academic ability fields under Chapter 3324. 32241
of the Revised Code, students with disabilities, and students 32242
whose performance places them in the lowest quintile for 32243
achievement on a statewide basis, as determined by a method 32244
prescribed by the state board. Each subgroup shall be a separate 32245
graded measure. 32246

The state board may adopt student academic progress measures 32247
to be used instead of the value-added progress dimension. If the 32248
state board adopts such measures, it also shall prescribe a method 32249
for assigning letter grades for the new measures that is 32250
comparable to the method prescribed in division (A)(1)(e) of this 32251
section. 32252

(g) Whether a school district or building is making progress 32253
in improving literacy in grades kindergarten through three, as 32254
determined using a method prescribed by the state board. The state 32255
board shall adopt rules to prescribe benchmarks and standards for 32256
assigning grades to a district or building for purposes of 32257
division (C)(1)(g) of this section. The state board shall 32258

designate for a "C" grade a value that is not lower than the 32259
statewide average value for this measure. No grade shall be issued 32260
under division (C)(1)(g) of this section for a district or 32261
building in which less than five per cent of students have scored 32262
below grade level on the kindergarten diagnostic assessment under 32263
division (B)(1) of section 3313.608 of the Revised Code. 32264

(h) For a high mobility school district or building, an 32265
additional value-added progress dimension score. For this measure, 32266
the department shall use value-added data from the most recent 32267
school year available and shall use assessment scores for only 32268
those students to whom the district or building has administered 32269
the assessments prescribed by section 3301.0710 of the Revised 32270
Code for each of the two most recent consecutive school years. 32271

As used in this division, "high mobility school district or 32272
building" means a school district or building where at least 32273
twenty-five per cent of its total enrollment is made up of 32274
students who have attended that school district or building for 32275
less than one year. 32276

(2) In addition to the graded measures in division (C)(1) of 32277
this section, the department shall include on a school district's 32278
or building's report card all of the following without an assigned 32279
letter grade: 32280

(a) The percentage of students enrolled in a district or 32281
building who have taken a national standardized test used for 32282
college admission determinations and the percentage of those 32283
students who are determined to be remediation-free in accordance 32284
with the standards adopted under division (F) of section 3345.061 32285
of the Revised Code; 32286

(b) The percentage of students enrolled in a district or 32287
building participating in advanced placement classes and the 32288
percentage of those students who received a score of three or 32289

better on advanced placement examinations; 32290

(c) The percentage of a district's or building's students who 32291
have earned at least three college credits through advanced 32292
standing programs, such as the college credit plus program under 32293
Chapter 3365. of the Revised Code and state-approved 32294
career-technical courses offered through dual enrollment or 32295
statewide articulation, that appear on a student's college 32296
transcript issued by the institution of higher education from 32297
which the student earned the college credit. The credits earned 32298
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 32299
section shall not include any that are remedial or developmental 32300
and shall include those that count toward the curriculum 32301
requirements established for completion of a degree. 32302

(d) The percentage of the district's or building's students 32303
who receive an honor's diploma under division (B) of section 32304
3313.61 of the Revised Code; 32305

(e) The percentage of the district's or building's students 32306
who receive industry-recognized credentials as approved under 32307
section 3313.6113 of the Revised Code; 32308

(f) The percentage of students enrolled in a district or 32309
building who are participating in an international baccalaureate 32310
program and the percentage of those students who receive a score 32311
of four or better on the international baccalaureate examinations; 32312

(g) The results of the college and career-ready assessments 32313
administered under division (B)(1) of section 3301.0712 of the 32314
Revised Code. 32315

(3) The state board shall adopt rules pursuant to Chapter 32316
119. of the Revised Code that establish a method to assign an 32317
overall grade for a school district or school building for the 32318
2017-2018 school year and each school year thereafter. The rules 32319
shall group the performance measures in divisions (C)(1) and (2) 32320

of this section into the following components: 32321

(a) Gap closing, which shall include the performance measure 32322
in division (C)(1)(a) of this section; 32323

(b) Achievement, which shall include the performance measures 32324
in divisions (C)(1)(b) and (c) of this section; 32325

(c) Progress, which shall include the performance measures in 32326
divisions (C)(1)(e) and (f) of this section; 32327

(d) Graduation, which shall include the performance measure 32328
in division (C)(1)(d) of this section; 32329

(e) Kindergarten through third-grade literacy, which shall 32330
include the performance measure in division (C)(1)(g) of this 32331
section; 32332

(f) Prepared for success, which shall include the performance 32333
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 32334
this section. The state board shall develop a method to determine 32335
a grade for the component in division (C)(3)(f) of this section 32336
using the performance measures in divisions (C)(2)(a), (b), (c), 32337
(d), (e), and (f) of this section. When available, the state board 32338
may incorporate the performance measure under division (C)(2)(g) 32339
of this section into the component under division (C)(3)(f) of 32340
this section. When determining the overall grade for the prepared 32341
for success component prescribed by division (C)(3)(f) of this 32342
section, no individual student shall be counted in more than one 32343
performance measure. However, if a student qualifies for more than 32344
one performance measure in the component, the state board may, in 32345
its method to determine a grade for the component, specify an 32346
additional weight for such a student that is not greater than or 32347
equal to 1.0. In determining the overall score under division 32348
(C)(3)(f) of this section, the state board shall ensure that the 32349
pool of students included in the performance measures aggregated 32350
under that division are all of the students included in the four- 32351

and five-year adjusted graduation cohort. 32352

In the rules adopted under division (C)(3) of this section, 32353
the state board shall adopt a method for determining a grade for 32354
each component in divisions (C)(3)(a) to (f) of this section. The 32355
state board also shall establish a method to assign an overall 32356
grade of "A," "B," "C," "D," or "F" using the grades assigned for 32357
each component. The method the state board adopts for assigning an 32358
overall grade shall give equal weight to the components in 32359
divisions (C)(3)(b) and (c) of this section. 32360

At least forty-five days prior to the state board's adoption 32361
of rules to prescribe the methods for calculating the overall 32362
grade for the report card, as required by this division, the 32363
department shall conduct a public presentation before the standing 32364
committees of the house of representatives and the senate that 32365
consider education legislation describing the format for the 32366
report card, weights that will be assigned to the components of 32367
the overall grade, and the method for calculating the overall 32368
grade. 32369

(D) On or after ~~than~~ July 1, 2015, the state board may 32370
develop a measure of student academic progress for high school 32371
students using only data from assessments in English language arts 32372
and mathematics. If the state board develops this measure, each 32373
school district and applicable school building shall be assigned a 32374
separate letter grade for ~~if~~ it not sooner than the 2017-2018 32375
school year. The district's or building's grade for that measure 32376
shall not be included in determining the district's or building's 32377
overall letter grade. 32378

(E) The letter grades assigned to a school district or 32379
building under this section shall be as follows: 32380

(1) "A" for a district or school making excellent progress; 32381

(2) "B" for a district or school making above average 32382

progress;	32383
(3) "C" for a district or school making average progress;	32384
(4) "D" for a district or school making below average progress;	32385 32386
(5) "F" for a district or school failing to meet minimum progress.	32387 32388
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	32389 32390 32391
(1) Performance of students by grade-level;	32392
(2) Performance of students by race and ethnic group;	32393
(3) Performance of students by gender;	32394
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	32395 32396
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	32397 32398 32399
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	32400 32401
(7) Performance of students grouped by those who are economically disadvantaged;	32402 32403
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	32404 32405 32406
(9) Performance of students grouped by those who are classified as limited English proficient;	32407 32408
(10) Performance of students grouped by those who have disabilities;	32409 32410

(11) Performance of students grouped by those who are 32411
classified as migrants; 32412

(12) Performance of students grouped by those who are 32413
identified as gifted in superior cognitive ability and the 32414
specific academic ability fields of reading and math pursuant to 32415
Chapter 3324. of the Revised Code. In disaggregating specific 32416
academic ability fields for gifted students, the department shall 32417
use data for those students with specific academic ability in math 32418
and reading. If any other academic field is assessed, the 32419
department shall also include data for students with specific 32420
academic ability in that field as well. 32421

(13) Performance of students grouped by those who perform in 32422
the lowest quintile for achievement on a statewide basis, as 32423
determined by a method prescribed by the state board. 32424

The department may disaggregate data on student performance 32425
according to other categories that the department determines are 32426
appropriate. To the extent possible, the department shall 32427
disaggregate data on student performance according to any 32428
combinations of two or more of the categories listed in divisions 32429
(F)(1) to (13) of this section that it deems relevant. 32430

In reporting data pursuant to division (F) of this section, 32431
the department shall not include in the report cards any data 32432
statistical in nature that is statistically unreliable or that 32433
could result in the identification of individual students. For 32434
this purpose, the department shall not report student performance 32435
data for any group identified in division (F) of this section that 32436
contains less than ten students. If the department does not report 32437
student performance data for a group because it contains less than 32438
ten students, the department shall indicate on the report card 32439
that is why data was not reported. 32440

(G) The department may include with the report cards any 32441

additional education and fiscal performance data it deems 32442
valuable. 32443

(H) The department shall include on each report card a list 32444
of additional information collected by the department that is 32445
available regarding the district or building for which the report 32446
card is issued. When available, such additional information shall 32447
include student mobility data disaggregated by race and 32448
socioeconomic status, college enrollment data, and the reports 32449
prepared under section 3302.031 of the Revised Code. 32450

The department shall maintain a site on the world wide web. 32451
The report card shall include the address of the site and shall 32452
specify that such additional information is available to the 32453
public at that site. The department shall also provide a copy of 32454
each item on the list to the superintendent of each school 32455
district. The district superintendent shall provide a copy of any 32456
item on the list to anyone who requests it. 32457

(I)(1)(a) Except as provided in division (I)(1)(b) of this 32458
section, for any district that sponsors a conversion community 32459
school under Chapter 3314. of the Revised Code, the department 32460
shall combine data regarding the academic performance of students 32461
enrolled in the community school with comparable data from the 32462
schools of the district for the purpose of determining the 32463
performance of the district as a whole on the report card issued 32464
for the district under this section or section 3302.033 of the 32465
Revised Code. 32466

(b) The department shall not combine data from any conversion 32467
community school that a district sponsors if a majority of the 32468
students enrolled in the conversion community school are enrolled 32469
in a dropout prevention and recovery program that is operated by 32470
the school, as described in division (A)(4)(a) of section 3314.35 32471
of the Revised Code. The department shall include as an addendum 32472
to the district's report card the ratings and performance measures 32473

that are required under section 3314.017 of the Revised Code for 32474
any community school to which division (I)(1)(b) of this section 32475
applies. This addendum shall include, at a minimum, the data 32476
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 32477
3314.017 of the Revised Code. 32478

(2) Any district that leases a building to a community school 32479
located in the district or that enters into an agreement with a 32480
community school located in the district whereby the district and 32481
the school endorse each other's programs may elect to have data 32482
regarding the academic performance of students enrolled in the 32483
community school combined with comparable data from the schools of 32484
the district for the purpose of determining the performance of the 32485
district as a whole on the district report card. Any district that 32486
so elects shall annually file a copy of the lease or agreement 32487
with the department. 32488

(3) Any municipal school district, as defined in section 32489
3311.71 of the Revised Code, that sponsors a community school 32490
located within the district's territory, or that enters into an 32491
agreement with a community school located within the district's 32492
territory whereby the district and the community school endorse 32493
each other's programs, may exercise either or both of the 32494
following elections: 32495

(a) To have data regarding the academic performance of 32496
students enrolled in that community school combined with 32497
comparable data from the schools of the district for the purpose 32498
of determining the performance of the district as a whole on the 32499
district's report card; 32500

(b) To have the number of students attending that community 32501
school noted separately on the district's report card. 32502

The election authorized under division (I)(3)(a) of this 32503
section is subject to approval by the governing authority of the 32504

community school. 32505

Any municipal school district that exercises an election to 32506
combine or include data under division (I)(3) of this section, by 32507
the first day of October of each year, shall file with the 32508
department documentation indicating eligibility for that election, 32509
as required by the department. 32510

(J) The department shall include on each report card the 32511
percentage of teachers in the district or building who are highly 32512
qualified, as defined by the No Child Left Behind Act of 2001, and 32513
a comparison of that percentage with the percentages of such 32514
teachers in similar districts and buildings. 32515

(K)(1) In calculating English language arts, mathematics, 32516
~~social studies~~, or science assessment passage rates used to 32517
determine school district or building performance under this 32518
section, the department shall include all students taking an 32519
assessment with accommodation or to whom an alternate assessment 32520
is administered pursuant to division (C)(1) or (3) of section 32521
3301.0711 of the Revised Code. 32522

(2) In calculating performance index scores, rates of 32523
achievement on the performance indicators established by the state 32524
board under section 3302.02 of the Revised Code, and annual 32525
measurable objectives for determining adequate yearly progress for 32526
school districts and buildings under this section, the department 32527
shall do all of the following: 32528

(a) Include for each district or building only those students 32529
who are included in the ADM certified for the first full school 32530
week of October and are continuously enrolled in the district or 32531
building through the time of the spring administration of any 32532
assessment prescribed by division (A)(1) or (B)(1) of section 32533
3301.0710 or division (B) of section 3301.0712 of the Revised Code 32534
that is administered to the student's grade level; 32535

(b) Include cumulative totals from both the fall and spring 32536
administrations of the third grade English language arts 32537
achievement assessment; 32538

(c) Except as required by the No Child Left Behind Act of 32539
2001, exclude for each district or building any limited English 32540
proficient student who has been enrolled in United States schools 32541
for less than one full school year. 32542

(L) Beginning with the 2015-2016 school year and at least 32543
once every three years thereafter, the state board of education 32544
shall review and may adjust the benchmarks for assigning letter 32545
grades to the performance measures and components prescribed under 32546
divisions (C)(3) and (D) of this section. 32547

Sec. 3302.151. (A) Notwithstanding anything to the contrary 32548
in the Revised Code, a school district that qualifies under 32549
division (D) of this section shall be exempt from all of the 32550
following: 32551

(1) The teacher qualification requirements under the 32552
third-grade reading guarantee, as prescribed under divisions 32553
(B)(3)(c) and (H) of section 3313.608 of the Revised Code. This 32554
exemption does not relieve a teacher from holding a valid Ohio 32555
license in a subject area and grade level determined appropriate 32556
by the board of education of that district. 32557

~~(2) The mentoring component of the Ohio teacher residency 32558
program established under division (A)(1) of section 3319.223 of 32559
the Revised Code, so long as the district utilizes a local 32560
approach to train and support new teachers;~~ 32561

~~(3) Any provision of the Revised Code or rule or standard of 32562
the state board of education prescribing a minimum or maximum 32563
class size;~~ 32564

~~(4)(3) Any provision of the Revised Code or rule or standard 32565~~

of the state board requiring teachers to be licensed specifically 32566
in the grade level in which they are teaching, except unless 32567
otherwise prescribed by federal law. This exemption does not apply 32568
to special education teachers. Nor does this exemption relieve a 32569
teacher from holding a valid Ohio license in the subject area in 32570
which that teacher is teaching and at least some grade level 32571
determined appropriate by the district board. 32572

(B)(1) Notwithstanding anything to the contrary in the 32573
Revised Code, including sections 3319.30 and 3319.36 of the 32574
Revised Code, the superintendent of a school district that 32575
qualifies under division (D) of this section may employ an 32576
individual who is not licensed as required by sections 3319.22 to 32577
3319.30 of the Revised Code, but who is otherwise qualified based 32578
on experience, to teach classes in the district, so long as the 32579
board of education of the school district approves the 32580
individual's employment and provides mentoring and professional 32581
development opportunities to that individual, as determined 32582
necessary by the board. 32583

(2) As a condition of employment under this section, an 32584
individual shall be subject to a criminal records check as 32585
prescribed by section 3319.391 of the Revised Code. In the manner 32586
prescribed by the department of education, the individual shall 32587
submit the criminal records check to the department and shall 32588
register with the department during the period in which the 32589
individual is employed by the district. The department shall use 32590
the information submitted to enroll the individual in the retained 32591
applicant fingerprint database, established under section 109.5721 32592
of the Revised Code, in the same manner as any teacher licensed 32593
under sections 3319.22 to 3319.31 of the Revised Code. 32594

(3) An individual employed pursuant to this division is 32595
subject to Chapter 3307. of the Revised Code. 32596

If the department receives notification of the arrest or 32597

conviction of an individual employed under division (B) of this 32598
section, the department shall promptly notify the employing 32599
district and may take any action authorized under sections 3319.31 32600
and 3319.311 of the Revised Code that it considers appropriate. No 32601
district shall employ any individual under division (B) of this 32602
section if the district learns that the individual has plead 32603
guilty to, has been found guilty by a jury or court of, or has 32604
been convicted of any of the offenses listed in division (C) of 32605
section 3319.31 of the Revised Code. 32606

(C) Notwithstanding anything to the contrary in the Revised 32607
Code, noncompliance with any of the requirements listed in 32608
divisions (A) or (B) of this section shall not disqualify a school 32609
district that qualifies under division (D) of this section from 32610
receiving funds under Chapter 3317. of the Revised Code. 32611

(D) In order for a city, local, or exempted village school 32612
district to qualify for the exemptions described in this section, 32613
the school district shall meet all of the following benchmarks on 32614
the most recent report card issued for that district under section 32615
3302.03 of the Revised Code: 32616

(1) The district received at least eighty-five per cent of 32617
the total possible points for the performance index score 32618
calculated under division (C)(1)(b) of that section; 32619

(2) The district received a grade of an "A" for performance 32620
indicators met under division (C)(1)(c) of that section; 32621

(3) The district has a four-year adjusted cohort graduation 32622
rate of at least ninety-three per cent and a five-year adjusted 32623
cohort graduation rate of at least ninety-five per cent, as 32624
calculated under division (C)(1)(d) of that section. 32625

(E) A school district that meets the requirements prescribed 32626
by division (D) of this section shall be qualified for the 32627
exemptions prescribed by this section for three school years, 32628

beginning with the school year in which the qualifying report card 32629
is issued. 32630

(F) As used in this section, "license" has the same meaning 32631
as in section 3319.31 of the Revised Code. 32632

Sec. 3303.20. The superintendent of public instruction shall 32633
appoint a supervisor of agricultural education within the 32634
department of education. The supervisor shall be responsible for 32635
administering and disseminating to school districts information 32636
about agricultural education. The supervisor also may serve as the 32637
chair of the board of trustees of the Ohio FFA association, and 32638
may assist with the association's programs and activities in a 32639
manner that enables the association to maintain its state charter 32640
and to meet applicable requirements of the United States 32641
department of education and the national FFA organization. This 32642
assistance may include the provision of department personnel, 32643
services, and facilities. 32644

The department shall maintain an appropriate number of 32645
full-time employees focusing on agricultural education. The 32646
department shall employ at least three program consultants who 32647
shall be available to provide assistance to school districts on a 32648
regional basis throughout the state. At least one consultant may 32649
coordinate local activities of the student organization known as 32650
the future farmers of America. Department employees may not 32651
receive compensation from the Ohio FFA association, but the 32652
department may be reimbursed by the association for reasonable 32653
expenses related to assistance provided under this section. 32654

Sec. 3304.11. As used in sections 3304.11 to 3304.27 of the 32655
Revised Code: 32656

(A) "~~Person~~ Eligible individual with a disability" means ~~any~~ 32657
~~person with~~ an individual who has a physical or mental impairment 32658

that ~~is~~ constitutes or results in a substantial impediment to 32659
employment and who ~~can benefit in terms of an employment outcome~~ 32660
~~from the provision of~~ requires vocational rehabilitation services 32661
to prepare for, secure, retain, advance in, or regain employment. 32662

(B) "Physical or mental impairment" means ~~a physical or~~ 32663
~~mental condition that materially limits, contributes to limiting~~ 32664
~~or, if not corrected, will probably result in limiting a person's~~ 32665
~~activities or functioning~~ any physiological, mental, or 32666
psychological disorder. 32667

(C) "Substantial impediment to employment" means a physical 32668
or mental ~~disability that impedes a person's occupational~~ 32669
~~performance, by preventing the person's obtaining, retaining, or~~ 32670
~~preparing for a gainful occupation consistent with the person's~~ 32671
~~capacities and~~ impairment that hinders an individual from 32672
preparing for, entering into, engaging in, advancing in, or 32673
retaining employment consistent with the individual's abilities 32674
and capabilities. 32675

(D) "Vocational rehabilitation" ~~and "vocational~~ 32676
~~rehabilitation services" means any activity or service calculated~~ 32677
~~to enable a person with a disability or groups of persons with~~ 32678
~~disabilities to engage in gainful occupation and includes, but is~~ 32679
~~not limited to, medical and vocational evaluation, including~~ 32680
~~diagnostic and related services, vocational counseling, guidance~~ 32681
~~and placement, including follow up services, rehabilitation~~ 32682
~~training, including books and other training materials, physical~~ 32683
~~restoration, recruitment and training services designed to provide~~ 32684
~~persons with disabilities new employment opportunities,~~ 32685
~~maintenance, occupational tools, equipment, supplies,~~ 32686
~~transportation, services to families of persons with disabilities~~ 32687
~~that contribute substantially to the rehabilitation of these~~ 32688
~~persons, and any other goods or service necessary to render a~~ 32689
~~person with a disability employable~~ has the same meaning as 32690

defined in section 361.5 of Title 34 of the Code of Federal Regulations, 34 C.F.R. 361.5. 32691
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(E) "Establishment of a rehabilitation facility" means the expansion, remodeling, or alteration of an existing building that is necessary to adapt or to increase the effectiveness of that building for rehabilitation facility purposes, the acquisition of equipment for these purposes, and the initial staffing. 32693
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(F) "Construction" means the construction of new buildings, acquisition of land or existing buildings and their expansion, remodeling, alteration and renovation, and the initial staffing and equipment of any new, newly acquired, expanded, remodeled, altered, or renovated buildings. 32698
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~~(G) "Physical restoration services" means those services that are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition that is stable or slowly progressive.~~ 32703
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~~(H) "Occupational license" means any license, permit, or other written authority required by any governmental unit in order to engage in any occupation or business.~~ 32707
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~~(I) "Maintenance" means money payments to persons with disabilities who need financial assistance for their subsistence during their vocational rehabilitation~~ monetary support provided to an individual for expenses such as food, shelter, and clothing that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and need for vocational rehabilitation services or the individual's receipt of vocational rehabilitation services under an individualized plan for employment. 32710
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Sec. 3304.12. (A) The governor, with the advice and consent 32720

of the senate, shall appoint the opportunities for Ohioans with 32721
disabilities commission within the opportunities for Ohioans with 32722
disabilities agency consisting of seven members, no more than four 32723
of whom shall be members of the same political party and who shall 32724
include at least three from rehabilitation professions, including 32725
at least one member from the field of services to the blind, and 32726
at least four individuals with disabilities, no less than two nor 32727
more than three of whom have received vocational rehabilitation 32728
services offered by a state vocational rehabilitation services 32729
agency or the veterans' administration. The members with 32730
disabilities shall be representative of several major categories 32731
of ~~persons~~ eligible individuals with disabilities served by the 32732
opportunities for Ohioans with disabilities agency. 32733

(B) Terms of office shall be for seven years, commencing on 32734
the ninth day of September and ending on the eighth day of 32735
September, with no person eligible to serve more than two 32736
seven-year terms. Each member shall hold office from the date of 32737
appointment until the end of the term for which the member was 32738
appointed. Any member appointed to fill a vacancy occurring prior 32739
to the expiration of the term for which the member's predecessor 32740
was appointed shall hold office for the remainder of that term. 32741
Any member shall continue in office subsequent to the expiration 32742
date of the member's term until a successor takes office, or until 32743
a period of sixty days has elapsed, whichever occurs first. 32744
Members who fail to perform their duties or who are guilty of 32745
misconduct may be removed on written charges preferred by the 32746
governor or by a majority of the commission. 32747

(C) Members of the commission shall be reimbursed for travel 32748
and necessary expenses incurred in the conduct of their duties, 32749
and shall receive an amount fixed pursuant to division (J) of 32750
section 124.15 of the Revised Code while actually engaged in 32751
attendance at meetings or in the performance of their duties. 32752

Sec. 3304.14. For the purposes of sections 3304.11 to 3304.27 32753
of the Revised Code, the opportunities for Ohioans with 32754
disabilities commission shall approve the state vocational 32755
rehabilitation services plan, jointly approve the state plan for 32756
independent living with the Ohio state independent living council, 32757
appoint a consumer advisory committee, and, to the extent 32758
feasible, conduct a review and analysis of the effectiveness of 32759
and consumer satisfaction with all of the following: 32760

(A) The functions performed by the opportunities for Ohioans 32761
with disabilities agency; 32762

(B) The vocational rehabilitation services provided by state 32763
agencies and other public and private entities responsible for 32764
providing vocational rehabilitation services to ~~persons~~ eligible 32765
individuals with disabilities under the "Rehabilitation Act of 32766
1973," 87 Stat. 355, 29 U.S.C. 701, as amended; 32767

(C) The employment outcomes achieved by eligible individuals 32768
with disabilities receiving vocational rehabilitation services 32769
under sections 3304.11 to 3304.27 of the Revised Code, including 32770
the availability of health and other employment benefits in 32771
connection with those employment outcomes. 32772

Sec. 3304.15. (A) There is hereby created the opportunities 32773
for Ohioans with disabilities agency. The agency is the designated 32774
state unit authorized under the "Rehabilitation Act of 1973," 87 32775
Stat. 355, 29 U.S.C. 701, as amended, to provide vocational 32776
rehabilitation services to eligible ~~persons~~ individuals with 32777
disabilities. 32778

(B) The governor shall appoint an executive director of the 32779
opportunities for Ohioans with disabilities agency to serve at the 32780
pleasure of the governor and shall fix the executive director's 32781
compensation. The executive director shall devote the executive 32782

director's entire time to the duties of the executive director's 32783
office, shall hold no other office or position of trust and 32784
profit, and shall engage in no other business during the executive 32785
director's term of office. The governor may grant the executive 32786
director the authority to appoint, remove, and discipline without 32787
regard to sex, race, creed, color, age, or national origin, such 32788
other professional, administrative, and clerical staff members as 32789
are necessary to carry out the functions and duties of the agency. 32790

The executive director of the opportunities for Ohioans with 32791
disabilities agency is the executive and administrative officer of 32792
the agency. Whenever the Revised Code imposes a duty on or 32793
requires an action of the agency, the executive director shall 32794
perform the duty or action on behalf of the agency. The executive 32795
director may establish procedures for all of the following: 32796

(1) The governance of the agency; 32797

(2) The conduct of agency employees and officers; 32798

(3) The performance of agency business; 32799

(4) The custody, use, and preservation of agency records, 32800
papers, books, documents, and property. 32801

(C) The executive director shall have exclusive authority to 32802
administer the daily operation and provision of vocational 32803
rehabilitation services under this chapter. In exercising that 32804
authority, the executive director may do all of the following: 32805

(1) Adopt rules in accordance with Chapter 119. of the 32806
Revised Code; 32807

(2) Prepare and submit an annual report to the governor; 32808

(3) Certify any disbursement of funds available to the agency 32809
for vocational rehabilitation ~~activities~~ services; 32810

(4) Take appropriate action to guarantee rights of vocational 32811
rehabilitation services to ~~people~~ eligible individuals with 32812

disabilities;	32813
(5) Consult with and advise other state agencies and	32814
coordinate programs for persons <u>eligible individuals</u> with	32815
disabilities;	32816
(6) Comply with the requirements for match as part of budget	32817
submission;	32818
(7) Establish research and demonstration projects;	32819
(8) Accept, hold, invest, reinvest, or otherwise use gifts to	32820
further vocational rehabilitation <u>services</u> ;	32821
(9) For the purposes of the business enterprise program	32822
administered under sections 3304.28 to 3304.35 of the Revised	32823
Code:	32824
(a) Establish and manage small business entities owned or	32825
operated by visually impaired persons <u>individuals who are blind</u> ;	32826
(b) Purchase insurance;	32827
(c) Accept computers.	32828
(10) Enter into contracts and other agreements for the	32829
provision of <u>vocational rehabilitation</u> services.	32830
(D) The executive director shall establish a fee schedule for	32831
vocational rehabilitation services in accordance with 34 C.F.R.	32832
361.50.	32833
Sec. 3304.17. The opportunities for Ohioans with disabilities	32834
agency shall provide vocational rehabilitation services to all	32835
eligible persons <u>individuals</u> with disabilities, including any	32836
person <u>eligible individual</u> with a disability who is eligible under	32837
the terms of an agreement or arrangement with another state or	32838
with the federal government. <u>If vocational rehabilitation services</u>	32839
<u>cannot be provided to all eligible individuals with disabilities</u>	32840
<u>in the state who apply for vocational rehabilitation services, the</u>	32841

agency shall implement an order of selection in accordance with 34 32842
C.F.R. 361.36. 32843

Sec. 3304.171. (A) As used in this section, "OhioMeansJobs 32844
web site" has the same meaning as in section 6301.01 of the 32845
Revised Code. 32846

(B) ~~Beginning January 1, 2016, each recipient of~~ Each 32847
eligible individual receiving vocational rehabilitation services 32848
provided under section 3304.17 of the Revised Code shall create an 32849
account with the OhioMeansJobs web site upon initiation of a job 32850
search as a part of receiving those vocational rehabilitation 32851
services. 32852

(C) Division (B) of this section does not apply to any 32853
eligible individual with a disability who is legally prohibited 32854
from using a computer, has a physical or visual impairment that 32855
makes the eligible individual with a disability unable to use a 32856
computer, or has a limited ability to read, write, speak, or 32857
understand a language in which the OhioMeansJobs web site is 32858
available. 32859

Sec. 3304.18. The treasurer of state shall be the custodian 32860
of all moneys received from the federal government for vocational 32861
rehabilitation services programs and shall disburse the money upon 32862
the certification of the executive director of the opportunities 32863
for Ohioans with disabilities agency. If federal funds are not 32864
available to the state for vocational rehabilitation ~~purposes~~ 32865
services, the governor shall include as part of the governor's 32866
biennial budget request to the general assembly a request for 32867
funds sufficient to support the activities of the agency. 32868

Sec. 3304.182. Any agreement between the opportunities for 32869
Ohioans with disabilities agency and a private or public entity 32870
providing funds under section 3304.181 of the Revised Code may 32871

permit the agency to receive a specified percentage of the funds, 32872
but the percentage shall be not more than twenty-five per cent of 32873
the total funds available under the agreement. The agency may 32874
terminate an agreement at any time for just cause. It may 32875
terminate an agreement for any other reason by giving at least 32876
thirty days' notice to the public or private entity. 32877

Any vocational rehabilitation services provided under an 32878
agreement entered into under section 3304.181 of the Revised Code 32879
shall be provided by a person or government entity that meets the 32880
accreditation standards established in rules adopted by the agency 32881
under section 3304.15 of the Revised Code. 32882

Sec. 3304.19. ~~The right of a person with a disability to~~ 32883
~~living~~ Any maintenance provided under sections 3304.11 to 3304.27 32884
of the Revised Code, is not transferable or assignable at law or 32885
in equity, and none of the money paid or payable or rights 32886
existing under this chapter are subject to execution, levy, 32887
attachment, garnishment, or other legal process, or to the 32888
operation of any bankruptcy or insolvency law. 32889

Sec. 3304.20. Any ~~person~~ eligible individual with a 32890
disability applying for or receiving vocational rehabilitation 32891
services who is dissatisfied with regard to the furnishing or 32892
denial of vocational rehabilitation services, may file a request 32893
for an administrative review and redetermination of that action in 32894
accordance with rules of the opportunities for Ohioans with 32895
disabilities agency. When the ~~person~~ eligible individual with a 32896
disability is dissatisfied with the finding of this administrative 32897
review, the ~~person~~ eligible individual with a disability is 32898
entitled, in accordance with agency rules and in accordance with 32899
Chapter 119. of the Revised Code, to a fair hearing before the 32900
executive director of the agency. 32901

Sec. 3304.21. No person shall, except for the purposes of 32902
sections 3304.11 to 3304.27 of the Revised Code, and in accordance 32903
with the rules established by the opportunities for Ohioans with 32904
disabilities agency, solicit, disclose, receive, make use of, 32905
authorize, knowingly permit, participate in, or acquiesce in the 32906
use of any list of names or information concerning ~~persons~~ 32907
eligible individuals with disabilities applying for or receiving 32908
any vocational rehabilitation services from the agency, which 32909
information is directly or indirectly derived from the records of 32910
the agency or is acquired in the performance of the person's 32911
official duties. 32912

Sec. 3304.22. No officer or employee of the opportunities for 32913
Ohioans with disabilities commission, the opportunities for 32914
Ohioans with disabilities agency, or any person engaged in the 32915
administration of a vocational rehabilitation services program 32916
sponsored by or affiliated with the state shall use or permit the 32917
use of any vocational rehabilitation services program for the 32918
purpose of interfering with an election for any partisan political 32919
purpose; solicit or receive money for a partisan political 32920
purpose; or require any other person to contribute any service or 32921
money for a partisan political purpose. Whoever violates this 32922
section shall be removed from the officer's or employee's office 32923
or employment. 32924

Sec. 3304.27. All vocational rehabilitation services made 32925
available under sections 3304.11 to 3304.27 of the Revised Code, 32926
are made available subject to amendment or repeal of those 32927
sections, and no ~~person~~ eligible individual with a disability 32928
shall have any claim by reason of the ~~person's~~ eligible 32929
individual's vocational rehabilitation services being affected in 32930
any way by such an amendment or repeal. 32931

Sec. 3304.28. As used in sections 3304.28 to 3304.34 of the Revised Code:

(A) "Suitable vending facility" means automatic vending machines, cafeterias, snack bars, cart service shelters, counters, and other appropriate auxiliary food service equipment determined to be necessary by the bureau of services for the visually impaired for the automatic or manual dispensing of foods, beverages, and other such commodities for sale by ~~persons~~ individuals, no fewer than one-half of whom are blind, under the supervision of a licensed ~~blind~~ vendor who is blind or an employee of the opportunities for Ohioans with disabilities agency.

(B) "Blind" means either of the following:

(1) Vision twenty/two hundred or less in the better eye with proper correction;

(2) Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than twenty degrees.

(C) "Governmental property" means any real property, building, or facility owned, leased, or rented by the state or any board, commission, department, division, or other unit or agency thereof, but does not include any institution under the management of the department of rehabilitation and correction pursuant to section 5120.05 of the Revised Code, or under the management of the department of youth services created pursuant to section 5139.01 of the Revised Code.

Sec. 3304.29. The bureau of services for the visually impaired shall:

(A) Survey suitable vending facility concession opportunities for individuals who are blind ~~persons~~ on governmental property;

(B) Obtain and make public, information concerning employment 32961
opportunities for individuals who are blind ~~persons~~ in suitable 32962
vending facilities; 32963

(C) License individuals who are blind ~~persons~~ to operate 32964
suitable vending facilities on governmental property; 32965

(D) Adopt rules and do everything necessary and proper to 32966
carry out sections 3304.29 to 3304.34 of the Revised Code. 32967

Sec. 3304.30. Every person in charge of governmental property 32968
to be substantially renovated or who is responsible for the 32969
acquisition, lease, or rental of such property shall consult with 32970
the director of the bureau of services for the visually impaired 32971
prior to such renovation, acquisition, lease, or rental to 32972
determine if sufficient numbers of persons will be using such 32973
property to support a suitable vending facility. If the director 32974
determines that such property would be a satisfactory site for a 32975
suitable vending facility, provision shall be made for electrical 32976
outlets, plumbing fixtures, and other requirements for the 32977
installation and operation of a suitable vending facility. In the 32978
case of a state university, medical university, technical college, 32979
state community college, community college, university branch 32980
district, or state-affiliated college or university, the decision 32981
to establish a suitable vending facility shall be made jointly by 32982
the director of services for the visually impaired and proper 32983
administrative authorities of the state or state-affiliated 32984
college or university. 32985

The bureau shall provide each suitable vending facility with 32986
equipment and an adequate initial stock of suitable articles to be 32987
vended. An inventory shall be made of each suitable vending 32988
facility at least once every six months. Each blind licensee may 32989
make the blind licensee's own inventory on forms prescribed by the 32990
bureau, provided that the bureau shall retain the right to make 32991

its own inventory at any mutually agreeable time. Each blind 32992
licensee may employ and discharge personnel required to operate 32993
the blind licensee's suitable vending facility, but employment 32994
preference shall be given to individuals who are blind persons and 32995
who are capable of discharging the required duties, ~~and at.~~ At all 32996
times at least one-half of the employees shall be blind. 32997

Sec. 3304.31. Licenses issued by the bureau of services for 32998
the visually impaired under section 3304.29 of the Revised Code 32999
shall be in effect until suspended or revoked. The bureau may 33000
deny, revoke, or suspend a license or otherwise discipline a 33001
licensee upon proof that the ~~person~~ licensee is guilty of fraud or 33002
deceit in procuring or attempting to procure a license, is guilty 33003
of a felony or a crime of moral turpitude, is addicted to the use 33004
of habit-forming drugs or alcohol, or is mentally incompetent. 33005
Such license may also be denied, revoked, or suspended on proof of 33006
violation by the applicant or licensee of the rules established by 33007
the bureau for the operation of suitable vending facilities by the 33008
blind or if a licensee fails to maintain a vending facility as a 33009
suitable vending facility. 33010

Any individual who is blind person and who has had ~~his~~ the 33011
individual's license suspended or revoked or ~~his~~ the individual's 33012
application denied by the bureau may reapply for a license and may 33013
be reinstated or be granted a license by the bureau upon 33014
presentation of satisfactory evidence that there is no longer 33015
cause for such suspension, revocation, or denial. Before the 33016
bureau may revoke, deny, or suspend a license, or otherwise 33017
discipline a licensee, written charges must be filed by the 33018
director of the bureau and a hearing shall be held as provided in 33019
Chapter 119. of the Revised Code. 33020

Sec. 3304.41. The opportunities for Ohioans with disabilities 33021
agency shall establish and administer a program for the use of 33022

funds appropriated for that purpose to provide personal care 33023
assistance to enable eligible ~~severely physically disabled persons~~ 33024
individuals with severe physical disabilities to live 33025
~~independently or~~ and work, independently. The agency shall adopt 33026
rules in accordance with Chapter 119. of the Revised Code as 33027
necessary to carry out the purposes of this section, ~~and shall~~ 33028
~~apply to the controlling board for the release of the funds.~~ 33029

Sec. 3309.23. (A) Except as provided in division (B) of this 33030
section, the following shall be contributors to the school 33031
employees retirement system: 33032

(1) All employees, as defined in division (B) of section 33033
3309.01 of the Revised Code; 33034

(2) The employees of an existing or newly created employer 33035
unit as defined in division (A) of section 3309.01 of the Revised 33036
Code, supported in whole or in part by the state or any political 33037
subdivision thereof and wholly controlled and managed by the state 33038
or any subdivision thereof. Such employees shall become 33039
contributors on the same terms and conditions as provided by this 33040
chapter, provided the board of trustees or other managing body of 33041
such school, college, or other institution, if such institution is 33042
now in existence or if in existence on such date, shall agree by 33043
formal resolution to accept all the requirements and obligations 33044
imposed by this chapter upon employers. A certified copy of the 33045
resolution shall be filed with the school employees retirement 33046
board. When such resolution has been adopted and a copy of it 33047
filed with the school employees retirement board, it shall not 33048
later be subject to rescission or abrogation. Service in such 33049
schools, colleges, or other institutions shall be then considered 33050
in every way the same as service in the public schools. 33051

(3) All other individuals who become members. 33052

(B) The following individuals may choose to be exempt from 33053

compulsory membership by filing a written application for 33054
exemption with the employer within the first month after being 33055
employed: 33056

(1) A student who is not a member at the time of employment 33057
and who is employed by the school, college, or university in which 33058
the student is enrolled and regularly attending classes; 33059

(2) An emergency employee serving on a temporary basis in 33060
case of fire, snow, earthquake, flood, or other similar emergency; 33061

(3) An individual employed in a program established pursuant 33062
to the ~~"Workforce Investment Act," 112 Stat. 936 (1998), 29 U.S.C.~~ 33063
~~2801~~ "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 33064
seq., or any other federal job training program. 33065

(C) A member may elect to have employment by the school, 33066
college, or university at which the member is enrolled and 33067
regularly attending classes exempted from contribution to the 33068
retirement system by filing a written application with the 33069
member's employer within the first month after being so employed. 33070

(D) In all cases of doubt pertaining to contributors on an 33071
individual or group basis or the status of existing or newly 33072
created employer units, the decision shall be made by the 33073
retirement board, and such decision shall be final. 33074

Sec. 3309.374. (A) ~~The~~ Until December 31, 2017, the school 33075
employees retirement board shall annually increase each allowance, 33076
pension, or benefit payable under this chapter by three per cent-, 33077
~~except that no allowance, pension, or benefit shall exceed the~~ 33078
~~limit established by section 415 of the "Internal Revenue Code of~~ 33079
~~1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.~~ 33080

(B) Effective January 1, 2018, the retirement board may 33081
annually increase each allowance, pension, or benefit payable 33082
under this chapter by the percentage increase, if any, in the 33083

consumer price index, not to exceed two and one half per cent, as 33084
determined by the United States bureau of labor statistics (U.S. 33085
city average for urban wage earners and clerical workers: "all 33086
items 1982-84=100") for the twelve-month period ending on the 33087
thirtieth day of June of the immediately preceding calendar year. 33088
No increase shall be made for a period in which the consumer price 33089
index did not increase. 33090

(C) The first increase is payable to all persons becoming 33091
eligible after June 30, 1971, upon such persons receiving an 33092
allowance, pension, or benefit for twelve months. 33093

The increased amount is payable for the ensuing twelve-month 33094
period or until the next increase is granted under this section, 33095
whichever is later. Subsequent increases shall be determined from 33096
the date of the first increase paid to the former member in the 33097
case of an allowance being paid a beneficiary under an option, or 33098
from the date of the first increase to the survivor first 33099
receiving an allowance or benefit in the case of an allowance or 33100
benefit being paid to the subsequent survivors of the former 33101
member. 33102

The date of the first increase under this section becomes the 33103
anniversary date for any future increases. 33104

(D) The allowance or benefit used in the first calculation of 33105
an increase under this section shall remain as the base for all 33106
future increases, unless a new base is established. Any increase 33107
resulting from payment of a recalculated benefit under Section 3 33108
of Substitute Senate Bill No. 270 of the 123rd general assembly 33109
shall be included in the calculation of future increases under 33110
this section. 33111

~~(B)~~(E) If payment of a portion of a benefit is made to an 33112
alternate payee under section 3309.671 of the Revised Code, 33113
increases under this section granted while the order is in effect 33114

shall be apportioned between the alternate payee and the retirant 33115
or disability benefit recipient in the same proportion that the 33116
amount being paid to the alternate payee bears to the amount paid 33117
to the retirant or disability benefit recipient. 33118

If payment of a portion of a benefit is made to one or more 33119
beneficiaries under "plan F" under division (B)(3)(e) of section 33120
3309.46 of the Revised Code, each increase under this section 33121
granted while the plan of payment is in effect shall be divided 33122
among the designated beneficiaries in accordance with the portion 33123
each beneficiary has been allocated. 33124

~~(C)~~(F) No allowance, pension, or benefit payable under this 33125
chapter shall exceed the limit established by section 415 of the 33126
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 415, as 33127
amended. 33128

(G) Before granting an increase under division (B) of this 33129
section, the retirement board may adjust the percentage of any 33130
increase if the board's actuary, in its annual actuarial valuation 33131
required by section 3309.21 of the Revised Code, or in other 33132
evaluations conducted under that section, determines that an 33133
adjustment does not materially impair the fiscal integrity of the 33134
retirement system or is necessary to preserve the fiscal integrity 33135
of the retirement system. 33136

(H) The retirement board shall make all rules necessary to 33137
carry out this section. 33138

Sec. 3309.661. (A) Except as provided in section 3309.673 of 33139
the Revised Code, the granting of a retirement allowance, annuity, 33140
pension, or other benefit to any person pursuant to action of the 33141
school employees retirement board vests a right in such person, so 33142
long as the person remains the recipient of any of the funds 33143
established by section 3309.60 of the Revised Code, to receive 33144
such retirement allowance, annuity, pension, or benefit. Such 33145

right shall also be vested with equal effect in the recipient of a grant heretofore made from any of the funds named in section 3309.60 of the Revised Code.

(B) This section does not affect the retirement board's authority under division (G) of section 3309.374 of the Revised Code.

Sec. 3310.16. ~~For~~ (A) Except as provided in division (B) of this section, for the 2013-2014 school year and each school year thereafter, the department of education shall conduct two application periods each year for the educational choice scholarship pilot program under sections 3310.03 and 3310.032 of the Revised Code, as follows:

~~(A)(1)~~ The first application period shall open not sooner than the first day of February prior to the first day of July of the school year for which a scholarship is sought and run not less than seventy-five days.

~~(B)(2)~~ The second application period shall open not sooner than the first day of July of the school year for which the scholarship is sought and run not less than thirty days.

(B) If the scholarships awarded under section 3310.032 of the Revised Code in the first application period for any school year use the entirety of the amount appropriated by the general assembly for such scholarships for that school year, the department need not conduct a second application period for scholarships under that section. If, after the first application period, there are funds remaining to award scholarships under section 3310.032 of the Revised Code, the department shall conduct a second application period in accordance with division (A)(2) of this section.

(C) Not later than the thirty-first day of May of each school

year, the department shall determine whether funds remain 33176
available for income-based scholarships under the educational 33177
choice scholarship program after the first application period. 33178

Sec. 3310.52. (A) The Jon Peterson special needs scholarship 33179
program is hereby established. Under the program, beginning with 33180
the 2012-2013 school year, subject to division (B) of this 33181
section, the department of education annually shall pay a 33182
scholarship to an eligible applicant for services provided by an 33183
alternative public provider or a registered private provider for a 33184
qualified special education child. The scholarship shall be used 33185
only to pay all or part of the fees for the child to attend the 33186
special education program operated by the alternative public 33187
provider or registered private provider to implement the child's 33188
individualized education program, in lieu of the child's attending 33189
the special education program operated by the school district in 33190
which the child is entitled to attend school, and other services 33191
agreed to by the provider and eligible applicant that are not 33192
included in the individualized education program but are 33193
associated with educating the child. Beginning in the 2014-2015 33194
school year, if the child is in category one as that term is 33195
defined in division (B)(1) of section 3310.56 of the Revised Code, 33196
the scholarship shall be used only to pay for related services 33197
that are included in the child's individualized education program. 33198
Upon agreement with the eligible applicant, the alternative public 33199
provider or registered private provider may modify the services 33200
provided to the child. 33201

(B) The number of scholarships awarded under the program in 33202
any fiscal year shall not exceed five per cent of the total number 33203
of students residing in the state identified as children with 33204
disabilities during the previous fiscal year. 33205

(C) ~~No scholarship or renewal of a scholarship shall be~~ 33206

~~awarded to an eligible applicant on behalf of a qualified special 33207
education child for the next school year, unless on or before the 33208
application deadline the eligible applicant completes the 33209
application for the scholarship or renewal, in the manner 33210
prescribed by the department, and notifies the school district in 33211
which the child is entitled to attend school that the eligible 33212
applicant has applied for the scholarship or renewal. 33213~~

~~The application deadline for academic terms that begin 33214
between the first day of July and the thirty first day of December 33215
shall be the fifteenth day of April that precedes the first day of 33216
instruction. The application deadline for academic terms that 33217
begin between the first day of January and the thirtieth day of 33218
June shall be the fifteenth day of November that precedes the 33219
first day of instruction The department shall pay a scholarship to 33220
the parent of each qualified special education child, unless the 33221
parent authorizes a direct payment to the child's provider, upon 33222
application of that parent in the manner prescribed by the 33223
department. However, the department shall not adopt specific dates 33224
for application deadlines for scholarships under the program. 33225~~

Sec. 3311.06. (A) As used in this section: 33226

(1) "Annexation" and "annexed" mean annexation for municipal 33227
purposes under sections 709.02 to 709.37 of the Revised Code. 33228

(2) "Annexed territory" means territory that has been annexed 33229
for municipal purposes to a city served by an urban school 33230
district, but on September 24, 1986, has not been transferred to 33231
the urban school district. 33232

(3) "Urban school district" means a city school district with 33233
an average daily membership for the 1985-1986 school year in 33234
excess of twenty thousand that is the school district of a city 33235
that contains annexed territory. 33236

(4) "Annexation agreement" means an agreement entered into 33237
under division (F) of this section that has been approved by the 33238
state board of education or an agreement entered into prior to 33239
September 24, 1986, that meets the requirements of division (F) of 33240
this section and has been filed with the state board. 33241

(B) The territory included within the boundaries of a city, 33242
local, exempted village, or joint vocational school district shall 33243
be contiguous except where a natural island forms an integral part 33244
of the district, where the state board of education authorizes a 33245
noncontiguous school district, as provided in division (E)(1) of 33246
this section, or where a local school district is created pursuant 33247
to section 3311.26 of the Revised Code from one or more local 33248
school districts, one of which has entered into an agreement under 33249
section 3313.42 of the Revised Code. 33250

(C)(1) When all of the territory of a school district is 33251
annexed to a city or village, such territory thereby becomes a 33252
part of the city school district or the school district of which 33253
the village is a part, and the legal title to school property in 33254
such territory for school purposes shall be vested in the board of 33255
education of the city school district or the school district of 33256
which the village is a part. 33257

(2) When the territory so annexed to a city or village 33258
comprises part but not all of the territory of a school district, 33259
the said territory becomes part of the city school district or the 33260
school district of which the village is a part only upon approval 33261
by the state board of education, unless the district in which the 33262
territory is located is a party to an annexation agreement with 33263
the city school district. 33264

Any urban school district that has not entered into an 33265
annexation agreement with any other school district whose 33266
territory would be affected by any transfer under this division 33267
and that desires to negotiate the terms of transfer with any such 33268

district shall conduct any negotiations under division (F) of this 33269
section as part of entering into an annexation agreement with such 33270
a district. 33271

Any school district, except an urban school district, 33272
desiring state board approval of a transfer under this division 33273
shall make a good faith effort to negotiate the terms of transfer 33274
with any other school district whose territory would be affected 33275
by the transfer. Before the state board may approve any transfer 33276
of territory to a school district, except an urban school 33277
district, under this section, it must receive the following: 33278

(a) A resolution requesting approval of the transfer, passed 33279
by at least one of the school districts whose territory would be 33280
affected by the transfer; 33281

(b) Evidence determined to be sufficient by the state board 33282
to show that good faith negotiations have taken place or that the 33283
district requesting the transfer has made a good faith effort to 33284
hold such negotiations; 33285

(c) If any negotiations took place, a statement signed by all 33286
boards that participated in the negotiations, listing the terms 33287
agreed on and the points on which no agreement could be reached. 33288

(D) The state board of education shall adopt rules governing 33289
negotiations held by any school district except an urban school 33290
district pursuant to division (C)(2) of this section. The rules 33291
shall encourage the realization of the following goals: 33292

(1) A discussion by the negotiating districts of the present 33293
and future educational needs of the pupils in each district; 33294

(2) The educational, financial, and territorial stability of 33295
each district affected by the transfer; 33296

(3) The assurance of appropriate educational programs, 33297
services, and opportunities for all the pupils in each 33298

participating district, and adequate planning for the facilities 33299
needed to provide these programs, services, and opportunities. 33300

Districts involved in negotiations under such rules may agree 33301
to share revenues from the property included in the territory to 33302
be transferred, establish cooperative programs between the 33303
participating districts, and establish mechanisms for the 33304
settlement of any future boundary disputes. 33305

(E)(1) If territory annexed after September 24, 1986, is part 33306
of a school district that is a party to an annexation agreement 33307
with the urban school district serving the annexing city, the 33308
transfer of such territory shall be governed by the agreement. If 33309
the agreement does not specify how the territory is to be dealt 33310
with, the boards of education of the district in which the 33311
territory is located and the urban school district shall negotiate 33312
with regard to the transfer of the territory which shall be 33313
transferred to the urban school district unless, not later than 33314
ninety days after the effective date of municipal annexation, the 33315
boards of education of both districts, by resolution adopted by a 33316
majority of the members of each board, agree that the territory 33317
will not be transferred and so inform the state board of 33318
education. 33319

If territory is transferred under this division the transfer 33320
shall take effect on the first day of July occurring not sooner 33321
than ninety-one days after the effective date of the municipal 33322
annexation. Territory transferred under this division need not be 33323
contiguous to the district to which it is transferred. 33324

(2) Territory annexed prior to September 24, 1986, by a city 33325
served by an urban school district shall not be subject to 33326
transfer under this section if the district in which the territory 33327
is located is a party to an annexation agreement or becomes a 33328
party to such an agreement not later than ninety days after 33329
September 24, 1986. If the district does not become a party to an 33330

annexation agreement within the ninety-day period, transfer of 33331
territory shall be governed by division (C)(2) of this section. If 33332
the district subsequently becomes a party to an agreement, 33333
territory annexed prior to September 24, 1986, other than 33334
territory annexed under division (C)(2) of this section prior to 33335
the effective date of the agreement, shall not be subject to 33336
transfer under this section. 33337

(F) An urban school district may enter into a comprehensive 33338
agreement with one or more school districts under which transfers 33339
of territory annexed by the city served by the urban school 33340
district after September 24, 1986, shall be governed by the 33341
agreement. Such agreement must provide for the establishment of a 33342
cooperative education program under section 3313.842 of the 33343
Revised Code in which all the parties to the agreement are 33344
participants and must be approved by resolution of the majority of 33345
the members of each of the boards of education of the school 33346
districts that are parties to it. An agreement may provide for 33347
interdistrict payments based on local revenue growth resulting 33348
from development in any territory annexed by the city served by 33349
the urban school district. 33350

An agreement entered into under this division may be altered, 33351
modified, or terminated only by agreement, by resolution approved 33352
by the majority of the members of each board of education, of all 33353
school districts that are parties to the agreement, except that 33354
with regard to any provision that affects only the urban school 33355
district and one of the other districts that is a party, that 33356
district and the urban district may modify or alter the agreement 33357
by resolution approved by the majority of the members of the board 33358
of that district and the urban district. Alterations, 33359
modifications, terminations, and extensions of an agreement 33360
entered into under this division do not require approval of the 33361
state board of education, but shall be filed with the board after 33362

approval and execution by the parties. 33363

If an agreement provides for interdistrict payments, each 33364
party to the agreement, except any school district specifically 33365
exempted by the agreement, shall agree to make an annual payment 33366
to the urban school district with respect to any of its territory 33367
that is annexed territory in an amount not to exceed the amount 33368
certified for that year under former section 3317.029 of the 33369
Revised Code as that section existed prior to July 1, 1998; except 33370
that such limitation of annual payments to amounts certified under 33371
former section 3317.029 of the Revised Code does not apply to 33372
agreements or extensions of agreements entered into on or after 33373
June 1, 1992, unless such limitation is expressly agreed to by the 33374
parties. The agreement may provide that all or any part of the 33375
payment shall be waived if the urban school district receives its 33376
payment with respect to such annexed territory under former 33377
section 3317.029 of the Revised Code and that all or any part of 33378
such payment may be waived if the urban school district does not 33379
receive its payment with respect to such annexed territory under 33380
such section. 33381

With respect to territory that is transferred to the urban 33382
school district after September 24, 1986, the agreement may 33383
provide for annual payments by the urban school district to the 33384
school district whose territory is transferred to the urban school 33385
district subsequent to annexation by the city served by the urban 33386
school district. 33387

(G) In the event territory is transferred from one school 33388
district to another under this section, an equitable division of 33389
the funds and indebtedness between the districts involved shall be 33390
made under the supervision of the state board of education and 33391
that board's decision shall be final. Such division shall not 33392
include funds payable to or received by a school district under 33393
Chapter 3317. of the Revised Code or payable to or received by a 33394

school district from the United States or any department or agency 33395
thereof. In the event such transferred territory includes real 33396
property owned by a school district, the state board of education, 33397
as part of such division of funds and indebtedness, shall 33398
determine the true value in money of such real property and all 33399
buildings or other improvements thereon. The board of education of 33400
the school district receiving such territory shall forthwith pay 33401
to the board of education of the school district losing such 33402
territory such true value in money of such real property, 33403
buildings, and improvements less such percentage of the true value 33404
in money of each school building located on such real property as 33405
is represented by the ratio of the total enrollment in day classes 33406
of the pupils residing in the territory transferred enrolled at 33407
such school building in the school year in which such annexation 33408
proceedings were commenced to the total enrollment in day classes 33409
of all pupils residing in the school district losing such 33410
territory enrolled at such school building in such school year. 33411
The school district receiving such payment shall place the 33412
proceeds thereof in its sinking fund or bond retirement fund. 33413

(H) The state board of education, before approving such 33414
transfer of territory, shall determine that such payment has been 33415
made and shall apportion to the acquiring school district such 33416
percentage of the indebtedness of the school district losing the 33417
territory as is represented by the ratio that the assessed 33418
valuation of the territory transferred bears to the total assessed 33419
valuation of the entire school district losing the territory as of 33420
the effective date of the transfer, provided that in ascertaining 33421
the indebtedness of the school district losing the territory the 33422
state board of education shall disregard such percentage of the 33423
par value of the outstanding and unpaid bonds and notes of said 33424
school district issued for construction or improvement of the 33425
school building or buildings for which payment was made by the 33426
acquiring district as is equal to the percentage by which the true 33427

value in money of such building or buildings was reduced in fixing 33428
the amount of said payment. 33429

(I) No transfer of school district territory or division of 33430
funds and indebtedness incident thereto, pursuant to the 33431
annexation of territory to a city or village shall be completed in 33432
any other manner than that prescribed by this section regardless 33433
of the date of the commencement of such annexation proceedings, 33434
and this section applies to all proceedings for such transfers and 33435
divisions of funds and indebtedness pending or commenced on or 33436
after October 2, 1959. 33437

(J) Notwithstanding anything to the contrary in the Revised 33438
Code, including section 3311.24 of the Revised Code, beginning on 33439
the effective date of this amendment until October 1, 2021, no 33440
school district that is a party to an annexation agreement shall 33441
transfer territory to another school district that is a party to 33442
the annexation agreement without the approval of the boards of 33443
education of each of the school districts. 33444

Sec. 3311.27. The board of education of a surviving school 33445
district, as that term is defined in section 5748.10 of the 33446
Revised Code, shall notify the tax commissioner as and in the 33447
manner required by that section. 33448

Sec. 3311.751. Notwithstanding division (F) of section 33449
5705.10 of the Revised Code, if a municipal school district board 33450
of education sells real property that it owns in its corporate 33451
capacity, moneys received from the sale may be paid into the 33452
general fund of the district, as long as all of the following 33453
conditions are satisfied: 33454

(A) The district has owned the real property for at least ten 33455
years. 33456

(B) The real property and any improvements to that real 33457

property were not acquired with the proceeds of public 33458
obligations, as defined in section 133.01 of the Revised Code, of 33459
the district that are outstanding at the time of the sale. 33460

(C) The deposit of those moneys in that manner is not 33461
prohibited by any agreements the district board has entered into 33462
with the Ohio ~~school~~ facilities construction commission. 33463

Sec. 3311.86. (A) As used in this section: 33464

(1) "Alliance" means a municipal school district 33465
transformation alliance established as a nonprofit corporation. 33466

(2) "Alliance municipal school district" means a municipal 33467
school district for which an alliance has been created under this 33468
section. 33469

(3) "Partnering community school" means a community school 33470
established under Chapter 3314. of the Revised Code that is 33471
located within the territory of a municipal school district and 33472
that either is sponsored by the district or is a party to an 33473
agreement with the district whereby the district and the community 33474
school endorse each other's programs. 33475

(4) "Transformation alliance education plan" means a plan 33476
prepared by the mayor, and confirmed by the alliance, to transform 33477
public education in the alliance municipal school district to a 33478
system of municipal school district schools and partnering 33479
community schools that will be held to the highest standards of 33480
school performance and student achievement. 33481

(B) If one or more partnering community schools are located 33482
in a municipal school district, the mayor may initiate proceedings 33483
to establish a municipal school district transformation alliance 33484
as a nonprofit corporation under Chapter 1702. of the Revised 33485
Code. The mayor shall have sole authority to appoint the directors 33486
of any alliance created under this section. The directors of the 33487

alliance shall include representatives of all of the following: 33488

(1) The municipal school district; 33489

(2) Partnering community schools; 33490

(3) Members of the community at large, including parents and 33491
educators; 33492

(4) The business community, including business leaders and 33493
foundation leaders. 33494

No one group listed in divisions (B)(1) to (4) of this 33495
section shall comprise a majority of the directors. The mayor 33496
shall be an ex officio director, and serve as the chairperson of 33497
the board of directors, of any alliance created under this 33498
section. If the proceedings are initiated, the mayor shall 33499
identify the directors in the articles of incorporation filed 33500
under section 1702.04 of the Revised Code. 33501

(C)(1) A majority of the members of the board of directors of 33502
the alliance shall constitute a quorum of the board. Any formal 33503
action taken by the board of directors shall take place at a 33504
meeting of the board and shall require the concurrence of a 33505
majority of the members of the board. Meetings of the board of 33506
directors shall be public meetings open to the public at all 33507
times, except that the board and its committees and subcommittees 33508
may hold an executive session, as if it were a public body with 33509
public employees, for any of the purposes for which an executive 33510
session of a public body is permitted under division (G) of 33511
section 121.22 of the Revised Code, notwithstanding that the 33512
alliance is not a public body as defined in that section, and its 33513
employees are not public employees as provided in division (F) of 33514
this section. The board of directors shall establish reasonable 33515
methods whereby any person may determine the time and place of all 33516
of the board's public meetings and by which any person, upon 33517
request, may obtain reasonable advance notification of the board's 33518

public meetings. Provisions for that advance notification may 33519
include, but are not limited to, mailing notices to all 33520
subscribers on a mailing list or mailing notices in 33521
self-addressed, stamped envelopes provided by the person. 33522

(2) All records of the alliance shall be organized and 33523
maintained by the alliance and also filed with the department of 33524
education. The alliance and the department shall make those 33525
records available to the public as though those records were 33526
public records for purposes of Chapter 149. of the Revised Code. 33527
The department shall promptly notify the alliance upon the 33528
department's receipt of any requests for records relating to the 33529
alliance pursuant to section 149.43 of the Revised Code. 33530

(3) The board of directors of the alliance shall establish a 33531
conflicts of interest policy and shall adopt that policy, and any 33532
amendments to the policy, at a meeting of the board held in 33533
accordance with this section. 33534

(D)(1) If an alliance is created under this section, the 33535
alliance shall do all of the following: 33536

(a) Report annually on the performance of all municipal 33537
school district schools and all community schools established 33538
under Chapter 3314. of the Revised Code and located in the 33539
district, using the criteria adopted under division (B) of section 33540
3311.87 of the Revised Code; 33541

(b) Confirm and monitor implementation of the transformation 33542
alliance education plan; 33543

(c) Suggest national education models for and provide input 33544
in the development of new municipal school district schools and 33545
partnering community schools. 33546

(2) If an alliance is created under this section, the 33547
department of education may request alliance comment, or the 33548
alliance independently may offer comment to the department, on the 33549

granting, renewal, or extension of an agreement with a sponsor of 33550
community schools under section 3314.015 of the Revised Code when 33551
the sponsor has existing agreements with a community school 33552
located in an alliance municipal school district. If the alliance 33553
makes comments, those comments shall be considered by the 33554
department prior to making its decision whether to grant, renew, 33555
or extend the agreement. 33556

For purposes of division (D)(2) of this section, comments by 33557
the alliance shall be based on the criteria established under 33558
division (A) of section 3311.87 of the Revised Code. 33559

(E) Divisions (E)(1) to (3) of this section apply to each 33560
community school sponsor that is subject to approval by the 33561
department under section 3314.015 of the Revised Code whose 33562
approval under that section is granted, renewed, or extended on or 33563
after October 1, 2012. Divisions (E)(1) to (3) of this section do 33564
not apply to a sponsor that has been approved by the department 33565
prior to that date, until the sponsor's approval is renewed, 33566
granted anew, or extended on or after that date. 33567

(1) Before a sponsor to which this section applies may 33568
sponsor new community schools in an alliance municipal school 33569
district, the sponsor shall request recommendation from the 33570
alliance to sponsor community schools in the district. 33571

(2) The alliance shall review the sponsor's request and shall 33572
make a recommendation to the department based on the standards for 33573
sponsors developed under division (A)(2) of section 3311.87 of the 33574
Revised Code. 33575

(3) The department shall use the standards developed under 33576
division (A)(2) of section 3311.87 of the Revised Code, in 33577
addition to any other requirements of the Revised Code, to review 33578
a sponsor's request and make a final determination, on 33579
recommendation of the alliance, of whether the sponsor may sponsor 33580

new community schools in the alliance municipal school district. 33581

No sponsor shall be required to receive authorization to 33582
sponsor new community schools under division (E)(3) of this 33583
section more than one time. 33584

(F) Directors, officers, and employees of an alliance are not 33585
public employees or public officials, are not subject to Chapters 33586
124., 145., and 4117. of the Revised Code, and are not "public 33587
officials" or "public servants" as defined in section 2921.01 of 33588
the Revised Code. Membership on the board of directors of an 33589
alliance does not constitute the holding of an incompatible public 33590
office or employment in violation of any statutory or common law 33591
prohibition against the simultaneous holding of more than one 33592
public office or employment. Members of the board of directors of 33593
an alliance are not disqualified from holding any public office by 33594
reason of that membership, and do not forfeit by reason of that 33595
membership the public office or employment held when appointed to 33596
the board, notwithstanding any contrary disqualification or 33597
forfeiture requirement under the Revised Code or the common law of 33598
this state. 33599

~~(G) The authority to establish an alliance under this section 33600
expires on January 1, 2018. Any alliance established under this 33601
section is terminated, and any related authority granted to the 33602
alliance under this section expires on that date. 33603~~

Sec. 3313.372. (A) As used in this section, "energy 33604
conservation measure" means an installation or modification of an 33605
installation in, or remodeling of, a building, to reduce energy 33606
consumption. It includes: 33607

(1) Insulation of the building structure and systems within 33608
the building; 33609

(2) Storm windows and doors, multiglazed windows and doors, 33610

heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;	33611 33612 33613 33614
(3) Automatic energy control systems;	33615
(4) Heating, ventilating, or air conditioning system modifications or replacements;	33616 33617
(5) Caulking and weatherstripping;	33618
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	33619 33620 33621 33622 33623
(7) Energy recovery systems;	33624
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	33625 33626 33627
(9) Any other modification, installation, or remodeling approved by the Ohio school facilities <u>construction</u> commission as an energy conservation measure.	33628 33629 33630
(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms:	33631 33632 33633 33634 33635 33636 33637
(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase.	33638 33639
(2) The remaining balance of the costs thereof shall be paid	33640

within fifteen years from the date of purchase. 33641

The provisions of any installment payment contract entered 33642
into pursuant to this section shall provide that all payments, 33643
except payments for repairs and obligations on termination of the 33644
contract prior to its expiration, shall not exceed the calculated 33645
energy, water, or waste water cost savings, avoided operating 33646
costs, and avoided capital costs attributable to the one or more 33647
measures over a defined period of time. Those payments shall be 33648
made only to the extent that the savings described in this 33649
division actually occur. The energy services company shall warrant 33650
and guarantee that the energy conservation measures shall realize 33651
guaranteed savings and shall be responsible to pay an amount equal 33652
to any savings shortfall. 33653

An installment payment contract entered into by a board of 33654
education under this section shall require the board to contract 33655
in accordance with division (A) of section 3313.46 of the Revised 33656
Code for the installation, modification, or remodeling of energy 33657
conservation measures unless division (A) of section 3313.46 of 33658
the Revised Code does not apply pursuant to division (B)(3) of 33659
that section, in which case the contract shall be awarded through 33660
a competitive selection process pursuant to rules adopted by the 33661
~~school~~ facilities construction commission. 33662

An installment payment contract entered into by a board of 33663
education under this section may include services for measurement 33664
and verification of energy savings associated with the guarantee. 33665
The annual cost of measurement and verification services shall not 33666
exceed ten per cent of the guaranteed savings in any year of the 33667
installment payment contract. 33668

(C) If a board of education determines that a surety bond is 33669
necessary to secure energy, water, or waste water cost savings 33670
guaranteed in a contract entered into by the board of education 33671
under this section, the energy services company shall provide a 33672

surety bond that satisfies all of the following requirements: 33673

(1) The penal sum of the surety bond for the first guarantee 33674
year shall equal the amount of savings included in the annual 33675
guaranteed savings amount that is measured and calculated in 33676
accordance with the measurement and verification plan included in 33677
the contract, but may not include guaranteed savings that are not 33678
measured or that are stipulated in the contract. The annual 33679
guaranteed savings amount shall include only the savings 33680
guaranteed in the contract for the one-year term that begins on 33681
the first day of the first savings guarantee year and may not 33682
include amounts from subsequent years. 33683

(2) The surety bond shall have a term of not more than one 33684
year unless renewed. At the option of the board of education, the 33685
surety bond may be renewed for one or two additional terms, each 33686
term not to exceed one year. The surety bond may not be renewed or 33687
extended so that it is in effect for more than three consecutive 33688
years. 33689

In the event of a renewal, the penal sum of the surety bond 33690
for each renewed year shall be revised so that the penal sum 33691
equals the annual guaranteed savings amount for such renewal year 33692
that is measured and calculated in accordance with the measurement 33693
and verification plan included in the contract, but may not 33694
include guaranteed savings that are not measured or that are 33695
stipulated in the contract. Regardless of the number of renewals 33696
of the bond, the aggregate liability under each renewed bond may 33697
not exceed the penal sum stated in the renewal certificate for the 33698
applicable renewal year. 33699

(3) The surety bond for the first year shall be issued within 33700
thirty days of the commencement of the first savings guarantee 33701
year under the contract. 33702

In the event of renewal, the surety shall deliver to the 33703

board of education a renewal certificate reflecting the revised 33704
penal sum within thirty days of the board of education's request. 33705
The board of education shall deliver the request for renewal not 33706
less than thirty days prior to the expiration date of the surety 33707
bond then in existence. A surety bond furnished pursuant to 33708
section 153.54 of the Revised Code shall not secure obligations 33709
related to energy, water, or waste water cost savings as 33710
referenced in division (C) of this section. 33711

(D) The board may issue the notes of the school district 33712
signed by the president and the treasurer of the board and 33713
specifying the terms of the purchase and securing the deferred 33714
payments provided in this section, payable at the times provided 33715
and bearing interest at a rate not exceeding the rate determined 33716
as provided in section 9.95 of the Revised Code. The notes may 33717
contain an option for prepayment and shall not be subject to 33718
Chapter 133. of the Revised Code. In the resolution authorizing 33719
the notes, the board may provide, without the vote of the electors 33720
of the district, for annually levying and collecting taxes in 33721
amounts sufficient to pay the interest on and retire the notes, 33722
except that the total net indebtedness of the district without a 33723
vote of the electors incurred under this and all other sections of 33724
the Revised Code, except section 3318.052 of the Revised Code, 33725
shall not exceed one per cent of the district's tax valuation. 33726
Revenues derived from local taxes or otherwise, for the purpose of 33727
conserving energy or for defraying the current operating expenses 33728
of the district, may be applied to the payment of interest and the 33729
retirement of such notes. The notes may be sold at private sale or 33730
given to the energy services company under the installment payment 33731
contract authorized by division (B) of this section. 33732

(E) Debt incurred under this section shall not be included in 33733
the calculation of the net indebtedness of a school district under 33734
section 133.06 of the Revised Code. 33735

(F) No school district board shall enter into an installment 33736
payment contract under division (B) of this section unless it 33737
first obtains a report of the costs of the energy conservation 33738
measures and the savings thereof as described under division 33739
(G)(1) of section 133.06 of the Revised Code as a requirement for 33740
issuing energy securities, makes a finding that the amount spent 33741
on such measures is not likely to exceed the amount of money it 33742
would save in energy costs and resultant operational and 33743
maintenance costs as described in that division, except that that 33744
finding shall cover the ensuing fifteen years, and the ~~school~~ 33745
facilities construction commission determines that the district 33746
board's findings are reasonable and approves the contract as 33747
described in that division. 33748

The district board shall monitor the savings and maintain a 33749
report of those savings, which shall be submitted to the 33750
commission in the same manner as required by division (G) of 33751
section 133.06 of the Revised Code in the case of energy 33752
securities. 33753

Sec. 3313.411. (A) As used in this section: 33754

(1) "College-preparatory boarding school" means a 33755
college-preparatory boarding school established under Chapter 33756
3328. of the Revised Code. 33757

(2) "Community school" means a community school established 33758
under Chapter 3314. of the Revised Code. 33759

(3) "High-performing community school" has the same meaning 33760
as in section 3313.413 of the Revised Code. 33761

(4) "STEM school" means a science, technology, engineering, 33762
and mathematics school established under Chapter 3326. of the 33763
Revised Code. 33764

(5) "Unused school facilities" means any real property that 33765

has been used by a school district for school operations, 33766
including, but not limited to, academic instruction or 33767
administration, since July 1, 1998, but has not been used in that 33768
capacity for two years. 33769

(B)(1) Except as provided in section 3313.412 of the Revised 33770
Code, on and after June 30, 2011, any school district board of 33771
education shall offer any unused school facilities it owns in its 33772
corporate capacity for lease or sale to the governing authorities 33773
of community schools, ~~and the board~~ boards of trustees of any 33774
college-preparatory boarding ~~school~~ schools, and the governing 33775
bodies of any STEM schools, that are located within the territory 33776
of the district. Not later than sixty days after the district 33777
board makes the offer, interested governing authorities ~~and,~~ 33778
boards of trustees, and governing bodies shall notify the district 33779
treasurer in writing of the intention to lease or purchase the 33780
property. 33781

The district board shall give priority to the governing 33782
authorities of high-performing community schools that are located 33783
within the territory of the district. 33784

(2) At the same time that a district board makes the offer 33785
required under division (B)(1) of this section, the board also 33786
may, but shall not be required to, offer that property for sale or 33787
lease to the governing authorities of community schools with 33788
plans, stipulated in their contracts entered into under section 33789
3314.03 of the Revised Code, either to relocate their operations 33790
to the territory of the district or to add facilities, as 33791
authorized by division (B)(3) or (4) of section 3314.05 of the 33792
Revised Code, to be located within the territory of the district. 33793

(C)(1) If, not later than sixty days after the district board 33794
makes the offer, only one governing authority of a high-performing 33795
community school offered the property under division (B) of this 33796
section notifies the district treasurer in writing of the 33797

intention to purchase the property pursuant to that division, the 33798
district board shall sell the property to that party for the 33799
appraised fair market value of the property as determined in an 33800
appraisal of the property that is not more than one year old. 33801

If, not later than sixty days after the district board makes 33802
the offer, more than one governing authority of a high-performing 33803
community school offered the property under division (B) of this 33804
section notifies the district treasurer in writing of the 33805
intention to purchase the property pursuant to that division, the 33806
board shall conduct a public auction in the manner required for 33807
auctions of district property under division (A) of section 33808
3313.41 of the Revised Code. Only the governing authorities of 33809
high-performing community schools that notified the district 33810
treasurer of the intention to purchase the property pursuant to 33811
division (B) of this section are eligible to bid at the auction. 33812
The district board is not obligated to accept any bid for the 33813
property that is lower than the appraised fair market value of the 33814
property as determined in an appraisal that is not more than one 33815
year old. 33816

(2) If, not later than sixty days after the district board 33817
makes the offer, no governing authority of a high-performing 33818
community school notifies the district treasurer of its intention 33819
to purchase the property pursuant to division (B) of this section, 33820
the board shall then proceed with the offers from all other 33821
start-up community schools ~~and~~, college-preparatory boarding 33822
schools, and STEM schools made pursuant to that division. 33823

If more than one such entity notifies the district treasurer 33824
of its intention to purchase the property pursuant to division (B) 33825
of this section, the board shall conduct a public auction in the 33826
manner required for auctions of district property under division 33827
(A) of section 3313.41 of the Revised Code. Only the entities that 33828
notified the district treasurer pursuant to division (B) of this 33829

section are eligible to bid at the auction. 33830

(3) If more than one governing authority of a high-performing 33831
community school notifies the district treasurer in writing of the 33832
intention to lease the property pursuant to division (B) of this 33833
section, the district board shall conduct a lottery to select from 33834
among those governing authorities the one qualified governing 33835
authority to which the district board shall lease the property. 33836

If no such governing authority of a high-performing community 33837
school notifies the district treasurer of its intention to lease 33838
the property pursuant to division (B) of this section, the board 33839
shall then proceed with the offers from all other start-up 33840
community schools ~~and~~, college-preparatory boarding schools, and 33841
STEM schools made pursuant to that division. If more than one 33842
other start-up community school ~~or~~, college-preparatory boarding 33843
school, or STEM school notified the district treasurer of its 33844
intention to lease the property pursuant to division (B) of this 33845
section, the district board shall conduct a lottery to select from 33846
among those parties the one qualified party to which the district 33847
board shall lease the property. 33848

(4) The lease price offered by a district board to a 33849
community school ~~or~~, college-preparatory boarding school, or STEM 33850
school under this section shall not be higher than the fair market 33851
value for such a leasehold as determined in an appraisal that is 33852
not more than one year old. 33853

(5) If no qualified party offered the property under division 33854
(B) of this section accepts the offer to lease or buy the property 33855
within sixty days after the offer is made, the district board may 33856
offer the property to any other entity in accordance with 33857
divisions (A) to (F) of section 3313.41 of the Revised Code. 33858

(D) Notwithstanding division (B) of this section, a school 33859
district board may renew any agreement it originally entered into 33860

prior to June 30, 2011, to lease real property to an entity other 33861
than a community school ~~or~~, college-preparatory boarding school, 33862
or STEM school. Nothing in this section shall affect the leasehold 33863
arrangements between the district board and that other entity. 33864

(E)(1) Except as provided in division (E)(2) of this section, 33865
the governing authority of a community school ~~or the~~, board of 33866
trustees of a college-preparatory boarding school, or governing 33867
body of a STEM school shall not sell any property purchased under 33868
division (B) of this section within five years of purchasing that 33869
property. 33870

(2) The governing authority ~~or~~, board of trustees, or 33871
governing body may sell a property purchased under division (B) of 33872
this section within five years of the purchase, only if the 33873
governing authority ~~or~~, board of trustees, or governing body sells 33874
or transfers that property to another entity described in that 33875
division. 33876

Sec. 3313.413. (A) As used in this section, "high-performing 33877
community school" means either of the following: 33878

(1) A community school established under Chapter 3314. of the 33879
Revised Code that meets the following conditions: 33880

(a) Except as provided in division (A)(1)(b) or (c) of this 33881
section, the school both: 33882

(i) Has received a grade of "A," "B," or "C" for the 33883
performance index score under division (C)(1)(b) of section 33884
3302.03 of the Revised Code or has increased its performance index 33885
score under division (C)(1)(b) of section 3302.03 of the Revised 33886
Code in each of the previous three years of operation; and 33887

(ii) Has received a grade of "A" or "B" for the value-added 33888
progress dimension under division (C)(1)(e) of section 3302.03 of 33889
the Revised Code on its most recent report card rating issued 33890

under that section. 33891

(b) If the school serves only grades kindergarten through 33892
three, the school received a grade of "A" or "B" for making 33893
progress in improving literacy in grades kindergarten through 33894
three under division (C)(1)(g) of section 3302.03 of the Revised 33895
Code on its most recent report card issued under that section. 33896

(c) If the school primarily serves students enrolled in a 33897
dropout prevention and recovery program as described in division 33898
(A)(4)(a) of section 3314.35 of the Revised Code, the school 33899
received a rating of "exceeds standards" on its most recent report 33900
card issued under section 3314.017 of the Revised Code. 33901

(2) A newly established community school that is implementing 33902
a community school model that has a track record of high-quality 33903
academic performance, as determined by the department of 33904
education. 33905

(B) When a school district board of education decides to 33906
dispose of real property it owns in its corporate capacity under 33907
section 3313.41 of the Revised Code, the board shall first offer 33908
that property to the governing authorities of all start-up 33909
community schools ~~and~~, the boards of trustees of any 33910
college-preparatory boarding ~~school~~ schools, and the governing 33911
bodies of any STEM schools that are located within the territory 33912
of the district. Not later than sixty days after the district 33913
board makes the offer, interested governing authorities ~~and~~, 33914
boards of trustees, and governing bodies shall notify the district 33915
treasurer in writing of the intention to purchase the property. 33916

The district board shall give priority to the governing 33917
authorities of high-performing community schools that are located 33918
within the territory of the district. 33919

(1) If more than one governing authority of a high-performing 33920
community school notifies the district treasurer of its intention 33921

to purchase the property pursuant to division (B) of this section, 33922
the board shall conduct a public auction in the manner required 33923
for auctions of district property under division (A) of section 33924
3313.41 of the Revised Code. Only the governing authorities of 33925
high-performing community schools that notified the district 33926
treasurer pursuant to division (B) of this section are eligible to 33927
bid at the auction. 33928

(2) If no governing authority of a high-performing community 33929
school notifies the district treasurer of its intention to 33930
purchase the property pursuant to division (B) of this section, 33931
the board shall then proceed with the offers from all other 33932
start-up community schools ~~and~~, college-preparatory boarding 33933
schools, and STEM schools made pursuant to that division. If more 33934
than one such entity notifies the district treasurer of its 33935
intention to purchase the property pursuant to division (B) of 33936
this section, the board shall conduct a public auction in the 33937
manner required for auctions of district property under division 33938
(A) of section 3313.41 of the Revised Code. Only the entities that 33939
notified the district treasurer pursuant to division (B) of this 33940
section are eligible to bid at the auction. 33941

(3) If no governing authority ~~or~~, board of trustees, or 33942
governing body notifies the district treasurer of its intention to 33943
purchase the property pursuant to division (B) of this section, 33944
the district may then offer the property for sale in the manner 33945
prescribed under divisions (A) to (F) of section 3313.41 of the 33946
Revised Code. 33947

(C) Notwithstanding anything to the contrary in sections 33948
3313.41 and 3313.411 of the Revised Code, the purchase price of 33949
any real property sold to any of the entities in accordance with 33950
division (B) of this section shall not be more than the appraised 33951
fair market value of that property as determined in an appraisal 33952
of the property that is not more than one year old. 33953

(D) Not later than the first day of October of each year, the department of education shall post in a prominent location on its web site a list of schools that qualify as high-performing community schools for purposes of this section and section 3313.411 of the Revised Code.

Sec. 3313.46. (A) In addition to any other law governing the bidding for contracts by the board of education of any school district, when any such board determines to build, repair, enlarge, improve, or demolish any school building, the cost of which will exceed fifty thousand dollars, except in cases of urgent necessity, or for the security and protection of school property, and except as otherwise provided in division (D) of section 713.23 and in section 125.04 of the Revised Code, all of the following shall apply:

(1) The board shall cause to be prepared the plans, specifications, and related information as required in divisions (A)(1), (2), and (3) of section 153.01 of the Revised Code unless the board determines that other information is sufficient to inform any bidders of the board's requirements. However, if the board determines that such other information is sufficient for bidding a project, the board shall not engage in the construction of any such project involving the practice of professional engineering, professional surveying, or architecture, for which plans, specifications, and estimates have not been made by, and the construction thereof inspected by, a licensed professional engineer, licensed professional surveyor, or registered architect.

(2) The board shall advertise for bids once each week for a period of not less than two consecutive weeks, or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in the district before the date specified by the board for receiving bids. The board may also cause notice to be inserted

in trade papers or other publications designated by it or to be 33985
distributed by electronic means, including posting the notice on 33986
the board's internet web site. If the board posts the notice on 33987
its web site, it may eliminate the second notice otherwise 33988
required to be published in a newspaper of general circulation 33989
within the school district, provided that the first notice 33990
published in such newspaper meets all of the following 33991
requirements: 33992

(a) It is published at least two weeks before the opening of 33993
bids. 33994

(b) It includes a statement that the notice is posted on the 33995
board of education's internet web site. 33996

(c) It includes the internet address of the board's internet 33997
web site. 33998

(d) It includes instructions describing how the notice may be 33999
accessed on the board's internet web site. 34000

(3) Unless the board extends the time for the opening of bids 34001
they shall be opened at the time and place specified by the board 34002
in the advertisement for the bids. 34003

(4) Each bid shall contain the name of every person 34004
interested therein. Each bid shall meet the requirements of 34005
section 153.54 of the Revised Code. 34006

(5) When both labor and materials are embraced in the work 34007
bid for, the board may require that each be separately stated in 34008
the bid, with the price thereof, or may require that bids be 34009
submitted without such separation. 34010

(6) None but the lowest responsible bid shall be accepted. 34011
The board may reject all the bids, or accept any bid for both 34012
labor and material for such improvement or repair, which is the 34013
lowest in the aggregate. In all other respects, the award of 34014

contracts for improvement or repair, but not for purchases made 34015
under section 3327.08 of the Revised Code, shall be pursuant to 34016
section 153.12 of the Revised Code. 34017

(7) The contract shall be between the board and the bidders. 34018
The board shall pay the contract price for the work pursuant to 34019
sections 153.13 and 153.14 of the Revised Code. The board shall 34020
approve and retain the estimates referred to in section 153.13 of 34021
the Revised Code and make them available to the auditor of state 34022
upon request. 34023

(8) When two or more bids are equal, in the whole, or in any 34024
part thereof, and are lower than any others, either may be 34025
accepted, but in no case shall the work be divided between such 34026
bidders. 34027

(9) When there is reason to believe there is collusion or 34028
combination among the bidders, or any number of them, the bids of 34029
those concerned therein shall be rejected. 34030

(B) Division (A) of this section does not apply to the board 34031
of education of any school district in any of the following 34032
situations: 34033

(1) The acquisition of educational materials used in 34034
teaching. 34035

(2) If the board determines and declares by resolution 34036
adopted by two-thirds of all its members that any item is 34037
available and can be acquired only from a single source. 34038

(3) If the board declares by resolution adopted by two-thirds 34039
of all its members that division (A) of this section does not 34040
apply to any installation, modification, or remodeling involved in 34041
any energy conservation measure undertaken through an installment 34042
payment contract under section 3313.372 of the Revised Code or 34043
undertaken pursuant to division (G)(1) of section 133.06 of the 34044
Revised Code. 34045

(4) The acquisition of computer software for instructional purposes and computer hardware for instructional purposes pursuant to division (B)(4) of section 3313.37 of the Revised Code. 34046
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(C) No resolution adopted pursuant to division (B)(2) or (3) of this section shall have any effect on whether sections 153.12 to 153.14 and 153.54 of the Revised Code apply to the board of education of any school district with regard to any item. 34049
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Sec. 3313.5310. (A)(1) This section applies to both of the following: 34053
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(a) Any school operated by a school district board of education; 34055
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(b) Any chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events. 34057
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(2) As used in this section, "athletic activity" means all of the following: 34060
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(a) Interscholastic athletics; 34062

(b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations; 34063
34064
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34066

(c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations; 34067
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(d) Practices, interschool practices, and scrimmages for all of the activities described in divisions (A)(2)(a), (b), and (c) of this section. 34069
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34071

(B) Prior to the start of each athletic season, a school that is subject to this section may hold an informational meeting for students, parents, guardians, other persons having care or charge 34072
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34074

of a student, physicians, pediatric cardiologists, athletic 34075
trainers, and any other persons regarding the symptoms and warning 34076
signs of sudden cardiac arrest for all ages of students. 34077

(C) No student shall participate in an athletic activity 34078
until the student has submitted to a designated school official a 34079
form signed by the student and the parent, guardian, or other 34080
person having care or charge of the student stating that the 34081
student and the parent, guardian, or other person having care or 34082
charge of the student have received and reviewed a copy of the 34083
information developed by the departments of health and education 34084
and posted on their respective internet web sites as required by 34085
section 3707.59 of the Revised Code. A completed form shall be 34086
submitted each school year, as defined in section 3313.62 of the 34087
Revised Code, ~~for each athletic activity~~ in which the student 34088
participates in an athletic activity. 34089

(D) No individual shall coach an athletic activity unless the 34090
individual has completed, on an annual basis, the sudden cardiac 34091
arrest training course approved by the department of health under 34092
division (C) of section 3707.59 of the Revised Code. 34093

(E)(1) A student shall not be allowed to participate in an 34094
athletic activity if either of the following is the case: 34095

(a) The student's biological parent, biological sibling, or 34096
biological child has previously experienced sudden cardiac arrest, 34097
and the student has not been evaluated and cleared for 34098
participation in an athletic activity by a physician authorized 34099
under Chapter 4731. of the Revised Code to practice medicine and 34100
surgery or osteopathic medicine and surgery. 34101

(b) The student is known to have exhibited syncope or 34102
fainting at any time prior to or following an athletic activity 34103
and has not been evaluated and cleared for return under division 34104
(E)(3) of this section after exhibiting syncope or fainting. 34105

(2) A student shall be removed by the student's coach from participation in an athletic activity if the student exhibits syncope or fainting.

(3) If a student is not allowed to participate in or is removed from participation in an athletic activity under division (E)(1) or (2) of this section, the student shall not be allowed to return to participation until the student is evaluated and cleared for return in writing by any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including a physician who specializes in cardiology;

(b) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code;

(c) A physician assistant licensed under Chapter 4730. of the Revised Code;

(d) An athletic trainer licensed under Chapter 4755. of the Revised Code.

The licensed health care providers specified in divisions (E)(3)(a) to (d) of this section may consult with any other licensed or certified health care providers in order to determine whether a student is ready to return to participation.

(F) A school that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section.

(G) Nothing in this section shall be construed to abridge or limit any rights provided under a collective bargaining agreement entered into under Chapter 4117. of the Revised Code prior to ~~the effective date of this section~~ March 14, 2017.

(H)(1) A school district, member of a school district board

of education, or school district employee or volunteer, including 34136
a coach, is not liable in damages in a civil action for injury, 34137
death, or loss to person or property allegedly arising from 34138
providing services or performing duties under this section, unless 34139
the act or omission constitutes willful or wanton misconduct. 34140

This section does not eliminate, limit, or reduce any other 34141
immunity or defense that a school district, member of a school 34142
district board of education, or school district employee or 34143
volunteer, including a coach, may be entitled to under Chapter 34144
2744. or any other provision of the Revised Code or under the 34145
common law of this state. 34146

(2) A chartered or nonchartered nonpublic school or any 34147
officer, director, employee, or volunteer of the school, including 34148
a coach, is not liable in damages in a civil action for injury, 34149
death, or loss to person or property allegedly arising from 34150
providing services or performing duties under this section, unless 34151
the act or omission constitutes willful or wanton misconduct. 34152

Sec. 3313.5315. Any student from a country or province 34153
outside the United States, who attends an elementary or secondary 34154
school in this state that began operating a dormitory on its 34155
campus prior to 2014, shall be permitted to participate in 34156
interscholastic athletics at that school on the same basis as 34157
students who are residents of this state, so long as the student 34158
holds an F-1 visa issued by the United States department of state. 34159
Such a student shall not be denied the opportunity to participate 34160
in interscholastic athletics solely because the student's parents 34161
do not reside in this state. 34162

No school district, school, interscholastic conference, or 34163
organization that regulates interscholastic conferences or events 34164
shall have a rule, bylaw, or other regulation that conflicts with 34165
this section. 34166

Sec. 3313.603. (A) As used in this section:	34167
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	34168 34169 34170 34171
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	34172 34173 34174 34175
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	34176 34177 34178 34179 34180
(1) English language arts, four units;	34181
(2) Health, one-half unit;	34182
(3) Mathematics, three units;	34183
(4) Physical education, one-half unit;	34184
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	34185 34186 34187
(a) Biological sciences, one unit;	34188
(b) Physical sciences, one unit.	34189
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	34190 34191 34192
(a) American history, one-half unit;	34193
(b) American government, one-half unit.	34194

(7) Social studies, two units.	34195
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	34196 34197 34198 34199 34200
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	34201 34202
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	34203 34204 34205
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	34206 34207 34208 34209 34210 34211 34212
(1) English language arts, four units;	34213
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	34214 34215 34216
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.	34217 34218 34219 34220 34221 34222 34223
(4) Physical education, one-half unit;	34224

(5) Science, three units with inquiry-based laboratory	34225
experience that engages students in asking valid scientific	34226
questions and gathering and analyzing information, which shall	34227
include the following, or their equivalent:	34228
(a) Physical sciences, one unit;	34229
(b) Life sciences, one unit;	34230
(c) Advanced study in one or more of the following sciences,	34231
one unit:	34232
(i) Chemistry, physics, or other physical science;	34233
(ii) Advanced biology or other life science;	34234
(iii) Astronomy, physical geology, or other earth or space	34235
science.	34236
(6) History and government, one unit, which shall comply with	34237
division (M) of this section and shall include both of the	34238
following:	34239
(a) American history, one-half unit;	34240
(b) American government, one-half unit.	34241
(7) Social studies, two units.	34242
Each school shall integrate the study of economics and	34243
financial literacy, as expressed in the social studies academic	34244
content standards adopted by the state board of education under	34245
division (A)(1) of section 3301.079 of the Revised Code and the	34246
academic content standards for financial literacy and	34247
entrepreneurship adopted under division (A)(2) of that section,	34248
into one or more existing social studies credits required under	34249
division (C)(7) of this section, or into the content of another	34250
class, so that every high school student receives instruction in	34251
those concepts. In developing the curriculum required by this	34252
paragraph, schools shall use available public-private partnerships	34253
and resources and materials that exist in business, industry, and	34254

through the centers for economics education at institutions of 34255
higher education in the state. 34256

Beginning with students who enter ninth grade for the first 34257
time on or after July 1, 2017, the two units of instruction 34258
prescribed by division (C)(7) of this section shall include at 34259
least one-half unit of instruction in the study of world history 34260
and civilizations. 34261

(8) Five units consisting of one or any combination of 34262
foreign language, fine arts, business, career-technical education, 34263
family and consumer sciences, technology, agricultural education, 34264
a junior reserve officer training corps (JROTC) program approved 34265
by the congress of the United States under title 10 of the United 34266
States Code, or English language arts, mathematics, science, or 34267
social studies courses not otherwise required under division (C) 34268
of this section. 34269

Ohioans must be prepared to apply increased knowledge and 34270
skills in the workplace and to adapt their knowledge and skills 34271
quickly to meet the rapidly changing conditions of the 34272
twenty-first century. National studies indicate that all high 34273
school graduates need the same academic foundation, regardless of 34274
the opportunities they pursue after graduation. The goal of Ohio's 34275
system of elementary and secondary education is to prepare all 34276
students for and seamlessly connect all students to success in 34277
life beyond high school graduation, regardless of whether the next 34278
step is entering the workforce, beginning an apprenticeship, 34279
engaging in post-secondary training, serving in the military, or 34280
pursuing a college degree. 34281

The requirements for graduation prescribed in division (C) of 34282
this section are the standard expectation for all students 34283
entering ninth grade for the first time at a public or chartered 34284
nonpublic high school on or after July 1, 2010. A student may 34285
satisfy this expectation through a variety of methods, including, 34286

but not limited to, integrated, applied, career-technical, and 34287
traditional coursework. 34288

Whereas teacher quality is essential for student success when 34289
completing the requirements for graduation, the general assembly 34290
shall appropriate funds for strategic initiatives designed to 34291
strengthen schools' capacities to hire and retain highly qualified 34292
teachers in the subject areas required by the curriculum. Such 34293
initiatives are expected to require an investment of \$120,000,000 34294
over five years. 34295

Stronger coordination between high schools and institutions 34296
of higher education is necessary to prepare students for more 34297
challenging academic endeavors and to lessen the need for academic 34298
remediation in college, thereby reducing the costs of higher 34299
education for Ohio's students, families, and the state. The state 34300
board and the chancellor of higher education shall develop 34301
policies to ensure that only in rare instances will students who 34302
complete the requirements for graduation prescribed in division 34303
(C) of this section require academic remediation after high 34304
school. 34305

School districts, community schools, and chartered nonpublic 34306
schools shall integrate technology into learning experiences 34307
across the curriculum in order to maximize efficiency, enhance 34308
learning, and prepare students for success in the 34309
technology-driven twenty-first century. Districts and schools 34310
shall use distance and web-based course delivery as a method of 34311
providing or augmenting all instruction required under this 34312
division, including laboratory experience in science. Districts 34313
and schools shall utilize technology access and electronic 34314
learning opportunities provided by the broadcast educational media 34315
commission, chancellor, the Ohio learning network, education 34316
technology centers, public television stations, and other public 34317
and private providers. 34318

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2016, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the requirements for graduation prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. Annually, each district or school shall notify the department of the number of students who choose to qualify for graduation under division (D) of this section and the number of students who complete the student's success plan and graduate from high school.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support 34351
for the student related to the plan developed under division 34352
(D)(3) of this section during the remainder of the student's high 34353
school experience. 34354

(5)(a) Except as provided in division (D)(5)(b) of this 34355
section, the student successfully completes, at a minimum, the 34356
curriculum prescribed in division (B) of this section. 34357

(b) Beginning with students who enter ninth grade for the 34358
first time on or after July 1, 2014, a student shall be required 34359
to complete successfully, at the minimum, the curriculum 34360
prescribed in division (B) of this section, except as follows: 34361

(i) Mathematics, four units, one unit which shall be one of 34362
the following: 34363

(I) Probability and statistics; 34364

(II) Computer programming; 34365

(III) Applied mathematics or quantitative reasoning; 34366

(IV) Any other course approved by the department using 34367
standards established by the superintendent not later than October 34368
1, 2014. 34369

(ii) Elective units, five units; 34370

(iii) Science, three units as prescribed by division (B) of 34371
this section which shall include inquiry-based laboratory 34372
experience that engages students in asking valid scientific 34373
questions and gathering and analyzing information. 34374

The department, in collaboration with the chancellor, shall 34375
analyze student performance data to determine if there are 34376
mitigating factors that warrant extending the exception permitted 34377
by division (D) of this section to high school classes beyond 34378
those entering ninth grade before July 1, 2016. The department 34379
shall submit its findings and any recommendations not later than 34380

December 1, 2015, to the speaker and minority leader of the house 34381
of representatives, the president and minority leader of the 34382
senate, the chairpersons and ranking minority members of the 34383
standing committees of the house of representatives and the senate 34384
that consider education legislation, the state board of education, 34385
and the superintendent of public instruction. 34386

(E) Each school district and chartered nonpublic school 34387
retains the authority to require an even more challenging minimum 34388
curriculum for high school graduation than specified in division 34389
(B) or (C) of this section. A school district board of education, 34390
through the adoption of a resolution, or the governing authority 34391
of a chartered nonpublic school may stipulate any of the 34392
following: 34393

(1) A minimum high school curriculum that requires more than 34394
twenty units of academic credit to graduate; 34395

(2) An exception to the district's or school's minimum high 34396
school curriculum that is comparable to the exception provided in 34397
division (D) of this section but with additional requirements, 34398
which may include a requirement that the student successfully 34399
complete more than the minimum curriculum prescribed in division 34400
(B) of this section; 34401

(3) That no exception comparable to that provided in division 34402
(D) of this section is available. 34403

(F) A student enrolled in a dropout prevention and recovery 34404
program, which program has received a waiver from the department, 34405
may qualify for graduation from high school by successfully 34406
completing a competency-based instructional program administered 34407
by the dropout prevention and recovery program in lieu of 34408
completing the requirements for graduation prescribed in division 34409
(C) of this section. The department shall grant a waiver to a 34410
dropout prevention and recovery program, within sixty days after 34411

the program applies for the waiver, if the program meets all of 34412
the following conditions: 34413

(1) The program serves only students not younger than sixteen 34414
years of age and not older than twenty-one years of age. 34415

(2) The program enrolls students who, at the time of their 34416
initial enrollment, either, or both, are at least one grade level 34417
behind their cohort age groups or experience crises that 34418
significantly interfere with their academic progress such that 34419
they are prevented from continuing their traditional programs. 34420

(3) The program requires students to attain at least the 34421
applicable score designated for each of the assessments prescribed 34422
under division (B)(1) of section 3301.0710 of the Revised Code or, 34423
to the extent prescribed by rule of the state board under division 34424
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 34425
of that section. 34426

(4) The program develops a student success plan for the 34427
student in the manner described in division (C)(1) of section 34428
3313.6020 of the Revised Code that specifies the student's 34429
matriculating to a two-year degree program, acquiring a business 34430
and industry-recognized credential, or entering an apprenticeship. 34431

(5) The program provides counseling and support for the 34432
student related to the plan developed under division (F)(4) of 34433
this section during the remainder of the student's high school 34434
experience. 34435

(6) The program requires the student and the student's 34436
parent, guardian, or custodian to sign and file, in accordance 34437
with procedural requirements stipulated by the program, a written 34438
statement asserting the parent's, guardian's, or custodian's 34439
consent to the student's graduating without completing the 34440
requirements for graduation prescribed in division (C) of this 34441
section and acknowledging that one consequence of not completing 34442

those requirements is ineligibility to enroll in most state 34443
universities in Ohio without further coursework. 34444

(7) Prior to receiving the waiver, the program has submitted 34445
to the department an instructional plan that demonstrates how the 34446
academic content standards adopted by the state board under 34447
section 3301.079 of the Revised Code will be taught and assessed. 34448

(8) Prior to receiving the waiver, the program has submitted 34449
to the department a policy on career advising that satisfies the 34450
requirements of section 3313.6020 of the Revised Code, with an 34451
emphasis on how every student will receive career advising. 34452

(9) Prior to receiving the waiver, the program has submitted 34453
to the department a written agreement outlining the future 34454
cooperation between the program and any combination of local job 34455
training, postsecondary education, nonprofit, and health and 34456
social service organizations to provide services for students in 34457
the program and their families. 34458

Divisions (F)(8) and (9) of this section apply only to 34459
waivers granted on or after July 1, 2015. 34460

If the department does not act either to grant the waiver or 34461
to reject the program application for the waiver within sixty days 34462
as required under this section, the waiver shall be considered to 34463
be granted. 34464

(G) Every high school may permit students below the ninth 34465
grade to take advanced work. If a high school so permits, it shall 34466
award high school credit for successful completion of the advanced 34467
work and shall count such advanced work toward the graduation 34468
requirements of division (B) or (C) of this section if the 34469
advanced work was both: 34470

(1) Taught by a person who possesses a license or certificate 34471
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 34472
Code that is valid for teaching high school; 34473

(2) Designated by the board of education of the city, local, 34474
or exempted village school district, the board of the cooperative 34475
education school district, or the governing authority of the 34476
chartered nonpublic school as meeting the high school curriculum 34477
requirements. 34478

Each high school shall record on the student's high school 34479
transcript all high school credit awarded under division (G) of 34480
this section. In addition, if the student completed a seventh- or 34481
eighth-grade fine arts course described in division (K) of this 34482
section and the course qualified for high school credit under that 34483
division, the high school shall record that course on the 34484
student's high school transcript. 34485

(H) The department shall make its individual academic career 34486
plan available through its Ohio career information system web site 34487
for districts and schools to use as a tool for communicating with 34488
and providing guidance to students and families in selecting high 34489
school courses. 34490

(I) A school district or chartered nonpublic school may 34491
integrate academic content in a subject area for which the state 34492
board has adopted standards under section 3301.079 of the Revised 34493
Code into a course in a different subject area, including a 34494
career-technical education course, in accordance with guidance for 34495
integrated coursework developed by the department. Upon successful 34496
completion of an integrated course, a student may receive credit 34497
for both subject areas that were integrated into the course. Units 34498
~~earned in English language arts, mathematics, science, and social~~ 34499
~~studies that are~~ for subject area content delivered through 34500
integrated academic and career-technical instruction are eligible 34501
to meet the graduation requirements of division (B) or (C) of this 34502
section. 34503

For purposes of meeting graduation requirements, if an 34504
end-of-course examination has been prescribed under section 34505

3301.0712 of the Revised Code for the subject area delivered 34506
through integrated instruction, the school district or school may 34507
administer the related subject area examinations upon the 34508
student's completion of the integrated course. 34509

Nothing in division (I) of this section shall be construed to 34510
excuse any school district, chartered nonpublic school, or student 34511
from any requirement in the Revised Code related to curriculum, 34512
assessments, or the awarding of a high school diploma. 34513

(J)(1) The state board, in consultation with the chancellor, 34514
shall adopt a statewide plan implementing methods for students to 34515
earn units of high school credit based on a demonstration of 34516
subject area competency, instead of or in combination with 34517
completing hours of classroom instruction. The state board shall 34518
adopt the plan not later than March 31, 2009, and commence phasing 34519
in the plan during the 2009-2010 school year. The plan shall 34520
include a standard method for recording demonstrated proficiency 34521
on high school transcripts. Each school district and community 34522
school shall comply with the state board's plan adopted under this 34523
division and award units of high school credit in accordance with 34524
the plan. The state board may adopt existing methods for earning 34525
high school credit based on a demonstration of subject area 34526
competency as necessary prior to the 2009-2010 school year. 34527

(2) Not later than December 31, 2015, the state board shall 34528
update the statewide plan adopted pursuant to division (J)(1) of 34529
this section to also include methods for students enrolled in 34530
seventh and eighth grade to meet curriculum requirements based on 34531
a demonstration of subject area competency, instead of or in 34532
combination with completing hours of classroom instruction. 34533
Beginning with the 2017-2018 school year, each school district and 34534
community school also shall comply with the updated plan adopted 34535
pursuant to this division and permit students enrolled in seventh 34536
and eighth grade to meet curriculum requirements based on subject 34537

area competency in accordance with the plan. 34538

(3) Not later than December 31, 2017, the department shall 34539
develop a framework for school districts and community schools to 34540
use in granting units of high school credit to students who 34541
demonstrate subject area competency through work-based learning 34542
experiences, internships, or cooperative education. Beginning with 34543
the 2018-2019 school year, each district and community school 34544
shall comply with the framework. Each district and community 34545
school also shall review any policy it has adopted regarding the 34546
demonstration of subject area competency to identify ways to 34547
incorporate work-based learning experiences, internships, and 34548
cooperative education into the policy in order to increase student 34549
engagement and opportunities to earn units of high school credit. 34550

(K) This division does not apply to students who qualify for 34551
graduation from high school under division (D) or (F) of this 34552
section, or to students pursuing a career-technical instructional 34553
track as determined by the school district board of education or 34554
the chartered nonpublic school's governing authority. 34555
Nevertheless, the general assembly encourages such students to 34556
consider enrolling in a fine arts course as an elective. 34557

Beginning with students who enter ninth grade for the first 34558
time on or after July 1, 2010, each student enrolled in a public 34559
or chartered nonpublic high school shall complete two semesters or 34560
the equivalent of fine arts to graduate from high school. The 34561
coursework may be completed in any of grades seven to twelve. Each 34562
student who completes a fine arts course in grade seven or eight 34563
may elect to count that course toward the five units of electives 34564
required for graduation under division (C)(8) of this section, if 34565
the course satisfied the requirements of division (G) of this 34566
section. In that case, the high school shall award the student 34567
high school credit for the course and count the course toward the 34568
five units required under division (C)(8) of this section. If the 34569

course in grade seven or eight did not satisfy the requirements of 34570
division (G) of this section, the high school shall not award the 34571
student high school credit for the course but shall count the 34572
course toward the two semesters or the equivalent of fine arts 34573
required by this division. 34574

(L) Notwithstanding anything to the contrary in this section, 34575
the board of education of each school district and the governing 34576
authority of each chartered nonpublic school may adopt a policy to 34577
excuse from the high school physical education requirement each 34578
student who, during high school, has participated in 34579
interscholastic athletics, marching band, or cheerleading for at 34580
least two full seasons or in the junior reserve officer training 34581
corps for at least two full school years. If the board or 34582
authority adopts such a policy, the board or authority shall not 34583
require the student to complete any physical education course as a 34584
condition to graduate. However, the student shall be required to 34585
complete one-half unit, consisting of at least sixty hours of 34586
instruction, in another course of study. In the case of a student 34587
who has participated in the junior reserve officer training corps 34588
for at least two full school years, credit received for that 34589
participation may be used to satisfy the requirement to complete 34590
one-half unit in another course of study. 34591

(M) It is important that high school students learn and 34592
understand United States history and the governments of both the 34593
United States and the state of Ohio. Therefore, beginning with 34594
students who enter ninth grade for the first time on or after July 34595
1, 2012, the study of American history and American government 34596
required by divisions (B)(6) and (C)(6) of this section shall 34597
include the study of all of the following documents: 34598

(1) The Declaration of Independence; 34599

(2) The Northwest Ordinance; 34600

(3) The Constitution of the United States with emphasis on the Bill of Rights;	34601 34602
(4) The Ohio Constitution.	34603
The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.	34604 34605 34606
The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.	34607 34608 34609 34610 34611 34612
Sec. 3313.6012. (A) The board of education of each city, exempted village, and local school district shall adopt a policy governing the conduct of academic prevention/intervention services for all grades and all schools throughout the district. The board shall update the policy annually. The policy shall include, but not be limited to, all of the following:	34613 34614 34615 34616 34617 34618
(1) Procedures for using diagnostic assessments to measure student progress toward the attainment of academic standards and to identify students who may not attain the academic standards in accordance with section 3301.0715 of the Revised Code;	34619 34620 34621 34622
(2) A plan for the design of classroom-based intervention services to meet the instructional needs of individual students as determined by the results of diagnostic assessments;	34623 34624 34625
(3) Procedures for the regular collection of student performance data;	34626 34627
(4) Procedures for using student performance data to evaluate the effectiveness of intervention services and, if necessary, to modify such services.	34628 34629 34630

The policy shall include any prevention/intervention services 34631
required under sections 3301.0711, 3301.0715, and 3313.608 of the 34632
Revised Code. 34633

(B) In accordance with the policy adopted under division (A) 34634
of this section, each school district shall provide 34635
prevention/intervention services in pertinent subject areas to 34636
students who score below the proficient level on a reading, 34637
writing, mathematics, ~~social studies~~, or science proficiency or 34638
achievement test or who do not demonstrate academic performance at 34639
their grade level based on the results of a diagnostic assessment. 34640

Sec. 3313.6023. The board of education of each school 34641
district shall provide training in the use of an automated 34642
external defibrillator to each person employed by that district, 34643
except for substitutes, adult education instructors who are 34644
scheduled to work the full-time equivalent of less than one 34645
hundred twenty days per school year, or persons who are employed 34646
on an as-needed, seasonal, or intermittent basis. This training 34647
may be incorporated into the in-service training required by 34648
division (A) of section 3319.073 of the Revised Code. For this 34649
purpose, the board shall use one of the instructional programs 34650
listed in divisions (B)(1) and (2) of section 3313.6021 of the 34651
Revised Code. 34652

Each person to whom this section applies shall complete the 34653
training not later than July 1, 2018, and at least once every five 34654
years thereafter. 34655

Sec. 3313.618. (A) In addition to the applicable curriculum 34656
requirements, each student entering ninth grade for the first time 34657
on or after July 1, 2014, shall satisfy at least one of the 34658
following conditions in order to qualify for a high school 34659
diploma: 34660

(1) Be remediation-free, in accordance with standards adopted 34661
under division (F) of section 3345.061 of the Revised Code, on 34662
each of the nationally standardized assessments in English, 34663
mathematics, and reading; 34664

(2) Attain a score specified under division (B)(5)(c) of 34665
section 3301.0712 of the Revised Code on the end-of-course 34666
examinations prescribed under division (B) of section 3301.0712 of 34667
the Revised Code. 34668

(3) Attain a score that demonstrates workforce readiness and 34669
employability on a nationally recognized job skills assessment 34670
selected by the state board of education under division (G) of 34671
section 3301.0712 of the Revised Code and obtain either an 34672
industry-recognized credential, as described under division 34673
(B)(2)(d) of section 3302.03 of the Revised Code, or a license 34674
issued by a state agency or board for practice in a vocation that 34675
requires an examination for issuance of that license. 34676

~~The state board shall approve the industry-recognized 34677
credentials and licenses that may qualify a student for a high 34678
school diploma under division (A)(3) of this section. The 34679
industry-recognized credentials and licenses shall be as approved 34680
under section 3313.6113 of the Revised Code. 34681~~

A student may choose to qualify for a high school diploma by 34682
satisfying any of the separate requirements prescribed by 34683
divisions (A)(1) to (3) of this section. If the student's school 34684
district or school does not administer the examination prescribed 34685
by one of those divisions that the student chooses to take to 34686
satisfy the requirements of this section, the school district or 34687
school may require that student to arrange for the applicable 34688
scores to be sent directly to the district or school by the 34689
company or organization that administers the examination. 34690

(B) The state board of education shall not create or require 34691

any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in ~~section~~ sections 3313.6111 and 3313.6112 of the Revised Code, the state board or the superintendent of public instruction shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3313.6110. (A) A person who has completed the final year of instruction at home, as authorized under section 3321.04 of the Revised Code, and has successfully fulfilled the high school curriculum applicable to that person may be granted a high school diploma by the person's parent, guardian, or other person having charge or care of a child, as defined in division (A)(1) of section 3321.01 of the Revised Code.

(B) Beginning with diplomas issued on or after July 1, 2015, each diploma granted under division (A) of this section shall be accompanied by the official letter of excuse issued by the district superintendent for the student's final year of home education.

(C) A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school.

(D) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal requirement to show such proof.

(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the

assessments prescribed by division (A)(1) or (B)(1) or (2) of 34723
section 3301.0710 and section 3301.0712 of the Revised Code. 34724

(F) A diploma granted under division (A) of this section may 34725
include a state seal of biliteracy or an OhioMeansJobs-readiness 34726
seal that may be assigned to the student's diploma, by the parent, 34727
guardian, or other person having charge or care of the student, in 34728
the same manner as prescribed for transcripts issued by school 34729
districts and chartered nonpublic schools under ~~section~~ sections 34730
3313.6111 and 3113.6112 of the Revised Code. 34731

Sec. 3313.6112. (A) The superintendent of public instruction, 34732
in consultation with the chancellor of higher education and the 34733
governor's office of workforce transformation, shall establish the 34734
OhioMeansJobs-readiness seal, which may be attached or affixed to 34735
the high school diploma and transcript of a student enrolled in a 34736
public or chartered nonpublic school. 34737

(B) A school district, community school established under 34738
Chapter 3314. of the Revised Code, STEM school established under 34739
Chapter 3326. of the Revised Code, college-preparatory boarding 34740
school established under Chapter 3328. of the Revised Code, or 34741
chartered nonpublic school shall attach or affix the 34742
OhioMeansJobs-readiness seal to the diploma and transcript of a 34743
student enrolled in the school who meets the requirements 34744
prescribed under division (C)(1) of this section. 34745

(C) The state superintendent, in consultation with the 34746
chancellor and the governor's office of workforce transformation, 34747
shall do the following: 34748

(1) Establish the requirements and criteria for earning an 34749
OhioMeansJobs-readiness seal, including demonstration of 34750
work-readiness and work ethic competencies such as teamwork, 34751
problem-solving, reliability, punctuality, and computer technology 34752
competency; 34753

(2) Develop a standardized form for students to complete and have validated prior to graduation by at least three individuals, each of whom must be an employer, teacher, business mentor, community leader, faith-based leader, school leader, or coach of the student; 34754
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(3) Prepare and deliver to all school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning an OhioMeansJobs-readiness seal on a student's diploma and transcript indicating that the student has been assigned the seal; 34759
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(4) Provide any other information the state superintendent considers necessary for school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools to assign an OhioMeansJobs-readiness seal. 34764
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(D) A student shall not be charged a fee to be assigned an OhioMeansJobs-readiness seal on the student's diploma and transcript. 34768
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Sec. 3313.6113. (A) The superintendent of public instruction, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under division (A)(3) of section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code. The state superintendent shall appoint the members of the committee not later than January 1, 2018. 34771
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(B) The committee shall do the following: 34781

(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list 34782
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<u>published by the department of job and family services;</u>	34784
<u>(2) Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary;</u>	34785
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	34787
<u>(3) Review and update the list of industry-recognized credentials and licenses at least biennially.</u>	34788
	34789
Sec. 3313.6410. This section applies to any school that is	34790
operated by a school district and in which the enrolled students	34791
work primarily on assignments in nonclassroom-based learning	34792
opportunities provided via an internet- or other computer-based	34793
instructional method.	34794
(A) Any school to which this section applies shall withdraw	34795
from the school any student who, for two consecutive school years	34796
<u>of enrollment in the school</u> , has failed to participate in the	34797
spring administration of any assessment prescribed under section	34798
3301.0710 or 3301.0712 of the Revised Code for the student's grade	34799
level and was not excused from the assessment pursuant to division	34800
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless	34801
of whether a waiver was granted for the student under division (E)	34802
of section 3317.03 of the Revised Code. The school shall report	34803
any such student's data verification code, as assigned pursuant to	34804
section 3301.0714 of the Revised Code, to the department of	34805
education to be added to the list maintained by the department	34806
under section 3314.26 of the Revised Code.	34807
(B) No school to which this section applies shall receive any	34808
state funds under Chapter 3317. of the Revised Code for any	34809
enrolled student whose data verification code appears on the list	34810
maintained by the department under section 3314.26 of the Revised	34811
Code. Notwithstanding any provision of the Revised Code to the	34812
contrary, the parent of any such student shall pay tuition to the	34813
school district that operates the school in an amount equal to the	34814

state funds the district otherwise would receive for that student, 34815
as determined by the department. A school to which this section 34816
applies may withdraw any student for whom the parent does not pay 34817
tuition as required by this division. 34818

Sec. 3313.713. (A) As used in this section: 34819

(1) "Drug" means a drug, as defined in section 4729.01 of the 34820
Revised Code, that is to be administered pursuant to the 34821
instructions of the prescriber, whether or not required by law to 34822
be sold only upon a prescription. 34823

(2) "Federal law" means the "Individuals with Disabilities 34824
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 34825

(3) "Prescriber" has the same meaning as in section 4729.01 34826
of the Revised Code. 34827

(B) The board of education of each city, local, exempted 34828
village, and joint vocational school district shall adopt a policy 34829
on the authority of its employees, when acting in situations other 34830
than those governed by sections 2305.23, 2305.231, 3313.712, 34831
3313.7110, 3313.7112, and 3313.7113 of the Revised Code, to 34832
administer drugs prescribed to students enrolled in the schools of 34833
the district. The policy shall provide either that: 34834

(1) Except as otherwise required by federal law, no person 34835
employed by the board shall, in the course of such employment, 34836
administer any drug prescribed to any student enrolled in the 34837
schools of the district. 34838

(2) Designated persons employed by the board are authorized 34839
to administer to a student a drug prescribed for the student. 34840
Effective July 1, 2011, only employees of the board who are 34841
licensed health professionals, or who have completed a drug 34842
administration training program conducted by a licensed health 34843
professional and considered appropriate by the board, may 34844

administer to a student a drug prescribed for the student. Except 34845
as otherwise provided by federal law, the board's policy may 34846
provide that certain drugs or types of drugs shall not be 34847
administered or that no employee shall use certain procedures, 34848
such as injection, to administer a drug to a student. 34849

(C) No drug prescribed for a student shall be administered 34850
pursuant to federal law or a policy adopted under division (B) of 34851
this section until the following occur: 34852

(1) The board, or a person designated by the board, receives 34853
a written request, signed by the parent, guardian, or other person 34854
having care or charge of the student, that the drug be 34855
administered to the student. 34856

(2) The board, or a person designated by the board, receives 34857
a statement, signed by the prescriber, that includes all of the 34858
following information: 34859

(a) The name and address of the student; 34860

(b) The school and class in which the student is enrolled; 34861

(c) The name of the drug and the dosage to be administered; 34862

(d) The times or intervals at which each dosage of the drug 34863
is to be administered; 34864

(e) The date the administration of the drug is to begin; 34865

(f) The date the administration of the drug is to cease; 34866

(g) Any severe adverse reactions that should be reported to 34867
the prescriber and one or more phone numbers at which the 34868
prescriber can be reached in an emergency; 34869

(h) Special instructions for administration of the drug, 34870
including sterile conditions and storage. 34871

(3) The parent, guardian, or other person having care or 34872
charge of the student agrees to submit a revised statement signed 34873

by the prescriber to the board or a person designated by the board 34874
if any of the information provided by the prescriber pursuant to 34875
division (C)(2) of this section changes. 34876

(4) The person authorized by the board to administer the drug 34877
receives a copy of the statement required by division (C)(2) or 34878
(3) of this section. 34879

(5) The drug is received by the person authorized to 34880
administer the drug to the student for whom the drug is prescribed 34881
in the container in which it was dispensed by the prescriber or a 34882
licensed pharmacist. 34883

(6) Any other procedures required by the board are followed. 34884

(D) If a drug is administered to a student, the board of 34885
education shall acquire and retain copies of the written requests 34886
required by division (C)(1) and the statements required by 34887
divisions (C)(2) and (3) of this section and shall ensure that by 34888
the next school day following the receipt of any such statement a 34889
copy is given to the person authorized to administer drugs to the 34890
student for whom the statement has been received. The board, or a 34891
person designated by the board, shall establish a location in each 34892
school building for the storage of drugs to be administered under 34893
this section and federal law. All such drugs shall be stored in 34894
that location in a locked storage place, except that drugs that 34895
require refrigeration may be kept in a refrigerator in a place not 34896
commonly used by students. 34897

(E) No person who has been authorized by a board of education 34898
to administer a drug and has a copy of the most recent statement 34899
required by division (C)(2) or (3) of this section given to the 34900
person in accordance with division (D) of this section prior to 34901
administering the drug is liable in civil damages for 34902
administering or failing to administer the drug, unless such 34903
person acts in a manner that constitutes gross negligence or 34904

wanton or reckless misconduct. 34905

(F) A board of education may designate a person or persons to 34906
perform any function or functions in connection with a drug policy 34907
adopted under this section either by name or by position, 34908
training, qualifications, or similar distinguishing factors. 34909

(G) A policy adopted by a board of education pursuant to this 34910
section may be changed, modified, or revised by action of the 34911
board. 34912

(H) Nothing in this section shall be construed to require a 34913
person employed by a board of education to administer a drug to a 34914
student unless the board's policy adopted in compliance with this 34915
section establishes such a requirement. A board shall not require 34916
an employee to administer a drug to a student if the employee 34917
objects, on the basis of religious convictions, to administering 34918
the drug. 34919

Nothing in this section affects the application of section 34920
2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, or 3313.7113 of 34921
the Revised Code to the administration of emergency care or 34922
treatment to a student. 34923

Nothing in this section affects the ability of a public or 34924
nonpublic school to participate in a school-based fluoride mouth 34925
rinse program established by the director of health pursuant to 34926
section 3701.136 of the Revised Code. Nothing in this section 34927
affects the ability of a person who is employed by, or who 34928
volunteers for, a school that participates in such a program to 34929
administer fluoride mouth rinse to a student in accordance with 34930
section 3701.136 of the Revised Code and any rules adopted by the 34931
director under that section. 34932

(I) Nothing in this section shall be construed to require a 34933
school district to obtain written authorization or instructions 34934
from a health care provider to apply nonprescription topical 34935

ointments designed to prevent sunburn. Furthermore, nothing in 34936
this section shall be construed to prohibit a student to possess 34937
and self-apply nonprescription topical ointment designed to 34938
prevent sunburn while on school property or at a school-sponsored 34939
event without written authorization or instructions from a 34940
healthcare provider. The policy adopted by a school district 34941
pursuant to this section shall not require written authorization 34942
from a health care provider, but may require parental 34943
authorization, for the possession or application of such 34944
sunscreen. A designated person employed by the board of education 34945
of a school district shall apply sunscreen to a student in 34946
accordance with the school district's policy upon request. 34947

Sec. 3313.717. (A) As used in this section, "automated 34948
external defibrillator" means a specialized defibrillator that is 34949
approved for use as a medical device by the United States food and 34950
drug administration for performing automated external 34951
defibrillation, as defined in section 2305.235 of the Revised 34952
Code. 34953

(B)(1) The board of education of each school district may 34954
require the placement of an automated external defibrillator in 34955
each school under the control of the board. Not later than July 1, 34956
2018, pursuant to section 3313.6023 of the Revised Code, all 34957
persons employed by a school district shall receive training in 34958
the use of an automated external defibrillator in accordance with 34959
that section, except for substitutes, adult education instructors 34960
who are scheduled to work the full-time equivalent of less than 34961
one hundred twenty days per school year, or persons who are 34962
employed on an as-needed, seasonal, or intermittent basis. 34963

(2) The administrative authority of each chartered nonpublic 34964
school may require the placement of an automated external 34965
defibrillator in each school under the control of the authority. 34966

If an authority requires the placement of an automated external 34967
defibrillator as provided in this section, the authority also 34968
shall require that a sufficient number of the staff persons 34969
assigned to each school under the control of the authority 34970
successfully complete an appropriate training course in the use of 34971
an automated external defibrillator as described in section 34972
3701.85 of the Revised Code. 34973

(C) In regard to the use of an automated external 34974
defibrillator that is placed in a school as specified in this 34975
section, and except in the case of willful or wanton misconduct or 34976
when there is no good faith attempt to activate an emergency 34977
medical services system in accordance with section 3701.85 of the 34978
Revised Code, no person shall be held liable in civil damages for 34979
injury, death, or loss to person or property, or held criminally 34980
liable, for performing automated external defibrillation in good 34981
faith, regardless of whether the person has obtained appropriate 34982
training on how to perform automated external defibrillation or 34983
successfully completed a course in cardiopulmonary resuscitation. 34984

Sec. 3313.751. (A) As used in this section: 34985

(1) "School district" means a city, local, exempted village, 34986
or joint vocational school district. 34987

(2) "Smoke" means to burn any substance containing tobacco, 34988
including a lighted cigarette, cigar, or pipe, or to burn a clove 34989
cigarette. 34990

(3) "Use tobacco" means to chew or maintain any substance 34991
containing tobacco, including smokeless tobacco, in the mouth to 34992
derive the effects of tobacco. 34993

(B) No pupil shall smoke or use tobacco or possess any 34994
substance containing tobacco in any area under the control of a 34995
school district or an educational service center or at any 34996

activity supervised by any school operated by a school district or 34997
an educational service center. 34998

(C) No pupil shall use or possess any substance containing 34999
betel nut in any area under the control of a school district or an 35000
educational service center or at any activity supervised by any 35001
school operated by a school district or an educational service 35002
center. 35003

(D) The board of education of each school district and the 35004
governing board of each educational service center shall adopt a 35005
policy providing for the enforcement of ~~division~~ divisions (B) and 35006
(C) of this section and establishing disciplinary measures for a 35007
violation of ~~division~~ divisions (B) and (C) of this section. 35008

Sec. 3313.813. (A) As used in this section: 35009

(1) "Outdoor education center" means a public or nonprofit 35010
private entity that provides to pupils enrolled in any public or 35011
chartered nonpublic elementary or secondary school an outdoor 35012
educational curriculum that the school considers to be part of its 35013
educational program. 35014

(2) "Outside-school-hours care center" has the meaning 35015
established in 7 C.F.R. 226.2. 35016

(B) The state board of education shall establish standards 35017
for a school lunch program, school breakfast program, child and 35018
adult care food program, special food service program for 35019
children, summer food service program for children, special milk 35020
program for children, food service equipment assistance program, 35021
and commodity distribution program established under the "National 35022
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 35023
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 35024
U.S.C. 1771, as amended. Any board of education of a school 35025
district, nonprofit private school, outdoor education center, 35026

child care institution, outside-school-hours care center, or 35027
summer camp desiring to participate in such a program or required 35028
to participate under this section shall, if eligible to 35029
participate under the "National School Lunch Act," as amended, or 35030
the "Child Nutrition Act of 1966," as amended, make application to 35031
the state board of education for assistance. The board shall 35032
administer the allocation and distribution of all state and 35033
federal funds for these programs. 35034

(C) The state board of education shall require the board of 35035
education of each school district to establish and maintain a 35036
school breakfast, lunch, and summer food service program pursuant 35037
to the "National School Lunch Act" and the "Child Nutrition Act of 35038
1966," as described in divisions (C)(1) to (4) of this section. 35039

(1) The state board shall require the board of education in 35040
each school district to establish a breakfast program in every 35041
school where at least one-fifth of the pupils in the school are 35042
eligible under federal requirements for free breakfasts and to 35043
establish a lunch program in every school where at least one-fifth 35044
of the pupils are eligible for free lunches. The board of 35045
education required to establish a breakfast program under this 35046
division may make a charge in accordance with federal requirements 35047
for each reduced price breakfast or paid breakfast to cover the 35048
cost incurred in providing that meal. 35049

(2) The state board shall require the board of education in 35050
each school district to establish a breakfast program in every 35051
school in which the parents of at least one-half of the children 35052
enrolled in the school have requested that the breakfast program 35053
be established. The board of education required to establish a 35054
program under this division may make a charge in accordance with 35055
federal requirements for each meal to cover all or part of the 35056
costs incurred in establishing such a program. 35057

(3) The state board shall require the board of education in 35058

each school district to establish one of the following for summer 35059
intervention services described in division (D) of section 35060
3301.0711 or provided under section 3313.608 of the Revised Code, 35061
and any other summer intervention program required by law: 35062

(a) An extension of the school breakfast program pursuant to 35063
the "National School Lunch Act" and the "Child Nutrition Act of 35064
1966"; 35065

(b) An extension of the school lunch program pursuant to 35066
those acts; 35067

(c) A summer food service program pursuant to those acts. 35068

(4)(a) If the board of education of a school district 35069
determines that, for financial reasons, it cannot comply with 35070
division (C)(1) or (3) of this section, the district board may 35071
choose not to comply with either or both divisions, except as 35072
provided in ~~division~~ divisions (C)(4)(b) and (c) of this section. 35073
The district board publicly shall communicate to the residents of 35074
the district, in the manner it determines appropriate, its 35075
decision not to comply. 35076

(b) If a district board chooses not to comply with division 35077
(C)(1) of this section, the state board nevertheless shall require 35078
the district board to establish a breakfast program in every 35079
school where at least one-third of the pupils in the school are 35080
eligible under federal requirements for free breakfasts and to 35081
establish a lunch program in every school where at least one-third 35082
of the pupils are eligible for free lunches. The district board 35083
may make a charge in accordance with federal requirements for each 35084
reduced price breakfast or paid breakfast to cover the cost 35085
incurred in providing that meal. 35086

(c) If the board of education of a school district chooses 35087
not to comply with division (C)(3) of this section, the state 35088
board nevertheless shall require the district board to permit an 35089

approved summer food service program sponsor to use school facilities located in a school building attendance area where at least one-half of the pupils are eligible for free lunches.

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The department of education shall post in a prominent location on the department's web site a list of approved summer food service program sponsors that may use school facilities under this division.

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Subject to the provisions of sections 3313.75 and 3313.77 of the Revised Code, a school district may charge the summer food service program sponsor a reasonable fee for the use of school facilities that may include the actual cost of custodial services, charges for the use of school equipment, and a prorated share of the utility costs as determined by the district board. A school district shall require the summer food service program sponsor to indemnify and hold harmless the district from any potential liability resulting from the operation of the summer food service program under this division. For this purpose, the district shall either add the summer food service program sponsor, as an additional insured party, to the district's existing liability insurance policy or require the summer food service program sponsor to submit evidence of a separate liability insurance policy, for an amount approved by the district board. The summer food service program sponsor shall be responsible for any costs incurred in obtaining coverage under either option.

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(d) If a school district cannot for good cause comply with the requirements of division (C)(2) or (4)(b) or (c) of this section at the time the state board determines that a district is subject to these requirements, the state board shall grant a reasonable extension of time. Good cause for an extension of time shall include, but need not be limited to, economic impossibility of compliance with the requirements at the time the state board determines that a district is subject to them.

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(D)(1) The state board shall accept the application of any outdoor education center in the state making application for participation in a program pursuant to division (B) of this section.

(2) For purposes of participation in any program pursuant to this section, the board shall certify any outdoor education center making application as an educational unit that is part of the educational system of the state, if the center:

(a) Meets the definition of an outdoor education center;

(b) Provides its outdoor education curriculum to pupils on an overnight basis so that pupils are in residence at the center for more than twenty-four consecutive hours;

(c) Operates under public or nonprofit private ownership in a single building or complex of buildings.

(3) The board shall approve any outdoor education center certified under this division for participation in the program for which the center is making application on the same basis as any other applicant for that program.

(E) Any school district board of education or chartered nonpublic school that participates in a breakfast program pursuant to this section may offer breakfast to pupils in their classrooms during the school day.

(F) Notwithstanding anything in this section to the contrary, in each fiscal year in which the general assembly appropriates funds for purposes of this division, the board of education of each school district and each chartered nonpublic school that participates in a breakfast program pursuant to this section shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast.

Sec. 3313.821. The superintendent of public instruction, in

consultation with the governor's executive workforce board, shall 35152
establish standards for the operation of business advisory 35153
councils established by the board of education of a school 35154
district or the governing board of an educational service center 35155
under section 3313.82 of the Revised Code. The standards adopted 35156
by the state superintendent shall include at least the following 35157
requirements: 35158

(A) Each advisory council and the board of education or 35159
governing board that established it shall develop a plan by which 35160
the advisory council shall advise the board of at least those 35161
matters specified by the board pursuant to section 3313.82 of the 35162
Revised Code. 35163

(B) Each plan developed pursuant to division (A) of this 35164
section shall be filed with the department of education. 35165

(C) Each business advisory council shall meet with its school 35166
board at least quarterly. 35167

(D) Each business advisory council and its school board shall 35168
file a joint statement, not later than the first day of March of 35169
each school year, describing how the school district or service 35170
center and its business advisory council has fulfilled their 35171
responsibilities pursuant to this section and section 3313.82 of 35172
the Revised Code. 35173

Sec. 3313.89. Beginning with the 2014-2015 school year, each 35174
public high school shall publish or provide, not later than the 35175
first day of April of each year, in its newsletter, high school 35176
planning guide, regular publication provided to parents and 35177
students, or in a prominent location on the school web site, 35178
information regarding the online education and career planning 35179
tool developed under section 6301.15 of the Revised Code. The 35180
information shall include the internet web site address for the 35181

planning tool and a link to that web site. The information also 35182
shall include a link to the OhioMeansJobs web site. 35183

As used in this section, "OhioMeansJobs web site" has the 35184
same meaning as in section 6301.01 of the Revised Code. 35185

Sec. 3313.902. (A) As used in this section: 35186

(1) "Approved industry credential or certificate" means a 35187
credential or certificate that is approved by the chancellor of 35188
higher education. 35189

(2) "Approved institution" means an eligible institution that 35190
has been approved to participate in the adult diploma pilot 35191
program under this section. 35192

(3) "Approved program of study" means a program of study 35193
offered by an approved institution that satisfies the requirements 35194
of division (B) of this section. 35195

(4) An eligible student's "career pathway training program 35196
amount" means the following: 35197

(a) If the student is enrolled in a tier one career pathway 35198
training program, \$4,800; 35199

(b) If the student is enrolled in a tier two career pathway 35200
training program, \$3,200; 35201

(c) If the student is enrolled in a tier three career pathway 35202
training program, \$1,600. 35203

(5) "Eligible institution" means any of the following: 35204

(a) A community college established under Chapter 3354. of 35205
the Revised Code; 35206

(b) A technical college established under Chapter 3357. of 35207
the Revised Code; 35208

(c) A state community college established under Chapter 3358. 35209

of the Revised Code;	35210
(d) An Ohio technical center recognized by the chancellor	35211
that provides post-secondary workforce education.	35212
(6) "Eligible student" means an individual who is at least	35213
twenty-two years of age and has not received a high school diploma	35214
or a certificate of high school equivalence, as defined in section	35215
4109.06 of the Revised Code.	35216
(7) A "tier one career pathway training program" is a career	35217
pathway training program that requires more than six hundred hours	35218
of technical training, as determined by the department of	35219
education.	35220
(8) A "tier two career pathway training program" is a career	35221
pathway training program that requires more than three hundred	35222
hours of technical training but less than six hundred hours of	35223
technical training, as determined by the department.	35224
(9) A "tier three career pathway training program" is a	35225
career pathway training program that requires three hundred hours	35226
or less of technical training, as determined by the department.	35227
(10) An eligible student's "work readiness training amount"	35228
means the following:	35229
(a) If the student's grade level upon initial enrollment in	35230
an approved program of study at an approved institution is below	35231
the ninth grade, as determined in accordance with rules adopted	35232
under division (E) of this section, \$1,500.	35233
(b) If the student's grade level upon initial enrollment in	35234
an approved program of study at an approved institution is at or	35235
above the ninth grade, as determined in accordance with rules	35236
adopted under division (E) of this section, \$750.	35237
(B) The adult diploma pilot program is hereby established to	35238
permit an eligible institution to obtain approval from the	35239

superintendent of public instruction and the chancellor to develop 35240
and offer a program of study that allows an eligible student to 35241
obtain a high school diploma. A program shall be eligible for this 35242
approval if it satisfies all of the following requirements: 35243

(1) The program allows an eligible student to complete the 35244
requirements for obtaining a high school diploma that are 35245
specified in rules adopted by the superintendent under division 35246
(E) of this section while also completing requirements for an 35247
approved industry credential or certificate. 35248

(2) The program includes career advising and outreach. 35249

(3) The program includes opportunities for students to 35250
receive a competency-based education. 35251

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 35252
3313.614, 3313.618, and ~~3313.319~~ 3313.619 of the Revised Code, the 35253
state board of education shall grant a high school diploma to each 35254
eligible student who enrolls in an approved program of study at an 35255
approved institution and completes the requirements for obtaining 35256
a high school diploma that are specified in rules adopted by the 35257
superintendent under division (E) of this section. 35258

(D)(1) The department shall calculate the following amount 35259
for each eligible student enrolled in each approved institution's 35260
approved program of study: 35261

(The student's career pathway training program amount + the 35262
student's work readiness training amount) X 1.2 35263

(2) ~~The~~ Except as provided in division (D)(4) of this 35264
section, the department shall pay the amount calculated for an 35265
eligible student under division (D)(1) of this section to the 35266
approved institution in which the student is enrolled in the 35267
following manner: 35268

(a) Twenty-five per cent of the amount calculated under 35269
division (D)(1) of this section shall be paid to the approved 35270

institution after the student successfully completes the first 35271
third of the approved program of study, as determined by the 35272
department; 35273

(b) Twenty-five per cent of the amount calculated under 35274
division (D)(1) of this section shall be paid to the approved 35275
institution after the student successfully completes the second 35276
third of the approved program of study, as determined by the 35277
department; 35278

(c) Fifty per cent of the amount calculated under division 35279
(D)(1) of this section shall be paid to the approved institution 35280
after the student successfully completes the final third of the 35281
approved program of study, as determined by the department. 35282

(3) Of the amount paid to an approved institution under 35283
division (D)(2) of this section, the institution may use the 35284
amount that is in addition to the student's career pathway 35285
training amount and the student's work readiness training amount 35286
for the associated services of the approved program of study. 35287
These services include counseling, advising, assessment, and other 35288
services as determined or required by the department. 35289

(4) If the superintendent and the chancellor determine that 35290
is it appropriate for an entity other than the department to make 35291
full or partial payments for an eligible student under division 35292
(D)(2) of this section, that entity shall make those payments and 35293
the department shall not make those payments. 35294

(E) The superintendent, in consultation with the chancellor, 35295
shall adopt rules for the implementation of the adult diploma 35296
pilot program, including all of the following: 35297

(1) The requirements for applying for program approval; 35298

(2) The requirements for obtaining a high school diploma 35299
through the program, including the requirement to obtain a passing 35300
score on an assessment that is appropriate for the career pathway 35301

training program that is being completed by the eligible student, 35302
and the date on which these requirements take effect; 35303

(3) The assessment or assessments that may be used to 35304
complete the assessment requirement for each career pathway 35305
training program under division (E)(2) of this section and the 35306
score that must be obtained on each assessment in order to pass 35307
the assessment; 35308

(4) Guidelines regarding the funding of the program under 35309
division (D) of this section, including a method of funding for 35310
students who transfer from one approved institution to another 35311
approved institution prior to completing an approved program of 35312
study; 35313

(5) Circumstances under which an eligible student may be 35314
charged for tuition, supplies, or associated fees while enrolled 35315
in an approved institution's approved program of study; 35316

(6) A requirement that an eligible student may not be charged 35317
for tuition, supplies, or associated fees while enrolled in an 35318
approved institution's approved program of study except in the 35319
circumstances described under division (E)(5) of this section; 35320

(7) The payment of federal funds that are to be used by 35321
approved programs of study at approved institutions. 35322

Sec. 3313.904. The department of education and the department 35323
of job and family services, in consultation with the governor's 35324
office of workforce transformation, shall establish an option for 35325
career-technical education students to participate in 35326
pre-apprenticeship training programs that impart the skills and 35327
knowledge needed for successful participation in a registered 35328
apprenticeship occupation course. 35329

Sec. 3314.016. This section applies to any entity that 35330
sponsors a community school, regardless of whether section 35331

3314.021 or 3314.027 of the Revised Code exempts the entity from 35332
the requirement to be approved for sponsorship under divisions 35333
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 35334
office of Ohio school sponsorship established under section 35335
3314.029 of the Revised Code shall be rated under division (B) of 35336
this section, but divisions (A) and (C) of this section do not 35337
apply to the office. 35338

(A) An entity that sponsors a community school shall be 35339
permitted to enter into contracts under section 3314.03 of the 35340
Revised Code to sponsor additional community schools only if the 35341
entity meets all of the following criteria: 35342

(1) The entity is in compliance with all provisions of this 35343
chapter requiring sponsors of community schools to report data or 35344
information to the department of education. 35345

(2) The entity is not rated as "ineffective" under division 35346
(B)(6) of this section. 35347

(3) Except as set forth in sections 3314.021 and 3314.027 of 35348
the Revised Code, the entity has received approval from and 35349
entered into an agreement with the department of education 35350
pursuant to section 3314.015 of the Revised Code. 35351

(B)(1) Beginning with the 2015-2016 school year, the 35352
department shall develop and implement an evaluation system that 35353
annually rates and assigns an overall rating to each entity that 35354
sponsors a community school. That evaluation system shall be 35355
developed and posted on the department's web site by the fifteenth 35356
day of July of each school year. Any changes to the evaluation 35357
system after that date shall take effect the following year. The 35358
evaluation system shall be based on the following components: 35359

(a) Academic performance of students enrolled in community 35360
schools sponsored by the same entity. The academic performance 35361

component shall be derived from the performance measures 35362
prescribed for the state report cards under section 3302.03 or 35363
3314.017 of the Revised Code, and shall be based on the 35364
performance of the schools for the school year for which the 35365
evaluation is conducted. In addition to the academic performance 35366
for a specific school year, the academic performance component 35367
shall also include year-to-year changes in the overall sponsor 35368
portfolio. For a community school for which no graded performance 35369
measures are applicable or available, the department shall use 35370
nonreport card performance measures specified in the contract 35371
between the community school and the sponsor under division (A)(4) 35372
of section 3314.03 of the Revised Code. 35373

If the department uses a component prescribed under division 35374
(C)(3) of section 3302.03 of the Revised Code to calculate the 35375
academic performance component specified under division (B)(1)(a) 35376
of this section, the department shall weight the progress 35377
component specified under division (C)(3)(c) of section 3302.03 of 35378
the Revised Code at sixty per cent of the total score for the 35379
academic performance component under this section. 35380

(b) Adherence by a sponsor to the quality practices 35381
prescribed by the department under division (B)(3) of this 35382
section. For a sponsor that was rated "effective" or "exemplary" 35383
on its most recent rating, the department may evaluate that 35384
sponsor's adherence to quality practices once over a period of 35385
three years. If the department elects to evaluate a sponsor once 35386
over a period of three years, the most recent rating for a 35387
sponsor's adherence to quality practices shall be used when 35388
determining an annual overall rating conducted under this section. 35389

(c) Compliance with all applicable laws and administrative 35390
rules by an entity that sponsors a community school. 35391

(2) In calculating an academic performance component, the 35392
department shall exclude all community schools that have been in 35393

operation for not more than two full school years and all 35394
community schools described in division (A)(4)(b) of section 35395
3314.35 of the Revised Code. However, the academic performance of 35396
the community schools described in division (A)(4)(b) of section 35397
3314.35 of the Revised Code shall be reported, but shall not be 35398
used as a factor when determining a sponsoring entity's rating 35399
under this section. 35400

(3) The department, in consultation with entities that 35401
sponsor community schools, shall prescribe quality practices for 35402
community school sponsors and develop an instrument to measure 35403
adherence to those quality practices. The quality practices shall 35404
be based on standards developed by the national association of 35405
charter school authorizers or any other nationally organized 35406
community school organization. 35407

(4)(a) The department may permit peer review of a sponsor's 35408
adherence to the quality practices prescribed under division 35409
(B)(3) of this section. Peer reviewers shall be limited to 35410
individuals employed by sponsors rated "effective" or "exemplary" 35411
on the most recent ratings conducted under this section. 35412

(b) The department shall require individuals participating in 35413
peer review under division (B)(4)(a) of this section to complete 35414
training approved or established by the department. 35415

(c) The department may enter into an agreement with another 35416
entity to provide training to individuals conducting peer review 35417
of sponsors. Prior to entering into an agreement with an entity, 35418
the department shall review and approve of the entity's training 35419
program. 35420

(5) Not later than July 1, 2013, the state board of education 35421
shall adopt rules in accordance with Chapter 119. of the Revised 35422
Code prescribing standards for measuring compliance with 35423
applicable laws and rules under division (B)(1)(c) of this 35424

section. 35425

(6) The department annually shall rate all entities that 35426
sponsor community schools as either "exemplary," "effective," 35427
"ineffective," or "poor," based on the components prescribed by 35428
division (B) of this section, where each component is weighted 35429
equally. A separate rating shall be given by the department for 35430
each component of the evaluation system. 35431

The department shall publish the ratings between the first 35432
day of October and the fifteenth day of October. 35433

The department shall provide training on an annual basis 35434
regarding the evaluation system prescribed under this section. The 35435
training shall, at a minimum, describe methodology, timelines, and 35436
data required for the evaluation system. The first training 35437
session shall occur not later than ~~thirty days after the effective~~ 35438
~~date of this section~~ March 2, 2016. Beginning in 2018, the 35439
training shall be made available to each entity that sponsors a 35440
community school by the fifteenth day of July of each year and 35441
shall include guidance on any changes made to the evaluation 35442
system. 35443

If the department uses a points system to determine component 35444
ratings and overall ratings under this section, the department 35445
shall not assign an automatic overall rating to an entity based 35446
solely on the entity receiving an equivalent score of zero points 35447
on one or more of the individual components prescribed in division 35448
(B)(1)(b) or (c) of this section. An overall rating shall be the 35449
cumulative score of the individual components prescribed under 35450
this section unless the entity receives a score of zero on the 35451
academic performance component prescribed in division (B)(1)(a) of 35452
this section. 35453

(7)(a) Entities with an overall rating of "exemplary" for at 35454
least two consecutive years may take advantage of the following 35455

incentives:	35456
(i) Renewal of the written agreement with the department, not to exceed ten years, provided that the entity consents to continued evaluation of adherence to quality practices as described in division (B)(1)(b) of this section;	35457 35458 35459 35460
(ii) The ability to extend the term of the contract between the sponsoring entity and the community school beyond the term described in the written agreement with the department;	35461 35462 35463
(iii) An exemption from the preliminary agreement and contract adoption and execution deadline requirements prescribed in division (D) of section 3314.02 of the Revised Code;	35464 35465 35466
(iv) An exemption from the automatic contract expiration requirement, should a new community school fail to open by the thirtieth day of September of the calendar year in which the community school contract is executed;	35467 35468 35469 35470
(v) No limit on the number of community schools the entity may sponsor;	35471 35472
(vi) No territorial restrictions on sponsorship.	35473
An entity may continue to sponsor any community schools with which it entered into agreements under division (B)(7)(a)(v) or (vi) of this section while rated "exemplary," notwithstanding the fact that the entity later receives a lower overall rating.	35474 35475 35476 35477
(b)(i) Entities that receive an overall rating of "ineffective" shall be prohibited from sponsoring any new or additional community schools during the time in which the sponsor is rated as "ineffective" and shall be subject to a quality improvement plan based on correcting the deficiencies that led to the "ineffective" rating, with timelines and benchmarks that have been established by the department.	35478 35479 35480 35481 35482 35483 35484
(ii) Entities that receive an overall rating of "ineffective"	35485

on their three most recent ratings shall have all sponsorship 35486
authority revoked. Within thirty days after receiving its third 35487
rating of "ineffective," the entity may appeal the revocation of 35488
its sponsorship authority to the superintendent of public 35489
instruction, who shall appoint an independent hearing officer to 35490
conduct a hearing in accordance with Chapter 119. of the Revised 35491
Code. The hearing shall be conducted within thirty days after 35492
receipt of the notice of appeal. Within forty-five days after the 35493
hearing is completed, the state board of education shall determine 35494
whether the revocation is appropriate based on the hearing 35495
conducted by the independent hearing officer, and if determined 35496
appropriate, the revocation shall be confirmed. 35497

(c) Entities that receive an overall rating of "poor" shall 35498
have all sponsorship authority revoked. Within thirty days after 35499
receiving a rating of "poor," the entity may appeal the revocation 35500
of its sponsorship authority to the superintendent of public 35501
instruction, who shall appoint an independent hearing officer to 35502
conduct a hearing in accordance with Chapter 119. of the Revised 35503
Code. The hearing shall be conducted within thirty days after 35504
receipt of the notice of appeal. Within forty-five days after the 35505
hearing is completed, the state board of education shall determine 35506
whether the revocation is appropriate based on the hearing 35507
conducted by the independent hearing officer, and if determined 35508
appropriate, the revocation shall be confirmed. 35509

(8) For the 2014-2015 school year and each school year 35510
thereafter, student academic performance prescribed under division 35511
(B)(1)(a) of this section shall include student academic 35512
performance data from community schools that primarily serve 35513
students enrolled in a dropout prevention and recovery program. 35514

(C) If the governing authority of a community school enters 35515
into a contract with a sponsor prior to the date on which the 35516
sponsor is prohibited from sponsoring additional schools under 35517

division (A) of this section and the school has not opened for 35518
operation as of that date, that contract shall be void and the 35519
school shall not open until the governing authority secures a new 35520
sponsor by entering into a contract with the new sponsor under 35521
section 3314.03 of the Revised Code. However, the department's 35522
office of Ohio school sponsorship, established under section 35523
3314.029 of the Revised Code, may assume the sponsorship of the 35524
school until the earlier of the expiration of two school years or 35525
until a new sponsor is secured by the school's governing 35526
authority. A community school sponsored by the department under 35527
this division shall not be included when calculating the maximum 35528
number of directly authorized community schools permitted under 35529
division (A)(3) of section 3314.029 of the Revised Code. 35530

(D) When an entity's authority to sponsor schools is revoked 35531
pursuant to division (B)(7)(b) or (c) of this section, the office 35532
of Ohio school sponsorship shall assume sponsorship of any schools 35533
with which the original sponsor has contracted for the remainder 35534
of that school year. The office may continue sponsoring those 35535
schools until the earlier of: 35536

(1) The expiration of two school years from the time that 35537
sponsorship is revoked; 35538

(2) When a new sponsor is secured by the governing authority 35539
pursuant to division (C)(1) of section 3314.02 of the Revised 35540
Code. 35541

Any community school sponsored under this division shall not 35542
be counted for purposes of directly authorized community schools 35543
under division (A)(3) of section 3314.029 of the Revised Code. 35544

Sec. 3314.03. A copy of every contract entered into under 35545
this section shall be filed with the superintendent of public 35546
instruction. The department of education shall make available on 35547
its web site a copy of every approved, executed contract filed 35548

with the superintendent under this section. 35549

(A) Each contract entered into between a sponsor and the 35550
governing authority of a community school shall specify the 35551
following: 35552

(1) That the school shall be established as either of the 35553
following: 35554

(a) A nonprofit corporation established under Chapter 1702. 35555
of the Revised Code, if established prior to April 8, 2003; 35556

(b) A public benefit corporation established under Chapter 35557
1702. of the Revised Code, if established after April 8, 2003. 35558

(2) The education program of the school, including the 35559
school's mission, the characteristics of the students the school 35560
is expected to attract, the ages and grades of students, and the 35561
focus of the curriculum; 35562

(3) The academic goals to be achieved and the method of 35563
measurement that will be used to determine progress toward those 35564
goals, which shall include the statewide achievement assessments; 35565

(4) Performance standards, including but not limited to all 35566
applicable report card measures set forth in section 3302.03 or 35567
3314.017 of the Revised Code, by which the success of the school 35568
will be evaluated by the sponsor; 35569

(5) The admission standards of section 3314.06 of the Revised 35570
Code and, if applicable, section 3314.061 of the Revised Code; 35571

(6)(a) Dismissal procedures; 35572

(b) A requirement that the governing authority adopt an 35573
attendance policy that includes a procedure for automatically 35574
withdrawing a student from the school if the student without a 35575
legitimate excuse fails to participate in one hundred five 35576
consecutive hours of the learning opportunities offered to the 35577

student. 35578

(7) The ways by which the school will achieve racial and 35579
ethnic balance reflective of the community it serves; 35580

(8) Requirements for financial audits by the auditor of 35581
state. The contract shall require financial records of the school 35582
to be maintained in the same manner as are financial records of 35583
school districts, pursuant to rules of the auditor of state. 35584
Audits shall be conducted in accordance with section 117.10 of the 35585
Revised Code. 35586

(9) An addendum to the contract outlining the facilities to 35587
be used that contains at least the following information: 35588

(a) A detailed description of each facility used for 35589
instructional purposes; 35590

(b) The annual costs associated with leasing each facility 35591
that are paid by or on behalf of the school; 35592

(c) The annual mortgage principal and interest payments that 35593
are paid by the school; 35594

(d) The name of the lender or landlord, identified as such, 35595
and the lender's or landlord's relationship to the operator, if 35596
any. 35597

(10) Qualifications of teachers, including a requirement that 35598
the school's classroom teachers be licensed in accordance with 35599
sections 3319.22 to 3319.31 of the Revised Code, except that a 35600
community school may engage noncertificated persons to teach up to 35601
twelve hours per week pursuant to section 3319.301 of the Revised 35602
Code. 35603

(11) That the school will comply with the following 35604
requirements: 35605

(a) The school will provide learning opportunities to a 35606
minimum of twenty-five students for a minimum of nine hundred 35607

twenty hours per school year. 35608

(b) The governing authority will purchase liability 35609
insurance, or otherwise provide for the potential liability of the 35610
school. 35611

(c) The school will be nonsectarian in its programs, 35612
admission policies, employment practices, and all other 35613
operations, and will not be operated by a sectarian school or 35614
religious institution. 35615

(d) The school will comply with sections 9.90, 9.91, 109.65, 35616
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 35617
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 35618
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 35619
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 35620
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 35621
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 35622
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 35623
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 35624
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 35625
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 35626
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 35627
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 35628
as if it were a school district and will comply with section 35629
3301.0714 of the Revised Code in the manner specified in section 35630
3314.17 of the Revised Code. 35631

(e) The school shall comply with Chapter 102. and section 35632
2921.42 of the Revised Code. 35633

(f) The school will comply with sections 3313.61, 3313.611, 35634
and 3313.614 of the Revised Code, except that for students who 35635
enter ninth grade for the first time before July 1, 2010, the 35636
requirement in sections 3313.61 and 3313.611 of the Revised Code 35637
that a person must successfully complete the curriculum in any 35638

high school prior to receiving a high school diploma may be met by 35639
completing the curriculum adopted by the governing authority of 35640
the community school rather than the curriculum specified in Title 35641
XXXIII of the Revised Code or any rules of the state board of 35642
education. Beginning with students who enter ninth grade for the 35643
first time on or after July 1, 2010, the requirement in sections 35644
3313.61 and 3313.611 of the Revised Code that a person must 35645
successfully complete the curriculum of a high school prior to 35646
receiving a high school diploma shall be met by completing the 35647
requirements prescribed in division (C) of section 3313.603 of the 35648
Revised Code, unless the person qualifies under division (D) or 35649
(F) of that section. Each school shall comply with the plan for 35650
awarding high school credit based on demonstration of subject area 35651
competency, and beginning with the 2017-2018 school year, with the 35652
updated plan that permits students enrolled in seventh and eighth 35653
grade to meet curriculum requirements based on subject area 35654
competency adopted by the state board of education under divisions 35655
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 35656
with the 2018-2019 school year, the school shall comply with the 35657
framework for granting units of high school credit to students who 35658
demonstrate subject area competency through work-based learning 35659
experiences, internships, or cooperative education developed by 35660
the department under division (J)(3) of section 3313.603 of the 35661
Revised Code. 35662

(g) The school governing authority will submit within four 35663
months after the end of each school year a report of its 35664
activities and progress in meeting the goals and standards of 35665
divisions (A)(3) and (4) of this section and its financial status 35666
to the sponsor and the parents of all students enrolled in the 35667
school. 35668

(h) The school, unless it is an internet- or computer-based 35669
community school, will comply with section 3313.801 of the Revised 35670

Code as if it were a school district. 35671

(i) If the school is the recipient of moneys from a grant 35672
awarded under the federal race to the top program, Division (A), 35673
Title XIV, Sections 14005 and 14006 of the "American Recovery and 35674
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 35675
school will pay teachers based upon performance in accordance with 35676
section 3317.141 and will comply with section 3319.111 of the 35677
Revised Code as if it were a school district. 35678

(j) If the school operates a preschool program that is 35679
licensed by the department of education under sections 3301.52 to 35680
3301.59 of the Revised Code, the school shall comply with sections 35681
3301.50 to 3301.59 of the Revised Code and the minimum standards 35682
for preschool programs prescribed in rules adopted by the state 35683
board under section 3301.53 of the Revised Code. 35684

(k) The school will comply with sections 3313.6021 and 35685
3313.6023 of the Revised Code as if it were a school district 35686
unless it is either of the following: 35687

(i) An internet- or computer-based community school; 35688

(ii) A community school in which a majority of the enrolled 35689
students are children with disabilities as described in division 35690
(A)(4)(b) of section 3314.35 of the Revised Code. 35691

(12) Arrangements for providing health and other benefits to 35692
employees; 35693

(13) The length of the contract, which shall begin at the 35694
beginning of an academic year. No contract shall exceed five years 35695
unless such contract has been renewed pursuant to division (E) of 35696
this section. 35697

(14) The governing authority of the school, which shall be 35698
responsible for carrying out the provisions of the contract; 35699

(15) A financial plan detailing an estimated school budget 35700

for each year of the period of the contract and specifying the 35701
total estimated per pupil expenditure amount for each such year. 35702

(16) Requirements and procedures regarding the disposition of 35703
employees of the school in the event the contract is terminated or 35704
not renewed pursuant to section 3314.07 of the Revised Code; 35705

(17) Whether the school is to be created by converting all or 35706
part of an existing public school or educational service center 35707
building or is to be a new start-up school, and if it is a 35708
converted public school or service center building, specification 35709
of any duties or responsibilities of an employer that the board of 35710
education or service center governing board that operated the 35711
school or building before conversion is delegating to the 35712
governing authority of the community school with respect to all or 35713
any specified group of employees provided the delegation is not 35714
prohibited by a collective bargaining agreement applicable to such 35715
employees; 35716

(18) Provisions establishing procedures for resolving 35717
disputes or differences of opinion between the sponsor and the 35718
governing authority of the community school; 35719

(19) A provision requiring the governing authority to adopt a 35720
policy regarding the admission of students who reside outside the 35721
district in which the school is located. That policy shall comply 35722
with the admissions procedures specified in sections 3314.06 and 35723
3314.061 of the Revised Code and, at the sole discretion of the 35724
authority, shall do one of the following: 35725

(a) Prohibit the enrollment of students who reside outside 35726
the district in which the school is located; 35727

(b) Permit the enrollment of students who reside in districts 35728
adjacent to the district in which the school is located; 35729

(c) Permit the enrollment of students who reside in any other 35730
district in the state. 35731

(20) A provision recognizing the authority of the department 35732
of education to take over the sponsorship of the school in 35733
accordance with the provisions of division (C) of section 3314.015 35734
of the Revised Code; 35735

(21) A provision recognizing the sponsor's authority to 35736
assume the operation of a school under the conditions specified in 35737
division (B) of section 3314.073 of the Revised Code; 35738

(22) A provision recognizing both of the following: 35739

(a) The authority of public health and safety officials to 35740
inspect the facilities of the school and to order the facilities 35741
closed if those officials find that the facilities are not in 35742
compliance with health and safety laws and regulations; 35743

(b) The authority of the department of education as the 35744
community school oversight body to suspend the operation of the 35745
school under section 3314.072 of the Revised Code if the 35746
department has evidence of conditions or violations of law at the 35747
school that pose an imminent danger to the health and safety of 35748
the school's students and employees and the sponsor refuses to 35749
take such action. 35750

(23) A description of the learning opportunities that will be 35751
offered to students including both classroom-based and 35752
non-classroom-based learning opportunities that is in compliance 35753
with criteria for student participation established by the 35754
department under division (H)(2) of section 3314.08 of the Revised 35755
Code; 35756

(24) The school will comply with sections 3302.04 and 35757
3302.041 of the Revised Code, except that any action required to 35758
be taken by a school district pursuant to those sections shall be 35759
taken by the sponsor of the school. However, the sponsor shall not 35760
be required to take any action described in division (F) of 35761
section 3302.04 of the Revised Code. 35762

(25) Beginning in the 2006-2007 school year, the school will 35763
open for operation not later than the thirtieth day of September 35764
each school year, unless the mission of the school as specified 35765
under division (A)(2) of this section is solely to serve dropouts. 35766
In its initial year of operation, if the school fails to open by 35767
the thirtieth day of September, or within one year after the 35768
adoption of the contract pursuant to division (D) of section 35769
3314.02 of the Revised Code if the mission of the school is solely 35770
to serve dropouts, the contract shall be void. 35771

(26) Whether the school's governing authority is planning to 35772
seek designation for the school as a STEM school equivalent under 35773
section 3326.032 of the Revised Code; 35774

(27) That the school's attendance and participation policies 35775
will be available for public inspection; 35776

(28) That the school's attendance and participation records 35777
shall be made available to the department of education, auditor of 35778
state, and school's sponsor to the extent permitted under and in 35779
accordance with the "Family Educational Rights and Privacy Act of 35780
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 35781
regulations promulgated under that act, and section 3319.321 of 35782
the Revised Code; 35783

(29) If a school operates using the blended learning model, 35784
as defined in section 3301.079 of the Revised Code, all of the 35785
following information: 35786

(a) An indication of what blended learning model or models 35787
will be used; 35788

(b) A description of how student instructional needs will be 35789
determined and documented; 35790

(c) The method to be used for determining competency, 35791
granting credit, and promoting students to a higher grade level; 35792

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	35793 35794
(e) A statement describing how student progress will be monitored;	35795 35796
(f) A statement describing how private student data will be protected;	35797 35798
(g) A description of the professional development activities that will be offered to teachers.	35799 35800
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	35801 35802 35803 35804
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	35805 35806 35807 35808
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	35809 35810 35811
(1) The process by which the governing authority of the school will be selected in the future;	35812 35813
(2) The management and administration of the school;	35814
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	35815 35816 35817 35818 35819
(4) The instructional program and educational philosophy of the school;	35820 35821
(5) Internal financial controls.	35822

When submitting the plan under this division, the school 35823
shall also submit copies of all policies and procedures regarding 35824
internal financial controls adopted by the governing authority of 35825
the school. 35826

(C) A contract entered into under section 3314.02 of the 35827
Revised Code between a sponsor and the governing authority of a 35828
community school may provide for the community school governing 35829
authority to make payments to the sponsor, which is hereby 35830
authorized to receive such payments as set forth in the contract 35831
between the governing authority and the sponsor. The total amount 35832
of such payments for monitoring, oversight, and technical 35833
assistance of the school shall not exceed three per cent of the 35834
total amount of payments for operating expenses that the school 35835
receives from the state. 35836

(D) The contract shall specify the duties of the sponsor 35837
which shall be in accordance with the written agreement entered 35838
into with the department of education under division (B) of 35839
section 3314.015 of the Revised Code and shall include the 35840
following: 35841

(1) Monitor the community school's compliance with all laws 35842
applicable to the school and with the terms of the contract; 35843

(2) Monitor and evaluate the academic and fiscal performance 35844
and the organization and operation of the community school on at 35845
least an annual basis; 35846

(3) Report on an annual basis the results of the evaluation 35847
conducted under division (D)(2) of this section to the department 35848
of education and to the parents of students enrolled in the 35849
community school; 35850

(4) Provide technical assistance to the community school in 35851
complying with laws applicable to the school and terms of the 35852
contract; 35853

(5) Take steps to intervene in the school's operation to 35854
correct problems in the school's overall performance, declare the 35855
school to be on probationary status pursuant to section 3314.073 35856
of the Revised Code, suspend the operation of the school pursuant 35857
to section 3314.072 of the Revised Code, or terminate the contract 35858
of the school pursuant to section 3314.07 of the Revised Code as 35859
determined necessary by the sponsor; 35860

(6) Have in place a plan of action to be undertaken in the 35861
event the community school experiences financial difficulties or 35862
closes prior to the end of a school year. 35863

(E) Upon the expiration of a contract entered into under this 35864
section, the sponsor of a community school may, with the approval 35865
of the governing authority of the school, renew that contract for 35866
a period of time determined by the sponsor, but not ending earlier 35867
than the end of any school year, if the sponsor finds that the 35868
school's compliance with applicable laws and terms of the contract 35869
and the school's progress in meeting the academic goals prescribed 35870
in the contract have been satisfactory. Any contract that is 35871
renewed under this division remains subject to the provisions of 35872
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 35873

(F) If a community school fails to open for operation within 35874
one year after the contract entered into under this section is 35875
adopted pursuant to division (D) of section 3314.02 of the Revised 35876
Code or permanently closes prior to the expiration of the 35877
contract, the contract shall be void and the school shall not 35878
enter into a contract with any other sponsor. A school shall not 35879
be considered permanently closed because the operations of the 35880
school have been suspended pursuant to section 3314.072 of the 35881
Revised Code. 35882

Sec. 3314.08. (A) As used in this section: 35883

(1)(a) "Category one career-technical education student" 35884

means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.

(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.

(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.

(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.

(2)(a) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code.

(b) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code.

(c) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code.

(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.

(b) "Category two special education student" means a student who is receiving special education services for a disability

specified in division (B) of section 3317.013 of the Revised Code. 35915

(c) "Category three special education student" means a 35916
student who is receiving special education services for a 35917
disability specified in division (C) of section 3317.013 of the 35918
Revised Code. 35919

(d) "Category four special education student" means a student 35920
who is receiving special education services for a disability 35921
specified in division (D) of section 3317.013 of the Revised Code. 35922

(e) "Category five special education student" means a student 35923
who is receiving special education services for a disability 35924
specified in division (E) of section 3317.013 of the Revised Code. 35925

(f) "Category six special education student" means a student 35926
who is receiving special education services for a disability 35927
specified in division (F) of section 3317.013 of the Revised Code. 35928

(4) "Formula amount" has the same meaning as in section 35929
3317.02 of the Revised Code. 35930

(5) "IEP" has the same meaning as in section 3323.01 of the 35931
Revised Code. 35932

(6) "Resident district" means the school district in which a 35933
student is entitled to attend school under section 3313.64 or 35934
3313.65 of the Revised Code. 35935

(7) "State education aid" has the same meaning as in section 35936
5751.20 of the Revised Code. 35937

(B) The state board of education shall adopt rules requiring 35938
both of the following: 35939

(1) The board of education of each city, exempted village, 35940
and local school district to annually report the number of 35941
students entitled to attend school in the district who are 35942
enrolled in each grade kindergarten through twelve in a community 35943
school established under this chapter, and for each child, the 35944

community school in which the child is enrolled.	35945
(2) The governing authority of each community school established under this chapter to annually report all of the following:	35946 35947 35948
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	35949 35950 35951 35952
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	35953 35954 35955 35956
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	35957 35958 35959 35960
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	35961 35962 35963 35964 35965
(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	35966 35967 35968 35969 35970 35971 35972 35973
(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited	35974 35975

English proficient students described in each of divisions (A) to 35976
(C) of section 3317.016 of the Revised Code; 35977

(g) The number of students reported under divisions (B)(2)(a) 35978
and (b) of this section who are economically disadvantaged, as 35979
defined by the department. A student shall not be categorically 35980
excluded from the number reported under division (B)(2)(g) of this 35981
section based on anything other than family income. 35982

(h) For each student, the city, exempted village, or local 35983
school district in which the student is entitled to attend school 35984
under section 3313.64 or 3313.65 of the Revised Code. 35985

(i) The number of students enrolled in a preschool program 35986
operated by the school that is licensed by the department of 35987
education under sections 3301.52 to 3301.59 of the Revised Code 35988
who are not receiving special education and related services 35989
pursuant to an IEP. 35990

A school district board and a community school governing 35991
authority shall include in their respective reports under division 35992
(B) of this section any child admitted in accordance with division 35993
(A)(2) of section 3321.01 of the Revised Code. 35994

A governing authority of a community school shall not include 35995
in its report under divisions (B)(2)(a) to (h) of this section any 35996
student for whom tuition is charged under division (F) of this 35997
section. 35998

(C)(1) Except as provided in division (C)(2) of this section, 35999
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 36000
section, on a full-time equivalency basis, for each student 36001
enrolled in a community school established under this chapter, the 36002
department of education annually shall deduct from the state 36003
education aid of a student's resident district and, if necessary, 36004
from the payment made to the district under sections 321.24 and 36005
323.156 of the Revised Code and pay to the community school the 36006

sum of the following:	36007
(a) An opportunity grant in an amount equal to the formula amount;	36008 36009
(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;	36010 36011 36012 36013
(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	36014 36015 36016
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	36017 36018 36019
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	36020 36021 36022
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	36023 36024 36025
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	36026 36027 36028
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	36029 36030 36031
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	36032 36033 36034
(d) If the student is in kindergarten through third grade, an additional amount of \$305, in fiscal year 2016, and \$320, in	36035 36036

fiscal year 2017;	36037
(e) If the student is economically disadvantaged, an additional amount equal to the following:	36038 36039
\$272 X the resident district's economically disadvantaged index	36040 36041
(f) Limited English proficiency funds as follows:	36042
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	36043 36044 36045
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	36046 36047 36048
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	36049 36050 36051
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	36052 36053
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	36054 36055 36056
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	36057 36058 36059
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	36060 36061 36062
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	36063 36064 36065

(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 36066
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Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code. 36069
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(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section. 36073
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No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section. 36079
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(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 36082
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(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services 36094
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provided to the student in accordance with the student's 36097
individualized education program. Any legal fees, court costs, or 36098
other costs associated with any cause of action relating to the 36099
student may not be included in the amount. 36100

(4) In any fiscal year, a community school receiving funds 36101
under division (C)(1)(g) of this section shall spend those funds 36102
only for the purposes that the department designates as approved 36103
for career-technical education expenses. Career-technical 36104
education expenses approved by the department shall include only 36105
expenses connected to the delivery of career-technical programming 36106
to career-technical students. The department shall require the 36107
school to report data annually so that the department may monitor 36108
the school's compliance with the requirements regarding the manner 36109
in which funding received under division (C)(1)(g) of this section 36110
may be spent. 36111

(5) Notwithstanding anything to the contrary in section 36112
3313.90 of the Revised Code, except as provided in division (C)(9) 36113
of this section, all funds received under division (C)(1)(g) of 36114
this section shall be spent in the following manner: 36115

(a) At least seventy-five per cent of the funds shall be 36116
spent on curriculum development, purchase, and implementation; 36117
instructional resources and supplies; industry-based program 36118
certification; student assessment, credentialing, and placement; 36119
curriculum specific equipment purchases and leases; 36120
career-technical student organization fees and expenses; home and 36121
agency linkages; work-based learning experiences; professional 36122
development; and other costs directly associated with 36123
career-technical education programs including development of new 36124
programs. 36125

(b) Not more than twenty-five per cent of the funds shall be 36126
used for personnel expenditures. 36127

(6) A community school shall spend the funds it receives 36128
under division (C)(1)(e) of this section in accordance with 36129
section 3317.25 of the Revised Code. 36130

(7) If the sum of the payments computed under divisions 36131
(C)(1) and (8)(a) of this section for the students entitled to 36132
attend school in a particular school district under sections 36133
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 36134
district's state education aid and its payment under sections 36135
321.24 and 323.156 of the Revised Code, the department shall 36136
calculate and apply a proration factor to the payments to all 36137
community schools under that division for the students entitled to 36138
attend school in that district. 36139

(8)(a) Subject to division (C)(7) of this section, the 36140
department annually shall pay to each community school, including 36141
each internet- or computer-based community school, an amount equal 36142
to the following: 36143

(The number of students reported by the community school 36144
under division (B)(2)(e) of this section X the formula amount X 36145
.20) 36146

(b) For each payment made to a community school under 36147
division (C)(8)(a) of this section, the department shall deduct 36148
from the state education aid of each city, local, and exempted 36149
village school district and, if necessary, from the payment made 36150
to the district under sections 321.24 and 323.156 of the Revised 36151
Code an amount equal to the following: 36152

(The number of the district's students reported by the 36153
community school under division (B)(2)(e) of this section X the 36154
formula amount X .20) 36155

(9) The department may waive the requirement in division 36156
(C)(5) of this section for any community school that exclusively 36157
provides one or more career-technical workforce development 36158

programs in arts and communications that are not 36159
equipment-intensive, as determined by the department. 36160

(D) A board of education sponsoring a community school may 36161
utilize local funds to make enhancement grants to the school or 36162
may agree, either as part of the contract or separately, to 36163
provide any specific services to the community school at no cost 36164
to the school. 36165

(E) A community school may not levy taxes or issue bonds 36166
secured by tax revenues. 36167

(F) No community school shall charge tuition for the 36168
enrollment of any student who is a resident of this state. A 36169
community school may charge tuition for the enrollment of any 36170
student who is not a resident of this state. 36171

(G)(1)(a) A community school may borrow money to pay any 36172
necessary and actual expenses of the school in anticipation of the 36173
receipt of any portion of the payments to be received by the 36174
school pursuant to division (C) of this section. The school may 36175
issue notes to evidence such borrowing. The proceeds of the notes 36176
shall be used only for the purposes for which the anticipated 36177
receipts may be lawfully expended by the school. 36178

(b) A school may also borrow money for a term not to exceed 36179
fifteen years for the purpose of acquiring facilities. 36180

(2) Except for any amount guaranteed under section 3318.50 of 36181
the Revised Code, the state is not liable for debt incurred by the 36182
governing authority of a community school. 36183

(H) The department of education shall adjust the amounts 36184
subtracted and paid under division (C) of this section to reflect 36185
any enrollment of students in community schools for less than the 36186
equivalent of a full school year. The state board of education 36187
within ninety days after April 8, 2003, shall adopt in accordance 36188
with Chapter 119. of the Revised Code rules governing the payments 36189

to community schools under this section including initial payments 36190
in a school year and adjustments and reductions made in subsequent 36191
periodic payments to community schools and corresponding 36192
deductions from school district accounts as provided under 36193
division (C) of this section. For purposes of this section: 36194

(1) A student shall be considered enrolled in the community 36195
school for any portion of the school year the student is 36196
participating at a college under Chapter 3365. of the Revised 36197
Code. 36198

(2) A student shall be considered to be enrolled in a 36199
community school for the period of time beginning on the later of 36200
the date on which the school both has received documentation of 36201
the student's enrollment from a parent and the student has 36202
commenced participation in learning opportunities as defined in 36203
the contract with the sponsor, or thirty days prior to the date on 36204
which the student is entered into the education management 36205
information system established under section 3301.0714 of the 36206
Revised Code. For purposes of applying this division and divisions 36207
(H)(3) and (4) of this section to a community school student, 36208
"learning opportunities" shall be defined in the contract, which 36209
shall describe both classroom-based and non-classroom-based 36210
learning opportunities and shall be in compliance with criteria 36211
and documentation requirements for student participation which 36212
shall be established by the department. Any student's instruction 36213
time in non-classroom-based learning opportunities shall be 36214
certified by an employee of the community school. A student's 36215
enrollment shall be considered to cease on the date on which any 36216
of the following occur: 36217

(a) The community school receives documentation from a parent 36218
terminating enrollment of the student. 36219

(b) The community school is provided documentation of a 36220
student's enrollment in another public or private school. 36221

(c) The community school ceases to offer learning 36222
opportunities to the student pursuant to the terms of the contract 36223
with the sponsor or the operation of any provision of this 36224
chapter. 36225

Except as otherwise specified in this paragraph, beginning in 36226
the 2011-2012 school year, any student who completed the prior 36227
school year in an internet- or computer-based community school 36228
shall be considered to be enrolled in the same school in the 36229
subsequent school year until the student's enrollment has ceased 36230
as specified in division (H)(2) of this section. The department 36231
shall continue subtracting and paying amounts for the student 36232
under division (C) of this section without interruption at the 36233
start of the subsequent school year. However, if the student 36234
without a legitimate excuse fails to participate in the first one 36235
hundred five consecutive hours of learning opportunities offered 36236
to the student in that subsequent school year, the student shall 36237
be considered not to have re-enrolled in the school for that 36238
school year and the department shall recalculate the payments to 36239
the school for that school year to account for the fact that the 36240
student is not enrolled. 36241

(3) The department shall determine each community school 36242
student's percentage of full-time equivalency based on the 36243
percentage of learning opportunities offered by the community 36244
school to that student, reported either as number of hours or 36245
number of days, is of the total learning opportunities offered by 36246
the community school to a student who attends for the school's 36247
entire school year. However, no internet- or computer-based 36248
community school shall be credited for any time a student spends 36249
participating in learning opportunities beyond ten hours within 36250
any period of twenty-four consecutive hours. Whether it reports 36251
hours or days of learning opportunities, each community school 36252
shall offer not less than nine hundred twenty hours of learning 36253

opportunities during the school year. 36254

(4) With respect to the calculation of full-time equivalency 36255
under division (H)(3) of this section, the department shall waive 36256
the number of hours or days of learning opportunities not offered 36257
to a student because the community school was closed during the 36258
school year due to disease epidemic, hazardous weather conditions, 36259
law enforcement emergencies, inoperability of school buses or 36260
other equipment necessary to the school's operation, damage to a 36261
school building, or other temporary circumstances due to utility 36262
failure rendering the school building unfit for school use, so 36263
long as the school was actually open for instruction with students 36264
in attendance during that school year for not less than the 36265
minimum number of hours required by this chapter. The department 36266
shall treat the school as if it were open for instruction with 36267
students in attendance during the hours or days waived under this 36268
division. 36269

(I) The department of education shall reduce the amounts paid 36270
under this section to reflect payments made to colleges under 36271
section 3365.07 of the Revised Code. 36272

(J)(1) No student shall be considered enrolled in any 36273
internet- or computer-based community school or, if applicable to 36274
the student, in any community school that is required to provide 36275
the student with a computer pursuant to division (C) of section 36276
3314.22 of the Revised Code, unless both of the following 36277
conditions are satisfied: 36278

(a) The student possesses or has been provided with all 36279
required hardware and software materials and all such materials 36280
are operational so that the student is capable of fully 36281
participating in the learning opportunities specified in the 36282
contract between the school and the school's sponsor as required 36283
by division (A)(23) of section 3314.03 of the Revised Code; 36284

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student. 36285
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(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor. 36287
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The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section. 36297
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The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools. 36301
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(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons: 36305
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(a) The department and the community school mutually agree to the extension. 36312
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(b) Delays in data submission caused by either a community school or its sponsor. 36314
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(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school

during the previous school year when assessments were administered 36346
under section 3301.0711 of the Revised Code but did not take one 36347
or more of the assessments required by that section and was not 36348
excused pursuant to division (C)(1) or (3) of that section, unless 36349
the superintendent of public instruction grants the student a 36350
waiver from the requirement to take the assessment and a parent is 36351
not paying tuition for the student pursuant to section 3314.26 of 36352
the Revised Code. The superintendent may grant a waiver only for 36353
good cause in accordance with rules adopted by the state board of 36354
education. 36355

(4) Any student who has attained the age of twenty-two years, 36356
except for veterans of the armed services whose attendance was 36357
interrupted before completing the recognized twelve-year course of 36358
the public schools by reason of induction or enlistment in the 36359
armed forces and who apply for enrollment in a community school 36360
not later than four years after termination of war or their 36361
honorable discharge. If, however, any such veteran elects to 36362
enroll in special courses organized for veterans for whom tuition 36363
is paid under federal law, or otherwise, the department shall not 36364
subtract from a school district's state aid account and shall not 36365
pay to a community school under division (C) of this section any 36366
amount for that veteran. 36367

Sec. 3314.26. (A) Each internet- or computer-based community 36368
school shall withdraw from the school any student who, for two 36369
consecutive school years of enrollment in the school, has failed 36370
to participate in the spring administration of any assessment 36371
prescribed under section 3301.0710 or 3301.0712 of the Revised 36372
Code for the student's grade level and was not excused from the 36373
assessment pursuant to division (C)(1) or (3) of section 3301.0711 36374
of the Revised Code, regardless of whether a waiver was granted 36375
for the student under division (L)(3) of section 3314.08 of the 36376
Revised Code. The school shall report any such student's data 36377

verification code, as assigned pursuant to section 3301.0714 of 36378
the Revised Code, to the department of education. The department 36379
shall maintain a list of all data verification codes reported 36380
under this division and section 3313.6410 of the Revised Code and 36381
provide that list to each internet- or computer-based community 36382
school and to each school to which section 3313.6410 of the 36383
Revised Code applies. 36384

(B) No internet- or computer-based community school shall 36385
receive any state funds under this chapter for any enrolled 36386
student whose data verification code appears on the list 36387
maintained by the department under division (A) of this section. 36388

Notwithstanding any provision of the Revised Code to the 36389
contrary, the parent of any such student shall pay tuition to the 36390
internet- or computer-based community school in an amount equal to 36391
the state funds the school otherwise would receive for that 36392
student, as determined by the department. An internet- or 36393
computer-based community school may withdraw any student for whom 36394
the parent does not pay tuition as required by this division. 36395

Sec. 3314.29. (A) This section applies to any internet- or 36396
computer-based community school that meets all of the following 36397
conditions: 36398

(1) Serves all of grades kindergarten through twelve; 36399

(2) Has an enrollment of at least two thousand students; 36400

(3) Has a sponsor that was not rated ineffective or poor on 36401
its most recent evaluation under section 3314.016 of the Revised 36402
Code. 36403

(B) Beginning with the 2018-2019 school year, the governing 36404
authority of a community school to which this section applies may 36405
adopt a resolution to divide the school into two or three separate 36406
schools as follows: 36407

(1) If the school is divided into two schools, one school shall serve grades kindergarten through eight and one school shall serve grades nine through twelve. 36408
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(2) If the school is divided into three schools, one school shall serve grades kindergarten through five, one school shall serve grades six through eight, and one school shall serve grades nine through twelve. 36411
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(C) The resolution adopted by the governing authority shall not be effective unless approved by the school's sponsor. Following approval of the resolution by the sponsor, and by the fifteenth day of March prior to the school year in which it will take effect, the governing authority shall file the resolution with the department of education. The division of the schools shall be effective on the first day of July succeeding the date the resolution is filed with the department. 36415
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(D) All of the following shall apply to each new school created as a result of the resolution authorized by this section and to the school that is divided as a result of the resolution: 36423
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(1) Each school shall have the same governing authority. 36426

(2) The sponsor and governing authority shall enter into a separate contract under section 3314.03 of the Revised Code for each school. 36427
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(3) No school shall primarily serve students enrolled in a dropout prevention and recovery program operated by the school. 36430
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(4) No school shall be permitted to divide again under this section. 36432
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(5) Notwithstanding anything to the contrary in division (B)(2) of section 3314.016 of the Revised Code, each school shall be included in the calculation of the academic performance component for purposes of rating the schools' sponsor under the 36434
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evaluation system prescribed by that section. 36438

(6) Each school shall be subject to the laws contained in Chapter 3314. of the Revised Code, except as otherwise specified in this section. 36439
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(E) The department shall issue a report card under section 3314.012 of the Revised Code for each new school created as a result of the resolution authorized by this section and for the school that is divided as a result of the resolution. For purposes of the report cards and other reporting requirements under this chapter, the department shall assign the school that serves the highest grades the same internal retrieval number previously used by the school that is divided under this section. The department shall assign a new internal retrieval number to each other school resulting from the division. 36442
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Notwithstanding division (B) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on report card ratings or measures. 36452
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Sec. 3316.20. (A)(1) The school district solvency assistance fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be used to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that they are unable to pay from existing resources. 36458
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(2) There is hereby created within the fund an account known as the school district shared resource account, which shall consist of money appropriated to it by the general assembly. The money in the account shall be used solely for solvency assistance 36465
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to school districts that have been declared under division (B) of 36469
section 3316.03 of the Revised Code to be in a state of fiscal 36470
emergency. 36471

(3) There is hereby created within the fund an account known 36472
as the catastrophic expenditures account, which shall consist of 36473
money appropriated to the account by the general assembly plus all 36474
investment earnings of the fund. Money in the account shall be 36475
used solely for the following: 36476

(a) Solvency assistance to school districts that have been 36477
declared under division (B) of section 3316.03 of the Revised Code 36478
to be in a state of fiscal emergency, in the event that all money 36479
in the shared resource account is utilized for solvency 36480
assistance; 36481

(b) Grants to school districts under division (C) of this 36482
section. 36483

(B) Solvency assistance payments under division (A)(2) or 36484
(3)(a) of this section shall be made from the fund by the 36485
superintendent of public instruction in accordance with rules 36486
adopted by the director of budget and management, after consulting 36487
with the superintendent, specifying approval criteria and 36488
procedures necessary for administering the fund. 36489

The fund shall be reimbursed for any solvency assistance 36490
amounts paid under division (A)(2) or (3)(a) of this section not 36491
later than the end of the second fiscal year following the fiscal 36492
year in which the solvency assistance payment was made, except 36493
that, upon the approval of the director of budget and management 36494
and the superintendent of public instruction, the fund may be 36495
reimbursed in another fiscal year designated by the director and 36496
superintendent that is not later than the end of the tenth fiscal 36497
year following the fiscal year in which the solvency assistance 36498
payment was made. If not made directly by the school district, 36499

such reimbursement shall be made by the director of budget and management from the amounts the school district would otherwise receive pursuant to Chapter 3317. of the Revised Code, or from any other funds appropriated for the district by the general assembly. Reimbursements shall be credited to the respective account from which the solvency assistance paid to the district was deducted.

(C) The superintendent of public instruction may make recommendations, and the controlling board may grant money from the catastrophic expenditures account to any school district that suffers an unforeseen catastrophic event that severely depletes the district's financial resources. The superintendent shall make recommendations for the grants in accordance with rules adopted by the director of budget and management, after consulting with the superintendent. A school district shall not be required to repay any grant awarded to the district under this division, unless the district receives money from this state or a third party, including an agency of the government of the United States, specifically for the purpose of compensating the district for revenue lost or expenses incurred as a result of the unforeseen catastrophic event. If a school district receives a grant from the catastrophic expenditures account on the basis of the same circumstances for which an adjustment or recomputation is authorized under section 3317.025, ~~3317.026~~, ~~3317.027~~, 3317.028, 3317.0210, or 3317.0211 of the Revised Code, the department of education shall reduce the adjustment or recomputation by an amount not to exceed the total amount of the grant, and an amount equal to the reduction shall be transferred, from the funding source from which the adjustment or recomputation would be paid, to the catastrophic expenditures account. Any adjustment or recomputation under such sections that is in excess of the total amount of the grant shall be paid to the school district.

Sec. 3317.01. As used in this section, "school district,"

unless otherwise specified, means any city, local, exempted 36532
village, joint vocational, or cooperative education school 36533
district and any educational service center. 36534

This chapter shall be administered by the state board of 36535
education. The superintendent of public instruction shall 36536
calculate the amounts payable to each school district and shall 36537
certify the amounts payable to each eligible district to the 36538
treasurer of the district as provided by this chapter. As soon as 36539
possible after such amounts are calculated, the superintendent 36540
shall certify to the treasurer of each school district the 36541
district's adjusted charge-off increase, as defined in section 36542
5705.211 of the Revised Code. Certification of moneys pursuant to 36543
this section shall include the amounts payable to each school 36544
building, at a frequency determined by the superintendent, for 36545
each subgroup of students, as defined in section 3317.40 of the 36546
Revised Code, receiving services, provided for by state funding, 36547
from the district or school. No moneys shall be distributed 36548
pursuant to this chapter without the approval of the controlling 36549
board. 36550

The state board of education shall, in accordance with 36551
appropriations made by the general assembly, meet the financial 36552
obligations of this chapter. 36553

Moneys distributed to school districts pursuant to this 36554
chapter shall be calculated based on the annual enrollment 36555
calculated from the three reports required under sections 3317.03 36556
and 3317.036 of the Revised Code and paid on a fiscal year basis, 36557
beginning with the first day of July and extending through the 36558
thirtieth day of June. In any given fiscal year, prior to school 36559
districts submitting the first report required under section 36560
3317.03 of the Revised Code, enrollment for the districts shall be 36561
calculated based on the third report submitted by the districts 36562

for the previous fiscal year. The moneys appropriated for each 36563
fiscal year shall be distributed periodically to each school 36564
district unless otherwise provided for. The state board, in June 36565
of each year, shall submit to the controlling board the state 36566
board's year-end distributions pursuant to this chapter. 36567

Except as otherwise provided, payments under this chapter 36568
shall be made only to those school districts in which: 36569

(A) The school district, except for any educational service 36570
center and any joint vocational or cooperative education school 36571
district, levies for current operating expenses at least twenty 36572
mills. Levies for joint vocational or cooperative education school 36573
districts or county school financing districts, limited to or to 36574
the extent apportioned to current expenses, shall be included in 36575
this qualification requirement. School district income tax levies 36576
under Chapter 5748. of the Revised Code, limited to or to the 36577
extent apportioned to current operating expenses, shall be 36578
included in this qualification requirement to the extent 36579
determined by the tax commissioner under division ~~(D)~~(C) of 36580
section 3317.021 of the Revised Code. 36581

(B) The school year next preceding the fiscal year for which 36582
such payments are authorized meets the requirement of section 36583
3313.48 of the Revised Code, with regard to the minimum number of 36584
hours school must be open for instruction with pupils in 36585
attendance, for individualized parent-teacher conference and 36586
reporting periods, and for professional meetings of teachers. 36587

A school district shall not be considered to have failed to 36588
comply with this division because schools were open for 36589
instruction but either twelfth grade students were excused from 36590
attendance for up to the equivalent of three school days or only a 36591
portion of the kindergarten students were in attendance for up to 36592
the equivalent of three school days in order to allow for the 36593
gradual orientation to school of such students. 36594

A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the distribution of funds authorized by this chapter, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only.

Sec. 3317.013. The amounts for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, are as follows:

(A) An amount of ~~\$1,547, in fiscal year 2016, or \$1,578, in fiscal year 2017,~~ for each student whose primary or only identified disability is a speech and language disability, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) An amount of ~~\$3,926, in fiscal year 2016, or \$4,005, in fiscal year 2017,~~ for each student identified as specific learning disabled or developmentally disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code, identified as having an other health impairment-minor, or identified as a preschool child who is developmentally delayed;

(C) An amount of ~~\$9,433, in fiscal year 2016, or \$9,622, in fiscal year 2017,~~ for each student identified as hearing disabled or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) An amount of ~~\$12,589, in fiscal year 2016, or \$12,841, in fiscal year 2017,~~ for each student identified as vision impaired, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major;

(E) An amount of ~~\$17,049, in fiscal year 2016, or \$17,390, in~~ 36625
~~fiscal year 2017,~~ for each student identified as orthopedically 36626
disabled or as having multiple disabilities, as these terms are 36627
defined pursuant to Chapter 3323. of the Revised Code; 36628

(F) An amount of ~~\$25,134, in fiscal year 2016, or \$25,637, in~~ 36629
~~fiscal year 2017,~~ for each student identified as autistic, having 36630
traumatic brain injuries, or as both visually and hearing 36631
impaired, as these terms are defined pursuant to Chapter 3323. of 36632
the Revised Code. 36633

Sec. 3317.014. The career-technical education additional 36634
amount per pupil for each student enrolled in career-technical 36635
education programs approved by the department of education under 36636
section 3317.161 of the Revised Code shall be as follows: 36637

(A) An amount of ~~\$4,992, in fiscal year 2016, or \$5,192, in~~ 36638
~~fiscal year 2017,~~ for each student enrolled in career-technical 36639
education workforce development programs in agricultural and 36640
environmental systems, construction technologies, engineering and 36641
science technologies, finance, health science, information 36642
technology, and manufacturing technologies, each of which shall be 36643
defined by the department in consultation with the governor's 36644
office of workforce transformation; 36645

(B) An amount of ~~\$4,732, in fiscal year 2016, or \$4,921, in~~ 36646
~~fiscal year 2017,~~ for each student enrolled in workforce 36647
development programs in business and administration, hospitality 36648
and tourism, human services, law and public safety, transportation 36649
systems, and arts and communications, each of which shall be 36650
defined by the department in consultation with the governor's 36651
office of workforce transformation; 36652

(C) An amount of ~~\$1,726, in fiscal year 2016, or \$1,795, in~~ 36653
~~fiscal year 2017,~~ for students enrolled in career-based 36654
intervention programs, which shall be defined by the department in 36655

consultation with the governor's office of workforce 36656
transformation; 36657

(D) An amount of ~~\$1,466, in fiscal year 2016, or \$1,525, in~~ 36658
~~fiscal year 2017,~~ for students enrolled in workforce development 36659
programs in education and training, marketing, workforce 36660
development academics, public administration, and career 36661
development, each of which shall be defined by the department of 36662
education in consultation with the governor's office of workforce 36663
transformation; 36664

(E) An amount of ~~\$1,258, in fiscal year 2016, or \$1,308, in~~ 36665
~~fiscal year 2017,~~ for students enrolled in family and consumer 36666
science programs, which shall be defined by the department of 36667
education in consultation with the governor's office of workforce 36668
transformation. 36669

The amount for career-technical education associated 36670
services, as defined by the department, shall be ~~\$236, in fiscal~~ 36671
~~year 2016, or \$245, in fiscal year 2017.~~ 36672

Sec. 3317.017. The department of education shall compute a 36673
school district's state share index as follows: 36674

(A) Calculate the district's valuation index, which equals 36675
the following quotient: 36676

(The district's three-year average valuation / the district's 36677
total ADM) / (the statewide three-year average valuation for 36678
school districts with a total ADM greater than zero / the 36679
statewide total ADM) 36680

(B)(1) Calculate the district's median income index, which 36681
equals the following quotient: 36682

(The district's median Ohio adjusted gross income / the 36683
median of the median Ohio adjusted gross income of all districts 36684
statewide with a total ADM greater than zero) 36685

(2) Calculate the district's income index, which equals the following sum: (The district's median income index X 0.5) + [(the three-year average federal adjusted gross income of the school district's residents / the district's formula ADM for fiscal year 2017) / (the three-year average federal adjusted gross income of all districts statewide with a formula ADM for fiscal year 2017 greater than zero / the statewide formula ADM for fiscal year 2017)] X 0.5}

(C) Determine the district's wealth index as follows:

(1) If the district's income index is less than the district's valuation index and the district's median income index is less than or equal to 1.5, then the district's wealth index shall be equal to [(0.4 X the district's income index) + (0.6 X the district's valuation index)].

(2) If the district's income index does not meet both of the conditions described in division (C)(1) of this section, then the district's wealth index shall be equal to the district's valuation index.

(D) Determine the district's state share index as follows:

(1) If the district's wealth index is less than or equal to 0.35, then the district's state share index shall be equal to 0.90.

(2) If the district's wealth index is greater than 0.35 but less than or equal to 0.90, then the district's state share index shall be equal to {0.40 X [(0.90 - the district's wealth index) / 0.55]} + 0.50.

(3) If the district's wealth index is greater than 0.90 but less than 1.8, then the district's state share index shall be equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 0.05.

(4) If the district's wealth index is greater than or equal to 1.8, then the district's state share index shall be equal to 0.05.

(E)(1) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax-exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district.

(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the district's three-year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section. The department shall not, however, make any adjustments to the statewide three-year average valuation used in the calculation under division (A) of this section.

(F)(1) For purposes of division (F) of this section, an "eligible school district" is a school district that satisfies all of the following:

(a) The total taxable value of public utility personal property in the district is at least ten per cent of the district's total taxable value for tax year 2015.

(b) The total taxable value of public utility personal property in the district for tax year 2016 is at least ten per cent less than the total taxable value of public utility property in the district for tax year 2015.

(c) The total taxable value of power plants in the district

for tax year 2016 is at least ten per cent less than the total 36748
taxable value of power plants in the district for tax year 2015. 36749

(2) Notwithstanding divisions (A) to (E) of this section, the 36750
department shall compute each eligible school district's state 36751
share index as follows: 36752

(a) Calculate the district's valuation index in accordance 36753
with division (A) of this section, except that, if the district's 36754
total taxable value for tax year 2016 is less than the district's 36755
"three-year average valuation," the district's "three-year average 36756
valuation" shall be replaced in that calculation with the 36757
district's total taxable value for tax year 2016; 36758

(b) Calculate the district's median income index and income 36759
index in accordance with division (B) of this section; 36760

(c) Determine the district's wealth index in accordance with 36761
division (C) of this section using the district's valuation index, 36762
median income index, and income index as calculated under 36763
divisions (F)(2)(a) and (b) of this section; 36764

(d) Determine the district's state share index in accordance 36765
with division (D) of this section using the district's wealth 36766
index as determined under division (F)(2)(c) of this section. 36767

(G) When performing the calculations required under this 36768
section, the department shall not round to fewer than four decimal 36769
places. 36770

For purposes of these calculations for fiscal years ~~2016~~ 2018 36771
and ~~2017~~ 2019, "total ADM" means the total ADM for fiscal year 36772
~~2015~~ 2017; "median Ohio adjusted gross income" means the median 36773
Ohio adjusted gross income, as that term is defined in section 36774
5747.01 of the Revised Code, for tax year ~~2013~~ 2015; "three-year 36775
average federal adjusted gross income" means the average of the 36776
federal adjusted gross income for tax years ~~2011~~ 2013, ~~2012~~ 2014, 36777
and ~~2013~~ 2015 as reported under section 3317.021 of the Revised 36778

Code; and "tax-exempt value" means the tax-exempt value for tax 36779
year ~~2014~~ 2016. 36780

Sec. 3317.02. As used in this chapter: 36781

(A)(1) "Category one career-technical education ADM" means 36782
the enrollment of students during the school year on a full-time 36783
equivalency basis in career-technical education programs described 36784
in division (A) of section 3317.014 of the Revised Code and 36785
certified under division (B)(11) or (D)(2)(h) of section 3317.03 36786
of the Revised Code. 36787

(2) "Category two career-technical education ADM" means the 36788
enrollment of students during the school year on a full-time 36789
equivalency basis in career-technical education programs described 36790
in division (B) of section 3317.014 of the Revised Code and 36791
certified under division (B)(12) or (D)(2)(i) of section 3317.03 36792
of the Revised Code. 36793

(3) "Category three career-technical education ADM" means the 36794
enrollment of students during the school year on a full-time 36795
equivalency basis in career-technical education programs described 36796
in division (C) of section 3317.014 of the Revised Code and 36797
certified under division (B)(13) or (D)(2)(j) of section 3317.03 36798
of the Revised Code. 36799

(4) "Category four career-technical education ADM" means the 36800
enrollment of students during the school year on a full-time 36801
equivalency basis in career-technical education programs described 36802
in division (D) of section 3317.014 of the Revised Code and 36803
certified under division (B)(14) or (D)(2)(k) of section 3317.03 36804
of the Revised Code. 36805

(5) "Category five career-technical education ADM" means the 36806
enrollment of students during the school year on a full-time 36807
equivalency basis in career-technical education programs described 36808

in division (E) of section 3317.014 of the Revised Code and 36809
certified under division (B)(15) or (D)(2)(l) of section 3317.03 36810
of the Revised Code. 36811

(B)(1) "Category one limited English proficient ADM" means 36812
the full-time equivalent number of limited English proficient 36813
students described in division (A) of section 3317.016 of the 36814
Revised Code and certified under division (B)(16) or (D)(2)(m) of 36815
section 3317.03 of the Revised Code. 36816

(2) "Category two limited English proficient ADM" means the 36817
full-time equivalent number of limited English proficient students 36818
described in division (B) of section 3317.016 of the Revised Code 36819
and certified under division (B)(17) or (D)(2)(n) of section 36820
3317.03 of the Revised Code. 36821

(3) "Category three limited English proficient ADM" means the 36822
full-time equivalent number of limited English proficient students 36823
described in division (C) of section 3317.016 of the Revised Code 36824
and certified under division (B)(18) or (D)(2)(o) of section 36825
3317.03 of the Revised Code. 36826

(C)(1) "Category one special education ADM" means the 36827
full-time equivalent number of children with disabilities 36828
receiving special education services for the disability specified 36829
in division (A) of section 3317.013 of the Revised Code and 36830
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 36831
the Revised Code. 36832

(2) "Category two special education ADM" means the full-time 36833
equivalent number of children with disabilities receiving special 36834
education services for those disabilities specified in division 36835
(B) of section 3317.013 of the Revised Code and certified under 36836
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 36837
Code. 36838

(3) "Category three special education ADM" means the 36839

full-time equivalent number of students receiving special 36840
education services for those disabilities specified in division 36841
(C) of section 3317.013 of the Revised Code, and certified under 36842
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 36843
Code. 36844

(4) "Category four special education ADM" means the full-time 36845
equivalent number of students receiving special education services 36846
for those disabilities specified in division (D) of section 36847
3317.013 of the Revised Code and certified under division (B)(8) 36848
or (D)(2)(e) of section 3317.03 of the Revised Code. 36849

(5) "Category five special education ADM" means the full-time 36850
equivalent number of students receiving special education services 36851
for the disabilities specified in division (E) of section 3317.013 36852
of the Revised Code and certified under division (B)(9) or 36853
(D)(2)(f) of section 3317.03 of the Revised Code. 36854

(6) "Category six special education ADM" means the full-time 36855
equivalent number of students receiving special education services 36856
for the disabilities specified in division (F) of section 3317.013 36857
of the Revised Code and certified under division (B)(10) or 36858
(D)(2)(g) of section 3317.03 of the Revised Code. 36859

(D) "Economically disadvantaged index for a school district" 36860
means the square of the quotient of that district's percentage of 36861
students in its total ADM who are identified as economically 36862
disadvantaged as defined by the department of education, divided 36863
by the percentage of students in the statewide total ADM 36864
identified as economically disadvantaged. For purposes of this 36865
calculation: 36866

(1) For a city, local, or exempted village school district, 36867
the "statewide total ADM" equals the sum of the total ADM for all 36868
city, local, and exempted village school districts combined. 36869

(2) For a joint vocational school district, the "statewide 36870

total ADM" equals the sum of the formula ADM for all joint 36871
vocational school districts combined. 36872

(E)(1) "Formula ADM" means, for a city, local, or exempted 36873
village school district, the enrollment reported under division 36874
(A) of section 3317.03 of the Revised Code, as verified by the 36875
superintendent of public instruction and adjusted if so ordered 36876
under division (K) of that section, and as further adjusted by the 36877
department of education, as follows: 36878

(a) Count only twenty per cent of the number of joint 36879
vocational school district students counted under division (A)(3) 36880
of section 3317.03 of the Revised Code; 36881

(b) Add twenty per cent of the number of students who are 36882
entitled to attend school in the district under section 3313.64 or 36883
3313.65 of the Revised Code and are enrolled in another school 36884
district under a career-technical education compact. 36885

(2) "Formula ADM" means, for a joint vocational school 36886
district, the final number verified by the superintendent of 36887
public instruction, based on the enrollment reported and certified 36888
under division (D) of section 3317.03 of the Revised Code, as 36889
adjusted, if so ordered, under division (K) of that section. 36890

(F) "Formula amount" means ~~\$5,900~~ \$6,010, for fiscal year 36891
~~2016~~ 2018, and ~~\$6,000~~ \$6,020, for fiscal year ~~2017~~ 2019. 36892

(G) "FTE basis" means a count of students based on full-time 36893
equivalency, in accordance with rules adopted by the department of 36894
education pursuant to section 3317.03 of the Revised Code. In 36895
adopting its rules under this division, the department shall 36896
provide for counting any student in category one, two, three, 36897
four, five, or six special education ADM or in category one, two, 36898
three, four, or five career_technical education ADM in the same 36899
proportion the student is counted in formula ADM. 36900

(H) "Internet- or computer-based community school" has the 36901

same meaning as in section 3314.02 of the Revised Code. 36902

(I) "Medically fragile child" means a child to whom all of 36903
the following apply: 36904

(1) The child requires the services of a doctor of medicine 36905
or osteopathic medicine at least once a week due to the 36906
instability of the child's medical condition. 36907

(2) The child requires the services of a registered nurse on 36908
a daily basis. 36909

(3) The child is at risk of institutionalization in a 36910
hospital, skilled nursing facility, or intermediate care facility 36911
for individuals with intellectual disabilities. 36912

(J)(1) A child may be identified as having an "other health 36913
impairment-major" if the child's condition meets the definition of 36914
"other health impaired" established in rules previously adopted by 36915
the state board of education and if either of the following apply: 36916

(a) The child is identified as having a medical condition 36917
that is among those listed by the superintendent of public 36918
instruction as conditions where a substantial majority of cases 36919
fall within the definition of "medically fragile child." 36920

(b) The child is determined by the superintendent of public 36921
instruction to be a medically fragile child. A school district 36922
superintendent may petition the superintendent of public 36923
instruction for a determination that a child is a medically 36924
fragile child. 36925

(2) A child may be identified as having an "other health 36926
impairment-minor" if the child's condition meets the definition of 36927
"other health impaired" established in rules previously adopted by 36928
the state board of education but the child's condition does not 36929
meet either of the conditions specified in division ~~(K)~~(J)(1)(a) 36930
or (b) of this section. 36931

(K) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(L) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(M) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.

(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.

(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 36962
36963

(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code. 36964
36965
36966

(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 36967
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(R)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years ~~2012~~ 2014, ~~2013~~ 2015, and ~~2014~~ 2016. 36971
36972
36973

~~(2) For purposes of section 3317.018 of the Revised Code, "three-year average valuation" means the following:~~ 36974
36975

~~(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015;~~ 36976
36977

~~(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.~~ 36978
36979

~~(3) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:~~ 36980
36981
36982

(a) For fiscal year ~~2016~~ 2018, the average of total taxable value for tax years ~~2012~~ 2014, ~~2013~~ 2015, and ~~2014~~ 2016; 36983
36984

(b) For fiscal year ~~2017~~ 2019, the average of total taxable value for tax years ~~2013~~ 2015, ~~2014~~ 2016, and ~~2015~~ 2017. 36985
36986

(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section. 36987
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36990
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(T) "Total special education ADM" means the sum of categories 36992
one through six special education ADM. 36993

(U) "Total taxable value" means the sum of the amounts 36994
certified for a city, local, exempted village, or joint vocational 36995
school district under divisions (A)(1) and (2) of section 3317.021 36996
of the Revised Code. 36997

Sec. 3317.021. (A) On or before the first day of June of each 36998
year, the tax commissioner shall certify to the department of 36999
education and the office of budget and management the information 37000
described in divisions (A)(1) to (5) of this section for each 37001
city, exempted village, and local school district, and the 37002
information required by divisions (A)(1) and (2) of this section 37003
for each joint vocational school district, and it shall be used, 37004
along with the information certified under division (B) of this 37005
section, in making the computations for the district under this 37006
chapter. 37007

(1) The taxable value of real and public utility real 37008
property in the school district subject to taxation in the 37009
preceding tax year, by class and by county of location. 37010

(2) The taxable value of tangible personal property, 37011
including public utility personal property, subject to taxation by 37012
the district for the preceding tax year. 37013

(3)(a) The total property tax rate and total taxes charged 37014
and payable for the current expenses for the preceding tax year 37015
and the total property tax rate and the total taxes charged and 37016
payable to a joint vocational district for the preceding tax year 37017
that are limited to or to the extent apportioned to current 37018
expenses. 37019

(b) The portion of the amount of taxes charged and payable 37020
reported for each city, local, and exempted village school 37021

district under division (A)(3)(a) of this section attributable to 37022
a joint vocational school district. 37023

(4) The value of all real and public utility real property in 37024
the school district exempted from taxation minus both of the 37025
following: 37026

(a) The value of real and public utility real property in the 37027
district owned by the United States government and used 37028
exclusively for a public purpose; 37029

(b) The value of real and public utility real property in the 37030
district exempted from taxation under Chapter 725. or 1728. or 37031
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 37032
5709.632, 5709.73, or 5709.78 of the Revised Code. 37033

(5) The total federal adjusted gross income of the residents 37034
of the school district, based on tax returns filed by the 37035
residents of the district, for the most recent year for which this 37036
information is available, and the median Ohio adjusted gross 37037
income of the residents of the school district determined on the 37038
basis of tax returns filed for the second preceding tax year by 37039
the residents of the district. 37040

(B) On or before the first day of May each year, the tax 37041
commissioner shall certify to the department of education and the 37042
office of budget and management the total taxable real property 37043
value of railroads and, separately, the total taxable tangible 37044
personal property value of all public utilities for the preceding 37045
tax year, by school district and by county of location. 37046

~~(C) If a public utility has properly and timely filed a 37047
petition for reassessment under section 5727.47 of the Revised 37048
Code with respect to an assessment issued under section 5727.23 of 37049
the Revised Code affecting taxable property apportioned by the tax 37050
commissioner to a school district, the taxable value of public 37051
utility tangible personal property included in the certification 37052~~

~~under divisions (A)(2) and (B) of this section for the school 37053
district shall include only the amount of taxable value on the 37054
basis of which the public utility paid tax for the preceding year 37055
as provided in division (B)(1) or (2) of section 5727.47 of the 37056
Revised Code. 37057~~

~~(D)~~ If on the basis of the information certified under 37058
division (A) of this section, the department determines that any 37059
district fails in any year to meet the qualification requirement 37060
specified in division (A) of section 3317.01 of the Revised Code, 37061
the department shall immediately request the tax commissioner to 37062
determine the extent to which any school district income tax 37063
levied by the district under Chapter 5748. of the Revised Code 37064
shall be included in meeting that requirement. Within five days of 37065
receiving such a request from the department, the tax commissioner 37066
shall make the determination required by this division and report 37067
the quotient obtained under division ~~(D)~~(C)(3) of this section to 37068
the department and the office of budget and management. This 37069
quotient represents the number of mills that the department shall 37070
include in determining whether the district meets the 37071
qualification requirement of division (A) of section 3317.01 of 37072
the Revised Code. 37073

The tax commissioner shall make the determination required by 37074
this division as follows: 37075

(1) Multiply one mill times the total taxable value of the 37076
district as determined in divisions (A)(1) and (2) of this 37077
section; 37078

(2) Estimate the total amount of tax liability for the 37079
current tax year under taxes levied by Chapter 5748. of the 37080
Revised Code that are apportioned to current operating expenses of 37081
the district, excluding any income tax receipts allocated for the 37082
project cost, debt service, or maintenance set-aside associated 37083
with a state-assisted classroom facilities project as authorized 37084

by section 3318.052 of the Revised Code; 37085

(3) Divide the amount estimated under division ~~(D)~~(C)(2) of 37086
this section by the product obtained under division ~~(D)~~(C)(1) of 37087
this section. 37088

Sec. 3317.022. (A) The department of education shall compute 37089
and distribute state core foundation funding to each eligible 37090
school district for the fiscal year, using the information 37091
obtained under section 3317.021 of the Revised Code in the 37092
calendar year in which the fiscal year begins, as prescribed in 37093
the following divisions: 37094

(1) An opportunity grant calculated according to the 37095
following formula: 37096

The formula amount X (formula ADM + preschool scholarship 37097
ADM) X the district's state share index 37098

(2) Targeted assistance funds calculated under divisions (A) 37099
and (B) of section 3317.0217 of the Revised Code; 37100

(3) Additional state aid for special education and related 37101
services provided under Chapter 3323. of the Revised Code 37102
calculated as the sum of the following: 37103

(a) The district's category one special education ADM X the 37104
amount specified in division (A) of section 3317.013 of the 37105
Revised Code X the district's state share index; 37106

(b) The district's category two special education ADM X the 37107
amount specified in division (B) of section 3317.013 of the 37108
Revised Code X the district's state share index; 37109

(c) The district's category three special education ADM X the 37110
amount specified in division (C) of section 3317.013 of the 37111
Revised Code X the district's state share index; 37112

(d) The district's category four special education ADM X the 37113

amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index; (e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index; (f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index. (4) Kindergarten through third grade literacy funds calculated according to the following formula:
$$\frac{\$184, \text{ in fiscal year 2016, or } \$193, \text{ in fiscal year 2017}}{\text{formula ADM for grades kindergarten through three X the district's state share index}} + \frac{\$121, \text{ in fiscal year 2016, or } \$127, \text{ in fiscal year 2017}}{\text{formula ADM for grades kindergarten through three}}$$
 For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three. (5) Economically disadvantaged funds calculated according to the following formula:
$$\$272 \times (\text{the district's economically disadvantaged index}) \times \text{the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code}$$
 (6) Limited English proficiency funds calculated as the sum of the following: (a) The district's category one limited English proficient

ADM X the amount specified in division (A) of section 3317.016 of	37144
the Revised Code X the district's state share index;	37145
(b) The district's category two limited English proficient	37146
ADM X the amount specified in division (B) of section 3317.016 of	37147
the Revised Code X the district's state share index;	37148
(c) The district's category three limited English proficient	37149
ADM X the amount specified in division (C) of section 3317.016 of	37150
the Revised Code X the district's state share index.	37151
(7)(a) Gifted identification funds calculated according to	37152
the following formula:	37153
\$5.05 X the district's formula ADM	37154
(b) Gifted unit funding calculated under section 3317.051 of	37155
the Revised Code.	37156
(8) Career-technical education funds calculated as the sum of	37157
the following:	37158
(a) The district's category one career-technical education	37159
ADM X the amount specified in division (A) of section 3317.014 of	37160
the Revised Code X the district's state share index;	37161
(b) The district's category two career-technical education	37162
ADM X the amount specified in division (B) of section 3317.014 of	37163
the Revised Code X the district's state share index;	37164
(c) The district's category three career-technical education	37165
ADM X the amount specified in division (C) of section 3317.014 of	37166
the Revised Code X the district's state share index;	37167
(d) The district's category four career-technical education	37168
ADM X the amount specified in division (D) of section 3317.014 of	37169
the Revised Code X the district's state share index;	37170
(e) The district's category five career-technical education	37171
ADM X the amount specified in division (E) of section 3317.014 of	37172
the Revised Code X the district's state share index.	37173

Payment of funds under division (A)(8) of this section is	37174
subject to approval under section 3317.161 of the Revised Code.	37175
(9) Career-technical education associated services funds	37176
calculated according to the following formula:	37177
The district's state share index X the amount for career-technical	37178
education associated services specified in section 3317.014 of the	37179
Revised Code X the sum of categories one through five	37180
career-technical education ADM	37181
(10) Capacity aid funds calculated under section 3317.0218 of	37182
the Revised Code;	37183
(11) A graduation bonus calculated under section 3317.0215 of	37184
the Revised Code;	37185
(12) A third-grade reading bonus calculated under section	37186
3317.0216 of the Revised Code.	37187
(B) In any fiscal year, a school district shall spend for	37188
purposes that the department designates as approved for special	37189
education and related services expenses at least the amount	37190
calculated as follows:	37191
(The formula amount X the total special education ADM) + (the	37192
district's category one special education ADM X the amount	37193
specified in division (A) of section 3317.013 of the Revised Code)	37194
+ (the district's category two special education ADM X the amount	37195
specified in division (B) of section 3317.013 of the Revised Code)	37196
+ (the district's category three special education ADM X the	37197
amount specified in division (C) of section 3317.013 of the	37198
Revised Code) + (the district's category four special education	37199
ADM X the amount specified in division (D) of section 3317.013 of	37200
the Revised Code) + (the district's category five special	37201
education ADM X the amount specified in division (E) of section	37202
3317.013 of the Revised Code) + (the district's category six	37203
special education ADM X the amount specified in division (F) of	37204

section 3317.013 of the Revised Code) 37205

The purposes approved by the department for special education 37206
expenses shall include, but shall not be limited to, 37207
identification of children with disabilities, compliance with 37208
state rules governing the education of children with disabilities 37209
and prescribing the continuum of program options for children with 37210
disabilities, provision of speech language pathology services, and 37211
the portion of the school district's overall administrative and 37212
overhead costs that are attributable to the district's special 37213
education student population. 37214

The scholarships deducted from the school district's account 37215
under sections 3310.41 and 3310.55 of the Revised Code shall be 37216
considered to be an approved special education and related 37217
services expense for the purpose of the school district's 37218
compliance with this division. 37219

(C) In any fiscal year, a school district receiving funds 37220
under division (A)(8) of this section shall spend those funds only 37221
for the purposes that the department designates as approved for 37222
career-technical education expenses. Career-technical education 37223
expenses approved by the department shall include only expenses 37224
connected to the delivery of career-technical programming to 37225
career-technical students. The department shall require the school 37226
district to report data annually so that the department may 37227
monitor the district's compliance with the requirements regarding 37228
the manner in which funding received under division (A)(8) of this 37229
section may be spent. 37230

(D) In any fiscal year, a school district receiving funds 37231
under division (A)(9) of this section, or through a transfer of 37232
funds pursuant to division (I) of section 3317.023 of the Revised 37233
Code, shall spend those funds only for the purposes that the 37234
department designates as approved for career-technical education 37235
associated services expenses, which may include such purposes as 37236

apprenticeship coordinators, coordinators for other 37237
career-technical education services, career-technical evaluation, 37238
and other purposes designated by the department. The department 37239
may deny payment under division (A)(9) of this section to any 37240
district that the department determines is not operating those 37241
services or is using funds paid under division (A)(9) of this 37242
section, or through a transfer of funds pursuant to division (I) 37243
of section 3317.023 of the Revised Code, for other purposes. 37244

(E) All funds received under division (A)(8) of this section 37245
shall be spent in the following manner: 37246

(1) At least seventy-five per cent of the funds shall be 37247
spent on curriculum development, purchase, and implementation; 37248
instructional resources and supplies; industry-based program 37249
certification; student assessment, credentialing, and placement; 37250
curriculum specific equipment purchases and leases; 37251
career-technical student organization fees and expenses; home and 37252
agency linkages; work-based learning experiences; professional 37253
development; and other costs directly associated with 37254
career-technical education programs including development of new 37255
programs. 37256

(2) Not more than twenty-five per cent of the funds shall be 37257
used for personnel expenditures. 37258

(F) A school district shall spend the funds it receives under 37259
division (A)(5) of this section in accordance with section 3317.25 37260
of the Revised Code. 37261

Sec. 3317.024. The following shall be distributed monthly, 37262
quarterly, or annually as may be determined by the state board of 37263
education: 37264

(A) An amount for each island school district and each joint 37265
state school district for the operation of each high school and 37266

each elementary school maintained within such district and for 37267
capital improvements for such schools. Such amounts shall be 37268
determined on the basis of standards adopted by the state board of 37269
education. However, for fiscal years 2012 and 2013, an island 37270
district shall receive the lesser of its actual cost of operation, 37271
as certified to the department of education, or ninety-three per 37272
cent of the amount the district received in state operating 37273
funding for fiscal year 2011. If an island district received no 37274
funding for fiscal year 2011, it shall receive no funding for 37275
either of fiscal year 2012 or 2013. 37276

(B) An amount for each school district required to pay 37277
tuition for a child in an institution maintained by the department 37278
of youth services pursuant to section 3317.082 of the Revised 37279
Code, provided the child was not included in the calculation of 37280
the district's formula ADM, as that term is defined in section 37281
3317.02 of the Revised Code, for the preceding school year. 37282

(C) An amount for the approved cost of transporting eligible 37283
pupils with disabilities attending a special education program 37284
approved by the department of education whom it is impossible or 37285
impractical to transport by regular school bus in the course of 37286
regular route transportation provided by the school district or 37287
educational service center. No district or service center is 37288
eligible to receive a payment under this division for the cost of 37289
transporting any pupil whom it transports by regular school bus 37290
and who is included in the district's transportation ADM. The 37291
state board of education shall establish standards and guidelines 37292
for use by the department of education in determining the approved 37293
cost of such transportation for each district or service center. 37294

(D) An amount to each school district, including each 37295
cooperative education school district, pursuant to section 3313.81 37296
of the Revised Code to assist in providing free lunches to needy 37297
children. The amounts shall be determined on the basis of rules 37298

adopted by the state board of education. 37299

(E)(1) An amount for auxiliary services to each school 37300
district, for each pupil attending a chartered nonpublic 37301
elementary or high school within the district. ~~The~~ that is 37302
affiliated with a religious order, sect, church, or denomination 37303
or has a curriculum or mission that contains religious content, 37304
religious courses, devotional exercises, religious training, or 37305
any other religious activity. 37306

(2) An amount for auxiliary services paid directly to each 37307
chartered nonpublic school not described in division (E)(1) of 37308
this section for each pupil attending the school. 37309

The amount paid under divisions (E)(1) and (2) of this 37310
section shall equal the total amount appropriated for the 37311
implementation of ~~section~~ sections 3317.06 and 3317.062 of the 37312
Revised Code divided by the average daily membership in grades 37313
kindergarten through twelve in chartered nonpublic elementary and 37314
high schools within the state as determined as of the last day of 37315
October of each school year. 37316

(F) An amount for each county board of developmental 37317
disabilities, distributed on the basis of standards adopted by the 37318
state board of education, for the approved cost of transportation 37319
required for children attending special education programs 37320
operated by the county board under section 3323.09 of the Revised 37321
Code; 37322

(G) An amount to each institution defined under section 37323
3317.082 of the Revised Code providing elementary or secondary 37324
education to children other than children receiving special 37325
education under section 3323.091 of the Revised Code. This amount 37326
for any institution in any fiscal year shall equal the total of 37327
all tuition amounts required to be paid to the institution under 37328
division (A)(1) of section 3317.082 of the Revised Code. 37329

The state board of education or any other board of education 37330
or governing board may provide for any resident of a district or 37331
educational service center territory any educational service for 37332
which funds are made available to the board by the United States 37333
under the authority of public law, whether such funds come 37334
directly or indirectly from the United States or any agency or 37335
department thereof or through the state or any agency, department, 37336
or political subdivision thereof. 37337

Sec. 3317.025. On or before the first day of June of each 37338
year, the tax commissioner shall certify the following information 37339
to the department of education and the office of budget and 37340
management, for each school district in which the value of the 37341
property described under division (A) of this section exceeds one 37342
per cent of the taxable value of all real and tangible personal 37343
property in the district or in which is located tangible personal 37344
property designed for use or used in strip mining operations, 37345
whose taxable value exceeds five million dollars, and the taxes 37346
upon which the district is precluded from collecting by virtue of 37347
legal proceedings to determine the value of such property: 37348

(A) The total taxable value of all property in the district 37349
owned by a public utility or railroad that has filed a petition 37350
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 37351
(1898), 11 U.S.C. 205, as amended, and all tangible personal 37352
property in the district designed for use or used in strip mining 37353
operations whose taxable value exceeds five million dollars upon 37354
which have not been paid in full on or before the first day of 37355
April of that calendar year all real and tangible personal 37356
property taxes levied for the preceding calendar year and which 37357
the district was precluded from collecting by virtue of 37358
proceedings under section 205 of said act or by virtue of legal 37359
proceedings to determine the tax liability of such strip mining 37360
equipment; 37361

(B) The percentage of the total operating taxes charged and payable for school district purposes levied against such valuation for the preceding calendar year that have not been paid by such date;

(C) The product obtained by multiplying the value certified under division (A) of this section by the percentage certified under division (B) of this section. If the value certified under division (A) of this section includes taxable property owned by a public utility or railroad that has filed a petition for reorganization under the bankruptcy act, the amount used in making the calculation under this division shall be reduced by one per cent of the total value of all real and tangible personal property in the district or the value of the utility's or railroad's property, whichever is less.

Upon receipt of the certification, the department shall recompute the payments required under this chapter in the manner the payments would have been computed if:

(1) The amount certified under division (C) of this section was not subject to taxation by the district and was not included in the certification made under division (A)(1), (A)(2), or ~~(D)~~(C) of section 3317.021 of the Revised Code.

(2) The amount of taxes charged and payable and unpaid and used to make the computation under division (B) of this section had not been levied and had not been used in the computation required by division (B) of section 3317.021 of the Revised Code. The department shall pay the district that amount in the ensuing fiscal year in lieu of the amounts computed under this chapter.

If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of

the recomputation shall be reduced and transferred in accordance 37393
with division (C) of section 3316.20 of the Revised Code. 37394

Sec. 3317.0212. (A) As used in this section: 37395

(1) "Qualifying riders" means resident students enrolled in 37396
regular education in grades kindergarten to twelve who are 37397
provided school bus service by a school district and who live more 37398
than one mile from the school they attend, including students with 37399
dual enrollment in a joint vocational school district or a 37400
cooperative education school district, and students enrolled in a 37401
community school, STEM school, or nonpublic school. 37402

(2) "Qualifying ridership" means the average number of 37403
qualifying riders who are provided school bus service by a school 37404
district during the first full week of October. 37405

(3) "Rider density" means the total ADM per square mile of a 37406
school district. 37407

(4) "School bus service" means a school district's 37408
transportation of qualifying riders in any of the following types 37409
of vehicles: 37410

(a) School buses owned or leased by the district; 37411

(b) School buses operated by a private contractor hired by 37412
the district; 37413

(c) School buses operated by another school district or 37414
entity with which the district has contracted, either as part of a 37415
consortium for the provision of transportation or otherwise. 37416

(B) Not later than the fifteenth day of October each year, 37417
each city, local, and exempted village school district shall 37418
report to the department of education its qualifying ridership and 37419
any other information requested by the department. Subsequent 37420
adjustments to the reported numbers shall be made only in 37421
accordance with rules adopted by the department. 37422

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation payment as follows:

(1) Multiply the statewide transportation cost per student by 37454
the district's qualifying ridership for the current fiscal year. 37455

(2) Multiply the statewide transportation cost per mile by 37456
the district's total number of miles driven for school bus service 37457
in the current fiscal year. 37458

(3) Multiply the greater of the amounts calculated under 37459
divisions (E)(1) and (2) of this section by the following: 37460

(a) For fiscal year 2018, the greater of fifty thirty-seven 37461
and one-half per cent or the district's state share index, as 37462
defined in section 3317.02 of the Revised Code; 37463

(b) For fiscal year 2019, the greater of twenty-five per cent 37464
or the district's state share index. 37465

(F) In addition to funds paid under division (E) of this 37466
section, each city, local, and exempted village district shall 37467
receive in accordance with rules adopted by the state board of 37468
education a payment for students transported by means other than 37469
school bus service and whose transportation is not funded under 37470
division (C) of section 3317.024 of the Revised Code. The rules 37471
shall include provisions for school district reporting of such 37472
students. 37473

(G)(1) For purposes of division (G) of this section, a school 37474
district's "transportation supplement percentage" means the 37475
following quotient: 37476

~~+(35, in fiscal year 2016, or 50, in fiscal year 2017) - the 37477~~
district's rider density) / 100 37478

If the result of the calculation for a district under 37479
division (G)(1) of this section is less than zero, the district's 37480
transportation supplement percentage shall be zero. 37481

(2) The department shall pay each district a transportation 37482
supplement calculated according to the following formula: 37483

The district's transportation supplement percentage X the amount 37484
calculated for the district under division (E)(2) of this section 37485
X 0.55 37486

Sec. 3317.0218. The department of education shall annually 37487
compute capacity aid funds to school districts, as follows: 37488

(A) For each school district, multiply the district's 37489
three-year average valuation by 0.001; 37490

(B) Determine the median amount of all of the amounts 37491
calculated under division (A) of this section; 37492

(C) Calculate each school district's capacity ratio, which 37493
equals the greater of zero or the amount calculated as follows: 37494

(The amount determined under division (B) of this section / the 37495
amount calculated for the district under division (A) of this 37496
section) - 1 37497

If the result of a calculation for a school district under 37498
division (C) of this section is greater than 2.5, the district's 37499
capacity ratio shall be 2.5. 37500

(D) Calculate the capacity aid per pupil amount, which equals 37501
the following quotient: 37502

(The amount determined under division (B) of this section) / (the 37503
average of the formula ADMs of all of the districts for which the 37504
amount calculated under division (A) of this section is less than 37505
the amount determined under division (B) of this section) 37506

(E) Calculate each school district's capacity aid, which 37507
equals the following product: 37508

The capacity aid per pupil amount calculated under division (D) of 37509
this section X the district's formula ADM X ~~(2.75, for fiscal year~~ 37510
~~2016, or 3.5, for fiscal year 2017)~~ 4.0 X the district's capacity 37511
ratio calculated under division (C) of this section 37512

Sec. 3317.06. Moneys paid to school districts under division 37513

(E)(1) of section 3317.024 of the Revised Code shall be used for 37514
the following independent and fully severable purposes: 37515

(A) To purchase such secular textbooks or digital texts as 37516
have been approved by the superintendent of public instruction for 37517
use in public schools in the state and to loan such textbooks or 37518
digital texts to pupils attending nonpublic schools within the 37519
district described in division (E)(1) of section 3317.024 of the 37520
Revised Code or to their parents and to hire clerical personnel to 37521
administer such lending program. Such loans shall be based upon 37522
individual requests submitted by such nonpublic school pupils or 37523
parents. Such requests shall be submitted to the school district 37524
in which the nonpublic school is located. Such individual requests 37525
for the loan of textbooks or digital texts shall, for 37526
administrative convenience, be submitted by the nonpublic school 37527
pupil or the pupil's parent to the nonpublic school, which shall 37528
prepare and submit collective summaries of the individual requests 37529
to the school district. As used in this section: 37530

(1) "Textbook" means any book or book substitute that a pupil 37531
uses as a consumable or nonconsumable text, text substitute, or 37532
text supplement in a particular class or program in the school the 37533
pupil regularly attends. 37534

(2) "Digital text" means a consumable book or book substitute 37535
that a student accesses through the use of a computer or other 37536
electronic medium or that is available through an internet-based 37537
provider of course content, or any other material that contributes 37538
to the learning process through electronic means. 37539

(B) To provide speech and hearing diagnostic services to 37540
pupils attending nonpublic schools within the district described 37541
in division (E)(1) of section 3317.024 of the Revised Code. Such 37542
service shall be provided in the nonpublic school attended by the 37543
pupil receiving the service. 37544

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public

centers, or in mobile units located on or off of the nonpublic 37577
premises. If such services are provided in the public school or in 37578
public centers, transportation to and from such facilities shall 37579
be provided by the school district in which the nonpublic school 37580
is located. 37581

(H) To supply for use by pupils attending nonpublic schools 37582
within the district described in division (E)(1) of section 37583
3317.024 of the Revised Code such standardized tests and scoring 37584
services as are in use in the public schools of the state; 37585

(I) To provide programs for children who attend nonpublic 37586
schools within the district described in division (E)(1) of 37587
section 3317.024 of the Revised Code and are children with 37588
disabilities as defined in section 3323.01 of the Revised Code or 37589
gifted children. Such programs shall be provided in the public 37590
school, in nonpublic schools, in public centers, or in mobile 37591
units located on or off of the nonpublic premises. If such 37592
programs are provided in the public school or in public centers, 37593
transportation to and from such facilities shall be provided by 37594
the school district in which the nonpublic school is located. 37595

(J) To hire clerical personnel to assist in the 37596
administration of programs pursuant to divisions (B), (C), (D), 37597
(E), (F), (G), and (I) of this section and to hire supervisory 37598
personnel to supervise the providing of services and textbooks 37599
pursuant to this section. 37600

(K) To purchase or lease any secular, neutral, and 37601
nonideological computer application software designed to assist 37602
students in performing a single task or multiple related tasks, 37603
device management software, learning management software, 37604
site-licensing, digital video on demand (DVD), wide area 37605
connectivity and related technology as it relates to internet 37606
access, mathematics or science equipment and materials, 37607
instructional materials, and school library materials that are in 37608

general use in the public schools of the state and loan such items 37609
to pupils attending nonpublic schools within the district 37610
described in division (E)(1) of section 3317.024 of the Revised 37611
Code or to their parents, and to hire clerical personnel to 37612
administer the lending program. Only such items that are incapable 37613
of diversion to religious use and that are susceptible of loan to 37614
individual pupils and are furnished for the use of individual 37615
pupils shall be purchased and loaned under this division. As used 37616
in this section, "instructional materials" means prepared learning 37617
materials that are secular, neutral, and nonideological in 37618
character and are of benefit to the instruction of school 37619
children. "Instructional materials" includes media content that a 37620
student may access through the use of a computer or electronic 37621
device. 37622

Mobile applications that are secular, neutral, and 37623
nonideological in character and that are purchased for less than 37624
twenty dollars for instructional use shall be considered to be 37625
consumable and shall be distributed to students without the 37626
expectation that the applications must be returned. 37627

(L) To purchase or lease instructional equipment, including 37628
computer hardware and related equipment in general use in the 37629
public schools of the state, for use by pupils attending nonpublic 37630
schools within the district described in division (E)(1) of 37631
section 3317.024 of the Revised Code and to loan such items to 37632
pupils attending such nonpublic schools within the district or to 37633
their parents, and to hire clerical personnel to administer the 37634
lending program. "Computer hardware and related equipment" 37635
includes desktop computers and workstations; laptop computers, 37636
computer tablets, and other mobile handheld devices; their 37637
operating systems and accessories; and any equipment designed to 37638
make accessible the environment of a classroom to a student, who 37639
is physically unable to attend classroom activities due to 37640

hospitalization or other circumstances, by allowing real-time 37641
interaction with other students both one-on-one and in group 37642
discussion. 37643

(M) To purchase mobile units to be used for the provision of 37644
services pursuant to divisions (E), (F), (G), and (I) of this 37645
section and to pay for necessary repairs and operating costs 37646
associated with these units. 37647

(N) To reimburse costs the district incurred to store the 37648
records of a chartered nonpublic school that closes. 37649
Reimbursements under this division shall be made one time only for 37650
each chartered nonpublic school described in division (E)(1) of 37651
section 3317.024 of the Revised Code that closes. 37652

(O) To purchase life-saving medical or other emergency 37653
equipment for placement in nonpublic schools within the district 37654
described in division (E)(1) of section 3317.024 of the Revised 37655
Code or to maintain such equipment. 37656

(P) To procure and pay for security services from a county 37657
sheriff or a township or municipal police force or from a person 37658
certified through the Ohio peace officer training commission, in 37659
accordance with section 109.78 of the Revised Code, as a special 37660
police, security guard, or as a privately employed person serving 37661
in a police capacity for nonpublic schools in the district 37662
described in division (E)(1) of section 3317.024 of the Revised 37663
Code. 37664

(Q) To provide language and academic support services and 37665
other accommodations for English language learners attending 37666
nonpublic schools within the district described in division (E)(1) 37667
of section 3317.024 of the Revised Code. 37668

Clerical and supervisory personnel hired pursuant to division 37669
(J) of this section shall perform their services in the public 37670
schools, in nonpublic schools, public centers, or mobile units 37671

where the services are provided to the nonpublic school pupil, 37672
except that such personnel may accompany pupils to and from the 37673
service sites when necessary to ensure the safety of the children 37674
receiving the services. 37675

All services provided pursuant to this section may be 37676
provided under contract with educational service centers, the 37677
department of health, city or general health districts, or private 37678
agencies whose personnel are properly licensed by an appropriate 37679
state board or agency. 37680

Transportation of pupils provided pursuant to divisions (E), 37681
(F), (G), and (I) of this section shall be provided by the school 37682
district from its general funds and not from moneys paid to it 37683
under division (E)(1) of section 3317.024 of the Revised Code 37684
unless a special transportation request is submitted by the parent 37685
of the child receiving service pursuant to such divisions. If such 37686
an application is presented to the school district, it may pay for 37687
the transportation from moneys paid to it under division (E)(1) of 37688
section 3317.024 of the Revised Code. 37689

No school district shall provide health or remedial services 37690
to nonpublic school pupils as authorized by this section unless 37691
such services are available to pupils attending the public schools 37692
within the district. 37693

Materials, equipment, computer hardware or software, 37694
textbooks, digital texts, and health and remedial services 37695
provided for the benefit of nonpublic school pupils pursuant to 37696
this section and the admission of pupils to such nonpublic schools 37697
shall be provided without distinction as to race, creed, color, or 37698
national origin of such pupils or of their teachers. 37699

No school district shall provide services, materials, or 37700
equipment that contain religious content for use in religious 37701
courses, devotional exercises, religious training, or any other 37702

religious activity. 37703

As used in this section, "parent" includes a person standing 37704
in loco parentis to a child. 37705

Notwithstanding section 3317.01 of the Revised Code, payments 37706
shall be made under this section to any city, local, or exempted 37707
village school district within which is located one or more 37708
nonpublic elementary or high schools described in division (E)(1) 37709
of section 3317.024 of the Revised Code and any payments made to 37710
school districts under division (E)(1) of section 3317.024 of the 37711
Revised Code for purposes of this section may be disbursed without 37712
submission to and approval of the controlling board. 37713

The allocation of payments for materials, equipment, 37714
textbooks, digital texts, health services, and remedial services 37715
to city, local, and exempted village school districts shall be on 37716
the basis of the state board of education's estimated annual 37717
average daily membership in nonpublic elementary and high schools 37718
located in the district described in division (E)(1) of section 37719
3317.024 of the Revised Code. 37720

Payments made to city, local, and exempted village school 37721
districts under this section shall be equal to specific 37722
appropriations made for the purpose. All interest earned by a 37723
school district on such payments shall be used by the district for 37724
the same purposes and in the same manner as the payments may be 37725
used. 37726

The department of education shall adopt guidelines and 37727
procedures under which such programs and services shall be 37728
provided, under which districts shall be reimbursed for 37729
administrative costs incurred in providing such programs and 37730
services, and under which any unexpended balance of the amounts 37731
appropriated by the general assembly to implement this section may 37732
be transferred to the auxiliary services personnel unemployment 37733

compensation fund established pursuant to section 4141.47 of the Revised Code. The department shall also adopt guidelines and procedures limiting the purchase and loan of the items described in division (K) of this section to items that are in general use in the public schools of the state, that are incapable of diversion to religious use, and that are susceptible to individual use rather than classroom use. Within thirty days after the end of each biennium, each board of education shall remit to the department all moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the money was appropriated and during which the interest was earned. If a board of education subsequently determines that the remittal of moneys leaves the board with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted money was appropriated, the board may apply to the department of education for a refund of money, not to exceed the amount of the insufficiency. If the department determines the expenses were lawfully incurred and would have been lawful expenditures of the refunded money, it shall certify its determination and the amount of the refund to be made to the director of job and family services who shall make a refund as provided in section 4141.47 of the Revised Code.

Each school district shall label materials, equipment, computer hardware or software, textbooks, and digital texts purchased or leased for loan to a nonpublic school under this section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or digital texts that the district determines are consumable in nature or have a value of less than two hundred dollars.

Sec. 3317.062. (A) Moneys paid to chartered nonpublic schools 37766
under division (E)(2) of section 3317.024 of the Revised Code 37767
shall be used for one or more of the following purposes: 37768

(1) To purchase secular textbooks or digital texts, as 37769
defined in divisions (A)(1) and (2) of section 3317.06 of the 37770
Revised Code, as have been approved by the superintendent of 37771
public instruction for use in public schools in the state; 37772

(2) To provide the services described in divisions (B), (C), 37773
(D), and (O) of section 3317.06 of the Revised Code; 37774

(3) To provide the services described in divisions (E), (F), 37775
(G), and (I) of section 3317.06 of the Revised Code. If such 37776
services are provided in public schools or in public centers, 37777
transportation to and from such facilities shall be provided by 37778
the nonpublic school. 37779

(4) To supply for use by pupils attending the school such 37780
standardized tests and scoring services as are in use in the 37781
public schools of the state; 37782

(5) To hire clerical personnel to assist in the 37783
administration of divisions (A)(2), (3), and (4) of this section 37784
and to hire supervisory personnel to supervise the providing of 37785
services and textbooks pursuant to this section. These personnel 37786
shall perform their services in the public schools, in nonpublic 37787
schools, public centers, or mobile units where the services are 37788
provided to the nonpublic school pupil, except that such personnel 37789
may accompany pupils to and from the service sites when necessary 37790
to ensure the safety of the children receiving the services. All 37791
services provided pursuant to this section may be provided under 37792
contract with educational service centers, the department of 37793
health, city or general health districts, or private agencies 37794
whose personnel are properly licensed by an appropriate state 37795
board or agency. 37796

<u>(6) To purchase any of the materials described in division</u>	37797
<u>(K) of section 3317.06 of the Revised Code;</u>	37798
<u>(7) To purchase any of the equipment described in division</u>	37799
<u>(L) of section 3317.06 of the Revised Code;</u>	37800
<u>(8) To purchase mobile units to be used for the provision of</u>	37801
<u>services pursuant to division (A)(3) of this section and to pay</u>	37802
<u>for necessary repairs and operating costs associated with these</u>	37803
<u>units;</u>	37804
<u>(9) To purchase the equipment described in division (O) of</u>	37805
<u>section 3317.06 of the Revised Code;</u>	37806
<u>(10) To procure and pay for security services described in</u>	37807
<u>division (P) of section 3317.06 of the Revised Code.</u>	37808
<u>(B) Materials, equipment, computer hardware and software,</u>	37809
<u>textbooks, digital texts, and health and remedial services</u>	37810
<u>provided pursuant to this section and the admission of pupils to</u>	37811
<u>nonpublic schools shall be provided without distinction as to</u>	37812
<u>race, creed, color, or national origin of such pupils or of their</u>	37813
<u>teachers.</u>	37814
<u>(C) The department of education shall adopt guidelines and</u>	37815
<u>procedures regarding both of the following:</u>	37816
<u>(1) The expenditure of moneys under this section;</u>	37817
<u>(2) The audit of nonpublic schools receiving funds under this</u>	37818
<u>section to ensure the appropriate use of funds.</u>	37819
Sec. 3317.16. (A) The department of education shall compute	37820
and distribute state core foundation funding to each joint	37821
vocational school district for the fiscal year as prescribed in	37822
the following divisions:	37823
(1) An opportunity grant calculated according to the	37824
following formula:	37825

(The formula amount X formula ADM) - (0.0005 X the district's
three-year average valuation) 37826
37827

However, no district shall receive an opportunity grant that 37828
is less than 0.05 times the formula amount times formula ADM. 37829

(2) Additional state aid for special education and related 37830
services provided under Chapter 3323. of the Revised Code 37831
calculated as the sum of the following: 37832

(a) The district's category one special education ADM X the 37833
amount specified in division (A) of section 3317.013 of the 37834
Revised Code X the district's state share percentage; 37835

(b) The district's category two special education ADM X the 37836
amount specified in division (B) of section 3317.013 of the 37837
Revised Code X the district's state share percentage; 37838

(c) The district's category three special education ADM X the 37839
amount specified in division (C) of section 3317.013 of the 37840
Revised Code X the district's state share percentage; 37841

(d) The district's category four special education ADM X the 37842
amount specified in division (D) of section 3317.013 of the 37843
Revised Code X the district's state share percentage; 37844

(e) The district's category five special education ADM X the 37845
amount specified in division (E) of section 3317.013 of the 37846
Revised Code X the district's state share percentage; 37847

(f) The district's category six special education ADM X the 37848
amount specified in division (F) of section 3317.013 of the 37849
Revised Code X the district's state share percentage. 37850

(3) Economically disadvantaged funds calculated according to 37851
the following formula: 37852

\$272 X the district's economically disadvantaged index X the 37853
number of students who are economically disadvantaged as certified 37854
under division (D)(2)(p) of section 3317.03 of the Revised Code 37855

(4) Limited English proficiency funds calculated as the sum	37856
of the following:	37857
(a) The district's category one limited English proficient	37858
ADM X the amount specified in division (A) of section 3317.016 of	37859
the Revised Code X the district's state share percentage;	37860
(b) The district's category two limited English proficient	37861
ADM X the amount specified in division (B) of section 3317.016 of	37862
the Revised Code X the district's state share percentage;	37863
(c) The district's category three limited English proficient	37864
ADM X the amount specified in division (C) of section 3317.016 of	37865
the Revised Code X the district's state share percentage;	37866
(5) Career-technical education funds calculated as the sum of	37867
the following:	37868
(a) The district's category one career-technical education	37869
ADM X the amount specified in division (A) of section 3317.014 of	37870
the Revised Code X the district's state share percentage;	37871
(b) The district's category two career-technical education	37872
ADM X the amount specified in division (B) of section 3317.014 of	37873
the Revised Code X the district's state share percentage;	37874
(c) The district's category three career-technical education	37875
ADM X the amount specified in division (C) of section 3317.014 of	37876
the Revised Code X the district's state share percentage;	37877
(d) The district's category four career-technical education	37878
ADM X the amount specified in division (D) of section 3317.014 of	37879
the Revised Code X the district's state share percentage;	37880
(e) The district's category five career-technical education	37881
ADM X the amount specified in division (E) of section 3317.014 of	37882
the Revised Code X the district's state share percentage.	37883
Payment of funds under division (A)(5) of this section is	37884
subject to approval under section 3317.161 of the Revised Code.	37885

(6) Career-technical education associated services funds	37886
calculated under the following formula:	37887
The district's state share percentage X the	37888
amount for career-technical education associated services	37889
specified in section 3317.014 of the Revised Code X the sum of	37890
categories one through five career-technical	37891
education ADM X the district's state share percentage	37892
(7) A graduation bonus calculated according to the following	37893
formula:	37894
The district's graduation rate as reported on its most recent	37895
report card issued by the department under section 3302.033 of the	37896
Revised Code X 0.075 X the formula amount X the number of the	37897
district's students who received high school or honors high school	37898
diplomas as reported by the district to the department, in	37899
accordance with the guidelines adopted under section 3301.0714 of	37900
the Revised Code, for the same school year for which the most	37901
recent report card was issued X the district's state share	37902
percentage	37903
(B)(1) If a joint vocational school district's costs for a	37904
fiscal year for a student in its categories two through six	37905
special education ADM exceed the threshold catastrophic cost for	37906
serving the student, as specified in division (B) of section	37907
3317.0214 of the Revised Code, the district may submit to the	37908
superintendent of public instruction documentation, as prescribed	37909
by the superintendent, of all of its costs for that student. Upon	37910
submission of documentation for a student of the type and in the	37911
manner prescribed, the department shall pay to the district an	37912
amount equal to the sum of the following:	37913
(a) One-half of the district's costs for the student in	37914
excess of the threshold catastrophic cost;	37915
(b) The product of one-half of the district's costs for the	37916
student in excess of the threshold catastrophic cost multiplied by	37917

the district's state share percentage. 37918

(2) The district shall report under division (B)(1) of this 37919
section, and the department shall pay for, only the costs of 37920
educational expenses and the related services provided to the 37921
student in accordance with the student's individualized education 37922
program. Any legal fees, court costs, or other costs associated 37923
with any cause of action relating to the student may not be 37924
included in the amount. 37925

(C)(1) For each student with a disability receiving special 37926
education and related services under an individualized education 37927
program, as defined in section 3323.01 of the Revised Code, at a 37928
joint vocational school district, the resident district or, if the 37929
student is enrolled in a community school, the community school 37930
shall be responsible for the amount of any costs of providing 37931
those special education and related services to that student that 37932
exceed the sum of the amount calculated for those services 37933
attributable to that student under division (A) of this section. 37934

Those excess costs shall be calculated using a formula 37935
approved by the department. 37936

(2) The board of education of the joint vocational school 37937
district may report the excess costs calculated under division 37938
(C)(1) of this section to the department of education. 37939

(3) If the board of education of the joint vocational school 37940
district reports excess costs under division (C)(2) of this 37941
section, the department shall pay the amount of excess cost 37942
calculated under division (C)(2) of this section to the joint 37943
vocational school district and shall deduct that amount as 37944
provided in division (C)(3)(a) or (b) of this section, as 37945
applicable: 37946

(a) If the student is not enrolled in a community school, the 37947
department shall deduct the amount from the account of the 37948

student's resident district pursuant to division (J) of section 3317.023 of the Revised Code. 37949
37950

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code. 37951
37952
37953

(D)~~(1)~~ In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(5) of this section may be spent. 37954
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~~(2) All funds received under division (A)(5) of this section shall be spent in the following manner:~~ 37965
37966

~~(a) At least seventy five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career technical student organization fees and expenses; home and agency linkages; work based learning experiences; professional development; and other costs directly associated with career technical education programs including development of new programs.~~ 37967
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~~(b) Not more than twenty five per cent of the funds shall be used for personnel expenditures.~~ 37977
37978

(E) In any fiscal year, a school district receiving funds 37979

under division (A)(6) of this section, or through a transfer of 37980
funds pursuant to division (I) of section 3317.023 of the Revised 37981
Code, shall spend those funds only for the purposes that the 37982
department designates as approved for career-technical education 37983
associated services expenses, which may include such purposes as 37984
apprenticeship coordinators, coordinators for other 37985
career-technical education services, career-technical evaluation, 37986
and other purposes designated by the department. The department 37987
may deny payment under division (A)(6) of this section to any 37988
district that the department determines is not operating those 37989
services or is using funds paid under division (A)(6) of this 37990
section, or through a transfer of funds pursuant to division (I) 37991
of section 3317.023 of the Revised Code, for other purposes. 37992

(F) A joint vocational school district shall spend the funds 37993
it receives under division (A)(3) of this section in accordance 37994
with section 3317.25 of the Revised Code. 37995

(G) As used in this section: 37996

(1) "Community school" means a community school established 37997
under Chapter 3314. of the Revised Code. 37998

(2) "Resident district" means the city, local, or exempted 37999
village school district in which a student is entitled to attend 38000
school under section 3313.64 or 3313.65 of the Revised Code. 38001

(3) "State share percentage" is equal to the following: 38002

The amount computed under division (A)(1) of this section / 38003
(the formula amount X formula ADM) 38004

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 38005
Revised Code: 38006

(A) "Ohio ~~school~~ facilities construction commission" means 38007
the commission created pursuant to section ~~3318.30~~ 123.20 of the 38008
Revised Code. 38009

(B) "Classroom facilities" means rooms in which pupils 38010
regularly assemble in public school buildings to receive 38011
instruction and education and such facilities and building 38012
improvements for the operation and use of such rooms as may be 38013
needed in order to provide a complete educational program, and may 38014
include space within which a child care facility or a community 38015
resource center is housed. "Classroom facilities" includes any 38016
space necessary for the operation of a vocational education 38017
program for secondary students in any school district that 38018
operates such a program. 38019

(C) "Project" means a project to construct or acquire 38020
classroom facilities, or to reconstruct or make additions to 38021
existing classroom facilities, to be used for housing the 38022
applicable school district and its functions. 38023

(D) "School district" means a local, exempted village, or 38024
city school district as such districts are defined in Chapter 38025
3311. of the Revised Code, acting as an agency of state 38026
government, performing essential governmental functions of state 38027
government pursuant to sections 3318.01 to 3318.20 of the Revised 38028
Code. 38029

For purposes of assistance provided under sections 3318.40 to 38030
3318.45 of the Revised Code, the term "school district" as used in 38031
this section and in divisions (A), (C), and (D) of section 3318.03 38032
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 38033
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 38034
3318.14, 3318.15, 3318.16, ~~3318.19~~, and 3318.20 of the Revised 38035
Code means a joint vocational school district established pursuant 38036
to section 3311.18 of the Revised Code. 38037

(E) "School district board" means the board of education of a 38038
school district. 38039

(F) "Net bonded indebtedness" means the difference between 38040

the sum of the par value of all outstanding and unpaid bonds and 38041
notes which a school district board is obligated to pay and any 38042
amounts the school district is obligated to pay under 38043
lease-purchase agreements entered into under section 3313.375 of 38044
the Revised Code, and the amount held in the sinking fund and 38045
other indebtedness retirement funds for their redemption. Notes 38046
issued for school buses in accordance with section 3327.08 of the 38047
Revised Code, notes issued in anticipation of the collection of 38048
current revenues, and bonds issued to pay final judgments shall 38049
not be considered in calculating the net bonded indebtedness. 38050

"Net bonded indebtedness" does not include indebtedness 38051
arising from the acquisition of land to provide a site for 38052
classroom facilities constructed, acquired, or added to pursuant 38053
to sections 3318.01 to 3318.20 of the Revised Code or the par 38054
value of bonds that have been authorized by the electors and the 38055
proceeds of which will be used by the district to provide any part 38056
of its portion of the basic project cost. 38057

(G) "Board of elections" means the board of elections of the 38058
county containing the most populous portion of the school 38059
district. 38060

(H) "County auditor" means the auditor of the county in which 38061
the greatest value of taxable property of such school district is 38062
located. 38063

(I) "Tax duplicates" means the general tax lists and 38064
duplicates prescribed by sections 319.28 and 319.29 of the Revised 38065
Code. 38066

(J) "Required level of indebtedness" means: 38067

(1) In the case of school districts in the first percentile, 38068
five per cent of the district's valuation for the year preceding 38069
the year in which the controlling board approved the project under 38070
section 3318.04 of the Revised Code. 38071

(2) In the case of school districts ranked in a subsequent 38072
percentile, five per cent of the district's valuation for the year 38073
preceding the year in which the controlling board approved the 38074
project under section 3318.04 of the Revised Code, plus [two 38075
one-hundredths of one per cent multiplied by (the percentile in 38076
which the district ranks for the fiscal year preceding the fiscal 38077
year in which the controlling board approved the district's 38078
project minus one)]. 38079

(K) "Required percentage of the basic project costs" means 38080
one per cent of the basic project costs times the percentile in 38081
which the school district ranks for the fiscal year preceding the 38082
fiscal year in which the controlling board approved the district's 38083
project. 38084

(L) "Basic project cost" means a cost amount determined in 38085
accordance with rules adopted under section 111.15 of the Revised 38086
Code by the Ohio ~~school~~ facilities construction commission. The 38087
basic project cost calculation shall take into consideration the 38088
square footage and cost per square foot necessary for the grade 38089
levels to be housed in the classroom facilities, the variation 38090
across the state in construction and related costs, the cost of 38091
the installation of site utilities and site preparation, the cost 38092
of demolition of all or part of any existing classroom facilities 38093
that are abandoned under the project, the cost of insuring the 38094
project until it is completed, any contingency reserve amount 38095
prescribed by the commission under section 3318.086 of the Revised 38096
Code, and the professional planning, administration, and design 38097
fees that a school district may have to pay to undertake a 38098
classroom facilities project. 38099

For a joint vocational school district that receives 38100
assistance under sections 3318.40 to 3318.45 of the Revised Code, 38101
the basic project cost calculation for a project under those 38102
sections shall also take into account the types of laboratory 38103

spaces and program square footages needed for the vocational 38104
education programs for high school students offered by the school 38105
district. 38106

For a district that opts to divide its entire classroom 38107
facilities needs into segments, as authorized by section 3318.034 38108
of the Revised Code, "basic project cost" means the cost 38109
determined in accordance with this division of a segment. 38110

(M)(1) Except for a joint vocational school district that 38111
receives assistance under sections 3318.40 to 3318.45 of the 38112
Revised Code, a "school district's portion of the basic project 38113
cost" means the amount determined under section 3318.032 of the 38114
Revised Code. 38115

(2) For a joint vocational school district that receives 38116
assistance under sections 3318.40 to 3318.45 of the Revised Code, 38117
a "school district's portion of the basic project cost" means the 38118
amount determined under division (C) of section 3318.42 of the 38119
Revised Code. 38120

(N) "Child care facility" means space within a classroom 38121
facility in which the needs of infants, toddlers, preschool 38122
children, and school children are provided for by persons other 38123
than the parent or guardian of such children for any part of the 38124
day, including persons not employed by the school district 38125
operating such classroom facility. 38126

(O) "Community resource center" means space within a 38127
classroom facility in which comprehensive services that support 38128
the needs of families and children are provided by community-based 38129
social service providers. 38130

(P) "Valuation" means the total value of all property in the 38131
school district as listed and assessed for taxation on the tax 38132
duplicates. 38133

(Q) "Percentile" means the percentile in which the school 38134

district is ranked pursuant to section 3318.011 of the Revised Code. 38135
38136

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system. 38137
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38139
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(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site. 38141
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Sec. 3318.011. For purposes of providing assistance under sections 3318.01 to 3318.20 of the Revised Code, the department of education shall annually do all of the following: 38145
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38147

(A) Calculate the adjusted valuation per pupil of each city, local, and exempted village school district according to the following formula: 38148
38149
38150

The district's valuation per pupil - 38151
[\$30,000 X (1 - the district's income factor)]. 38152

For purposes of this calculation: 38153

(1) Except for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, "valuation per pupil" for a district means its average taxable value, divided by its formula ADM for the previous fiscal year. "Valuation per pupil," for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, means its average taxable value, divided by the sum of its formula ADM for the previous fiscal year plus its open enrollment net gain for the previous fiscal year. 38154
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(2) "Average taxable value" means the average of the sum of the amounts certified for a district under divisions (A)(1) and 38163
38164

- (2) of section 3317.021 of the Revised Code in the second, third, and fourth preceding fiscal years. 38165
38166
- (3) "Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code. 38167
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38169
- (4) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code. 38170
38171
- (5) "Native student" has the same meaning as in section 3313.98 of the Revised Code. 38172
38173
- (6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero. 38174
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- (7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code. 38183
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- (8) "District median income" means the median Ohio adjusted gross income certified for a school district under section 3317.021 of the Revised Code. 38186
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- (9) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state. 38189
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- (10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income. 38192
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(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years;

(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil;

(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil;

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio ~~school~~ facilities construction commission.

Sec. 3318.02. (A) For purposes of sections 3318.01 to 3318.20 of the Revised Code, the Ohio ~~school~~ facilities construction commission shall periodically perform an assessment of the classroom facility needs in the state to identify school districts in need of additional classroom facilities, or replacement or reconstruction of existent classroom facilities, and the cost to each such district of constructing or acquiring such additional facilities or making such renovations.

(B) Based upon the most recent assessment conducted pursuant to division (A) of this section, the commission shall conduct

on-site visits to school districts identified as having classroom 38225
facility needs to confirm the findings of the periodic assessment 38226
and further evaluate the classroom facility needs of the district. 38227
The evaluation shall assess the district's need to construct or 38228
acquire new classroom facilities and may include an assessment of 38229
the district's need for building additions or for the 38230
reconstruction of existent buildings in lieu of constructing or 38231
acquiring replacement buildings. 38232

(C)(1) Except as provided in division (C)(2) of this section, 38233
on-site visits performed on or after May 20, 1997, shall be 38234
performed in the order specified in this division. The first round 38235
of on-site visits first succeeding the effective date of this 38236
amendment, May 20, 1997, shall be limited to the school districts 38237
in the first through fifth percentiles, excluding districts that 38238
are ineligible for funding under this chapter pursuant to section 38239
3318.04 of the Revised Code. The second round of on-site visits 38240
shall be limited to the school districts in the first through 38241
tenth percentiles, excluding districts that are ineligible for 38242
funding under this chapter pursuant to section 3318.04 of the 38243
Revised Code. Each succeeding round of on-site visits shall be 38244
limited to the percentiles included in the immediately preceding 38245
round of on-site visits plus the next five percentiles. Except for 38246
the first round of on-site visits, no round of on-site visits 38247
shall commence unless eighty per cent of the districts for which 38248
on-site visits were performed during the immediately preceding 38249
round, have had projects approved under section 3318.04 of the 38250
Revised Code. 38251

(2) Notwithstanding division (C)(1) of this section, the 38252
commission may perform on-site visits for school districts in the 38253
next highest percentile to the percentiles included in the current 38254
round of on-site visits, and then to succeeding percentiles one at 38255
a time, not to exceed the twenty-fifth percentile, if all of the 38256

following apply: 38257

(a) Less than eighty per cent of the districts for which 38258
on-site visits were performed in the current round, and in any 38259
percentiles for which on-site visits were performed in addition to 38260
the current round pursuant to this division, have had projects 38261
approved under section 3318.04 of the Revised Code; 38262

(b) There are funds appropriated for the purpose of sections 38263
3318.01 to 3318.20 of the Revised Code that are not reserved and 38264
encumbered for projects pursuant to section 3318.04 of the Revised 38265
Code; 38266

(c) The commission makes a finding that such available funds 38267
would be more thoroughly utilized if on-site visits were extended 38268
to the next highest percentile. 38269

(D) Notwithstanding divisions (B) and (C) of this section, in 38270
any fiscal year, the commission may limit the number of districts 38271
for which it conducts on-site visits based upon its projections of 38272
the moneys available and moneys necessary to undertake projects 38273
under sections 3318.01 to 3318.20 of the Revised Code for that 38274
year. 38275

Sec. 3318.021. Notwithstanding section 3318.02 of the Revised 38276
Code, the Ohio ~~school~~ facilities construction commission may 38277
conduct on-site visits to any school district whose district board 38278
adopts a resolution certifying to the commission the board's 38279
intent to participate in the school building assistance expedited 38280
local partnership program under section 3318.36 of the Revised 38281
Code. 38282

Sec. 3318.022. Notwithstanding anything to the contrary in 38283
section 3318.02 of the Revised Code, within two years following 38284
the request of the school district, the Ohio ~~school~~ facilities 38285
construction commission shall assess the current conditions of the 38286

classroom facilities needs of any school district that is not yet 38287
eligible for state assistance under Chapter 3318. of the Revised 38288
Code and that requests such an assessment. The assessment made 38289
under this section shall not include a final agreement between the 38290
school district and the commission as to the basic project cost of 38291
the school district's classroom facilities needs. The commission 38292
shall not consider any request for an assessment under this 38293
section that is submitted sooner than ~~the effective date of this~~ 38294
~~section~~ September 14, 2000. 38295

Sec. 3318.024. In the first year of a capital biennium, any 38296
funds appropriated to the Ohio ~~school~~ facilities construction 38297
commission for classroom facilities projects under this chapter in 38298
the previous capital biennium that were not spent or encumbered, 38299
or for which an encumbrance has been canceled under section 38300
3318.05 of the Revised Code, shall be used by the commission only 38301
for projects under sections 3318.01 to 3318.20 of the Revised 38302
Code, subject to appropriation by the general assembly. 38303

In the second year of a capital biennium, any funds 38304
appropriated to the Ohio ~~school~~ facilities construction commission 38305
for classroom facilities projects under this chapter that were not 38306
spent or encumbered in the first year of the biennium and which 38307
are in excess of an amount equal to half of the appropriations for 38308
the capital biennium, or for which an encumbrance has been 38309
canceled under section 3318.05 of the Revised Code, shall be used 38310
by the commission only for projects under sections 3318.01 to 38311
3318.20, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 38312
3318.40 to 3318.46 of the Revised Code, subject to appropriation 38313
by the general assembly. 38314

Sec. 3318.03. (A) Before conducting an on-site evaluation of 38315
a school district under section 3318.02 of the Revised Code, at 38316
the request of the district board of education, the Ohio ~~school~~ 38317

facilities construction commission shall examine any classroom 38318
facilities needs assessment that has been conducted by the 38319
district and any master plan developed for meeting the facility 38320
needs of the district. 38321

(B) Upon conducting the on-site evaluation under section 38322
3318.02 of the Revised Code, the Ohio ~~school~~ facilities 38323
construction commission shall make a determination of all of the 38324
following: 38325

(1) The needs of the school district for additional classroom 38326
facilities; 38327

(2) The number of classroom facilities to be included in a 38328
project and the basic project cost of constructing, acquiring, 38329
reconstructing, or making additions to each such facility; 38330

(3) The amount of such cost that the school district can 38331
supply from available funds, by the issuance of bonds previously 38332
authorized by the electors of the school district the proceeds of 38333
which can lawfully be used for the project and by the issuance of 38334
bonds under section 3318.05 of the Revised Code; 38335

(4) The remaining amount of such cost that shall be supplied 38336
by the state; 38337

(5) The amount of the state's portion to be encumbered in 38338
accordance with section 3318.11 of the Revised Code in the current 38339
and subsequent fiscal years from funds appropriated for purposes 38340
of sections 3318.01 to 3318.20 of the Revised Code. 38341

(C) The commission shall make a determination in favor of 38342
constructing, acquiring, reconstructing, or making additions to a 38343
classroom facility only upon evidence that the proposed project 38344
conforms to sound educational practice, that it is in keeping with 38345
the orderly process of school district reorganization and 38346
consolidation, and that the actual or projected enrollment in each 38347
classroom facility proposed to be included in the project is at 38348

least three hundred fifty pupils. Exceptions shall be authorized 38349
only in those districts where topography, sparsity of population, 38350
and other factors make larger schools impracticable. 38351

If the school district board determines that an existing 38352
facility has historical value or for other good cause determines 38353
that an existing facility should be renovated in lieu of acquiring 38354
a comparable facility by new construction, the commission may 38355
approve the expenditure of project funds for the renovation of 38356
that facility up to but not exceeding one hundred per cent of the 38357
estimated cost of acquiring a comparable facility by new 38358
construction, as long as the commission determines that the 38359
facility when renovated can be operationally efficient, will be 38360
adequate for the future needs of the district, and will comply 38361
with the other provisions of this division. 38362

(D) Sections 125.81 and 153.04 of the Revised Code shall not 38363
apply to classroom facilities constructed under either sections 38364
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 38365
Code. 38366

Sec. 3318.031. (A) The Ohio ~~school~~ facilities construction 38367
commission shall consider student and staff safety and health when 38368
reviewing design plans for classroom facility construction 38369
projects proposed under this chapter. After consulting with 38370
appropriate education, health, and law enforcement personnel, the 38371
commission may require as a condition of project approval under 38372
either section 3318.03 or division (B)(1) of section 3318.41 of 38373
the Revised Code such changes in the design plans as the 38374
commission believes will advance or improve student and staff 38375
safety and health in the proposed classroom facility. 38376

To carry out its duties under this division, the commission 38377
shall review and, if necessary, amend any construction and design 38378
standards used in its project approval process, including 38379

standards for location and number of exits, standards for lead 38380
safety in classroom facilities constructed before 1978 in which 38381
services are provided to children under six years of age, and 38382
location of restrooms, with a focus on advancing student and staff 38383
safety and health. 38384

(B) When reviewing design standards for classroom facility 38385
construction projects proposed under this chapter, the commission 38386
shall also consider the extent to which the design standards 38387
support the following: 38388

(1) Trends in educational delivery methods, including digital 38389
access and blended learning; 38390

(2) Provision of sufficient space for training new teachers 38391
and promotion of collaboration among teaching candidates, 38392
experienced teachers, and teacher educators; 38393

(3) Provision of adequate space for teacher planning and 38394
collaboration; 38395

(4) Provision of adequate space for parent involvement 38396
activities; 38397

(5) Provision of sufficient space for innovative partnerships 38398
between schools and health and social service agencies. 38399

Sec. 3318.032. (A) Except as otherwise provided in divisions 38400
(C) and (D) of this section, the portion of the basic project cost 38401
supplied by the school district shall be the greater of: 38402

(1) The required percentage of the basic project costs; 38403

(2)(a) For all districts except a district that opts to 38404
divide its entire classroom facilities needs into segments to be 38405
completed separately as authorized by section 3318.034 of the 38406
Revised Code, an amount necessary to raise the school district's 38407
net bonded indebtedness, as of the date the controlling board 38408
approved the project, to within five thousand dollars of the 38409

required level of indebtedness; 38410

(b) For a district that opts to divide its entire classroom 38411
facilities needs into segments to be completed separately as 38412
authorized by section 3318.034 of the Revised Code, an amount 38413
necessary to raise the school district's net bonded indebtedness, 38414
as of the date the controlling board approved the project, to 38415
within five thousand dollars of the following: 38416

The required level of indebtedness X (the basic 38417
project cost of the segment as approved 38418
by the controlling board / the estimated basic 38419
project cost of the district's entire classroom facilities 38420
needs as determined jointly by the staff of the Ohio 38421
~~school~~ facilities construction commission and the district) 38422

(B) The amount of the district's share determined under this 38423
section shall be calculated only as of the date the controlling 38424
board approved the project, and that amount applies throughout the 38425
thirteen-month period permitted under section 3318.05 of the 38426
Revised Code for the district's electors to approve the 38427
propositions described in that section. If the amount reserved and 38428
encumbered for a project is released because the electors do not 38429
approve those propositions within that period, and the school 38430
district later receives the controlling board's approval for the 38431
project, subject to a new project scope and estimated costs under 38432
section 3318.054 of the Revised Code, the district's portion shall 38433
be recalculated in accordance with this section as of the date of 38434
the controlling board's subsequent approval. 38435

(C) At no time shall a school district's portion of the basic 38436
project cost be greater than ninety-five per cent of the total 38437
basic project cost. 38438

(D) If the controlling board approves a project under 38439
sections 3318.01 to 3318.20 of the Revised Code for a school 38440
district that previously received assistance under those sections 38441

or section 3318.37 of the Revised Code within the twenty-year 38442
period prior to the date on which the controlling board approves 38443
the new project, the district's portion of the basic project cost 38444
for the new project shall be the lesser of the following: 38445

(1) The portion calculated under division (A) of this 38446
section; 38447

(2) The greater of the following: 38448

(a) The required percentage of the basic project costs for 38449
the new project; 38450

(b) The percentage of the basic project cost paid by the 38451
district for the previous project. 38452

Sec. 3318.033. (A) As used in this section: 38453

(1) "Formula ADM" has the same meaning as in section 3317.02 38454
of the Revised Code. 38455

(2) "Open enrollment net gain" has the same meaning as in 38456
section 3318.011 of the Revised Code. 38457

(B) This section applies to each school district that meets 38458
the following criteria: 38459

(1) The Ohio ~~school~~ facilities construction commission 38460
certified its conditional approval of the district's project under 38461
sections 3318.01 to 3318.20 of the Revised Code after July 1, 38462
2006, and prior to September 29, 2007, and the project had not 38463
been completed as of September 29, 2007. 38464

(2) Within one year after the date of the commission's 38465
certification of its conditional approval, the district's electors 38466
approved a bond issue to pay the district's portion of the basic 38467
project cost or the district board of education complied with 38468
section 3318.052 of the Revised Code. 38469

(3) In the fiscal year prior to the fiscal year in which the 38470

district's project was conditionally approved, the district had an 38471
open enrollment net gain that was ten per cent or more of its 38472
formula ADM. 38473

(C) For each school district to which this section applies, 38474
the department of education shall recalculate the district's 38475
percentile ranking under section 3318.011 of the Revised Code for 38476
the fiscal year prior to the fiscal year in which the district's 38477
project was conditionally approved and shall report the 38478
recalculated percentile ranking to the commission. For this 38479
purpose, the department shall recalculate every school district's 38480
percentile ranking for that fiscal year using the district's 38481
"valuation per pupil" as that term is defined in section 3318.011 38482
of the Revised Code on and after September 29, 2007. 38483

(D) For each school district to which this section applies, 38484
the commission shall use the recalculated percentile ranking 38485
reported under division (C) of this section to determine the 38486
district's portion of the basic project cost under section 38487
3318.032 of the Revised Code. The commission shall not use the 38488
recalculated percentile ranking for any other purpose, and the 38489
recalculated ranking shall not affect any other district's portion 38490
of the basic project cost under section 3318.032 of the Revised 38491
Code or any district's eligibility for assistance under sections 38492
3318.01 to 3318.20 of the Revised Code. The commission shall 38493
revise the agreement entered into under section 3318.08 of the 38494
Revised Code to reflect the district's new portion of the basic 38495
project cost as determined under this division. 38496

Sec. 3318.034. (A) This section applies to both of the 38497
following: 38498

(1) Any school district that has not executed an agreement 38499
for a project under sections 3318.01 to 3318.20 of the Revised 38500
Code prior to June 24, 2008; 38501

(2) Any school district that is eligible for additional 38502
assistance under sections 3318.01 to 3318.20 of the Revised Code 38503
pursuant to division (B)(2) of section 3318.04 of the Revised 38504
Code. 38505

Notwithstanding any provision of this chapter to the 38506
contrary, with the approval of the Ohio ~~school~~ facilities 38507
construction commission, any school district to which this section 38508
applies may opt to divide the district's entire classroom 38509
facilities needs, as those needs are jointly determined by the 38510
staff of the commission and the school district, into discrete 38511
segments and shall comply with all of the provisions of those 38512
sections unless otherwise provided in this section. 38513

(B) Except as provided in division (C) of this section, each 38514
segment shall comply with both of the following: 38515

(1) The segment shall consist of the new construction of one 38516
or more entire buildings, a stand-alone segment of a building that 38517
serves grades kindergarten through twelve, or the complete 38518
renovation of one or more entire existing buildings, with any 38519
necessary additions to that building. 38520

(2) The segment shall not include any construction of or 38521
renovation or repair to any building that does not complete the 38522
needs of the district with respect to that particular building at 38523
the time the segment is completed. 38524

(C) A district described in division (A)(2) of this section 38525
that has not received the additional assistance authorized under 38526
division (B)(2) of section 3318.04 of the Revised Code may 38527
undertake a segment, with commission approval, for the purpose of 38528
renovating or replacing work performed on a facility under the 38529
district's prior project. The commission may approve that segment 38530
if the commission determines that the renovation or replacement is 38531
necessary to protect the facility. The basic project cost of the 38532

segment shall be allocated between the state and the district in 38533
accordance with section 3318.032 of the Revised Code. However, the 38534
requirements of division (B) of this section shall not apply to a 38535
segment undertaken under this division. 38536

(D) The commission shall conditionally approve and seek 38537
controlling board approval in accordance with division (A) of 38538
section 3318.04 of the Revised Code of each segment. 38539

(E)(1) When undertaking a segment under this section, a 38540
school district may elect to prorate its full maintenance amount 38541
by setting aside for maintenance the amount calculated under 38542
division (E)(2) of this section to maintain the classroom 38543
facilities acquired under the segment, if the district will use 38544
one or more of the alternative methods authorized in sections 38545
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 38546
the entire amount calculated under that division. If the district 38547
so elects, the commission and the district shall include in the 38548
agreement entered into under section 3318.08 of the Revised Code a 38549
statement specifying that the district will use the amount 38550
calculated under that division only to maintain the classroom 38551
facilities acquired under the segment. 38552

(2) The commission shall calculate the amount for a school 38553
district to maintain the classroom facilities acquired under a 38554
segment as follows: 38555

The full maintenance amount X (the school district's portion 38556
of the basic project cost for the segment / the school district's 38557
portion of the basic project cost for the district's entire 38558
classroom facilities needs, as determined jointly by the staff of 38559
the commission and the district) 38560

(3) A school district may elect to prorate its full 38561
maintenance amount for any number of segments, provided the 38562
district will use one or more of the alternative methods 38563

authorized in sections 3318.051, 3318.052, and 3318.084 of the 38564
Revised Code to generate the entire amount calculated under 38565
division (E)(2) of this section to maintain the classroom 38566
facilities acquired under each segment for which it so elects. If 38567
the district cannot use one or more of those alternative methods 38568
to generate the entire amount calculated under that division, the 38569
district shall levy the tax described in division (B) of section 38570
3318.05 of the Revised Code or an extension of that tax under 38571
section 3318.061 of the Revised Code in an amount necessary to 38572
generate the remainder of its full maintenance amount. The 38573
commission shall calculate the remainder of the district's full 38574
maintenance amount as follows: 38575

The full maintenance amount - the sum of the amounts 38576
calculated for the district under division (E)(2) of this section 38577
for each prior segment of the district's project 38578

(4) In no case shall the sum of the amounts calculated for a 38579
school district's maintenance of classroom facilities under 38580
divisions (E)(2) and (3) of this section exceed the amount that 38581
would have been required for maintenance if the district had 38582
elected to undertake its project in its entirety instead of 38583
segmenting the project under this section. 38584

(5) If a school district commenced a segment under this 38585
section prior to September 10, 2012, but has not completed that 38586
segment, and has not levied the tax described in division (B) of 38587
section 3318.05 of the Revised Code or an extension of that tax 38588
under section 3318.061 of the Revised Code, the district may 38589
request approval from the commission to prorate its full 38590
maintenance amount in accordance with divisions (E)(1) to (4) of 38591
this section. If the commission approves the request, the 38592
commission and the district shall amend the agreement entered into 38593
under section 3318.08 of the Revised Code to reflect the change. 38594

(F) If a school district levies the tax described in division 38595

(B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the tax shall run for twenty-three years from the date the segment for which the tax is initially levied is undertaken. The maintenance levy requirement, as defined in section 3318.18 of the Revised Code, does not apply to a segment undertaken under division (C) of this section.

(G) As used in this section, "full maintenance amount" means the amount of total revenue that a school district likely would generate by one-half mill of the tax described in division (B) of section 3318.05 of the Revised Code over the entire twenty-three-year period required under that section, as determined by the commission in consultation with the department of taxation.

Sec. 3318.035. (A) This section applies only if there is a change in the assessment rates on gas pipelines imposed under state law.

(B) If at any time division (A) of this section applies and if the change in assessment rates described in that division affects a school district's valuation as determined under division (P) of section 3318.01 of the Revised Code by greater than ten per cent and if the Ohio ~~school~~ facilities construction commission had determined the state and school district portion of the basic project cost of such a district's project under section 3318.36 or 3318.37 of the Revised Code prior to that change in valuation, the commission shall adjust the state and school district portions of the basic project cost of the school district's project using the valuation altered by the change in assessment rates described in division (A) of this section.

Sec. 3318.036. (A) For purposes of this section:

(1) "Eligible school district" is a city, local, or exempted village school district that satisfies both of the following conditions:	38626 38627 38628
(a) The district resulted from one of the following that became effective between July 1, 2013, and June 30, 2018:	38629 38630
(i) A transfer of all of the territory of one school district to another school district in accordance with section 3311.22, 3311.231, 3311.24, or 3311.38 of the Revised Code;	38631 38632 38633
(ii) The merger of two or more districts in accordance with section 3311.25 of the Revised Code;	38634 38635
(iii) The creation of a new local school district from all of one or more local school districts in accordance with section 3311.26 of the Revised Code;	38636 38637 38638
(iv) The consolidation of two or more school districts under section 3311.37 of the Revised Code.	38639 38640
(b) The district has demonstrated to the Ohio school facilities <u>construction</u> commission an efficient use of facility space, including a reduction in the number of buildings used by students and administrative staff.	38641 38642 38643 38644
(2) "Basic project cost" and "required percentage of the basic project cost" have the same meanings as in section 3318.01 of the Revised Code.	38645 38646 38647
(B) Notwithstanding anything to the contrary in this chapter:	38648
(1) If the commission determines that a district is an eligible school district, the commission shall give that district first priority for funding for a project under sections 3318.01 to 3318.20 of the Revised Code as such funds become available, regardless of the district's percentile rank under section 3318.011 of the Revised Code. If the district results from a transfer, merger, consolidation, or creation of a new local	38649 38650 38651 38652 38653 38654 38655

district that takes effect prior to ~~the effective date of this~~ 38656
~~section April 6, 2017~~, the district's portion of the basic project 38657
cost shall be the required percentage of the basic project cost 38658
based on the percentile ranking of the district that was 38659
transferred, merged, consolidated, or existed prior to the 38660
creation of the new district that has the lowest three-year 38661
average adjusted valuation per pupil, as calculated under section 38662
3318.011 of the Revised Code, on the date that the transfer, 38663
merger, consolidation, or creation of the new district became 38664
effective. 38665

(2) If an eligible school district is given priority under 38666
division (B)(1) of this section, the commission may reduce that 38667
district's portion of the basic project cost by twenty-five 38668
percentage points from the portion determined under section 38669
3318.032 of the Revised Code or, if the district results from a 38670
transfer, merger, consolidation, or creation of a new local 38671
district that takes effect prior to ~~the effective date of this~~ 38672
~~section April 6, 2017~~, from the portion determined under division 38673
(B)(1) of this section. At no time, however, shall that district's 38674
portion of the basic project cost be less than five per cent. 38675

(3) If an eligible school district is given priority under 38676
division (B)(1) of this section, the commission may reduce that 38677
district's portion of the basic project cost by ten percentage 38678
points from the portion determined under section 3318.032 of the 38679
Revised Code or, if the district results from a transfer, merger, 38680
consolidation, or creation of a new local district that takes 38681
effect prior to ~~the effective date of this section April 6, 2017~~, 38682
from the portion determined under division (B)(1) of this section, 38683
if the district's project satisfies the following conditions: 38684

(a) The project involves construction of a building on land 38685
owned by a state institution of higher education, as that term is 38686
defined in section 3345.011 of the Revised Code, and the 38687

commission approves the project. 38688

(b) The district and the state institution of higher 38689
education enter into a written agreement regarding the continued 38690
use of the institution's land by the district, and the commission 38691
approves the agreement. 38692

(c) On the date that the district and the state institution 38693
of higher education enter into the written agreement described in 38694
division (B)(3)(b) of this section, the state institution of 38695
higher education is participating in the college credit plus 38696
program established under Chapter 3365. of the Revised Code. 38697

At no time, however, shall that district's portion of the 38698
basic project cost be less than five per cent. 38699

The reduction of the district's portion of the basic project 38700
cost described in division (B)(3) of this section may be in 38701
addition to a reduction of the district's portion of the basic 38702
project cost under division (B)(2) of this section. 38703

(C) Except as provided in division (B) of this section, a 38704
district's project undertaken pursuant to this section shall be 38705
subject to all other requirements in sections 3318.01 to 3318.20 38706
of the Revised Code. 38707

Sec. 3318.037. (A) For purposes of this section, an "eligible 38708
school district" is a school district that satisfies all of the 38709
following conditions: 38710

(1) The district executed an agreement for a project under 38711
sections 3318.01 to 3318.20 of the Revised Code that was segmented 38712
under section 3318.034 of the Revised Code. 38713

(2) The district has undertaken one or more segments of that 38714
project and has applied to the Ohio facilities construction 38715
commission for funding for a subsequent segment of the project. 38716

(3) Since the original project agreement described in 38717

division (A)(1) of this section was executed, the district has 38718
experienced a decrease in its adjusted valuation per pupil, as 38719
determined annually under section 3318.011 of the Revised Code, 38720
such that, as of the date the district submits its application for 38721
a subsequent segment of the project as described in division 38722
(A)(2) of this section, the district's annual percentile ranking 38723
under that section is lower than its percentile ranking on the 38724
date the district executed the original agreement for the project. 38725

(B) Notwithstanding anything to the contrary in this chapter 38726
or in any rule of the commission, an eligible school district's 38727
portion of the cost for a subsequent segment of its project shall 38728
be the "required percentage of the basic project costs" based on 38729
the district's current percentile ranking for the fiscal year for 38730
which the district seeks funding for the segment. 38731

Upon determining the respective state and district portions 38732
of the basic project cost for the segment pursuant to this 38733
section, the commission and the district shall amend the project 38734
agreement to stipulate those portions, and the commission shall 38735
encumber funds for the segment in accordance with section 3318.11 38736
of the Revised Code. 38737

(C) Nothing in this section shall affect the respective state 38738
and district portions of the basic project cost of segments of a 38739
district's project undertaken prior to the district's application 38740
for funding for a subsequent segment of the project under this 38741
section. 38742

Sec. 3318.04. (A) If the Ohio ~~school~~ facilities construction 38743
commission makes a determination under section 3318.03 of the 38744
Revised Code in favor of constructing, acquiring, reconstructing, 38745
or making additions to a classroom facility, the project shall be 38746
conditionally approved. Such conditional approval shall be 38747
submitted to the controlling board for approval thereof. The 38748

controlling board shall forthwith approve or reject the 38749
commission's determination, conditional approval, the amount of 38750
the state's portion of the basic project cost, and, the amount of 38751
the state's portion to be encumbered in the current fiscal year. 38752
In the event of approval thereof by the controlling board, the 38753
commission shall certify such conditional approval to the school 38754
district board and shall encumber from the total funds 38755
appropriated for the purpose of sections 3318.01 to 3318.20 of the 38756
Revised Code the amount approved under this section to be 38757
encumbered in the current fiscal year. 38758

The basic project cost for a project approved under this 38759
section shall not exceed the cost that would otherwise have to be 38760
incurred if the classroom facilities to be constructed, acquired, 38761
or reconstructed, or the additions to be made to classroom 38762
facilities, under such project meet, but do not exceed, the 38763
specifications for plans and materials for classroom facilities 38764
adopted by the commission. 38765

(B)(1) No school district shall have a project conditionally 38766
approved pursuant to this section if the school district has 38767
already received any assistance for a project funded under any 38768
version of sections 3318.01 to 3318.20 of the Revised Code, and 38769
the prior project was one for which the electors of such district 38770
approved a levy within the last twenty years pursuant to any 38771
version of section 3318.06 of the Revised Code for purposes of 38772
qualifying for the funding of that project, unless the district 38773
demonstrates to the satisfaction of the commission that the 38774
district has experienced since approval of its prior project an 38775
exceptional increase in enrollment significantly above the 38776
district's design capacity under that prior project as determined 38777
by rule of the commission. 38778

(2) Notwithstanding division (B)(1) of this section, any 38779
school district that received assistance under sections 3318.01 to 38780

3318.20 of the Revised Code, as those sections existed prior to 38781
May 20, 1997, may receive additional assistance under those 38782
sections, as they exist on and after May 20, 1997, prior to the 38783
expiration of the period of time required under division (B)(1) of 38784
this section, if the percentile in which the school district is 38785
located, as determined under section 3318.011 of the Revised Code, 38786
is eligible for assistance as prescribed in section 3318.02 of the 38787
Revised Code. 38788

The commission may provide assistance under sections 3318.01 38789
to 3318.20 of the Revised Code pursuant to this division to no 38790
more than five school districts per fiscal year until all eligible 38791
school districts have received the additional assistance 38792
authorized under this division. The commission shall establish 38793
application procedures, deadlines, and priorities for funding 38794
projects under this division. 38795

The commission at its discretion may waive current design 38796
specifications it has adopted for projects under sections 3318.01 38797
to 3318.20 of the Revised Code when assessing an application for 38798
additional assistance under this division for the renovation of 38799
classroom facilities constructed or renovated under a school 38800
district's previous project. If the commission finds that a school 38801
district's existing classroom facilities are adequate to meet all 38802
of the school district's needs, the commission may determine that 38803
no additional state assistance be awarded to a school district 38804
under this division. 38805

In order for a school district to be eligible to receive any 38806
additional assistance under this division, the school district 38807
electors shall extend the school district's existing levy 38808
dedicated for maintenance of classroom facilities under Chapter 38809
3318. of the Revised Code, pursuant to section 3318.061 of the 38810
Revised Code or shall provide equivalent alternative maintenance 38811
funds as specified in division (A)(2) of section 3318.06 of the 38812

Revised Code. 38813

(3) Notwithstanding division (B)(1) of this section, any 38814
school district that has received assistance under sections 38815
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 38816
receive additional assistance if the commission decides in favor 38817
of providing such assistance pursuant to section 3318.042 of the 38818
Revised Code. 38819

(4) Notwithstanding division (B)(1) of this section, any 38820
school district that has opted to divide its entire classroom 38821
facilities needs into segments to be completed separately, as 38822
authorized by section 3318.034 of the Revised Code, and that has 38823
received assistance under sections 3318.01 to 3318.20 of the 38824
Revised Code for one of those segments may receive assistance 38825
under those sections for a subsequent segment. Assistance for any 38826
subsequent segment shall not include any additional work on a 38827
building included in a prior segment unless the district 38828
demonstrates to the satisfaction of the commission that the 38829
district has experienced since the completion of the prior segment 38830
an exceptional increase in enrollment in the grade levels housed 38831
in that building. 38832

Sec. 3318.041. A school district ranked in the first through 38833
twenty-fifth percentiles may adopt and certify to the Ohio ~~school~~ 38834
facilities construction commission a resolution specifying a 38835
proposed project that meets the requirements of this chapter and 38836
the needs of the district, as confirmed through an on-site visit 38837
pursuant to section 3318.02 of the Revised Code. The commission 38838
shall consider such projects for conditional approval pursuant to 38839
section 3318.03 and shall encumber funds pursuant to section 38840
3318.04 of the Revised Code in the order in which such resolutions 38841
are received. 38842

Sec. 3318.042. (A) The board of education of any school 38843
district that is receiving assistance under sections 3318.01 to 38844
3318.20 of the Revised Code after May 20, 1997, or under sections 38845
3318.40 to 3318.45 of the Revised Code, and whose project is still 38846
under construction, may request that the Ohio ~~school~~ facilities 38847
construction commission examine whether the circumstances 38848
prescribed in either division (B)(1) or (2) of this section exist 38849
in the school district. If the commission so finds, the commission 38850
shall review the school district's original assessment and 38851
approved project and consider providing additional assistance to 38852
the school district to correct the prescribed conditions found to 38853
exist in the district. Additional assistance under this section 38854
shall be limited to additions to one or more buildings, remodeling 38855
of one or more buildings, or changes to the infrastructure of one 38856
or more buildings. 38857

(B) Consideration of additional assistance to a school 38858
district under this section is warranted in either of the 38859
following circumstances: 38860

(1) Additional work is needed to correct an oversight or 38861
deficiency not identified or included in the district's initial 38862
assessment. 38863

(2) Other conditions exist that, in the opinion of the 38864
commission, warrant additions or remodeling of the project 38865
facilities or changes to infrastructure associated with the 38866
district's project that were not identified in the initial 38867
assessment and plan. 38868

(C) If the commission decides in favor of providing 38869
additional assistance to any school district under this section, 38870
the school district shall be responsible for paying for its 38871
portion of the cost of the additions, remodeling, or 38872
infrastructure changes pursuant to section 3318.083 of the Revised 38873

Code. If, after making a financial evaluation of the school 38874
district, the commission determines that the school district is 38875
unable without undue hardship, according to the guidelines adopted 38876
by the commission, to fund the school district portion of the 38877
increase, then the state and the school district shall enter into 38878
an agreement whereby the state shall pay the portion of the cost 38879
increase attributable to the school district which is determined 38880
to be in excess of any local resources available to the district 38881
and the district shall thereafter reimburse the state. The 38882
commission shall establish the district's schedule for reimbursing 38883
the state, which shall not extend beyond ten years. The commission 38884
may lengthen the reimbursement schedule of a school district that 38885
has entered into an agreement under this section prior to ~~the~~ 38886
~~effective date of this amendment~~ September 26, 2003, as long as 38887
the total term of that schedule does not extend beyond ten years. 38888
Debt incurred under this section shall not be included in the 38889
calculation of the net indebtedness of the school district under 38890
section 133.06 of the Revised Code. 38891

Sec. 3318.05. The conditional approval of the Ohio ~~school~~ 38892
facilities construction commission for a project shall lapse and 38893
the amount reserved and encumbered for such project shall be 38894
released unless the school district board accepts such conditional 38895
approval within one hundred twenty days following the date of 38896
certification of the conditional approval to the school district 38897
board and the electors of the school district vote favorably on 38898
both of the propositions described in divisions (A) and (B) of 38899
this section within thirteen months of the date of such 38900
certification, except that a school district described in division 38901
(C) of this section does not need to submit the proposition 38902
described in division (B) of this section. The propositions 38903
described in divisions (A) and (B) of this section shall be 38904
combined in a single proposal. If the district board or the 38905

district's electors fail to meet such requirements and the amount 38906
reserved and encumbered for the district's project is released, 38907
the district shall be given first priority for project funding as 38908
such funds become available, subject to section 3318.054 of the 38909
Revised Code. 38910

(A) On the question of issuing bonds of the school district 38911
board, for the school district's portion of the basic project 38912
cost, in an amount equal to the school district's portion of the 38913
basic project cost less the amount of the proceeds of any 38914
securities authorized or to be authorized under division (J) of 38915
section 133.06 of the Revised Code and dedicated by the school 38916
district board to payment of the district's portion of the basic 38917
project cost; and 38918

(B) On the question of levying a tax the proceeds of which 38919
shall be used to pay the cost of maintaining the classroom 38920
facilities included in the project. Such tax shall be at the rate 38921
of not less than one-half mill for each dollar of valuation for a 38922
period of twenty-three years, subject to any extension approved 38923
under section 3318.061 of the Revised Code. 38924

(C) If a school district has in place a tax levied under 38925
section 5705.21 of the Revised Code for general permanent 38926
improvements for a continuing period of time and the proceeds of 38927
such tax can be used for maintenance, or if a district agrees to 38928
the transfers described in section 3318.051 of the Revised Code, 38929
the school district need not levy the additional tax required 38930
under division (B) of this section, provided the school district 38931
board includes in the agreement entered into under section 3318.08 38932
of the Revised Code provisions either: 38933

(1) Earmarking an amount from the proceeds of that permanent 38934
improvement tax for maintenance of classroom facilities equivalent 38935
to the amount of the additional tax and for the equivalent number 38936
of years otherwise required under this section; 38937

(2) Requiring the transfer of money in accordance with 38938
section 3318.051 of the Revised Code. 38939

The district board subsequently may rescind the agreement to 38940
make the transfers under section 3318.051 of the Revised Code only 38941
so long as the electors of the district have approved, in 38942
accordance with section 3318.063 of the Revised Code, the levy of 38943
a tax for the maintenance of the classroom facilities acquired 38944
under the district's project and that levy continues to be 38945
collected as approved by the electors. 38946

(D) Proceeds of the tax to be used for maintenance of the 38947
classroom facilities under either division (B) or (C)(1) of this 38948
section, and transfers of money in accordance with section 38949
3318.051 of the Revised Code shall be deposited into a separate 38950
fund established by the school district for such purpose. 38951

Sec. 3318.051. (A) Any city, exempted village, or local 38952
school district that commences a project under sections 3318.01 to 38953
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 38954
after September 5, 2006, need not levy the tax otherwise required 38955
under division (B) of section 3318.05 of the Revised Code, if the 38956
district board of education adopts a resolution petitioning the 38957
Ohio ~~school~~ facilities construction commission to approve the 38958
transfer of money in accordance with this section and the 38959
commission approves that transfer. If so approved, the commission 38960
and the district board shall enter into an agreement under which 38961
the board, in each of twenty-three consecutive years beginning in 38962
the year in which the board and the commission enter into the 38963
project agreement under section 3318.08 of the Revised Code, shall 38964
transfer into the maintenance fund required by division (D) of 38965
section 3318.05 of the Revised Code not less than an amount equal 38966
to one-half mill for each dollar of the district's valuation 38967
unless and until the agreement to make those transfers is 38968

rescinded by the district board pursuant to division (F) of this section. 38969
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(B) On the first day of July each year, or on an alternative date prescribed by the commission, the district treasurer shall certify to the commission and the auditor of state that the amount required for the year has been transferred. The auditor of state shall include verification of the transfer as part of any audit of the district under section 117.11 of the Revised Code. If the auditor of state finds that less than the required amount has been deposited into a district's maintenance fund, the auditor of state shall notify the district board of education in writing of that fact and require the board to deposit into the fund, within ninety days after the date of the notice, the amount by which the fund is deficient for the year. If the district board fails to demonstrate to the auditor of state's satisfaction that the board has made the deposit required in the notice, the auditor of state shall notify the department of education. At that time, the department shall withhold an amount equal to ten per cent of the district's funds calculated for the current fiscal year under Chapter 3317. of the Revised Code until the auditor of state notifies the department that the auditor of state is satisfied that the board has made the required transfer. 38971
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(C) Money transferred to the maintenance fund shall be used for the maintenance of the facilities acquired under the district's project. 38991
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(D) The transfers to the maintenance fund under this section does not affect a district's obligation to establish and maintain a capital and maintenance fund under section 3315.18 of the Revised Code. 38994
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(E) Any decision by the commission to approve or not approve the transfer of money under this section is final and not subject to appeal. The commission shall not be responsible for errors or 38998
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miscalculations made in deciding whether to approve a petition to 39001
make transfers under this section. 39002

(F) If the district board determines that it no longer can 39003
continue making the transfers agreed to under this section, the 39004
board may rescind the agreement only so long as the electors of 39005
the district have approved, in accordance with section 3318.063 of 39006
the Revised Code, the levy of a tax for the maintenance of the 39007
classroom facilities acquired under the district's project and 39008
that levy continues to be collected as approved by the electors. 39009
That levy shall be for a number of years that is equal to the 39010
difference between twenty-three years and the number of years that 39011
the district made transfers under this section and shall be at the 39012
rate of not less than one-half mill for each dollar of the 39013
district's valuation. The district board shall continue to make 39014
the transfers agreed to under this section until that levy has 39015
been approved by the electors. 39016

Sec. 3318.052. At any time after the electors of a school 39017
district have approved either or both a property tax levied under 39018
section 5705.21 or 5705.218 of the Revised Code for the purpose of 39019
permanent improvements, including general permanent improvements, 39020
or a school district income tax levied under Chapter 5748. of the 39021
Revised Code, the proceeds of either of which, pursuant to the 39022
ballot measures approved by the electors, are not so restricted 39023
that they cannot be used to pay the costs of a project or 39024
maintaining classroom facilities, the school district board may: 39025

(A) Within one year following the date of the certification 39026
of the conditional approval of the school district's classroom 39027
facilities project by the Ohio ~~school~~ facilities construction 39028
commission, enter into a written agreement with the commission, 39029
which may be part of an agreement entered into under section 39030
3318.08 of the Revised Code, and in which the school district 39031

board covenants and agrees to do one or both of the following: 39032

(1) Apply a specified amount of available proceeds of that 39033
property tax levy, of that school district income tax, or of 39034
securities issued under this section, or of proceeds from any two 39035
or more of those sources, to pay all or part of the district's 39036
portion of the basic project cost of its classroom facilities 39037
project; 39038

(2) Apply available proceeds of either or both a property tax 39039
levied under section 5705.21 or 5705.218 of the Revised Code in 39040
effect for a continuing period of time, or of a school district 39041
income tax levied under Chapter 5748. of the Revised Code in 39042
effect for a continuing period of time to the payment of costs of 39043
maintaining the classroom facilities. 39044

(B) Receive, as a credit against the amount of bonds required 39045
under sections 3318.05 and 3318.06 of the Revised Code, to be 39046
approved by the electors of the district and issued by the 39047
district board for the district's portion of the basic project 39048
cost of its classroom facilities project in order for the district 39049
to receive state assistance for the project, an amount equal to 39050
the specified amount that the district board covenants and agrees 39051
with the commission to apply as set forth in division (A)(1) of 39052
this section; 39053

(C) Receive, as a credit against the amount of the tax levy 39054
required under sections 3318.05 and 3318.06 of the Revised Code, 39055
to be approved by the electors of the district to pay the costs of 39056
maintaining the classroom facilities in order to receive state 39057
assistance for the classroom facilities project, an amount 39058
equivalent to the specified amount of proceeds the school district 39059
board covenants and agrees with the commission to apply as 39060
referred to in division (A)(2) of this section; 39061

(D) Apply proceeds of either or both a school district income 39062

tax levied under Chapter 5748. of the Revised Code that may 39063
lawfully be used to pay the costs of a classroom facilities 39064
project or of a tax levied under section 5705.21 or 5705.218 of 39065
the Revised Code to the payment of debt charges on and financing 39066
costs related to securities issued under this section; 39067

(E) Issue securities to provide moneys to pay all or part of 39068
the district's portion of the basic project cost of its classroom 39069
facilities project in accordance with an agreement entered into 39070
under division (A) of this section. Securities issued under this 39071
section shall be Chapter 133. securities and may be issued as 39072
general obligation securities or issued in anticipation of a 39073
school district income tax or as property tax anticipation notes 39074
under section 133.24 of the Revised Code. The district board's 39075
resolution authorizing the issuance and sale of general obligation 39076
securities under this section shall conform to the applicable 39077
requirements of section 133.22 or 133.23 of the Revised Code. 39078
Securities issued under this section shall have principal payments 39079
during each year after the year of issuance over a period of not 39080
more than twenty-three years and, if so determined by the district 39081
board, during the year of issuance. Securities issued under this 39082
section shall not be included in the calculation of net 39083
indebtedness of the district under section 133.06 of the Revised 39084
Code, including but not limited to the limitation on unvoted 39085
indebtedness specified in division (G) of that section, or under 39086
section 3313.372 of the Revised Code, if the resolution of the 39087
district board authorizing their issuance and sale includes 39088
covenants to appropriate annually from lawfully available proceeds 39089
of a property tax levied under section 5705.21 or 5705.218 of the 39090
Revised Code or of a school district income tax levied under 39091
Chapter 5748. of the Revised Code and to continue to levy and 39092
collect the tax in amounts necessary to pay the debt charges on 39093
and financing costs related to the securities as they become due. 39094
No property tax levied under section 5705.21 or 5705.218 of the 39095

Revised Code and no school district income tax levied under 39096
Chapter 5748. of the Revised Code that is pledged, or that the 39097
school district board has covenanted to levy, collect, and 39098
appropriate annually, to pay the debt charges on and financing 39099
costs related to securities issued under this section shall be 39100
repealed while those securities are outstanding. If such a tax is 39101
reduced by the electors of the district or by the district board 39102
while those securities are outstanding, the school district board 39103
shall continue to levy and collect the tax under the authority of 39104
the original election authorizing the tax at a rate in each year 39105
that the board reasonably estimates will produce an amount in that 39106
year equal to the debt charges on the securities in that year, 39107
except that in the case of a school district income tax that 39108
amount shall be rounded up to the nearest one-fourth of one per 39109
cent. 39110

No state moneys shall be released for a project to which this 39111
section applies until the proceeds of the tax securities issued 39112
under this section that are dedicated for the payment of the 39113
district portion of the basic project cost of its classroom 39114
facilities project are first deposited into the district's project 39115
construction fund. 39116

Sec. 3318.054. (A) If conditional approval of a city, 39117
exempted village, or local school district's project lapses as 39118
provided in section 3318.05 of the Revised Code, or if conditional 39119
approval of a joint vocational school district's project lapses as 39120
provided in division (D) of section 3318.41 of the Revised Code, 39121
because the district's electors have not approved the ballot 39122
measures necessary to generate the district's portion of the basic 39123
project cost, and if the district board desires to seek a new 39124
conditional approval of the project, the district board shall 39125
request that the Ohio ~~school~~ facilities construction commission 39126
set the scope, basic project cost, and school district portion of 39127

the basic project cost prior to resubmitting the ballot measures 39128
to the electors. To do so, the commission shall use the district's 39129
current assessed tax valuation and the district's percentile for 39130
the prior fiscal year. For a district that has entered into an 39131
agreement under section 3318.36 of the Revised Code and desires to 39132
proceed with a project under sections 3318.01 to 3318.20 of the 39133
Revised Code, the district's portion of the basic project cost 39134
shall be the percentage specified in that agreement. The project 39135
scope and basic costs established under this division shall be 39136
valid for thirteen months from the date the commission approves 39137
them. 39138

(B) Upon the commission's approval under division (A) of this 39139
section, the district board may submit the ballot measures to the 39140
district's electors for approval of the project based on the new 39141
project scope and estimated costs. Upon electoral approval of 39142
those measures, the district shall be given first priority for 39143
project funding as such funds become available. 39144

(C) When the commission determines that funds are available 39145
for the district's project, the commission shall do all of the 39146
following: 39147

(1) Determine the school district portion of the basic 39148
project cost under section 3318.032 of the Revised Code, in the 39149
case of a city, exempted village, or local school district, or 39150
under section 3318.42 of the Revised Code, in the case of a joint 39151
vocational school district; 39152

(2) Conditionally approve the project and submit it to the 39153
controlling board for approval pursuant to section 3318.04 of the 39154
Revised Code; 39155

(3) Encumber funds for the project under section 3318.11 of 39156
the Revised Code; 39157

(4) Enter into an agreement with the district board under 39158
section 3318.08 of the Revised Code. 39159

Sec. 3318.06. (A) After receipt of the conditional approval 39160
of the Ohio ~~school~~ facilities construction commission, the school 39161
district board by a majority of all of its members shall, if it 39162
desires to proceed with the project, declare all of the following 39163
by resolution: 39164

(1) That by issuing bonds in an amount equal to the school 39165
district's portion of the basic project cost the district is 39166
unable to provide adequate classroom facilities without assistance 39167
from the state; 39168

(2) Unless the school district board has resolved to transfer 39169
money in accordance with section 3318.051 of the Revised Code or 39170
to apply the proceeds of a property tax or the proceeds of an 39171
income tax, or a combination of proceeds from such taxes, as 39172
authorized under section 3318.052 of the Revised Code, that to 39173
qualify for such state assistance it is necessary to do either of 39174
the following: 39175

(a) Levy a tax outside the ten-mill limitation the proceeds 39176
of which shall be used to pay the cost of maintaining the 39177
classroom facilities included in the project; 39178

(b) Earmark for maintenance of classroom facilities from the 39179
proceeds of an existing permanent improvement tax levied under 39180
section 5705.21 of the Revised Code, if such tax can be used for 39181
maintenance, an amount equivalent to the amount of the additional 39182
tax otherwise required under this section and sections 3318.05 and 39183
3318.08 of the Revised Code. 39184

(3) That the question of any tax levy specified in a 39185
resolution described in division (A)(2)(a) of this section, if 39186
required, shall be submitted to the electors of the school 39187

district at the next general or primary election, if there be a 39188
general or primary election not less than ninety and not more than 39189
one hundred ten days after the day of the adoption of such 39190
resolution or, if not, at a special election to be held at a time 39191
specified in the resolution which shall be not less than ninety 39192
days after the day of the adoption of the resolution and which 39193
shall be in accordance with the requirements of section 3501.01 of 39194
the Revised Code. 39195

Such resolution shall also state that the question of issuing 39196
bonds of the board shall be combined in a single proposal with the 39197
question of such tax levy. More than one election under this 39198
section may be held in any one calendar year. Such resolution 39199
shall specify both of the following: 39200

(a) That the rate which it is necessary to levy shall be at 39201
the rate of not less than one-half mill for each one dollar of 39202
valuation, and that such tax shall be levied for a period of 39203
twenty-three years; 39204

(b) That the proceeds of the tax shall be used to pay the 39205
cost of maintaining the classroom facilities included in the 39206
project. 39207

(B) A copy of a resolution adopted under division (A) of this 39208
section shall after its passage and not less than ninety days 39209
prior to the date set therein for the election be certified to the 39210
county board of elections. 39211

The resolution of the school district board, in addition to 39212
meeting other applicable requirements of section 133.18 of the 39213
Revised Code, shall state that the amount of bonds to be issued 39214
will be an amount equal to the school district's portion of the 39215
basic project cost, and state the maximum maturity of the bonds 39216
which may be any number of years not exceeding the term calculated 39217
under section 133.20 of the Revised Code as determined by the 39218

board. In estimating the amount of bonds to be issued, the board 39219
shall take into consideration the amount of moneys then in the 39220
bond retirement fund and the amount of moneys to be collected for 39221
and disbursed from the bond retirement fund during the remainder 39222
of the year in which the resolution of necessity is adopted. 39223

If the bonds are to be issued in more than one series, the 39224
resolution may state, in addition to the information required to 39225
be stated under division (B)(3) of section 133.18 of the Revised 39226
Code, the number of series, which shall not exceed five, the 39227
principal amount of each series, and the approximate date each 39228
series will be issued, and may provide that no series, or any 39229
portion thereof, may be issued before such date. Upon such a 39230
resolution being certified to the county auditor as required by 39231
division (C) of section 133.18 of the Revised Code, the county 39232
auditor, in calculating, advising, and confirming the estimated 39233
average annual property tax levy under that division, shall also 39234
calculate, advise, and confirm by certification the estimated 39235
average property tax levy for each series of bonds to be issued. 39236

Notice of the election shall include the fact that the tax 39237
levy shall be at the rate of not less than one-half mill for each 39238
one dollar of valuation for a period of twenty-three years, and 39239
that the proceeds of the tax shall be used to pay the cost of 39240
maintaining the classroom facilities included in the project. 39241

If the bonds are to be issued in more than one series, the 39242
board of education, when filing copies of the resolution with the 39243
board of elections as required by division (D) of section 133.18 39244
of the Revised Code, may direct the board of elections to include 39245
in the notice of election the principal amount and approximate 39246
date of each series, the maximum number of years over which the 39247
principal of each series may be paid, the estimated additional 39248
average property tax levy for each series, and the first calendar 39249
year in which the tax is expected to be due for each series, in 39250

addition to the information required to be stated in the notice 39251
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 39252
Code. 39253

(C)(1) Except as otherwise provided in division (C)(2) of 39254
this section, the form of the ballot to be used at such election 39255
shall be: 39256

"A majority affirmative vote is necessary for passage. 39257

Shall bonds be issued by the (here insert name 39258
of school district) school district to pay the local share of 39259
school construction under the State of Ohio Classroom Facilities 39260
Assistance Program in the principal amount of (here 39261
insert principal amount of the bond issue), to be repaid annually 39262
over a maximum period of (here insert the maximum 39263
number of years over which the principal of the bonds may be paid) 39264
years, and an annual levy of property taxes be made outside the 39265
ten-mill limitation, estimated by the county auditor to average 39266
over the repayment period of the bond issue (here 39267
insert the number of mills estimated) mills for each one dollar of 39268
tax valuation, which amounts to (rate expressed in 39269
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 39270
for each one hundred dollars of tax valuation to pay the annual 39271
debt charges on the bonds and to pay debt charges on any notes 39272
issued in anticipation of the bonds?" 39273

and, unless the additional levy 39274

of taxes is not required pursuant 39275

to division (C) of section 39276

3318.05 of the Revised Code, 39277

"Shall an additional levy of taxes be made for a period of 39278
twenty-three years to benefit the (here insert name 39279
of school district) school district, the proceeds of which shall 39280
be used to pay the cost of maintaining the classroom facilities 39281
included in the project at the rate of (here insert the 39282

number of mills, which shall not be less than one-half mill) mills 39283
for each one dollar of valuation? 39284

39285

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

39286

39287

39288

(2) If authority is sought to issue bonds in more than one 39289
series and the board of education so elects, the form of the 39290
ballot shall be as prescribed in section 3318.062 of the Revised 39291
Code. If the board of education elects the form of the ballot 39292
prescribed in that section, it shall so state in the resolution 39293
adopted under this section. 39294

(D) If it is necessary for the school district to acquire a 39295
site for the classroom facilities to be acquired pursuant to 39296
sections 3318.01 to 3318.20 of the Revised Code, the district 39297
board may propose either to issue bonds of the board or to levy a 39298
tax to pay for the acquisition of such site, and may combine the 39299
question of doing so with the questions specified in division (B) 39300
of this section. Bonds issued under this division for the purpose 39301
of acquiring a site are a general obligation of the school 39302
district and are Chapter 133. securities. 39303

The form of that portion of the ballot to include the 39304
question of either issuing bonds or levying a tax for site 39305
acquisition purposes shall be one of the following: 39306

(1) "Shall bonds be issued by the (here insert 39307
name of the school district) school district to pay costs of 39308
acquiring a site for classroom facilities under the State of Ohio 39309
Classroom Facilities Assistance Program in the principal amount of 39310
..... (here insert principal amount of the bond issue), to be 39311
repaid annually over a maximum period of (here insert 39312
maximum number of years over which the principal of the bonds may 39313

be paid) years, and an annual levy of property taxes be made 39314
outside the ten-mill limitation, estimated by the county auditor 39315
to average over the repayment period of the bond issue 39316
(here insert number of mills) mills for each one dollar of tax 39317
valuation, which amount to (here insert rate expressed 39318
in cents or dollars and cents, such as "thirty-six cents" or 39319
"\$0.36") for each one hundred dollars of valuation to pay the 39320
annual debt charges on the bonds and to pay debt charges on any 39321
notes issued in anticipation of the bonds?" 39322

(2) "Shall an additional levy of taxes outside the ten-mill 39323
limitation be made for the benefit of the (here insert 39324
name of the school district) school district for the purpose of 39325
acquiring a site for classroom facilities in the sum of 39326
(here insert annual amount the levy is to produce) estimated by 39327
the county auditor to average (here insert number of 39328
mills) mills for each one hundred dollars of valuation, for a 39329
period of (here insert number of years the millage is to 39330
be imposed) years?" 39331

Where it is necessary to combine the question of issuing 39332
bonds of the school district and levying a tax as described in 39333
division (B) of this section with the question of issuing bonds of 39334
the school district for acquisition of a site, the question 39335
specified in that division to be voted on shall be "For the Bond 39336
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 39337
Levy." 39338

Where it is necessary to combine the question of issuing 39339
bonds of the school district and levying a tax as described in 39340
division (B) of this section with the question of levying a tax 39341
for the acquisition of a site, the question specified in that 39342
division to be voted on shall be "For the Bond Issue and the Tax 39343
Levies" and "Against the Bond Issue and the Tax Levies." 39344

Where the school district board chooses to combine the 39345

question in division (B) of this section with any of the 39346
additional questions described in divisions (A) to (D) of section 39347
3318.056 of the Revised Code, the question specified in division 39348
(B) of this section to be voted on shall be "For the Bond Issues 39349
and the Tax Levies" and "Against the Bond Issues and the Tax 39350
Levies." 39351

If a majority of those voting upon a proposition hereunder 39352
which includes the question of issuing bonds vote in favor 39353
thereof, and if the agreement provided for by section 3318.08 of 39354
the Revised Code has been entered into, the school district board 39355
may proceed under Chapter 133. of the Revised Code, with the 39356
issuance of bonds or bond anticipation notes in accordance with 39357
the terms of the agreement. 39358

Sec. 3318.061. This section applies only to school districts 39359
eligible to receive additional assistance under division (B)(2) of 39360
section 3318.04 of the Revised Code. 39361

The board of education of a school district in which a tax 39362
described by division (B) of section 3318.05 and levied under 39363
section 3318.06 of the Revised Code is in effect, may adopt a 39364
resolution by vote of a majority of its members to extend the term 39365
of that tax beyond the expiration of that tax as originally 39366
approved under that section. The school district board may include 39367
in the resolution a proposal to extend the term of that tax at the 39368
rate of not less than one-half mill for each dollar of valuation 39369
for a period of twenty-three years from the year in which the 39370
school district board and the Ohio ~~school~~ facilities construction 39371
commission enter into an agreement under division (B)(2) of 39372
section 3318.04 of the Revised Code or in the following year, as 39373
specified in the resolution. Such a resolution may be adopted at 39374
any time before such an agreement is entered into and before the 39375
tax levied pursuant to section 3318.06 of the Revised Code 39376

expires. If the resolution is combined with a resolution to issue 39377
bonds to pay the school district's portion of the basic project 39378
cost, it shall conform with the requirements of divisions (A)(1), 39379
(2), and (3) of section 3318.06 of the Revised Code, except that 39380
the resolution also shall state that the tax levy proposed in the 39381
resolution is an extension of an existing tax levied under that 39382
section. A resolution proposing an extension adopted under this 39383
section does not take effect until it is approved by a majority of 39384
electors voting in favor of the resolution at a general, primary, 39385
or special election as provided in this section. 39386

A tax levy extended under this section is subject to the same 39387
terms and limitations to which the original tax levied under 39388
section 3318.06 of the Revised Code is subject under that section, 39389
except the term of the extension shall be as specified in this 39390
section. 39391

The school district board shall certify a copy of the 39392
resolution adopted under this section to the proper county board 39393
of elections not later than ninety days before the date set in the 39394
resolution as the date of the election at which the question will 39395
be submitted to electors. The notice of the election shall conform 39396
with the requirements of division (A)(3) of section 3318.06 of the 39397
Revised Code, except that the notice also shall state that the 39398
maintenance tax levy is an extension of an existing tax levy. 39399

The form of the ballot shall be as follows: 39400

"Shall the existing tax levied to pay the cost of maintaining 39401
classroom facilities constructed with the proceeds of the 39402
previously issued bonds at the rate of (here insert the 39403
number of mills, which shall not be less than one-half mill) mills 39404
per dollar of tax valuation, be extended until (here 39405
insert the year that is twenty-three years after the year in which 39406
the district and commission will enter into an agreement under 39407
division (B)(2) of section 3318.04 of the Revised Code or the 39408

following year)? 39409

39410

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	

39411

" 39412

39413

Section 3318.07 of the Revised Code applies to ballot 39414

questions under this section. 39415

Sec. 3318.07. The board of elections shall certify the result 39416

of the election to the tax commissioner, to the auditor of the 39417

county or counties in which the school district is located, to the 39418

treasurer of the school district board, and to the Ohio ~~school~~ 39419

facilities construction commission. The necessary tax levy for 39420

debt service on the bonds shall be included in the annual tax 39421

budget that is certified to the county budget commission or, if 39422

adoption of the tax budget is waived under section 5705.281 of the 39423

Revised Code, included among the tax rates required to be provided 39424

to the budget commission under that section. 39425

Sec. 3318.08. Except in the case of a joint vocational school 39426

district that receives assistance under sections 3318.40 to 39427

3318.45 of the Revised Code, if the requisite favorable vote on 39428

the election is obtained, or if the school district board has 39429

resolved to apply the proceeds of a property tax levy or the 39430

proceeds of an income tax, or a combination of proceeds from such 39431

taxes, as authorized in section 3318.052 of the Revised Code, the 39432

Ohio ~~school~~ facilities construction commission, upon certification 39433

to it of either the results of the election or the resolution 39434

under section 3318.052 of the Revised Code, shall enter into a 39435

written agreement with the school district board for the 39436

construction and sale of the project. In the case of a joint 39437

vocational school district that receives assistance under sections 39438

3318.40 to 3318.45 of the Revised Code, if the school district 39439
board of education and the school district electors have satisfied 39440
the conditions prescribed in division (D)(1) of section 3318.41 of 39441
the Revised Code, the commission shall enter into an agreement 39442
with the school district board for the construction and sale of 39443
the project. In either case, the agreement shall include, but need 39444
not be limited to, the following provisions: 39445

(A) The sale and issuance of bonds or notes in anticipation 39446
thereof, as soon as practicable after the execution of the 39447
agreement, in an amount equal to the school district's portion of 39448
the basic project cost, including any securities authorized under 39449
division (J) of section 133.06 of the Revised Code and dedicated 39450
by the school district board to payment of the district's portion 39451
of the basic project cost of the project; provided, that if at 39452
that time the county treasurer of each county in which the school 39453
district is located has not commenced the collection of taxes on 39454
the general duplicate of real and public utility property for the 39455
year in which the controlling board approved the project, the 39456
school district board shall authorize the issuance of a first 39457
installment of bond anticipation notes in an amount specified by 39458
the agreement, which amount shall not exceed an amount necessary 39459
to raise the net bonded indebtedness of the school district as of 39460
the date of the controlling board's approval to within five 39461
thousand dollars of the required level of indebtedness for the 39462
preceding year. In the event that a first installment of bond 39463
anticipation notes is issued, the school district board shall, as 39464
soon as practicable after the county treasurer of each county in 39465
which the school district is located has commenced the collection 39466
of taxes on the general duplicate of real and public utility 39467
property for the year in which the controlling board approved the 39468
project, authorize the issuance of a second and final installment 39469
of bond anticipation notes or a first and final issue of bonds. 39470

The combined value of the first and second installment of 39471
bond anticipation notes or the value of the first and final issue 39472
of bonds shall be equal to the school district's portion of the 39473
basic project cost. The proceeds of any such bonds shall be used 39474
first to retire any bond anticipation notes. Otherwise, the 39475
proceeds of such bonds and of any bond anticipation notes, except 39476
the premium and accrued interest thereon, shall be deposited in 39477
the school district's project construction fund. In determining 39478
the amount of net bonded indebtedness for the purpose of fixing 39479
the amount of an issue of either bonds or bond anticipation notes, 39480
gross indebtedness shall be reduced by moneys in the bond 39481
retirement fund only to the extent of the moneys therein on the 39482
first day of the year preceding the year in which the controlling 39483
board approved the project. Should there be a decrease in the tax 39484
valuation of the school district so that the amount of 39485
indebtedness that can be incurred on the tax duplicates for the 39486
year in which the controlling board approved the project is less 39487
than the amount of the first installment of bond anticipation 39488
notes, there shall be paid from the school district's project 39489
construction fund to the school district's bond retirement fund to 39490
be applied against such notes an amount sufficient to cause the 39491
net bonded indebtedness of the school district, as of the first 39492
day of the year following the year in which the controlling board 39493
approved the project, to be within five thousand dollars of the 39494
required level of indebtedness for the year in which the 39495
controlling board approved the project. The maximum amount of 39496
indebtedness to be incurred by any school district board as its 39497
share of the cost of the project is either an amount that will 39498
cause its net bonded indebtedness, as of the first day of the year 39499
following the year in which the controlling board approved the 39500
project, to be within five thousand dollars of the required level 39501
of indebtedness, or an amount equal to the required percentage of 39502
the basic project costs, whichever is greater. All bonds and bond 39503

anticipation notes shall be issued in accordance with Chapter 133. 39504
of the Revised Code, and notes may be renewed as provided in 39505
section 133.22 of the Revised Code. 39506

(B) The transfer of such funds of the school district board 39507
available for the project, together with the proceeds of the sale 39508
of the bonds or notes, except premium, accrued interest, and 39509
interest included in the amount of the issue, to the school 39510
district's project construction fund; 39511

(C) For all school districts except joint vocational school 39512
districts that receive assistance under sections 3318.40 to 39513
3318.45 of the Revised Code, the following provisions as 39514
applicable: 39515

(1) If section 3318.052 of the Revised Code applies, the 39516
earmarking of the proceeds of a tax levied under section 5705.21 39517
of the Revised Code for general permanent improvements or under 39518
section 5705.218 of the Revised Code for the purpose of permanent 39519
improvements, or the proceeds of a school district income tax 39520
levied under Chapter 5748. of the Revised Code, or the proceeds 39521
from a combination of those two taxes, in an amount to pay all or 39522
part of the service charges on bonds issued to pay the school 39523
district portion of the project and an amount equivalent to all or 39524
part of the tax required under division (B) of section 3318.05 of 39525
the Revised Code; 39526

(2) If section 3318.052 of the Revised Code does not apply, 39527
one of the following: 39528

(a) The levy of the tax authorized at the election for the 39529
payment of maintenance costs, as specified in division (B) of 39530
section 3318.05 of the Revised Code; 39531

(b) If the school district electors have approved a 39532
continuing tax for general permanent improvements under section 39533
5705.21 of the Revised Code and that tax can be used for 39534

maintenance, the earmarking of an amount of the proceeds from such 39535
tax for maintenance of classroom facilities as specified in 39536
division (B) of section 3318.05 of the Revised Code; 39537

(c) If, in lieu of the tax otherwise required under division 39538
(B) of section 3318.05 of the Revised Code, the commission has 39539
approved the transfer of money to the maintenance fund in 39540
accordance with section 3318.051 of the Revised Code, a 39541
requirement that the district board comply with the provisions of 39542
that section. The district board may rescind the provision 39543
prescribed under division (C)(2)(c) of this section only so long 39544
as the electors of the district have approved, in accordance with 39545
section 3318.063 of the Revised Code, the levy of a tax for the 39546
maintenance of the classroom facilities acquired under the 39547
district's project and that levy continues to be collected as 39548
approved by the electors. 39549

(D) For joint vocational school districts that receive 39550
assistance under sections 3318.40 to 3318.45 of the Revised Code, 39551
provision for deposit of school district moneys dedicated to 39552
maintenance of the classroom facilities acquired under those 39553
sections as prescribed in section 3318.43 of the Revised Code; 39554

(E) Dedication of any local donated contribution as provided 39555
for under section 3318.084 of the Revised Code, including a 39556
schedule for depositing such moneys applied as an offset of the 39557
district's obligation to levy the tax described in division (B) of 39558
section 3318.05 of the Revised Code as required under division 39559
(D)(2) of section 3318.084 of the Revised Code; 39560

(F) Ownership of or interest in the project during the period 39561
of construction, which shall be divided between the commission and 39562
the school district board in proportion to their respective 39563
contributions to the school district's project construction fund; 39564

(G) Maintenance of the state's interest in the project until 39565

any obligations issued for the project under section 3318.26 of 39566
the Revised Code are no longer outstanding; 39567

(H) The insurance of the project by the school district from 39568
the time there is an insurable interest therein and so long as the 39569
state retains any ownership or interest in the project pursuant to 39570
division (F) of this section, in such amounts and against such 39571
risks as the commission shall require; provided, that the cost of 39572
any required insurance until the project is completed shall be a 39573
part of the basic project cost; 39574

(I) The certification by the director of budget and 39575
management that funds are available and have been set aside to 39576
meet the state's share of the basic project cost as approved by 39577
the controlling board pursuant to either section 3318.04 or 39578
division (B)(1) of section 3318.41 of the Revised Code; 39579

(J) Authorization of the school district board to advertise 39580
for and receive construction bids for the project, for and on 39581
behalf of the commission, and to award contracts in the name of 39582
the state subject to approval by the commission; 39583

(K) Provisions for the disbursement of moneys from the school 39584
district's project account upon issuance by the commission or the 39585
commission's designated representative of vouchers for work done 39586
to be certified to the commission by the treasurer of the school 39587
district board; 39588

(L) Disposal of any balance left in the school district's 39589
project construction fund upon completion of the project; 39590

(M) Limitations upon use of the project or any part of it so 39591
long as any obligations issued to finance the project under 39592
section 3318.26 of the Revised Code are outstanding; 39593

(N) Provision for vesting the state's interest in the project 39594
to the school district board when the obligations issued to 39595
finance the project under section 3318.26 of the Revised Code are 39596

outstanding;	39597
(O) Provision for deposit of an executed copy of the agreement in the office of the commission;	39598 39599
(P) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the project have not been taken within such period after the execution of the agreement as may be fixed by the commission;	39600 39601 39602 39603 39604 39605 39606
(Q) Provision for the school district to maintain the project in accordance with a plan approved by the commission;	39607 39608
(R) Provision that all state funds reserved and encumbered to pay the state share of the cost of the project and the funds provided by the school district to pay for its share of the project cost, including the respective shares of the cost of a segment if the project is divided into segments, be spent on the construction and acquisition of the project or segment simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code or, if the district is a joint vocational school district, under section 3318.42 of the Revised Code. However, if the school district certifies to the commission that expenditure by the school district is necessary to maintain the federal tax status or tax-exempt status of notes or bonds issued by the school district to pay for its share of the project cost or to comply with applicable temporary investment periods or spending exceptions to rebate as provided for under federal law in regard to those notes or bonds, the school district may commit to spend, or spend, a greater portion of the funds it provides during any specific period than would otherwise be required under this division.	39609 39610 39611 39612 39613 39614 39615 39616 39617 39618 39619 39620 39621 39622 39623 39624 39625 39626 39627 39628

(S) A provision stipulating that the commission may prohibit 39629
the district from proceeding with any project if the commission 39630
determines that the site is not suitable for construction 39631
purposes. The commission may perform soil tests in its 39632
determination of whether a site is appropriate for construction 39633
purposes. 39634

(T) A provision stipulating that, unless otherwise authorized 39635
by the commission, any contingency reserve portion of the 39636
construction budget prescribed by the commission shall be used 39637
only to pay costs resulting from unforeseen job conditions, to 39638
comply with rulings regarding building and other codes, to pay 39639
costs related to design clarifications or corrections to contract 39640
documents, and to pay the costs of settlements or judgments 39641
related to the project as provided under section 3318.086 of the 39642
Revised Code; 39643

(U) A provision stipulating that for continued release of 39644
project funds the school district board shall comply with sections 39645
3313.41, 3313.411, and 3313.413 of the Revised Code throughout the 39646
project and shall notify the department of education and the Ohio 39647
community school association when the board plans to dispose of 39648
facilities by sale under that section; 39649

(V) A provision stipulating that the commission shall not 39650
approve a contract for demolition of a facility until the school 39651
district board has complied with sections 3313.41, 3313.411, and 39652
3313.413 of the Revised Code relative to that facility, unless 39653
demolition of that facility is to clear a site for construction of 39654
a replacement facility included in the district's project; 39655

(W) A requirement for the school district to adhere to a 39656
facilities maintenance plan approved by the commission. 39657

Sec. 3318.081. If the board of education of a school district 39658
authorized to impose a tax pursuant to section 3318.06 of the 39659

Revised Code determines that taxable value of property subject to 39660
the tax has increased to the extent it will not be necessary to 39661
impose such tax for twenty-three years in order to generate an 39662
amount equal to the amount of the project cost supplied by the 39663
state, it may request the county auditor to determine the amount 39664
remaining to be paid and the estimated rate of taxation required 39665
each year to pay such remainder in equal installments over the 39666
maximum number of remaining years the tax may be in effect. The 39667
auditor shall make such determination upon request and certify the 39668
results thereof to the board of education. 39669

Upon receipt of the auditor's determination, the board of 39670
education may request the Ohio ~~school~~ facilities construction 39671
commission to enter into a supplemental agreement under which the 39672
district may pay the remainder of the amount in annual amounts 39673
equal to the quotient obtained by dividing the amount remaining to 39674
be paid by the maximum number of remaining years the tax may be in 39675
effect. If such an agreement is entered into, the commission shall 39676
certify a copy thereof to the county auditor and the tax 39677
authorized by section 3318.06 of the Revised Code thereafter shall 39678
be levied at the rate required to make the annual payments 39679
required by the supplemental agreement rather than the rate 39680
required by such section. 39681

Sec. 3318.082. The board of education of any school district 39682
imposing a tax for the purpose of paying the state pursuant to 39683
section 3318.06 of the Revised Code prior to the effective date of 39684
the amendments to that section by Amended Substitute House Bill 39685
No. 748 of the 121st ~~General Assembly~~ general assembly, may enter 39686
into a supplemental agreement with the Ohio ~~school~~ facilities 39687
construction commission under which the proceeds of such tax shall 39688
be distributed in accordance with the requirements of section 39689
3318.06 of the Revised Code, as amended by Amended Substitute 39690
House Bill No. 748 of the 121st general assembly. 39691

Sec. 3318.083. If, after the Ohio ~~school~~ facilities 39692
construction commission and a school district enter into a written 39693
agreement under section 3318.08 of the Revised Code for the 39694
construction of a classroom facilities project, the commission 39695
approves an increase in the basic project cost above the amount 39696
budgeted plus any interest earned and available in the project 39697
construction fund, the state and the school district shall share 39698
the increased cost in proportion to their respective contributions 39699
to the district's project construction fund. 39700

Sec. 3318.084. (A) Notwithstanding anything to the contrary 39701
in Chapter 3318. of the Revised Code, a school district board may 39702
apply any local donated contribution toward any of the following: 39703

(1) The district's portion of the basic project cost of a 39704
project under either sections 3318.01 to 3318.20 or sections 39705
3318.40 to 3318.45 of the Revised Code to reduce the amount of 39706
bonds the district otherwise must issue in order to receive state 39707
assistance under those sections; 39708

(2) If the school district is not a joint vocational school 39709
district proceeding under sections 3318.40 to 3318.45 of the 39710
Revised Code, an offset of all or part of a district's obligation 39711
to levy the tax described in division (B) of section 3318.05 of 39712
the Revised Code, which shall be applied only in the manner 39713
prescribed in division (B) of this section; 39714

(3) If the school district is a joint vocational school 39715
district proceeding under sections 3318.40 to 3318.45 of the 39716
Revised Code, all or part of the amount the school district is 39717
obligated to set aside for maintenance of the classroom facilities 39718
acquired under that project pursuant to section 3318.43 of the 39719
Revised Code. 39720

(B) No school district board shall apply any local donated 39721

contribution under division (A)(2) of this section unless the Ohio 39722
~~school~~ facilities construction commission first approves that 39723
application. 39724

Upon the request of the school district board to apply local 39725
donated contribution under division (A)(2) of this section, the 39726
commission in consultation with the department of taxation shall 39727
determine the amount of total revenue that likely would be 39728
generated by one-half mill of the tax described in division (B) of 39729
section 3318.05 of the Revised Code over the entire 39730
twenty-three-year period required under that section and shall 39731
deduct from that amount any amount of local donated contribution 39732
that the board has committed to apply under division (A)(2) of 39733
this section. The commission then shall determine in consultation 39734
with the department of taxation the rate of tax over twenty-three 39735
years necessary to generate the amount of a one-half mill tax not 39736
offset by the local donated contribution. Notwithstanding anything 39737
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 39738
Revised Code, the rate determined by the commission shall be the 39739
rate for which the district board shall seek elector approval 39740
under those sections to meet its obligation under division (B) of 39741
section 3318.05 of the Revised Code. In the case of a complete 39742
offset of the district's obligation under division (B) of section 39743
3318.05 of the Revised Code, the district shall not be required to 39744
levy the tax otherwise required under that section. At the end of 39745
the twenty-three-year period of the tax required under division 39746
(B) of section 3318.05 of the Revised Code, whether or not the tax 39747
is actually levied, the commission in consultation of the 39748
department of taxation shall recalculate the amount that would 39749
have been generated by the tax if it had been levied at one-half 39750
mill. If the total amount actually generated over that period from 39751
both the tax that was actually levied and any local donated 39752
contribution applied under division (A)(2) of this section is less 39753
than the amount that would have been raised by a one-half mill 39754

tax, the district shall pay any difference. If the total amount 39755
actually raised in such manner is greater than the amount that 39756
would have been raised by a one-half mill tax the difference shall 39757
be zero and no payments shall be made by either the district or 39758
the commission. 39759

(C) As used in this section, "local donated contribution" 39760
means any of the following: 39761

(1) Any moneys irrevocably donated or granted to a school 39762
district board by a source other than the state which the board 39763
has the authority to apply to the school district's project under 39764
sections 3318.01 to 3318.20 of the Revised Code and which the 39765
board has pledged for that purpose by resolution adopted by a 39766
majority of its members; 39767

(2) Any irrevocable letter of credit issued on behalf of a 39768
school district which the school district board has encumbered for 39769
payment of the school district's share of its project under 39770
sections 3318.01 to 3318.20 of the Revised Code that has been 39771
approved by the commission in consultation with the department of 39772
education; 39773

(3) Any cash a school district has on hand that the school 39774
district board has encumbered for payment of the school district's 39775
share of its project under sections 3318.01 to 3318.20 of the 39776
Revised Code that has been approved by the commission in 39777
consultation with the department of education, including the 39778
following: 39779

(a) Any year-end operating fund balances that can be spent 39780
for classroom facilities; 39781

(b) Any cash resulting from a lease-purchase agreement that 39782
the school district board has entered into under section 3313.375 39783
of the Revised Code, provided that the agreement and the related 39784
financing documents contain provisions protecting the state's 39785

superior interest in the project. 39786

(4) Any moneys spent by a source other than the school 39787
district or the state for construction or renovation of specific 39788
classroom facilities that have been approved by the commission as 39789
part of the basic project cost of the district's project. The 39790
school district, the commission, and the entity providing the 39791
local donated contribution under division (C)(4) of this section 39792
shall enter into an agreement identifying the classroom facilities 39793
to be acquired by the expenditures made by that entity. The 39794
agreement shall include, but not be limited to, stipulations that 39795
require an audit by the commission of such expenditures made on 39796
behalf of the district and that specify the maximum amount of 39797
credit to be allowed for those expenditures. Upon completion of 39798
the construction or renovation, the commission shall determine the 39799
actual amount that the commission will credit, at the request of 39800
the district board, toward the district's portion of the basic 39801
project cost, any project cost overruns, or the basic project cost 39802
of future segments if the project has been divided into segments 39803
under section 3318.38 of the Revised Code. The actual amount of 39804
the credit shall not exceed the lesser of the amount specified in 39805
the agreement or the actual cost of the construction or 39806
renovation. 39807

(D) No state moneys shall be released for a project to which 39808
this section applies until: 39809

(1) Any local donated contribution authorized under division 39810
(A)(1) of this section is first deposited into the school 39811
district's project construction fund. 39812

(2) The school district board and the commission have 39813
included a stipulation in their agreement entered into under 39814
section 3318.08 of the Revised Code under which the board will 39815
deposit into a fund approved by the commission according to a 39816
schedule that does not extend beyond the anticipated completion 39817

date of the project the total amount of any local donated 39818
contribution authorized under division (A)(2) or (3) of this 39819
section and dedicated by the board for that purpose. 39820

However, if any local donated contribution as described in 39821
division (C)(4) of this section has been approved under this 39822
section, the state moneys may be released even if the entity 39823
providing that local donated contribution has not spent the moneys 39824
so dedicated as long as the agreement required under that section 39825
has been executed. 39826

Sec. 3318.086. The construction budget for any project under 39827
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 39828
Revised Code shall contain a contingency reserve in an amount 39829
prescribed by the Ohio ~~school~~ facilities construction commission, 39830
which unless otherwise authorized by the commission, shall be used 39831
only to pay costs resulting from unforeseen job conditions, to 39832
comply with rulings regarding building and other codes, to pay 39833
costs related to design clarifications or corrections to contract 39834
documents, and to pay the costs of settlements or judgments 39835
related to the project. 39836

Sec. 3318.091. (A) Promptly after the written agreement 39837
between the school district board and the Ohio ~~school~~ facilities 39838
construction commission has been entered into, the school district 39839
board shall proceed with the issuance of its bonds or notes in 39840
anticipation thereof pursuant to the provision of such agreement 39841
required by division (A) of section 3318.08 of the Revised Code 39842
and the deposit of the proceeds thereof in the school district's 39843
project construction fund pursuant to the provision of such 39844
agreement required by division (B) of section 3318.08 of the 39845
Revised Code, and the school district board, with the approval of 39846
the commission shall employ a qualified professional person or 39847
firm to prepare preliminary plans, working drawings, 39848

specifications, estimates of cost, and such data as the school 39849
district board and the commission consider necessary for the 39850
project. When the preliminary plans and preliminary estimates of 39851
cost have been prepared, and approved by the school district 39852
board, they shall be submitted to the commission for approval, 39853
modification, or rejection. The commission shall ensure that the 39854
plans and materials proposed for use in the project comply with 39855
specifications for plans and materials that shall be established 39856
by the commission. When such preliminary plans and preliminary 39857
estimates of cost and any modifications thereof have been approved 39858
by the commission and the school district board, the school 39859
district board shall cause such qualified professional person or 39860
firm to prepare the working drawings, specifications, and 39861
estimates of cost. 39862

(B) Whenever project plans submitted to the commission for 39863
approval under division (A) of this section propose to locate a 39864
facility on a state route or United States highway or within one 39865
mile of a state route or United States highway, the commission 39866
shall send a copy of the plans to the director of transportation. 39867
The director of transportation shall review the plans to determine 39868
the feasibility of the proposed ingress and egress to the 39869
facility, the traffic circulation pattern on roadways around the 39870
facility, and any improvements that would be necessary to conform 39871
the roadways to provisions of the manual adopted by the department 39872
of transportation pursuant to section 4511.09 of the Revised Code 39873
or state or federal law. The director of transportation shall 39874
provide a written summary of the director's findings to the 39875
commission in a timely manner. The commission shall consider the 39876
findings in deciding whether to approve the plans. 39877

Sec. 3318.10. When such working drawings, specifications, and 39878
estimates of cost have been approved by the school district board 39879
and the Ohio ~~school~~ facilities construction commission, the 39880

treasurer of the school district board shall advertise for 39881
construction bids in accordance with section 3313.46 of the 39882
Revised Code. Such notices shall state that plans and 39883
specifications for the project are on file in the office of the 39884
commission and such other place as may be designated in such 39885
notice, and the time and place when and where bids therefor will 39886
be received. 39887

The form of proposal to be submitted by bidders shall be 39888
supplied by the commission. Bidders may be permitted to bid upon 39889
all the branches of work and materials to be furnished and 39890
supplied, upon any branch thereof, or upon all or any thereof. 39891

When the construction bids for all branches of work and 39892
materials have been tabulated, the commission shall cause to be 39893
prepared a revised estimate of the basic project cost based upon 39894
the lowest responsible bids received. If such revised estimate 39895
exceeds the estimated basic project cost as approved by the 39896
controlling board pursuant to section 3318.04 or division (B)(1) 39897
of section 3318.41 of the Revised Code, no contracts may be 39898
entered into pursuant to this section unless such revised estimate 39899
is approved by the commission and by the controlling board. When 39900
such revised estimate has been prepared, and after such approvals 39901
are given, if necessary, and if the school district board has 39902
caused to be transferred to the project construction fund the 39903
proceeds from the sale of the first or first and final installment 39904
of its bonds or bond anticipation notes pursuant to the provision 39905
of the written agreement required by division (B) of section 39906
3318.08 of the Revised Code, and when the director of budget and 39907
management has certified that there is a balance in the 39908
appropriation, not otherwise obligated to pay precedent 39909
obligations, pursuant to which the state's share of such revised 39910
estimate is required to be paid, the contract for all branches of 39911
work and materials to be furnished and supplied, or for any branch 39912

thereof as determined by the school district board, shall be 39913
awarded by the school district board to the lowest responsible 39914
bidder subject to the approval of the commission. Such award shall 39915
be made within sixty days after the date on which the bids are 39916
opened, and the successful bidder shall enter into a contract 39917
within ten days after the successful bidder is notified of the 39918
award of the contract. 39919

Subject to the approval of the commission, the school 39920
district board may reject all bids and readvertise. Any contract 39921
made under this section shall be made in the name of the state and 39922
executed on its behalf by the president and treasurer of the 39923
school district board. 39924

The provisions of sections 9.312 and 3313.46 of the Revised 39925
Code, which are applicable to construction contracts of boards of 39926
education, shall apply to construction contracts for the project. 39927

The remedies afforded to any subcontractor, materials 39928
supplier, laborer, mechanic, or persons furnishing material or 39929
machinery for the project under sections 1311.26 to 1311.32 of the 39930
Revised Code, shall apply to contracts entered into under this 39931
section and the itemized statement required by section 1311.26 of 39932
the Revised Code shall be filed with the school district board. 39933

Notwithstanding any other requirement of this section, a 39934
school district, with the approval of the commission, may utilize 39935
any otherwise lawful alternative construction delivery method for 39936
the construction of the project. 39937

Sec. 3318.11. For any project undertaken with financial 39938
assistance from the state under this chapter, the amount of state 39939
appropriations to be encumbered for the project in each fiscal 39940
year shall be determined by the Ohio ~~school~~ facilities 39941
construction commission based on the project's estimated 39942
construction schedule for that year. In each fiscal year 39943

subsequent to the first year in which state appropriations are 39944
encumbered for the project, the project has priority for state 39945
funds over projects for which initial state funding is sought. 39946

Sec. 3318.112. (A) As used in this section, "solar_ready" 39947
means capable of accommodating the eventual installation of roof 39948
top, solar photovoltaic energy equipment. 39949

(B) The Ohio ~~school~~ facilities construction commission shall 39950
adopt rules prescribing standards for solar_ready equipment in 39951
school buildings under their jurisdiction. The rules shall 39952
include, but not be limited to, standards regarding roof space 39953
limitations, shading and obstruction, building orientation, roof 39954
loading capacity, and electric systems. 39955

(C) A school district may seek, and the commission may grant 39956
for good cause shown, a waiver from part or all of the standards 39957
prescribed under division (B) of this section. 39958

Sec. 3318.12. (A) The Ohio ~~school~~ facilities construction 39959
commission shall cause to be transferred to the school district's 39960
project construction fund the necessary amounts from amounts 39961
appropriated by the general assembly and set aside for such 39962
purpose, from time to time as may be necessary to pay obligations 39963
chargeable to such fund when due. All investment earnings of a 39964
school district's project construction fund shall be credited to 39965
the fund. 39966

(B)(1) The treasurer of the school district board shall 39967
disburse funds from the school district's project construction 39968
fund, including investment earnings credited to the fund, only 39969
upon the approval of the commission or the commission's designated 39970
representative. The commission or the commission's designated 39971
representative shall issue vouchers against such fund, in such 39972
amounts, and at such times as required by the contracts for 39973

construction of the project. 39974

(2) Notwithstanding anything to the contrary in division 39975
(B)(1) of this section, the school district board may, by a duly 39976
adopted resolution, choose to use all or part of the investment 39977
earnings of the district's project construction fund that are 39978
attributable to the district's contribution to the fund to pay the 39979
cost of classroom facilities or portions or components of 39980
classroom facilities that are not included in the district's basic 39981
project cost but that are related to the district's project. If 39982
the district board adopts a resolution in favor of using those 39983
investment earnings as authorized under division (B)(2) of this 39984
section, the treasurer shall disburse the amount as designated and 39985
directed by the board. However, if the district board chooses to 39986
use any part of the investment earnings for classroom facilities 39987
or portions or components of classroom facilities that are not 39988
included in the basic project cost, as authorized under division 39989
(B)(2) of this section, and, subsequently, the cost of the project 39990
exceeds the amount in the project construction fund, the district 39991
board shall restore to the project construction fund the full 39992
amount of the investment earnings used under division (B)(2) of 39993
this section before any additional state moneys shall be released 39994
for the project. 39995

(C) After a certificate of completion has been issued for a 39996
project under section 3318.48 of the Revised Code: 39997

(1) At the discretion of the school district board, any 39998
investment earnings remaining in the project construction fund 39999
that are attributable to the school district's contribution to the 40000
fund shall be: 40001

(a) Retained in the project construction fund for future 40002
projects; 40003

(b) Transferred to the district's maintenance fund required 40004

by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(3) Any other surplus remaining in the school district's project construction fund shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(D) Pursuant to appropriations of the general assembly, any moneys transferred to the commission under division (C)(2) or (3) of this section from a project construction fund for a project under sections 3318.40 to 3318.45 of the Revised Code may be used for future expenditures for projects under sections 3318.40 to 3318.45 of the Revised Code, notwithstanding the two per cent annual limit specified in division (B) of section 3318.40 of the Revised Code.

Sec. 3318.121. As used in this section, "big-eight school district" has the same meaning as in section 3314.02 of the Revised Code.

Notwithstanding any provision to the contrary in section 3318.12 or Chapter 5705. of the Revised Code, a big-eight school district receiving assistance for a project under this chapter,

that has opted with the approval of the Ohio ~~school~~ facilities 40035
construction commission to divide the project into discrete 40036
segments to be completed sequentially, or otherwise, may, with the 40037
approval of the commission or the commission's designated 40038
representative, and pursuant to a resolution adopted by the school 40039
district board, transfer to a special construction fund investment 40040
earnings credited to the project construction fund that are 40041
attributable to the district's contribution to that fund, if the 40042
school district board and the commission, or its designated 40043
representative, determine that the unspent amount of the 40044
district's contribution to the project construction fund, 40045
including any investment earnings on that contribution that are 40046
not to be transferred to the special construction fund, together 40047
with the principal amount of any additional securities authorized 40048
by the voters of the district to be issued to pay the local share 40049
of the basic project cost of the entire project that have not yet 40050
been issued by the district, are projected at the time of the 40051
transfer to be not less than one hundred ten per cent of the 40052
amount required to provide for the entire remaining local share of 40053
the basic project cost because of reductions in the scope and 40054
estimated cost of the project that have been incorporated in the 40055
district's approved master facilities plan. The money in that 40056
special construction fund, including investment earnings 40057
attributable to money in that fund, shall be used by the district 40058
solely to pay costs of classroom facilities (A) in later segments 40059
of the project that are consistent with the specifications for 40060
plans and materials for classroom facilities adopted by the 40061
commission and those specifications used by the district for 40062
classroom facilities included in one or more prior segments, but 40063
which would cause the cost of the facilities in one or more later 40064
segments to be in excess of the approved budgeted basic project 40065
cost for the segment to be shared by the state and the district in 40066
proportion to the state's and the school district's respective 40067

shares of the basic project cost as determined under section 40068
3318.032 of the Revised Code, or (B) that were included in the 40069
master facilities plan prior to the reduction in scope. All 40070
investment earnings on a district's special construction fund 40071
shall be credited to the fund. After the entire project has been 40072
completed, any investment earnings remaining in the special 40073
construction fund shall be transferred to the district's 40074
maintenance fund required by division (B) of section 3318.05 of 40075
the Revised Code, and used solely for maintaining the classroom 40076
facilities included in the project. 40077

Sec. 3318.13. Notwithstanding any provision of sections 40078
5705.27 to 5705.50 of the Revised Code, the tax to be levied on 40079
all taxable property within a school district for the purpose of 40080
paying the cost of maintaining the classroom facilities included 40081
in the project under the agreement provided in section 3318.08 of 40082
the Revised Code or the supplemental agreement provided in section 40083
3318.081 of the Revised Code shall be included in the budget of 40084
the school district for each year upon the certification to the 40085
county budget commission or commissions of the county or counties 40086
in which said school district is located, by the Ohio ~~school~~ 40087
facilities construction commission of the balance due the state 40088
under said agreement or supplemental agreement. Such certification 40089
shall be made on or before the fifteenth day of July in each year. 40090
Thereafter, the respective county budget commissions shall treat 40091
such certification as an additional item on the tax budget for the 40092
school district as to which such certification has been made and 40093
shall provide for the levy therefor in the manner provided in 40094
sections 5705.27 to 5705.50 of the Revised Code for tax levies 40095
included directly in the budgets of the subdivisions. 40096

The levy of taxes shall be included in the next annual tax 40097
budget that is certified to the county budget commission after the 40098
execution of the agreement for the project. 40099

Sec. 3318.15. There is hereby created the public school building fund within the state treasury consisting of any moneys transferred or appropriated to the fund by the general assembly, moneys paid into or transferred in accordance with section 3318.47 of the Revised Code, and any grants, gifts, or contributions received by the Ohio ~~school~~ facilities construction commission to be used for the purposes of the fund. All investment earnings of the fund shall be credited to the fund.

Moneys transferred or appropriated to the fund by the general assembly and moneys in the fund from grants, gifts, and contributions shall be used for the purposes of Chapter 3318. of the Revised Code as prescribed by the general assembly.

Sec. 3318.16. The Ohio ~~school~~ facilities construction commission shall have an interest in real property purchased with moneys in the school district's project construction fund.

Once obligations issued to finance a project under section 3318.26 of the Revised Code are no longer outstanding, any interest held by the commission shall be transferred to the school district.

Sec. 3318.18. (A) As used in this section:

(1) "Valuation" of a school district means the sum of the amounts described in divisions (A)(1) and (2) of section 3317.021 of the Revised Code as most recently certified for the district before the annual computation is made under division (B) of this section.

(2) "Valuation per pupil" of a school district means the district's valuation divided by the district's formula ADM as most recently calculated under section 3317.03 of the Revised Code before the annual computation is made under division (B) of this

section. 40129

(3) "Statewide average valuation per pupil" means the total 40130
of the valuations of all school districts divided by the total of 40131
the formula ADMs of all school districts as most recently 40132
calculated under section 3317.03 of the Revised Code before the 40133
annual computation is made under division (C) of this section. 40134

(4) "Maintenance levy requirement" means the tax required to 40135
be levied pursuant to division (C)(2)(a) of section 3318.08 and 40136
division (B) of section 3318.05 of the Revised Code or the 40137
application of proceeds of another levy to paying the costs of 40138
maintaining classroom facilities pursuant to division (A)(2) of 40139
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 40140
or division (D)(2) of section 3318.36 of the Revised Code, or a 40141
combination thereof. 40142

(5) "Project agreement" means an agreement between a school 40143
district and the Ohio ~~school~~ facilities construction commission 40144
under section 3318.08 or division (B)(1) of section 3318.36 of the 40145
Revised Code. 40146

(B) On or before July 1, 2006, the department of education 40147
shall compute the statewide average valuation per pupil and the 40148
valuation per pupil of each school district, and provide them to 40149
the Ohio ~~school~~ facilities construction commission. On or before 40150
the first day of July each year beginning in 2007, the department 40151
of education shall compute the statewide average valuation per 40152
pupil and the valuation per pupil of each school district that has 40153
not already entered into a project agreement, and provide the 40154
results of those computations to the commission. 40155

(C)(1) At the time the Ohio ~~school~~ facilities construction 40156
commission enters into a project agreement with a school district, 40157
the commission shall compute the difference between the district's 40158
valuation per pupil and the statewide average valuation per pupil 40159

as most recently provided to the commission under division (B) of 40160
this section. If the school district's valuation per pupil is less 40161
than the average statewide valuation per pupil, the commission 40162
shall multiply the difference between those amounts by one-half 40163
mill times the formula ADM of the district as most recently 40164
reported to the department of education for October under division 40165
(A) of section 3317.03 of the Revised Code. The commission shall 40166
certify the resulting product to the department of education, 40167
along with the date on which the maintenance levy requirement 40168
terminates as provided in the project agreement between the school 40169
district board and the commission. 40170

(2) In the case of a school district that entered into a 40171
project agreement after July 1, 1997, but before July 1, 2006, the 40172
commission shall make the computation described in division (C)(1) 40173
of this section on the basis of the district's valuation per pupil 40174
and the statewide average valuation per pupil computed as of 40175
September 1, 2006, and the district's formula ADM reported for 40176
October 2005. 40177

(3) The amount computed for a school district under division 40178
(C)(1) or (2) of this section shall not change for the period 40179
during which payments are made to the district under division (D) 40180
of this section. 40181

(4) A computation need not be made under division (C)(1) or 40182
(2) of this section for a school district that certified a 40183
resolution to the commission under division (D)(3) of section 40184
3318.36 of the Revised Code until the district becomes eligible 40185
for state assistance as provided in that division. 40186

(D) In the fourth quarter of each fiscal year, for each 40187
school district for which a computation has been made under 40188
division (C) of this section, the department of education shall 40189
pay the amount computed to each such school district. Payments 40190
shall be made to a school district each year until and including 40191

the tax year in which the district's maintenance levy requirement 40192
terminates. Payments shall be paid from the half-mill equalization 40193
fund, subject to appropriation by the general assembly. However, 40194
the department shall make no payments under this section to any 40195
district that elects the procedure authorized by section 3318.051 40196
of the Revised Code. 40197

(E) Payments made to a school district under this section 40198
shall be credited to the district's classroom facilities 40199
maintenance fund and shall be used only for the purpose of 40200
maintaining facilities constructed or renovated under the project 40201
agreement. 40202

(F) There is hereby created in the state treasury the 40203
half-mill equalization fund. The fund shall receive transfers 40204
pursuant to section 5727.85 of the Revised Code. The fund shall be 40205
used first to make annual payments under division (D) of this 40206
section. If a balance remains in the fund after such payments are 40207
made in full for a year, the Ohio ~~school~~ facilities construction 40208
commission may request the controlling board to transfer a 40209
reasonable amount from such remaining balance to the public school 40210
building fund created under section 3318.15 of the Revised Code 40211
for the purposes of this chapter. 40212

All investment earnings arising from investment of money in 40213
the half-mill equalization fund shall be credited to the fund. 40214

Sec. 3318.22. (A) The general assembly finds that many school 40215
districts are prevented by their size, tax base, or other 40216
conditions from performing their essential functions as agencies 40217
of state government to provide adequate classroom facilities and 40218
issuing securities under Chapter 133. of the Revised Code at 40219
favorable interest rates or charges. Accordingly, the Ohio ~~school~~ 40220
facilities construction commission is invested with the powers and 40221
duties provided in sections 3318.21 to 3318.29 of the Revised Code 40222

in order to provide deserved assistance and materially contribute 40223
to the educational revitalization of such school districts and 40224
result in improving the education and welfare of all the people of 40225
the state. 40226

(B) Sections 3318.21 to 3318.29 of the Revised Code do not 40227
authorize the commission or the issuing authority to incur bonded 40228
indebtedness of the state or any political subdivision of the 40229
state, or to obligate or pledge moneys raised by taxation for the 40230
payment of any bonds or notes issued pursuant to sections 3318.21 40231
to 3318.29 of the Revised Code. 40232

Sec. 3318.25. There is hereby created in the state treasury 40233
the school building program assistance fund. The fund shall 40234
consist of the proceeds of obligations issued for the purposes of 40235
such fund pursuant to section 3318.26 of the Revised Code that are 40236
payable from moneys in the lottery profits education fund created 40237
in section 3770.06 of the Revised Code or pursuant to section 40238
151.03 of the Revised Code. All investment earnings of the fund 40239
shall be credited to the fund. Moneys in the fund shall be used as 40240
directed by the Ohio ~~school~~ facilities construction commission for 40241
the cost to the state of constructing classroom facilities under 40242
Chapter 3318. of the Revised Code as prescribed by the general 40243
assembly. 40244

Sec. 3318.26. (A) The provisions of this section apply only 40245
to obligations issued by the issuing authority prior to December 40246
1, 1999. 40247

(B) Subject to the limitations provided in section 3318.29 of 40248
the Revised Code, the issuing authority, upon the certification by 40249
the Ohio ~~school~~ facilities construction commission to the issuing 40250
authority of the amount of moneys or additional moneys needed in 40251
the school building program assistance fund for the purposes of 40252

sections 3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised Code, or needed for capitalized interest, for funding reserves, and for paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for obligations issued to provide moneys for the school building program assistance fund shall be deposited by the treasurer of state in special funds, including reserve funds, as provided in the bond proceedings. The issuing authority may appoint trustees, paying agents, and transfer agents and may retain the services of financial advisors and accounting experts and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are payable from the school building program assistance fund or any special fund determined by the issuing authority.

(C) The holders or owners of such obligations shall have no right to have moneys raised by taxation obligated or pledged, and moneys raised by taxation shall not be obligated or pledged, for the payment of bond service charges. Such holders or owners shall have no rights to payment of bond service charges from any money or property received by the commission, treasurer of state, or the state, or from any other use of the proceeds of the sale of the

obligations, and no such moneys may be used for the payment of 40286
bond service charges, except for accrued interest, capitalized 40287
interest, and reserves funded from proceeds received upon the sale 40288
of the obligations and except as otherwise expressly provided in 40289
the applicable bond proceedings pursuant to written directions by 40290
the treasurer of state. The right of such holders and owners to 40291
payment of bond service charges shall be limited to all or that 40292
portion of the pledged receipts and those special funds pledged 40293
thereto pursuant to the bond proceedings in accordance with this 40294
section, and each such obligation shall bear on its face a 40295
statement to that effect. 40296

(D) Obligations shall be authorized by resolution or order of 40297
the issuing authority and the bond proceedings shall provide for 40298
the purpose thereof and the principal amount or amounts, and shall 40299
provide for or authorize the manner or agency for determining the 40300
principal maturity or maturities, not exceeding the limits 40301
specified in section 3318.29 of the Revised Code, the interest 40302
rate or rates or the maximum interest rate, the date of the 40303
obligations and the dates of payment of interest thereon, their 40304
denomination, and the establishment within or without the state of 40305
a place or places of payment of bond service charges. Sections 40306
9.98 to 9.983 of the Revised Code are applicable to obligations 40307
issued under this section, subject to any applicable limitation 40308
under section 3318.29 of the Revised Code. The purpose of such 40309
obligations may be stated in the bond proceedings in terms 40310
describing the general purpose or purposes to be served. The bond 40311
proceedings shall also provide, subject to the provisions of any 40312
other applicable bond proceedings, for the pledge of all, or such 40313
part as the issuing authority may determine, of the pledged 40314
receipts and the applicable special fund or funds to the payment 40315
of bond service charges, which pledges may be made either prior or 40316
subordinate to other expenses, claims, or payments, and may be 40317
made to secure the obligations on a parity with obligations 40318

theretofore or thereafter issued, if and to the extent provided in 40319
the bond proceedings. The pledged receipts and special funds so 40320
pledged and thereafter received by the state are immediately 40321
subject to the lien of such pledge without any physical delivery 40322
thereof or further act, and the lien of any such pledges is valid 40323
and binding against all parties having claims of any kind against 40324
the state or any governmental agency of the state, irrespective of 40325
whether such parties have notice thereof, and shall create a 40326
perfected security interest for all purposes of Chapter 1309. of 40327
the Revised Code, without the necessity for separation or delivery 40328
of funds or for the filing or recording of the bond proceedings by 40329
which such pledge is created or any certificate, statement or 40330
other document with respect thereto; and the pledge of such 40331
pledged receipts and special funds is effective and the money 40332
therefrom and thereof may be applied to the purposes for which 40333
pledged without necessity for any act of appropriation, except as 40334
required by section 3770.06 of the Revised Code. Every pledge, and 40335
every covenant and agreement made with respect thereto, made in 40336
the bond proceedings may therein be extended to the benefit of the 40337
owners and holders of obligations authorized by this section, and 40338
to any trustee therefor, for the further security of the payment 40339
of the bond service charges. 40340

(E) The bond proceedings may contain additional provisions as 40341
to: 40342

(1) The redemption of obligations prior to maturity at the 40343
option of the issuing authority at such price or prices and under 40344
such terms and conditions as are provided in the bond proceedings; 40345

(2) Other terms of the obligations; 40346

(3) Limitations on the issuance of additional obligations; 40347

(4) The terms of any trust agreement or indenture securing 40348
the obligations or under which the same may be issued; 40349

(5) The deposit, investment and application of special funds, 40350
and the safeguarding of moneys on hand or on deposit, without 40351
regard to Chapter 131., 133., or 135. of the Revised Code, but 40352
subject to any special provisions of sections 3318.21 to 3318.29 40353
of the Revised Code, with respect to particular funds or moneys, 40354
provided that any bank or trust company that acts as depository of 40355
any moneys in the special funds may furnish such indemnifying 40356
bonds or may pledge such securities as required by the issuing 40357
authority; 40358

(6) Any or every provision of the bond proceedings being 40359
binding upon such officer, board, commission, authority, agency, 40360
department, or other person or body as may from time to time have 40361
the authority under law to take such actions as may be necessary 40362
to perform all or any part of the duty required by such provision; 40363

(7) Any provision that may be made in a trust agreement or 40364
indenture; 40365

(8) The lease or sublease of any interest of the school 40366
district or the state in one or more projects as defined in 40367
division (C) of section 3318.01 of the Revised Code, or in one or 40368
more permanent improvements, to or from the issuing authority, as 40369
provided in one or more lease or sublease agreements between the 40370
school or the state and the issuing authority; 40371

(9) Any other or additional agreements with the holders of 40372
the obligations, or the trustee therefor, relating to the 40373
obligations or the security therefor. 40374

(F) The obligations may have the great seal of the state or a 40375
facsimile thereof affixed thereto or printed thereon. The 40376
obligations and any coupons pertaining to obligations shall be 40377
signed or bear the facsimile signature of the issuing authority. 40378
Any obligations or coupons may be executed by the person who, on 40379
the date of execution, is the proper issuing authority although on 40380

the date of such bonds or coupons such person was not the issuing 40381
authority. In case the issuing authority whose signature or a 40382
facsimile of whose signature appears on any such obligation or 40383
coupon ceases to be the issuing authority before delivery thereof, 40384
such signature or facsimile is nevertheless valid and sufficient 40385
for all purposes as if the issuing authority had remained the 40386
issuing authority until such delivery; and in case the seal to be 40387
affixed to obligations has been changed after a facsimile of the 40388
seal has been imprinted on such obligations, such facsimile seal 40389
shall continue to be sufficient as to such obligations and 40390
obligations issued in substitution or exchange therefor. 40391

(G) All obligations are negotiable instruments and securities 40392
under Chapter 1308. of the Revised Code, subject to the provisions 40393
of the bond proceedings as to registration. The obligations may be 40394
issued in coupon or in registered form, or both, as the issuing 40395
authority determines. Provision may be made for the registration 40396
of any obligations with coupons attached thereto as to principal 40397
alone or as to both principal and interest, their exchange for 40398
obligations so registered, and for the conversion or reconversion 40399
into obligations with coupons attached thereto of any obligations 40400
registered as to both principal and interest, and for reasonable 40401
charges for such registration, exchange, conversion, and 40402
reconversion. 40403

(H) Obligations may be sold at public sale or at private 40404
sale, as determined in the bond proceedings. 40405

(I) Pending preparation of definitive obligations, the 40406
issuing authority may issue interim receipts or certificates which 40407
shall be exchanged for such definitive obligations. 40408

(J) In the discretion of the issuing authority, obligations 40409
may be secured additionally by a trust agreement or indenture 40410
between the issuing authority and a corporate trustee which may be 40411
any trust company or bank having a place of business within the 40412

state. Any such agreement or indenture may contain the resolution 40413
or order authorizing the issuance of the obligations, any 40414
provisions that may be contained in any bond proceedings, and 40415
other provisions that are customary or appropriate in an agreement 40416
or indenture of such type, including, but not limited to: 40417

(1) Maintenance of each pledge, trust agreement, indenture, 40418
or other instrument comprising part of the bond proceedings until 40419
the state has fully paid the bond service charges on the 40420
obligations secured thereby, or provision therefor has been made; 40421

(2) In the event of default in any payments required to be 40422
made by the bond proceedings, or any other agreement of the 40423
issuing authority made as a part of the contract under which the 40424
obligations were issued, enforcement of such payments or agreement 40425
by mandamus, the appointment of a receiver, suit in equity, action 40426
at law, or any combination of the foregoing; 40427

(3) The rights and remedies of the holders of obligations and 40428
of the trustee, and provisions for protecting and enforcing them, 40429
including limitations on rights of individual holders of 40430
obligations; 40431

(4) The replacement of any obligations that become mutilated 40432
or are destroyed, lost, or stolen; 40433

(5) Such other provisions as the trustee and the issuing 40434
authority agree upon, including limitations, conditions, or 40435
qualifications relating to any of the foregoing. 40436

(K) Any holder of obligations or a trustee under the bond 40437
proceedings, except to the extent that the holder's or trustee's 40438
rights are restricted by the bond proceedings, may by any suitable 40439
form of legal proceedings, protect and enforce any rights under 40440
the laws of this state or granted by such bond proceedings. Such 40441
rights include the right to compel the performance of all duties 40442
of the issuing authority, the commission, or the director of 40443

budget and management required by sections 3318.21 to 3318.29 of 40444
the Revised Code or the bond proceedings; to enjoin unlawful 40445
activities; and in the event of default with respect to the 40446
payment of any bond service charges on any obligations or in the 40447
performance of any covenant or agreement on the part of the 40448
issuing authority, the commission, or the director of budget and 40449
management in the bond proceedings, to apply to a court having 40450
jurisdiction of the cause to appoint a receiver to receive and 40451
administer the pledged receipts and special funds, other than 40452
those in the custody of the treasurer of state or the commission, 40453
which are pledged to the payment of the bond service charges on 40454
such obligations or which are the subject of the covenant or 40455
agreement, with full power to pay, and to provide for payment of 40456
bond service charges on, such obligations, and with such powers, 40457
subject to the direction of the court, as are accorded receivers 40458
in general equity cases, excluding any power to pledge additional 40459
revenues or receipts or other income or moneys of the issuing 40460
authority or the state or governmental agencies of the state to 40461
the payment of such principal and interest and excluding the power 40462
to take possession of, mortgage, or cause the sale or otherwise 40463
dispose of any permanent improvement. 40464

Each duty of the issuing authority and the issuing 40465
authority's officers and employees, and of each governmental 40466
agency and its officers, members, or employees, undertaken 40467
pursuant to the bond proceedings or any agreement or loan made 40468
under authority of sections 3318.21 to 3318.29 of the Revised 40469
Code, and in every agreement by or with the issuing authority, is 40470
hereby established as a duty of the issuing authority, and of each 40471
such officer, member, or employee having authority to perform such 40472
duty, specifically enjoined by the law resulting from an office, 40473
trust, or station within the meaning of section 2731.01 of the 40474
Revised Code. 40475

The person who is at the time the issuing authority, or the 40476
issuing authority's officers or employees, are not liable in their 40477
personal capacities on any obligations issued by the issuing 40478
authority or any agreements of or with the issuing authority. 40479

(L) Obligations issued under this section are lawful 40480
investments for banks, societies for savings, savings and loan 40481
associations, deposit guarantee associations, trust companies, 40482
trustees, fiduciaries, insurance companies, including domestic for 40483
life and domestic not for life, trustees or other officers having 40484
charge of sinking and bond retirement or other special funds of 40485
political subdivisions and taxing districts of this state, the 40486
commissioners of the sinking fund of the state, the administrator 40487
of workers' compensation, the state teachers retirement system, 40488
the public employees retirement system, the school employees 40489
retirement system, and the Ohio police and fire pension fund, 40490
notwithstanding any other provisions of the Revised Code or rules 40491
adopted pursuant thereto by any governmental agency of the state 40492
with respect to investments by them, and also are acceptable as 40493
security for the deposit of public moneys. 40494

(M) Unless otherwise provided in any applicable bond 40495
proceedings, moneys to the credit of or in the special funds 40496
established by or pursuant to this section may be invested by or 40497
on behalf of the issuing authority only in notes, bonds, or other 40498
obligations of the United States, or of any agency or 40499
instrumentality of the United States, obligations guaranteed as to 40500
principal and interest by the United States, obligations of this 40501
state or any political subdivision of this state, and certificates 40502
of deposit of any national bank located in this state and any 40503
bank, as defined in section 1101.01 of the Revised Code, subject 40504
to inspection by the superintendent of financial institutions. If 40505
the law or the instrument creating a trust pursuant to division 40506
(J) of this section expressly permits investment in direct 40507

obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no front end load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency of the United States; and in collective investment funds established in accordance with section 1111.14 of the Revised Code and consisting exclusively of any such securities, notwithstanding division (B)(1)(c) of that section. The income from such investments shall be credited to such funds as the issuing authority determines, and such investments may be sold at such times as the issuing authority determines or authorizes.

(N) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

(O) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions shall be controlling

notwithstanding any other provisions of law pertaining thereto. 40540

(P) The issuing authority may covenant in the bond 40541
proceedings, and any such covenants shall be controlling 40542
notwithstanding any other provision of law, that the state and 40543
applicable officers and governmental agencies of the state, 40544
including the general assembly, so long as any obligations are 40545
outstanding, shall: 40546

(1) Maintain statutory authority for and cause to be operated 40547
the state lottery, including the transfers to and from the lottery 40548
profits education fund created in section 3770.06 of the Revised 40549
Code so that the pledged receipts shall be sufficient in amount to 40550
meet bond service charges, and the establishment and maintenance 40551
of any reserves and other requirements provided for in the bond 40552
proceedings; 40553

(2) Take or permit no action, by statute or otherwise, that 40554
would impair the exclusion from gross income for federal income 40555
tax purposes of the interest on any obligations designated by the 40556
bond proceeding as tax-exempt obligations. 40557

(Q) There is hereby created the school building program bond 40558
service fund, which shall be in the custody of the treasurer of 40559
state but shall be separate and apart from and not a part of the 40560
state treasury. All moneys received by or on account of the 40561
issuing authority or state agencies and required by the applicable 40562
bond proceedings, consistent with this section, to be deposited, 40563
transferred, or credited to the school building program bond 40564
service fund, and all other moneys transferred or allocated to or 40565
received for the purposes of the fund, shall be deposited and 40566
credited to such fund and to any separate accounts therein, 40567
subject to applicable provisions of the bond proceedings, but 40568
without necessity for any act of appropriation, except as required 40569
by section 3770.06 of the Revised Code. During the period 40570
beginning with the date of the first issuance of obligations and 40571

continuing during such time as any such obligations are 40572
outstanding, and so long as moneys in the school building program 40573
bond service fund are insufficient to pay all bond service charges 40574
on such obligations becoming due in each year, a sufficient amount 40575
of the moneys from the lottery profits education fund included in 40576
pledged receipts, subject to appropriation for such purpose as 40577
provided in section 3770.06 of the Revised Code, are committed and 40578
shall be paid to the school building program bond service fund in 40579
each year for the purpose of paying the bond service charges 40580
becoming due in that year. The school building program bond 40581
service fund is a trust fund and is hereby pledged to the payment 40582
of bond service charges solely on obligations issued to provide 40583
moneys for the school building program assistance fund to the 40584
extent provided in the applicable bond proceedings, and payment 40585
thereof from such fund shall be made or provided for by the 40586
treasurer of state in accordance with such bond proceedings 40587
without necessity for any act of appropriation except as required 40588
by section 3770.06 of the Revised Code. 40589

(R) The obligations, the transfer thereof, and the income 40590
therefrom, including any profit made on the sale thereof, at all 40591
times shall be free from taxation within the state. 40592

Sec. 3318.311. ~~Not later than six months after September 14,~~ 40593
~~2000, the~~ The Ohio school facilities construction commission shall 40594
establish design specifications for classroom facilities that are 40595
appropriate for joint vocational education programs. The 40596
specifications shall provide standards for appropriate pupil 40597
instruction space but shall not include standards for any 40598
vocational education furnishings or equipment that is not 40599
comparable to, or the vocational education equivalent of, the 40600
furnishings or equipment for which assistance is available to 40601
other school districts under sections 3318.01 to 3318.20 of the 40602
Revised Code. 40603

Beginning September 1, 2003, from time to time the commission 40604
may amend the specifications as determined necessary by the 40605
commission; however, any project under sections 3318.40 to 3318.45 40606
of the Revised Code approved by the commission prior to the most 40607
recent amendment to the specifications shall not be subject to the 40608
provisions of such amendment. 40609

Sec. 3318.351. (A) As used in this section: 40610

(1) "Classroom facilities" has the same meaning as in section 40611
3318.01 of the Revised Code. 40612

(2) "Emergency project" means reconstruction or renovation of 40613
or repair to any classroom facilities made necessary because of 40614
damage due to an act of God. 40615

(3) "Eligible school district" means any school district in 40616
the first through one-hundredth percentiles as determined under 40617
section 3318.011 of the Revised Code. 40618

(B)(1) There is hereby established the school building 40619
emergency assistance program, under which the Ohio ~~school~~ 40620
facilities construction commission shall distribute grants to 40621
eligible school districts from moneys specifically appropriated by 40622
the general assembly for the purposes of this section to assist in 40623
emergency projects. Any assistance under this section shall be 40624
used to pay the cost of only the portion of an emergency project 40625
that is not covered by insurance or other public or private 40626
emergency assistance received by or payable to the school 40627
district. Any damage to classroom facilities caused by age of the 40628
facilities or by lack of timely maintenance to the facilities 40629
shall not constitute damage that is subject to assistance under 40630
this section. 40631

(2) The commission shall establish procedures and deadlines 40632
for eligible school districts to follow in applying for assistance 40633

under this section. The commission shall consider such 40634
applications on a case-by-case basis taking into account the 40635
amount of moneys available under this section. 40636

(3) Every effort shall be made to conform an emergency 40637
project to design specifications adopted by the commission, 40638
including minimum capacity requirements adopted under section 40639
3318.03 of the Revised Code, unless in the judgment of the 40640
commission it is not possible to conform the project to such 40641
specifications. 40642

Sec. 3318.36. (A)(1) As used in this section: 40643

(a) "Ohio ~~school~~ facilities construction commission," 40644
"classroom facilities," "school district," "school district 40645
board," "net bonded indebtedness," "required percentage of the 40646
basic project costs," "basic project cost," "valuation," and 40647
"percentile" have the same meanings as in section 3318.01 of the 40648
Revised Code. 40649

(b) "Required level of indebtedness" means five per cent of 40650
the school district's valuation for the year preceding the year in 40651
which the commission and school district enter into an agreement 40652
under division (B) of this section, plus [two one-hundredths of 40653
one per cent multiplied by (the percentile in which the district 40654
ranks minus one)]. 40655

(c) "Local resources" means any moneys generated in any 40656
manner permitted for a school district board to raise the school 40657
district portion of a project undertaken with assistance under 40658
sections 3318.01 to 3318.20 of the Revised Code. 40659

(2) For purposes of determining the required level of 40660
indebtedness, the required percentage of the basic project costs 40661
under division (C)(1) of this section, and priority for assistance 40662
under sections 3318.01 to 3318.20 of the Revised Code, the 40663

percentile ranking of a school district with which the commission 40664
has entered into an agreement under this section between the first 40665
day of July and the thirty-first day of August in each fiscal year 40666
is the percentile ranking calculated for that district for the 40667
immediately preceding fiscal year, and the percentile ranking of a 40668
school district with which the commission has entered into such 40669
agreement between the first day of September and the thirtieth day 40670
of June in each fiscal year is the percentile ranking calculated 40671
for that district for the current fiscal year. 40672

(B)(1) There is hereby established the school building 40673
assistance expedited local partnership program. Under the program, 40674
the Ohio ~~school~~ facilities construction commission may enter into 40675
an agreement with the board of any school district under which the 40676
board may proceed with the new construction or major repairs of a 40677
part of the district's classroom facilities needs, as determined 40678
under sections 3318.01 to 3318.20 of the Revised Code, through the 40679
expenditure of local resources prior to the school district's 40680
eligibility for state assistance under those sections, and may 40681
apply that expenditure toward meeting the school district's 40682
portion of the basic project cost of the total of the district's 40683
classroom facilities needs, as recalculated under division (E) of 40684
this section, when the district becomes eligible for state 40685
assistance under sections 3318.01 to 3318.20 or section 3318.364 40686
of the Revised Code. Any school district that is reasonably 40687
expected to receive assistance under sections 3318.01 to 3318.20 40688
of the Revised Code within two fiscal years from the date the 40689
school district adopts its resolution under division (B) of this 40690
section shall not be eligible to participate in the program 40691
established under this section. 40692

(2) To participate in the program, a school district board 40693
shall first adopt a resolution certifying to the commission the 40694
board's intent to participate in the program. 40695

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code or priority for assistance under section 3318.364 of the Revised Code, the commission shall use the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section.

(4) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(5) If a school district that enters into an agreement under this section has not begun a project applying local resources as provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state

assistance under sections 3318.01 to 3318.20 of the Revised Code, 40728
all assessment and agreement documents entered into under this 40729
section are void. 40730

(6) Only construction of or repairs to classroom facilities 40731
that have been approved by the commission and have been therefore 40732
included as part of a district's basic project cost qualify for 40733
application of local resources under this section. 40734

(C) Based on the results of on-site visits and assessment, 40735
the commission shall determine the basic project cost of the 40736
school district's classroom facilities needs. The commission shall 40737
determine the school district's portion of such basic project 40738
cost, which shall be the greater of: 40739

(1) The required percentage of the basic project costs, 40740
determined based on the school district's percentile ranking; 40741

(2) An amount necessary to raise the school district's net 40742
bonded indebtedness, as of the fiscal year the commission and the 40743
school district enter into the agreement under division (B) of 40744
this section, to within five thousand dollars of the required 40745
level of indebtedness. 40746

(D)(1) When the commission determines the basic project cost 40747
of the classroom facilities needs of a school district and the 40748
school district's portion of that basic project cost under 40749
division (C) of this section, the project shall be conditionally 40750
approved. Such conditional approval shall be submitted to the 40751
controlling board for approval thereof. The controlling board 40752
shall forthwith approve or reject the commission's determination, 40753
conditional approval, and the amount of the state's portion of the 40754
basic project cost; however, no state funds shall be encumbered 40755
under this section. Upon approval by the controlling board, the 40756
school district board may identify a discrete part of its 40757
classroom facilities needs, which shall include only new 40758

construction of or additions or major repairs to a particular 40759
building, to address with local resources. Upon identifying a part 40760
of the school district's basic project cost to address with local 40761
resources, the school district board may allocate any available 40762
school district moneys to pay the cost of that identified part, 40763
including the proceeds of an issuance of bonds if approved by the 40764
electors of the school district. 40765

All local resources utilized under this division shall first 40766
be deposited in the project construction account required under 40767
section 3318.08 of the Revised Code. 40768

(2) Unless the school district board exercises its option 40769
under division (D)(3) of this section, for a school district to 40770
qualify for participation in the program authorized under this 40771
section, one of the following conditions shall be satisfied: 40772

(a) The electors of the school district by a majority vote 40773
shall approve the levy of taxes outside the ten-mill limitation 40774
for a period of twenty-three years at the rate of not less than 40775
one-half mill for each dollar of valuation to be used to pay the 40776
cost of maintaining the classroom facilities included in the basic 40777
project cost as determined by the commission. The form of the 40778
ballot to be used to submit the question whether to approve the 40779
tax required under this division to the electors of the school 40780
district shall be the form for an additional levy of taxes 40781
prescribed in section 3318.361 of the Revised Code, which may be 40782
combined in a single ballot question with the questions prescribed 40783
under section 5705.218 of the Revised Code. 40784

(b) As authorized under division (C) of section 3318.05 of 40785
the Revised Code, the school district board shall earmark from the 40786
proceeds of a permanent improvement tax levied under section 40787
5705.21 of the Revised Code, an amount equivalent to the 40788
additional tax otherwise required under division (D)(2)(a) of this 40789
section for the maintenance of the classroom facilities included 40790

in the basic project cost as determined by the commission. 40791

(c) As authorized under section 3318.051 of the Revised Code, 40792
the school district board shall, if approved by the commission, 40793
annually transfer into the maintenance fund required under section 40794
3318.05 of the Revised Code the amount prescribed in section 40795
3318.051 of the Revised Code in lieu of the tax otherwise required 40796
under division (D)(2)(a) of this section for the maintenance of 40797
the classroom facilities included in the basic project cost as 40798
determined by the commission. 40799

(d) If the school district board has rescinded the agreement 40800
to make transfers under section 3318.051 of the Revised Code, as 40801
provided under division (F) of that section, the electors of the 40802
school district, in accordance with section 3318.063 of the 40803
Revised Code, first shall approve the levy of taxes outside the 40804
ten-mill limitation for the period specified in that section at a 40805
rate of not less than one-half mill for each dollar of valuation. 40806

(e) The school district board shall apply the proceeds of a 40807
tax to leverage bonds as authorized under section 3318.052 of the 40808
Revised Code or dedicate a local donated contribution in the 40809
manner described in division (B) of section 3318.084 of the 40810
Revised Code in an amount equivalent to the additional tax 40811
otherwise required under division (D)(2)(a) of this section for 40812
the maintenance of the classroom facilities included in the basic 40813
project cost as determined by the commission. 40814

(3) A school district board may opt to delay taking any of 40815
the actions described in division (D)(2) of this section until the 40816
school district becomes eligible for state assistance under 40817
sections 3318.01 to 3318.20 of the Revised Code. In order to 40818
exercise this option, the board shall certify to the commission a 40819
resolution indicating the board's intent to do so prior to 40820
entering into an agreement under division (B) of this section. 40821

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under division (D) of this section also demonstrates to the satisfaction of the commission compliance with the provisions of division (D)(2) of this section.

Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified in division (B) of section 3318.05 of the Revised Code.

(E)(1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code based on its percentile ranking under division (B)(3) of this section or is offered assistance under section 3318.364 of the Revised Code, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the original basic project cost assigned to the school district as its portion under division

(C) of this section. The commission shall deduct the expenditure 40853
of school district moneys made under division (D)(1) of this 40854
section from the school district's portion of the basic project 40855
cost as recalculated under this division. If the amount of school 40856
district resources applied by the school district board to the 40857
school district's portion of the basic project cost under this 40858
section is less than the total amount of such portion as 40859
recalculated under this division, the school district board by a 40860
majority vote of all of its members shall, if it desires to seek 40861
state assistance under sections 3318.01 to 3318.20 of the Revised 40862
Code, adopt a resolution as specified in section 3318.06 of the 40863
Revised Code to submit to the electors of the school district the 40864
question of approval of a bond issue in order to pay any 40865
additional amount of school district portion required for state 40866
assistance. Any tax levy approved under division (D) of this 40867
section satisfies the requirements to levy the additional tax 40868
under section 3318.06 of the Revised Code. 40869

(2) If the amount of school district resources applied by the 40870
school district board to the school district's portion of the 40871
basic project cost under this section is more than the total 40872
amount of such portion as recalculated under this division, within 40873
one year after the school district's portion is recalculated under 40874
division (E)(1) of this section the commission may grant to the 40875
school district the difference between the two calculated 40876
portions, but at no time shall the commission expend any state 40877
funds on a project in an amount greater than the state's portion 40878
of the basic project cost as recalculated under this division. 40879

Any reimbursement under this division shall be only for local 40880
resources the school district has applied toward construction cost 40881
expenditures for the classroom facilities approved by the 40882
commission, which shall not include any financing costs associated 40883
with that construction. 40884

The school district board shall use any moneys reimbursed to 40885
the district under this division to pay off any debt service the 40886
district owes for classroom facilities constructed under its 40887
project under this section before such moneys are applied to any 40888
other purpose. However, the district board first may deposit 40889
moneys reimbursed under this division into the district's general 40890
fund or a permanent improvement fund to replace local resources 40891
the district withdrew from those funds, as long as, and to the 40892
extent that, those local resources were used by the district for 40893
constructing classroom facilities included in the district's basic 40894
project cost. 40895

Sec. 3318.362. This section applies only to a school district 40896
that participates in the school building assistance expedited 40897
local partnership program under section 3318.36 of the Revised 40898
Code. 40899

A school district board that enters into an agreement with 40900
the Ohio ~~school~~ facilities construction commission under division 40901
(B) of section 3318.36 of the Revised Code may propose for 40902
issuance any bonds necessary for its participation in the program 40903
under section 3318.36 of the Revised Code for any number of years 40904
not exceeding the term calculated pursuant to section 133.20 of 40905
the Revised Code. Any moneys received from the state under 40906
division (E)(2) of section 3318.36 of the Revised Code shall be 40907
applied, as agreed in writing by the school district board and the 40908
commission, to pay debt service on outstanding bonds or bond 40909
anticipation notes issued by the school district board for its 40910
participation in the expedited local partnership program, 40911
including by placing those moneys in an applicable escrow fund 40912
under division (D) of section 133.34 of the Revised Code. 40913

Sec. 3318.363. (A) This section applies beginning in fiscal 40914
year 2003 and only to a school district participating in the 40915

school building assistance expedited local partnership program 40916
under section 3318.36 of the Revised Code. 40917

(B) If there is a decrease in the tax valuation of a school 40918
district to which this section applies by ten per cent or greater 40919
from one tax year to the next due to a decrease in the assessment 40920
rate of the taxable property of an electric company that owns 40921
property in the district, as provided for in section 5727.111 of 40922
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 40923
General Assembly, the Ohio ~~school~~ facilities construction 40924
commission shall calculate or recalculate the state and school 40925
district portions of the basic project cost of the school 40926
district's project by determining the percentile rank in which the 40927
district would be located if such ranking were made using the 40928
adjusted valuation per pupil calculated under division (C) of this 40929
section rather than the three-year average adjusted valuation per 40930
pupil, calculated under division (B) of section 3318.011 of the 40931
Revised Code. For such district, the required percentage of the 40932
basic project cost used to determine the state and school district 40933
shares of that cost under division (C) of section 3318.36 of the 40934
Revised Code shall be based on the percentile rank as calculated 40935
under this section rather than as otherwise provided in division 40936
(C)(1) of section 3318.36 of the Revised Code. If the commission 40937
has determined the state and school district portion of the basic 40938
project cost of such a district's project under section 3318.36 of 40939
the Revised Code prior to that decrease in tax valuation, the 40940
commission shall adjust the state and school district shares of 40941
the basic project cost of such project in accordance with this 40942
section. 40943

(C)(1) As used in divisions (C) and (D) of this section, 40944
"total taxable value" and "formula ADM" have the same meanings as 40945
in section 3317.02 of the Revised Code, and "income factor" has 40946
the same meaning as in section 3318.011 of the Revised Code. 40947

(2) The adjusted valuation per pupil for a school district to which this section applies shall be calculated using the following formula:

(The district's total taxable value for the tax year preceding the calendar year in which the current fiscal year begins / the district's formula ADM for the previous fiscal year) - [\$30,000 x (1 - the district's income factor)].

(D) At the request of the Ohio ~~school~~ facilities construction commission, the department of education shall report a district's total taxable value for the tax year preceding the calendar year in which the current fiscal year begins for any district to which this section applies as that information has been certified to the department by the tax commissioner pursuant to section 3317.021 of the Revised Code.

Sec. 3318.364. In any fiscal year, the Ohio ~~school~~ facilities construction commission may, at its discretion, provide assistance under sections 3318.01 to 3318.20 of the Revised Code to a school district that has entered into an expedited local partnership agreement under section 3318.36 of the Revised Code before the district is otherwise eligible for that assistance based on its percentile rank, if the commission determines all of the following:

(A) The district has made an expenditure of local resources under its expedited local partnership agreement on a discrete part of its district-wide project.

(B) The district is ready to complete its district-wide project or a segment of the project, in accordance with section 3318.034 of the Revised Code.

(C) The district is in compliance with division (D)(2) of section 3318.36 of the Revised Code.

(D) Sufficient state funds have been appropriated for 40978
classroom facilities projects for the fiscal year to pay the state 40979
share of the district's project or segment after paying the state 40980
share of projects for all of the following: 40981

(1) Districts that previously had their conditional approval 40982
lapse pursuant to section 3318.05 of the Revised Code; 40983

(2) Districts eligible for assistance under division (B)(2) 40984
of section 3318.04 of the Revised Code; 40985

(3) Districts participating in the exceptional needs school 40986
facilities assistance program under section 3318.37 or 3318.371 of 40987
the Revised Code; 40988

(4) Districts participating in the accelerated urban school 40989
building assistance program under section 3318.38 of the Revised 40990
Code. 40991

Assistance under this section shall be offered to eligible 40992
districts in the order of their percentile rankings at the time 40993
they entered into their expedited local partnership agreements, 40994
from lowest to highest percentile. In the event that more than one 40995
district has the same percentile ranking, those districts shall be 40996
offered assistance in the order of the date they entered into 40997
their expedited local partnership agreements, from earliest to 40998
latest date. 40999

As used in this section, "local resources" and "percentile" 41000
have the same meanings as in section 3318.36 of the Revised Code. 41001

Sec. 3318.37. (A)(1) As used in this section: 41002

(a) "Full maintenance amount" has the same meaning as in 41003
section 3318.034 of the Revised Code. 41004

(b) A "school district with an exceptional need for immediate 41005
classroom facilities assistance" means a school district with an 41006
exceptional need for new facilities in order to protect the health 41007

and safety of all or a portion of its students. 41008

(2) No school district that participates in the school 41009
building assistance expedited local partnership program under 41010
section 3318.36 of the Revised Code shall receive assistance under 41011
the program established under this section unless the following 41012
conditions are satisfied: 41013

(a) The district board adopted a resolution certifying its 41014
intent to participate in the school building assistance expedited 41015
local partnership program under section 3318.36 of the Revised 41016
Code prior to September 14, 2000. 41017

(b) The district was selected by the Ohio ~~school~~ facilities 41018
construction commission for participation in the school building 41019
assistance expedited local partnership program under section 41020
3318.36 of the Revised Code in the manner prescribed by the 41021
commission under that section as it existed prior to September 14, 41022
2000. 41023

(B)(1) There is hereby established the exceptional needs 41024
school facilities assistance program. Under the program, the Ohio 41025
~~school~~ facilities construction commission may set aside from the 41026
moneys annually appropriated to it for classroom facilities 41027
assistance projects up to twenty-five per cent for assistance to 41028
school districts with exceptional needs for immediate classroom 41029
facilities assistance. 41030

(2)(a) After consulting with education and construction 41031
experts, the commission shall adopt guidelines for identifying 41032
school districts with an exceptional need for immediate classroom 41033
facilities assistance. 41034

(b) The guidelines shall include application forms and 41035
instructions for school districts to use in applying for 41036
assistance under this section. 41037

(3) The commission shall evaluate the classroom facilities, 41038

and the need for replacement classroom facilities from the 41039
applications received under this section. The commission, 41040
utilizing the guidelines adopted under division (B)(2)(a) of this 41041
section, shall prioritize the school districts to be assessed. 41042

Notwithstanding section 3318.02 of the Revised Code, the 41043
commission may conduct on-site evaluation of the school districts 41044
prioritized under this section and approve and award funds until 41045
such time as all funds set aside under division (B)(1) of this 41046
section have been encumbered. However, the commission need not 41047
conduct the evaluation of facilities if the commission determines 41048
that a district's assessment conducted under section 3318.36 of 41049
the Revised Code is sufficient for purposes of this section. 41050

(4) Notwithstanding division (A) of section 3318.05 of the 41051
Revised Code, the school district's portion of the basic project 41052
cost under this section shall be the "required percentage of the 41053
basic project costs," as defined in division (K) of section 41054
3318.01 of the Revised Code. 41055

(5) Except as otherwise specified in this section, any 41056
project undertaken with assistance under this section shall comply 41057
with all provisions of sections 3318.01 to 3318.20 of the Revised 41058
Code. A school district may receive assistance under sections 41059
3318.01 to 3318.20 of the Revised Code for the remainder of the 41060
district's classroom facilities needs as assessed under this 41061
section when the district is eligible for such assistance pursuant 41062
to section 3318.02 of the Revised Code, but any classroom facility 41063
constructed with assistance under this section shall not be 41064
included in a district's project at that time unless the 41065
commission determines the district has experienced the increased 41066
enrollment specified in division (B)(1) of section 3318.04 of the 41067
Revised Code. 41068

(C) No school district shall receive assistance under this 41069
section for a classroom facility that has been included in the 41070

discrete part of the district's classroom facilities needs 41071
identified and addressed in the district's project pursuant to an 41072
agreement entered into under section 3318.36 of the Revised Code, 41073
unless the district's entire classroom facilities plan consists of 41074
only a single building designed to house grades kindergarten 41075
through twelve. 41076

(D)(1) When undertaking a project under this section, a 41077
school district may elect to prorate its full maintenance amount 41078
by setting aside for maintenance the amount calculated under 41079
division (D)(2) of this section to maintain the classroom 41080
facilities acquired under the project, if the district will use 41081
one or more of the alternative methods authorized in sections 41082
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 41083
the entire amount calculated under that division. If the district 41084
so elects, the commission and the district shall include in the 41085
agreement entered into under section 3318.08 of the Revised Code a 41086
statement specifying that the district will use the amount 41087
calculated under that division only to maintain the classroom 41088
facilities acquired under the project under this section. 41089

(2) The commission shall calculate the amount for a school 41090
district to maintain the classroom facilities acquired under a 41091
project under this section as follows: 41092

The full maintenance amount X (the school district's portion 41093
of the basic project cost under this section / the school 41094
district's portion of the basic project cost for the district's 41095
entire classroom facilities needs, as determined jointly by the 41096
staff of the commission and the district) 41097

(3) A school district may elect to prorate its full 41098
maintenance amount for any number of projects under this section, 41099
provided the district will use one or more of the alternative 41100
methods authorized in sections 3318.051, 3318.052, and 3318.084 of 41101
the Revised Code to generate the entire amount calculated under 41102

division (D)(2) of this section to maintain the classroom 41103
facilities acquired under each project for which it so elects. If 41104
the district cannot use one or more of those alternative methods 41105
to generate the entire amount calculated under that division, the 41106
district shall levy the tax described in division (B) of section 41107
3318.05 of the Revised Code or an extension of that tax under 41108
section 3318.061 of the Revised Code in an amount necessary to 41109
generate the remainder of its full maintenance amount. The 41110
commission shall calculate the remainder of the district's full 41111
maintenance amount as follows: 41112

The full maintenance amount - the sum of the amounts 41113
calculated for the district under division (D)(2) of this section 41114
for each of the district's prior projects under this section 41115

(4) In no case shall the sum of the amounts calculated for a 41116
school district's maintenance of classroom facilities under 41117
divisions (D)(2) and (3) of this section exceed the amount that 41118
would have been required for maintenance if the district had 41119
elected to meet its entire classroom facilities needs with a 41120
project under sections 3318.01 to 3318.20 of the Revised Code and 41121
had not undertaken one or more projects under this section. 41122

(5) If a school district commenced a project under this 41123
section prior to ~~the effective date of this amendment~~ September 41124
10, 2012, but has not completed that project, and has not levied 41125
the tax described in division (B) of section 3318.05 of the 41126
Revised Code or an extension of that tax under section 3318.061 of 41127
the Revised Code, the district may request approval from the 41128
commission to prorate its full maintenance amount in accordance 41129
with divisions (D)(1) to (4) of this section. If the commission 41130
approves the request, the commission and the district shall amend 41131
the agreement entered into under section 3318.08 of the Revised 41132
Code to reflect the change. 41133

Sec. 3318.371. The Ohio ~~school~~ facilities construction 41134
commission may provide assistance under the exceptional needs 41135
school facilities program established by section 3318.37 of the 41136
Revised Code to any school district for the purpose of the 41137
relocation or replacement of classroom facilities required as a 41138
result of any contamination of air, soil, or water that impacts 41139
the occupants of the facility. 41140

The commission shall make a determination in accordance with 41141
guidelines adopted by the commission regarding eligibility and 41142
funding for projects under this section. The commission may 41143
contract with an independent environmental consultant to conduct a 41144
study to assist the commission in making the determination. 41145

If the federal government or other public or private entity 41146
provides funds for restitution of costs incurred by the state or 41147
school district in the relocation or replacement of the classroom 41148
facilities, the school district shall use such funds in excess of 41149
the school district's share to refund the state for the state's 41150
contribution to the environmental contamination portion of the 41151
project. The school district may apply an amount of such 41152
restitution funds up to an amount equal to the school district's 41153
portion of the project, as defined by the commission, toward 41154
paying its portion of that project to reduce the amount of bonds 41155
the school district otherwise must issue to receive state 41156
assistance under sections 3318.01 to 3318.20 of the Revised Code. 41157

Sec. 3318.38. (A) As used in this section, "big-eight school 41158
district" has the same meaning as in section 3314.02 of the 41159
Revised Code. 41160

(B) There is hereby established the accelerated urban school 41161
building assistance program. Under the program, notwithstanding 41162
section 3318.02 of the Revised Code, any big-eight school district 41163

that has not been approved to receive assistance under sections 41164
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 41165
beginning on that date apply for approval of and be approved for 41166
such assistance. Except as otherwise provided in this section, any 41167
project approved and undertaken pursuant to this section shall 41168
comply with all provisions of sections 3318.01 to 3318.20 of the 41169
Revised Code. 41170

The Ohio ~~school~~ facilities construction commission shall 41171
provide assistance to any big-eight school district eligible for 41172
assistance under this section in the following manner: 41173

(1) Notwithstanding section 3318.02 of the Revised Code: 41174

(a) Not later than June 30, 2002, the commission shall 41175
conduct an on-site visit and shall assess the classroom facilities 41176
needs of each big-eight school district eligible for assistance 41177
under this section; 41178

(b) Beginning July 1, 2002, any big-eight school district 41179
eligible for assistance under this section may apply to the 41180
commission for conditional approval of its project as determined 41181
by the assessment conducted under division (B)(1)(a) of this 41182
section. The commission may conditionally approve that project and 41183
submit it to the controlling board for approval pursuant to 41184
section 3318.04 of the Revised Code. 41185

(2) If the controlling board approves the project of a 41186
big-eight school district eligible for assistance under this 41187
section, the commission and the school district shall enter into 41188
an agreement as prescribed in section 3318.08 of the Revised Code. 41189
Any agreement executed pursuant to this division shall include any 41190
applicable segmentation provisions as approved by the commission 41191
under division (B)(3) of this section. 41192

(3) Notwithstanding any provision to the contrary in sections 41193
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 41194

school district eligible for assistance under this section may 41195
with the approval of the commission opt to divide the project as 41196
approved under division (B)(1)(b) of this section into discrete 41197
segments to be completed sequentially. Any project divided into 41198
segments shall comply with all other provisions of sections 41199
3318.05, 3318.06, and 3318.08 of the Revised Code except as 41200
otherwise specified in this division. 41201

If a project is divided into segments under this division: 41202

(a) The school district need raise only the amount equal to 41203
its proportionate share, as determined under section 3318.032 of 41204
the Revised Code, of each segment at any one time and may seek 41205
voter approval of each segment separately; 41206

(b) The state's proportionate share, as determined under 41207
section 3318.032 of the Revised Code, of only the segment which 41208
has been approved by the school district electors or for which the 41209
district has applied a local donated contribution under section 41210
3318.084 of the Revised Code shall be encumbered in accordance 41211
with section 3318.11 of the Revised Code. Encumbrance of 41212
additional amounts to cover the state's proportionate share of 41213
later segments shall be approved separately as they are approved 41214
by the school district electors or as the district applies a local 41215
donated contribution to the segments under section 3318.084 of the 41216
Revised Code. 41217

(c) The school district's maintenance levy requirement, as 41218
defined in section 3318.18 of the Revised Code, shall run for 41219
twenty-three years from the date the first segment is undertaken. 41220

(C) In accordance with division (R) of section 3318.08 of the 41221
Revised Code, the state funds reserved and encumbered and the 41222
funds provided by the school district to pay the basic project 41223
cost of any segment of the project under this section, or of the 41224
entire project if it is not divided into segments, shall be spent 41225

on the construction and acquisition of the project simultaneously 41226
in proportion to the state's and the school district's respective 41227
shares of that basic project cost as determined under section 41228
3318.032 of the Revised Code. 41229

Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the 41230
Revised Code apply only to joint vocational school districts. 41231

(2) As used in sections 3318.40 to 3318.45 of the Revised 41232
Code: 41233

(a) "Ohio ~~school~~ facilities construction commission," 41234
"classroom facilities," "project," and "basic project cost" have 41235
the same meanings as in section 3318.01 of the Revised Code. 41236

(b) "Acquisition of classroom facilities" means constructing, 41237
reconstructing, repairing, or making additions to classroom 41238
facilities. 41239

(B) There is hereby established the vocational school 41240
facilities assistance program. Under the program, the Ohio ~~school~~ 41241
facilities construction commission shall provide assistance to 41242
joint vocational school districts for the acquisition of classroom 41243
facilities suitable to the vocational education programs of the 41244
districts in accordance with sections 3318.40 to 3318.45 of the 41245
Revised Code. For purposes of the program, beginning July 1, 2003, 41246
the commission annually may set aside up to two per cent of the 41247
aggregate amount appropriated to it for classroom facilities 41248
assistance projects in the public school building fund, 41249
established under section 3318.15 of the Revised Code, and the 41250
school building program assistance fund, established under section 41251
3318.25 of the Revised Code. 41252

(C) The commission shall not provide assistance for any 41253
distinct part of a project under sections 3318.40 to 3318.45 of 41254
the Revised Code that when completed will be used exclusively for 41255

an adult education program or exclusively for operation of a 41256
driver training school for instruction leading to the issuance of 41257
a commercial driver's license under Chapter 4506. of the Revised 41258
Code, except for life safety items and basic building components 41259
necessary for complete and continuous construction or renovation 41260
of a classroom facility as determined by the commission. 41261

(D) The commission shall not provide assistance under 41262
sections 3318.40 to 3318.45 of the Revised Code to acquire 41263
classroom facilities for vocational educational instruction at a 41264
location under the control of a school district that is a member 41265
of a joint vocational school district. Any assistance to acquire 41266
classroom facilities for vocational educational instruction at 41267
such location shall be provided to the school district that is a 41268
member of the joint vocational school district through other 41269
provisions of this chapter when that member school district is 41270
eligible for assistance under those provisions. 41271

(E) By September 1, 2003, the commission shall assess the 41272
classroom facilities needs of at least five joint vocational 41273
school districts, according to the order of priority prescribed in 41274
division (B) of section 3318.42 of the Revised Code, and based on 41275
the results of those assessments shall determine the extent to 41276
which amendments to the specifications adopted under section 41277
3318.311 of the Revised Code are warranted. The commission, 41278
thereafter, may amend the specifications as provided in that 41279
section. 41280

(F) After the commission has conducted the assessments 41281
prescribed in division (E) of this section, the commission shall 41282
establish, by rule adopted in accordance with section 111.15 of 41283
the Revised Code, guidelines for the commission to use in deciding 41284
whether to waive compliance with the design specifications adopted 41285
under section 3318.311 of the Revised Code when determining the 41286
number of facilities and the basic project cost of projects as 41287

prescribed in division (A)(1)(a) of section 3318.41 of the Revised Code. The guidelines shall address the following situations:

(1) Under what circumstances, if any, particular classroom facilities are adequate to meet the needs of the school district even though the facilities do not comply with the specifications adopted under section 3318.311 of the Revised Code;

(2) Under what circumstances, if any, particular classroom facilities will be renovated or repaired rather than replaced by construction of new facilities.

Sec. 3318.41. (A)(1) The Ohio ~~school~~ facilities construction commission annually shall assess the classroom facilities needs of the number of joint vocational school districts that the commission reasonably expects to be able to provide assistance to in a fiscal year, based on the amount set aside for that fiscal year under division (B) of section 3318.40 of the Revised Code and the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, except that in fiscal year 2004 the commission shall conduct at least the five assessments prescribed in division (E) of section 3318.40 of the Revised Code.

Upon conducting an assessment of the classroom facilities needs of a school district, the commission shall make a determination of all of the following:

(a) The number of classroom facilities to be included in a project and the basic project cost of acquiring the classroom facilities included in the project. The number of facilities and basic project cost shall be determined in accordance with the specifications adopted under section 3318.311 of the Revised Code except to the extent that compliance with such specifications is waived by the commission pursuant to the rule of the commission adopted under division (F) of section 3318.40 of the Revised Code.

(b) The school district's portion of the basic project cost 41318
as determined under division (C) of section 3318.42 of the Revised 41319
Code; 41320

(c) The remaining portion of the basic project cost that 41321
shall be supplied by the state; 41322

(d) The amount of the state's portion of the basic project 41323
cost to be encumbered in accordance with section 3318.11 of the 41324
Revised Code in the current and subsequent fiscal years from funds 41325
set aside under division (B) of section 3318.40 of the Revised 41326
Code. 41327

(2) Divisions (A), (C), and (D) of section 3318.03 of the 41328
Revised Code apply to any project under sections 3318.40 to 41329
3318.45 of the Revised Code. 41330

(B)(1) If the commission makes a determination under division 41331
(A) of this section in favor of the acquisition of classroom 41332
facilities for a project under sections 3318.40 to 3318.45 of the 41333
Revised Code, such project shall be conditionally approved. Such 41334
conditional approval shall be submitted to the controlling board 41335
for approval. The controlling board shall immediately approve or 41336
reject the commission's determination, conditional approval, the 41337
amount of the state's portion of the basic project cost, and the 41338
amount of the state's portion of the basic project cost to be 41339
encumbered in the current fiscal year. In the event of approval by 41340
the controlling board, the commission shall certify the 41341
conditional approval to the joint vocational school district board 41342
of education and shall encumber the approved funds for the current 41343
fiscal year. 41344

(2) No school district that receives assistance under 41345
sections 3318.40 to 3318.45 of the Revised Code shall have another 41346
such project conditionally approved until the expiration of twenty 41347
years after the school district's prior project was conditionally 41348

approved, unless the school district board demonstrates to the 41349
satisfaction of the commission that the school district has 41350
experienced since conditional approval of its prior project an 41351
exceptional increase in enrollment or program requirements 41352
significantly above the school district's design capacity under 41353
that prior project as determined by rule of the commission. Any 41354
rule adopted by the commission to implement this division shall be 41355
tailored to address the classroom facilities needs of joint 41356
vocational school districts. 41357

(C) In addition to generating the amount of the school 41358
district's portion of the basic project cost as determined under 41359
division (C) of section 3318.42 of the Revised Code, in order for 41360
a school district to receive assistance under sections 3318.40 to 41361
3318.45 of the Revised Code, the school district board shall set 41362
aside school district moneys for the maintenance of the classroom 41363
facilities included in the school district's project in the amount 41364
and manner prescribed in section 3318.43 of the Revised Code. 41365

(D)(1) The conditional approval for a project certified under 41366
division (B)(1) of this section shall lapse and the amount 41367
reserved and encumbered for such project shall be released unless 41368
both of the following conditions are satisfied: 41369

(a) Within one hundred twenty days following the date of 41370
certification of the conditional approval to the joint vocational 41371
school district board, the school district board accepts the 41372
conditional approval and certifies to the commission the school 41373
district board's plan to generate the school district's portion of 41374
the basic project cost, as determined under division (C) of 41375
section 3318.42 of the Revised Code, and to set aside moneys for 41376
maintenance of the classroom facilities acquired under the 41377
project, as prescribed in section 3318.43 of the Revised Code. 41378

(b) Within thirteen months following the date of 41379
certification of the conditional approval to the school district 41380

board, the electors of the school district vote favorably on any 41381
ballot measures proposed by the school district board to generate 41382
the school district's portion of the basic project cost. 41383

(2) If the school district board or electors fail to satisfy 41384
the conditions prescribed in division (D)(1) of this section and 41385
the amount reserved and encumbered for the school district's 41386
project is released, the school district shall be given first 41387
priority over other joint vocational school districts for project 41388
funding under sections 3318.40 to 3318.45 of the Revised Code as 41389
such funds become available, subject to section 3318.054 of the 41390
Revised Code. 41391

(E) If the conditions prescribed in division (D)(1) of this 41392
section are satisfied, the commission and the school district 41393
board shall enter into an agreement as prescribed in section 41394
3318.08 of the Revised Code and shall proceed with the development 41395
of plans, cost estimates, designs, drawings, and specifications as 41396
prescribed in section 3318.091 of the Revised Code. 41397

(F) Costs in excess of those approved by the commission under 41398
section 3318.091 of the Revised Code shall be payable only as 41399
provided in sections 3318.042 and 3318.083 of the Revised Code. 41400

(G) Advertisement for bids and the award of contracts for 41401
construction of any project under sections 3318.40 to 3318.45 of 41402
the Revised Code shall be conducted in accordance with section 41403
3318.10 of the Revised Code. 41404

(H) In accordance with division (R) of section 3318.08 of the 41405
Revised Code, the state funds reserved and encumbered and the 41406
funds provided by the school district to pay the basic project 41407
cost of a project under sections 3318.40 to 3318.45 of the Revised 41408
Code shall be spent simultaneously in proportion to the state's 41409
and the school district's respective portions of that basic 41410
project cost. 41411

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised Code apply to projects under sections 3318.40 to 3318.45 of the Revised Code.

Sec. 3318.42. (A) Not later than the sixty-first day after March 14, 2003, and subsequently not later than the sixty-first day after the first day of each ensuing fiscal year, the department of education shall do all of the following:

(1) Calculate the valuation per pupil of each joint vocational school district according to the following formula:
The school district's average taxable value divided by the school district's formula ADM calculated under section 3317.03 of the Revised Code for the previous fiscal year.

For purposes of this calculation:

(a) "Average taxable value" means the average of the amounts certified for a school district in the second, third, and fourth preceding tax years under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(b) "Formula ADM" has the same meaning as defined in section 3317.02 of the Revised Code.

(2) Calculate for each school district the three-year average of the valuations per pupil calculated for the school district for the current and two preceding fiscal years;

(3) Rank all joint vocational school districts in order from the school district with the lowest three-year average valuation per pupil to the school district with the highest three-year average valuation per pupil;

(4) Divide the ranking under division (A)(3) of this section into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average valuations per pupil and the one-hundredth percentile containing

the one per cent of school districts having the highest three-year average valuations per pupil; 41442
41443

(5) Certify the information described in divisions (A)(1) to 41444
(4) of this section to the Ohio ~~school~~ facilities construction 41445
commission. 41446

(B) The commission annually shall select school districts for 41447
assistance under sections 3318.40 to 3318.45 of the Revised Code 41448
in the order of the school districts' three-year average 41449
valuations per pupil such that the school district with the lowest 41450
three-year average valuation per pupil shall be given the highest 41451
priority for assistance. 41452

(C) Each joint vocational school district's portion of the 41453
basic project cost of the school district's project under sections 41454
3318.40 to 3318.45 of the Revised Code shall be one per cent times 41455
the percentile in which the district ranks, except that no school 41456
district's portion shall be less than twenty-five per cent or 41457
greater than ninety-five per cent of the basic project cost. 41458

Sec. 3318.421. A project under this section shall proceed in 41459
the manner prescribed in sections 3318.40 to 3318.45 of the 41460
Revised Code except as otherwise specified by this section. 41461

In addition to any joint vocational school districts selected 41462
in accordance with section 3318.40 of the Revised Code, the Ohio 41463
facilities construction commission may select one joint vocational 41464
school district in fiscal year 2018 and one joint vocational 41465
school district in fiscal year 2019 for assistance to do one or 41466
both of the following: 41467

(A) Construct a new complete classroom facility as a 41468
replacement for one or more of the facilities currently operated 41469
by the district; 41470

(B) Renovate the district's existing facilities. 41471

The selection shall be made through a competitive process 41472
that allows any joint vocational school district in this state to 41473
apply for assistance under this section. 41474

The commission shall select for assistance under this section 41475
a district that has a compelling need for new construction and 41476
that demonstrates to the satisfaction of the commission that the 41477
project is necessary for the district to meet the workforce 41478
deficiency or demand in the local community or a local industry. 41479
The commission may consult with other state agencies, public 41480
entities, nonprofit organizations, private corporations, or the 41481
JobsOhio nonprofit corporation formed under section 187.01 of the 41482
Revised Code in making its determination. 41483

Except as provided in this section, the district's portion of 41484
the basic project cost shall be determined in accordance with 41485
division (C) of section 3318.42 of the Revised Code. If the 41486
district's portion of the basic project cost is greater than fifty 41487
per cent, the Ohio facilities construction commission shall 41488
decrease the district's portion so that it is equal to fifty per 41489
cent. At no time, however, shall the state share of the basic 41490
project cost exceed \$26,000,000. 41491

Notwithstanding anything to the contrary in section 3318.40 41492
of the Revised Code, the commission may set aside from funds 41493
appropriated to it for classroom facilities assistance projects 41494
under this chapter an amount each fiscal year adequate for this 41495
section. 41496

Sec. 3318.43. Each year for twenty-three successive years 41497
after the commencement of a joint vocational school district's 41498
project under sections 3318.40 to 3318.45 of the Revised Code, the 41499
board of education of that school district shall deposit into a 41500
separate maintenance account or into the school district's capital 41501
and maintenance fund established under section 3315.18 of the 41502

Revised Code, school district moneys dedicated to maintenance of 41503
the classroom facilities acquired under sections 3318.40 to 41504
3318.45 of the Revised Code in an amount equal to one and one-half 41505
of one per cent of the current insurance value of the classroom 41506
facilities acquired under the project, which value shall be 41507
subject to the approval of the Ohio ~~school~~ facilities construction 41508
commission. 41509

Sec. 3318.46. By rule adopted in accordance with section 41510
111.15 of the Revised Code, the Ohio ~~school~~ facilities 41511
construction commission shall establish a program whereby the 41512
board of education of any joint vocational school district may 41513
enter into an agreement with the commission under which the board 41514
may proceed with the new construction or major repairs of a part 41515
of the school district's classroom facilities needs, as determined 41516
under sections 3318.40 to 3318.45 of the Revised Code, through the 41517
expenditure of local resources prior to the school district's 41518
eligibility for state assistance under sections 3318.40 to 3318.45 41519
of the Revised Code. The program shall be structured in a manner 41520
similar to the program established under section 3318.36 of the 41521
Revised Code. The program shall be operational on July 1, 2004. 41522

Sec. 3318.48. (A) When all of the following have occurred, a 41523
project undertaken by a school district pursuant to this chapter 41524
shall be considered complete and the Ohio ~~school~~ facilities 41525
construction commission shall issue a certificate of completion to 41526
the district board of education: 41527

(1) All facilities to be constructed under the project, as 41528
specified in the project agreement entered into under section 41529
3318.08 of the Revised Code, have been completed and the board has 41530
received a permanent certificate of occupancy for each of those 41531
facilities. 41532

(2) The commission has issued certificates of contract completion on all prime construction contracts entered into by the board under section 3318.10 of the Revised Code.

(3) The commission has completed a final accounting of the district's project construction fund and has determined that all payments from the fund were made in compliance with all policies of the commission.

(4) Any litigation concerning the project has been finally resolved with no chance of appeal.

(5) All construction management services typically provided by the commission to school districts have been delivered and the commission has canceled any remaining encumbrance of funds for those services.

(B) The commission may issue a certificate of completion to a district board prior to all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. When issuing a certificate of completion under this division, the commission may specify any of the following:

(1) Any construction or work that has yet to be completed and the manner in which the board shall oversee its completion, which may include procedures for reporting progress to the commission and for accounting of expenditures;

(2) Terms and conditions for the resolution of any pending litigation;

(3) Any remaining responsibilities of the construction manager regarding the project.

(C) The commission may issue a certificate of completion to a

district board that does not voluntarily participate in the 41563
process of closing out the district's project, if the construction 41564
manager for the project verifies that all facilities to be 41565
constructed under the project, as specified in the project 41566
agreement entered into under section 3318.08 of the Revised Code, 41567
have been completed and the commission determines that those 41568
facilities have been occupied for at least one year. In that case, 41569
all funds due to the commission under division (C) of section 41570
3318.12 of the Revised Code shall be returned to the commission 41571
not later than thirty days after receipt of the certificate of 41572
completion. If the funds due to the commission have not been 41573
returned within sixty days after receipt of the certificate of 41574
completion, the auditor of state shall issue a finding for 41575
recovery against the school district and shall request legal 41576
action under section 117.42 of the Revised Code. 41577

(D) Upon issuance of a certificate of completion under this 41578
section, the commission's ownership of and interest in the 41579
project, as specified in division (F) of section 3318.08 of the 41580
Revised Code, shall cease. This cessation shall not alter or 41581
otherwise affect the state's or commission's interest in the 41582
project or any limitations on the use of the project as specified 41583
in the project agreement pursuant to divisions (G), (M), and (N) 41584
of that section or as specified in section 3318.16 of the Revised 41585
Code. 41586

Sec. 3318.49. (A) The corrective action program is hereby 41587
established to provide funding for the correction of work, in 41588
connection with a project funded under sections 3318.01 to 3318.20 41589
or sections 3318.40 to 3318.45 of the Revised Code or a project 41590
initiated under section 3318.36 of the Revised Code, that is found 41591
after occupancy of the facility to be defective or to have been 41592
omitted. 41593

(B) The Ohio ~~school~~ facilities construction commission may 41594
provide funding under this section ~~only~~ if the school district 41595
notifies the ~~executive director of the~~ commission of the defective 41596
or omitted work ~~within five years after occupancy of~~ and the 41597
facility for which the district seeks the funding was occupied 41598
after January 1, 2000. 41599

(C) The commission shall establish procedures ~~and deadlines~~ 41600
for school districts to follow in applying for assistance under 41601
this section. The procedures ~~shall~~ may include definitions of 41602
"defective" and "omitted," and shall require that remediation 41603
efforts focus first on engaging the respective contractors that 41604
designed and constructed the areas that have design or 41605
construction-related issues. The commission shall consider 41606
applications on a case-by-case basis, ~~taking into account the~~ 41607
~~amount of money appropriated and available for purposes of this~~ 41608
~~section.~~ Timing of the application shall not be part of this 41609
consideration. The commission may consider applications for 41610
reimbursement for corrective work performed by districts prior to 41611
the effective date of this amendment if the commission was 41612
notified of the defective or omitted work prior to the initiation 41613
of that work. 41614

(D) The commission may approve and provide funding assistance 41615
necessary to take corrective measures after evaluating the 41616
defective or omitted work or to reimburse for corrective work 41617
after evaluating the situation necessitating the corrective work. 41618
The amount approved under this section shall not exceed the cost 41619
that would otherwise have to be incurred if the classroom 41620
facilities to be corrected met, but did not exceed, the current 41621
specifications for plans and materials for classroom facilities 41622
adopted by the commission. 41623

(1) If the corrective work ~~to be corrected or remediated~~ is 41624
part of a project not yet completed, the commission may amend the 41625

project agreement to increase the project budget and may use 41626
corrective action funding to provide the state portion of the 41627
corrective amendment. If the work ~~to be corrected or remediated~~ is 41628
part of a completed project and funds were retained or transferred 41629
pursuant to division (C) of section 3318.12 of the Revised Code, 41630
the commission may enter into a new agreement to address the 41631
corrective action. If the commission enters into a new agreement, 41632
the state's portion of the cost may be encumbered from the amount 41633
of money appropriated and available for the purpose of this 41634
section or the agreement may be conditionally approved and 41635
submitted to the controlling board for approval. If the agreement 41636
is submitted to the controlling board, it shall approve or reject 41637
the commission's determination, conditional approval, the total 41638
amount of the state's portion of the cost, and the amount of the 41639
state's portion of the cost to be encumbered in the current fiscal 41640
year. If the controlling board approves the agreement, the 41641
commission shall certify the approval to the district board and 41642
shall encumber from the total funds appropriated for the purposes 41643
of sections 3318.01 to 3318.20 of the Revised Code the amount 41644
approved to be encumbered in the current fiscal year. 41645

(2) Whether or not the project is completed, the district 41646
shall contribute a portion of the cost of the corrective action, 41647
to be determined in accordance with section 3318.032 of the 41648
Revised Code or, if the district is a joint vocational school 41649
district, section 3318.42 of the Revised Code. A district that is 41650
unable to provide its portion so that remediation can proceed may 41651
apply to the commission for additional assistance under section 41652
3318.042 of the Revised Code. 41653

(E) The commission shall assess responsibility for the 41654
defective or omitted work and seek cost recovery from responsible 41655
parties, if applicable. Any recovery of the expense of remediation 41656
shall be applied first to the district portion of the cost of the 41657

corrective action. Any remaining funds shall be applied to the 41658
state portion and deposited into the school building program 41659
assistance fund established under section 3318.25 of the Revised 41660
Code. 41661

Sec. 3318.50. (A) As used in this section and in section 41662
3318.52 of the Revised Code, "classroom facilities" means 41663
buildings, land, grounds, equipment, and furnishings used by a 41664
community school in furtherance of its mission and contract 41665
entered into by the school's governing authority under Chapter 41666
3314. of the Revised Code. 41667

(B) There is hereby established the community school 41668
classroom facilities loan guarantee program. Under the program, 41669
the Ohio ~~school~~ facilities construction commission may guarantee 41670
for up to fifteen years up to eighty-five per cent of the sum of 41671
the principal and interest on a loan made to the governing 41672
authority of a community school established under Chapter 3314. of 41673
the Revised Code for the sole purpose of assisting the governing 41674
authority in acquiring, improving, or replacing classroom 41675
facilities for the community school by lease, purchase, remodeling 41676
of existing facilities, or any other means including new 41677
construction. 41678

The commission shall not make any loan guarantee under this 41679
section unless the commission has determined both that the 41680
applicant is creditworthy and that the classroom facilities that 41681
have been acquired, improved, or replaced under the loan meet 41682
applicable health and safety standards established by law for 41683
school buildings or those facilities that will be acquired, 41684
improved, or replaced under the loan will meet such standards. 41685

The commission shall not guarantee any loan under this 41686
section unless the loan is obtained from a financial institution 41687
regulated by the United States or this state. 41688

(C) At no time shall the commission exceed an aggregate 41689
liability of ten million dollars to repay loans guaranteed under 41690
this section. 41691

(D) Any payment made to a lending institution as a result of 41692
default on a loan guaranteed under this section shall be made from 41693
moneys in the community school classroom facilities loan guarantee 41694
fund established under section 3318.52 of the Revised Code. 41695

(E) The commission may assess a fee of up to five hundred 41696
dollars for each loan guaranteed under this section. 41697

(F) Not later than ninety days after September 5, 2001, the 41698
commission shall adopt rules that prescribe loan standards and 41699
procedures consistent with this section that are designed to 41700
protect the state's interest in any loan guaranteed by this 41701
section and to ensure that the state has a reasonable chance of 41702
recovering any payments made by the state in the event of a 41703
default on any such loan. 41704

Sec. 3318.60. (A) As used in this section and section 3318.61 41705
of the Revised Code: 41706

(1) "Acquisition of classroom facilities" means constructing, 41707
reconstructing, repairing, or making additions to classroom 41708
facilities. 41709

(2) "Ohio ~~school~~ facilities construction commission" and 41710
"classroom facilities" have the same meanings as in section 41711
3318.01 of the Revised Code. 41712

(B) There is hereby established the college-preparatory 41713
boarding school facilities program. Under the program, the Ohio 41714
~~school~~ facilities construction commission shall provide assistance 41715
to the boards of trustees of college-preparatory boarding schools 41716
established under Chapter 3328. of the Revised Code for the 41717
acquisition of classroom facilities. 41718

(C) The program shall comply with sections 3318.01 to 3318.20 41719
of the Revised Code, except as follows: 41720

(1) The commission, in consultation with the board of 41721
trustees of a college-preparatory boarding school, shall determine 41722
the basic project cost based on all campus facilities needed for 41723
the school's programs and operations and shall take into account 41724
any unique spaces or square footages needed for such facilities 41725
when calculating the basic project cost. Regardless of the 41726
inclusion of nonclassroom facilities in the calculation of the 41727
basic project cost, state funds provided under the program shall 41728
be used only to pay for the acquisition of classroom facilities 41729
that do not exceed the construction and design standards 41730
established by the commission. 41731

(2) To be eligible for assistance under the program, the 41732
board of trustees of a college-preparatory boarding school shall 41733
secure at least twenty million dollars of private money to satisfy 41734
its share of the basic project cost. Funds provided by the board 41735
may be used for any type of facility. 41736

(3) A college-preparatory boarding school shall not be 41737
included in the ranking required by section 3318.011 of the 41738
Revised Code. The commission shall initiate procedures for the 41739
school's project when the contract required by section 3328.12 of 41740
the Revised Code has been executed. 41741

(4) No requirement related to the issuance of bonds or 41742
securities or the levying of taxes by a school district shall 41743
apply to a college-preparatory boarding school or its board of 41744
trustees. 41745

(5) The agreement entered into by the commission with the 41746
board of trustees of a college-preparatory boarding school under 41747
section 3318.08 of the Revised Code shall provide for termination 41748
of the contract and release of the funds encumbered at the time of 41749

the project's conditional approval, if the board fails to secure 41750
the amount specified in division (C)(2) of this section within 41751
such period after the execution of the agreement as may be fixed 41752
by the commission. 41753

(D) Within the ninety-day period immediately following ~~the~~ 41754
~~effective date of this section~~ September 29, 2011, the commission 41755
shall adopt rules necessary for the implementation and 41756
administration of the program. 41757

Sec. 3318.61. (A) In lieu of participating in the 41758
college-preparatory boarding school facilities program under 41759
section 3318.60 of the Revised Code, if the board of trustees of a 41760
college-preparatory boarding school established under Chapter 41761
3328. of the Revised Code has leased, purchased, or otherwise 41762
acquired a site for the school, the board of trustees may request 41763
approval from the Ohio ~~school~~ facilities construction commission 41764
for the board of trustees and the commission to enter into an 41765
agreement with a person or entity for the development of the site, 41766
under which agreement all of the following shall occur: 41767

(1) The board of trustees will lease the site and any 41768
facilities located on that site to the person or entity for the 41769
purpose of enabling the person or entity to provide the campus 41770
facilities needed for the school's programs and operations by 41771
constructing new facilities on the site; reconstructing, 41772
repairing, or making additions to the existing facilities on the 41773
site; or both. 41774

(2) The person or entity will lease the site and any new or 41775
existing facilities located on that site back to the board of 41776
trustees for use by the school. 41777

(3) The commission will pay the board of trustees state funds 41778
for the cost of acquisition of classroom facilities on the site 41779
and the board of trustees will use those funds to make rent 41780

payments on the lease provided by the person or entity. As agreed 41781
to by the commission and the board of trustees, the commission may 41782
pay the state funds to the board of trustees in periodic 41783
installments or as one lump sum in an amount equal to the 41784
outstanding balance on the lease for classroom facilities. 41785

(B) The commission shall approve the request of the board of 41786
trustees under division (A) of this section only if the following 41787
conditions are satisfied: 41788

(1) The person or entity that would be party to the agreement 41789
submits to the board of trustees and the commission a plan for 41790
developing the site that includes the following: 41791

(a) Provision for installation of site utilities that meet 41792
the requirements of all applicable laws; 41793

(b) A description of the facilities that will be constructed, 41794
reconstructed, repaired, or added to and their total square 41795
footage; 41796

(c) A description of how the facilities will enable the board 41797
of trustees to provide the educational program described in 41798
section 3328.22 of the Revised Code; 41799

(d) Provision for securing property and liability insurance 41800
for the facilities; 41801

(e) A description of how the development of the site will be 41802
financed by the person or entity; 41803

(f) The length of the lease that the person or entity will 41804
offer the board of trustees, which shall not exceed forty years, 41805
and the monthly rent that will be owed to the person or entity for 41806
that lease. 41807

(2) The commission determines that the plan submitted under 41808
division (B)(1) of this section is satisfactory and will meet the 41809
needs of the students enrolled in the school and that the 41810

classroom facilities described in the plan do not exceed the 41811
construction and design standards established by the commission. 41812

(3) The person or entity that would be party to the agreement 41813
has demonstrated financial responsibility to the satisfaction of 41814
the commission. 41815

(4) The commission, in consultation with the board of 41816
trustees, determines that it is in the best interest of the school 41817
for the board of trustees and the commission to enter into the 41818
agreement. 41819

(C) Upon approval of the commission, the board of trustees 41820
and the commission may enter into an agreement with the person or 41821
entity for development of the site in accordance with this 41822
section. The agreement shall include the following: 41823

(1) A requirement that development of the site begin not 41824
later than eighteen months after the agreement is executed and 41825
proceed according to a schedule specified in the agreement; 41826

(2) A stipulation that failure of the person or entity 41827
developing the site to comply with the schedule shall be grounds 41828
for termination of the agreement; 41829

(3) A provision specifying which party to the agreement owns 41830
the facilities located on the site if the school closes prior to 41831
the expiration of the agreement and a provision indicating the 41832
period of time after the school's closure, if any, during which 41833
rent payments will continue to be paid to the person or entity 41834
developing the site. 41835

Sec. 3318.62. Any agreement between the Ohio ~~school~~ 41836
facilities construction commission and the board of trustees of a 41837
college-preparatory boarding school to provide facilities 41838
assistance under section 3318.60 or 3318.61 of the Revised Code 41839
shall include the following stipulations: 41840

(A) If the school ceases its operations, the school's board of trustees may permit the classroom facilities to be used for only an alternative public purpose, including, but not limited to, primary, secondary, vocational, or higher education services.

(B) If the school ceases its operations due to either the failure of the school's operator to comply with any of the requirements of the contract prescribed under section 3328.12 of the Revised Code or the default by the school's board of trustees on an underlying leasehold or mortgage agreement, the school's board of trustees shall return to the commission the unamortized portion of the state funds provided to the board of trustees under this chapter, based on a straight-line depreciation over the first eighteen years of occupancy. However, if, within twenty-four months after the school's cessation from operation, the classroom facilities of a college-preparatory boarding school are used for an alternative public purpose as prescribed by division (A) of this section, no return of funds by the board of trustees under this division shall be required.

Sec. 3318.70. (A) As used in this section:

(1) "Acquisition of classroom facilities" has the same meaning as in section 3318.40 of the Revised Code.

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.

(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code that is not governed by a single school district board of education, as prescribed by section 3326.51 of the Revised Code.

(B) The Ohio ~~school~~ facilities construction commission shall establish guidelines for assisting STEM schools in the acquisition

of classroom facilities. 41871

(C) Upon receipt of a written proposal by the governing body 41872
of a STEM school, the commission, subject to approval of the 41873
controlling board, shall provide funding to assist that STEM 41874
school in the acquisition of classroom facilities. The proposal of 41875
the governing body shall be submitted in a form and in the manner 41876
prescribed by the commission. The proposal shall indicate both the 41877
total amount of funding requested from the commission and the 41878
amount of other funding pledged for the acquisition of the 41879
classroom facilities, the latter of which shall not be less than 41880
the total amount of funding requested from the commission. Once 41881
the commission determines a proposal meets its established 41882
guidelines and if the controlling board approves that funding, the 41883
commission shall enter into an agreement with the governing body 41884
for the acquisition of the classroom facilities and shall 41885
encumber, in accordance with section 3318.11 of the Revised Code, 41886
the approved funding from the amounts appropriated to the 41887
commission for classroom facilities assistance projects. The 41888
agreement shall include a stipulation of the ownership of the 41889
classroom facilities in the event the STEM school permanently 41890
closes at any time. 41891

(D) In the case of the governing body of a group of STEM 41892
schools, as prescribed by section 3326.031 of the Revised Code, 41893
the governing body shall submit a proposal for each school under 41894
its direction separately, and the commission shall consider each 41895
proposal separately. 41896

Sec. 3318.71. (A) As used in this section: 41897

(1) "Acquisition of classroom facilities" has the same 41898
meaning as in section 3318.40 of the Revised Code. 41899

(2) "Classroom facilities" has the same meaning as in section 41900
3318.01 of the Revised Code. 41901

(3) "Qualifying partnership" means a group of city, exempted village, or local school districts that are part of a career-technical education compact and have entered into an agreement for joint or cooperative establishment and operation of a science, technology, engineering, and mathematics education program under section 3313.842 of the Revised Code. The aggregate territory of the school districts composing a qualifying partnership shall be located in two adjacent counties, each having a population greater than forty thousand, but less than fifty thousand, and at least one of which borders another state.

(B) The Ohio ~~school~~ facilities construction commission shall establish guidelines for assisting a qualifying partnership in the acquisition of classroom facilities to be used for a joint science, technology, engineering, and mathematics education program.

(C) Upon receipt of a written proposal from a qualifying partnership, the commission, subject to approval of the controlling board, shall provide funding to assist that qualifying partnership in the acquisition of classroom facilities described in division (B) of this section. The proposal of the qualifying partnership shall be submitted in a form and in the manner prescribed by the commission. The proposal shall indicate both the total amount of funding requested from the commission and the amount of other funding pledged for the acquisition of the classroom facilities, the latter of which shall not be less than the total amount of funding requested from the commission. Once the commission determines a proposal meets its established guidelines, and if the controlling board approves that funding, the commission shall enter into an agreement with the qualifying partnership for the acquisition of the classroom facilities and shall encumber, in accordance with section 3318.11 of the Revised Code, the approved funding from the amounts appropriated to the

commission for classroom facilities assistance projects. The 41934
agreement shall include a stipulation of the ownership of the 41935
classroom facilities in the event the qualifying partnership 41936
ceases to exist. 41937

(D) A qualifying partnership may levy taxes and issue bonds 41938
under section 5705.2112 or 5705.2113 of the Revised Code to use 41939
for all or part of the funding pledged for the acquisition of 41940
classroom facilities under division (C) of this section. If a 41941
qualifying partnership chooses to levy taxes or issue bonds for 41942
this purpose, it shall select one of the districts that is a 41943
member of the qualifying partnership to be the fiscal agent of the 41944
qualifying partnership for purposes of those sections. 41945

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised 41946
Code, this section applies to any person who is employed under a 41947
teacher license issued under this chapter, or under a professional 41948
or permanent teacher's certificate issued under former section 41949
3319.222 of the Revised Code, and who spends at least fifty per 41950
cent of the time employed providing student instruction. However, 41951
this section does not apply to any person who is employed as a 41952
substitute teacher or as an instructor of adult education. 41953
41954

(A) Not later than July 1, 2013, the board of education of 41955
each school district, in consultation with teachers employed by 41956
the board, shall adopt a standards-based teacher evaluation policy 41957
that conforms with the framework for evaluation of teachers 41958
developed under section 3319.112 of the Revised Code. The policy 41959
shall become operative at the expiration of any collective 41960
bargaining agreement covering teachers employed by the board that 41961
is in effect on September 29, 2011, and shall be included in any 41962
renewal or extension of such an agreement. 41963

(B) When using measures of student academic growth as a 41964

component of a teacher's evaluation, those measures shall include 41965
the value-added progress dimension prescribed by section 3302.021 41966
of the Revised Code or an alternative student academic progress 41967
measure if adopted under division (C)(1)(e) of section 3302.03 of 41968
the Revised Code. For teachers of grade levels and subjects for 41969
which the value-added progress dimension or alternative student 41970
academic progress measure is not applicable, the board shall 41971
administer assessments on the list developed under division (B)(2) 41972
of section 3319.112 of the Revised Code. 41973

(C)(1) The board shall conduct an evaluation of each teacher 41974
employed by the board at least once each school year, except as 41975
provided in division (C)(2) of this section. The evaluation shall 41976
be completed by the first day of May and the teacher shall receive 41977
a written report of the results of the evaluation by the tenth day 41978
of May. 41979

(2)(a) The board may evaluate each teacher who received a 41980
rating of accomplished on the teacher's most recent evaluation 41981
conducted under this section once every three school years, so 41982
long as the teacher's student academic growth measure, for the 41983
most recent school year for which data is available, is average or 41984
higher, as determined by the department of education. 41985

(b) The board may evaluate each teacher who received a rating 41986
of skilled on the teacher's most recent evaluation conducted under 41987
this section once every two years, so long as the teacher's 41988
student academic growth measure, for the most recent school year 41989
for which data is available, is average or higher, as determined 41990
by the department of education. 41991

(c) For each teacher who is evaluated pursuant to division 41992
(C)(2) of this section, the evaluation shall be completed by the 41993
first day of May of the applicable school year, and the teacher 41994
shall receive a written report of the results of the evaluation by 41995
the tenth day of May of that school year. 41996

(d) Beginning with the 2014-2015 school year, the board may 41997
elect not to conduct an evaluation of a teacher who meets one of 41998
the following requirements: 41999

(i) The teacher was on leave from the school district for 42000
fifty per cent or more of the school year, as calculated by the 42001
board. 42002

(ii) The teacher has submitted notice of retirement and that 42003
notice has been accepted by the board not later than the first day 42004
of December of the school year in which the evaluation is 42005
otherwise scheduled to be conducted. 42006

~~(e) Beginning with the 2017-2018 school year, the board may 42007
elect not to conduct an evaluation of a teacher who is 42008
participating in the teacher residency program established under 42009
section 3319.223 of the Revised Code for the year during which 42010
that teacher takes, for the first time, at least half of the 42011
performance based assessment prescribed by the state board of 42012
education for resident educators. 42013~~

(3) In any year that a teacher is not formally evaluated 42014
pursuant to division (C) of this section as a result of receiving 42015
a rating of accomplished or skilled on the teacher's most recent 42016
evaluation, an individual qualified to evaluate a teacher under 42017
division (D) of this section shall conduct at least one 42018
observation of the teacher and hold at least one conference with 42019
the teacher. 42020

(D) Each evaluation conducted pursuant to this section shall 42021
be conducted by one or more of the following persons who hold a 42022
credential established by the department of education for being an 42023
evaluator: 42024

(1) A person who is under contract with the board pursuant to 42025
section 3319.01 or 3319.02 of the Revised Code and holds a license 42026
designated for being a superintendent, assistant superintendent, 42027

or principal issued under section 3319.22 of the Revised Code; 42028

(2) A person who is under contract with the board pursuant to 42029
section 3319.02 of the Revised Code and holds a license designated 42030
for being a vocational director, administrative specialist, or 42031
supervisor in any educational area issued under section 3319.22 of 42032
the Revised Code; 42033

(3) A person designated to conduct evaluations under an 42034
agreement entered into by the board, including an agreement 42035
providing for peer review entered into by the board and 42036
representatives of teachers employed by the board; 42037

(4) A person who is employed by an entity contracted by the 42038
board to conduct evaluations and who holds a license designated 42039
for being a superintendent, assistant superintendent, principal, 42040
vocational director, administrative specialist, or supervisor in 42041
any educational area issued under section 3319.22 of the Revised 42042
Code or is qualified to conduct evaluations. 42043

(E) Notwithstanding division (A)(3) of section 3319.112 of 42044
the Revised Code: 42045

(1) The board shall require at least three formal 42046
observations of each teacher who is under consideration for 42047
nonrenewal and with whom the board has entered into a limited 42048
contract or an extended limited contract under section 3319.11 of 42049
the Revised Code. 42050

(2) The board may elect, by adoption of a resolution, to 42051
require only one formal observation of a teacher who received a 42052
rating of accomplished on the teacher's most recent evaluation 42053
conducted under this section, provided the teacher completes a 42054
project that has been approved by the board to demonstrate the 42055
teacher's continued growth and practice at the accomplished level. 42056

(F) The board shall include in its evaluation policy 42057
procedures for using the evaluation results for retention and 42058

promotion decisions and for removal of poorly performing teachers. 42059
Seniority shall not be the basis for a decision to retain a 42060
teacher, except when making a decision between teachers who have 42061
comparable evaluations. 42062

(G) For purposes of section 3333.0411 of the Revised Code, 42063
the board annually shall report to the department of education the 42064
number of teachers for whom an evaluation was conducted under this 42065
section and the number of teachers assigned each rating prescribed 42066
under division (B)(1) of section 3319.112 of the Revised Code, 42067
aggregated by the teacher preparation programs from which and the 42068
years in which the teachers graduated. The department shall 42069
establish guidelines for reporting the information required by 42070
this division. The guidelines shall not permit or require that the 42071
name of, or any other personally identifiable information about, 42072
any teacher be reported under this division. 42073

(H) Notwithstanding any provision to the contrary in Chapter 42074
4117. of the Revised Code, the requirements of this section 42075
prevail over any conflicting provisions of a collective bargaining 42076
agreement entered into on or after September 24, 2012. 42077

Sec. 3319.22. (A)(1) The state board of education shall issue 42078
the following educator licenses: 42079

(a) A resident educator license, which shall be valid for 42080
four years and shall be renewable ~~for reasons specified by rules~~ 42081
~~adopted by the state board pursuant to division (A)(3) of this~~ 42082
~~section. The state board, on a case by case basis, may extend the~~ 42083
~~license's duration as necessary to enable the license holder to~~ 42084
~~complete the Ohio teacher residency program established under~~ 42085
~~section 3319.223 of the Revised Code;~~ 42086

(b) A professional educator license, which shall be valid for 42087
five years and shall be renewable; 42088

(c) A senior professional educator license, which shall be 42089
valid for five years and shall be renewable; 42090

(d) A lead professional educator license, which shall be 42091
valid for five years and shall be renewable. 42092

(2) The state board may issue any additional educator 42093
licenses of categories, types, and levels the board elects to 42094
provide. 42095

(3) The state board shall adopt rules establishing the 42096
standards and requirements for obtaining each educator license 42097
issued under this section. ~~The rules shall also include the~~ 42098
~~reasons for which a resident educator license may be renewed under~~ 42099
~~division (A)(1)(a) of this section.~~ 42100

(B) The rules adopted under this section shall require at 42101
least the following standards and qualifications for the educator 42102
licenses described in division (A)(1) of this section: 42103

(1) An applicant for a resident educator license shall hold 42104
at least a bachelor's degree from an accredited teacher 42105
preparation program or be a participant in the teach for America 42106
program and meet the qualifications required under section 42107
3319.227 of the Revised Code. 42108

(2) An applicant for a professional educator license shall: 42109

(a) Hold at least a bachelor's degree from an institution of 42110
higher education accredited by a regional accrediting 42111
organization; 42112

(b) Have ~~successfully completed the Ohio teacher residency~~ 42113
~~program established under section 3319.223 of the Revised Code, if~~ 42114
~~the applicant's current or most recently issued license is~~ 42115
previously held a resident educator license issued under this 42116
section or an alternative resident educator license issued under 42117
section 3319.26 of the Revised Code. 42118

(3) An applicant for a senior professional educator license shall:	42119
	42120
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	42121
	42122
	42123
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	42124
	42125
	42126
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	42127
	42128
	42129
	42130
(4) An applicant for a lead professional educator license shall:	42131
	42132
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	42133
	42134
	42135
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	42136
	42137
	42138
	42139
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	42140
	42141
	42142
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	42143
	42144
	42145
	42146
	42147
(C) The state board shall align the standards and	42148

qualifications for obtaining a principal license with the 42149
standards for principals adopted by the state board under section 42150
3319.61 of the Revised Code. 42151

(D) If the state board requires any examinations for educator 42152
licensure, the department of education shall provide the results 42153
of such examinations received by the department to the chancellor 42154
of higher education, in the manner and to the extent permitted by 42155
state and federal law. 42156

(E) Any rules the state board of education adopts, amends, or 42157
rescinds for educator licenses under this section, division (D) of 42158
section 3301.07 of the Revised Code, or any other law shall be 42159
adopted, amended, or rescinded under Chapter 119. of the Revised 42160
Code except as follows: 42161

(1) Notwithstanding division (E) of section 119.03 and 42162
division (A)(1) of section 119.04 of the Revised Code, in the case 42163
of the adoption of any rule or the amendment or rescission of any 42164
rule that necessitates institutions' offering preparation programs 42165
for educators and other school personnel that are approved by the 42166
chancellor of higher education under section 3333.048 of the 42167
Revised Code to revise the curriculum of those programs, the 42168
effective date shall not be as prescribed in division (E) of 42169
section 119.03 and division (A)(1) of section 119.04 of the 42170
Revised Code. Instead, the effective date of such rules, or the 42171
amendment or rescission of such rules, shall be the date 42172
prescribed by section 3333.048 of the Revised Code. 42173

(2) Notwithstanding the authority to adopt, amend, or rescind 42174
emergency rules in division (G) of section 119.03 of the Revised 42175
Code, this authority shall not apply to the state board of 42176
education with regard to rules for educator licenses. 42177

(F)(1) The rules adopted under this section establishing 42178
standards requiring additional coursework for the renewal of any 42179

educator license shall require a school district and a chartered 42180
nonpublic school to establish local professional development 42181
committees. In a nonpublic school, the chief administrative 42182
officer shall establish the committees in any manner acceptable to 42183
such officer. The committees established under this division shall 42184
determine whether coursework that a district or chartered 42185
nonpublic school teacher proposes to complete meets the 42186
requirement of the rules. The department of education shall 42187
provide technical assistance and support to committees as the 42188
committees incorporate the professional development standards 42189
adopted by the state board of education pursuant to section 42190
3319.61 of the Revised Code into their review of coursework that 42191
is appropriate for license renewal. The rules shall establish a 42192
procedure by which a teacher may appeal the decision of a local 42193
professional development committee. 42194

(2) In any school district in which there is no exclusive 42195
representative established under Chapter 4117. of the Revised 42196
Code, the professional development committees shall be established 42197
as described in division (F)(2) of this section. 42198

Not later than the effective date of the rules adopted under 42199
this section, the board of education of each school district shall 42200
establish the structure for one or more local professional 42201
development committees to be operated by such school district. The 42202
committee structure so established by a district board shall 42203
remain in effect unless within thirty days prior to an anniversary 42204
of the date upon which the current committee structure was 42205
established, the board provides notice to all affected district 42206
employees that the committee structure is to be modified. 42207
Professional development committees may have a district-level or 42208
building-level scope of operations, and may be established with 42209
regard to particular grade or age levels for which an educator 42210
license is designated. 42211

Each professional development committee shall consist of at 42212
least three classroom teachers employed by the district, one 42213
principal employed by the district, and one other employee of the 42214
district appointed by the district superintendent. For committees 42215
with a building-level scope, the teacher and principal members 42216
shall be assigned to that building, and the teacher members shall 42217
be elected by majority vote of the classroom teachers assigned to 42218
that building. For committees with a district-level scope, the 42219
teacher members shall be elected by majority vote of the classroom 42220
teachers of the district, and the principal member shall be 42221
elected by a majority vote of the principals of the district, 42222
unless there are two or fewer principals employed by the district, 42223
in which case the one or two principals employed shall serve on 42224
the committee. If a committee has a particular grade or age level 42225
scope, the teacher members shall be licensed to teach such grade 42226
or age levels, and shall be elected by majority vote of the 42227
classroom teachers holding such a license and the principal shall 42228
be elected by all principals serving in buildings where any such 42229
teachers serve. The district superintendent shall appoint a 42230
replacement to fill any vacancy that occurs on a professional 42231
development committee, except in the case of vacancies among the 42232
elected classroom teacher members, which shall be filled by vote 42233
of the remaining members of the committee so selected. 42234

Terms of office on professional development committees shall 42235
be prescribed by the district board establishing the committees. 42236
The conduct of elections for members of professional development 42237
committees shall be prescribed by the district board establishing 42238
the committees. A professional development committee may include 42239
additional members, except that the majority of members on each 42240
such committee shall be classroom teachers employed by the 42241
district. Any member appointed to fill a vacancy occurring prior 42242
to the expiration date of the term for which a predecessor was 42243
appointed shall hold office as a member for the remainder of that 42244

term. 42245

The initial meeting of any professional development 42246
committee, upon election and appointment of all committee members, 42247
shall be called by a member designated by the district 42248
superintendent. At this initial meeting, the committee shall 42249
select a chairperson and such other officers the committee deems 42250
necessary, and shall adopt rules for the conduct of its meetings. 42251
Thereafter, the committee shall meet at the call of the 42252
chairperson or upon the filing of a petition with the district 42253
superintendent signed by a majority of the committee members 42254
calling for the committee to meet. 42255

(3) In the case of a school district in which an exclusive 42256
representative has been established pursuant to Chapter 4117. of 42257
the Revised Code, professional development committees shall be 42258
established in accordance with any collective bargaining agreement 42259
in effect in the district that includes provisions for such 42260
committees. 42261

If the collective bargaining agreement does not specify a 42262
different method for the selection of teacher members of the 42263
committees, the exclusive representative of the district's 42264
teachers shall select the teacher members. 42265

If the collective bargaining agreement does not specify a 42266
different structure for the committees, the board of education of 42267
the school district shall establish the structure, including the 42268
number of committees and the number of teacher and administrative 42269
members on each committee; the specific administrative members to 42270
be part of each committee; whether the scope of the committees 42271
will be district levels, building levels, or by type of grade or 42272
age levels for which educator licenses are designated; the lengths 42273
of terms for members; the manner of filling vacancies on the 42274
committees; and the frequency and time and place of meetings. 42275
However, in all cases, except as provided in division (F)(4) of 42276

this section, there shall be a majority of teacher members of any 42277
professional development committee, there shall be at least five 42278
total members of any professional development committee, and the 42279
exclusive representative shall designate replacement members in 42280
the case of vacancies among teacher members, unless the collective 42281
bargaining agreement specifies a different method of selecting 42282
such replacements. 42283

(4) Whenever an administrator's coursework plan is being 42284
discussed or voted upon, the local professional development 42285
committee shall, at the request of one of its administrative 42286
members, cause a majority of the committee to consist of 42287
administrative members by reducing the number of teacher members 42288
voting on the plan. 42289

(G)(1) The department of education, educational service 42290
centers, county boards of developmental disabilities, regional 42291
professional development centers, special education regional 42292
resource centers, college and university departments of education, 42293
head start programs, and the Ohio education computer network may 42294
establish local professional development committees to determine 42295
whether the coursework proposed by their employees who are 42296
licensed or certificated under this section or section 3319.222 of 42297
the Revised Code, or under the former version of either section as 42298
it existed prior to October 16, 2009, meet the requirements of the 42299
rules adopted under this section. They may establish local 42300
professional development committees on their own or in 42301
collaboration with a school district or other agency having 42302
authority to establish them. 42303

Local professional development committees established by 42304
county boards of developmental disabilities shall be structured in 42305
a manner comparable to the structures prescribed for school 42306
districts in divisions (F)(2) and (3) of this section, as shall 42307
the committees established by any other entity specified in 42308

division (G)(1) of this section that provides educational services 42309
by employing or contracting for services of classroom teachers 42310
licensed or certificated under this section or section 3319.222 of 42311
the Revised Code, or under the former version of either section as 42312
it existed prior to October 16, 2009. All other entities specified 42313
in division (G)(1) of this section shall structure their 42314
committees in accordance with guidelines which shall be issued by 42315
the state board. 42316

(2) Any public agency that is not specified in division 42317
(G)(1) of this section but provides educational services and 42318
employs or contracts for services of classroom teachers licensed 42319
or certificated under this section or section 3319.222 of the 42320
Revised Code, or under the former version of either section as it 42321
existed prior to October 16, 2009, may establish a local 42322
professional development committee, subject to the approval of the 42323
department of education. The committee shall be structured in 42324
accordance with guidelines issued by the state board. 42325

(H) Not later than July 1, 2016, the state board, in 42326
accordance with Chapter 119. of the Revised Code, shall adopt 42327
rules pursuant to division (A)(3) of this section that do both of 42328
the following: 42329

(1) Exempt consistently high-performing teachers from the 42330
requirement to complete any additional coursework for the renewal 42331
of an educator license issued under this section or section 42332
3319.26 of the Revised Code. The rules also shall specify that 42333
such teachers are exempt from any requirements prescribed by 42334
professional development committees established under divisions 42335
(F) and (G) of this section. 42336

(2) For purposes of division (H)(1) of this section, the 42337
state board shall define the term "consistently high-performing 42338
teacher. 42339

Sec. 3319.227. (A) Notwithstanding any other provision of the 42340
Revised Code or any rule adopted by the state board of education 42341
to the contrary, the state board shall issue a resident educator 42342
license under section 3319.22 of the Revised Code to each person 42343
who is assigned to teach in this state as a participant in the 42344
teach for America program and who satisfies the following 42345
conditions for the duration of the program: 42346

(1) Holds a bachelor's degree from an accredited institution 42347
of higher education; 42348

(2) Maintained a cumulative undergraduate grade point average 42349
of at least 2.5 out of 4.0, or its equivalent; 42350

(3) Has passed an examination prescribed by the state board 42351
in the subject area to be taught; 42352

(4) Has successfully completed the summer training institute 42353
operated by teach for America; 42354

(5) Remains an active member of the teach for America 42355
two-year support program. 42356

(B) The state board shall issue a resident educator license 42357
under this section for teaching in any grade level or subject area 42358
for which a person may obtain a resident educator license under 42359
section 3319.22 of the Revised Code. The state board shall not 42360
adopt rules establishing any additional qualifications for the 42361
license beyond those specified in this section. 42362

(C) Notwithstanding any other provision of the Revised Code 42363
or any rule adopted by the state board to the contrary, the state 42364
board shall issue a resident educator license under section 42365
3319.22 of the Revised Code to any applicant who has completed at 42366
least two years of teaching in another state as a participant in 42367
the teach for America program and meets all of the conditions of 42368
divisions (A)(1) to (4) of this section. ~~The state board shall~~ 42369

~~credit an applicant under this division as having completed two 42370
years of the teacher residency program under section 3319.223 of 42371
the Revised Code. 42372~~

(D) In order to place teachers in this state, the teach for 42373
America program shall enter into an agreement with one or more 42374
accredited four-year public or private institutions of higher 42375
education in the state to provide optional training of teach for 42376
America participants for the purpose of enabling those 42377
participants to complete an optional master's degree or an 42378
equivalent amount of coursework. Nothing in this division shall 42379
require any teach for America participant to complete a master's 42380
degree as a condition of holding a license issued under this 42381
section. 42382

(E) The state board shall revoke a resident educator license 42383
issued to a participant in the teach for America program who is 42384
assigned to teach in this state if the participant resigns or is 42385
dismissed from the program prior to completion of the two-year 42386
teach for America support program. 42387

Sec. 3319.26. (A) The state board of education shall adopt 42388
rules establishing the standards and requirements for obtaining an 42389
alternative resident educator license for teaching in grades 42390
kindergarten to twelve, or the equivalent, in a designated subject 42391
area or in the area of intervention specialist, as defined by rule 42392
of the state board. The rules shall also include the reasons for 42393
which an alternative resident educator license may be renewed 42394
under division (D) of this section. 42395

(B) The superintendent of public instruction and the 42396
chancellor of ~~the Ohio board of regents~~ higher education jointly 42397
shall develop an intensive pedagogical training institute to 42398
provide instruction in the principles and practices of teaching 42399
for individuals seeking an alternative resident educator license. 42400

The instruction shall cover such topics as student development and 42401
learning, pupil assessment procedures, curriculum development, 42402
classroom management, and teaching methodology. 42403

(C) The rules adopted under this section shall require 42404
applicants for the alternative resident educator license to 42405
satisfy the following conditions prior to issuance of the license, 42406
but they shall not require applicants to have completed a major or 42407
coursework in the subject area for which application is being 42408
made: 42409

(1) Hold a minimum of a baccalaureate degree; 42410

(2) Successfully complete the pedagogical training institute 42411
described in division (B) of this section or a summer training 42412
institute provided to participants of a teacher preparation 42413
program that is operated by a nonprofit organization and has been 42414
approved by the chancellor. The chancellor shall approve any such 42415
program that requires participants to hold a bachelor's degree; 42416
have a cumulative undergraduate grade point average of at least 42417
2.5 out of 4.0, or its equivalent; and successfully complete the 42418
program's summer training institute. 42419

(3) Pass an examination in the subject area for which 42420
application is being made. 42421

(D) An alternative resident educator license shall be valid 42422
for four years and shall be renewable for reasons specified by 42423
rules adopted by the state board pursuant to division (A) of this 42424
section. ~~The state board, on a case-by-case basis, may extend the~~ 42425
~~license's duration as necessary to enable the license holder to~~ 42426
~~complete the Ohio teacher residency program established under~~ 42427
~~section 3319.223 of the Revised Code.~~ 42428

(E) The rules shall require the holder of an alternative 42429
resident educator license, as a condition of continuing to hold 42430
the license, to do ~~all~~ both of the following: 42431

(1) Participate in the Ohio teacher residency program;	42432
(2) Show satisfactory progress in taking and successfully completing one of the following:	42433 42434
(a) At least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology;	42435 42436 42437 42438 42439
(b) Professional development provided by a teacher preparation program that has been approved by the chancellor under division (C)(2) of this section.	42440 42441 42442
(3) <u>(2)</u> Take an assessment of professional knowledge in the second year of teaching under the license.	42443 42444
(F) The rules shall provide for the granting of a professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following:	42445 42446 42447 42448
(1) Four years of teaching under the alternative license;	42449
(2) The additional college coursework or professional development described in division (E) (2) <u>(1)</u> of this section;	42450 42451
(3) The assessment of professional knowledge described in division (E) (3) <u>(2)</u> of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code.	42452 42453 42454 42455 42456 42457
(4) The Ohio teacher residency program;	42458
(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.	42459 42460 42461

(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section.

Sec. 3319.271. (A) The superintendent of public instruction shall appoint three incorporators who are knowledgeable about the administration of public schools and about the operation of nonprofit corporations in Ohio.

(B) The incorporators shall do whatever is necessary and proper to set up a nonprofit corporation under Chapter 1702. of the Revised Code. The articles of incorporation, in addition to meeting the requirements of section 1702.04 of the Revised Code, shall set forth the following provisions:

(1) That the nonprofit corporation is to create and implement a pilot program that provides an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, that will enable these individuals to earn a degree in public school administration, that will enable these individuals to obtain licenses in public school administration, and that promotes the placement of these individuals in public schools that have a poverty percentage greater than fifty per cent;

(2) That the board of directors are to establish criteria for program costs, participant selection, and continued participation, and metrics to document and measure pilot program activities;

(3) That the name of the nonprofit corporation is "bright new leaders for Ohio schools;"

(4) That the board of directors is to consist of the

following eleven directors:	42492
(a) The governor or the governor's designee;	42493
(b) The superintendent of public instruction, or the superintendent's designee;	42494 42495
(c) The chancellor of higher education, or the chancellor's designee;	42496 42497
(d) Four individuals to represent major business enterprises in Ohio;	42498 42499
(e) Two individuals appointed by the speaker of the house of representatives, one of whom shall be an active duty or retired military officer;	42500 42501 42502
(f) Two individuals appointed by the president of the senate, one of whom shall be a current or retired teacher or principal .	42503 42504
The dean of the Ohio state university fisher college of business and the dean of the Ohio state university college of education and human ecology are to serve as ex-officio nonvoting members of the board.	42505 42506 42507 42508
The individuals on the board who represent major business enterprises in Ohio are to be appointed by a statewide organization selected by the governor. The organization is to be nonpartisan and consist of chief executive officers of major corporations organized in Ohio.	42509 42510 42511 42512 42513
(5) That the board is to elect a chairperson from among its members, and is to appoint a president of the corporation;	42514 42515
(6) That the president of the corporation, subject to the approval of the board, is to enter into a contract with the Ohio state university fisher college of business. Under the contract, the college is to provide oversight to the corporation and is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation	42516 42517 42518 42519 42520 42521

successfully to fulfill its duties. 42522

(7) That the overhead expenses of the corporation are not to 42523
exceed fifteen per cent of the annual budget of the corporation; 42524

(8) That the president is to apply for, and is to receive and 42525
accept, grants, gifts, bequests, and contributions from private 42526
sources; 42527

(9) That the corporation is to submit an annual report to the 42528
general assembly and governor beginning December 31, 2013+ 42529

~~(10) That state financial support for the corporation shall 42530
cease on June 30, 2018. 42531~~

Sec. 3319.291. (A) The state board of education shall require 42532
each of the following persons, at the times prescribed by division 42533
(A) of this section, to undergo a criminal records check, unless 42534
the person has undergone a records check under this section or a 42535
former version of this section less than five years prior to that 42536
time. 42537

(1) Any person initially applying for any certificate, 42538
license, or permit described in this chapter or in division (B) of 42539
section 3301.071 or in section 3301.074 of the Revised Code at the 42540
time that application is made; 42541

(2) Any person applying for renewal of any certificate, 42542
license, or permit described in division (A)(1) of this section at 42543
the time that application is made; 42544

(3) Any person who is teaching under a professional teaching 42545
certificate issued under former section 3319.222 of the Revised 42546
Code upon a date prescribed by the state board; 42547

(4) Any person who is teaching under a permanent teaching 42548
certificate issued under former section 3319.22 as it existed 42549
prior to October 29, 1996, or under former section 3319.222 of the 42550
Revised Code upon a date prescribed by the state board and every 42551

five years thereafter. 42552

(B)(1) Except as otherwise provided in division (B)(2) of 42553
this section, the state board shall require each person subject to 42554
a criminal records check under this section to submit two complete 42555
sets of fingerprints and written permission that authorizes the 42556
superintendent of public instruction to forward the fingerprints 42557
to the bureau of criminal identification and investigation 42558
pursuant to division (F) of section 109.57 of the Revised Code and 42559
that authorizes that bureau to forward the fingerprints to the 42560
federal bureau of investigation for purposes of obtaining any 42561
criminal records that the federal bureau maintains on the person. 42562

(2) If both of the following conditions apply to a person 42563
subject to a criminal records check under this section, the state 42564
board shall require the person to submit one complete set of 42565
fingerprints and written permission that authorizes the 42566
superintendent of public instruction to forward the fingerprints 42567
to the bureau of criminal identification and investigation so that 42568
bureau may forward the fingerprints to the federal bureau of 42569
investigation for purposes of obtaining any criminal records that 42570
the federal bureau maintains on the person: 42571

(a) Under this section or any former version of this section, 42572
the state board or the superintendent of public instruction 42573
previously requested the superintendent of the bureau of criminal 42574
identification and investigation to determine whether the bureau 42575
has any information, gathered pursuant to division (A) of section 42576
109.57 of the Revised Code, on the person. 42577

(b) The person presents proof that the person has been a 42578
resident of this state for the five-year period immediately prior 42579
to the date upon which the person becomes subject to a criminal 42580
records check under this section. 42581

(C) Except as provided in division (D) of this section, prior 42582

to issuing or renewing any certificate, license, or permit for a 42583
person described in division (A)(1) or (2) of this section who is 42584
subject to a criminal records check and in the case of a person 42585
described in division (A)(3) or (4) of this section who is subject 42586
to a criminal records check, the state board or the superintendent 42587
of public instruction shall do one of the following: 42588

(1) If the person is required to submit fingerprints and 42589
written permission under division (B)(1) of this section, request 42590
the superintendent of the bureau of criminal identification and 42591
investigation to determine whether the bureau has any information, 42592
gathered pursuant to division (A) of section 109.57 of the Revised 42593
Code, pertaining to the person and to obtain any criminal records 42594
that the federal bureau of investigation has on the person. 42595

(2) If the person is required to submit fingerprints and 42596
written permission under division (B)(2) of this section, request 42597
the superintendent of the bureau of criminal identification and 42598
investigation to obtain any criminal records that the federal 42599
bureau of investigation has on the person. 42600

(D) The state board or the superintendent of public 42601
instruction may choose not to request any information about a 42602
person required by division (C) of this section if the person 42603
provides proof that a criminal records check that satisfies the 42604
requirements of that division was conducted on the person as a 42605
condition of employment pursuant to section 3319.39 of the Revised 42606
Code within the immediately preceding year. The state board or the 42607
superintendent of public instruction may accept a certified copy 42608
of records that were issued by the bureau of criminal 42609
identification and investigation and that are presented by the 42610
person in lieu of requesting that information under division (C) 42611
of this section if the records were issued by the bureau within 42612
the immediately preceding year. 42613

(E)(1) If a person described in division (A)(3) or (4) of 42614

this section who is subject to a criminal records check fails to 42615
submit fingerprints and written permission by the date specified 42616
in the applicable division, and the state board or the 42617
superintendent of public instruction does not apply division (D) 42618
of this section to the person, or if a person who is subject to 42619
division (G) of this section fails to submit fingerprints and 42620
written permission by the date prescribed under that division, the 42621
superintendent shall prepare a written notice stating that if the 42622
person does not submit the fingerprints and written permission 42623
within fifteen days after the date the notice was mailed, the 42624
person's application will be rejected or the person's professional 42625
or permanent teaching certificate or license will be inactivated. 42626
The superintendent shall send the notification by regular mail to 42627
the person's last known residence address or last known place of 42628
employment, as indicated in the department of education's records, 42629
or both. 42630

If the person fails to submit the fingerprints and written 42631
permission within fifteen days after the date the notice was 42632
mailed, the superintendent of public instruction, on behalf of the 42633
state board, shall issue a written order rejecting the application 42634
or inactivating the person's professional or permanent teaching 42635
certificate or license. The rejection or inactivation shall remain 42636
in effect until the person submits the fingerprints and written 42637
permission. The superintendent shall send the order by regular 42638
mail to the person's last known residence address or last known 42639
place of employment, as indicated in the department's records, or 42640
both. The order shall state the reason for the rejection or 42641
inactivation and shall explain that the rejection or inactivation 42642
remains in effect until the person ~~complies with division (B) of~~ 42643
~~this section~~ submits the fingerprints and written permission. 42644

The rejection or inactivation of a professional or permanent 42645
teaching certificate or license under division (E)(1) of this 42646

section does not constitute a suspension or revocation of the 42647
certificate or license by the state board under section 3319.31 of 42648
the Revised Code and the state board and the superintendent of 42649
public instruction need not provide the person with an opportunity 42650
for a hearing with respect to the rejection or inactivation. 42651

(2) If a person whose professional or permanent teaching 42652
certificate or license has been rejected or inactivated under 42653
division (E)(1) of this section submits fingerprints and written 42654
permission as required by division (B) or (G) of this section, the 42655
superintendent of public instruction, on behalf of the state 42656
board, shall issue a written order issuing or reactivating the 42657
certificate or license. The superintendent shall send the order to 42658
the person by regular mail. 42659

(F) Notwithstanding divisions (A) to (C) of this section, if 42660
a person holds more than one certificate, license, or permit 42661
described in division (A)(1) of this section, the following shall 42662
apply: 42663

(1) If the certificates, licenses, or permits are of 42664
different durations, the person shall be subject to divisions (A) 42665
to (C) of this section only when applying for renewal of the 42666
certificate, license, or permit that is of the longest duration. 42667
Prior to renewing any certificate, license, or permit with a 42668
shorter duration, the state board or the superintendent of public 42669
instruction shall determine whether the department of education 42670
has received any information about the person pursuant to section 42671
109.5721 of the Revised Code, but the person shall not be subject 42672
to divisions (A) to (C) of this section as long as the person's 42673
certificate, license, or permit with the longest duration is 42674
valid. 42675

(2) If the certificates, licenses, or permits are of the same 42676
duration but do not expire in the same year, the person shall 42677
designate one of the certificates, licenses, or permits as the 42678

person's primary certificate, license, or permit and shall notify 42679
the department of that designation. The person shall be subject to 42680
divisions (A) to (C) of this section only when applying for 42681
renewal of the person's primary certificate, license, or permit. 42682
Prior to renewing any certificate, license, or permit that is not 42683
the person's primary certificate, license, or permit, the state 42684
board or the superintendent of public instruction shall determine 42685
whether the department has received any information about the 42686
person pursuant to section 109.5721 of the Revised Code, but the 42687
person shall not be subject to divisions (A) to (C) of this 42688
section as long as the person's primary certificate, license, or 42689
permit is valid. 42690

(3) If the certificates, licenses, or permits are of the same 42691
duration and expire in the same year and the person applies for 42692
renewal of the certificates, licenses, or permits at the same 42693
time, the state board or the superintendent of public instruction 42694
shall request only one criminal records check of the person under 42695
division (C) of this section. 42696

(G) If the department is unable to enroll a person who has 42697
submitted an application for licensure, or to whom the state board 42698
has issued a license, in the retained applicant fingerprint 42699
database established under section 109.5721 of the Revised Code 42700
because the person has not satisfied the requirements for 42701
enrollment, the department shall require the person to satisfy the 42702
requirements for enrollment, including requiring the person to 42703
submit, by a date prescribed by the department, one complete set 42704
of fingerprints and written permission that authorizes the 42705
superintendent of public instruction to forward the fingerprints 42706
to the bureau of criminal identification and investigation for the 42707
purpose of enrolling the person in the database. If the person 42708
fails to comply by the prescribed date, the department shall 42709
reject the application or shall take action to inactivate the 42710

person's license in accordance with division (E) of this section. 42711

Sec. 3319.61. (A) The educator standards board, in 42712
consultation with the chancellor of higher education, shall do all 42713
of the following: 42714

(1) Develop state standards for teachers and principals that 42715
reflect what teachers and principals are expected to know and be 42716
able to do at all stages of their careers. These standards shall 42717
be aligned with the statewide academic content standards for 42718
students adopted pursuant to section 3301.079 of the Revised Code, 42719
be primarily based on educator performance instead of years of 42720
experience or certain courses completed, and rely on 42721
evidence-based factors. These standards shall also be aligned with 42722
the operating standards adopted under division (D)(3) of section 42723
3301.07 of the Revised Code. 42724

(a) The standards for teachers shall reflect the following 42725
additional criteria: 42726

(i) Alignment with the interstate new teacher assessment and 42727
support consortium standards; 42728

(ii) Differentiation among novice, experienced, and advanced 42729
teachers; 42730

(iii) Reliance on competencies that can be measured; 42731

(iv) Reliance on content knowledge, teaching skills, 42732
discipline-specific teaching methods, and requirements for 42733
professional development; 42734

(v) Alignment with a career-long system of professional 42735
development and evaluation that ensures teachers receive the 42736
support and training needed to achieve the teaching standards as 42737
well as reliable feedback about how well they meet the standards; 42738

(vi) The standards under section 3301.079 of the Revised 42739
Code, including standards on collaborative learning environments 42740

and interdisciplinary, project-based, real-world learning and 42741
differentiated instruction; 42742

(vii) The Ohio leadership framework. 42743

(b) The standards for principals shall be aligned with the 42744
interstate school leaders licensing consortium standards. 42745

(2) Develop standards for school district superintendents 42746
that reflect what superintendents are expected to know and be able 42747
to do at all stages of their careers. The standards shall reflect 42748
knowledge of systems theory and effective management principles 42749
and be aligned with the buckeye association of school 42750
administrators standards and the operating standards developed 42751
under division (D)(3) of section 3301.07 of the Revised Code. 42752

(3) Develop standards for school district treasurers and 42753
business managers that reflect what treasurers and business 42754
managers are expected to know and be able to do at all stages of 42755
their careers. The standards shall reflect knowledge of systems 42756
theory and effective management principles and be aligned with the 42757
association of school business officials international standards 42758
and the operating standards developed under division (D)(3) of 42759
section 3301.07 of the Revised Code. 42760

(4) Develop standards for the renewal of licenses under 42761
sections 3301.074 and 3319.22 of the Revised Code; 42762

(5) Develop standards for educator professional development; 42763

(6) Investigate and make recommendations for the creation, 42764
expansion, and implementation of school building and school 42765
district leadership academies; 42766

(7) Develop standards for school counselors that reflect what 42767
school counselors are expected to know and be able to do at all 42768
stages of their careers. The standards shall reflect knowledge of 42769
academic, personal, and social counseling for students and 42770

effective principles to implement an effective school counseling 42771
program. The standards also shall reflect Ohio-specific knowledge 42772
of career counseling for students and education options that 42773
provide flexibility for earning credit, such as earning units of 42774
high school credit using the methods adopted by the state board of 42775
education under division (J) of section 3313.603 of the Revised 42776
Code and earning college credit through the college credit plus 42777
program established under Chapter 3365. of the Revised Code. The 42778
standards shall align with the American school counselor 42779
association's professional standards and the operating standards 42780
developed under division (D)(3) of section 3301.07 of the Revised 42781
Code. 42782

The superintendent of public instruction, the chancellor of 42783
higher education, or the education standards board itself may 42784
request that the educator standards board update, review, or 42785
reconsider any standards developed under this section. 42786

(B) The educator standards board shall incorporate indicators 42787
of cultural competency into the standards developed under division 42788
(A) of this section. For this purpose, the educator standards 42789
board shall develop a definition of cultural competency based upon 42790
content and experiences that enable educators to know, understand, 42791
and appreciate the students, families, and communities that they 42792
serve and skills for addressing cultural diversity in ways that 42793
respond equitably and appropriately to the cultural needs of 42794
individual students. 42795

(C) In developing the standards under division (A) of this 42796
section, the educator standards board shall consider the impact of 42797
the standards on closing the achievement gap between students of 42798
different subgroups. 42799

(D) In developing the standards under division (A) of this 42800
section, the educator standards board shall ensure both of the 42801
following: 42802

(1) That teachers have sufficient knowledge to provide 42803
appropriate instruction for students identified as gifted pursuant 42804
to Chapter 3324. of the Revised Code and to assist in the 42805
identification of such students, and have sufficient knowledge 42806
that will enable teachers to provide learning opportunities for 42807
all children to succeed; 42808

(2) That principals, superintendents, school treasurers, and 42809
school business managers have sufficient knowledge to provide 42810
principled, collaborative, foresighted, and data-based leadership 42811
that will provide learning opportunities for all children to 42812
succeed. 42813

(E) The standards for educator professional development 42814
developed under division (A)(5) of this section shall include the 42815
following: 42816

(1) Standards for the inclusion of local professional 42817
development committees established under section 3319.22 of the 42818
Revised Code in the planning and design of professional 42819
development; 42820

(2) Standards that address the crucial link between academic 42821
achievement and mental health issues. 42822

(F) The educator standards board shall also perform the 42823
following functions: 42824

(1) Monitor compliance with the standards developed under 42825
division (A) of this section and make recommendations to the state 42826
board of education for appropriate corrective action if such 42827
standards are not met; 42828

(2) Research, develop, and recommend policies on the 42829
professions of teaching and school administration; 42830

(3) Recommend policies to close the achievement gap between 42831
students of different subgroups; 42832

(4) Define a "master teacher" in a manner that can be used 42833
uniformly by all school districts; 42834

(5) Adopt criteria that a candidate for a lead professional 42835
educator license under section 3319.22 of the Revised Code who 42836
does not hold a valid certificate issued by the national board for 42837
professional teaching standards must meet to be considered a lead 42838
teacher for purposes of division (B)(4)(d) of that section. It is 42839
the intent of the general assembly that the educator standards 42840
board shall adopt multiple, equal-weighted criteria to use in 42841
determining whether a person is a lead teacher. The criteria shall 42842
be in addition to the other standards and qualifications 42843
prescribed in division (B)(4) of section 3319.22 of the Revised 42844
Code. The criteria may include, but shall not be limited to, 42845
completion of educational levels beyond a master's degree or other 42846
professional development courses or demonstration of a leadership 42847
role in the teacher's school building or district. The board shall 42848
determine the number of criteria that a teacher shall satisfy to 42849
be recognized as a lead teacher, which shall not be the total 42850
number of criteria adopted by the board. 42851

(6) Develop model teacher and principal evaluation 42852
instruments and processes. The models shall be based on the 42853
standards developed under division (A) of this section. 42854

(7) Develop a method of measuring the academic improvement 42855
made by individual students during a one-year period and make 42856
recommendations for incorporating the measurement as one of 42857
multiple evaluation criteria into ~~each~~ both of the following: 42858

(a) Eligibility for a professional educator license, senior 42859
professional educator license, lead professional educator license, 42860
or principal license issued under section 3319.22 of the Revised 42861
Code; 42862

(b) ~~The Ohio teacher residency program established under~~ 42863

~~section 3319.223 of the Revised Code;~~ 42864

~~(e)~~ The model teacher and principal evaluation instruments 42865
and processes developed under division (F)(6) of this section. 42866

(G) The educator standards board shall submit recommendations 42867
of standards developed under division (A) of this section to the 42868
state board of education not later than September 1, 2010. The 42869
state board of education shall review those recommendations at the 42870
state board's regular meeting that next succeeds the date that the 42871
recommendations are submitted to the state board. At that meeting, 42872
the state board of education shall vote to either adopt standards 42873
based on those recommendations or request that the educator 42874
standards board reconsider its recommendations. The state board of 42875
education shall articulate reasons for requesting reconsideration 42876
of the recommendations but shall not direct the content of the 42877
recommendations. The educator standards board shall reconsider its 42878
recommendations if the state board of education so requests, may 42879
revise the recommendations, and shall resubmit the 42880
recommendations, whether revised or not, to the state board not 42881
later than two weeks prior to the state board's regular meeting 42882
that next succeeds the meeting at which the state board requested 42883
reconsideration of the initial recommendations. The state board of 42884
education shall review the recommendations as resubmitted by the 42885
educator standards board at the state board's regular meeting that 42886
next succeeds the meeting at which the state board requested 42887
reconsideration of the initial recommendations and may adopt the 42888
standards as resubmitted or, if the resubmitted standards have not 42889
addressed the state board's concerns, the state board may modify 42890
the standards prior to adopting them. The final responsibility to 42891
determine whether to adopt standards as described in division (A) 42892
of this section and the content of those standards, if adopted, 42893
belongs solely to the state board of education. 42894

Sec. 3321.19. (A) As used in this section and section 42895
3321.191 of the Revised Code, "habitual truant" has the same 42896
meaning as in section 2151.011 of the Revised Code. 42897

(B) When a board of education of any city, exempted village, 42898
local, joint vocational, or cooperative education school district 42899
or the governing board of any educational service center 42900
determines that a student in its district has been truant and the 42901
parent, guardian, or other person having care of the child has 42902
failed to cause the student's attendance at school, the board may 42903
require the parent, guardian, or other person having care of the 42904
child pursuant to division (B) of this section to attend an 42905
educational program established pursuant to rules adopted by the 42906
state board of education for the purpose of encouraging parental 42907
involvement in compelling the attendance of the child at school. 42908

No parent, guardian, or other person having care of a child 42909
shall fail without good cause to attend an educational program 42910
described in this division if the parent, guardian, or other 42911
person has been served notice pursuant to division (C) of this 42912
section. 42913

(C) On the request of the superintendent of schools, the 42914
superintendent of any educational service center, the board of 42915
education of any city, exempted village, local, joint vocational, 42916
or cooperative education school district, or the governing board 42917
of any educational service center or when it otherwise comes to 42918
the notice of the attendance officer or other appropriate officer 42919
of the school district, the attendance officer or other 42920
appropriate officer shall examine into any case of supposed 42921
truancy within the district and shall warn the child, if found 42922
truant, and the child's parent, guardian, or other person having 42923
care of the child, in writing, of the legal consequences of being 42924
truant. When any child of compulsory school age, in violation of 42925

law, is not attending school, the attendance or other appropriate officer shall notify the parent, guardian, or other person having care of that child of the fact, and require the parent, guardian, or other person to cause the child to attend school immediately. The parent, guardian, or other person having care of the child shall cause the child's attendance at school. Upon the failure of the parent, guardian, or other person having care of the child to do so, the attendance officer or other appropriate officer, if so directed by the superintendent, the district board, or the educational service center governing board, shall send notice requiring the attendance of that parent, guardian, or other person at a parental education program established pursuant to division (B) of this section and, subject to divisions (D) and (E) of this section, may file a complaint against the parent, guardian, or other person having care of the child in any court of competent jurisdiction.

(D)(1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, ~~within ten days,~~ subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.

(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly

child for being an habitual truant and that the parent, guardian, 42958
or other person having care of the child has violated section 42959
3321.38 of the Revised Code. 42960

(E) A school district with a chronic absenteeism percentage 42961
that is less than five per cent, as displayed on the district's 42962
most recent report card issued under section 3302.03 of the 42963
Revised Code, and the school buildings within that district, shall 42964
be exempt from the requirement to assign habitually truant 42965
students to an absence intervention team for the following school 42966
year and shall instead take any appropriate action as an 42967
intervention strategy contained in the policy developed by the 42968
district board pursuant to divisions (A) and (B) of section 42969
3321.191 of the Revised Code. In the event that those intervention 42970
strategies fail, within sixty-one days after their implementation, 42971
the attendance officer shall file a complaint, provided that the 42972
conditions described in division (B) of section 3321.16 of the 42973
Revised Code are satisfied. 42974

Sec. 3323.022. The rules of the state board of education for 42975
staffing ratios for programs with preschool children with 42976
disabilities shall require the following: 42977

(A) A full-time staff member shall be provided when there are 42978
eight full-day or sixteen half-day preschool children eligible for 42979
special education enrolled in a center-based preschool special 42980
education program. 42981

(B) Staff ratios of one teacher for every eight children 42982
shall be maintained at all times for a program with a center-based 42983
teacher, and a second adult shall be present when there are nine 42984
or more children, including nondisabled children enrolled in a 42985
class session. 42986

Sec. 3323.052. (A) ~~Not later than November 28, 2011, the~~ The 42987

department of education shall develop a document that compares a 42988
parent's and child's rights under this chapter and 20 U.S.C. 1400 42989
et seq. with the parent's and child's rights under the Jon 42990
Peterson special needs scholarship program, established in 42991
sections 3310.51 to 3310.64 of the Revised Code, including ~~the~~ 42992
~~deadline for application for a scholarship or renewal of a~~ 42993
~~scholarship and notice of that application to the child's school~~ 42994
~~district, prescribed in division (C) of section 3310.52 of the~~ 42995
~~Revised Code, and~~ the provisions of divisions (A) and (B) of 42996
section 3310.53 of the Revised Code. The department shall revise 42997
that document as necessary to reflect any pertinent changes in 42998
state or federal statutory law, rule, or regulation ~~enacted or~~ 42999
~~adopted after the initial document is developed.~~ 43000

(B) The department and each school district shall ensure that 43001
the document prescribed in division (A) of this section is 43002
included in, appended to, or otherwise distributed in conjunction 43003
with the notice required under 20 U.S.C. 1415(d), and any 43004
provision of the Code of Federal Regulations implementing that 43005
requirement, in the manner and at all the times specified for such 43006
notice in federal law or regulation. 43007

(C) In addition to the requirement prescribed by division (B) 43008
of this section, each time a child's school district completes an 43009
evaluation for a child with a disability or undertakes the 43010
development, review, or revision of the child's IEP, the district 43011
shall notify the child's parent, by letter or electronic means, 43012
about both the autism scholarship program, under section 3310.41 43013
of the Revised Code, and the Jon Peterson special needs 43014
scholarship program, under sections 3310.51 to 3310.64 of the 43015
Revised Code. The notice shall include the following statement: 43016

"Your child may be eligible for a scholarship under the 43017
Autism Scholarship Program or the Jon Peterson Special Needs 43018
Scholarship Program to attend a special education program that 43019

implements the child's individualized education program and that 43020
is operated by an alternative public provider or by a registered 43021
private provider." 43022

The notice shall include the telephone number of the office 43023
of the department responsible for administering the scholarship 43024
programs and the specific location of scholarship information on 43025
the department's web site. 43026

(D) As used in this section, a "child's school district" 43027
means the school district in which the child is entitled to attend 43028
school under section 3313.64 or 3313.65 of the Revised Code. 43029

Sec. 3326.01. (A) As used in this chapter: 43030

(1) "STEM" is an abbreviation of "science, technology, 43031
engineering, and mathematics." 43032

(2) "STEAM" is an abbreviation of "science, technology, 43033
engineering, arts, and mathematics." 43034

(B)(1) A science, technology, engineering, arts, and 43035
mathematics school shall be considered a type of science, 43036
technology, engineering, and mathematics school. 43037

(2) A STEAM school equivalent shall be considered to be a 43038
type of STEM school equivalent. 43039

(3) A STEAM program of excellence shall be considered to be a 43040
type of STEM program of excellence. 43041

(C)(1) Any reference to a STEM school or science, technology, 43042
engineering, and mathematics school in the Revised Code shall be 43043
considered to include a STEAM school, unless the context 43044
specifically indicates a different meaning or intent. All 43045
provisions of the Revised Code applicable to a STEM school shall 43046
apply to a STEAM school in the same manner, except as otherwise 43047
provided in this chapter. 43048

(2) Any reference to a STEM school equivalent in the Revised Code shall be considered to include a STEAM school equivalent, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school equivalent shall apply to a STEAM school equivalent in the same manner, except as otherwise provided in this chapter.

(3) Any reference to a STEM program of excellence in the Revised Code shall be considered to include a STEAM program of excellence, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM program of excellence shall apply to a STEAM program of excellence in the same manner, except as otherwise provided in this chapter.

Sec. 3326.03. (A) The STEM committee shall authorize the establishment of and award grants to science, technology, engineering, and mathematics schools based on proposals submitted to the committee.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals to approve to become a STEM school. In approving proposals for STEM schools, the committee shall consider locating the schools in diverse geographic regions of the state so that all students have access to a STEM school.

The committee shall seek technical assistance from the Ohio STEM learning network, or its successor, throughout the process of accepting and evaluating proposals and choosing which proposals to approve. In approving proposals for STEM schools, the committee shall consider the recommendations of the Ohio STEM learning network, or its successor.

The committee may authorize the establishment of a group of

multiple STEM schools to operate from multiple facilities located 43080
in one or more school districts under the direction of a single 43081
governing body in the manner prescribed by section 3326.031 of the 43082
Revised Code. The committee shall consider the merits of each of 43083
the proposed STEM schools within a group and shall authorize each 43084
school separately. Anytime after authorizing a group of STEM 43085
schools to be under the direction of a single governing body, upon 43086
a proposal from the governing body, the committee may authorize 43087
one or more additional schools to operate as part of that group. 43088

The STEM committee may approve one or more STEM schools to 43089
serve only students identified as gifted under Chapter 3324. of 43090
the Revised Code. 43091

(B) Proposals may be submitted only by a partnership of 43092
public and private entities consisting of at least all of the 43093
following: 43094

(1) A city, exempted village, local, or joint vocational 43095
school district or an educational service center; 43096

(2) Higher education entities; 43097

(3) Business organizations. 43098

A community school established under Chapter 3314. of the 43099
Revised Code, a chartered nonpublic school, or both may be part of 43100
the partnership. 43101

(C) Each proposal shall include at least the following: 43102

(1) Assurances that the STEM school or group of STEM schools 43103
will be under the oversight of a governing body and a description 43104
of the members of that governing body and how they will be 43105
selected; 43106

(2) Assurances that each STEM school will operate in 43107
compliance with this chapter and the provisions of the proposal as 43108
accepted by the committee; 43109

(3) Evidence that each school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades kindergarten through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Incorporates scientific inquiry and technological design;

(c) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

(d) Emphasizes personalized learning and teamwork skills.

(4) Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section;

(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor;

(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations.

(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities~~+~~. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

(9) A description of how each school's assets will be distributed if the school closes for any reason.

(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.032. (A) The STEM committee may grant a designation of STEM school equivalent to a community school established under Chapter 3314. of the Revised Code or to a chartered nonpublic school. In order to be eligible for this designation, a community school or chartered nonpublic school shall submit a proposal that satisfies the requirements of this section.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals warrant a community school or chartered nonpublic school to be designated as a STEM school equivalent.

(B) A proposal for designation as a STEM school equivalent shall include at least the following:

(1) Assurances that the community school or chartered nonpublic school submitting the proposal has a working partnership with both public and private entities, including higher education entities and business organizations~~+~~. If the proposal is for a

STEAM school equivalent, it also shall include evidence that this 43170
partnership includes arts organizations. 43171

(2) Assurances that the school submitting the proposal will 43172
operate in compliance with this section and the provisions of the 43173
proposal as accepted by the committee; 43174

(3) Evidence that the school submitting the proposal will 43175
offer a rigorous, diverse, integrated, and project-based 43176
curriculum to students in any of grades kindergarten through 43177
twelve, with the goal to prepare those students for college, the 43178
workforce, and citizenship, and that does all of the following: 43179

(a) Emphasizes the role of science, technology, engineering, 43180
and mathematics in promoting innovation and economic progress; 43181

(b) Incorporates scientific inquiry and technological design; 43182

(c) Includes the arts and humanities~~r~~. If the proposal is for 43183
a STEAM school equivalent, it also shall include evidence that the 43184
curriculum will integrate arts and design into the study of 43185
science, technology, engineering, and mathematics to foster 43186
creative thinking, problem-solving, and new approaches to 43187
scientific invention. 43188

(d) Emphasizes personalized learning and teamwork skills. 43189

(4) Evidence that the school submitting the proposal will 43190
attract school leaders who support the curriculum principles of 43191
division (B)(3) of this section; 43192

(5) A description of how each school's curriculum will be 43193
developed and approved in accordance with section 3326.09 of the 43194
Revised Code; 43195

(6) Evidence that the school submitting the proposal will 43196
utilize an established capacity to capture and share knowledge for 43197
best practices and innovative professional development; 43198

(7) Assurances that the school submitting the proposal has 43199

received commitments of sustained and verifiable fiscal and 43200
in-kind support from regional education and business entities. If 43201
the proposal is for a STEAM school equivalent, it also shall 43202
include assurances that the school has received commitments of 43203
sustained and verifiable fiscal and in-kind support from arts 43204
organizations. 43205

(C)(1) A community school or chartered nonpublic school that 43206
is designated as a STEM school equivalent under this section shall 43207
not be subject to the requirements of Chapter 3326. of the Revised 43208
Code, except that the school shall be subject to the requirements 43209
of this section and to the curriculum requirements of section 43210
3326.09 of the Revised Code. 43211

Nothing in this section, however, shall relieve a community 43212
school of the applicable requirements of Chapter 3314. of the 43213
Revised Code. Nor shall anything in this section relieve a 43214
chartered nonpublic school of any provisions of law outside of 43215
this chapter that are applicable to chartered nonpublic schools. 43216

(2) A community school or chartered nonpublic school that is 43217
designated as a STEM school equivalent under this section shall 43218
not be eligible for operating funding under sections 3326.31 to 43219
3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised Code. 43220

(3) A community school or chartered nonpublic school that is 43221
designated as a STEM school equivalent under this section may 43222
apply for any of the grants and additional funds described in 43223
section 3326.38 of the Revised Code for which the school is 43224
eligible. 43225

(D) If a community school or chartered nonpublic school that 43226
is designated as a STEM school equivalent under this section 43227
intends to close or intends to no longer be designated as a STEM 43228
school equivalent, it shall notify the STEM committee of that 43229
fact. 43230

(E) If a community school or chartered nonpublic school that is designated as a STEM school equivalent wishes to be designated as a STEAM school equivalent, it may change its existing proposal to include the items required under divisions (B)(1), (B)(3)(c), and (B)(7) of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.04. (A) The STEM committee shall award grants to support the operation of STEM programs of excellence to serve students in any of grades kindergarten through ~~eight~~ twelve through a request for proposals.

(B) Proposals may be submitted by any of the following:

(1) The board of education of a city, exempted village, or local school district;

(2) The governing authority of a community school established under Chapter 3314. of the Revised Code;

(3) The governing authority of a chartered nonpublic school.

(C) Each proposal shall demonstrate to the satisfaction of the STEM committee that the program meets at least the following standards:

(1) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will serve all students enrolled in the district or school in the grades for which the program is designed.

(2) The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster

creative thinking, problem-solving, and new approaches to 43261
scientific invention. 43262

(3) Unless the program is designed to serve only students 43263
identified as gifted under Chapter 3324. of the Revised Code, the 43264
program will not limit participation of students on the basis of 43265
intellectual ability, measures of achievement, or aptitude. 43266

(4) The program will utilize an established capacity to 43267
capture and share knowledge for best practices and innovative 43268
professional development. 43269

(5) The program will operate in collaboration with a 43270
partnership that includes institutions of higher education and 43271
businesses. If the proposal is for a STEAM program of excellence, 43272
it also shall include evidence that this partnership includes arts 43273
organizations. 43274

(6) The program will include teacher professional development 43275
strategies that are augmented by community and business partners. 43276

(D) The STEM committee shall give priority to proposals for 43277
new or expanding innovative programs. 43278

(E) If a STEM program of excellence wishes to become a STEAM 43279
program of excellence, it may change its existing proposal to 43280
include the items required under divisions (C)(2) and (C)(5) of 43281
this section and submit the revised proposal to the STEM committee 43282
for approval. 43283

Sec. 3326.09. Subject to approval by its governing body or 43284
governing authority, the curriculum of each science, technology, 43285
engineering, and mathematics school and of each community school 43286
or chartered nonpublic school that is designated as a STEM school 43287
equivalent under section 3326.032 of the Revised Code shall be 43288
developed by a team that consists of at least the school's chief 43289
administrative officer, a teacher, a representative of the higher 43290

education institution that is a collaborating partner in the STEM 43291
school or school designated as a STEM school equivalent, and a 43292
member of the public with expertise in the application of science, 43293
technology, engineering, or mathematics. In the case of a STEAM 43294
school or a STEAM school equivalent, the team also shall include 43295
an expert in the integration of arts and design into the STEM 43296
fields. 43297

Sec. 3326.10. Each science, technology, engineering, and 43298
mathematics school shall adopt admission procedures that specify 43299
the following: 43300

(A)(1) Admission shall be open to individuals entitled and 43301
eligible to attend school pursuant to section 3313.64 or 3313.65 43302
of the Revised Code in a school district in the state. 43303

(2)(a) Admission may be open on a tuition basis to 43304
individuals who are not residents of this state. The school shall 43305
not receive state funds under sections 3326.33 to 3326.51 of the 43306
Revised Code for any student who is not a resident of this state. 43307

(b) The school shall charge tuition for a student who is not 43308
a resident of this state in an amount ~~equal to the amount~~ 43309
~~calculated by the department of education under~~ determined by the 43310
school in accordance with section 3326.101 of the Revised Code. 43311

(B) There will be no discrimination in the admission of 43312
students to the school on the basis of race, creed, color, 43313
disability, or sex. 43314

(C) The school will comply with all federal and state laws 43315
regarding the education of students with disabilities. 43316

(D) Unless the school serves only students identified as 43317
gifted under Chapter 3324. of the Revised Code, the school will 43318
not limit admission to students on the basis of intellectual 43319
ability, measures of achievement or aptitude, or athletic or 43320

artistic ability. 43321

(E) The school will assert its best effort to attract a 43322
diverse student body that reflects the community, and the school 43323
will recruit students from disadvantaged and underrepresented 43324
groups. 43325

Sec. 3326.101. For each student who is not a resident of this 43326
state and is enrolled in a science, technology, engineering, and 43327
mathematics school under division (A)(2) of section 3326.10 of the 43328
Revised Code, the ~~department of education~~ school shall calculate 43329
determine the amount ~~that the school would have received for that~~ 43330
~~student under section 3326.33 of the Revised Code if that student~~ 43331
~~were a resident of this state. The department shall not pay that~~ 43332
~~amount to the school, but the school shall to charge that amount~~ 43333
to the student as tuition. This amount shall be not less than the 43334
minimum amount paid to the school for a student under section 43335
3326.33 of the Revised Code. 43336

Sec. 3326.11. Each science, technology, engineering, and 43337
mathematics school established under this chapter and its 43338
governing body shall comply with sections 9.90, 9.91, 109.65, 43339
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 43340
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 43341
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 43342
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 43343
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 43344
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 43345
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 43346
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 43347
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 43348
3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 43349
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 43350
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 43351

3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 43352
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 43353
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 43354
Revised Code as if it were a school district. 43355

Sec. 3326.33. For each student enrolled in a science, 43356
technology, engineering, and mathematics school established under 43357
this chapter, on a full-time equivalency basis, the department of 43358
education annually shall deduct from the state education aid of a 43359
student's resident school district and, if necessary, from the 43360
payment made to the district under sections 321.24 and 323.156 of 43361
the Revised Code and pay to the school the sum of the following: 43362

(A) An opportunity grant in an amount equal to the formula 43363
amount; 43364

(B) The per pupil amount of targeted assistance funds 43365
calculated under division (A) of section 3317.0217 of the Revised 43366
Code for the student's resident district, as determined by the 43367
department, X 0.25; 43368

(C) Additional state aid for special education and related 43369
services provided under Chapter 3323. of the Revised Code as 43370
follows: 43371

(1) If the student is a category one special education 43372
student, the amount specified in division (A) of section 3317.013 43373
of the Revised Code; 43374

(2) If the student is a category two special education 43375
student, the amount specified in division (B) of section 3317.013 43376
of the Revised Code; 43377

(3) If the student is a category three special education 43378
student, the amount specified in division (C) of section 3317.013 43379
of the Revised Code; 43380

(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	43381 43382 43383
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	43384 43385 43386
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	43387 43388 43389
(D) If the student is in kindergarten through third grade, \$305, in fiscal year 2016, or \$320, in fiscal year 2017;	43390 43391
(E) If the student is economically disadvantaged, an amount equal to the following:	43392 43393
\$272 X the resident district's economically disadvantaged index	43394
(F) Limited English proficiency funds, as follows:	43395
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	43396 43397 43398
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	43399 43400 43401
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	43402 43403 43404
(G) Career-technical education funds as follows:	43405
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	43406 43407 43408
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section	43409 43410

3317.014 of the Revised Code;	43411
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	43412 43413 43414
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	43415 43416 43417
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	43418 43419 43420
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	43421 43422 43423
Sec. 3326.41. (A) For purposes of this section:	43424
(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	43425 43426
(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.	43427 43428
<u>(3) A science, technology, engineering, and mathematics school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code.</u>	43429 43430 43431 43432 43433 43434 43435 43436
(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school <u>a both of the following:</u>	43437 43438 43439 43440

(1) A graduation bonus calculated according to the following 43441
formula: 43442
The school's four-year adjusted cohort graduation rate on its most 43443
recent report card issued by the department under section 3302.03 43444
of the Revised Code X 0.075 X the formula amount X the number of 43445
the school's graduates reported to the department, in accordance 43446
with the guidelines adopted under section 3301.0714 of the Revised 43447
Code, for the same school year for which the most recent report 43448
card was issued 43449

(2) A third-grade reading bonus calculated according to the 43450
following formula: 43451
The school's third-grade reading proficiency percentage X 0.075 X 43452
the formula amount X the number of the school's students scoring 43453
at a proficient level or higher on the third-grade English 43454
language arts assessment prescribed under division (A)(1)(a) of 43455
section 3301.0710 of the Revised Code for the immediately 43456
preceding school year 43457

Sec. 3327.08. Boards of education of city school districts, 43458
local school districts, exempted village school districts, 43459
cooperative education school districts, and joint vocational 43460
school districts and governing boards of educational service 43461
centers may purchase on individual contract school buses and other 43462
equipment used in transporting children to and from school and to 43463
other functions as authorized by the boards, or the boards, at 43464
their discretion, may purchase the buses and equipment through any 43465
system of centralized purchasing established by the state 43466
department of education for that purpose, provided that state 43467
subsidy payments shall be based on the amount of the lowest price 43468
available to the boards by either method of purchase. No board 43469
shall be deprived of any form of state assistance in the purchase 43470
of buses and equipment by reason of purchases of buses and 43471
equipment on an individual contract. 43472

The purchase of school buses shall be made only after 43473
competitive bidding in accordance with section 3313.46 of the 43474
Revised Code. All bids shall state that the buses, prior to 43475
delivery, will comply with the safety rules of the department of 43476
public safety adopted pursuant to section 4511.76 of the Revised 43477
Code and all other pertinent provisions of law. 43478

At no time shall bid bonds be required for the purchase of 43479
school buses, unless the district board or educational service 43480
center governing board requests that bid bonds be part of the 43481
competitive bidding process for a specified purchase. 43482

Sec. 3332.071. A college or school that holds a certificate 43483
of registration under this chapter shall pay any fee required by 43484
the state board of career colleges and schools for a new student 43485
disclosure course fee. No college or school shall charge a student 43486
for the fee paid under this section, either directly or through 43487
any increase in fees or tuition charged to a student to pay the 43488
disclosure course fee. 43489

Sec. 3333.048. (A) Not later than one year after October 16, 43490
2009, the chancellor of higher education and the superintendent of 43491
public instruction jointly shall do the following: 43492

(1) In accordance with Chapter 119. of the Revised Code, 43493
establish metrics and educator preparation programs for the 43494
preparation of educators and other school personnel and the 43495
institutions of higher education that are engaged in their 43496
preparation. The metrics and educator preparation programs shall 43497
be aligned with the standards and qualifications for educator 43498
licenses adopted by the state board of education under section 43499
3319.22 of the Revised Code ~~and the requirements of the Ohio~~ 43500
~~teacher residency program established under section 3319.223 of~~ 43501
~~the Revised Code.~~ The metrics and educator preparation programs 43502

also shall ensure that educators and other school personnel are 43503
adequately prepared to use the value-added progress dimension 43504
prescribed by section 3302.021 of the Revised Code or the 43505
alternative student academic progress measure if adopted under 43506
division (C)(1)(e) of section 3302.03 of the Revised Code. 43507

(2) Provide for the inspection of institutions of higher 43508
education desiring to prepare educators and other school 43509
personnel. 43510

(B) Not later than one year after October 16, 2009, the 43511
chancellor shall approve institutions of higher education engaged 43512
in the preparation of educators and other school personnel that 43513
maintain satisfactory training procedures and records of 43514
performance, as determined by the chancellor. 43515

(C) If the metrics established under division (A)(1) of this 43516
section require an institution of higher education that prepares 43517
teachers to satisfy the standards of an independent accreditation 43518
organization, the chancellor shall permit each institution to 43519
satisfy the standards of any applicable national educator 43520
preparation accrediting agency recognized by the United States 43521
department of education. 43522

(D) The metrics and educator preparation programs established 43523
under division (A)(1) of this section may require an institution 43524
of higher education, as a condition of approval by the chancellor, 43525
to make changes in the curricula of its preparation programs for 43526
educators and other school personnel. 43527

Notwithstanding division (E) of section 119.03 and division 43528
(A)(1) of section 119.04 of the Revised Code, any metrics, 43529
educator preparation programs, rules, and regulations, or any 43530
amendment or rescission of such metrics, educator preparation 43531
programs, rules, and regulations, adopted under this section that 43532
necessitate institutions offering preparation programs for 43533

educators and other school personnel approved by the chancellor to 43534
revise the curricula of those programs shall not be effective for 43535
at least one year after the first day of January next succeeding 43536
the publication of the said change. 43537

Each institution shall allocate money from its existing 43538
revenue sources to pay the cost of making the curricular changes. 43539

(E) The chancellor shall notify the state board of the 43540
metrics and educator preparation programs established under 43541
division (A)(1) of this section and the institutions of higher 43542
education approved under division (B) of this section. The state 43543
board shall publish the metrics, educator preparation programs, 43544
and approved institutions with the standards and qualifications 43545
for each type of educator license. 43546

(F) The graduates of educator preparation programs approved 43547
by the chancellor shall be licensed by the state board in 43548
accordance with the standards and qualifications adopted under 43549
section 3319.22 of the Revised Code. 43550

Sec. 3333.0414. (A) In accordance with Chapter 119. of the 43551
Revised Code, the chancellor of higher education shall adopt rules 43552
that require education preparation programs approved under section 43553
3333.048 of the Revised Code to include instruction in opioid and 43554
other substance abuse prevention. The instruction shall be for all 43555
educator and other school personnel preparation programs for all 43556
content areas and grade levels. 43557

(B) Instruction shall include all of the following: 43558

(1) Information on the magnitude of opioid and other 43559
substance abuse; 43560

(2) The role educators and other school personnel can play in 43561
educating students about the adverse effects of opioid and other 43562
substance abuse; 43563

(3) Resources available to teach students about the consequences of opioid and substance abuse; 43564
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(4) Resources available to help fight and treat opioid abuse. 43566

Sec. 3333.0415. Beginning in 2018, the chancellor of higher education, in collaboration with the department of education, shall prepare an annual report regarding the progress the state is making in increasing the percentage of adults in the state with a college degree, industry certificate, or other postsecondary credential to sixty-five per cent by the year 2025. The chancellor shall submit an electronic copy of the report to the governor, the president and minority leader of the senate, and speaker and minority leader of the house of representatives. 43567
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Sec. 3333.051. (A) The chancellor of higher education shall establish a program under which a community college established under Chapter 3354., technical college established under Chapter 3357., or state community college established under Chapter 3358. of the Revised Code may apply to the chancellor for authorization to offer applied bachelor's degree programs. 43576
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The chancellor may approve programs under this section that demonstrate all of the following: 43582
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(1) Evidence of an agreement between the college and a regional business or industry to train students in an in-demand field and to employ students upon their successful completion of the program; 43584
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(2) That the workforce need of the regional business or industry is in an in-demand field with long-term sustainability based upon data provided by the governor's office of workforce transformation; 43588
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(3) Supporting data that identifies the specific workforce need the program will address; 43592
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(4) The absence of a bachelor's degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university; 43594
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(5) Willingness of an industry partner to offer workplace-based learning and employment opportunities to students enrolled in the proposed program. 43597
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(B) Before approving a program under this section, the chancellor shall consult with the governor's office of workforce transformation, the inter-university council of Ohio, the Ohio association of community colleges, and the association of independent colleges and universities of Ohio, or any successor to those organizations. 43600
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(C) As used in this section: 43606

(1) "Applied bachelor's degree" means a bachelor's degree that is both of the following: 43607
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(a) Specifically designed for an individual who holds an associate of applied science degree, or its equivalent, in order to maximize application of the individual's technical course credits toward the bachelor's degree; 43609
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(b) Based on curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field. 43613
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(2) "Private college or university" means a nonprofit institution that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 43615
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(3) "State university" has the same meaning as in section 3345.011 of the Revised Code. 43618
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Sec. 3333.052. The chancellor of higher education shall conduct a study of applied bachelor's degree programs approved and offered under section 3333.051 of the Revised Code to determine the effects of the programs on fulfilling the needs of students 43620
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and local industry. 43624

The chancellor shall complete the study not later than 43625
December 31, 2020, and conduct and complete a second study as 43626
prescribed by this section not later than December 31, 2022. The 43627
chancellor shall submit each study to the general assembly, in 43628
accordance with section 101.68 of the Revised Code, and to the 43629
governor. 43630

As used in this section, "applied bachelor's degree" has the 43631
same meaning as in section 3333.051 of the Revised Code. 43632

Sec. 3333.121. There is hereby established in the state 43633
treasury the state ~~need-based~~ financial aid reconciliation fund, 43634
which shall consist of refunds of ~~instructional grant payments~~ 43635
~~made pursuant to section 3333.12 of the Revised Code and refunds~~ 43636
~~of state need based financial aid payments made pursuant to~~ 43637
~~section 3333.122 of the Revised Code~~ state financial aid payments 43638
originally disbursed by the department of higher education for 43639
programs that the department is responsible for administering. 43640
Revenues credited to the fund shall be used by the chancellor of 43641
higher education to pay to higher education institutions any 43642
outstanding obligations ~~from the prior year owed for the Ohio~~ 43643
~~instructional grant program and the Ohio college opportunity grant~~ 43644
~~program~~ state financial aid programs that are identified through 43645
the annual reconciliation and financial audit or through other 43646
means. Any amount in the fund that is in excess of the amount 43647
certified to the director of budget and management by the 43648
chancellor of higher education as necessary to reconcile ~~prior~~ 43649
~~year~~ payments under the program shall be transferred to the 43650
general revenue fund. 43651

Sec. 3333.122. (A) The chancellor of higher education shall 43652
adopt rules to carry out this section and as authorized under 43653

section 3333.123 of the Revised Code. The rules shall include 43654
definitions of the terms "resident," "expected family 43655
contribution," "full-time student," "three-quarters-time student," 43656
"half-time student," "one-quarter-time student," "state cost of 43657
attendance," and "accredited" for the purpose of those sections. 43658

(B) Only an Ohio resident who meets both of the following is 43659
eligible for a grant awarded under this section: 43660

(1) The resident has an expected family contribution of two 43661
thousand one hundred ninety or less; 43662

(2) The resident enrolls in one of the following: 43663

(a) An undergraduate program, or a nursing diploma program 43664
approved by the board of nursing under section 4723.06 of the 43665
Revised Code, at a state-assisted state institution of higher 43666
education, as defined in section 3345.12 of the Revised Code, that 43667
meets the requirements of Title VI of the Civil Rights Act of 43668
1964; 43669

(b) An undergraduate program, or a nursing diploma program 43670
approved by the board of nursing under section 4723.06 of the 43671
Revised Code, at a private, nonprofit institution in this state 43672
holding a certificate of authorization pursuant to Chapter 1713. 43673
of the Revised Code; 43674

(c) An undergraduate program, or a nursing diploma program 43675
approved by the board of nursing under section 4723.06 of the 43676
Revised Code, at a career college in this state that holds a 43677
certificate of registration from the state board of career 43678
colleges and schools under Chapter 3332. of the Revised Code or at 43679
a private institution exempt from regulation under Chapter 3332. 43680
of the Revised Code as prescribed in section 3333.046 of the 43681
Revised Code, if the program has a certificate of authorization 43682
pursuant to Chapter 1713. of the Revised Code. 43683

(d) A comprehensive transition and postsecondary program that 43684
is certified by the United States department of education. For 43685
purposes of this section, a "comprehensive transition and 43686
postsecondary program" means a degree, certificate, or non-degree 43687
program that is designed to support persons with intellectual 43688
disabilities who are receiving academic, career, technical, and 43689
independent living instruction at an institution of higher 43690
education in order to prepare for gainful employment as defined in 43691
20 U.S.C. 1140. 43692

(C)(1) The chancellor shall establish and administer a 43693
needs-based financial aid grants program based on the United 43694
States department of education's method of determining financial 43695
need. The program shall be known as the Ohio college opportunity 43696
grant program. The general assembly shall support the needs-based 43697
financial aid program by such sums and in such manner as it may 43698
provide, but the chancellor also may receive funds from other 43699
sources to support the program. If, for any academic year, the 43700
amounts available for support of the program are inadequate to 43701
provide grants to all eligible students, the chancellor shall do 43702
one of the following: 43703

(a) Give preference in the payment of grants based upon 43704
expected family contribution, beginning with the lowest expected 43705
family contribution category and proceeding upward by category to 43706
the highest expected family contribution category; 43707

(b) Proportionately reduce the amount of each grant to be 43708
awarded for the academic year under this section; 43709

(c) Use an alternate formula for such grants that addresses 43710
the shortage of available funds and has been submitted to and 43711
approved by the controlling board. 43712

(2) The needs-based financial aid grant shall be paid to the 43713
eligible student through the institution in which the student is 43714

enrolled, except that no needs-based financial aid grant shall be 43715
paid to any person serving a term of imprisonment. Applications 43716
for the grants shall be made as prescribed by the chancellor, and 43717
such applications may be made in conjunction with and upon the 43718
basis of information provided in conjunction with student 43719
assistance programs funded by agencies of the United States 43720
government or from financial resources of the institution of 43721
higher education. The institution shall certify that the student 43722
applicant meets the requirements set forth in division (B) of this 43723
section. Needs-based financial aid grants shall be provided to an 43724
eligible student only as long as the student is making appropriate 43725
progress toward a nursing diploma ~~or~~, an associate or bachelor's 43726
degree, or completion of a comprehensive transition and 43727
postsecondary program. No student shall be eligible to receive a 43728
grant for more than ten semesters, fifteen quarters, or the 43729
equivalent of five academic years. A grant made to an eligible 43730
student on the basis of less than full-time enrollment shall be 43731
based on the number of credit hours for which the student is 43732
enrolled and shall be computed in accordance with a formula 43733
adopted by rule issued by the chancellor. No student shall receive 43734
more than one grant on the basis of less than full-time 43735
enrollment. 43736

(D)(1) Except as provided in ~~division~~ divisions (D)(4) and 43737
(5) of this section, no grant awarded under this section shall 43738
exceed the total state cost of attendance. 43739

(2) Subject to divisions (D)(1), (3), ~~and~~ (4), and (5) of 43740
this section, the amount of a grant awarded to a student under 43741
this section shall equal the student's remaining state cost of 43742
attendance after the student's Pell grant and expected family 43743
contribution are applied to the instructional and general charges 43744
for the undergraduate or comprehensive transition and 43745
postsecondary program. However, for students enrolled in a state 43746

university or college as defined in section 3345.12 of the Revised Code or a university branch, the chancellor may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the chancellor may set by rule.

(3) For a student enrolled for a semester or quarter in addition to the portion of the academic year covered by a grant under this section, the maximum grant amount shall be a percentage of the maximum specified in any table established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so prescribed. The maximum grant for a third semester shall be one-half of the maximum amount so prescribed.

(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total state cost of attendance to additionally cover housing costs.

(5) For a student who is receiving federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, the amount of a grant awarded under this section shall be applied toward the total state cost of attendance and the student's housing costs and living expenses. Living expenses shall include reasonable costs for room and board.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a

religious profession unless such course of study leads to an 43779
accredited bachelor of arts, bachelor of science, associate of 43780
arts, or associate of science degree. 43781

(F)(1) Except as provided in division (F)(2) of this section, 43782
no grant shall be made to any student for enrollment during a 43783
fiscal year in an institution with a cohort default rate 43784
determined by the United States secretary of education pursuant to 43785
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 43786
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 43787
preceding the fiscal year, equal to or greater than thirty per 43788
cent for each of the preceding two fiscal years. 43789

(2) Division (F)(1) of this section does not apply in the 43790
case of either of the following: 43791

(a) The institution pursuant to federal law appeals its loss 43792
of eligibility for federal financial aid and the United States 43793
secretary of education determines its cohort default rate after 43794
recalculation is lower than the rate specified in division (F)(1) 43795
of this section or the secretary determines due to mitigating 43796
circumstances that the institution may continue to participate in 43797
federal financial aid programs. The chancellor shall adopt rules 43798
requiring any such appellant to provide information to the 43799
chancellor regarding an appeal. 43800

(b) Any student who has previously received a grant pursuant 43801
to any provision of this section, including prior to the section's 43802
amendment by H.B. 1 of the 128th general assembly, effective July 43803
17, 2009, and who meets all other eligibility requirements of this 43804
section. 43805

(3) The chancellor shall adopt rules for the notification of 43806
all institutions whose students will be ineligible to participate 43807
in the grant program pursuant to division (F)(1) of this section. 43808

(4) A student's attendance at any institution whose students 43809

are ineligible for grants due to division (F)(1) of this section 43810
shall not affect that student's eligibility to receive a grant 43811
when enrolled in another institution. 43812

(G) Institutions of higher education that enroll students 43813
receiving needs-based financial aid grants under this section 43814
shall report to the chancellor all students who have received such 43815
needs-based financial aid grants but are no longer eligible for 43816
all or part of those grants and shall refund any moneys due the 43817
state within thirty days after the beginning of the quarter or 43818
term immediately following the quarter or term in which the 43819
student was no longer eligible to receive all or part of the 43820
student's grant. There shall be an interest charge of one per cent 43821
per month on all moneys due and payable after such thirty-day 43822
period. The chancellor shall immediately notify the office of 43823
budget and management and the legislative service commission of 43824
all refunds so received. 43825

Sec. 3333.166. (A) As used in this section: 43826

(1) "For-profit private college" means a career college in 43827
this state that holds a certificate of registration from the 43828
chancellor of higher education under Chapter 3332. of the Revised 43829
Code or a private institution exempt from regulation under Chapter 43830
3332. of the Revised Code as prescribed in section 3333.046 of the 43831
Revised Code. 43832

(2) "State institution of higher education" has the same 43833
meaning as in section 3345.011 of the Revised Code. 43834

(B) The chancellor shall establish criteria, policies, and 43835
procedures that enable students to transfer agreed upon courses 43836
completed through a for-profit private college to a state 43837
institution of higher education without unnecessary duplication or 43838
institutional barriers. Where applicable, the policies and 43839
procedures shall build upon the articulation agreement and 43840

transfer initiative course equivalency system required by section 43841
3333.16 of the Revised Code. 43842

Sec. 3333.31. (A) For state subsidy and tuition surcharge 43843
purposes, status as a resident of Ohio shall be defined by the 43844
chancellor of higher education by rule promulgated pursuant to 43845
Chapter 119. of the Revised Code. No adjudication as to the status 43846
of any person under such rule, however, shall be required to be 43847
made pursuant to Chapter 119. of the Revised Code. The term 43848
"resident" for these purposes shall not be equated with the 43849
definition of that term as it is employed elsewhere under the laws 43850
of this state and other states, and shall not carry with it any of 43851
the legal connotations appurtenant thereto. Rather, except as 43852
provided in divisions (B), (C), and (E) of this section, for such 43853
purposes, the rule promulgated under this section shall have the 43854
objective of excluding from treatment as residents those who are 43855
present in the state primarily for the purpose of attending a 43856
state-supported or state-assisted institution of higher education, 43857
and may prescribe presumptive rules, rebuttable or conclusive, as 43858
to such purpose based upon the source or sources of support of the 43859
student, residence prior to first enrollment, evidence of 43860
intention to remain in the state after completion of studies, or 43861
such other factors as the chancellor deems relevant. 43862

(B) The rules of the chancellor for determining student 43863
residency shall grant residency status to a veteran and to the 43864
veteran's spouse and any dependent of the veteran, if both of the 43865
following conditions are met: 43866

(1) The veteran either: 43867

(a) Served one or more years on active military duty and was 43868
honorably discharged or received a medical discharge that was 43869
related to the military service; 43870

(b) Was killed while serving on active military duty or has 43871

been declared to be missing in action or a prisoner of war. 43872

(2) If the veteran seeks residency status for tuition 43873
surcharge purposes, the veteran has established domicile in this 43874
state as of the first day of a term of enrollment in an 43875
institution of higher education. If the spouse or a dependent of 43876
the veteran seeks residency status for tuition surcharge purposes, 43877
the veteran and the spouse or dependent seeking residency status 43878
have established domicile in this state as of the first day of a 43879
term of enrollment in an institution of higher education, except 43880
that if the veteran was killed while serving on active military 43881
duty, has been declared to be missing in action or a prisoner of 43882
war, or is deceased after discharge, only the spouse or dependent 43883
seeking residency status shall be required to have established 43884
domicile in accordance with this division. 43885

(C) The rules of the chancellor for determining student 43886
residency shall grant residency status to both of the following: 43887

(1) A veteran who is the recipient of federal veterans' 43888
benefits under the "All-Volunteer Force Educational Assistance 43889
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 43890
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 43891
successor program, if the veteran meets all of the following 43892
criteria: 43893

(a) The veteran served at least ninety days on active duty. 43894

(b) The veteran enrolls in a state institution of higher 43895
education, as defined in section 3345.011 of the Revised Code. 43896

(c) The veteran lives in the state as of the first day of a 43897
term of enrollment in the state institution of higher education. 43898

(2) A person who is the recipient of the federal Marine 43899
Gunnery Sergeant John David Fry scholarship or transferred federal 43900
veterans' benefits under any of the programs described in division 43901
(C)(1) of this section, if the person meets both of the following 43902

criteria: 43903

(a) The person enrolls in a state institution of higher education. 43904
43905

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education. 43906
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In order for a person using transferred federal veterans' benefits to qualify under division (C)(2) of this section, the ~~veteran's period of active duty~~ veteran who transferred the benefits must have ~~been served~~ at least ninety days on active duty or the service member who transferred the benefits must be on active duty. 43908
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(D) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates. 43914
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Documentation of full-time employment and domicile shall include both of the following documents: 43921
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(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student is employed full-time in Ohio; 43923
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(2) A copy of the lease under which the parent or spouse is the lessee and occupant of rented residential property in the state, a copy of the closing statement on residential real property of which the parent or spouse is the owner and occupant in this state or, if the parent or spouse is not the lessee or owner of the residence in which the parent or spouse has established domicile, a letter from the owner of the residence 43927
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certifying that the parent or spouse resides at that residence. 43934

Residency officers may also evaluate, in accordance with the 43935

chancellor's rule, requests for immediate residency status from 43936

dependent students whose parents are not living and whose domicile 43937

follows that of a legal guardian who has accepted full-time 43938

employment and established domicile in the state for reasons other 43939

than gaining the benefit of favorable tuition rates. 43940

(E)(1) The rules of the chancellor for determining student 43941

residency shall grant residency status to a person who, while a 43942

resident of this state for state subsidy and tuition surcharge 43943

purposes, graduated from a high school in this state or completed 43944

the final year of instruction at home as authorized under section 43945

3321.04 of the Revised Code, if the person enrolls in an 43946

institution of higher education and establishes domicile in this 43947

state, regardless of the student's residence prior to that 43948

enrollment. 43949

(2) The rules of the chancellor for determining student 43950

residency shall not grant residency status to an alien if the 43951

alien is not also an immigrant or a nonimmigrant. 43952

(F) As used in this section: 43953

(1) "Dependent," "domicile," "institution of higher 43954

education," and "residency officer" have the meanings ascribed in 43955

the chancellor's rules adopted under this section. 43956

(2) "Alien" means a person who is not a United States citizen 43957

or a United States national. 43958

(3) "Immigrant" means an alien who has been granted the right 43959

by the United States bureau of citizenship and immigration 43960

services to reside permanently in the United States and to work 43961

without restrictions in the United States. 43962

(4) "Nonimmigrant" means an alien who has been granted the 43963

right by the United States bureau of citizenship and immigration 43964
services to reside temporarily in the United States. 43965

(5) "Veteran" means any person who has completed service in 43966
the uniformed services, as defined in section 3511.01 of the 43967
Revised Code. 43968

(6) "Service member" has the same meaning as in section 43969
5903.01 of the Revised Code. 43970

Sec. 3333.39. The chancellor of higher education and the 43971
superintendent of public instruction shall establish and 43972
administer the teach Ohio program to promote and encourage 43973
citizens of this state to consider teaching as a profession. The 43974
program shall include all of the following: 43975

(A) A statewide program administered by a nonprofit 43976
corporation that has been in existence for at least fifteen years 43977
with demonstrated results in encouraging high school students from 43978
economically disadvantaged groups to enter the teaching 43979
profession. The chancellor and superintendent jointly shall select 43980
the nonprofit corporation. 43981

(B) The Ohio teaching fellows program established under 43982
sections 3333.391 and 3333.392 of the Revised Code; 43983

~~(C) The Ohio teacher residency program established under 43984~~
~~section 3319.223 of the Revised Code;~~ 43985

~~(D)~~ Alternative licensure procedures established under 43986
section 3319.26 of the Revised Code; 43987

~~(E)~~(D) Any other program as identified by the chancellor and 43988
the superintendent. 43989

Sec. 3333.45. (A) For purposes of this section, "eligible 43990
institution of higher education" means any of the following: 43991

(1) A regionally accredited private, nonprofit institution of 43992

higher education that is created by the governors of several 43993
states. At least one of the governors of these states shall also 43994
be a member of the institution's board of trustees. 43995

(2) A state institution of higher education, as that term is 43996
defined in section 3345.011 of the Revised Code; 43997

(3) A private, nonprofit institution of higher education that 43998
has received a certificate of authorization under Chapter 1713. of 43999
the Revised Code. 44000

(B) The chancellor of higher education may recognize or 44001
endorse an eligible institution of higher education for the 44002
purpose of providing competency-based education programs. 44003

(C) In recognizing or endorsing an eligible institution of 44004
higher education described in division (A)(1) of this section, the 44005
chancellor may specify all of the following: 44006

(1) The eligibility of students enrolled in the institution 44007
for state student financial aid programs; 44008

(2) Any articulation and transfer policies of the chancellor 44009
that apply to the institution; 44010

(3) The reporting requirements for the institution. 44011

(D) In recognizing or endorsing any eligible institution of 44012
higher education, the chancellor may: 44013

(1) Recognize competency-based education as an important 44014
component of this state's higher education system; 44015

(2) Eliminate any unnecessary barriers to the delivery of 44016
competency-based education; 44017

(3) Facilitate opportunities to share best practices on the 44018
delivery of competency-based education with any eligible 44019
institution of higher education; 44020

(4) Establish any other requirements that the chancellor 44021

determines are in the best interest of this state. 44022

(E) The chancellor shall not provide any public operating or 44023
capital assistance to an eligible institution of higher education 44024
described in division (A)(1) of this section for the purpose of 44025
providing competency-based education in this state. 44026

Sec. 3333.91. ~~Not later than December 31, 2014, the~~ The 44027
governor's office of workforce transformation, in collaboration 44028
with the chancellor of higher education, the superintendent of 44029
public instruction, and the department of job and family services, 44030
shall develop and submit to the appropriate federal agency a 44031
single, state unified plan required under the "Workforce 44032
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which 44033
shall include the information required for the adult basic and 44034
literacy education program administered by the United States 44035
secretary of education, and the "Carl D. Perkins Vocational and 44036
Technical Education Act," 20 U.S.C. 2301, et seq., as amended, ~~and~~ 44037
~~the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq.,~~ 44038
~~as amended.~~ Following the plan's initial submission to the 44039
appropriate federal agency, the governor's office of workforce 44040
transformation may update it as necessary. If the plan is updated, 44041
the governor's office of workforce transformation shall submit the 44042
updated plan to the appropriate federal agency. 44043

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs web 44044
site" has the same meaning as in section 6301.01 of the Revised 44045
Code. 44046

(B)(1) ~~Beginning January 1, 2016, each~~ Each participant in an 44047
adult basic and literacy education funded training or education 44048
program shall create an account with the OhioMeansJobs web site at 44049
the twelfth week of the program. 44050

(2) ~~Beginning January 1, 2016, each~~ Each participant in an 44051

Ohio technical center funded training or education program shall 44052
create an account with the OhioMeansJobs web site at the time of 44053
enrollment in the program. 44054

(C) Division (B) of this section does not apply to any 44055
individual who is legally prohibited from using a computer, has a 44056
physical or visual impairment that makes the individual unable to 44057
use a computer, or has a limited ability to read, write, speak, or 44058
understand a language in which the OhioMeansJobs web site is 44059
available. 44060

Sec. 3333.94. (A) As used in this section: 44061

(1) "In-demand job" means a job that is determined to be in 44062
demand in this state and its regions under section 6301.11 of the 44063
Revised Code. 44064

(2) "Ohio technical center" means a center that provides 44065
adult technical education services and is recognized by the 44066
chancellor of higher education. 44067

(3) "State institution of higher education" has the same 44068
meaning as in section 3345.011 of the Revised Code. 44069

(B) Not later than January 1, 2018, the chancellor of higher 44070
education shall create an inventory of both credit and non-credit 44071
certificate programs and industry-recognized credentials offered 44072
at state institutions of higher education and Ohio technical 44073
centers that align with in-demand jobs in the state. 44074

When awarding funds from the OhioMeansJobs workforce 44075
development revolving loan fund established under section 6301.14 44076
of the Revised Code, the chancellor shall give preference to 44077
certificate programs that support adult learners and are included 44078
in the inventory. 44079

Sec. 3333.951. (A) As used in this section, "state 44080

institution of higher education" has the same meaning as in 44081
section 3345.011 of the Revised Code. 44082

(B) Each state institution of higher education that is 44083
co-located with another state institution of higher education 44084
annually shall review best practices and shared services in order 44085
to improve academic and other services and reduce costs for 44086
students. Each state institution shall report its findings to the 44087
efficiency advisory committee established under section 3333.95 of 44088
the Revised Code. The committee shall include the information 44089
reported under this section in the committee's annual report. 44090

(C) Each state institution of higher education annually shall 44091
report to the efficiency advisory committee on its efforts to 44092
reduce textbook costs to students. 44093

(D) Each state institution of higher education shall conduct 44094
a study to determine the current cost of textbooks for students 44095
enrolled in the institution, and shall submit the study to the 44096
chancellor of higher education annually by a date prescribed by 44097
the chancellor. 44098

Sec. 3345.025. The board of trustees of each state 44099
institution of higher education as defined in section 3345.011 of 44100
the Revised Code shall adopt a textbook selection policy for 44101
faculty to follow in selecting and assigning textbooks and other 44102
instructional materials for use in courses offered by the 44103
institution. The policy shall include faculty responsibilities and 44104
actions faculty may take in selecting and assigning textbooks and 44105
other instructional materials. 44106

Sec. 3345.061. (A) Ohio's two-year institutions of higher 44107
education are respected points of entry for students embarking on 44108
post-secondary careers and courses completed at those institutions 44109
are transferable to state universities in accordance with 44110

articulation and transfer agreements developed under sections 44111
3333.16, 3333.161, and 3333.162 of the Revised Code. 44112

(B) Beginning with undergraduate students who commence 44113
undergraduate studies in the 2014-2015 academic year, no state 44114
university listed in section 3345.011 of the Revised Code, except 44115
Central state university, Shawnee state university, and Youngstown 44116
state university, shall receive any state operating subsidies for 44117
any academic remedial or developmental courses for undergraduate 44118
students, including courses prescribed in division (C) of section 44119
3313.603 of the Revised Code, offered at its main campus, except 44120
as provided in divisions (B)(1) to (4) of this section. 44121

(1) In the 2014-2015 and 2015-2016 academic years, a state 44122
university may receive state operating subsidies for academic 44123
remedial or developmental courses completed at the main campus for 44124
not more than three per cent of the total undergraduate credit 44125
hours provided by the university at its main campus. 44126

(2) In the 2016-2017 academic year, a state university may 44127
receive state operating subsidies for academic remedial or 44128
developmental courses completed at the main campus for not more 44129
than fifteen per cent of the first-year students who have 44130
graduated from high school within the previous twelve months and 44131
who are enrolled in the university at its main campus, as 44132
calculated on a full-time-equivalent basis. 44133

(3) In the 2017-2018 academic year, a state university may 44134
receive state operating subsidies for academic remedial or 44135
developmental courses completed at the main campus for not more 44136
than ten per cent of the first-year students who have graduated 44137
from high school within the previous twelve months and who are 44138
enrolled in the university at its main campus, as calculated on a 44139
full-time-equivalent basis. 44140

(4) In the 2018-2019 academic year, a state university may 44141

receive state operating subsidies for academic remedial or 44142
developmental courses completed at the main campus for not more 44143
than five per cent of the first-year students who have graduated 44144
from high school within the previous twelve months and who are 44145
enrolled in the university at its main campus, as calculated on a 44146
full-time-equivalent basis. 44147

Each state university may continue to offer academic remedial 44148
and developmental courses at its main campus beyond the extent for 44149
which state operating subsidies may be paid under this division 44150
and may continue to offer such courses beyond the 2018-2019 44151
academic year. However, the main campus of a state university 44152
shall not receive any state operating subsidies for such courses 44153
above the maximum amounts permitted in this division. 44154

(C) Except as otherwise provided in division (B) of this 44155
section, beginning with students who commence undergraduate 44156
studies in the 2014-2015 academic year, state operating subsidies 44157
for academic remedial or developmental courses offered by state 44158
institutions of higher education may be paid only to Central state 44159
university, Shawnee state university, Youngstown state university, 44160
any university branch, any community college, any state community 44161
college, or any technical college. 44162

(D) Each state university shall grant credit for academic 44163
remedial or developmental courses successfully completed at an 44164
institution described in division (C) of this section pursuant to 44165
any applicable articulation and transfer agreements the university 44166
has entered into in accordance with policies and procedures 44167
adopted under section 3333.16, 3333.161, or 3333.162 of the 44168
Revised Code. 44169

(E) The chancellor of higher education shall do all of the 44170
following: 44171

(1) Withhold state operating subsidies for academic remedial 44172

or developmental courses provided by a main campus of a state 44173
university as required in order to conform to divisions (B) and 44174
(C) of this section; 44175

(2) Adopt uniform statewide standards for academic remedial 44176
and developmental courses offered by all state institutions of 44177
higher education; 44178

(3) Encourage and assist in the design and establishment of 44179
academic remedial and developmental courses by institutions of 44180
higher education; 44181

(4) Define "academic year" for purposes of this section and 44182
section 3345.06 of the Revised Code; 44183

(5) Encourage and assist in the development of articulation 44184
and transfer agreements between state universities and other 44185
institutions of higher education in accordance with policies and 44186
procedures adopted under sections 3333.16, 3333.161, and 3333.162 44187
of the Revised Code. 44188

(F) Not later than December 31, 2012, the presidents, or 44189
equivalent position, of all state institutions of higher 44190
education, or their designees, jointly shall establish uniform 44191
statewide standards in mathematics, science, reading, and writing 44192
each student enrolled in a state institution of higher education 44193
must meet to be considered in remediation-free status. The 44194
presidents also shall establish assessments, if they deem 44195
necessary, to determine if a student meets the standards adopted 44196
under this division. Each institution is responsible for assessing 44197
the needs of its enrolled students in the manner adopted by the 44198
presidents. The board of trustees or managing authority of each 44199
state institution of higher education shall adopt the 44200
remediation-free status standard, and any related assessments, 44201
into the institution's policies. 44202

The chancellor shall assist in coordinating the work of the 44203

presidents under this division. The chancellor shall monitor the standards in mathematics, science, reading, and writing established under division (F) of this section to ensure that the standards adequately demonstrate a student's remediation-free status.

(G) Each year, not later than a date established by the chancellor, each state institution of higher education shall report to the governor, the general assembly, the chancellor, and the superintendent of public instruction all of the following for the prior academic year:

(1) The institution's aggregate costs for providing academic remedial or developmental courses;

(2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which the students taking those courses received their high school diplomas;

(3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate.

(H) Not later than December 31, 2011, and the thirty-first day of each December thereafter, the chancellor and the superintendent of public instruction shall issue a report recommending policies and strategies for reducing the need for academic remediation and developmental courses at state institutions of higher education.

(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.14. (A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any

other institution of higher education defined in division (A)(2) 44234
of that section. 44235

(B) All rights to and interests in discoveries, inventions, 44236
or patents which result from research or investigation conducted 44237
in any experiment station, bureau, laboratory, research facility, 44238
or other facility of any state college or university, or by 44239
employees of any state college or university acting within the 44240
scope of their employment or with funding, equipment, or 44241
infrastructure provided by or through any state college or 44242
university, shall be the sole property of that college or 44243
university. No person, firm, association, corporation, or 44244
governmental agency which uses the facilities of such college or 44245
university in connection with such research or investigation and 44246
no faculty member, employee, or student of such college or 44247
university participating in or making such discoveries or 44248
inventions, shall have any rights to or interests in such 44249
discoveries or inventions, including income therefrom, except as 44250
may, by determination of the board of trustees of such college or 44251
university, be assigned, licensed, transferred, or paid to such 44252
persons or entities in accordance with division (C) of this 44253
section or in accordance with rules adopted under division (D) of 44254
this section. 44255

(C) As may be determined from time to time by the board of 44256
trustees of any state college or university, the college or 44257
university may retain, assign, license, transfer, sell, or 44258
otherwise dispose of, in whole or in part and upon such terms as 44259
the board of trustees may direct, any and all rights to, interests 44260
in, or income from any such discoveries, inventions, or patents 44261
which the college or university owns or may acquire. Such 44262
dispositions may be to any individual, firm, association, 44263
corporation, or governmental agency, or to any faculty member, 44264
employee, or student of the college or university as the board of 44265

trustees may direct. Any and all income or proceeds derived or 44266
retained from such dispositions shall be applied to the general or 44267
special use of the college or university as determined by the 44268
board of trustees of such college or university. 44269

(D)(1) Notwithstanding any provision of the Revised Code to 44270
the contrary, including but not limited to sections 102.03, 44271
102.04, 2921.42, and 2921.43 of the Revised Code, the board of 44272
trustees of any state college or university ~~may~~ shall adopt rules 44273
in accordance with section 111.15 of the Revised Code that set 44274
forth circumstances under which an employee of the college or 44275
university may solicit or accept, and under which a person may 44276
give or promise to give to such an employee, a financial interest 44277
in any firm, corporation, or other association to which the board 44278
has assigned, licensed, transferred, or sold the college or 44279
university's interests in its intellectual property, including 44280
discoveries or inventions made or created by that employee or in 44281
patents issued to that employee. 44282

(2) Rules established under division (D)(1) of this section 44283
shall include the following: 44284

(a) A requirement that each college or university employee 44285
disclose to the college or university board of trustees any 44286
financial interest the employee holds in a firm, corporation, or 44287
other association as described in division (D)(1) of this section; 44288

(b) A requirement that all disclosures made under division 44289
(D)(2)(a) of this section are reviewed by officials designated by 44290
the college or university board of trustees. The officials 44291
designated under this division shall determine the information 44292
that shall be disclosed and safeguards that shall be applied in 44293
order to manage, reduce, or eliminate any actual or potential 44294
conflict of interest. 44295

(c) A requirement that in implementing division (D) of this 44296

section all members of the college or university board of trustees 44297
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 44298
of the Revised Code. 44299

(d) Guidelines to ensure that any financial interest held by 44300
any employee of the college or university does not result in 44301
misuse of the students, employees, or resources of the college or 44302
university for the benefit of the firm, corporation, or other 44303
association in which such interest is held or does not otherwise 44304
interfere with the duties and responsibilities of the employee who 44305
holds such an interest. 44306

(3) Rules established under division (D)(1) of this section 44307
may include other provisions at the discretion of the college or 44308
university board of trustees. 44309

(E) Notwithstanding division (D) of this section, the Ohio 44310
ethics commission retains authority to provide assistance to a 44311
college or university board of trustees in the implementation of 44312
division (D)(2) of this section and to address any matter that is 44313
outside the scope of the exception to division (B) of this section 44314
as set forth in division (D) of this section or as set forth in 44315
rules established under division (D) of this section. 44316

Sec. 3345.35. Not later than ~~January 1, 2016~~ December 31, 44317
2017, and by the first day of ~~January~~ September of every fifth 44318
year thereafter, the board of trustees of each state institution 44319
of higher education, as defined in section 3345.011 of the Revised 44320
Code, shall evaluate all courses and programs the institution 44321
offers based on enrollment and ~~student performance in each course~~ 44322
~~or program~~ duplication of its courses and programs with those of 44323
other state institutions of higher education within a geographic 44324
region, as determined by the chancellor of higher education. For 44325
courses and programs with low enrollment, as defined by the 44326
chancellor ~~of higher education,~~ the board of trustees shall 44327

provide a summary of recommended actions, including consideration 44328
of collaboration with other state institutions of higher 44329
education. For duplicative programs, as defined by the chancellor, 44330
the board of trustees shall evaluate the benefits of collaboration 44331
with other institutions of higher education, based on geographic 44332
region, to deliver the course program. 44333

Each board of trustees shall submit its findings under this 44334
section to the chancellor not later than thirty days after the 44335
completion of the evaluations or as part of submitting the annual 44336
efficiency report required pursuant to section 3333.95 of the 44337
Revised Code. For the findings required to be submitted by 44338
December 31, 2017, a board of trustees may submit the additional 44339
information required under this section as amended by this act, as 44340
an addendum to the findings the board submitted prior to January 44341
1, 2016, under former law. 44342

Sec. 3345.45. (A) On or before January 1, 1994, the 44343
chancellor of higher education jointly with all state 44344
universities, as defined in section 3345.011 of the Revised Code, 44345
shall develop standards for instructional workloads for full-time 44346
and part-time faculty in keeping with the universities' missions 44347
and with special emphasis on the undergraduate learning 44348
experience. The standards shall contain clear guidelines for 44349
institutions to determine a range of acceptable undergraduate 44350
teaching by faculty. 44351

(B) On or before June 30, 1994, the board of trustees of each 44352
state university shall take formal action to adopt a faculty 44353
workload policy consistent with the standards developed under this 44354
section. Notwithstanding section 4117.08 of the Revised Code, the 44355
policies adopted under this section are not appropriate subjects 44356
for collective bargaining. Notwithstanding division (A) of section 44357
4117.10 of the Revised Code, any policy adopted under this section 44358

by a board of trustees prevails over any conflicting provisions of 44359
any collective bargaining agreement between an employees 44360
organization and that board of trustees. 44361

(C)(1) The board of trustees of each state university shall 44362
review the university's policy on faculty tenure and update that 44363
policy to promote excellence in instruction, research, service, or 44364
commercialization, or any combination thereof. 44365

(2) Beginning on July 1, 2018, as a condition for a state 44366
university to receive any state funds for research that are 44367
allocated to the department of higher education under the 44368
appropriation line items referred to as either "research incentive 44369
third frontier fund" or "research incentive third frontier-tax," 44370
the chancellor shall require the university to include multiple 44371
pathways for faculty tenure, one of which may be a 44372
commercialization pathway, in its policy. 44373

Sec. 3345.57. (A) As used in this section, "state institution 44374
of higher education" has the same meaning as in section 3345.011 44375
of the Revised Code. 44376

(B) A state institution of higher education may establish a 44377
program under which an employee of the institution may donate that 44378
employee's accrued but unused paid leave to another employee of 44379
the institution who has no accrued but unused paid leave and who 44380
has a critical need for it because of circumstances such as a 44381
serious illness or the serious illness of a member of the 44382
employee's immediate family. If a state institution of higher 44383
education establishes a leave donation program under this section, 44384
the institution shall adopt rules in accordance with Chapter 119. 44385
of the Revised Code to provide for the administration of the 44386
program. These rules shall include, but not be limited to, 44387
provisions that identify the circumstances under which leave may 44388
be donated and that specify the amount, types, and value of leave 44389

that may be donated. 44390

Sec. 3345.58. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 44391
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(B) No state institution of higher education shall refuse to accept college credit earned in this state within the past five years as a substitute for comparable coursework offered at the institution. Additionally, no state institution shall refuse to accept advanced or upper level coursework completed in the past five years in this state as a substitute for comparable core or lower level coursework. 44394
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If college credit was earned in this state more than five years ago, the state institution shall permit the student to take a competency-based assessment in the relevant subject area. If the student passes the assessment, the state institution shall excuse the student from completing the applicable course and shall grant credit to the student for that course. 44401
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Sec. 3345.59. (A) As used in this section: 44407

(1) "Information technology center" means a center established under section 3301.075 of the Revised Code. 44408
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(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 44410
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(B) Not later than June 30, 2018, all state institutions of higher education that are located in the same region of the state, as defined by the chancellor of higher education, shall enter into an agreement providing for the creation of a compact. Under that agreement, the compact shall do all of the following: 44413
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(1) Examine whether unnecessary duplication of academic 44418

<u>programming exists;</u>	44419
<u>(2) Develop strategies to address the workforce education needs of the region;</u>	44420 44421
<u>(3) Enhance the sharing of resources between institutions to align educational pathways and to increase access within the region. For these purposes, the compact shall do all of the following:</u>	44422 44423 44424 44425
<u>(a) Provide and share resources and programming to improve academic performance and opportunities to address the workforce needs of the region;</u>	44426 44427 44428
<u>(b) Identify, develop, and implement shared curriculum and resources to promote educational pathways that minimize the time required to earn a degree. This may include, but is not limited to, curriculum delivered using open educational resources and online formats.</u>	44429 44430 44431 44432 44433
<u>(c) Analyze operational costs and implement cost-effective procedures that support greater access and opportunities for students in the region.</u>	44434 44435 44436
<u>(4) Reduce operational and administrative costs to provide more learning opportunities and collaboration in the region;</u>	44437 44438
<u>(5) Enhance career counseling and experiential learning opportunities for students;</u>	44439 44440
<u>(6) Expand alternative education delivery models such as competency-based and project-based learning;</u>	44441 44442
<u>(7) Develop a strategy to increase collaboration and pathways with information technology centers, adult basic and literacy education programs, and school districts in the region;</u>	44443 44444 44445
<u>(8) Develop strategies to enhance the sharing of resources between institutions to improve and expand the capacity and capability for research and development;</u>	44446 44447 44448

(9) Identify and implement the best use of university regional campuses to reflect the goals described in division (B) of this section. 44449
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(C) Nothing in this section shall prohibit a state institution of higher education from entering into multiple agreements under division (B) of this section. Additionally, there is no limit to the number, or the number of each type, of state institutions of higher education that may enter into an agreement under that division. 44452
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(D) In addition to any agreement entered into pursuant to division (B) of this section, each state institution of higher education that is designated a land grant college under the federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the "Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any subsequent act of congress, also shall to enter into an agreement providing for the creation of a compact that enhances collaboration between state institutions designated as land grant colleges. 44458
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(E) Each state institution of higher education shall include in its annual efficiency report to the chancellor the efficiencies produced as a result of each compact to which the institution belongs. 44467
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Sec. 3347.091. (A) Real property or buildings a university housing commission identifies as a property site for development or redevelopment under section 3347.09 of the Revised Code may be situated within or outside of the political subdivision in which the administrative offices of the university identified with the commission are principally located. 44471
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(B) If located entirely outside of the political subdivision, but not less than thirty-three per cent of the property site's boundary is contiguous, continuously or otherwise, to other 44477
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university-owned or leased property, then all of the following 44480
apply: 44481

(1) The uses specified in section 3347.09 of the Revised Code 44482
are unconditionally permitted on the property site. 44483

(2) The property site may be developed to accommodate 44484
population and structural densities exhibited in any other 44485
developed real property and buildings owned or leased by the 44486
university or commission for the purposes provided in section 44487
3347.09 of the Revised Code. 44488

(3) None of the following may be enforced, to the extent they 44489
prohibit, condition, limit, or impair either the development of a 44490
property site in accordance with this section or the housing or 44491
structural types or dimensions proposed for such purposes: 44492

(a) Land use laws enacted by a municipality, township, city, 44493
or county; 44494

(b) Subdivision regulations; 44495

(c) Any other similar lawfully binding provision. 44496

(C) Nothing in this section shall be construed to impair or 44497
prohibit a commission or university from acquiring title to real 44498
property or buildings leased or proposed to be leased in 44499
accordance with this section. 44500

Sec. 3354.01. As used in sections 3354.01 to 3354.18 of the 44501
Revised Code: 44502

(A) "Community college district" means a political 44503
subdivision of the state and a body corporate with all the powers 44504
of a corporation, comprised of the territory of one or more 44505
contiguous counties having together a total population of not less 44506
than seventy-five thousand preceding the establishment of such 44507
district, and organized for the purpose of establishing, owning, 44508
and operating a community college within the territory of such 44509

district. 44510

(B) "Contiguous counties" means counties so located that each 44511
such county shares at least one boundary in common with at least 44512
one other such county in the group of counties referred to as 44513
being "contiguous." 44514

(C) "Community college" means a public institution of 44515
education beyond the high school organized for the principal 44516
purpose of providing for the people of the community college 44517
district wherein such college is situated the instructional 44518
programs defined in this section as "arts and sciences" and 44519
"technical," or either, and may include the "adult-education" 44520
program as defined in this section. Except for applied bachelor's 44521
degree programs ~~offered~~ approved by the chancellor of higher 44522
education under section ~~3354.071~~ 3333.051 of the Revised Code, 44523
instructional programs shall not exceed two years in duration. 44524

A university maintained and operated by a municipality 44525
located in a county having a total population equal to the 44526
requirement for a community college district as set forth in 44527
division (A) of section 3354.01 of the Revised Code and is found 44528
by the chancellor of higher education to offer instructional 44529
programs which are needed in the community and which are 44530
equivalent to those required of community colleges shall be, for 44531
the purposes of receiving state or federal financial aid only, 44532
considered a community college and shall receive the same state 44533
financial assistance granted to community colleges but only in 44534
respect to students enrolled in their first and second year of 44535
post high school education in the kinds of instructional programs 44536
offered by the municipal university. 44537

(D) "Arts and sciences program" means both of the following: 44538

(1) A curricular program of two years or less duration, 44539
provided within a community college, planned and intended to 44540

enable students to gain academic credit for courses generally 44541
comparable to courses offered in the first two years in accredited 44542
colleges and universities in the state, and designed either to 44543
enable students to transfer to such colleges and universities for 44544
the purpose of earning baccalaureate degrees or to enable students 44545
to terminate academic study after two years with a proportionate 44546
recognition of academic achievement. 44547

(2) ~~A~~ An applied bachelor's degree program approved and 44548
offered under section ~~3354.071~~ 3333.051 of the Revised Code. 44549

(E) "Adult-education program" means the dissemination of post 44550
high school educational service and knowledge, by a community 44551
college, for the occupational, cultural, or general educational 44552
benefit of adult persons, such educational service and knowledge 44553
not being offered for the primary purpose of enabling such persons 44554
to obtain academic credit or other formal academic recognition. 44555

(F) "Charter amendment" means a change in the official plan 44556
of a community college for the purpose of acquiring additional 44557
lands or structures, disposing of or transferring lands or 44558
structures, erection of structures, or creating or abolishing of 44559
one or more academic departments corresponding to generally 44560
recognized fields of academic study. 44561

(G) "Technical program" means a post high school curricular 44562
program of two years or less duration, provided within a community 44563
college, planned and intended to enable students to gain academic 44564
credit for courses designed to prepare such students to meet the 44565
occupational requirements of the community. 44566

(H) "Operating costs" means all expenses for all purposes of 44567
the community college district except expenditures for permanent 44568
improvements having an estimated life of usefulness of five years 44569
or more as certified by the fiscal officer of the community 44570
college district. 44571

(I) "Applied bachelor's degree" has the same meaning as in 44572
section 3333.051 of the Revised Code. 44573

Sec. 3354.09. The board of trustees of a community college 44574
district may: 44575

(A) Own and operate a community college, pursuant to an 44576
official plan prepared and approved in accordance with section 44577
3354.07 of the Revised Code, or enter into a contract with a 44578
generally accredited public university or college for operation of 44579
such community college by such university or college pursuant to 44580
an official plan prepared and approved in accordance with section 44581
3354.07 of the Revised Code; 44582

(B) Hold, encumber, control, acquire by donation, purchase, 44583
or condemnation, construct, own, lease, use, and sell real and 44584
personal property as is necessary for the conduct of the program 44585
of the community college on whatever terms and for whatever 44586
consideration may be appropriate for the purpose of the college; 44587

(C) Accept gifts, grants, bequests, and devises absolutely or 44588
in trust for support of the college during the existence of the 44589
college; 44590

(D) Appoint the administrative officers, faculty, and staff, 44591
necessary and proper for such community college, and fix their 44592
compensation except in instances in which the board of trustees 44593
has delegated such powers to a college or university operating 44594
such community college pursuant to a contract entered into by the 44595
board of trustees of the district; 44596

(E) Provide for a community college necessary lands, 44597
buildings or other structures, equipment, means, and appliances; 44598

(F) Develop and adopt, pursuant to the official plan, the 44599
curricular programs identified in section 3354.01 of the Revised 44600
Code as arts and sciences programs and technical programs, or 44601

either. Such programs may include adult-education programs. 44602

(G) Except as provided in sections 3333.17 and 3333.32 of the 44603
Revised Code, establish schedules of fees and tuition for students 44604
who are residents of the district, residents of Ohio but not of 44605
the district, and students who are nonresidents of Ohio. The 44606
establishment of rules governing the determination of residence 44607
shall be subject to approval of the ~~Ohio board of regents~~ 44608
chancellor of higher education. Students who are nonresidents of 44609
Ohio shall be required to pay higher rates of fees and tuition 44610
than the rates required of students who are residents of Ohio but 44611
not of the district, and students who are residents of the 44612
district shall pay a smaller tuition and fee rate than the rate 44613
for either category of nonresident students. 44614

(H) Authorize, approve, ratify, or confirm any agreement 44615
relating to any such community college with the United States 44616
government, acting through any agency of such government 44617
designated or created to aid in the financing of such projects, or 44618
with any person or agency offering grants in aid in financing such 44619
educational facilities or the operation of such facilities except 44620
as prohibited in division (K) of this section. 44621

Such agreement may include a provision for repayment of 44622
advances, grants, or loans made to any community college district 44623
from funds which may become available to it. 44624

When the United States government or its agent makes a grant 44625
of money to any community college district to aid in paying the 44626
cost of any projects of such district, or enters into an agreement 44627
with the community college district for the making of any such 44628
grant of money, the amount thereof is deemed appropriated for such 44629
purpose by the community college district and is deemed in process 44630
of collection within the meaning of section 5705.41 of the Revised 44631
Code. 44632

(I) Grant appropriate certificates of achievement or degrees 44633
to students successfully completing the community college 44634
programs; 44635

(J) Prescribe rules for the effective operation of a 44636
community college and exercise such other powers as are necessary 44637
for the efficient management of such college; 44638

(K) Receive and expend gifts or grants from the state for the 44639
payment of operating costs, for the acquisition, construction, or 44640
improvement of buildings or other structures, or for the 44641
acquisition or use of land. In no event shall state gifts or 44642
grants be expended for the support of adult-education programs. 44643
Gifts or grants from the state for operating costs shall not in 44644
any biennium exceed the amount recommended by the ~~Ohio board of~~ 44645
~~regents~~ chancellor to the governor as provided in Chapter 3333. of 44646
the Revised Code. Such gifts or grants shall be distributed to 44647
such districts in equal quarter-annual payments, unless otherwise 44648
provided or authorized in any act appropriating moneys for such 44649
purposes, on or before the last day of February, May, August, and 44650
November in each year. 44651

(L) Retain consultants in the fields of education, planning, 44652
architecture, law, engineering, or other fields of professional 44653
skill; 44654

(M) Purchase: 44655

(1) A policy or policies of insurance insuring the district 44656
against loss of or damage to property, whether real, personal, or 44657
mixed, which is owned by the district or leased by it as lessee or 44658
which is in the process of construction by or for the district; 44659

(2) A policy or policies of fidelity insurance in such 44660
amounts and covering such trustees, officers, and employees of the 44661
district as it considers necessary or desirable; 44662

(3) A policy or policies of liability insurance from an 44663

insurer or insurers licensed to do business in this state insuring 44664
its members, officers, and employees against all civil liability 44665
arising from an act or omission by the member, officer, or 44666
employee when the member, officer, or employee is not acting 44667
manifestly outside the scope of employment or official 44668
responsibilities with the institution, with malicious purpose or 44669
bad faith, or in a wanton or reckless manner, or may otherwise 44670
provide for the indemnification of such persons against such 44671
liability. All or any portion of the cost, premium, or charge for 44672
such a policy or policies or indemnification payment may be paid 44673
from any funds under the institution's control. The policy or 44674
policies of liability insurance or the indemnification policy of 44675
the institution may cover any risks including, but not limited to, 44676
damages resulting from injury to property or person, professional 44677
liability, and other special risks, including legal fees and 44678
expenses incurred in the defense or settlement of claims for such 44679
damages. 44680

(4) A policy or policies of insurance insuring the district 44681
against any liabilities to which it may be subject on account of 44682
damage or injury to persons or property, including liability for 44683
wrongful death. 44684

(N) Designate one or more employees of the institution as 44685
state university law enforcement officers, to serve and have 44686
duties as prescribed in section 3345.04 of the Revised Code. 44687

Any instrument by which real property is acquired pursuant to 44688
this section shall identify the agency of the state that has the 44689
use and benefit of the real property as specified in section 44690
5301.012 of the Revised Code. 44691

Sec. 3357.01. As used in this chapter: 44692

(A) "Technical college" means an institution of education 44693
beyond the high school, including an institution of higher 44694

education, organized for the principal purpose of providing for 44695
the residents of the technical college district, wherein such 44696
college is situated, any one or more of the instructional programs 44697
defined in this section as "technical college," or 44698
"adult-education technical programs," normally not exceeding two 44699
years' duration and not leading to a baccalaureate degree, except 44700
as provided in section 3333.051 of the Revised Code. 44701

(B) "Technical college district" means a political 44702
subdivision of the state and a body corporate with all the powers 44703
of a corporation, comprised of the territory of a city school 44704
district or a county, or two or more contiguous school districts 44705
or counties, which meets the standards prescribed by the ~~Ohio~~ 44706
~~board of regents~~ chancellor of higher education pursuant to 44707
section 3357.02 of the Revised Code, and which is organized for 44708
the purpose of establishing, owning, and operating one or more 44709
technical colleges within the territory of such district. 44710

(C) "Contiguous school districts or counties" means school 44711
districts or counties so located that each such school district or 44712
county shares at least one boundary or a portion thereof in common 44713
with at least one other such school district or county in the 44714
group of school districts or counties referred to as being 44715
"contiguous." 44716

(D) "Technical college program" means a post high school 44717
curricular program provided within a technical college, planned 44718
and intended to qualify students, after satisfactory completion of 44719
such a program normally two years in duration, to pursue careers 44720
in which they provide immediate technical assistance to 44721
professional or managerial persons generally required to hold 44722
baccalaureate or higher academic degrees in technical or 44723
professional fields. The technical and professional fields 44724
referred to in this section include, but are not limited to, 44725
engineering and physical, medical, or other sciences. 44726

(E) "Adult-education technical program" means the dissemination of post high school technical education service and knowledge, for the occupational, or general educational benefit of adult persons.

(F) "Charter amendment" means a change in the official plan of a technical college for the purpose of acquiring additional lands or structures, disposing of or transferring lands or structures, erecting structures, creating or abolishing technical college or adult education technical curricular programs.

(G) "Baccalaureate-oriented associate degree program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented associate degree coursework in technical colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(H) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code.

Sec. 3357.09. The board of trustees of a technical college district may:

(A) Own and operate a technical college, pursuant to an official plan prepared and approved in accordance with section 3357.07 of the Revised Code;

(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of

the technical college on whatever terms and for whatever
consideration may be appropriate for the purposes of the
institution;

(C) Accept gifts, grants, bequests, and devises absolutely or
in trust for support of the technical college;

(D) Appoint the president, faculty, and such other employees
as necessary and proper for such technical college, and fix their
compensation;

(E) Provide for a technical college necessary lands,
buildings or other structures, equipment, means, and appliances;

(F) Develop and adopt, pursuant to the official plan, any one
or more of the curricular programs identified in section 3357.01
of the Revised Code as technical-college programs, or
adult-education technical programs, and applied bachelor's degree
programs under section 3333.051 of the Revised Code;

(G) Except as provided in sections 3333.17 and 3333.32 of the
Revised Code, establish schedules of fees and tuition for:
students who are residents of the district; students who are
residents of Ohio but not of the district; students who are
nonresidents of Ohio. The establishment of rules governing the
determination of residence shall be subject to approval of the
~~Ohio board of regents~~ chancellor of higher education. Students who
are nonresidents of Ohio shall be required to pay higher rates of
fees and tuition than the rates required of students who are
residents of Ohio but not of the district, and students who are
residents of the district shall pay smaller tuition and fee rates
than the rates for either of the above categories of nonresident
students, except that students who are residents of Ohio but not
of the district shall be required to pay higher fees and tuition
than students who are residents of the district only when a
district tax levy has been adopted and is in effect under the

authority of section 3357.11, 5705.19, or 5705.191 of the Revised Code. 44788
44789

(H) Authorize, approve, ratify, or confirm, with approval of 44790
the ~~Ohio board of regents~~ chancellor, any agreement with the 44791
United States government, acting through any agency designated to 44792
aid in the financing of technical college projects, or with any 44793
person, organization, or agency offering grants-in-aid for 44794
technical college facilities or operation; 44795

(I) Receive assistance for the cost of equipment and for the 44796
operation of such technical colleges from moneys appropriated for 44797
technical education or for matching of Title VIII of the "National 44798
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 44799
Moneys shall be distributed by the ~~Ohio board of regents~~ 44800
chancellor in accordance with rules which the board shall 44801
establish governing its allocations to technical colleges 44802
chartered under section 3357.07 of the Revised Code. 44803

(J) Grant appropriate associate degrees to students 44804
successfully completing the technical college programs, 44805
appropriate applied bachelor's degrees to students successfully 44806
completing applied bachelor's degree programs, and certificates of 44807
achievement to those students who complete other programs; 44808

(K) Prescribe rules for the effective operation of a 44809
technical college, and exercise such other powers as are necessary 44810
for the efficient management of such college; 44811

(L) Enter into contracts and conduct technical college 44812
programs or technical courses outside the technical college 44813
district; 44814

(M) Enter into contracts with the board of education of any 44815
local, exempted village, or city school district or the governing 44816
board of any educational service center to permit the school 44817
district or service center to use the facilities of the technical 44818

college district; 44819

(N) Designate one or more employees of the institution as 44820
state university law enforcement officers, to serve and have 44821
duties as prescribed in section 3345.04 of the Revised Code; 44822

(O) Subject to the approval of the ~~Ohio board of regents~~ 44823
chancellor, offer technical college programs or technical courses 44824
for credit at locations outside the technical college district. 44825
For purposes of computing state aid, students enrolled in such 44826
courses shall be deemed to be students enrolled in programs and 44827
courses at off-campus locations in the district. 44828

(P) Purchase a policy or policies of liability insurance from 44829
an insurer or insurers licensed to do business in this state 44830
insuring its members, officers, and employees against all civil 44831
liability arising from an act or omission by the member, officer, 44832
or employee, when the member, officer, or employee is not acting 44833
manifestly outside the scope of the member's, officer's, or 44834
employee's employment or official responsibilities with the 44835
institution, with malicious purpose or bad faith, or in a wanton 44836
or reckless manner, or may otherwise provide for the 44837
indemnification of such persons against such liability. All or any 44838
portion of the cost, premium, or charge for such a policy or 44839
policies or indemnification payment may be paid from any funds 44840
under the institution's control. The policy or policies of 44841
liability insurance or the indemnification policy of the 44842
institution may cover any risks including, but not limited to, 44843
damages resulting from injury to property or person, professional 44844
liability, and other special risks, including legal fees and 44845
expenses incurred in the defense or settlement of claims for such 44846
damages. 44847

Any instrument by which real property is acquired pursuant to 44848
this section shall identify the agency of the state that has the 44849
use and benefit of the real property as specified in section 44850

5301.012 of the Revised Code. 44851

Sec. 3357.19. The ~~Ohio board of regents~~ chancellor of higher 44852
education shall: 44853

(A) Promulgate rules, regulations, and standards in 44854
conformity with Chapter 119. of the Revised Code relative to the 44855
qualifications of teaching personnel in technical colleges, and 44856
require conformity to all such rules, regulations, and standards 44857
as a condition upon the issuance of a charter to any technical 44858
college and upon the continued operation of such colleges; 44859

(B) Promulgate rules, regulations, and standards relative to 44860
the quality and content of instructional courses in technical 44861
colleges, and relative to the awarding of certificates of 44862
achievement or ~~associate~~ degrees to students in such colleges, and 44863
require conformity to all such rules, regulations, and standards 44864
as a condition upon the issuance of a charter to any technical 44865
college and upon the continued operation of such college; 44866

(C) Conduct studies and examinations of the operation and 44867
facilities of technical colleges, and require reports from such 44868
colleges, from time to time as the ~~board~~ chancellor deems 44869
necessary, and revoke or suspend pursuant to Chapter 119. of the 44870
Revised Code, the charter of any technical college found to be in 44871
substantial violation of law, of rules, regulations, or standards 44872
of the ~~board~~ chancellor, or of the approved official plan of such 44873
college; 44874

(D) Employ such professional, administrative, clerical, or 44875
secretarial personnel as may be found necessary to assist the 44876
~~board~~ chancellor in the performance of ~~its~~ the chancellor's 44877
duties; 44878

(E) Perform biennial examinations of the budget requirements 44879
of the technical colleges in the state, and present 44880

recommendations to the governor with respect to such budget requirements; 44881
44882

(F) Perform research studies relative to technical college education. 44883
44884

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the Revised Code: 44885
44886

(A) "State community college district" means a political subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code. 44887
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(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer applied bachelor's degree programs pursuant to section 3333.051 of the Revised Code. 44894
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(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree. 44901
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(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include, but are not limited to, programs in the technologies of business, engineering, health, natural science, and public service and are programs which, after two years of academic study, result in proportionate recognition of academic achievement through receipt of an associate degree.

(E) "Adult continuing education program" means the offering of short courses, seminars, workshops, exhibits, performances, and other educational activities for the general educational or occupational benefit of adults.

(F) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code.

Sec. 3358.08. The board of trustees of a state community college district may:

(A) Own and operate a state community college;

(B) Hold, encumber, control, acquire by donation, purchase or condemn, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the state community college on whatever terms and for whatever consideration may be appropriate for the purpose of the institution;

(C) Accept gifts, grants, bequests, and devises absolute or in trust for support of the state community college;

(D) Employ a president, and appoint or approve the appointment of other necessary administrative officers, full-time faculty members, and operating staff. The board may delegate the appointment of operating staff and part-time faculty members to

the college president. The board shall fix the rate of 44941
compensation of the president and all officers and full-time 44942
employees as are necessary and proper for state community 44943
colleges. 44944

(E) Provide for the state community college necessary lands, 44945
buildings, or other structures, equipment, means, and appliances; 44946

(F) Establish within the maximum amounts permitted by law, 44947
schedules of fees and tuition for students who are Ohio residents 44948
and students who are not; 44949

(G) Grant appropriate ~~associate~~ degrees to students 44950
successfully completing the state community college's programs, 44951
and certificates of achievement to students who complete other 44952
programs; 44953

(H) Prescribe policies for the effective operation of the 44954
state community college and exercise such other powers as are 44955
necessary for the efficient management of the college; 44956

(I) Enter into contracts with neighboring colleges and 44957
universities for the conduct of state community college programs 44958
or technical courses outside the state community college district; 44959

(J) Purchase: 44960

(1) A policy or policies of insurance insuring the district 44961
against loss or damage to property, whether real, personal, or 44962
mixed, which is owned by the district or leased by it as lessee or 44963
which is in the process of construction by or for the district; 44964

(2) A policy or policies of fidelity insurance in such 44965
amounts and covering such trustees, officers, and employees of the 44966
district as the board may consider necessary or desirable; 44967

(3) A policy or policies of liability insurance from an 44968
insurer or insurers licensed to do business in this state insuring 44969
its members, officers, and employees against all civil liability 44970

arising from an act or omission by the member, officer, or 44971
employee, when the member, officer, or employee is not acting 44972
manifestly outside the scope of employment or official 44973
responsibilities with the institution, with malicious purpose or 44974
bad faith, or in a wanton or reckless manner, or may otherwise 44975
provide for the indemnification of such persons against such 44976
liability. All or any portion of the cost, premium, or charge for 44977
such a policy or policies or indemnification payment may be paid 44978
from any funds under the institution's control. The policy or 44979
policies of liability insurance or the indemnification policy of 44980
the institution may cover any risks including, but not limited to, 44981
damages resulting from injury to property or person, professional 44982
liability, and other special risks, including legal fees and 44983
expenses incurred in the defense or settlement claims of such 44984
damages. 44985

(4) A policy or policies of insurance insuring the district 44986
against any liabilities to which it may be subject on account of 44987
damage or injury to persons or property, including liability for 44988
wrongful death. 44989

Any instrument by which real property is acquired pursuant to 44990
this section shall identify the agency of the state that has the 44991
use and benefit of the real property as specified in section 44992
5301.012 of the Revised Code. 44993

Sec. 3365.01. As used in this chapter: 44994

(A) "Articulated credit" means post-secondary credit that is 44995
reflected on the official record of a student at an institution of 44996
higher education only upon enrollment at that institution after 44997
graduation from a secondary school. 44998

(B) "Default ceiling amount" means one of the following 44999
amounts, whichever is applicable: 45000

(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	45001
	45002
	45003
	45004
((0.83 X formula amount) / 30)	45005
X number of enrolled credit hours	45006
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	45007
	45008
	45009
	45010
((0.83 X formula amount) / 45)	45011
X number of enrolled credit hours	45012
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	45013
	45014
(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of the Ohio board of regents <u>higher education</u> to participate in the college credit plus program.	45015
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(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	45019
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	45021
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	45022
	45023
(G) "Governing entity" means a board of education of a school district, a governing authority of a community school established under Chapter 3314., a governing body of a STEM school established under Chapter 3326., or a board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	45024
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(H) "Home-instructed participant" means a student who has	45030

been excused from the compulsory attendance law for the purpose of 45031
home instruction under section 3321.04 of the Revised Code, and is 45032
participating in the program established by this chapter. 45033

(I) "Maximum per participant charge amount" means one of the 45034
following amounts, whichever is applicable: 45035

(1) For a participant enrolled in a college operating on a 45036
semester schedule, the amount calculated according to the 45037
following formula: 45038

((formula amount / 30) 45039
X number of enrolled credit hours) 45040

(2) For a participant enrolled in a college operating on a 45041
quarter schedule, the amount calculated according to the following 45042
formula: 45043

((formula amount / 45) 45044
X number of enrolled credit hours) 45045

(J) "Nonpublic secondary school" means a chartered school for 45046
which minimum standards are prescribed by the state board of 45047
education pursuant to division (D) of section 3301.07 of the 45048
Revised Code. 45049

(K) "Number of enrolled credit hours" means the number of 45050
credit hours for a course in which a participant is enrolled 45051
during the previous term after the date on which a withdrawal from 45052
a course would have negatively affected the participant's 45053
transcripted grade, as prescribed by the college's established 45054
withdrawal policy. 45055

(L) "Parent" has the same meaning as in section 3313.64 of 45056
the Revised Code. 45057

(M) "Participant" means any student enrolled in a college 45058
under the program established by this chapter. 45059

(N) "Partnering college" means a college with which a public 45060

or nonpublic secondary school has entered into an agreement in 45061
order to offer the program established by this chapter. 45062

(O) "Partnering secondary school" means a public or nonpublic 45063
secondary school with which a college has entered into an 45064
agreement in order to offer the program established by this 45065
chapter. 45066

(P) "Private college" means any of the following: 45067

(1) A nonprofit institution holding a certificate of 45068
authorization pursuant to Chapter 1713. of the Revised Code; 45069

(2) An institution holding a certificate of registration from 45070
the state board of career colleges and schools and program 45071
authorization for an associate or bachelor's degree program issued 45072
under section 3332.05 of the Revised Code; 45073

(3) A private institution exempt from regulation under 45074
Chapter 3332. of the Revised Code as prescribed in section 45075
3333.046 of the Revised Code. 45076

(Q) "Public college" means a "state institution of higher 45077
education" in section 3345.011 of the Revised Code, excluding the 45078
northeast Ohio medical university. 45079

(R) "Public secondary school" means a school serving grades 45080
nine through twelve in a city, local, or exempted village school 45081
district, a joint vocational school district, a community school 45082
established under Chapter 3314., a STEM school established under 45083
Chapter 3326., or a college-preparatory boarding school 45084
established under Chapter 3328. of the Revised Code. 45085

(S) "School year" has the same meaning as in section 3313.62 45086
of the Revised Code. 45087

(T) "Secondary grade" means any of grades nine through 45088
twelve. 45089

(U) "Standard rate" means the amount per credit hour assessed 45090

by the college for an in-state student who is enrolled in an 45091
undergraduate course at that college, but who is not participating 45092
in the college credit plus program, as prescribed by the college's 45093
established tuition policy. 45094

(V) "Transcribed credit" means post-secondary credit that is 45095
conferred by an institution of higher education and is reflected 45096
on a student's official record at that institution upon completion 45097
of a course. 45098

Sec. 3365.03. (A) A student enrolled in a public or nonpublic 45099
secondary school during the student's ninth, tenth, eleventh, or 45100
twelfth grade school year; a student enrolled in a nonchartered 45101
nonpublic secondary school in the student's ninth, tenth, 45102
eleventh, or twelfth grade school year; or a student who has been 45103
excused from the compulsory attendance law for the purpose of home 45104
instruction under section 3321.04 of the Revised Code and is the 45105
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 45106
may apply to and enroll in a college under the college credit plus 45107
program. 45108

(1) In order for a public secondary school student to 45109
participate in the program, all of the following criteria shall be 45110
met: 45111

(a) The student or the student's parent shall inform the 45112
principal, or equivalent, of the student's school by the first day 45113
of April of the student's intent to participate in the program 45114
during the following school year. Any student who fails to provide 45115
the notification by the required date may not participate in the 45116
program during the following school year without the written 45117
consent of the principal, or equivalent. If a student seeks 45118
consent from the principal after failing to provide notification 45119
by the required date, the principal shall notify the department of 45120
education of the student's intent to participate within ten days 45121

of the date on which the student seeks consent. If the principal 45122
does not provide written consent, the student may appeal the 45123
principal's decision to the ~~state board of education~~ governing 45124
entity of the school, except for a student who is enrolled in a 45125
school district, who may appeal the decision to the district 45126
superintendent. Not later than thirty days after the notification 45127
of the appeal, the ~~state board~~ district superintendent or 45128
governing entity shall hear the appeal and shall make a decision 45129
to either grant or deny that student's participation in the 45130
program. The decision of the district superintendent or governing 45131
entity shall be final. 45132

(b) The student shall ~~both~~: 45133

(i) Apply to a public or a participating private college, or 45134
an eligible out-of-state college participating in the program, in 45135
accordance with the college's established procedures for 45136
admission, pursuant to section 3365.05 of the Revised Code; 45137

(ii) As a condition of eligibility, be remediation-free, in 45138
accordance with one of the assessments established under division 45139
(F) of section 3345.061 of the Revised Code. However, a student 45140
who scores within one standard error of measurement below the 45141
remediation-free threshold for one of those assessments shall be 45142
considered to have met this requirement if the student also 45143
either: 45144

(I) Has a cumulative high school grade point average of at 45145
least 3.0. If the student is seeking to participate under section 45146
3365.033 of the Revised Code, the student must have an equivalent 45147
cumulative grade point average in the applicable grade levels. 45148

(II) Receives a recommendation from a school counselor, 45149
principal, or career-technical program advisor. 45150

(iii) Meet the college's and relevant academic program's 45151
established standards for admission, enrollment, and ~~for~~ course 45152

placement, including course-specific capacity limitations, 45153
pursuant to section 3365.05 of the Revised Code. 45154

(c) The student shall elect at the time of enrollment to 45155
participate under either division (A) or (B) of section 3365.06 of 45156
the Revised Code for each course under the program. 45157

(d) The student and the student's parent shall sign a form, 45158
provided by the school, stating that they have received the 45159
counseling required under division (B) of section 3365.04 of the 45160
Revised Code and that they understand the responsibilities they 45161
must assume in the program. 45162

(2) In order for a nonpublic secondary school student, a 45163
nonchartered nonpublic secondary school student, or a 45164
home-instructed student to participate in the program, both of the 45165
following criteria shall be met: 45166

(a) The student shall meet the criteria in divisions 45167
(A)(1)(b) and (c) of this section. 45168

(b)(i) If the student is enrolled in a nonpublic secondary 45169
school, that student shall send to the department of education a 45170
copy of the student's acceptance from a college and an 45171
application. The application shall be made on forms provided by 45172
the state board of education and shall include information about 45173
the student's proposed participation, including the school year in 45174
which the student wishes to participate; and the semesters or 45175
terms the student wishes to enroll during such year. The 45176
department shall mark each application with the date and time of 45177
receipt. 45178

(ii) If the student is enrolled in a nonchartered nonpublic 45179
secondary school or is home-instructed, the parent or guardian of 45180
that student shall notify the department by the first day of April 45181
prior to the school year in which the student wishes to 45182
participate. 45183

(B) Except as provided for in division (C) of this section 45184
and in sections 3365.031 and 3365.032 of the Revised Code: 45185

(1) No public secondary school shall prohibit a student 45186
enrolled in that school from participating in the program if that 45187
student meets all of the criteria in division (A)(1) of this 45188
section. 45189

(2) No participating nonpublic secondary school shall 45190
prohibit a student enrolled in that school from participating in 45191
the program if the student meets all of the criteria in division 45192
(A)(2) of this section and, if the student is enrolled under 45193
division (B) of section 3365.06 of the Revised Code, the student 45194
is awarded funding from the department in accordance with rules 45195
adopted by the chancellor of ~~the Ohio board of regents~~ higher 45196
education, in consultation with the superintendent of public 45197
instruction, pursuant to section 3365.071 of the Revised Code. 45198

(C) For purposes of this section, during the period of an 45199
expulsion imposed by a public secondary school, a student is 45200
ineligible to apply to enroll in a college under this section, 45201
unless the student is admitted to another public secondary or 45202
participating nonpublic secondary school. If a student is enrolled 45203
in a college under this section at the time the student is 45204
expelled, the student's status for the remainder of the college 45205
term in which the expulsion is imposed shall be determined under 45206
section 3365.032 of the Revised Code. 45207

(D) Upon a student's graduation from high school, 45208
participation in the college credit plus program shall not affect 45209
the student's eligibility at any public college for scholarships 45210
or for other benefits or opportunities that are available to 45211
first-time college students and are awarded by that college, 45212
regardless of the number of credit hours that the student 45213
completed under the program. 45214

Sec. 3365.04. Each public and participating nonpublic secondary school shall do all of the following with respect to the college credit plus program:

(A) Provide information about the program prior to the first day of ~~March~~ February of each year to all students enrolled in grades six through eleven;

(B) Provide counseling services to students in grades six through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible consequences and benefits of participation. Counseling information shall include:

(1) Program eligibility;

(2) The process for granting academic credits;

(3) Any necessary financial arrangements for tuition, textbooks, and fees;

(4) Criteria for any transportation aid;

(5) Available support services;

(6) Scheduling;

(7) Communicating the possible consequences and benefits of participation, including all of the following:

(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;

(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;

(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the

overall costs of, and the amount of time required for, a college education. 45244
45245

(8) The academic and social responsibilities of students and parents under the program; 45246
45247

(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll; 45248
45249

(10) The standard packet of information for the program developed by the chancellor of ~~the Ohio board of regents~~ higher education pursuant to section 3365.15 of the Revised Code; 45250
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For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so. 45253
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(C) Promote the program on the school's web site, including the details of the school's current agreements with partnering colleges; 45257
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(D) Schedule at least one informational session per school year to allow each partnering college that is located within thirty miles of the school to meet with interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering colleges located within thirty miles of the school, the school shall coordinate with the closest partnering college to offer an informational session. 45260
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(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A)(2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A)(2) and (3) of section 3313.6013 of the 45269
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Revised Code or for other courses designated as honors courses by 45275
the school. If the policy includes awarding a weighted grade or 45276
enhancing a student's class standing for these courses, the policy 45277
adopted under this section shall also provide for these procedures 45278
to be applied to courses taken under the college credit plus 45279
program. 45280

(F) Develop model course pathways, pursuant to section 45281
3365.13 of the Revised Code, and publish the course pathways among 45282
the school's official list of course offerings for the program. 45283

(G) Annually collect, report, and track specified data 45284
related to the program according to data reporting guidelines 45285
adopted by the chancellor and the superintendent of public 45286
instruction pursuant to section 3365.15 of the Revised Code. 45287

Sec. 3365.05. Each public and participating private college 45288
shall do all of the following with respect to the college credit 45289
plus program: 45290

(A) Apply established standards and procedures for admission 45291
to the college and for course placement for participants. When 45292
determining admission and course placement, the college shall do 45293
all of the following: 45294

(1) Determine whether each student who applies to participate 45295
at that college meets the remediation-free threshold, or the 45296
alternative criteria, prescribed by division (A)(1)(b)(ii) of 45297
section 3365.03 of the Revised Code. 45298

Beginning with the 2018 summer academic session, if, as part 45299
of the college's established admissions process and for purposes 45300
of determining student eligibility, the college requires a student 45301
to take the ACT or SAT, the college shall either: 45302

(a) Administer the accuplacer test as an alternative to the 45303
ACT or SAT to students and align the results of the accuplacer to 45304

the ACT or SAT. For this purpose, the accuplacer shall be 45305
administered at no cost to the student. 45306

(b) Continue to require the ACT or SAT for students. For this 45307
purpose, the college shall develop a process for reimbursing 45308
students who take the ACT or SAT and are eligible for free or 45309
reduced price lunches under the "National School Lunch Act," 60 45310
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 45311
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 45312
for the full cost of the assessment. If a student also qualifies 45313
for a fee waiver for the ACT or SAT, the student shall first apply 45314
the waiver when taking the assessment. A student shall receive 45315
reimbursement for the ACT or SAT only once for purposes of the 45316
student's participation in the college credit plus program. 45317

(2) Consider all available student data that may be an 45318
indicator of college readiness, including grade point average and 45319
end-of-course examination scores, if applicable; 45320

~~(2)~~(3) Give priority to its current students regarding 45321
enrollment in courses. However, once a participant has been 45322
accepted into a course, the college shall not displace the 45323
participant for another student. 45324

~~(3)~~(4) Adhere to any capacity limitations that the college 45325
has established for specified courses. 45326

(B) Send written notice to a the participant, the 45327
participant's parent, and the participant's secondary school, ~~and~~ 45328
~~the superintendent of public instruction,~~ not later than fourteen 45329
calendar days prior to the first day of classes for that term, of 45330
the participant's admission to the college and to specified 45331
courses under the program. 45332

(C) Provide both of the following, not later than twenty-one 45333
calendar days after the first day of classes for that term, to 45334
each participant, and the participant's secondary school, ~~and the~~ 45335

superintendent of public instruction:	45336
(1) The courses and hours of enrollment of the participant;	45337
(2) The option elected by the participant under division (A) or (B) of section 3365.06 of the Revised Code for each course.	45338 45339
The college shall also provide to each partnering school a roster of participants from that school that are enrolled in the college and a list of course assignments for each participant.	45340 45341 45342
(D) Promote the program on the college's web site, including the details of the college's current agreements with partnering secondary schools.	45343 45344 45345
(E) Coordinate with each partnering secondary school that is located within thirty miles of the college to present at least one informational session per school year for interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no partnering schools located within thirty miles of the college, the college shall coordinate with the closest partnering school to offer an informational session.	45346 45347 45348 45349 45350 45351 45352 45353 45354
(F) Assign an academic advisor that is employed by the college to each participant enrolled in that college. Prior to the date on which a withdrawal from a course would negatively affect a participant's transcribed grade, as prescribed by the college's established withdrawal policy, the college shall ensure that the academic advisor and the participant meet at least once to discuss the program and the courses in which the participant is enrolled.	45355 45356 45357 45358 45359 45360 45361
(G) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program:	45362 45363 45364
(1) Provide at least one professional development session per	45365

school year; 45366

(2) Conduct at least one classroom observation per school 45367
year for each course that is authorized by the college and taught 45368
by a high school teacher to ensure that the course meets the 45369
quality of a college-level course. 45370

(H) Annually collect, report, and track specified data 45371
related to the program according to data reporting guidelines 45372
adopted by the chancellor and the superintendent of public 45373
instruction pursuant to section 3365.15 of the Revised Code. 45374

(I) With the exception of divisions (D) and (E) of this 45375
section, any eligible out-of-state college participating in the 45376
college credit plus program shall be subject to the same 45377
requirements as a participating private college under this 45378
section. 45379

Sec. 3365.06. The rules adopted under section 3365.02 of the 45380
Revised Code shall provide for participants to enroll in courses 45381
under either of the ~~following~~ options: prescribed by division (A) 45382
or (B) of this section. 45383

(A) The participant may elect at the time of enrollment to be 45384
responsible for payment of all tuition and the cost of all 45385
textbooks, materials, and fees associated with the course. The 45386
college shall notify the participant about payment of tuition and 45387
fees in the customary manner followed by the college. A 45388
participant electing this option also shall elect, at the time of 45389
enrollment, whether to receive only college credit or high school 45390
credit and college credit for the course. 45391

(1) The participant may elect to receive only college credit 45392
for the course. Except as provided in section 3365.032 of the 45393
Revised Code, if the participant successfully completes the 45394
course, the college shall award the participant full credit for 45395

the course, but the governing entity of a public secondary school 45396
or the governing body of a participating nonpublic secondary 45397
school shall not award the high school credit. 45398

(2) The participant may elect to receive both high school 45399
credit and college credit for the course. Except as provided in 45400
section 3365.032 of the Revised Code, if the participant 45401
successfully completes the course, the college shall award the 45402
participant full credit for the course and the governing entity of 45403
a public school or the governing body of a participating nonpublic 45404
school shall award the participant high school credit. 45405

(B) The If a course is eligible for funding under rules 45406
adopted pursuant to division (C)(1) of this section, the 45407
participant may elect at the time of enrollment for ~~each~~ the 45408
course to have the college reimbursed under section 3365.07 of the 45409
Revised Code. Except as provided in section 3365.032 of the 45410
Revised Code, if the participant successfully completes the 45411
course, the college shall award the participant full credit for 45412
the course and the governing entity of a public school or the 45413
governing body of a participating nonpublic school shall award the 45414
participant high school credit. If the participant elects to have 45415
the college reimbursed under this division, the department shall 45416
reimburse the college for the number of enrolled credit hours in 45417
accordance with section 3365.07 of the Revised Code. 45418

(C)(1) The chancellor of higher education, in consultation 45419
with the superintendent of public instruction, shall adopt rules 45420
specifying which courses are eligible for funding under section 45421
3365.07 of the Revised Code. 45422

The rules shall address at least the following: 45423

(a) Whether courses must be taken in a specified sequence; 45424

(b) Whether to restrict funding and limit eligibility to 45425
certain types of courses, including (i) courses that are included 45426

in the statewide articulation and transfer system, established by 45427
the chancellor pursuant to section 3333.161 of the Revised Code; 45428
(ii) courses that may be applied to multiple degree pathways or 45429
are applicable to in-demand jobs; or (iii) other types of courses; 45430

(c) Whether courses with private instruction, as defined by 45431
the chancellor, are eligible for funding. 45432

The rules also shall specify the school year for which 45433
implementation of the rules adopted pursuant to this division 45434
shall first apply. 45435

(2) In developing the rules, the chancellor, in consultation 45436
with the state superintendent, shall establish a process to 45437
receive input from public and nonpublic secondary schools, public 45438
and private colleges, and other interested parties. 45439

(D) When determining a school district's enrollment under 45440
section 3317.03 of the Revised Code, the time a participant is 45441
attending courses under division (A) of this section shall be 45442
considered as time the participant is not attending or enrolled in 45443
school anywhere, and the time a participant is attending courses 45444
under division (B) of this section shall be considered as time the 45445
participant is attending or enrolled in the district's schools. 45446

Sec. 3365.07. The department of education shall calculate and 45447
pay state funds to colleges for participants in the college credit 45448
plus program under division (B) of section 3365.06 of the Revised 45449
Code pursuant to this section. For a nonpublic secondary school 45450
participant, a nonchartered nonpublic secondary school 45451
participant, or a home-instructed participant, the department 45452
shall pay state funds pursuant to this section only if that 45453
participant is awarded funding according to rules adopted by the 45454
chancellor of higher education, in consultation with the 45455
superintendent of public instruction, pursuant to section 3365.071 45456
of the Revised Code. The program shall be the sole mechanism by 45457

which state funds are paid to colleges for students to earn 45458
transcribed credit for college courses while enrolled in both a 45459
secondary school and a college, with the exception of state funds 45460
paid to colleges according to an agreement described in division 45461
(A)(1) of section 3365.02 of the Revised Code. 45462

(A) For each public or nonpublic secondary school participant 45463
enrolled in a public college: 45464

(1) If no agreement has been entered into under division 45465
(A)(2) of this section, both of the following shall apply: 45466

(a) The department shall pay to the college the applicable 45467
amount as follows: 45468

(i) For a participant enrolled in a college course delivered 45469
on the college campus, at another location operated by the 45470
college, or online, the lesser of the default ceiling amount or 45471
the college's standard rate; 45472

(ii) For a participant enrolled in a college course delivered 45473
at the participant's secondary school but taught by college 45474
faculty, the lesser of fifty per cent of the default ceiling 45475
amount or the college's standard rate; 45476

(iii) For a participant enrolled in a college course 45477
delivered at the participant's secondary school and taught by a 45478
high school teacher who has met the credential requirements 45479
established for purposes of the program in rules adopted by the 45480
chancellor, the default floor amount. 45481

(b) The participant's secondary school shall pay for 45482
textbooks, and the college shall waive payment of all other fees 45483
related to participation in the program. 45484

(2) The governing entity of a participant's secondary school 45485
and the college may enter into an agreement to establish an 45486
alternative payment structure for tuition, textbooks, and fees. 45487

Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor ~~shall~~ may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A)(1)(a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A)(1)(b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(3) No participant that is enrolled in a public college shall be charged for any tuition, textbooks, or other fees related to participation in the program.

(B) For each public secondary school participant enrolled in a private college:

(1) If no agreement has been entered into under division (B)(2) of this section, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments shall be not less than the default floor amount, unless approved by the chancellor, and not

more than either the default ceiling amount or the college's 45519
standard rate, whichever is less. 45520

If an agreement is entered into under division (B)(2) of this 45521
section, both of the following shall apply: 45522

(a) The department shall make a payment to the college for 45523
each participant that is equal to the default floor amount, unless 45524
approved by the chancellor to pay an amount below the default 45525
floor amount. The chancellor ~~shall~~ may approve an agreement that 45526
includes a payment below the default floor amount, as long as the 45527
provisions of the agreement comply with all other requirements of 45528
this chapter to ensure program quality. 45529

(b) Payment for costs for the participant that exceed the 45530
amount paid by the department pursuant to division (B)(2)(a) of 45531
this section shall be negotiated by the school and the college. 45532
The agreement may include a stipulation permitting the charging of 45533
a participant. 45534

However, under no circumstances shall: 45535

(i) Payments for a participant made by the department under 45536
division (B)(2) of this section exceed the lesser of the default 45537
ceiling amount or the college's standard rate; 45538

(ii) The amount charged to a participant under division 45539
(B)(2) of this section exceed the difference between the maximum 45540
per participant charge amount and the default floor amount; 45541

(iii) The sum of the payments made by the department for a 45542
participant and the amount charged to that participant under 45543
division (B)(2) of this section exceed the following amounts, as 45544
applicable: 45545

(I) For a participant enrolled in a college course delivered 45546
on the college campus, at another location operated by the 45547
college, or online, the maximum per participant charge amount; 45548

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.

(2) Any nonpublic secondary school participant, who is enrolled in that secondary school with a scholarship awarded under either the educational choice scholarship pilot program, as prescribed by sections 3310.01 to 3310.17, or the pilot project scholarship program, as prescribed by sections 3313.974 to 3313.979 of the Revised Code, and who qualifies as a low-income student under either of those programs, be charged for any tuition, textbooks, or other fees related to participation in the

college credit plus program. 45580

(D) For each nonchartered nonpublic secondary school 45581
participant and each home-instructed participant enrolled in a 45582
public, private, or eligible out-of-state college, the department 45583
shall pay to the college the lesser of the default ceiling amount 45584
or the college's standard rate, if that participant is enrolled in 45585
a college course delivered on the college campus, at another 45586
location operated by the college, or online. 45587

(E) Not later than thirty days after the end of each term, 45588
each college expecting to receive payment for the costs of a 45589
participant under this section shall notify the department of the 45590
number of enrolled credit hours for each participant. 45591

(F) ~~Each January and July, or as soon as possible thereafter,~~ 45592
~~the~~ The department shall make the applicable payments under this 45593
section to each college, which provided proper notification to the 45594
department under division (E) of this section, for the number of 45595
enrolled credit hours for participants enrolled in the college 45596
under division (B) of section 3365.06 of the Revised Code. Except 45597
in cases involving incomplete participant information or a dispute 45598
of participant information, payments shall be made by the last day 45599
of January for participants who were enrolled during the fall term 45600
and by the last day of July for participants who were enrolled 45601
during the spring term. The department shall not make any payments 45602
to a college under this section if a participant withdrew from a 45603
course prior to the date on which a withdrawal from the course 45604
would have negatively affected the participant's transcribed 45605
grade, as prescribed by the college's established withdrawal 45606
policy. 45607

(1) Payments made for public secondary school participants 45608
under this section shall be deducted from the school foundation 45609
payments made to the participant's school district or, if the 45610
participant is enrolled in a community school, a STEM school, or a 45611

college-preparatory boarding school, from the payments made to 45612
that school under section 3314.08, 3326.33, or 3328.34 of the 45613
Revised Code. If the participant is enrolled in a joint vocational 45614
school district, a portion of the amount shall be deducted from 45615
the payments to the joint vocational school district and a portion 45616
shall be deducted from the payments to the participant's city, 45617
local, or exempted village school district in accordance with the 45618
full-time equivalency of the student's enrollment in each 45619
district. Amounts deducted under division (F)(1) of this section 45620
shall be calculated in accordance with rules adopted by the 45621
chancellor, in consultation with the state superintendent, 45622
pursuant to division (B) of section 3365.071 of the Revised Code. 45623

(2) Payments made for nonpublic secondary school 45624
participants, nonchartered nonpublic secondary school 45625
participants, and home-instructed participants under this section 45626
shall be deducted from moneys appropriated by the general assembly 45627
for such purpose. Payments shall be allocated and distributed in 45628
accordance with rules adopted by the chancellor, in consultation 45629
with the state superintendent, pursuant to division (A) of section 45630
3365.071 of the Revised Code. 45631

(G) Any public college that enrolls a student under division 45632
(B) of section 3365.06 of the Revised Code may include that 45633
student in the calculation used to determine its state share of 45634
instruction funds appropriated to the department of higher 45635
education by the general assembly. 45636

Sec. 3365.091. (A) The chancellor of higher education, in 45637
consultation with the superintendent of public instruction, shall 45638
adopt rules specifying the conditions under which an 45639
underperforming participant may continue to participate in the 45640
college credit plus program. 45641

The rules shall address at least the following: 45642

<u>(1) The definition of an "underperforming participant";</u>	45643
<u>(2) Any additional conditions that participants with repeated underperformance must satisfy;</u>	45644 45645
<u>(3) The timeframe for notifying an underperforming participant who is determined to be ineligible for participation of such ineligibility;</u>	45646 45647 45648
<u>(4) Mechanisms available to assist underperforming participants;</u>	45649 45650
<u>(5) The role of school guidance counselors and college academic advisers in assisting underperforming participants;</u>	45651 45652
<u>(6) If an underperforming participant is determined to be ineligible for participation, any consequences that such ineligibility may have on the student's ability to complete the secondary school's graduation requirements.</u>	45653 45654 45655 45656
<u>The rules also shall specify the school year for which implementation of the rules adopted pursuant to division (A) of this section shall first apply.</u>	45657 45658 45659
<u>(B) In developing the rules pursuant to division (A) of this section, the chancellor, in consultation with the state superintendent, shall establish a process to receive input from public and nonpublic secondary schools, public and private colleges, and other interested parties.</u>	45660 45661 45662 45663 45664
Sec. 3365.12. (A) All courses offered under the college credit plus program shall be the same courses that are included in the partnering college's course catalogue for college-level, nonremedial courses and shall apply to at least one degree or professional certification at the partnering college.	45665 45666 45667 45668 45669
(B)(1) High school credit awarded for courses successfully completed under this chapter shall count toward the graduation requirements and subject area requirements of the public secondary	45670 45671 45672

school or participating nonpublic secondary school. If a course 45673
comparable to one a participant completed at a college is offered 45674
by the school, the governing entity or governing body shall award 45675
comparable credit for the course completed at the college. If no 45676
comparable course is offered by the school, the governing entity 45677
or governing body shall grant an appropriate number of elective 45678
credits to the participant. 45679

(2) If there is a dispute between a participant's school and 45680
a participant regarding high school credits granted for a course, 45681
the participant may appeal the decision to the ~~state board~~ 45682
department of education. The ~~state board's~~ department's decision 45683
regarding any high school credits granted under this section is 45684
final. 45685

(C) Evidence of successful completion of each course and the 45686
high school credits awarded by the school shall be included in the 45687
student's record. The record shall indicate that the credits were 45688
earned as a participant under this chapter and shall include the 45689
name of the college at which the credits were earned. 45690

Sec. 3365.15. The chancellor of higher education and the 45691
superintendent of public instruction jointly shall do all of the 45692
following: 45693

(A) Adopt data reporting guidelines specifying the types of 45694
data that public and participating nonpublic secondary schools and 45695
public and participating private colleges, including eligible 45696
out-of-state colleges participating in the program, must annually 45697
collect, report, and track under division (G) of section 3365.04 45698
and division (H) of section 3365.05 of the Revised Code. The types 45699
of data shall include all of the following: 45700

(1) For each secondary school and college: 45701

(a) The number of participants disaggregated by grade level, 45702

socioeconomic status, race, gender, and disability; 45703

(b) The number of completed courses and credit hours, 45704
disaggregated by the college in which participants were enrolled; 45705

(c) The number of courses in which participants enrolled, 45706
disaggregated by subject area and level of difficulty. 45707

(2) For each secondary school, the number of students who 45708
were denied participation in the program under division (A)(1)(a) 45709
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 45710
Revised Code. Each participating nonpublic secondary school shall 45711
also include the number of students who were denied participation 45712
due to the student not being awarded funding by the department of 45713
education pursuant to section 3365.071 of the Revised Code. 45714

(3) For each college: 45715

(a) The number of students who applied to enroll in the 45716
college under the program but were not granted admission; 45717

(b) The average number of completed courses per participant; 45718

(c) The average grade point average for participants in 45719
college courses under the program. 45720

The guidelines adopted under this division shall also include 45721
policies and procedures for the collection, reporting, and 45722
tracking of such data. 45723

(B) Annually compile the data required under division (A) of 45724
this section. Not later than the thirty-first day of December of 45725
each year, the data from the previous school year shall be posted 45726
in a prominent location on both the chancellor of higher 45727
education's and the department of education's web sites. 45728

(C) ~~Submit a biennial report detailing the status of the~~ 45729
~~college credit plus program, including an analysis of quality~~ 45730
~~assurance measures related to the program, both of the following~~ 45731
to the governor, the president of the senate, the speaker of the 45732

house of representatives, and the chairpersons of the education committees of the senate and house of representatives; 45733
45734

(1) A biennial report detailing the status of the college credit plus program, including an analysis of quality assurance measures related to the program. The report shall include only data available through the higher education information system administered by the chancellor. The first report shall be submitted not later than December 31, 2017, and each subsequent report shall be submitted not later than the thirty-first day of December every two years thereafter. 45735
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(2) Until December 2023, an annual report on outcomes of the college credit plus program that are supported by empirical evidence. The report shall include all of the following, disaggregated by cohort: 45743
45744
45745
45746

(a) Number of degrees attained; 45747

(b) Level and type of degrees attained; 45748

(c) Number of students who receive a degree in two different subject areas; 45749
45750

(d) Time to completion of a degree, disaggregated by level and type of degree attained; 45751
45752

(e) Time to enrollment in a graduate or doctoral degree program; 45753
45754

(f) The number of students who participate in a study abroad course; 45755
45756

(g) How all of the measures described in division (C)(2) of this section compare to both: 45757
45758

(i) The overall student population who did not participate in the college credit plus program; 45759
45760

(ii) Any similar measures compiled under the former postsecondary enrollment options program, to the extent that such 45761
45762

data is available. 45763

The first report shall be submitted not later than December 31, 2018, and each subsequent report shall be submitted not later than the thirty-first day of December each year thereafter until December 2023. 45764
45765
45766
45767

(D) Establish a college credit plus advisory committee to 45768
assist in the development of performance metrics and the 45769
monitoring of the program's progress. At least one member of the 45770
advisory committee shall be a school guidance counselor. 45771

The chancellor shall also, in consultation with the 45772
superintendent, create a standard packet of information for the 45773
college credit plus program directed toward students and parents 45774
that are interested in the program. 45775

(E) For purposes of this section, "cohort" means a group of students who participated in the college credit plus program and who, upon graduation from high school, enroll in an Ohio institution of higher education during the same academic year. 45776
45777
45778
45779

Sec. 3503.16. (A) Except as otherwise provided in division 45780
~~(D)~~(E) of section 111.44 of the Revised Code, whenever a 45781
registered elector changes the place of residence of that 45782
registered elector from one precinct to another within a county or 45783
from one county to another, or has a change of name, that 45784
registered elector shall report the change by delivering a change 45785
of residence or change of name form, whichever is appropriate, as 45786
prescribed by the secretary of state under section 3503.14 of the 45787
Revised Code to the state or local office of a designated agency, 45788
a public high school or vocational school, a public library, the 45789
office of the county treasurer, the office of the secretary of 45790
state, any office of the registrar or deputy registrar of motor 45791
vehicles, or any office of a board of elections in person or by a 45792
third person. Any voter registration, change of address, or change 45793

of name application, returned by mail, may be sent only to the 45794
secretary of state or the board of elections. 45795

A registered elector also may update the registration of that 45796
registered elector by filing a change of residence or change of 45797
name form on the day of a special, primary, or general election at 45798
the polling place in the precinct in which that registered elector 45799
resides or at the board of elections or at another site designated 45800
by the board. 45801

(B)(1)(a) Any registered elector who moves within a precinct 45802
on or prior to the day of a general, primary, or special election 45803
and has not filed a notice of change of residence with the board 45804
of elections may vote in that election by going to that registered 45805
elector's assigned polling place, completing and signing a notice 45806
of change of residence, showing identification in the form of a 45807
current and valid photo identification, a military identification, 45808
or a copy of a current utility bill, bank statement, government 45809
check, paycheck, or other government document, other than a notice 45810
of voter registration mailed by a board of elections under section 45811
3503.19 of the Revised Code, that shows the name and current 45812
address of the elector, and casting a ballot. 45813

(b) Any registered elector who changes the name of that 45814
registered elector and remains within a precinct on or prior to 45815
the day of a general, primary, or special election and has not 45816
filed a notice of change of name with the board of elections may 45817
vote in that election by going to that registered elector's 45818
assigned polling place, completing and signing a notice of a 45819
change of name, and casting a provisional ballot under section 45820
3505.181 of the Revised Code. If the registered elector provides 45821
to the precinct election officials proof of a legal name change, 45822
such as a marriage license or court order that includes the 45823
elector's current and prior names, the elector may complete and 45824

sign a notice of change of name and cast a regular ballot. 45825

(2) Any registered elector who moves from one precinct to 45826
another within a county or moves from one precinct to another and 45827
changes the name of that registered elector on or prior to the day 45828
of a general, primary, or special election and has not filed a 45829
notice of change of residence or change of name, whichever is 45830
appropriate, with the board of elections may vote in that election 45831
if that registered elector complies with division (G) of this 45832
section or does all of the following: 45833

(a) Appears at anytime during regular business hours on or 45834
after the twenty-eighth day prior to the election in which that 45835
registered elector wishes to vote or, if the election is held on 45836
the day of a presidential primary election, the twenty-fifth day 45837
prior to the election, through noon of the Saturday prior to the 45838
election at the office of the board of elections, appears at any 45839
time during regular business hours on the Monday prior to the 45840
election at the office of the board of elections, or appears on 45841
the day of the election at either of the following locations: 45842

(i) The polling place for the precinct in which that 45843
registered elector resides; 45844

(ii) The office of the board of elections or, if pursuant to 45845
division (C) of section 3501.10 of the Revised Code the board has 45846
designated another location in the county at which registered 45847
electors may vote, at that other location instead of the office of 45848
the board of elections. 45849

(b) Completes and signs, under penalty of election 45850
falsification, the written affirmation on the provisional ballot 45851
envelope, which shall serve as a notice of change of residence or 45852
change of name, whichever is appropriate; 45853

(c) Votes a provisional ballot under section 3505.181 of the 45854
Revised Code at the polling place, at the office of the board of 45855

elections, or, if pursuant to division (C) of section 3501.10 of 45856
the Revised Code the board has designated another location in the 45857
county at which registered electors may vote, at that other 45858
location instead of the office of the board of elections, 45859
whichever is appropriate, using the address to which that 45860
registered elector has moved or the name of that registered 45861
elector as changed, whichever is appropriate; 45862

(d) Completes and signs, under penalty of election 45863
falsification, a statement attesting that that registered elector 45864
moved or had a change of name, whichever is appropriate, on or 45865
prior to the day of the election, has voted a provisional ballot 45866
at the polling place for the precinct in which that registered 45867
elector resides, at the office of the board of elections, or, if 45868
pursuant to division (C) of section 3501.10 of the Revised Code 45869
the board has designated another location in the county at which 45870
registered electors may vote, at that other location instead of 45871
the office of the board of elections, whichever is appropriate, 45872
and will not vote or attempt to vote at any other location for 45873
that particular election. 45874

(C) Any registered elector who moves from one county to 45875
another county within the state on or prior to the day of a 45876
general, primary, or special election and has not registered to 45877
vote in the county to which that registered elector moved may vote 45878
in that election if that registered elector complies with division 45879
(G) of this section or does all of the following: 45880

(1) Appears at any time during regular business hours on or 45881
after the twenty-eighth day prior to the election in which that 45882
registered elector wishes to vote or, if the election is held on 45883
the day of a presidential primary election, the twenty-fifth day 45884
prior to the election, through noon of the Saturday prior to the 45885
election at the office of the board of elections or, if pursuant 45886
to division (C) of section 3501.10 of the Revised Code the board 45887

has designated another location in the county at which registered 45888
electors may vote, at that other location instead of the office of 45889
the board of elections, appears during regular business hours on 45890
the Monday prior to the election at the office of the board of 45891
elections or, if pursuant to division (C) of section 3501.10 of 45892
the Revised Code the board has designated another location in the 45893
county at which registered electors may vote, at that other 45894
location instead of the office of the board of elections, or 45895
appears on the day of the election at the office of the board of 45896
elections or, if pursuant to division (C) of section 3501.10 of 45897
the Revised Code the board has designated another location in the 45898
county at which registered electors may vote, at that other 45899
location instead of the office of the board of elections; 45900

(2) Completes and signs, under penalty of election 45901
falsification, the written affirmation on the provisional ballot 45902
envelope, which shall serve as a notice of change of residence; 45903

(3) Votes a provisional ballot under section 3505.181 of the 45904
Revised Code at the office of the board of elections or, if 45905
pursuant to division (C) of section 3501.10 of the Revised Code 45906
the board has designated another location in the county at which 45907
registered electors may vote, at that other location instead of 45908
the office of the board of elections, using the address to which 45909
that registered elector has moved; 45910

(4) Completes and signs, under penalty of election 45911
falsification, a statement attesting that that registered elector 45912
has moved from one county to another county within the state on or 45913
prior to the day of the election, has voted at the office of the 45914
board of elections or, if pursuant to division (C) of section 45915
3501.10 of the Revised Code the board has designated another 45916
location in the county at which registered electors may vote, at 45917
that other location instead of the office of the board of 45918
elections, and will not vote or attempt to vote at any other 45919

location for that particular election. 45920

(D) A person who votes by absent voter's ballots pursuant to 45921
division (G) of this section shall not make written application 45922
for the ballots pursuant to Chapter 3509. of the Revised Code. 45923
Ballots cast pursuant to division (G) of this section shall be set 45924
aside in a special envelope and counted during the official 45925
canvass of votes in the manner provided for in sections 3505.32 45926
and 3509.06 of the Revised Code insofar as that manner is 45927
applicable. The board shall examine the pollbooks to verify that 45928
no ballot was cast at the polls or by absent voter's ballots under 45929
Chapter 3509. or 3511. of the Revised Code by an elector who has 45930
voted by absent voter's ballots pursuant to division (G) of this 45931
section. Any ballot determined to be insufficient for any of the 45932
reasons stated above or stated in section 3509.07 of the Revised 45933
Code shall not be counted. 45934

Subject to division (C) of section 3501.10 of the Revised 45935
Code, a board of elections may lease or otherwise acquire a site 45936
different from the office of the board at which registered 45937
electors may vote pursuant to division (B) or (C) of this section. 45938

(E) Upon receiving a notice of change of residence or change 45939
of name, the board of elections shall immediately send the 45940
registrant an acknowledgment notice. If the change of residence or 45941
change of name notice is valid, the board shall update the voter's 45942
registration as appropriate. If that form is incomplete, the board 45943
shall inform the registrant in the acknowledgment notice specified 45944
in this division of the information necessary to complete or 45945
update that registrant's registration. 45946

(F) Change of residence and change of name forms shall be 45947
available at each polling place, and when these forms are 45948
completed, noting changes of residence or name, as appropriate, 45949
they shall be filed with election officials at the polling place. 45950
Election officials shall return completed forms, together with the 45951

pollbooks and tally sheets, to the board of elections. 45952

The board of elections shall provide change of residence and 45953
change of name forms to the probate court and court of common 45954
pleas. The court shall provide the forms to any person eighteen 45955
years of age or older who has a change of name by order of the 45956
court or who applies for a marriage license. The court shall 45957
forward all completed forms to the board of elections within five 45958
days after receiving them. 45959

(G) A registered elector who otherwise would qualify to vote 45960
under division (B) or (C) of this section but is unable to appear 45961
at the office of the board of elections or, if pursuant to 45962
division (C) of section 3501.10 of the Revised Code the board has 45963
designated another location in the county at which registered 45964
electors may vote, at that other location, on account of personal 45965
illness, physical disability, or infirmity, may vote on the day of 45966
the election if that registered elector does all of the following: 45967

(1) Makes a written application that includes all of the 45968
information required under section 3509.03 of the Revised Code to 45969
the appropriate board for an absent voter's ballot on or after the 45970
twenty-seventh day prior to the election in which the registered 45971
elector wishes to vote through noon of the Saturday prior to that 45972
election and requests that the absent voter's ballot be sent to 45973
the address to which the registered elector has moved if the 45974
registered elector has moved, or to the address of that registered 45975
elector who has not moved but has had a change of name; 45976

(2) Declares that the registered elector has moved or had a 45977
change of name, whichever is appropriate, and otherwise is 45978
qualified to vote under the circumstances described in division 45979
(B) or (C) of this section, whichever is appropriate, but that the 45980
registered elector is unable to appear at the board of elections 45981
because of personal illness, physical disability, or infirmity; 45982

(3) Completes and returns along with the completed absent voter's ballot a notice of change of residence indicating the address to which the registered elector has moved, or a notice of change of name, whichever is appropriate;

(4) Completes and signs, under penalty of election falsification, a statement attesting that the registered elector has moved or had a change of name on or prior to the day before the election, has voted by absent voter's ballot because of personal illness, physical disability, or infirmity that prevented the registered elector from appearing at the board of elections, and will not vote or attempt to vote at any other location or by absent voter's ballot mailed to any other location or address for that particular election.

Sec. 3506.01. As used in this chapter and Chapters 3501., 3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 3523., and 3599. of the Revised Code:

(A) "Marking device" means an apparatus operated by a voter to record the voter's choices through the ~~piercing or~~ marking of ballots enabling them to be examined and counted by automatic tabulating equipment.

(B) "Ballot" means the official election presentation of offices and candidates, including write-in candidates, and of questions and issues, and the means by which votes are recorded.

(C) "Automatic tabulating equipment" means a machine or electronic device, or interconnected or interrelated machines or electronic devices, that will automatically examine and count votes recorded on ballots. Automatic tabulating equipment may allow for the voter's selections to be indicated by marks made on a paper record by an electronic marking device.

(D) "Central counting station" means a location, or one of a

number of locations, designated by the board of elections for the 46013
automatic examining, sorting, or counting of ballots. 46014

(E) "Voting machines" means mechanical or electronic 46015
equipment for the direct recording and tabulation of votes. 46016

(F) "Direct recording electronic voting machine" means a 46017
voting machine that records votes by means of a ballot display 46018
provided with mechanical or electro-optical components that can be 46019
actuated by the voter, that processes the data by means of a 46020
computer program, and that records voting data and ballot images 46021
in internal or external memory components. A "direct recording 46022
electronic voting machine" produces a tabulation of the voting 46023
data stored in a removable memory component and in printed copy. 46024
"Direct recording electronic voting machine" does not include a 46025
voting machine that captures votes by means of a ballot display 46026
but that transfers those votes onto an optical scan ballot or 46027
other paper record for tabulation. 46028

(G) "Help America Vote Act of 2002" means the "Help America 46029
Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666. 46030

(H) "Voter verified paper audit trail" means a physical paper 46031
printout on which the voter's ballot choices, as registered by a 46032
direct recording electronic voting machine, are recorded. The 46033
voter shall be permitted to visually or audibly inspect the 46034
contents of the physical paper printout. The physical paper 46035
printout shall be securely retained at the polling place until the 46036
close of the polls on the day of the election; the secretary of 46037
state shall adopt rules under Chapter 119. of the Revised Code 46038
specifying the manner of storing the physical paper printout at 46039
the polling place. After the physical paper printout is produced, 46040
but before the voter's ballot is recorded, the voter shall have an 46041
opportunity to accept or reject the contents of the printout as 46042
matching the voter's ballot choices. If a voter rejects the 46043
contents of the physical paper printout, the system that produces 46044

the voter verified paper audit trail shall invalidate the printout 46045
and permit the voter to recast the voter's ballot. On and after 46046
the first federal election that occurs after January 1, 2006, 46047
unless required sooner by the Help America Vote Act of 2002, any 46048
system that produces a voter verified paper audit trail shall be 46049
accessible to disabled voters, including visually impaired voters, 46050
in the same manner as the direct recording electronic voting 46051
machine that produces it. 46052

Sec. 3506.06. No marking device shall be approved by the 46053
board of voting machine examiners or certified by the secretary of 46054
state, or be purchased, rented, or otherwise acquired, or used, 46055
unless it fulfills the following requirements: 46056

(A) It shall permit and require voting in absolute secrecy, 46057
and shall be so constructed that no person can see or know for 46058
whom any other elector has voted or is voting, except an elector 46059
who is assisting a voter as prescribed by section 3505.24 of the 46060
Revised Code. 46061

(B) It shall permit each elector to vote at any election for 46062
all persons and offices for whom and for which the elector is 46063
lawfully entitled to vote, whether or not the name of any such 46064
person appears on a ballot as a candidate; to vote for as many 46065
persons for an office as the elector is entitled to vote for; and 46066
to vote for or against any question upon which the elector is 46067
entitled to vote. 46068

(C) It shall permit each elector to write in the names of 46069
persons for whom the elector desires to vote, whose names do not 46070
appear upon the ballot, if such write-in candidates are permitted 46071
by law. 46072

(D) It shall permit each elector, at all presidential 46073
elections, by one ~~punch~~ or mark to vote for candidates of one 46074
party for president, vice president, and presidential electors. 46075

(E) It shall be durably constructed of material of good 46076
quality in a neat and workerlike manner, and in form that shall 46077
make it safely transportable. 46078

(F) It shall be so constructed that a voter may readily learn 46079
the method of operating it and may expeditiously cast the voter's 46080
vote for all candidates of the voter's choice. 46081

(G) It shall not provide to a voter any type of receipt or 46082
voter confirmation that the voter legally may retain after leaving 46083
the polling place. 46084

Sec. 3506.07. No automatic tabulating equipment shall be 46085
approved by the board of voting machine examiners or certified by 46086
the secretary of state, or be purchased, rented, or otherwise 46087
acquired, or used, unless it has been or is capable of being 46088
manufactured for use and distribution beyond a prototype and can 46089
be set by election officials, to examine ballots and to count 46090
votes accurately for each candidate, question, and issue, 46091
excluding any ballots ~~punched or~~ marked contrary to the 46092
instructions printed on such ballots, provided that such equipment 46093
shall not be required to count write-in votes or the votes on any 46094
ballots that have been voted other than at the regular polling 46095
place on election day. 46096

Sec. 3513.02. ~~(A)(1) If, in any odd-numbered year, no valid~~ 46097
~~declaration of candidacy~~ person is filed for nomination certified 46098
as a candidate for the nomination of a political party for 46099
~~election to any of the offices~~ an office to be voted for at the a 46100
general election ~~to be held in such year,~~ or if the number of 46101
persons ~~filing such declarations of candidacy for nominations~~ 46102
certified as candidates for the nomination of ~~one~~ that political 46103
party for ~~election to such offices~~ that office does not exceed, ~~as~~ 46104
~~to any such office,~~ the number of candidates ~~which such~~ that 46105

political party is entitled to nominate as its candidates for 461106
election to ~~such~~ that office, then no primary election shall be 461107
held for the purpose of nominating party candidates of ~~such~~ that 461108
party for election to ~~offices to be voted for at such general~~ 461109
election and no primary ballots shall be provided for such party 461110
that office. If, however, the only office for which there are more 461111
~~valid declarations of candidacy filed~~ certified candidates than 461112
the number to be nominated by a political party, is the office of 461113
councilperson in a ward, a primary election shall be held for ~~such~~ 461114
that party for that office only in the ward or wards in which 461115
there is a contest, and only the names of the candidates for the 461116
office of councilperson in ~~such~~ that ward shall appear on the 461117
primary ballot of ~~such~~ that political party. 461118

The (2) If the number of persons certified as candidates for 461119
the nomination of a political party for an office does not exceed 461120
the number of candidates the political party is entitled to 461121
nominate as its candidates for that office, then the election 461122
officials whose duty it would have been to ~~provide for and conduct~~ 461123
~~the holding of such primary election, declare the results thereof,~~ 461124
~~and~~ issue certificates of nomination to the persons entitled 461125
~~thereto if such~~ nominated at the primary election ~~had been held~~ 461126
shall declare each of ~~such~~ those persons to be nominated as of the 461127
date of the ~~ninetieth~~ sixty-fifth day before the primary election, 461128
issue appropriate certificates of nomination to each of them, and 461129
certify their names to the proper election officials, in order 461130
that their names may be printed on the official ballots provided 461131
for use in the succeeding general election in the same manner as 461132
though ~~such~~ the primary election had been held and ~~such~~ those 461133
persons had been nominated at ~~such~~ the election. 461134

(B) If the number of persons certified as candidates for the 461135
nomination of a political party for an office exceeds the number 461136
of candidates the political party is entitled to nominate as its 461137

candidates for that office and one or more candidates die, 46138
withdraw, or are disqualified before the day of the primary 46139
election, such that the number of candidates no longer exceeds the 46140
number of candidates that the political party is entitled to 46141
nominate as its candidates for that office, and the vacancy or 46142
vacancies are not filled under division (F) of section 3513.052 of 46143
the Revised Code, then all of the following apply: 46144

(1) No primary election shall be held for the purpose of 46145
nominating party candidates of that party for that office. 46146

(2) If the ballots for that election have already been 46147
prepared and primary election is to be held for that party for the 46148
purpose of nominating or electing candidates for other offices, 46149
the board of elections shall not remove the names of the 46150
candidates from the ballots. The board of elections shall post a 46151
notice at each polling place on the day of the election that no 46152
primary is being held for the purpose of nominating party 46153
candidates of that party for that office and that votes for those 46154
candidates will be void and will not be counted. The board also 46155
shall enclose a copy of that notice with each absent voter's 46156
ballot given or mailed after all but one candidate has died, 46157
withdrawn, or been disqualified. Any votes for those candidates 46158
are void and shall not be counted. 46159

(3) The election officials whose duty it would have been to 46160
issue certificates of nomination to the persons nominated at the 46161
primary election shall declare the remaining candidate or 46162
candidates to be nominated as of the date of the primary election, 46163
issue appropriate certificates of nomination to each of them, and 46164
certify their names to the proper election officials, in order 46165
that their names may be printed on the official ballots provided 46166
for use in the succeeding general election in the same manner as 46167
though the primary election had been held and those persons had 46168
been nominated at that election. 46169

Sec. 3513.30. (A)(1) If ~~only one valid declaration of~~ 46170
~~candidacy is filed for nomination~~ the number of persons certified 46171
~~as a candidate~~ candidates for the nomination of a political party 46172
for an office does not exceed the number of candidates that 46173
political party is entitled to nominate as its candidates for that 46174
office and ~~that candidate dies~~ one or more candidates die, 46175
withdraw, or are disqualified prior to the tenth day before the 46176
primary election, both of the following may occur: 46177

(a) The political party whose candidate ~~died, withdrew, or~~ 46178
~~was disqualified~~ may fill the vacancy so created as provided in 46179
division (A)(2) of this section. 46180

(b) Any major political party other than the one whose 46181
candidate ~~died, withdrew, or was disqualified~~ may select a 46182
candidate as provided in division (A)(2) of this section under 46183
either of the following circumstances: 46184

(i) No person ~~has filed a valid declaration of candidacy for~~ 46185
~~nomination~~ is certified as ~~that party's~~ a candidate at the ~~primary~~ 46186
~~election~~ for that party's nomination for that office. 46187

(ii) ~~Only one person has filed a valid declaration of~~ 46188
~~candidacy for nomination~~ The number of persons certified as ~~that~~ 46189
~~party's candidate at the primary election~~ candidates for that 46190
party's nomination for that office does not exceed the number of 46191
candidates that political party is entitled to nominate as its 46192
candidates for that office, ~~that person has~~ one or more candidates 46193
have withdrawn, died, or been disqualified under section 3513.052 46194
of the Revised Code, and the vacancy or vacancies so created ~~has~~ 46195
have not been filled. 46196

(2) A vacancy may be filled under division (A)(1)(a) and a 46197
selection may be made under division (A)(1)(b) of this section by 46198
the appropriate committee of the political party in the same 46199
manner as provided in divisions (A) to (E) of section 3513.31 of 46200

the Revised Code for the filling of similar vacancies created by 46201
withdrawals or disqualifications under section 3513.052 of the 46202
Revised Code after the primary election, except that the 46203
certification required under that section may not be filed with 46204
the secretary of state, or with a board of the most populous 46205
county of a district, or with the board of a county in which the 46206
major portion of the population of a subdivision is located, later 46207
than four p.m. of the tenth day before the day of such primary 46208
election, or with any other board later than four p.m. of the 46209
fifth day before the day of such primary election. 46210

(3) If ~~only one valid declaration of candidacy is filed for~~ 46211
~~nomination~~ the number of persons certified as a candidate 46212
candidates for the nomination of a political party for an office 46213
does not exceed the number of candidates that political party is 46214
entitled to nominate as its candidates for that office and ~~that~~ 46215
~~candidate dies~~ one or more candidates die, withdraw, or are 46216
disqualified on or after the tenth day before the day of the 46217
primary election, ~~that~~ each such candidate is considered to have 46218
received the nomination of that candidate's political party at 46219
that primary election, and, for purposes of filling the vacancy so 46220
created, that candidate's death, withdrawal, or disqualification 46221
shall be treated as if ~~that candidate died~~ it occurred on the day 46222
after the day of the primary election. 46223

(B) Any ~~person filing a declaration of candidacy~~ candidate 46224
for the nomination of a political party for an office may withdraw 46225
as such candidate at any time prior to the primary election. The 46226
withdrawal shall be effected and the statement of withdrawal shall 46227
be filed in accordance with the procedures prescribed in division 46228
(D) of this section for the withdrawal of persons nominated in a 46229
primary election or by nominating petition. 46230

(C) A person who is the first choice for president of the 46231
United States by a candidate for delegate or alternate to a 46232

national convention of a political party may withdraw consent for 46233
the selection of the person as such first choice no later than 46234
four p.m. of the fortieth day before the day of the presidential 46235
primary election. Withdrawal of consent shall be for the entire 46236
slate of candidates for delegates and alternates who named such 46237
person as their presidential first choice and shall constitute 46238
withdrawal from the primary election by such delegates and 46239
alternates. The withdrawal shall be made in writing and delivered 46240
to the secretary of state. If the withdrawal is delivered to the 46241
secretary of state on or before the seventieth day before the day 46242
of the primary election, the boards of elections shall remove both 46243
the name of the withdrawn first choice and the names of such 46244
withdrawn candidates from the ballots according to the directions 46245
of the secretary of state. If the withdrawal is delivered to the 46246
secretary of state after the seventieth day before the day of the 46247
primary election, the board of elections shall not remove the name 46248
of the withdrawn first choice and the names of the withdrawn 46249
candidates from the ballots. The board of elections shall post a 46250
notice at each polling location on the day of the primary 46251
election, and shall enclose with each absent voter's ballot given 46252
or mailed after the candidate withdraws, a notice that votes for 46253
the withdrawn first choice or the withdrawn candidates will be 46254
void and will not be counted. If such names are not removed from 46255
all ballots before the day of the election, the votes for the 46256
withdrawn first choice or the withdrawn candidates are void and 46257
shall not be counted. 46258

(D) Any person nominated in a primary election or by 46259
nominating petition as a candidate for election at the next 46260
general election may withdraw as such candidate at any time prior 46261
to the general election. Such withdrawal may be effected by the 46262
filing of a written statement by such candidate announcing the 46263
candidate's withdrawal and requesting that the candidate's name 46264
not be printed on the ballots. If such candidate's declaration of 46265

candidacy or nominating petition was filed with the secretary of 46266
state, the candidate's statement of withdrawal shall be addressed 46267
to and filed with the secretary of state. If such candidate's 46268
declaration of candidacy or nominating petition was filed with a 46269
board of elections, the candidate's statement of withdrawal shall 46270
be addressed to and filed with such board. 46271

(E) When a person withdraws under division (B) or (D) of this 46272
section on or before the seventieth day before the day of the 46273
primary election or the general election, the board of elections 46274
shall remove the name of the withdrawn candidate from the ballots 46275
according to the directions of the secretary of state. When a 46276
person withdraws under division (B) or (D) of this section after 46277
the seventieth day before the day of the primary election or the 46278
general election, the board of elections shall not remove the name 46279
of the withdrawn candidate from the ballots. The board of 46280
elections shall post a notice at each polling place on the day of 46281
the election, and shall enclose with each absent voter's ballot 46282
given or mailed after the candidate withdraws, a notice that votes 46283
for the withdrawn candidate will be void and will not be counted. 46284
If the name is not removed from all ballots before the day of the 46285
election, the votes for the withdrawn candidate are void and shall 46286
not be counted. 46287

Sec. 3513.301. (A) Notwithstanding section 3513.30 of the 46288
Revised Code and except as otherwise provided in division (B)(2) 46289
of this section, if only one person has filed a valid declaration 46290
of candidacy for nomination as the candidate of a political party 46291
for the office of representative to congress and that person 46292
withdraws as a candidate or dies at any time before the primary 46293
election, a special election shall be held under division (B)(1) 46294
of this section as soon as reasonably practicable to nominate the 46295
following: 46296

(1) That party's candidate for congress; 46297

(2) The candidate for congress of any other major political 46298
party under either of the following circumstances: 46299

(a) No person has filed a valid declaration of candidacy for 46300
nomination as that party's candidate at the primary election. 46301

(b) Only one person has filed a valid declaration of 46302
candidacy for nomination as that party's candidate at the primary 46303
election, that person has withdrawn or died, and the vacancy so 46304
created has not been filled. 46305

(B) The (1) Except as otherwise provided in division (B)(2) 46306
of this section, the boards of elections of all the counties 46307
contained in whole or in part within the congressional district 46308
for which a special election is being held under this section 46309
shall, ~~as soon as reasonably practicable,~~ conduct the special 46310
election on a date designated by the secretary of state and give 46311
notice of the time and places of holding the election as provided 46312
in section 3501.03 of the Revised Code. The election shall be held 46313
and conducted and returns of it made as in the case of a primary 46314
election, except that the secretary of state shall designate the 46315
deadline to file a declaration of candidacy or a declaration of 46316
intent to be a write-in candidate for the election. 46317

(2) If, for each nomination to be made at the special 46318
election to be held under division (B)(1) of this section, only 46319
one person has filed a valid declaration of candidacy or no person 46320
has filed a valid declaration of candidacy, then no special 46321
election shall be held. If no special election is held, then for 46322
each nomination for which only one person has filed a valid 46323
declaration of candidacy, the board of elections of the most 46324
populous county of the congressional district shall certify the 46325
person's name to the secretary of state, the secretary of state 46326
shall issue a certificate of nomination to the person, and the 46327

person's name shall appear on the ballot as that party's candidate 46328
at the general election. 46329

(C) The state shall pay all costs of any special election 46330
held under this section. 46331

Sec. 3513.312. (A) Notwithstanding section 3513.31 of the 46332
Revised Code, if a person nominated in a primary election or 46333
nominated by petition under section 3517.012 of the Revised Code 46334
as a party candidate for the office of representative to congress 46335
for election at the next general election withdraws as such 46336
candidate prior to the ninetieth day before the day of such 46337
general election, or dies prior to the ninetieth day before the 46338
day of such general election, the vacancy in the party nomination 46339
so created shall be filled ~~by a special election held in~~ 46340
accordance with division (B)(1) of this section as soon as 46341
reasonably practicable. 46342

(B) ~~The (1) Except as otherwise provided in division (B)(2)~~ 46343
of this section, the boards of elections of all the counties 46344
contained in whole or in part within the congressional district in 46345
which a vacancy occurs as described in division (A) of this 46346
section shall, ~~as soon as reasonably practicable,~~ conduct the 46347
special election on a date designated by the secretary of state 46348
and give notice of the time and places of holding such election as 46349
provided in section 3501.03 of the Revised Code. Such election 46350
shall be held and conducted and returns thereof made as in the 46351
case of a primary election, except that the secretary of state 46352
shall designate the deadline to file a declaration of candidacy or 46353
a declaration of intent to be a write-in candidate for the 46354
election. 46355

(2) If only one person has filed a valid declaration of 46356
candidacy for the special election to be held under division 46357
(B)(1) of this section, or if no person has filed a valid 46358

declaration of candidacy, then no special election shall be held. 46359
If one person has filed a valid declaration of candidacy, the 46360
board of elections of the most populous county of the 46361
congressional district shall certify the person's name to the 46362
secretary of state, the secretary of state shall issue a 46363
certificate of nomination to the person, and the person's name 46364
shall appear on the ballot as that party's candidate at the 46365
general election. 46366

(C) The state shall pay all costs of any special election 46367
held pursuant to this section. 46368

Sec. 3517.17. (A)~~(1)~~ At the beginning of each calendar 46369
quarter, after the costs of audits are deducted under division 46370
(B)~~(1)~~ of section 3517.16 of the Revised Code, the tax 46371
commissioner shall ~~divide~~ distribute any remaining moneys that 46372
have accrued in the Ohio political party fund during the previous 46373
quarter ~~equally among all qualified political parties in the~~ 46374
~~following manner. Of the public moneys to which a party is~~ 46375
~~entitled:~~ 46376

~~(1) One half shall be paid to the treasurer of the state~~ 46377
~~executive committee of the party.~~ Along with the distribution, 46378
the commissioner shall provide a list of amounts to be allocated 46379
to each county executive committee, which shall be determined by 46380
multiplying one-half of the total distribution by the ratio that 46381
the number of checkoffs in each county bears to the total number 46382
of checkoffs. 46383

~~(2) One half shall be distributed~~ Upon receiving a 46384
distribution of funds under division (A)(1) of this section, the 46385
treasurer of the state executive committee of the party shall 46386
distribute, from one-half of the received distribution of funds, 46387
an amount to the treasurer of each county executive committee of 46388
the various counties in accordance with the ~~ratio that the number~~ 46389

~~of checkoffs in each county bears to the total number of~~ 46390
~~checkoffs, as determined list provided by the ~~tax~~ commissioner.~~ 46391

Each party treasurer receiving public moneys from the Ohio 46392
political party fund shall deposit those moneys into the party's 46393
restricted fund created under section 3517.1012 of the Revised 46394
Code, shall expend and maintain those moneys subject to the 46395
requirements of that section and section 3517.18 of the Revised 46396
Code, and shall file deposit and disbursement statements as 46397
required by division (B) of section 3517.1012 of the Revised Code. 46398
The auditor of state shall annually audit the deposit and 46399
disbursement statements of the state committee of a political 46400
party that is eligible to receive public moneys collected during 46401
the previous year, to ascertain that all moneys in the party's 46402
restricted fund are expended in accordance with law. The auditor 46403
of state shall audit the deposit and disbursement statements of 46404
each county committee of such a political party to ascertain that 46405
all moneys in the party's restricted fund are expended in 46406
accordance with law at the time of the public office audit of that 46407
county under Chapter 117. of the Revised Code. 46408

(B) Only major political parties, as defined in section 46409
3501.01 of the Revised Code, may apply for public moneys from the 46410
Ohio political party fund. At the end of each even-numbered 46411
calendar year, the secretary of state shall announce the names of 46412
all such political parties, indicating that they may apply to 46413
receive such moneys during the ensuing two years. Any political 46414
party named at this time may, not later than the last day of 46415
January of the ensuing odd-numbered year, make application with 46416
the tax commissioner to receive public moneys. A political party 46417
that fails to make a timely application shall not receive public 46418
moneys during that two-year period. The tax commissioner shall 46419
prescribe an appropriate application form. Moneys from the fund 46420
shall be provided during the appropriate two-year period to each 46421

political party that makes a timely application in accordance with 46422
this division. 46423

Sec. 3701.021. (A) The director of health shall adopt, in 46424
accordance with Chapter 119. of the Revised Code, such rules as 46425
are necessary to carry out sections 3701.021 to 3701.0210 of the 46426
Revised Code, including, but not limited to, rules to establish 46427
the following: 46428

(1) Medical and financial eligibility requirements for the 46429
program for medically handicapped children; 46430

(2) ~~Eligibility~~ Subject to division (C) of this section, 46431
eligibility requirements for providers ~~of~~ who provide goods and 46432
services for the program for medically handicapped children; 46433

(3) Procedures to be followed by the department of health in 46434
disqualifying providers for violating requirements adopted under 46435
division (A)(2) of this section; 46436

(4) Procedures to be used by the department regarding 46437
application for diagnostic services under division (B) of section 46438
3701.023 of the Revised Code and payment for those services under 46439
division (E) of that section; 46440

(5) Standards for the provision of service coordination by 46441
the department of health and city and general health districts; 46442

(6) Procedures for the department to use to determine the 46443
amount to be paid annually by each county for services for 46444
medically handicapped children and to allow counties to retain 46445
funds under divisions (A)(2) and (3) of section 3701.024 of the 46446
Revised Code; 46447

(7) Financial eligibility requirements for services for Ohio 46448
residents twenty-one years of age or older who have cystic 46449
fibrosis; 46450

(8) Criteria for payment of approved providers who provide 46451

goods and services for medically handicapped children; 46452

(9) Criteria for the department to use in determining whether 46453
the payment of health insurance premiums of participants in the 46454
program for medically handicapped children is cost-effective; 46455

(10) Procedures for appeal of denials of applications under 46456
divisions (A) and (D) of section 3701.023 of the Revised Code, 46457
disqualification of providers, and amounts paid for services; 46458

(11) Terms of appointment for members of the medically 46459
handicapped children's medical advisory council created in section 46460
3701.025 of the Revised Code; 46461

(12) Eligibility requirements for the hemophilia program, 46462
including income and hardship requirements; 46463

(13) If a manufacturer discount program is established under 46464
division (J)(1) of section 3701.023 of the Revised Code, 46465
procedures for administering the program, including criteria and 46466
other requirements for participation in the program by 46467
manufacturers of drugs and nutritional formulas. 46468

(B) The department of health shall develop a manual of 46469
operational procedures and guidelines for the program for 46470
medically handicapped children to implement sections 3701.021 to 46471
3701.0210 of the Revised Code. 46472

(C) A medicaid provider, as defined in section 5164.01 of the 46473
Revised Code, is eligible to be a provider of the same goods and 46474
services for the program for medically handicapped children that 46475
the provider is approved to provide for the medicaid program and 46476
the director shall approve such a provider for participation in 46477
the program for medically handicapped children. 46478

Sec. 3701.12. (A) As used in this section: 46479

(1) "Third party" means any person or government entity other 46480
than the department of health or a program administered by the 46481

department. 46482

(2) "Third party benefits" means any and all benefits paid by a third party to or on behalf of an individual or the individual's parent or guardian for goods or services the individual has received from the department of health or a grantee or contractor of the department. 46483
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(B) Except as provided in division (C) of this section, the department of health shall not, on or after January 1, 2018, pay for goods or services that are payable through third party benefits. 46488
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(C) The prohibition in division (B) of this section does not apply when expressly contrary to another provision of the Revised Code or when, as determined by the director of health, department of health funds are required to mitigate the spread of infectious disease or are needed for exceptional circumstances. 46492
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Sec. 3701.144. (A) As used in this section, "cost sharing" has the same meaning as in section 3923.85 of the Revised Code. 46497
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(B) The department of health shall administer the state's participation in the national breast and cervical cancer early detection program (NBCCEDP), which shall be known as the Ohio breast and cervical cancer project. The project shall be administered in accordance with Title XV of the "Public Health Service Act," 42 U.S.C. 300k et seq., and the department's NBCCEDP grant agreement with the United States centers for disease control and prevention. 46499
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(C) In administering the project, the department shall set eligibility requirements for services provided through the project as follows: 46507
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(1) The woman must have countable family income not exceeding two hundred fifty per cent of the federal poverty line. 46510
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<u>(2) One of the following must be the case:</u>	46512
<u>(a) The woman is not covered by health insurance.</u>	46513
<u>(b) The woman is covered by health insurance that does not include the screening or diagnostic services the woman seeks through the project.</u>	46514 46515 46516
<u>(c) The woman is covered by health insurance that imposes cost sharing for the screening or diagnostic services the woman seeks through the project that exceeds the limit specified by the director of health in rules adopted under division (D) of this section.</u>	46517 46518 46519 46520 46521
<u>(3) In the case of a woman seeking cervical cancer screening and diagnostic services through the project, the woman must be at least twenty-one and less than sixty-five years of age.</u>	46522 46523 46524
<u>(4) In the case of a woman seeking breast cancer screening and diagnostic services through the project, either of the following must be the case:</u>	46525 46526 46527
<u>(a) The woman is at least forty and less than sixty-five years of age.</u>	46528 46529
<u>(b) The woman is at least twenty-five and less than forty years of age and has been determined by a physician to need breast cancer screening and diagnostic services due to the results of a clinical breast examination, the woman's family history, or other factors.</u>	46530 46531 46532 46533 46534
<u>(D) The director shall adopt rules for purposes of division (C)(2)(c) of this section specifying the cost sharing limit for each screening and diagnostic service that may be obtained through the project. The director may adopt other rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.</u>	46535 46536 46537 46538 46539 46540
Sec. 3701.243. (A) Except as provided in this section or	46541

section 3701.248 of the Revised Code, no person or agency of state 46542
or local government that acquires the information while providing 46543
any health care service or while in the employ of a health care 46544
facility or health care provider shall disclose or compel another 46545
to disclose any of the following: 46546

(1) The identity of any individual on whom an HIV test is 46547
performed; 46548

(2) The results of an HIV test in a form that identifies the 46549
individual tested; 46550

(3) The identity of any individual diagnosed as having AIDS 46551
or an AIDS-related condition. 46552

(B)(1) Except as provided in divisions (B)(2), (C), (D), and 46553
(F) of this section, the results of an HIV test or the identity of 46554
an individual on whom an HIV test is performed or who is diagnosed 46555
as having AIDS or an AIDS-related condition may be disclosed only 46556
to the following: 46557

(a) The individual who was tested or the individual's legal 46558
guardian, and the individual's spouse or any sexual partner; 46559

(b) A person to whom disclosure is authorized by a written 46560
release, executed by the individual tested or by the individual's 46561
legal guardian and specifying to whom disclosure of the test 46562
results or diagnosis is authorized and the time period during 46563
which the release is to be effective; 46564

(c) ~~The individual's~~ Any physician who treats the individual; 46565

(d) The department of health or a health commissioner to 46566
which reports are made under section 3701.24 of the Revised Code; 46567

(e) A health care facility or provider that procures, 46568
processes, distributes, or uses a human body part from a deceased 46569
individual, donated for a purpose specified in Chapter 2108. of 46570
the Revised Code, and that needs medical information about the 46571

deceased individual to ensure that the body part is medically 46572
acceptable for its intended purpose; 46573

(f) Health care facility staff committees or accreditation or 46574
oversight review organizations conducting program monitoring, 46575
program evaluation, or service reviews; 46576

(g) A health care provider, emergency medical services 46577
worker, or peace officer who sustained a significant exposure to 46578
the body fluids of another individual, if that individual was 46579
tested pursuant to division (E)(6) of section 3701.242 of the 46580
Revised Code, except that the identity of the individual tested 46581
shall not be revealed; 46582

(h) To law enforcement authorities pursuant to a search 46583
warrant or a subpoena issued by or at the request of a grand jury, 46584
a prosecuting attorney, a city director of law or similar chief 46585
legal officer of a municipal corporation, or a village solicitor, 46586
in connection with a criminal investigation or prosecution. 46587

(2) The results of an HIV test or a diagnosis of AIDS or an 46588
AIDS-related condition may be disclosed to a health care provider, 46589
or an authorized agent or employee of a health care facility or a 46590
health care provider, if the provider, agent, or employee has a 46591
medical need to know the information and is participating in the 46592
diagnosis, care, or treatment of the individual on whom the test 46593
was performed or who has been diagnosed as having AIDS or an 46594
AIDS-related condition. 46595

This division does not impose a standard of disclosure 46596
different from the standard for disclosure of all other specific 46597
information about a patient to health care providers and 46598
facilities. Disclosure may not be requested or made solely for the 46599
purpose of identifying an individual who has a positive HIV test 46600
result or has been diagnosed as having AIDS or an AIDS-related 46601
condition in order to refuse to treat the individual. Referral of 46602

an individual to another health care provider or facility based on 46603
reasonable professional judgment does not constitute refusal to 46604
treat the individual. 46605

(3) Not later than ninety days after November 1, 1989, each 46606
health care facility in this state shall establish a protocol to 46607
be followed by employees and individuals affiliated with the 46608
facility in making disclosures authorized by division (B)(2) of 46609
this section. A person employed by or affiliated with a health 46610
care facility who determines in accordance with the protocol 46611
established by the facility that a disclosure is authorized by 46612
division (B)(2) of this section is immune from liability to any 46613
person in a civil action for damages for injury, death, or loss to 46614
person or property resulting from the disclosure. 46615

(C)(1) Any person or government agency may seek access to or 46616
authority to disclose the HIV test records of an individual in 46617
accordance with the following provisions: 46618

(a) The person or government agency shall bring an action in 46619
a court of common pleas requesting disclosure of or authority to 46620
disclose the results of an HIV test of a specific individual, who 46621
shall be identified in the complaint by a pseudonym but whose name 46622
shall be communicated to the court confidentially, pursuant to a 46623
court order restricting the use of the name. The court shall 46624
provide the individual with notice and an opportunity to 46625
participate in the proceedings if the individual is not named as a 46626
party. Proceedings shall be conducted in chambers unless the 46627
individual agrees to a hearing in open court. 46628

(b) The court may issue an order granting the plaintiff 46629
access to or authority to disclose the test results only if the 46630
court finds by clear and convincing evidence that the plaintiff 46631
has demonstrated a compelling need for disclosure of the 46632
information that cannot be accommodated by other means. In 46633
assessing compelling need, the court shall weigh the need for 46634

disclosure against the privacy right of the individual tested and 46635
against any disservice to the public interest that might result 46636
from the disclosure, such as discrimination against the individual 46637
or the deterrence of others from being tested. 46638

(c) If the court issues an order, it shall guard against 46639
unauthorized disclosure by specifying the persons who may have 46640
access to the information, the purposes for which the information 46641
shall be used, and prohibitions against future disclosure. 46642

(2) A person or government agency that considers it necessary 46643
to disclose the results of an HIV test of a specific individual in 46644
an action in which it is a party may seek authority for the 46645
disclosure by filing an in camera motion with the court in which 46646
the action is being heard. In hearing the motion, the court shall 46647
employ procedures for confidentiality similar to those specified 46648
in division (C)(1) of this section. The court shall grant the 46649
motion only if it finds by clear and convincing evidence that a 46650
compelling need for the disclosure has been demonstrated. 46651

(3) Except for an order issued in a criminal prosecution or 46652
an order under division (C)(1) or (2) of this section granting 46653
disclosure of the result of an HIV test of a specific individual, 46654
a court shall not compel a blood bank, hospital blood center, or 46655
blood collection facility to disclose the result of HIV tests 46656
performed on the blood of voluntary donors in a way that reveals 46657
the identity of any donor. 46658

(4) In a civil action in which the plaintiff seeks to recover 46659
damages from an individual defendant based on an allegation that 46660
the plaintiff contracted the HIV virus as a result of actions of 46661
the defendant, the prohibitions against disclosure in this section 46662
do not bar discovery of the results of any HIV test given to the 46663
defendant or any diagnosis that the defendant suffers from AIDS or 46664
an AIDS-related condition. 46665

(D) The results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed to a federal, state, or local government agency, or the official representative of such an agency, for purposes of the medicaid program, the medicare program, or any other public assistance program.

(E) Any disclosure pursuant to this section shall be in writing and accompanied by a written statement that includes the following or substantially similar language: "This information has been disclosed to you from confidential records protected from disclosure by state law. You shall make no further disclosure of this information without the specific, written, and informed release of the individual to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is not sufficient for the purpose of the release of HIV test results or diagnoses."

(F) An individual who knows that the individual has received a positive result on an HIV test or has been diagnosed as having AIDS or an AIDS-related condition shall disclose this information to any other person with whom the individual intends to make common use of a hypodermic needle or engage in sexual conduct as defined in section 2907.01 of the Revised Code. An individual's compliance with this division does not prohibit a prosecution of the individual for a violation of division (B) of section 2903.11 of the Revised Code.

(G) Nothing in this section prohibits the introduction of evidence concerning an HIV test of a specific individual in a criminal proceeding.

Sec. 3701.601. There is hereby created in the state treasury the breast and cervical cancer project income tax contribution

fund, which shall consist of money contributed to it under section 46697
5747.113 of the Revised Code and of contributions made directly to 46698
it. Any person may contribute directly to the fund in addition to 46699
or independently of the income tax refund contribution system 46700
established in section 5747.113 of the Revised Code. 46701

The director of health shall distribute the contributed funds 46702
to the Ohio breast and cervical cancer project ~~funded by the~~ 46703
~~national breast and cervical cancer early detection program~~ 46704
~~established under the "Breast and Cervical Cancer Mortality~~ 46705
~~Prevention Act of 1990," 104 Stat. 409, 42 U.S.C. 300k et seq.~~ 46706
administered under section 3701.144 of the Revised Code. The 46707
contributed funds shall be used specifically for the provision of 46708
breast and cervical cancer screening, diagnostic, and outreach 46709
services to uninsured and under-insured women who meet the 46710
eligibility requirements specified in that section. The breast and 46711
cervical cancer project, through its regional agencies, shall 46712
~~first~~ use the contributed funds to pay for services provided 46713
directly by personnel of local departments of health, federally 46714
qualified health centers as defined by section 3701.047 of the 46715
Revised Code, or other community health centers. ~~If contributed~~ 46716
~~funds remain after a regional agency pays for all screening,~~ 46717
~~diagnostic, and outreach services provided by local departments of~~ 46718
~~health, federally qualified health centers, or other community~~ 46719
~~health centers, the regional agency may use contributed funds to~~ 46720
~~pay for services provided by other providers.~~ 46721

Sec. 3701.611. (A) Not later than six months after ~~the~~ 46722
~~effective date of this section~~ April 6, 2017, the department of 46723
health and the department of developmental disabilities shall 46724
create a central intake and referral system for the state's part C 46725
early intervention services program and all home visiting programs 46726
operating in this state. The system shall comply with all 46727

regulations governing the part C early intervention program for 46728
infants and toddlers with disabilities that are promulgated under 46729
the "Individuals with Disabilities Education Act of 1997," 20 46730
U.S.C. 1400, as amended. Through a competitive bidding process, 46731
the department of health and department of developmental 46732
disabilities may select one or more persons or government entities 46733
to operate the system. 46734

(B) If the department of health and department of 46735
developmental disabilities choose to select one or more system 46736
operators as described in division (A) of this section, a contract 46737
with any system operator shall require that the system do both of 46738
the following: 46739

(1) Serve as a single point of entry for access, assessment, 46740
and referral of families to appropriate home visiting services and 46741
part C early intervention services based on each family's location 46742
of residence; 46743

(2) Use a standardized form or other mechanism to assess for 46744
each family member's risk factors and social determinants of 46745
health, as well as ensure that the family is referred to the 46746
appropriate home visiting or part C early intervention program or 46747
service. 46748

(C) The standardized form or other mechanism described in 46749
division (B)(2) of this section shall be agreed to by the home 46750
visiting consortium created under section 3701.612 of the Revised 46751
Code and the early intervention services advisory council created 46752
under section 5123.0422 of the Revised Code. 46753

~~If the Ohio home visiting consortium created under section 46754
3701.612 of the Revised Code has recommended a standardized form 46755
or other mechanism for this purpose, the contract may require the 46756
use of that form or other mechanism. 46757~~

(D) A contract entered into under division (B) of this section shall require a system operator to issue an annual report to the department of health and department of developmental disabilities that includes data regarding referrals made by the central intake and referral system, costs associated with the referrals, and the quality of services received by families who were referred to services through the system. The report shall be distributed to the home visiting consortium created under section 3701.612 of the Revised Code and the early intervention services advisory council created under section 5123.0422 of the Revised Code. 46758
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(E) The department of health and department of developmental disabilities shall share any funding made available to each department for local outreach and child find efforts after creating the central intake and referral system described in division (A) of this section. 46769
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(F) Nothing in this section is intended to do any of the following: 46774
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(1) Prohibit the department of health or department of developmental disabilities from using alternative promotional materials or names for the central intake and referral system; 46776
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(2) Require the use of help me grow program promotional materials or names; 46779
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(3) Prohibit providers, central coordinators, the department of health, the department of developmental disabilities, or stakeholders from using the help me grow name for promotional materials for both the home visiting and part C early intervention services components. 46781
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Sec. 3701.65. (A) There is hereby created in the state treasury the "choose life" fund. The fund shall consist of the 46786
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contributions that are paid to the registrar of motor vehicles by 46788
applicants who voluntarily elect to obtain "choose life" license 46789
plates pursuant to section 4503.91 of the Revised Code and any 46790
money returned to the fund under division (E)(1)(d) of this 46791
section. All investment earnings of the fund shall be credited to 46792
the fund. 46793

(B)(1) At least annually, the director of health shall 46794
distribute the money in the fund to any private, nonprofit 46795
organization that is eligible to receive funds under this section 46796
and that applies for funding under division (C) of this section. 46797

(2) The director shall allocate the funds to each county in 46798
proportion to the number of "choose life" license plates issued 46799
during the preceding year to vehicles registered in each county. 46800
The director shall distribute funds allocated for a county as 46801
follows: 46802

(a) To one or more eligible organizations located within the 46803
county; 46804

(b) If no eligible organization located within the county 46805
applies for funding, to one or more eligible organizations located 46806
in contiguous counties; 46807

(c) If no eligible organization located within the county or 46808
a contiguous county applies for funding, to one or more eligible 46809
organizations within any other county. 46810

(3) The director shall ensure that any funds allocated for a 46811
county are distributed equally among eligible organizations that 46812
apply for funding within the county. 46813

(C) Any organization seeking funds under this section 46814
annually shall apply for distribution of the funds based on the 46815
county in which the organization is located. An organization also 46816
may apply for funding in a county in which it is not located if it 46817

demonstrates that it provides services for pregnant women residing 46818
in that county. The director shall develop an application form and 46819
may determine the schedule and procedures that an organization 46820
shall follow when annually applying for funds. The application 46821
shall inform the applicant of the conditions for receiving and 46822
using funds under division (E) of this section. The application 46823
shall require evidence that the organization meets all of the 46824
following requirements: 46825

(1) Is a private, nonprofit organization; 46826

(2) Is committed to counseling pregnant women about the 46827
option of adoption; 46828

(3) Provides services within the state to pregnant women who 46829
are planning to place their children for adoption, including 46830
counseling and meeting the material needs of the women; 46831

(4) Does not charge women for any services received; 46832

(5) Is not involved or associated with any abortion 46833
activities, including counseling for or referrals to abortion 46834
clinics, providing medical abortion-related procedures, or 46835
pro-abortion advertising; 46836

(6) Does not discriminate in its provision of any services on 46837
the basis of race, religion, color, age, marital status, national 46838
origin, handicap, gender, or age; 46839

(7) If the organization is applying for funding in a county 46840
in which it is not located, provides services for pregnant women 46841
residing in that county. 46842

(D) The director shall not distribute funds to an 46843
organization that does not provide verifiable evidence of the 46844
requirements specified in the application under division (C) of 46845
this section and shall not provide additional funds to any 46846
organization that fails to comply with division (E) of this 46847

section in regard to its previous receipt of funds under this 46848
section. 46849

(E)(1) An organization receiving funds under this section 46850
shall do all of the following: 46851

(a) Use not more than sixty per cent of the funds distributed 46852
to it for the material needs of pregnant women who are planning to 46853
place their children for adoption or for infants awaiting 46854
placement with adoptive parents, including clothing, housing, 46855
medical care, food, utilities, and transportation; 46856

(b) Use not more than forty per cent of the funds distributed 46857
to it for counseling, training, or advertising; 46858

(c) Not use any of the funds distributed to it for 46859
administrative expenses, legal expenses, or capital expenditures; 46860

(d) Annually return to the fund created under division (A) of 46861
this section any unused money that exceeds ten per cent of the 46862
money distributed to the organization. 46863

(2) The organization annually shall submit to the director an 46864
audited financial statement verifying its compliance with division 46865
(E)(1) of this section. 46866

(F) The director, in accordance with Chapter 119. of the 46867
Revised Code, shall adopt rules to implement this section. 46868

It is not the intent of the general assembly that the 46869
department create a new position within the department to 46870
implement and administer this section. It is the intent of the 46871
general assembly that the implementation and administration of 46872
this section be accomplished by existing department personnel. 46873

(G) If funds that have been allocated to a county for any 46874
previous year have not been distributed to one or more eligible 46875
organizations, the director may distribute those funds in 46876
accordance with this section. 46877

Sec. 3701.83. There is hereby created in the state treasury 46878
the general operations fund. Moneys in the fund shall be used for 46879
the purposes specified in sections 3701.04, 3701.344, 3702.20, 46880
~~3710.15~~, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 46881
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 46882
3749.07, 4736.06, 4747.04, and 4769.09 of the Revised Code. 46883

Sec. 3701.881. (A) As used in this section: 46884

(1) "Applicant" means a person who is under final 46885
consideration for employment with a home health agency in a 46886
full-time, part-time, or temporary position that involves 46887
providing direct care to an individual or is referred to a home 46888
health agency by an employment service for such a position. 46889

(2) "Community-based long-term care provider" means a 46890
provider as defined in section 173.39 of the Revised Code. 46891

(3) "Community-based long-term care subcontractor" means a 46892
subcontractor as defined in section 173.38 of the Revised Code. 46893

(4) "Criminal records check" has the same meaning as in 46894
section 109.572 of the Revised Code. 46895

(5) "Direct care" means any of the following: 46896

(a) Any service identified in divisions (A)(8)(a) to (f) of 46897
this section that is provided in a patient's place of residence 46898
used as the patient's home; 46899

(b) Any activity that requires the person performing the 46900
activity to be routinely alone with a patient or to routinely have 46901
access to a patient's personal property or financial documents 46902
regarding a patient; 46903

(c) For each home health agency individually, any other 46904
routine service or activity that the chief administrator of the 46905
home health agency designates as direct care. 46906

(6) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(7) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.

(8) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:

- (a) Skilled nursing care;
- (b) Physical therapy;
- (c) Speech-language pathology;
- (d) Occupational therapy;
- (e) Medical social services;
- (f) Home health aide services.

(9) "Home health aide services" means any of the following services provided by an employee of a home health agency:

- (a) Hands-on bathing or assistance with a tub bath or shower;
- (b) Assistance with dressing, ambulation, and toileting;
- (c) Catheter care but not insertion;
- (d) Meal preparation and feeding.

(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.

(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.

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

(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.

(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.

(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.

(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.

(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement

detailing findings by the director of health that the applicant or 46965
employee abused, neglected, or abused exploited a long-term care 46966
facility or residential care facility resident or misappropriated 46967
property of such a resident; 46968

(c) That the applicant or employee is included in one or more 46969
of the databases, if any, specified in rules adopted under this 46970
section and the rules prohibit the home health agency from 46971
employing an applicant or continuing to employ an employee 46972
included in such a database in a position that involves providing 46973
direct care to an individual. 46974

(2) After the applicant or employee is provided, pursuant to 46975
division (E)(2)(a) of this section, a copy of the form prescribed 46976
pursuant to division (C)(1) of section 109.572 of the Revised Code 46977
and the standard impression sheet prescribed pursuant to division 46978
(C)(2) of that section, the applicant or employee fails to 46979
complete the form or provide the applicant's or employee's 46980
fingerprint impressions on the standard impression sheet. 46981

(3) Except as provided in rules adopted under this section, 46982
the applicant or employee is found by a criminal records check 46983
required by this section to have been convicted of, pleaded guilty 46984
to, or been found eligible for intervention in lieu of conviction 46985
for a disqualifying offense. 46986

(C) Except as provided by division (F) of this section, the 46987
chief administrator of a home health agency shall inform each 46988
applicant of both of the following at the time of the applicant's 46989
initial application for employment or referral to the home health 46990
agency by an employment service for a position that involves 46991
providing direct care to an individual: 46992

(1) That a review of the databases listed in division (D) of 46993
this section will be conducted to determine whether the home 46994
health agency is prohibited by division (B)(1) of this section 46995

from employing the applicant in the position; 46996

(2) That, unless the database review reveals that the 46997
applicant may not be employed in the position, a criminal records 46998
check of the applicant will be conducted and the applicant is 46999
required to provide a set of the applicant's fingerprint 47000
impressions as part of the criminal records check. 47001

(D) As a condition of employing any applicant in a position 47002
that involves providing direct care to an individual, the chief 47003
administrator of a home health agency shall conduct a database 47004
review of the applicant in accordance with rules adopted under 47005
this section. If rules adopted under this section so require, the 47006
chief administrator of a home health agency shall conduct a 47007
database review of an employee in accordance with the rules as a 47008
condition of continuing to employ the employee in a position that 47009
involves providing direct care to an individual. However, the 47010
chief administrator is not required to conduct a database review 47011
of an applicant or employee if division (F) of this section 47012
applies. A database review shall determine whether the applicant 47013
or employee is included in any of the following: 47014

(1) The excluded parties list system that is maintained by 47015
the United States general services administration pursuant to 47016
subpart 9.4 of the federal acquisition regulation and available at 47017
the federal web site known as the system for award management; 47018

(2) The list of excluded individuals and entities maintained 47019
by the office of inspector general in the United States department 47020
of health and human services pursuant to the "Social Security 47021
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 47022

(3) The registry of developmental disabilities employees 47023
established under section 5123.52 of the Revised Code; 47024

(4) The internet-based sex offender and child-victim offender 47025
database established under division (A)(11) of section 2950.13 of 47026

the Revised Code; 47027

(5) The internet-based database of inmates established under 47028
section 5120.66 of the Revised Code; 47029

(6) The state nurse aide registry established under section 47030
3721.32 of the Revised Code; 47031

(7) Any other database, if any, specified in rules adopted 47032
under this section. 47033

(E)(1) As a condition of employing any applicant in a 47034
position that involves providing direct care to an individual, the 47035
chief administrator of a home health agency shall request the 47036
superintendent of the bureau of criminal identification and 47037
investigation to conduct a criminal records check of the 47038
applicant. If rules adopted under this section so require, the 47039
chief administrator of a home health agency shall request the 47040
superintendent to conduct a criminal records check of an employee 47041
at times specified in the rules as a condition of continuing to 47042
employ the employee in a position that involves providing direct 47043
care to an individual. However, the chief administrator is not 47044
required to request the criminal records check of the applicant or 47045
the employee if division (F) of this section applies or the home 47046
health agency is prohibited by division (B)(1) of this section 47047
from employing the applicant or continuing to employ the employee 47048
in a position that involves providing direct care to an 47049
individual. If an applicant or employee for whom a criminal 47050
records check request is required by this section does not present 47051
proof of having been a resident of this state for the five-year 47052
period immediately prior to the date upon which the criminal 47053
records check is requested or does not provide evidence that 47054
within that five-year period the superintendent has requested 47055
information about the applicant from the federal bureau of 47056
investigation in a criminal records check, the chief administrator 47057
shall request that the superintendent obtain information from the 47058

federal bureau of investigation as a part of the criminal records 47059
check. Even if an applicant or employee for whom a criminal 47060
records check request is required by this section presents proof 47061
that the applicant or employee has been a resident of this state 47062
for that five-year period, the chief administrator may request 47063
that the superintendent include information from the federal 47064
bureau of investigation in the criminal records check. 47065

(2) The chief administrator shall do all of the following: 47066

(a) Provide to each applicant and employee for whom a 47067
criminal records check request is required by this section a copy 47068
of the form prescribed pursuant to division (C)(1) of section 47069
109.572 of the Revised Code and a standard impression sheet 47070
prescribed pursuant to division (C)(2) of that section; 47071

(b) Obtain the completed form and standard impression sheet 47072
from each applicant and employee; 47073

(c) Forward the completed form and standard impression sheet 47074
to the superintendent at the time the chief administrator requests 47075
the criminal records check. 47076

(3) A home health agency shall pay to the bureau of criminal 47077
identification and investigation the fee prescribed pursuant to 47078
division (C)(3) of section 109.572 of the Revised Code for each 47079
criminal records check the agency requests under this section. A 47080
home health agency may charge an applicant a fee not exceeding the 47081
amount the agency pays to the bureau under this section if both of 47082
the following apply: 47083

(a) The home health agency notifies the applicant at the time 47084
of initial application for employment of the amount of the fee and 47085
that, unless the fee is paid, the applicant will not be considered 47086
for employment. 47087

(b) The medicaid program does not reimburse the home health 47088
agency for the fee it pays to the bureau under this section. 47089

(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply:

(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee.

(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency;

(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section.

(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies:

(a) The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.

(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results.

(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency.

(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the

date the request for the criminal records check is made. 47152
Regardless of when the results of the criminal records check are 47153
obtained, if the results indicate that the applicant has been 47154
convicted of, pleaded guilty to, or been found eligible for 47155
intervention in lieu of conviction for a disqualifying offense, 47156
the home health agency shall terminate the applicant's employment 47157
unless circumstances specified in rules adopted under this section 47158
that permit the agency to employ the applicant exist and the 47159
agency chooses to employ the applicant. Termination of employment 47160
under this division shall be considered just cause for discharge 47161
for purposes of division (D)(2) of section 4141.29 of the Revised 47162
Code if the applicant makes any attempt to deceive the home health 47163
agency about the applicant's criminal record. 47164

(H) The report of any criminal records check conducted by the 47165
bureau of criminal identification and investigation in accordance 47166
with section 109.572 of the Revised Code and pursuant to a request 47167
made under this section is not a public record for the purposes of 47168
section 149.43 of the Revised Code and shall not be made available 47169
to any person other than the following: 47170

(1) The applicant or employee who is the subject of the 47171
criminal records check or the applicant's or employee's 47172
representative; 47173

(2) The home health agency requesting the criminal records 47174
check or its representative; 47175

(3) The administrator of any other facility, agency, or 47176
program that provides direct care to individuals that is owned or 47177
operated by the same entity that owns or operates the home health 47178
agency that requested the criminal records check; 47179

(4) The employment service that requested the criminal 47180
records check; 47181

(5) The director of health and the staff of the department of 47182

health who monitor a home health agency's compliance with this section; 47183
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(6) The director of aging or the director's designee if either of the following apply: 47185
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(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care provider or community-based long-term care subcontractor; 47187
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(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor. 47191
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(7) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either of the following apply: 47196
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(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency; 47199
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(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency. 47202
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(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 47206
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(a) A denial of employment of the applicant or employee; 47208

(b) Employment or unemployment benefits of the applicant or employee; 47209
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(c) A civil or criminal action regarding the medicaid program. 47211
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(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply:

(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, 47244
specify other databases that are to be checked as part of a 47245
database review conducted under this section. 47246

(2) The rules shall specify all of the following: 47247

(a) The procedures for conducting database reviews under this 47248
section; 47249

(b) If the rules require employees to undergo database 47250
reviews and criminal records checks under this section, the times 47251
at which the database reviews and criminal records checks are to 47252
be conducted; 47253

(c) If the rules specify other databases to be checked as 47254
part of the database reviews, the circumstances under which a home 47255
health agency is prohibited from employing an applicant or 47256
continuing to employ an employee who is found by a database review 47257
to be included in one or more of those databases; 47258

(d) Circumstances under which a home health agency may employ 47259
an applicant or employee who is found by a criminal records check 47260
required by this section to have been convicted of, pleaded guilty 47261
to, or been found eligible for intervention in lieu of conviction 47262
for a disqualifying offense but meets personal character 47263
standards. 47264

Sec. 3701.916. (A) As used in this section, "direct care" and 47265
"home health agency" have the same meanings as in section 3701.881 47266
of the Revised Code. 47267

(B) For the purpose of identifying jobs that are in demand in 47268
this state under section 6301.11 of the Revised Code, direct care 47269
provided by a home health agency shall be considered a targeted 47270
industry sector as identified by the governor's office of 47271
workforce transformation. 47272

(C) The director of job and family services shall review the 47273

criteria for any program that provides occupational training, 47274
adult education, or career pathway assistance through a grant or 47275
other source of funding to determine whether an employee of a home 47276
health agency may participate in the program, and, to the extent 47277
possible, make any necessary changes to the criteria to allow a 47278
home health agency employee to participate in the program. 47279

Sec. 3702.304. (A)(1) The director of health may grant a 47280
variance from the written transfer agreement requirement of 47281
section 3702.303 of the Revised Code if the ambulatory surgical 47282
facility submits to the director a complete variance application, 47283
prescribed by the director, and the director determines after 47284
reviewing the application that the facility is capable of 47285
achieving the purpose of a written transfer agreement in the 47286
absence of one. The director's determination is final. 47287

(2) Not later than sixty days after receiving a variance 47288
application from an ambulatory surgical facility, the director 47289
shall grant or deny the variance. A variance application that has 47290
not been approved within sixty days is considered denied. 47291

(B) A variance application is complete for purposes of 47292
division (A)(1) of this section if it contains or includes as 47293
attachments all of the following: 47294

(1) A statement explaining why application of the requirement 47295
would cause the facility undue hardship and why the variance will 47296
not jeopardize the health and safety of any patient; 47297

(2) A letter, contract, or memorandum of understanding signed 47298
by the facility and one or more consulting physicians who have 47299
admitting privileges at a minimum of one local hospital, 47300
memorializing the physician or physicians' agreement to provide 47301
back-up coverage when medical care beyond the level the facility 47302
can provide is necessary; 47303

(3) For each consulting physician described in division	47304
(B)(2) of this section:	47305
(a) A signed statement in which the physician attests that	47306
the physician is familiar with the facility and its operations,	47307
and agrees to provide notice to the facility of any changes in the	47308
physician's ability to provide back-up coverage;	47309
(b) The estimated travel time from the physician's main	47310
residence or office to each local hospital where the physician has	47311
admitting privileges;	47312
(c) Written verification that the facility has a record of	47313
the name, telephone numbers, and practice specialties of the	47314
physician;	47315
(d) Written verification from the state medical board that	47316
the physician possesses a valid certificate <u>license</u> to practice	47317
medicine and surgery or osteopathic medicine and surgery issued	47318
under Chapter 4731. of the Revised Code;	47319
(e) Documented verification that each hospital at which the	47320
physician has admitting privileges has been informed in writing by	47321
the physician that the physician is a consulting physician for the	47322
ambulatory surgical facility and has agreed to provide back-up	47323
coverage for the facility when medical care beyond the care the	47324
facility can provide is necessary.	47325
(4) A copy of the facility's operating procedures or	47326
protocols that, at a minimum, do all of the following:	47327
(a) Address how back-up coverage by consulting physicians is	47328
to occur, including how back-up coverage is to occur when	47329
consulting physicians are temporarily unavailable;	47330
(b) Specify that each consulting physician is required to	47331
notify the facility, without delay, when the physician is unable	47332
to expeditiously admit patients to a local hospital and provide	47333

for continuity of patient care; 47334

(c) Specify that a patient's medical record maintained by the 47335
facility must be transferred contemporaneously with the patient 47336
when the patient is transferred from the facility to a hospital. 47337

(5) Any other information the director considers necessary. 47338

(C) The director's decision to grant, refuse, or rescind a 47339
variance is final. 47340

(D) The director shall consider each application for a 47341
variance independently without regard to any decision the director 47342
may have made on a prior occasion to grant or deny a variance to 47343
that ambulatory surgical facility or any other facility. 47344

Sec. 3702.307. An ambulatory surgical facility shall notify 47345
the director of health when any of the following occurs: 47346

(A) The facility modifies any provision of its most recent 47347
written transfer agreement filed with the director under section 47348
3702.303 of the Revised Code. Notification under these 47349
circumstances shall occur not later than the business day after 47350
the modification is finalized. As used in this division, "business 47351
day" means a day of the week excluding Saturday, Sunday, and a 47352
legal holiday as defined in section 1.14 of the Revised Code. 47353

(B) The facility modifies its operating procedures or 47354
protocols described in division (B)(4) of section 3702.304 of the 47355
Revised Code. Notification under these circumstances shall occur 47356
not later than forty-eight hours after the modification is made. 47357

(C) The ambulatory surgical facility becomes aware of an 47358
event, including disciplinary action by the state medical board 47359
pursuant to section 4731.22 of the Revised Code, that may affect a 47360
consulting physician's ~~certificate~~ license to practice medicine 47361
and surgery or osteopathic medicine and surgery or the physician's 47362
ability to admit patients to a hospital identified in a variance 47363

application, as described in division (B)(3)(e) of section 47364
3702.304 of the Revised Code. Notification under these 47365
circumstances shall occur not later than one week after the 47366
facility becomes aware of the event's occurrence. 47367

Sec. 3702.52. The director of health shall administer a state 47368
certificate of need program in accordance with sections 3702.51 to 47369
3702.62 of the Revised Code and rules adopted under those 47370
sections. Administration of the program shall include both a 47371
standard review process and an expedited review process. 47372

(A) The director shall issue rulings on whether a particular 47373
proposed project is a reviewable activity. The director shall 47374
issue a ruling not later than forty-five days after receiving a 47375
request for a ruling accompanied by the information needed to make 47376
the ruling, except that if an expedited review is requested, the 47377
ruling shall be issued not later than fourteen days after 47378
receiving the request for a ruling accompanied by the information 47379
needed to make the ruling. If the director does not issue a ruling 47380
in ~~that~~ the required time, the project shall be considered to have 47381
been ruled not a reviewable activity. 47382

(B)(1) Each application for a certificate of need shall be 47383
submitted to the director on forms and in the manner prescribed by 47384
the director. ~~Each~~ An application for which expedited review is 47385
requested must meet the same requirements as all other 47386
applications. 47387

Each application shall include a plan for obligating the 47388
capital expenditures or implementing the proposed project on a 47389
timely basis in accordance with section 3702.524 of the Revised 47390
Code. Each application shall also include all other information 47391
required by rules adopted under division (B) of section 3702.57 of 47392
the Revised Code. 47393

(2) Each application shall be accompanied by the application 47394

fee established in rules adopted under division (G) of section 47395
3702.57 of the Revised Code. Application fees received by the 47396
director under this division shall be deposited into the state 47397
treasury to the credit of the certificate of need fund, which is 47398
hereby created. The director shall use the fund only to pay the 47399
costs of administering sections 3702.11 to 3702.20, 3702.30, and 47400
3702.51 to 3702.62 of the Revised Code and rules adopted under 47401
those sections. An application fee is nonrefundable unless the 47402
director determines that the application cannot be accepted. 47403

(3) The director shall review applications for certificates 47404
of need. As part of a review, the director shall determine whether 47405
an application is complete. The director shall not consider an 47406
application to be complete unless the application meets all 47407
criteria for a complete application specified in rules adopted 47408
under section 3702.57 of the Revised Code. The director shall mail 47409
to the applicant a written notice that the application is 47410
complete, or a written request for additional information, not 47411
later than thirty days after receiving an application or a 47412
response to an earlier request for information. For an application 47413
for which expedited review is requested, the director's notice or 47414
request shall be mailed not later than fourteen days after the 47415
director receives the application or a response to an earlier 47416
request for information. Except as provided in section 3702.522 of 47417
the Revised Code, the director shall not make more than two 47418
requests for additional information. The director's determination 47419
that an application is not complete is final and not subject to 47420
appeal. 47421

(4) Except as necessary to comply with a subpoena issued 47422
under division (F) of this section, after a notice of completeness 47423
has been received, no person shall make revisions to information 47424
that was submitted to the director before the director mailed the 47425
notice of completeness or knowingly discuss in person or by 47426

telephone the merits of the application with the director. A 47427
person may supplement an application after a notice of 47428
completeness has been received by submitting clarifying 47429
information to the director. 47430

(C) All of the following apply to the process of granting or 47431
denying a certificate of need: 47432

(1) If the project proposed in a certificate of need 47433
application meets all of the applicable certificate of need 47434
criteria for approval under sections 3702.51 to 3702.62 of the 47435
Revised Code and the rules adopted under those sections, the 47436
director shall grant a certificate of need for all or part of the 47437
project that is the subject of the application by the applicable 47438
deadline specified in division (C)(4) of this section or any 47439
extension of it under division (C)(5) of this section. 47440

(2) The director's grant of a certificate of need does not 47441
affect, and sets no precedent for, the director's decision to 47442
grant or deny other applications for similar reviewable 47443
activities. 47444

(3) Any affected person may submit written comments regarding 47445
an application. The director shall consider all written comments 47446
received by the forty-fifth day after the application is submitted 47447
to the director, except that in an expedited review to be 47448
considered written comments must be received by the twenty-first 47449
day after the application is submitted. 47450

(4) Except as provided in division (C)(5) of this section, 47451
the director shall grant or deny certificate of need applications 47452
not later than sixty days after mailing the notice of completeness 47453
unless the application is receiving expedited review. If the 47454
application is receiving expedited review, the director shall 47455
grant or deny the application not later than thirty days after 47456
mailing the notice of completeness. 47457

(5) Except as otherwise provided in division (C)(6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the deadline prescribed by division (C)(4) of this section. An extension by the director under division (C)(5) of this section shall apply to all applications that are in comparative review.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

(9) In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) When a certificate of need is granted for a project under which beds are to be relocated, upon completion of the project for which the certificate of need was granted a number of beds equal to the number of beds relocated shall cease to be operated in the long-term care facility from which they are relocated, except that the beds may continue to be operated for not more than fifteen days to allow relocation of residents to the facility to which the beds have been relocated. Notwithstanding section 3721.03 of the Revised Code, if the relocated beds are in a home licensed under Chapter 3721. of the Revised Code, the facility's license is automatically reduced by the number of beds relocated effective

fifteen days after the beds are relocated. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the certification for the beds shall be surrendered. If the beds are registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds, the director shall remove the beds from registration not later than fifteen days after the beds are relocated.

(E) During the period beginning with the granting of a certificate of need and ending five years after implementation of the reviewable activity for which the certificate was granted, the director shall monitor the activities of the person granted the certificate to determine whether the reviewable activity is conducted in substantial accordance with the certificate. A reviewable activity shall not be determined to be not in substantial accordance with the certificate of need solely because of a either of the following:

(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless any of the circumstances specified in division (B) of section 3702.59 of the Revised Code apply to the new owner or operator.

(F) When reviewing applications for certificates of need, considering appeals under section 3702.60 of the Revised Code, or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas and subpoenas duces tecum to compel a person to testify and produce documents relevant to review of the application, consideration of the appeal, or monitoring of the activities. In addition, the director or the director's designee may visit the sites where the activities are or will be conducted.

(G) The director may withdraw certificates of need. 47520

(H) All long-term care facilities shall submit to the 47521
director, upon request, any information prescribed by rules 47522
adopted under division (H) of section 3702.57 of the Revised Code 47523
that is necessary to conduct reviews of certificate of need 47524
applications and to develop criteria for reviews. 47525

(I) Any decision to grant or deny a certificate of need shall 47526
consider the special needs and circumstances resulting from moral 47527
and ethical values and the free exercise of religious rights of 47528
long-term care facilities administered by religious organizations, 47529
and the special needs and circumstances of inner city and rural 47530
communities. 47531

Sec. 3702.72. (A) A primary care physician who will not have 47532
an outstanding obligation for medical service to the federal 47533
government, a state, or other entity at the time of participation 47534
in the physician loan repayment program and meets one of the 47535
following requirements may apply for participation in the 47536
physician loan repayment program: 47537

(1) The primary care physician is enrolled in the final year 47538
of an accredited program required for board certification in a 47539
primary care specialty. 47540

(2) The primary care physician is enrolled in the final year 47541
of a fellowship program in a primary care specialty. 47542

(3) The primary care physician holds a valid ~~certificate~~ 47543
license to practice medicine and surgery or osteopathic medicine 47544
and surgery issued under Chapter 4731. of the Revised Code. 47545

(B) An application for participation in the physician loan 47546
repayment program shall be submitted to the director of health on 47547
a form that the director shall prescribe. The information required 47548
to be submitted with an application includes the following: 47549

(1) The applicant's name, permanent address or address at which the applicant is currently residing if different from the permanent address, and telephone number;	47550 47551 47552
(2) The applicant's primary care specialty or specialties;	47553
(3) The medical school or osteopathic medical school the applicant attended, the dates of attendance, and verification of attendance;	47554 47555 47556
(4) The facility or institution where the applicant's medical residency program was completed or is being performed, and, if completed, the date of completion;	47557 47558 47559
(5) If applicable, the facility or institution where the applicant's fellowship was completed or is being performed, and, if completed, the date of completion;	47560 47561 47562
(6) A summary and verification of the educational expenses for which the applicant seeks reimbursement under the program;	47563 47564
(7) Verification of the applicant's authorization under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	47565 47566 47567
(8) Verification of the applicant's United States citizenship or status as a legal alien.	47568 47569
Sec. 3704.01. As used in this chapter:	47570
(A) "Administrator" means the administrator of the United States environmental protection agency or the chief executive of any successor federal agency responsible for implementation of the federal Clean Air Act.	47571 47572 47573 47574
(B) "Air contaminant" means particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor, or odorous substances, or any combination thereof, but does not mean emissions from agricultural production activities, as defined in section 929.01	47575 47576 47577 47578

of the Revised Code, that are consistent with generally accepted 47579
agricultural practices, were established prior to adjacent 47580
nonagricultural activities, have no substantial, adverse effect on 47581
the public health, safety, or welfare, do not result from the 47582
negligent or other improper operations of any such agricultural 47583
activities, and would not be required to obtain a Title V permit. 47584
For the purposes of this chapter, agricultural production 47585
activities do not include the installation and operation of 47586
off-farm facilities for the storage or processing of agricultural 47587
products, including, but not limited to, alfalfa dehydrating 47588
facilities, rendering plants, and feed and grain mills, elevators, 47589
and terminals. 47590

(C) "Air contaminant source" means each separate operation or 47591
activity that results or may result in the emission of any air 47592
contaminant. 47593

(D) "Air pollution" means the presence in the ambient air of 47594
one or more air contaminants or any combination thereof in 47595
sufficient quantity and of such characteristics and duration as is 47596
or threatens to be injurious to human health or welfare, plant or 47597
animal life, or property, or as unreasonably interferes with the 47598
comfortable enjoyment of life or property. 47599

(E) "Ambient air" means that portion of the atmosphere 47600
outside of buildings and other enclosures, stacks, or ducts that 47601
surrounds human, plant, or animal life or property. 47602

(F) "Best available technology" means any combination of work 47603
practices, raw material specifications, throughput limitations, 47604
source design characteristics, an evaluation of the annualized 47605
cost per ton of pollutant removed, and air pollution control 47606
devices that have been previously demonstrated to the director of 47607
environmental protection to operate satisfactorily in this state 47608
or other states with similar air quality on substantially similar 47609
air pollution sources. 47610

(G) "Change within a permitted facility" means, within the context of the Title V permit program established under section 3704.036 of the Revised Code, a change that is limited by a federally enforceable provision of an applicable Title V permit and that does not include physical, production, or other changes that are neither addressed nor limited by the federally enforceable portion of a Title V permit unless the change would result in a violation of a federally enforceable requirement or a modification under Title I of the federal Clean Air Act or would be subject to any requirements under Title IV of that act.

(H) "Emit" or "emission" means the release into the ambient air of an air contaminant.

(I) "Emission limitation" and "emission standard" mean a requirement that limits the quantity, rate, or concentration of emissions of air contaminants, including any requirement relating to the operation or maintenance of an air contaminant source.

(J) "Facility," for the purposes of the Title V permit program established under section 3704.036 of the Revised Code, means all of the emitting activities that are located on contiguous or adjacent properties that are under the control of the same person or persons or are under common control and that are in the same major group as described in the standard Industrial Classification Manual, 1987.

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments

that have been or may hereafter be adopted, or any supplements to 47643
those acts and laws of the United States that have been or may 47644
hereafter be enacted in substitution therefor, together with any 47645
regulations that have been or may hereafter be adopted by the 47646
administrator by virtue of and in accordance with those acts and 47647
laws. Reference to a particular title or section of the federal 47648
Clean Air Act includes any amendments that have been or may 47649
hereafter be enacted in substitution therefor and any regulations 47650
pertaining to the title or section that have been or may hereafter 47651
be adopted by the administrator by virtue of and in accordance 47652
with the federal Clean Air Act. 47653

(L) "Hazardous air pollutant" means any pollutant listed 47654
under section 112(b) of the federal Clean Air Act. 47655

(M) "Implementation plan" means a program for the prevention 47656
and abatement of air pollution in the state that has been 47657
promulgated or approved by the administrator pursuant to the 47658
federal Clean Air Act. 47659

(N) "Local air pollution control authority" includes all of 47660
the following unless terminated by the political subdivisions 47661
represented thereby: 47662

(1) All of the following agencies representing the following 47663
political subdivisions, as those agencies existed on ~~the effective~~ 47664
~~date of this section~~ July 1, 1993: 47665

(a) The Akron regional air quality management district 47666
representing Medina, Summit, and Portage counties; 47667

(b) The Canton city health department representing Stark 47668
county; 47669

(c) The Hamilton county department of environmental services, 47670
southwest Ohio air quality agency representing Butler, Warren, 47671
Hamilton, and Clermont counties; 47672

(d) The city of Cleveland division of the environment	47673
representing the city of Cleveland <u>Cuyahoga county</u> ;	47674
(e) The regional air pollution control agency representing	47675
Darke, Preble, Miami, Montgomery, Clark, and Greene counties;	47676
(f) The Lake county general health district representing Lake	47677
and Geauga counties;	47678
(g) The Portsmouth city health department representing Brown,	47679
Adams, Scioto, and Lawrence counties;	47680
(h) The north Ohio valley air authority representing Carroll,	47681
Jefferson, Columbiana, Harrison, Belmont, and Monroe counties;	47682
(i) The city of Toledo division of pollution control	47683
representing Lucas county and the city of Rossford in Wood county;	47684
(j) <u>(i)</u> The Mahoning-Trumbull air pollution control agency,	47685
city of Youngstown, representing Trumbull and Mahoning counties.	47686
(2) Any successor to an existing local air pollution control	47687
authority listed in divisions (N)(1)(a) to (j) <u>(i)</u> of this section	47688
that results from a change in the political subdivisions	47689
comprising the local air pollution control authority through the	47690
withdrawal of a political subdivision from membership in the local	47691
air pollution control authority or the inclusion of an additional	47692
political subdivision in the membership of the local air pollution	47693
control authority;	47694
(3) Any new local air pollution control authority established	47695
on or after the effective date of this section <u>July 1, 1993</u> , by	47696
one or more political subdivisions of this state for the purposes	47697
of exercising the powers reserved to political subdivisions of	47698
this state under division (A) of section 3704.11 of the Revised	47699
Code.	47700
(O) "Person" means the federal government or any agency	47701
thereof, the state or any agency thereof, any political	47702

subdivision or any agency thereof, or any public or private 47703
corporation, individual, partnership, or other entity. 47704

(P) "Research and development sources" means sources whose 47705
activities are conducted for nonprofit scientific or educational 47706
purposes; sources whose activities are conducted to test more 47707
efficient production processes or methods for preventing or 47708
reducing adverse environmental impacts, provided that the 47709
activities do not include the production of an intermediate or 47710
final product for sale or exchange for commercial profit, except 47711
in a de minimis manner; a research or laboratory source the 47712
primary purpose of which is to conduct research and development 47713
into new processes and products, that is operated under the close 47714
supervision of technically trained personnel, and that is not 47715
engaged in the manufacture of products for sale or exchange for 47716
commercial profit, except in a de minimis manner; the temporary 47717
use of normal production sources in a research and development 47718
mode to test the technical or commercial viability of alternative 47719
raw materials or production processes, provided that the use does 47720
not include the production of an intermediate or final product for 47721
sale or exchange for commercial profit, except in a de minimis 47722
manner; the experimental firing of any fuel or combination of 47723
fuels in a boiler, heater, furnace, or dryer for the purpose of 47724
conducting research and development of more efficient combustion 47725
or more effective prevention or control of air pollutant 47726
emissions, provided that, during those periods of research and 47727
development, the heat generated is not used for normal production 47728
purposes or for producing a product for sale or exchange for 47729
commercial profit, except in a de minimis manner; and such other 47730
similar sources as the director may prescribe by rule. 47731

(Q) "Responsible official" means one of the following, as 47732
applicable: 47733

(1) For a corporation: a president, secretary, treasurer, or 47734

vice-president of the corporation in charge of a principal 47735
business function, any other person who performs similar policy or 47736
decision-making functions for the corporation, or a duly 47737
authorized representative of any such person if the representative 47738
is responsible for the overall operation of one or more 47739
manufacturing, production, or operating facilities applying for or 47740
subject to a Title V permit and if one of the following applies: 47741

(a) The facilities employ more than two hundred fifty 47742
individuals or have gross annual sales or expenditures exceeding 47743
twenty-five million dollars, in second quarter 1980 dollars; 47744

(b) The delegation of authority to the representative is 47745
approved in advance by the director. 47746

(2) For a partnership or sole proprietorship: a general 47747
partner or the proprietor, respectively. 47748

(3) For the federal government or any agency thereof, the 47749
state or any agency thereof, a political subdivision or any agency 47750
thereof, or any other public agency, either a principal executive 47751
officer or authorized elected official. For the purposes of this 47752
division, a principal executive officer of a federal agency 47753
includes the chief executive officer having responsibility for the 47754
overall operation of a principal geographic unit of the agency. 47755

(4) For affected sources, both of the following: 47756

(a) The designated representative insofar as actions, 47757
standards, requirements, or prohibitions under Title IV of the 47758
federal Clean Air Act or regulations adopted under it are 47759
concerned; 47760

(b) The designated representative for any other purposes 47761
under 40 C.F.R. part 70. 47762

(R) "Small business stationary source" means any building, 47763
structure, facility, or installation that emits any federally 47764

regulated air pollutant and is owned or operated by a person who 47765
employs one hundred or fewer individuals; is a small business 47766
concern as defined in the "Small Business Act," 72 Stat. 384 47767
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 47768
source as defined in section 302(j) of the federal Clean Air Act; 47769
does not emit fifty tons or more per year of any federally 47770
regulated air pollutant or any hazardous air pollutant; and emits 47771
less than seventy-five tons per year of all federally regulated 47772
air pollutants. 47773

(S) "Title V permit" means an operating permit required to be 47774
issued by the state under section 502 of the federal Clean Air Act 47775
and issued under section 3704.036 of the Revised Code and rules 47776
adopted under it. 47777

(T) For the purposes of the Title V permit program 47778
established under this chapter and rules adopted under it, all 47779
terms defined in 40 C.F.R. part 70 have the same meaning as in 47780
that part. 47781

Sec. 3704.035. (A) There is hereby created in the state 47782
treasury the Title V clean air fund. Except as otherwise provided 47783
in division (K) of section 3745.11 of the Revised Code, all moneys 47784
collected under division (B) of that section, and any gifts, 47785
grants, or contributions received by the director of environmental 47786
protection for the purposes of the fund, shall be credited to the 47787
fund. 47788

The director shall expend all moneys credited to the fund 47789
solely to administer and enforce the Title V program pursuant to 47790
the federal Clean Air Act, this chapter, and rules adopted under 47791
it, except as costs relating to enforcement are limited by the 47792
federal Clean Air Act. The director shall establish separate and 47793
distinct accounting for all such moneys. 47794

(B) There is hereby created in the state treasury the 47795

non-Title V clean air fund. All money collected under section 47796
3710.15 and divisions (D), (F), (G), (H), (I), and (J) of section 47797
3745.11 of the Revised Code shall be credited to the fund. In 47798
addition, any gifts, grants, or contributions received by the 47799
director for the purposes of the fund shall be credited to the 47800
fund. 47801

The director shall expend money in the fund exclusively to 47802
pay the cost of administering and enforcing the laws of this state 47803
pertaining to the prevention, control, and abatement of air 47804
pollution, the prevention, control, and abatement of asbestos, 47805
rules adopted under those laws, and terms and conditions of 47806
permits, variances, and orders issued under those laws, and 47807
asbestos abatement licensure and certification issued under those 47808
laws. However, the director shall not expend money credited to the 47809
fund for the administration and enforcement of the Title V permit 47810
program established under this chapter and rules adopted under it 47811
or motor vehicle inspection and maintenance programs established 47812
under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 47813
of the Revised Code. 47814

(C) The director shall report biennially to the general 47815
assembly the amounts of fees and other moneys credited to the 47816
funds under this section and the amounts expended from them for 47817
each of the various air pollution control programs. 47818

Sec. 3704.111. (A) Not later than October 1, 1993, the 47819
director of environmental protection shall enter into a delegation 47820
agreement with each local air pollution control authority listed 47821
in divisions ~~(J)~~(N)(1)(a) to ~~(j)~~(i) of section 3704.01 of the 47822
Revised Code under which the local air pollution control authority 47823
agrees to perform on behalf of the environmental protection agency 47824
air pollution control regulatory services within the political 47825
subdivision represented by the local air pollution control 47826

authority. The director may enter into such a delegation agreement 47827
with a local air pollution control authority established on or 47828
after the effective date of this section, subject to the condition 47829
established in division (B) of this section. Each delegation 47830
agreement shall be self-renewing on an annual basis on the first 47831
day of October of each year. The terms of each such delegation 47832
agreement shall remain unchanged from year to year unless they are 47833
amended by mutual agreement of the director and the local air 47834
pollution control authority. 47835

(B) The director may conduct a periodic performance 47836
evaluation of the air pollution control program operated by each 47837
local air pollution control authority. Based upon the findings of 47838
such a performance evaluation, the director may terminate or 47839
refuse to renew the delegation agreement with a local air 47840
pollution control authority if ~~he~~ the director determines that the 47841
local air pollution control authority is not adequately performing 47842
its obligations under the agreement. 47843

(C) The director may enter into contracts for payments to 47844
local air pollution control authorities from moneys credited to 47845
the clean air fund created in section 3704.035 of the Revised 47846
Code, subject to the limitation specified in that section, and any 47847
other moneys appropriated by the general assembly for that 47848
purpose. The director shall distribute the moneys available for 47849
making payments to the local air pollution control authorities 47850
pursuant to such contracts equitably among the local air pollution 47851
control authorities based upon the amount of local funding and the 47852
workload of each local air pollution control authority, including, 47853
without limitation, population served, number of air permits 47854
issued for both new and existing sources, land area, and number of 47855
air contaminant sources. The director biennially shall review the 47856
workload of each local air pollution control authority and shall 47857
determine the percentage of the moneys available for the purpose 47858

of making payments under the contracts. In determining the 47859
percentage of those moneys that is to be so distributed, the 47860
director shall consider the recommendations of the local air 47861
pollution control authorities. 47862

(D) The director may modify a contract between the director 47863
and a local air pollution control authority to authorize the local 47864
air pollution control authority to perform air pollution control 47865
activities outside the geographic boundaries of that local air 47866
pollution control authority. 47867

Sec. 3705.07. (A) The local registrar of vital statistics 47868
shall number consecutively ~~the birth,~~ each fetal death, and death 47869
~~certificates in three separate series, beginning with "number one"~~ 47870
~~for the first birth, the first fetal death, and the first death~~ 47871
~~registered in each calendar year~~ certificate printed on paper that 47872
the local registrar receives from the electronic death 47873
registration system (EDRS) maintained by the department of health. 47874
The number assigned to each certificate shall be the one provided 47875
by EDRS. Such local registrar shall sign the local registrar's 47876
name in attest to the date of filing in the local office. The 47877
local registrar shall make a complete and accurate copy of each 47878
~~birth,~~ fetal death, and death certificate ~~registered~~ printed on 47879
paper that is filed. Each paper copy shall be filed and 47880
~~permanently preserved as the local record of such birth, fetal~~ 47881
~~death, or death except as provided in sections 3705.09, 3705.12,~~ 47882
~~and 3705.124 of the Revised Code~~ until the electronic information 47883
regarding the event has been completed and made available in EDRS 47884
and EDRS is capable of issuing a complete and accurate electronic 47885
copy of the certificate. The local record may be a ~~typewritten,~~ 47886
photographic, electronic, or other reproduction. ~~On or before the~~ 47887
~~tenth day of each month, the~~ The local registrar shall transmit to 47888
the state office of vital statistics all original ~~birth,~~ fetal 47889
death, and death, ~~and military service certificates received, and~~ 47890

~~all social security numbers obtained under section 3705.09,~~ 47891
~~3705.10, or 3705.16 of the Revised Code, during the preceding~~ 47892
~~month~~ using the state transmittal schedule specified by the 47893
department of health. The local registrar shall immediately notify 47894
the health commissioner with jurisdiction in the registration 47895
district of the receipt of a death certificate attesting that 47896
death resulted from a communicable disease. 47897

The office of vital statistics shall carefully examine the 47898
records and certificates received from local registrars of vital 47899
statistics and shall secure any further information that may be 47900
necessary to make each record and certificate complete and 47901
satisfactory. It shall arrange and preserve the records and 47902
certificates, or reproductions of them produced pursuant to 47903
section 3705.03 of the Revised Code, in a systematic manner and 47904
shall maintain a permanent index of all births, fetal deaths, and 47905
deaths registered, which shall show the name of the child or 47906
deceased person, place and date of birth or death, and number of 47907
the ~~record or certificate, and the volume in which it is~~ 47908
~~contained.~~ 47909

(B)(1) The office of vital statistics shall make available to 47910
the division of child support in the department of job and family 47911
services all social security numbers that ~~were furnished to a~~ 47912
~~local registrar of vital statistics~~ accompany a birth certificate 47913
submitted for filing under division ~~(I)~~(H) of section 3705.09 or 47914
~~under~~ section 3705.10 ~~or 3705.16~~ of the Revised Code ~~and that were~~ 47915
~~transmitted to the office under division (A) of this section or~~ 47916
that accompany a death certificate registered under section 47917
3705.16 of the Revised Code. 47918

(2) The office of vital statistics also shall make available 47919
to the division of child support in the department of job and 47920
family services any other information recorded in the birth record 47921
that may enable the division to use the social security numbers 47922

provided under division (B)(1) of this section to obtain the 47923
location of the father of the child whose birth certificate was 47924
accompanied by the social security number or to otherwise enforce 47925
a child support order pertaining to that child or any other child. 47926

Sec. 3705.08. (A) The director of health, by rule, shall 47927
prescribe the form of records and certificates required by this 47928
chapter. Records and certificates shall include the items and 47929
information prescribed by the director, including the items 47930
recommended by the national center for health statistics of the 47931
United States department of health and human services, subject to 47932
approval of and modification by the director. 47933

(B) All birth certificates shall include a statement setting 47934
forth the names of the child's parents ~~and a line for the mother's~~ 47935
~~and the father's signature.~~ 47936

(C) All death certificates shall include, in the medical 47937
certification portion of the certificate, a space to indicate, if 47938
the deceased individual is female and the manner of death is 47939
determined to be a suspicious or violent death, whether any of the 47940
following conditions apply to the individual: 47941

(1) Not pregnant within the past year; 47942

(2) Pregnant at the time of death; 47943

(3) Not pregnant, but had been pregnant within forty-two days 47944
prior to the time of death; 47945

(4) Not pregnant, but had been pregnant within forty-three 47946
days to one year prior to the time of death; 47947

(5) Unknown whether pregnant within the past year. 47948

(D)(1) The director shall prescribe electronic methods, and 47949
~~forms, and blanks and shall furnish necessary postage, forms, and~~ 47950
~~blanks~~ for obtaining registration of births, deaths, and other 47951
vital statistics in each registration district, and for preserving 47952

the records of the office of vital statistics, and no forms or 47953
blanks shall be used other than those prescribed by the director. 47954

(2) All birth, fetal death, and death records and 47955
certificates shall be ~~signed~~ certified. Except as provided in 47956
division (G) of section 3705.09, section 3705.12, 3705.121, 47957
3705.122, or 3705.124, division (D) of section 3705.15, or section 47958
3705.16 of the Revised Code, a birth, ~~fetal death, or death~~ 47959
~~certificate shall be signed by the person required to sign the~~ 47960
~~certificate~~ certificate requiring signature may be electronically 47961
certified by the person in charge of the institution or that 47962
person's designee. A death certificate may be electronically 47963
certified by the individual who attests to the facts of death. 47964

(3) All vital records shall contain the date received for 47965
~~registration~~ filing. 47966

(4) Information and signatures required in certificates, 47967
records, or reports authorized by this chapter may be filed and 47968
registered by photographic, electronic, or other means as 47969
prescribed by the director. 47970

Sec. 3705.09. (A) A birth certificate for each live birth in 47971
this state shall be filed in the registration district in which it 47972
occurs within ten calendar days after such birth and shall be 47973
registered if it has been completed and filed in accordance with 47974
this section. 47975

(B) When a birth occurs in or en route to an institution, the 47976
person in charge of the institution or a designated representative 47977
shall obtain the personal data, prepare the certificate, ~~secure~~ 47978
~~the signatures required,~~ and file complete and certify the facts 47979
of birth on the certificate within ten calendar days ~~with the~~ 47980
~~local registrar of vital statistics~~. The physician or certified 47981
nurse-midwife in attendance shall ~~provide the medical information~~ 47982
~~required by the certificate and certify to the facts of birth~~ 47983

~~within seventy two hours after the birth~~ be listed on the birth 47984
record. 47985

(C) When a birth occurs outside an institution, the birth 47986
certificate shall be prepared and filed by one of the following in 47987
the indicated order of priority: 47988

(1) The physician or certified nurse-midwife in attendance at 47989
or immediately after the birth; 47990

(2) Any other person in attendance at or immediately after 47991
the birth; 47992

(3) The father; 47993

(4) The mother; 47994

(5) The person in charge of the premises where the birth 47995
occurred. 47996

(D) Either of the parents of the child or other informant 47997
shall attest to the accuracy of the personal data entered on the 47998
birth certificate in time to permit the filing of the certificate 47999
within the ten days prescribed in this section. 48000

(E) When a birth occurs in a moving conveyance within the 48001
United States and the child is first removed from the conveyance 48002
in this state, the birth shall be registered in this state and the 48003
place where it is first removed shall be considered the place of 48004
birth. When a birth occurs on a moving conveyance while in 48005
international waters or air space or in a foreign country or its 48006
air space and the child is first removed from the conveyance in 48007
this state, the birth shall be registered in this state but the 48008
record shall show the actual place of birth insofar as can be 48009
determined. 48010

(F)(1) If the mother of a child was married at the time of 48011
either conception or birth or between conception and birth, the 48012
child shall be registered in the surname designated by the mother, 48013

and the name of the husband shall be entered on the certificate as 48014
the father of the child. The presumption of paternity shall be in 48015
accordance with section 3111.03 of the Revised Code. 48016

(2) If the mother was not married at the time of conception 48017
or birth or between conception and birth, the child shall be 48018
registered by the surname designated by the mother. The name of 48019
the father of such child shall also be inserted on the birth 48020
certificate if both the mother and the father sign an 48021
acknowledgement of paternity affidavit before the birth record has 48022
been sent to the local registrar. If the father is not named on 48023
the birth certificate pursuant to division (F)(1) or (2) of this 48024
section, no other information about the father shall be entered on 48025
the record. 48026

(G) When a man is presumed, found, or declared to be the 48027
father of a child, according to section 2105.26, sections 3111.01 48028
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 48029
of the Revised Code, or the father has acknowledged the child as 48030
his child in an acknowledgment of paternity, and the 48031
acknowledgment has become final pursuant to section 2151.232, 48032
3111.25, or 3111.821 of the Revised Code, and documentary evidence 48033
of such fact is submitted to the department of health in such form 48034
as the director may require, a new birth record shall be issued by 48035
the department which shall have the same overall appearance as the 48036
record which would have been issued under this section if a 48037
marriage had occurred before the birth of such child. Where 48038
handwriting is required to effect such appearance, the department 48039
shall supply it. Upon the issuance of such new birth record, the 48040
original birth record shall cease to be a public record. Except as 48041
provided in division (C) of section 3705.091 of the Revised Code, 48042
the original record and any documentary evidence supporting the 48043
new registration of birth shall be placed in an envelope which 48044
shall be sealed by the department and shall not be open to 48045

inspection or copy unless so ordered by a court of competent jurisdiction. 48046
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~~The department shall then promptly forward a copy of the new birth record to the local registrar of vital statistics of the district in which the birth occurred, and such local registrar shall file a copy of such new birth record along with and in the same manner as the other copies of birth records in such local registrar's possession. All copies of the original birth record in the possession of the local registrar or the probate court, as well as any and all index references to it, shall be destroyed. Such new birth record, as well as any certified or exact copy of it, when properly authenticated by a duly authorized person shall be prima facie evidence in all courts and places of the facts stated in it.~~ 48048
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~~(H) When a woman who is a legal resident of this state has given birth to a child in a foreign country that does not have a system of registration of vital statistics, a birth record may be filed in the office of vital statistics on evidence satisfactory to the director of health.~~ 48060
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~~(I)~~(H) Every birth certificate filed under this section on or after July 1, 1990, shall be accompanied by all social security numbers that have been issued to the parents of the child, unless the division of child support in the department of job and family services, acting in accordance with regulations prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, as amended, finds good cause for not requiring that the numbers be furnished with the certificate. The parents' social security numbers shall not be recorded on the certificate. ~~The local registrar of vital statistics shall transmit the social security numbers to the state office of vital statistics in accordance with section 3705.07 of the Revised Code. No social security number obtained under this division shall be used for any purpose other~~ 48065
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than child support enforcement. 48078

Sec. 3705.10. Any birth certificate submitted for filing 48079
eleven or more days after the birth occurred constitutes a delayed 48080
birth registration. A delayed birth certificate may be filed in 48081
accordance with rules which shall be adopted by the director of 48082
health. The rules shall include, but not be limited to, all of the 48083
following requirements for each delayed birth certificate filed on 48084
or after July 1, 1990: 48085

(A) The certificate shall be accompanied by all social 48086
security numbers that have been issued to the parents of the 48087
child, unless the division of child support in the department of 48088
job and family services, acting in accordance with regulations 48089
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 48090
42 U.S.C.A. 405, as amended, finds good cause for not requiring 48091
that the numbers be furnished with the certificate. 48092

(B) The parents' social security numbers shall not be 48093
recorded on the certificate. 48094

~~(C) The local registrar of vital statistics shall transmit 48095
the social security numbers to the state office of vital 48096
statistics in accordance with section 3705.07 of the Revised Code. 48097~~

~~(D)~~ No social security number obtained under this section 48098
shall be used for any purpose other than child support 48099
enforcement. 48100

Sec. 3706.05. The Ohio air quality development authority may 48101
at any time issue revenue bonds and notes of the state in such 48102
principal amount as, in the opinion of the authority, are 48103
necessary for the purpose of paying any part of the cost of one or 48104
more air quality projects or parts thereof, including one or more 48105
payments pursuant to a commodity contract entered into in 48106
connection with the acquisition or construction of air quality 48107

facilities. The authority may at any time issue renewal notes, 48108
issue bonds to pay such notes and whenever it deems refunding 48109
expedient, refund any bonds by the issuance of air quality revenue 48110
refunding bonds of the state, whether the bonds to be refunded 48111
have or have not matured, and issue bonds partly to refund bonds 48112
then outstanding, and partly for any other authorized purpose. The 48113
refunding bonds shall be sold and the proceeds applied to the 48114
purchase, redemption, or payment of the bonds to be refunded. 48115
Except as may otherwise be expressly provided by the authority, 48116
every issue of its bonds or notes shall be ~~general~~ obligations of 48117
the authority payable solely out of the revenues of the authority 48118
that are pledged for such payment, without preference or priority 48119
of the first bonds issued, subject only to any agreements with the 48120
holders of particular bonds or notes pledging any particular 48121
revenues. Such pledge shall be valid and binding from the time the 48122
pledge is made and the revenues so pledged and thereafter received 48123
by the authority shall immediately be subject to the lien of such 48124
pledge without any physical delivery thereof or further act, and 48125
the lien of any such pledge is valid and binding as against all 48126
parties having claims of any kind in tort, contract, or otherwise 48127
against the authority, irrespective of whether such parties have 48128
notice thereof. Neither the resolution nor any trust agreement by 48129
which a pledge is created need be filed or recorded except in the 48130
records of the authority. 48131

Whether or not the bonds or notes are of such form and 48132
character as to be negotiable instruments, the bonds or notes 48133
shall have all the qualities and incidents of negotiable 48134
instruments, subject only to the provisions of the bonds or notes 48135
for registration. 48136

The bonds and notes shall be authorized by resolution of the 48137
authority, shall bear such date or dates, and shall mature at such 48138
time or times, in the case of any such note or any renewals 48139

thereof not exceeding five years from the date of issue of such 48140
original note and in the case of any such bond not exceeding forty 48141
years from the date of issue, as such resolution or resolutions 48142
may provide. The bonds and notes shall bear interest at such rate 48143
or rates, be in such denominations, be in such form, either coupon 48144
or registered, carry such registration privileges, be payable in 48145
such medium of payment, at such place or places, and be subject to 48146
such terms of redemption as the authority may authorize. The bonds 48147
and notes of the authority may be sold by the authority, at public 48148
or private sale, at or at not less than such price or prices as 48149
the authority determines. The bonds and notes shall be executed by 48150
the chairperson and vice-chairperson of the authority, either or 48151
both of whom may use a facsimile signature, the official seal of 48152
the authority or a facsimile thereof shall be affixed thereto or 48153
printed thereon and attested, manually or by facsimile signature, 48154
by the secretary-treasurer of the authority, and any coupons 48155
attached thereto shall bear the signature or facsimile signature 48156
of the chairperson of the authority. In case any officer whose 48157
signature, or a facsimile of whose signature, appears on any 48158
bonds, notes or coupons ceases to be such officer before delivery 48159
of bonds or notes, such signature or facsimile shall nevertheless 48160
be sufficient for all purposes the same as if the officer had 48161
remained in office until such delivery, and in case the seal of 48162
the authority has been changed after a facsimile has been 48163
imprinted on such bonds or notes, such facsimile seal will 48164
continue to be sufficient for all purposes. 48165

Any resolution or resolutions authorizing any bonds or notes 48166
or any issue thereof may contain provisions, subject to such 48167
agreements with bondholders or noteholders as may then exist, 48168
which provisions shall be a part of the contract with the holders 48169
thereof, as to: the pledging of all or any part of the revenues of 48170
the authority to secure the payment of the bonds or notes or of 48171
any issue thereof; the use and disposition of revenues of the 48172

authority; a covenant to fix, alter, and collect rentals and other 48173
charges so that pledged revenues will be sufficient to pay costs 48174
of operation, maintenance, and repairs, pay principal of and 48175
interest on bonds or notes secured by the pledge of such revenues, 48176
and provide such reserves as may be required by the applicable 48177
resolution or trust agreement; the setting aside of reserve funds, 48178
sinking funds, or replacement and improvement funds and the 48179
regulation and disposition thereof; the crediting of the proceeds 48180
of the sale of bonds or notes to and among the funds referred to 48181
or provided for in the resolution authorizing the issuance of the 48182
bonds or notes; the use, lease, sale, or other disposition of any 48183
air quality project or any other assets of the authority; 48184
limitations on the purpose to which the proceeds of sale of bonds 48185
or notes may be applied and the pledging of such proceeds to 48186
secure the payment of the bonds or notes or of any issue thereof; 48187
as to notes issued in anticipation of the issuance of bonds, the 48188
agreement of the authority to do all things necessary for the 48189
authorization, issuance, and sale of such bonds in such amounts as 48190
may be necessary for the timely retirement of such notes; 48191
limitations on the issuance of additional bonds or notes; the 48192
terms upon which additional bonds or notes may be issued and 48193
secured; the refunding of outstanding bonds or notes; the 48194
procedure, if any, by which the terms of any contract with 48195
bondholders or noteholders may be amended or abrogated, the amount 48196
of bonds or notes the holders of which must consent thereto, and 48197
the manner in which such consent may be given; limitations on the 48198
amount of moneys to be expended by the authority for operating, 48199
administrative, or other expenses of the authority; securing any 48200
bonds or notes by a trust agreement in accordance with section 48201
3706.07 of the Revised Code; any other matters, of like or 48202
different character, that in any way affect the security or 48203
protection of the bonds or notes. 48204

Neither the members of the authority nor any person executing 48205

the bonds or notes shall be liable personally on the bonds or 48206
notes or be subject to any personal liability or accountability by 48207
reason of the issuance thereof. 48208

Sec. 3706.27. (A) There is hereby created in the state 48209
treasury the advanced energy research and development fund to 48210
provide grants for advanced energy projects. There is hereby 48211
created in the state treasury the advanced energy research and 48212
development taxable fund to provide loans for advanced energy 48213
projects. 48214

(B)(1) The advanced energy research and development fund and 48215
the advanced energy research and development taxable fund shall 48216
consist of the proceeds of obligations that were issued prior to 48217
the effective date of this amendment under section 166.08 of the 48218
Revised Code. Money shall be credited to the respective funds in 48219
the proportion that the executive director of the Ohio air quality 48220
development authority, with the affirmative vote of a majority of 48221
the members of the authority, determines appropriate. 48222

(2) Any investment earnings from the money in the advanced 48223
energy research and development fund and in the advanced energy 48224
research and development taxable fund shall be credited to those 48225
funds, respectively. Any repayment of loans made from money in the 48226
advanced energy research and development taxable fund shall be 48227
credited to the alternative fuel transportation fund created in 48228
section 122.075 of the Revised Code. 48229

(C) The director of budget and management shall establish and 48230
maintain records or accounts for or within these funds in such a 48231
manner as to show the ~~amount~~ amounts credited to the funds 48232
~~pursuant to section 166.08 of the Revised Code~~ and that the 48233
amounts so credited have been expended for the purposes set forth 48234
in Section 2p or 13 of Article VIII, Ohio Constitution, and 48235
sections 166.08~~7~~ and 166.30~~7~~, of the Revised Code and former 48236

section 3706.26 of the Revised Code. 48237

Sec. 3707.58. (A) As used in this section: 48238

(1) "Youth athlete" means an individual who wishes to 48239
practice for or compete in athletic activities organized by a 48240
youth sports organization; 48241

(2) "Youth sports organization" has the same meaning as in 48242
section 3707.51 of the Revised Code. 48243

(B) Prior to the start of each athletic season, a youth 48244
sports organization that is subject to this section may hold an 48245
informational meeting for youth athletes, parents, guardians, 48246
other persons having care or charge of a youth athlete, 48247
physicians, pediatric cardiologists, athletic trainers, and any 48248
other persons regarding the symptoms and warning signs of sudden 48249
cardiac arrest for all ages of youth athletes. 48250

(C) No youth athlete shall participate in an athletic 48251
activity organized by a youth sports organization until the youth 48252
athlete has submitted to a designated official of the youth sports 48253
organization a form signed by the youth athlete and the parent, 48254
guardian, or other person having care or charge of the youth 48255
athlete stating that the youth athlete and the parent, guardian, 48256
or other person having care or charge of the youth athlete have 48257
received and reviewed a copy of the information developed by the 48258
departments of health and education and posted on their respective 48259
internet web sites as required by section 3707.59 of the Revised 48260
Code. A completed form shall be submitted each calendar year ~~for~~ 48261
to each youth sports organization that organizes an athletic 48262
activity in which the youth athlete participates. 48263

(D) No individual shall coach an athletic activity organized 48264
by a youth sports organization unless the individual has 48265
completed, on an annual basis, the sudden cardiac arrest training 48266

course approved by the department of health under division (C) of 48267
section 3707.59 of the Revised Code. 48268

(E)(1) A youth athlete shall not be allowed to participate in 48269
an athletic activity organized by a youth sports organization if 48270
either of the following is the case: 48271

(a) The youth athlete's biological parent, biological 48272
sibling, or biological child has previously experienced sudden 48273
cardiac arrest, and the youth athlete has not been evaluated and 48274
cleared for participation in an athletic activity organized by a 48275
youth sports organization by a physician authorized under Chapter 48276
4731. of the Revised Code to practice medicine and surgery or 48277
osteopathic medicine and surgery. 48278

(b) The youth athlete is known to have exhibited syncope or 48279
fainting at any time prior to or following an athletic activity 48280
and has not been evaluated and cleared for return under division 48281
(E)(3) of this section after exhibiting syncope or fainting. 48282

(2) A youth athlete shall be removed by the youth athlete's 48283
coach from participation in an athletic activity organized by a 48284
youth sports organization if the youth athlete exhibits syncope or 48285
fainting. 48286

(3) If a youth athlete is not allowed to participate in or is 48287
removed from participation in an athletic activity organized by a 48288
youth sports organization under division (E)(1) or (2) of this 48289
section, the youth athlete shall not be allowed to return to 48290
participation until the youth athlete is evaluated and cleared for 48291
return in writing by any of the following: 48292

(a) A physician authorized under Chapter 4731. of the Revised 48293
Code to practice medicine and surgery or osteopathic medicine and 48294
surgery, including a physician who specializes in cardiology; 48295

(b) A certified nurse practitioner, clinical nurse 48296
specialist, or certified nurse-midwife who holds a certificate of 48297

authority issued under Chapter 4723. of the Revised Code. 48298

The licensed health care providers specified in divisions 48299
(E)(3)(a) and (b) of this section may consult with any other 48300
licensed or certified health care providers in order to determine 48301
whether a youth athlete is ready to return to participation. 48302

(F) A youth sports organization that is subject to this 48303
section shall establish penalties for a coach who violates the 48304
provisions of division (E) of this section. 48305

(G)(1) A youth sports organization or official, employee, or 48306
volunteer of a youth sports organization, including a coach, is 48307
not liable in damages in a civil action for injury, death, or loss 48308
to person or property allegedly arising from providing services or 48309
performing duties under this section, unless the act or omission 48310
constitutes willful or wanton misconduct. 48311

(2) This section does not eliminate, limit, or reduce any 48312
other immunity or defense that a public entity, public official, 48313
or public employee may be entitled to under Chapter 2744. or any 48314
other provision of the Revised Code or under the common law of 48315
this state. 48316

Sec. 3710.01. As used in this chapter: 48317

(A) "Asbestos" means the asbestiform varieties of ~~chrysotile~~ 48318
~~or serpentine, amosite or cummingtonite-grunerite, crocidolite or~~ 48319
~~riebeckite, actinolite, tremolite, and anthophyllite~~ serpentine 48320
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 48321
anthophyllite, and actinolite-tremolite as determined using the 48322
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 48323
Section 1, Polarized Light Microscopy (PLM). 48324

(B) "Asbestos hazard abatement activity" means any activity 48325
involving the removal, renovation, enclosure, repair, or 48326
encapsulation of reasonably related friable asbestos-containing 48327

materials in an amount greater than fifty linear feet or fifty 48328
square feet. "Asbestos hazard abatement activity" also includes 48329
any such activity involving such asbestos-containing materials in 48330
an amount of fifty linear or fifty square feet or less if, when 48331
combined with any other reasonably related activity in terms of 48332
time and location of the activity, the total amount is in an 48333
amount greater than fifty linear or fifty square feet. 48334

(C) "Asbestos hazard abatement contractor" means a business 48335
entity or public entity that engages in or intends to engage in 48336
asbestos hazard abatement activities and that employs or 48337
supervises one or more asbestos hazard abatement specialists for 48338
asbestos hazard abatement activities. "Asbestos hazard abatement 48339
contractor" does not mean an employee of an asbestos hazard 48340
abatement contractor, a general contractor who subcontracts to an 48341
asbestos hazard abatement contractor an asbestos hazard abatement 48342
activity, or any individual who engages in asbestos hazard 48343
abatement activity in the individual's own home. 48344

(D) "Asbestos hazard abatement project" means one or more 48345
asbestos hazard abatement activities that are conducted by one 48346
asbestos hazard abatement contractor and that are reasonably 48347
related to each other. 48348

(E) "Asbestos hazard abatement specialist" means a person 48349
with responsibility for the oversight or supervision of asbestos 48350
hazard abatement activities, including asbestos hazard abatement 48351
project managers, hazard abatement project supervisors and 48352
foremen, and employees of school districts or other governmental 48353
or public entities who coordinate or directly supervise or oversee 48354
asbestos hazard abatement activities performed by school district, 48355
governmental, or other public employees in school district, 48356
governmental, or other public buildings. 48357

(F) "Asbestos hazard evaluation specialist" means a person 48358
responsible for the identification, detection, and assessment of 48359

asbestos-containing materials, the determination of appropriate 48360
response actions, or the preparation of asbestos management plans 48361
for the purpose of protecting the public health from the hazards 48362
associated with exposure to asbestos, including the performance of 48363
air and bulk sampling. This category of specialists includes 48364
management planners, health professionals, industrial hygienists, 48365
private consultants, or other individuals involved in asbestos 48366
risk identification or assessment or regulatory activities. 48367

(G) "Business entity" means a partnership, firm, association, 48368
corporation, sole proprietorship, or other business concern. 48369

(H) "Public entity" means the state or any of its political 48370
subdivisions or any agency or instrumentality of either. 48371

(I) "License" means a document issued by the ~~department of~~ 48372
health director of environmental protection to a business entity 48373
or public entity affirming that the entity has met the 48374
requirements set forth in this chapter to engage in asbestos 48375
hazard abatement activities as an asbestos hazard abatement 48376
contractor. 48377

(J) "Certificate" means: 48378

(1) A document issued by the ~~department~~ director to an 48379
individual affirming that the individual has successfully 48380
completed the training and other requirements set forth in this 48381
chapter to qualify as an asbestos hazard abatement specialist, an 48382
asbestos hazard evaluation specialist, an asbestos hazard 48383
abatement worker, an asbestos hazard abatement project designer, 48384
an asbestos hazard abatement air-monitoring technician, an 48385
approved asbestos hazard training provider, or other category of 48386
asbestos hazard specialist that the director establishes by rule; 48387
or 48388

(2) A document issued by a training institution in accordance 48389
with rules adopted by the director affirming that an individual 48390

has successfully completed the instruction required in all 48391
categories as provided in sections 3710.07 and 3710.10 of the 48392
Revised Code. 48393

(K) "Person" means any individual, business entity, 48394
governmental body, or other public or private entity. 48395

(L) "Encapsulate" means to coat, bind, or resurface walls, 48396
ceilings, pipes, or other structures ~~to prevent friable asbestos~~ 48397
for asbestos-containing materials with suitable products to 48398
prevent friable asbestos from becoming airborne. 48399

(M) "Friable asbestos-containing material" means ~~any material~~ 48400
~~that contains more than one per cent asbestos by weight and that~~ 48401
~~can be crumbled, pulverized, or reduced to powder, when dry, by~~ 48402
~~hand pressure~~ friable asbestos material as defined in rules 48403
adopted under Chapter 3704. of the Revised Code. 48404

(N) "Enclosure" means the permanent confinement of friable 48405
asbestos-containing materials with an airtight barrier in an area 48406
not used as an air plenum. 48407

(O) "Renovation" means ~~the removal or stripping of friable~~ 48408
~~asbestos-containing materials used on any pipe, duct, boiler,~~ 48409
~~tank, reactor, turbine, furnace, or load supporting member~~ 48410
altering a facility or one or more facility components in any way, 48411
including the stripping or removal of friable asbestos-containing 48412
material from a facility component. 48413

(P) "Asbestos hazard abatement worker" means the person 48414
responsible in a nonsupervisory capacity for the performance of an 48415
asbestos hazard abatement activity. 48416

(Q) "Asbestos hazard abatement project designer" means the 48417
person responsible for the determination of the workscope, work 48418
sequence, or performance standards for an asbestos hazard 48419
abatement activity, including preparation of specifications, 48420
plans, and contract documents. 48421

(R) "~~Director~~" means the director of health or the director's
authorized representative. 48422
48423

~~(S)~~ "Clearance air sampling" means an air sampling performed 48424
after the completion of any asbestos hazard abatement activity and 48425
prior to the reoccupation of the contained work area by the public 48426
and conducted for the purpose of protecting the public from the 48427
health hazards associated with exposure to friable 48428
asbestos-containing material. 48429

~~(T)~~(S) "Asbestos hazard abatement air-monitoring technician" 48430
means the person who is responsible for environmental monitoring 48431
or work area clearance air sampling, including air monitoring 48432
performed to determine completion of response actions under the 48433
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 48434
States environmental protection agency pursuant to the "Asbestos 48435
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 48436
2970. "Asbestos hazard abatement air-monitoring technician" does 48437
not mean an industrial hygienist or industrial hygienist in 48438
training, certified by the American board of industrial hygiene. 48439

Sec. 3710.02. (A) In accordance with Chapter 119. of the 48440
Revised Code, the director of ~~health~~ environmental protection 48441
shall, as the director determines necessary, adopt rules to carry 48442
out this chapter. The rules shall include all of the following: 48443

(1) Criteria and procedures for the certification of asbestos 48444
hazard abatement specialists, asbestos hazard evaluation 48445
specialists, asbestos hazard abatement workers, asbestos hazard 48446
abatement project designers, and asbestos hazard abatement 48447
air-monitoring technicians by the director ~~of health~~; 48448

(2) Criteria and procedures for the director to examine the 48449
records of licensees, certificate holders, and asbestos hazard 48450
abatement training schools; 48451

(3) Procedures and criteria in addition to those provided in this chapter for the approval of courses for asbestos hazard training;	48452 48453 48454
(4) Fees for licenses, certifications, and course approvals in excess of the levels set in section 3710.05 of the Revised Code and fees for the certification of asbestos hazard abatement air-monitoring technicians;	48455 48456 48457 48458
(5) Levels of asbestos exposure or other circumstances constituting a public <u>an environmental</u> health emergency that authorize the director to issue an emergency order under division (B) of section 3710.13 of the Revised Code;	48459 48460 48461 48462
(6) Employee training standards, work practices that reduce the risk of contamination and recontamination of the environment, record-keeping requirements, action levels, project clearance levels, and other requirements that asbestos hazard abatement contractors, asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, asbestos hazard abatement workers, and other persons involved with asbestos hazard abatement activities must follow for the prevention of hazard to the public;	48463 48464 48465 48466 48467 48468 48469 48470 48471 48472
(7) Worker protection equipment and practices and other health and safety standards for employees and agents of public entities coming in contact with asbestos through asbestos hazard abatement activity;	48473 48474 48475 48476
(8) Standards of acceptable conduct for licensees and certificate holders engaged in asbestos hazard abatement or evaluation activities and acts and omissions that constitute grounds for the suspension or revocation of a license or certificate, or the denial of an application or renewal of a license or certificate in addition to those otherwise provided in	48477 48478 48479 48480 48481 48482

this chapter; 48483

(9) Training requirements for asbestos hazard abatement 48484
project designers and asbestos hazard abatement air-monitoring 48485
technicians; 48486

(10)(a) Subject to the condition specified in division 48487
(A)(10)(b) of this section, a standard requiring that the amount 48488
of asbestos contained in the air in areas accessible to the public 48489
in buildings that are owned, operated, or leased by a public 48490
entity be not more than ten thousand asbestos fibers longer than 48491
five microns per cubic meter of air calculated as an eight-hour 48492
time-weighted average, which is measured during periods of normal 48493
building occupancy, and a requirement that measurement of airborne 48494
asbestos be made by either or both of the following methods, 48495
provided that results derived by use of the method described in 48496
division (A)(10)(a)(i) of this section supersede results derived 48497
by use of the method described in division (A)(10)(a)(ii) of this 48498
section if both methods are used and the methods yield conflicting 48499
results concerning the presence of fibers in the tested air that 48500
may not be asbestos: 48501

(i) Transmission electron microscopy in the manner described 48502
in the measurement protocol established by the United States 48503
environmental protection agency as set forth in 40 C.F.R. 763; 48504

(ii) Optical phase contrast microscopy in the manner 48505
described in the measurement protocol established by the United 48506
States occupational safety and health administration as set forth 48507
in 29 C.F.R. 1910. 48508

(b) The director periodically shall review the standard 48509
required by division (A)(10)(a) of this section and determine 48510
whether and how it should be amended and how it shall be used in 48511
conjunction with visual and physical assessment of 48512
asbestos-containing materials located in buildings that are owned, 48513

operated, or leased by a public entity to determine appropriate 48514
and cost-effective response actions to such asbestos-containing 48515
materials and shall amend the standard if it determines that such 48516
action is necessary. 48517

(11) Other rules that the director determines necessary for 48518
the implementation of this chapter and to protect the public 48519
health from the hazards associated with exposure to asbestos. 48520

(B) The director shall do all of the following: 48521

(1) Administer and enforce this chapter and the rules adopted 48522
pursuant thereto; 48523

(2) Develop comprehensive programs and policies for the 48524
control and prevention of nonoccupational exposure of the public 48525
to friable asbestos-containing materials; 48526

(3) Ensure that persons are trained and licensed or 48527
certified, where appropriate, in accordance with this chapter and 48528
the rules adopted pursuant thereto; 48529

(4) Examine those records of licensed asbestos hazard 48530
abatement contractors, certified asbestos hazard abatement 48531
specialists, asbestos hazard evaluation specialists, asbestos 48532
hazard abatement project designers, asbestos hazard abatement 48533
air-monitoring technicians, and asbestos hazard training courses 48534
in accordance with rules adopted by the director as the director 48535
determines necessary to determine compliance with this chapter and 48536
the rules adopted pursuant thereto; 48537

(5) Prohibit and prevent improper asbestos hazard abatement 48538
procedures and require the modification or alteration of asbestos 48539
abatement procedures as they relate to this chapter and the rules 48540
adopted pursuant thereto; 48541

(6) Collect and disseminate health education information 48542
relating to safe management of asbestos hazards; 48543

(7) Accept and administer grants from the federal government 48544
and other sources, both public and private, for carrying out any 48545
of the director's functions; 48546

(8) As the director determines appropriate, conduct on-site 48547
inspections at any location where an asbestos hazard abatement 48548
activity is planned, in progress, or has been completed, at any 48549
location where ~~a public~~ an environmental health emergency 48550
involving asbestos may occur, is occurring, or has occurred, or to 48551
evaluate the performance or compliance of any person subject to 48552
this chapter; 48553

(9) Conduct an on-site audit of each asbestos hazard training 48554
provider approved pursuant to this chapter, at least once 48555
biennially, during an actual course conducted by the provider 48556
within the state; 48557

(10) Cooperate and assist in investigations, as such relate 48558
to this chapter, conducted by local law enforcement agencies, ~~the~~ 48559
~~Ohio environmental protection agency~~, the United States 48560
occupational safety and health administration, and other local, 48561
state, and federal agencies. 48562

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 48563
contractor's license, a business entity or public entity shall 48564
meet the requirements of this section. 48565

(B) Each employee or agent of the business entity or public 48566
entity applying for a license who will come in contact with 48567
asbestos or will be responsible for an asbestos hazard abatement 48568
project shall: 48569

(1) Be familiar with all applicable state and federal 48570
standards for asbestos hazard abatement projects; 48571

(2) Have successfully completed the course of instruction on 48572
asbestos hazard abatement activities, for their particular 48573

certification, approved by the ~~department of health~~ Ohio 48574
environmental protection agency pursuant to section 3710.10 of the 48575
Revised Code, have passed an examination approved by the 48576
~~department~~ agency, and demonstrate to the ~~department~~ agency that 48577
the employee or agent is capable of complying with all applicable 48578
standards of this state, the United States environmental 48579
protection agency, and the United States occupational safety and 48580
health administration. 48581

(C) A business entity or public entity applying for an 48582
asbestos hazard abatement contractor's license shall, in addition 48583
to the other requirements of this section, provide at least one 48584
asbestos hazard abatement specialist, certified pursuant to this 48585
chapter and the rules adopted under it, for each asbestos hazard 48586
abatement project, and demonstrate to the satisfaction of the 48587
~~department~~ Ohio environmental protection agency that the 48588
applicant: 48589

(1) Has access to at least one asbestos disposal site 48590
approved by the ~~Ohio environmental protection~~ agency that is 48591
sufficient for the deposit of all asbestos waste that the 48592
applicant will generate during the term of the license; 48593

(2) Is sufficiently qualified to safely remove asbestos, 48594
demonstrated by reliability as an asbestos hazard abatement 48595
contractor, possesses a work program that prevents the 48596
contamination or recontamination of the environment and protects 48597
the public health from the hazards of exposure to asbestos, 48598
possesses evidence of certification of each individual employee or 48599
agent who will be responsible for others who may come in contact 48600
with friable asbestos-containing materials, possesses evidence of 48601
training of workers required by section 3710.07 of the Revised 48602
Code, and has prior successful experience in asbestos hazard 48603
abatement projects or equivalent qualifications as determined in 48604
accordance with rules adopted by the director of ~~health~~ 48605

environmental protection; 48606

(3) Possesses a worker protection program consistent with 48607
requirements established by the director if the contractor is a 48608
public entity, and a worker protection program consistent with the 48609
requirements of the United States occupational safety and health 48610
administration if the contractor is a business entity; 48611

(4) Is registered as a business entity with the secretary of 48612
state. 48613

(D) No applicant for licensure as an asbestos hazard 48614
abatement contractor, in order to meet the requirements of this 48615
chapter, shall list an employee of another contractor. 48616

(E) The business entity or public entity shall meet any other 48617
standards that the director, by rule, sets. 48618

(F) Nothing in this chapter or the rules adopted pursuant 48619
thereto relating to asbestos hazard abatement project designers 48620
shall be interpreted as authorizing or permitting an individual 48621
who is certified as an asbestos hazard abatement project designer 48622
to perform the services of a registered architect or professional 48623
engineer unless that person is registered under Chapter 4703. or 48624
4733. of the Revised Code to perform such services. 48625

Sec. 3710.05. (A) Except as otherwise provided in this 48626
chapter, no person shall engage in any asbestos hazard abatement 48627
activities in this state unless licensed or certified pursuant to 48628
this chapter. 48629

(B) To apply for licensure as an asbestos abatement 48630
contractor or certification as an asbestos hazard abatement 48631
specialist, an asbestos hazard evaluation specialist, an asbestos 48632
hazard abatement project designer, or an asbestos hazard abatement 48633
air-monitoring technician, a person shall do all of the following: 48634

(1) Submit a completed application to the ~~department~~ director 48635

of ~~health~~ environmental protection, on a form provided by the 48636
~~department~~ agency; 48637

(2) Pay the requisite fee as provided in division (D) of this 48638
section; 48639

(3) Submit any other information the director ~~of health~~ by 48640
rule requires. 48641

(C) The application form for a business entity or public 48642
entity applying for an asbestos hazard abatement contractor's 48643
license shall include all of the following: 48644

(1) A description of the protective clothing and respirators 48645
that the public entity will use to comply with rules adopted by 48646
the director and that the business entity will use to comply with 48647
requirements of the United States occupational safety and health 48648
administration; 48649

(2) A description of procedures the business entity or public 48650
entity will use for the selection, utilization, handling, removal, 48651
and disposal of clothing to prevent contamination or 48652
recontamination of the environment and to protect the public 48653
health from the hazards associated with exposure to asbestos; 48654

(3) The name and address of each asbestos disposal site that 48655
the business entity or public entity might use during the year; 48656

(4) A description of the site decontamination procedures that 48657
the business entity or public entity will use; 48658

(5) A description of the asbestos hazard abatement procedures 48659
that the business entity or public entity will use; 48660

(6) A description of the procedures that the business entity 48661
or public entity will use for handling waste containing asbestos; 48662

(7) A description of the air-monitoring procedures that the 48663
business entity or public entity will use to prevent contamination 48664
or recontamination of the environment and to protect the public 48665

health from the hazards of exposure to asbestos;	48666
(8) A description of the final clean-up procedures that the business entity or public entity will use;	48667 48668
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	48669 48670
(10) The federal tax identification number of the business entity or the public entity.	48671 48672
(D) The fees to be charged to each public entity, <u>except for the agency</u> , and <u>each</u> business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:	48673 48674 48675 48676 48677 48678
(1) Seven hundred fifty dollars for asbestos hazard abatement contractors;	48679 48680
(2) Two hundred dollars for asbestos hazard abatement project designers;	48681 48682
(3) Fifty dollars for asbestos hazard abatement workers;	48683
(4) Two hundred dollars for asbestos hazard abatement specialists;	48684 48685
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	48686 48687
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	48688 48689
(E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement activities solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and	48690 48691 48692 48693 48694 48695

the United States occupational safety and health administration 48696
and provided further that all persons employed by the business 48697
entity on the activity meet the requirements of this chapter. 48698

Sec. 3710.051. No person shall enter into an agreement to 48699
perform any aspect of an asbestos hazard abatement project unless 48700
the agreement is written and contains at least all of the 48701
following: 48702

(A) A requirement that all persons working on the project are 48703
licensed or certified by the ~~department of health~~ director of 48704
environmental protection as required by this chapter; 48705

(B) A requirement that all project clearance levels and 48706
sampling be in accordance with rules adopted by the director ~~of~~ 48707
health; 48708

(C) A requirement that all clearance air-monitoring be 48709
conducted by asbestos hazard abatement air-monitoring technicians 48710
or asbestos hazard evaluation specialists certified by the 48711
~~department~~ director. 48712

Sec. 3710.06. (A) Within fifteen business days after 48713
receiving an application, the ~~department of health~~ director of 48714
environmental protection shall acknowledge receipt of the 48715
application and notify the applicant of any deficiency in the 48716
application. Within sixty calendar days after receiving a 48717
completed application, including all additional information 48718
requested by the ~~department~~ director, the ~~department~~ director 48719
shall issue a license or certificate or deny the application. The 48720
~~department~~ director shall issue only one license or certificate 48721
that is in effect at one time to a business entity and its 48722
principal officers and a public entity and its principal officers. 48723

(B)(1) The ~~department~~ director shall deny an application if 48724
it determines that the applicant has not demonstrated the ability 48725

to comply fully with all applicable federal and state requirements 48726
and all requirements, procedures, and standards established by the 48727
director ~~of health~~ in this chapter, Chapter 3704. of the Revised 48728
Code, or rules adopted under those chapters, as those chapters and 48729
rules pertain to asbestos. 48730

(2) The ~~department~~ director shall deny any application for an 48731
asbestos hazard abatement contractor's license if the applicant or 48732
an officer or employee of the applicant has been convicted of a 48733
felony under any state or federal law designed to protect the 48734
environment. 48735

(3) The ~~department~~ director shall send all denials of an 48736
application by certified mail to the applicant. If the ~~department~~ 48737
director receives a timely request for a hearing from the 48738
applicant on the proposed denial of an application, as provided in 48739
division (D) of section 3710.13 of the Revised Code, the 48740
~~department~~ director shall hold a hearing in accordance with 48741
Chapter 119. of the Revised Code, as provided in division (A) of 48742
section 3710.13 of the Revised Code. 48743

(C) In an emergency that results from a sudden, unexpected 48744
event that is not a planned asbestos hazard abatement project, the 48745
~~department~~ director may waive the requirements for a license or 48746
certificate. For the purposes of this division, "emergency" 48747
includes operations necessitated by nonroutine failures of 48748
equipment or by actions of fire and emergency medical personnel 48749
pursuant to duties within their official capacities. Any person 48750
who performs an asbestos hazard abatement activity under emergency 48751
conditions shall notify the director within three days after 48752
performance thereof. 48753

(D) Each license or certificate issued under this chapter 48754
expires one year after the date of issue, but each licensee or 48755
certificate holder may apply to the ~~department~~ environmental 48756
protection agency for the extension of the holder's license or 48757

certificate under the standard renewal procedures of Chapter 4745. 48758
of the Revised Code. 48759

To qualify for renewal of a license or certificate issued 48760
under this chapter, each licensee or certificate holder shall send 48761
the appropriate renewal fee set forth in division (D) of section 48762
3710.05 of the Revised Code or as adopted by rule by the director 48763
pursuant to division (A)(4) of section 3710.02 of the Revised 48764
Code. 48765

Certificate holders also shall successfully complete an 48766
annual renewal course approved by the ~~department~~ agency pursuant 48767
to section 3710.10 of the Revised Code. 48768

(E) The ~~department~~ director may charge a fee in addition to 48769
those specified in division (D) of section 3710.05 of the Revised 48770
Code or in rules adopted by the director pursuant to division 48771
(A)(4) of section 3710.02 of the Revised Code if the licensee or 48772
certificate holder applies for renewal after the expiration 48773
thereof or requests a reissuance of any license or certificate, 48774
provided that no such fee shall exceed the original fees by more 48775
than fifty per cent. 48776

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard 48777
abatement project, an asbestos hazard abatement contractor shall 48778
do all of the following: 48779

(1) Prepare a written respiratory protection program as 48780
defined by the director of ~~health~~ environmental protection 48781
pursuant to rule, and make the program available to the ~~department~~ 48782
~~of health~~ environmental protection agency, and workers at the job 48783
site if the contractor is a public entity or prepare a written 48784
respiratory protection program, consistent with 29 C.F.R. 1910.134 48785
and make the program available to the ~~department~~ agency, and 48786
workers at the job site if the contractor is a business entity; 48787

(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be physically capable of working while wearing a respirator;

(3) Ensure that each of the contractor's employees or agents who will come in contact with asbestos-containing materials or will be responsible for an asbestos hazard abatement project receives the appropriate certification or licensure required by this chapter and the following training:

(a) An initial course approved by the ~~department~~ agency pursuant to section 3710.10 of the Revised Code, completed before engaging in any asbestos hazard abatement project; and

(b) An annual review course approved by the ~~department~~ agency pursuant to section 3710.10 of the Revised Code.

(B) After obtaining or renewing a license, an asbestos hazard abatement contractor shall notify the ~~department~~ agency, on a form approved by the director ~~of health~~, at least ten days before beginning each asbestos hazard abatement project conducted during the term of the contractor's license.

(C) In addition to any other fee imposed under this chapter, an asbestos hazard abatement contractor shall pay, at the time of providing notice under division (B) of this section, the ~~department~~ agency a fee of sixty-five dollars for each asbestos hazard abatement project conducted.

Sec. 3710.08. (A) An asbestos hazard abatement contractor engaging in any asbestos hazard abatement project shall, during the course of the project:

(1) Conduct each project in a manner that is in compliance with the requirements the director of environmental protection adopts pursuant to section 3704.03 of the Revised Code and the

asbestos requirements of the United States occupational safety and health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 48818
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(2) Comply with all applicable rules adopted by the director of ~~health~~ environmental protection pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised Code. 48820
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(B) An asbestos hazard abatement contractor that is a public entity shall: 48823
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(1) Provide workers with protective clothing and equipment and ensure that the workers involved in any asbestos hazard abatement project use the items properly. Protective clothing and equipment shall include: 48825
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(a) Respirators approved by the national institute of occupational safety and health. These respirators shall be fit tested in accordance with requirements of the United States occupational safety and health administration set forth in 29 C.F.R. ~~1926.58(h)~~ 1926.1101. At the request of an employee, the asbestos hazard abatement contractor shall provide the employee with a powered air purifying respirator, in which case, the testing requirements of division (B)(1)(a) of this section do not apply. 48829
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(b) Items required by the director ~~of health~~ by rule as provided in division (A)(7) of section 3710.02 of the Revised Code. 48838
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(2) Comply with all applicable standards of conduct and requirements adopted by the director ~~of health~~ pursuant to section 3710.02 of the Revised Code. 48841
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48843

(C) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement project shall, during the course of the project: 48844
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(1) Conduct each project in a manner that will meet 48847

decontamination procedures, project containment procedures, and 48848
asbestos fiber dispersal methods as provided in division (A)(6) of 48849
section 3710.02 of the Revised Code; 48850

(2) Ensure that workers utilize, handle, remove, and dispose 48851
of the disposable clothing provided by abatement contractors in a 48852
manner that will prevent contamination or recontamination of the 48853
environment and protect the public health from the hazards of 48854
exposure to asbestos; 48855

(3) Ensure that workers utilize protective clothing and 48856
equipment and comply with the applicable health and safety 48857
standards set forth in division (A) of section 3710.08 of the 48858
Revised Code; 48859

(4) Ensure that there is no smoking, eating, or drinking in 48860
the work area; 48861

(5) Comply with all applicable standards of conduct and 48862
requirements adopted by the director ~~of health~~ pursuant to ~~section~~ 48863
sections 3704.03 and 3710.02 of the Revised Code. 48864

(D) An asbestos hazard evaluation specialist engaged in the 48865
identification, detection, and assessment of asbestos-containing 48866
materials, the determination of appropriate response actions, or 48867
other activities associated with an abatement project or the 48868
preparation of management plans, shall comply with the applicable 48869
standards of conduct and requirements adopted by the director ~~of~~ 48870
~~health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the 48871
Revised Code. 48872

(E) Every asbestos hazard abatement worker shall comply with 48873
all applicable standards adopted by the director ~~of health~~ 48874
pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised 48875
Code. 48876

(F) The ~~department~~ director may, on a case-by-case basis, 48877
approve an alternative to the worker protection requirements of 48878

divisions (A), (B), and (C) of this section for an asbestos hazard 48879
abatement project conducted by a public entity, provided that the 48880
asbestos hazard abatement contractor submits the alternative 48881
procedure to the ~~department~~ director in writing and demonstrates 48882
to the satisfaction of the ~~department~~ director that the proposed 48883
alternative procedure provides equivalent worker protection. 48884

Sec. 3710.09. (A) As a means of protecting the public, each 48885
asbestos hazard abatement contractor licensed under this chapter 48886
shall maintain records of all asbestos hazard abatement projects 48887
which the contractor performs and make these records available to 48888
the ~~department of health~~ the director of environmental protection 48889
upon request. The licensee shall maintain the records for at least 48890
thirty years. 48891

(B) The records required by this section shall include all of 48892
the following: 48893

(1) The name, social security number, and address of the 48894
person who supervised the asbestos hazard abatement project; 48895

(2) The names and social security numbers of all workers at 48896
the job site; 48897

(3) The location and description of the asbestos hazard 48898
abatement project and the amount of asbestos-containing material 48899
that was removed; 48900

(4) The starting and completion dates of each asbestos hazard 48901
abatement project; 48902

(5) A summary of the procedures that were used to comply with 48903
all applicable federal, state, and local standards; 48904

(6) The name and address of each asbestos disposal site where 48905
the waste containing asbestos was deposited; 48906

(7) Any other information that the director ~~of health~~, by 48907
rule, requires. 48908

Sec. 3710.10. (A) No person other than the ~~department of~~ 48909
health director of environmental protection shall conduct or offer 48910
to conduct any initial or review training course or examination 48911
required by this chapter unless that person is approved to sponsor 48912
the courses and examinations under this section. In conducting any 48913
such course or examination, the ~~department~~ director and the 48914
approved person shall administer the courses and examinations 48915
according to the United States environmental protection agency 48916
"Model Accreditation Plan," 40 C.F.R. 763, Subpart E, Appendix C, 48917
and the rules of the director ~~of health~~ adopted pursuant to 48918
division (A)(3) of section 3710.02 of the Revised Code. A person 48919
may apply for approval or renewal of a course on the health and 48920
safety aspects of asbestos hazard abatement activities which meets 48921
the requirements of division (A)(3) of section 3710.07 of the 48922
Revised Code by submitting a written application on forms provided 48923
by the ~~department~~ director. 48924

(B) In order to obtain or renew ~~department~~ approval, a person 48925
sponsoring a course shall substantially satisfy all of the 48926
following criteria: 48927

(1) Provide courses of instruction and examinations that meet 48928
the requirements of division (A) of this section; 48929

(2) Ensure that instruction is given or supervised by 48930
personnel with sufficient education and experience as determined 48931
in rules adopted by the director; 48932

(3) Maintain lists of students trained and the dates on which 48933
training occurred for at least twenty years, and make this 48934
information available to the ~~department~~ director upon request. 48935

(C) In order to obtain or renew ~~department~~ approval, a person 48936
sponsoring an initial course or a review course annually shall 48937
apply to the ~~department~~ director for approval. In applying, the 48938
person shall submit the fee set forth in division (D) of section 48939

3710.05 of the Revised Code along with any increase in fee adopted 48940
pursuant to division (A)(4) of section 3710.02 of the Revised 48941
Code. 48942

(D)(1) The ~~department~~ director shall act or acknowledge 48943
receipt of an application within ten working days after receiving 48944
the application. 48945

(2) The ~~department~~ director shall act on the application 48946
within ninety days after it is complete. 48947

(3) The ~~department~~ director shall grant contingent approval 48948
of an application if the ~~department~~ director determines the course 48949
substantially satisfies or will substantially satisfy the criteria 48950
in this chapter and the rules adopted by the director. 48951

(4) The ~~department~~ director may deny or revoke approval of a 48952
course if the ~~department~~ director determines the course does not 48953
or will not substantially satisfy the criteria in this chapter or 48954
the rules adopted by the director. 48955

(5) The ~~department~~ director shall grant final approval of a 48956
course only after an on-site audit by the ~~department~~ director 48957
which reveals that the course substantially satisfies the criteria 48958
in this chapter and the rules adopted by the director. Course 48959
approvals expire one year from the date of final approval under 48960
division (D)(5) of this section. 48961

(E) Each course approval issued under this section expires 48962
one year after the date of issue, but a person who received 48963
approval may apply to the ~~department~~ director for renewal under 48964
the standard renewal procedures of Chapter 4745. of the Revised 48965
Code. The fee prescribed in section 3710.05 of the Revised Code 48966
must accompany the application. 48967

Sec. 3710.11. Persons licensed, certified, or otherwise 48968
approved under the laws of another state to perform functions 48969

substantially similar to those of an asbestos hazard abatement 48970
contractor, asbestos hazard abatement specialist, asbestos hazard 48971
evaluation specialist, asbestos hazard abatement project designer, 48972
or asbestos hazard abatement air-monitoring technician, may apply 48973
to the director of ~~health~~ environmental protection for licensure 48974
or certification. The director shall license or certify persons 48975
under this section upon a determination that the standards for 48976
certification, licensure, or approval in the other state are at 48977
least substantially equivalent to those established by this 48978
chapter and the rules adopted thereunder. The director may require 48979
an examination before licensure or certification under this 48980
section. 48981

Persons certified or licensed under this section are subject 48982
to the same duties and requirements for renewal as other persons 48983
certified or licensed pursuant to this chapter and the rules 48984
adopted thereunder. 48985

Sec. 3710.12. Subject to ~~the hearing provisions of this~~ 48986
~~chapter~~ section 3710.13 of the Revised Code, the ~~department of~~ 48987
~~health~~ director of environmental protection may deny, suspend, or 48988
revoke any license or certificate, or renewal thereof, if the 48989
licensee or certificate holder: 48990

(A) Fraudulently or deceptively obtains or attempts to obtain 48991
a license or certificate; 48992

(B) Fails at any time to meet the qualifications for a 48993
license or certificate; 48994

(C) Is violating or threatening to violate any provisions of 48995
any of the following: 48996

(1) This chapter, Chapters 3704. and 3745. of the Revised 48997
Code, or the rules of the director ~~of health~~ adopted pursuant 48998
~~thereto~~ to those chapters, as those chapters and rules pertain to 48999

asbestos; 49000

(2) The "National Emission Standard for Hazardous Air 49001
Pollutants" regulations of the United States environmental 49002
protection agency as the regulations pertain to asbestos; 49003

(3) The regulations of the United States occupational safety 49004
and health administration as the regulations pertain to asbestos. 49005

Sec. 3710.13. (A) ~~Except as otherwise provided in Chapter~~ 49006
~~119. of the Revised Code or this section, before~~ Before the 49007
~~department of health~~ director of environmental protection takes 49008
any action under section 3710.12 of the Revised Code, ~~it~~ the 49009
director shall give the license applicant, licensee, or 49010
certificate holder against whom action is contemplated an 49011
opportunity for a hearing. 49012

Except as otherwise provided in this section, the ~~department~~ 49013
director shall give notice and hold the hearing in accordance with 49014
Chapter 119. of the Revised Code. 49015

(B) The ~~department~~ director, without notice or hearing and in 49016
accordance with rules adopted by the director ~~of health~~, may issue 49017
an order requiring any action necessary to meet a ~~public~~ an 49018
environmental health emergency involving asbestos. Any person to 49019
whom an order is directed shall immediately comply with the order. 49020
Upon application to the director ~~of health~~, the person shall be 49021
afforded a hearing as soon as possible, but no more than twenty 49022
days after receipt of the application by the director. 49023

(C) If the director determines, pursuant to division (B) of 49024
this section, that a ~~public~~ an environmental health emergency 49025
involving asbestos exists, the director may order, without a 49026
hearing, the denial, suspension, or revocation of any license or 49027
certificate issued under this chapter of the parties involved, 49028
provided that an opportunity for a hearing is provided to the 49029

affected party as soon as reasonably possible. 49030

~~(D) All proceedings under this chapter are subject to Chapter 49031
119. of the Revised Code, except that: 49032~~

~~(1) Upon the request of a licensee or certificate holder, the 49033
location of an adjudicatory hearing is the county seat of the 49034
county in which the licensee or certificate holder conducts 49035
business. 49036~~

~~(2) The director shall notify, by certified mail or personal 49037
delivery, a licensee or certificate holder that the licensee or 49038
certificate holder is entitled to a hearing if the licensee or 49039
certificate holder requests it, in writing, within ten days of the 49040
time that the licensee or certificate holder receives the notice. 49041
If the licensee or certificate holder requests such a hearing, the 49042
director shall set the hearing date no later than ten days after 49043
the director receives the request. 49044~~

~~(3) The director shall not apply for or receive a 49045
postponement or continuation of an adjudication hearing. If a 49046
licensee or certificate holder requests a postponement or 49047
continuation of an adjudication hearing, the director only shall 49048
grant the request if the licensee or certificate holder 49049
demonstrates extreme hardship in complying with the hearing date. 49050
If the director grants a postponement or continuation on the 49051
grounds of extreme hardship, the director shall include in the 49052
record of the case, the nature and cause of the extreme hardship. 49053~~

~~(4) In lieu of an adjudicatory hearing required by this 49054
chapter, a licensee or certificate holder, by no later than the 49055
date set for a hearing pursuant to division (A)(3) of this 49056
section, may by written request to the director, request that the 49057
matter be resolved by the licensee or certificate holder 49058
submitting documents, papers, and other written evidence to the 49059
director to support the licensee's or certificate holder's claim. 49060~~

~~(5) If the director appoints a referee or an examiner to
conduct a hearing, all of the following apply:~~ 49061
49062

~~(a) The examiner or referee shall serve, by certified mail
and within three business days of the conclusion of the hearing, a
copy of the written adjudication report and the referee's or
examiner's recommendations, on the director and the affected
licensee or certificate holder or the licensee's or certificate
holder's attorney or other representative of record.~~ 49063
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~~(b) The licensee or certificate holder, within three business
days of receipt of the report under division (D)(5)(a) of this
section, may file with the director written objections to the
report and recommendations.~~ 49069
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~~(c) The director shall consider any objections received under
division (D)(5)(b) of this section prior to approving, modifying,
or disapproving the report and recommendations. Within six
business days of receiving the report under division (D)(5)(a) of
this section, the director shall serve the director's order, by
certified mail, on the affected licensee or certificate holder or
the licensee's or certificate holder's attorney or other
representative of record.~~ 49073
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~~(6) If the director conducts an adjudicatory hearing under
this chapter, the director shall serve the director's decision, by
certified mail and within three business days of the conclusion of
the hearing, on the affected licensee or certificate holder or the
licensee's or certificate holder's attorney or other
representative of record.~~ 49081
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~~(7) If no hearing is held, the director shall issue an order,
by certified mail and within three business days of the last date
possible for a hearing, based upon the record available to the
director, to the affected licensee or certificate holder or the
licensee's or certificate holder's attorney or other~~ 49087
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~~representative of record.~~ 49092

~~(8) A licensee or certificate holder shall file a notice of~~ 49093

~~appeal to an adverse adjudication decision within fifteen days~~ 49094

~~after receipt of the director's order.~~ 49095

Sec. 3710.14. (A) At the request of the director of ~~health~~ 49096

environmental protection, the attorney general may commence a 49097

civil action for civil penalties and injunctions, in a court of 49098

common pleas, against any person who has violated, is violating, 49099

or is threatening to violate this chapter, any rule adopted under 49100

this chapter, or any license or certificate issued under this 49101

chapter. 49102

(B) The court of common pleas in which an action for 49103

injunctive relief is filed has jurisdiction to, and shall grant, 49104

preliminary and permanent injunctive relief upon a showing that 49105

the person against whom the action is brought has violated, is 49106

violating, or is threatening to violate any provision of this 49107

~~chapter~~ chapter, any rule adopted under this chapter, or any 49108

license or certificate issued under this chapter. 49109

(C) Upon a finding of a violation, the court shall assess a 49110

civil penalty of not more than five thousand dollars against the 49111

person. 49112

(D) Each day a violation continues is a separate violation 49113

under this section. 49114

(E) The remedies provided in Chapter 3710. of the Revised 49115

Code are in addition to remedies otherwise available under any 49116

federal, state, or local law. 49117

Sec. 3710.15. All civil and criminal penalties ordered 49118

pursuant to this chapter and paid as provided in the chapter, and 49119

all fees and other moneys collected pursuant to the chapter, shall 49120

be deposited in the ~~general operations~~ non-title V clean air fund 49121

created in section ~~3701.83~~ 3704.035 of the Revised Code ~~and shall~~ 49122
~~be used for the sole purpose of administering and enforcing this~~ 49123
~~chapter and the rules adopted under it.~~ 49124

Sec. 3710.17. (A) Where any person is certified or licensed 49125
by the ~~department of health~~ director of environmental protection 49126
to engage in asbestos hazard abatement or evaluation activity 49127
pursuant to this chapter, the liability of that person when 49128
performing such activity in accordance with procedures established 49129
pursuant to state or federal law for an injury to any individual 49130
or property caused or related to this activity shall be limited to 49131
acts or omissions of the person during the course of performing 49132
the activity which can be shown, based on a preponderance of the 49133
evidence, to have been negligent. For the purposes of this 49134
section, the demonstration that acts or omissions of a person 49135
performing asbestos hazard abatement or evaluation activities were 49136
in accordance with generally accepted practice and with procedures 49137
established by state or federal law at the time the abatement or 49138
evaluation activity was performed creates a rebuttable presumption 49139
that the acts or omissions were not negligent. 49140

(B) Where any person contracts with a certified asbestos 49141
hazard abatement specialist, asbestos hazard evaluation 49142
specialist, or other category of asbestos hazard specialist 49143
established by the director of health, or a licensed asbestos 49144
hazard abatement contractor, the liability of that person for 49145
asbestos-related injuries caused by the person's contractee in the 49146
performance of asbestos hazard abatement or evaluation activities 49147
shall be limited to those asbestos-related injuries arising from 49148
acts which the person knew or could reasonably have been expected 49149
to know were not in accordance with generally accepted practice or 49150
with procedures established by state or federal law at the time 49151
the abatement activity took place. 49152

(C) Notwithstanding any other provisions of the Revised Code 49153
or rules of a court to the contrary, this section governs all 49154
claims for asbestos-related injuries arising from asbestos hazard 49155
abatement or evaluation activities. 49156

Sec. 3710.19. On receipt of a notice pursuant to section 49157
3123.43 of the Revised Code, the ~~department of health~~ director of 49158
environmental protection shall comply with sections 3123.41 to 49159
3123.50 of the Revised Code and any applicable rules adopted under 49160
section 3123.63 of the Revised Code with respect to a license or 49161
certificate issued pursuant to this chapter. 49162

Sec. 3710.99. (A) At the request of the director of ~~health~~ 49163
environmental protection, a prosecuting attorney, city director of 49164
law, or similar chief legal officer may commence a criminal 49165
action, in a court of this state, against any person who violates 49166
any provision of ~~Chapter 3710. of the Revised Code~~ this chapter, 49167
any rule adopted under this chapter, any license or certificate 49168
issued under ~~the~~ this chapter, or any order issued pursuant to ~~the~~ 49169
this chapter. 49170

(B) Upon conviction, the person is subject to: 49171

(1) A fine of at least ten thousand dollars but not more than 49172
twenty-five thousand dollars or imprisonment at least one year but 49173
not more than two years, or both, for a first offense; or 49174

(2) A fine of at least twenty thousand dollars but not more 49175
than forty thousand dollars or imprisonment of at least two years 49176
but not more than four years or both for a second or subsequent 49177
offense. 49178

Sec. 3713.04. (A) In accordance with Chapter 119. of the 49179
Revised Code, the superintendent of industrial compliance shall: 49180

(1) Adopt rules pertaining to the definition, name, and 49181

description of materials necessary to carry out this chapter; 49182

(2) Determine the testing standards, fees, and charges to be 49183
paid for making any test or analysis required pursuant to section 49184
3713.08 of the Revised Code. 49185

(B) In accordance with Chapter 119. of the Revised Code, the 49186
superintendent may adopt rules regarding the following: 49187

(1) Establishing an initial application fee or an annual 49188
registration renewal fee not more than fifty per cent higher than 49189
the fees set forth in section 4713.05 of the Revised Code; 49190

(2) Establishing standards, on a reciprocal basis, for the 49191
acceptance of labels and laboratory analyses from other states 49192
where the labeling requirements and laboratory analysis standards 49193
are substantially equal to the requirements of this state, 49194
provided the other state extends similar reciprocity to labels and 49195
laboratory analysis conducted under this chapter; 49196

(3) Any other rules necessary to administer and carry out 49197
this chapter. 49198

(C) The superintendent may do any of the following: 49199

(1) Issue administrative orders, conduct hearings, and take 49200
all actions necessary under the authority of Chapter 119. of the 49201
Revised Code for the administration of this chapter. The authority 49202
granted under this division shall include the authority to 49203
suspend, revoke, or deny registration under this chapter. 49204

(2) Establish and maintain facilities within the department 49205
of commerce to make tests and analysis of materials used in the 49206
manufacture of bedding and stuffed toys. The superintendent also 49207
may designate established laboratories ~~in various sections of the~~ 49208
~~state~~ that are qualified to make these tests. These laboratories 49209
may be used for making any test or analysis of materials used in 49210
the manufacture of bedding and stuffed toys. If the superintendent 49211

exercises this authority, the superintendent shall adopt rules to 49212
determine the fees and charges to be paid for making the tests or 49213
analyses authorized under this section. 49214

(3) Exercise such other powers and duties as are necessary to 49215
carry out the purpose and intent of this chapter. 49216

Sec. 3715.021. (A) As used in this section, "food processing 49217
establishment" means a premises or part of a premises where food 49218
is processed, packaged, manufactured, or otherwise held or handled 49219
for distribution to another location or for sale at wholesale. 49220
"Food processing establishment" includes the activities of a 49221
bakery, confectionery, cannery, bottler, warehouse, or 49222
distributor, and the activities of an entity that receives or 49223
salvages distressed food for sale or use as food. A "food 49224
processing establishment" does not include a cottage food 49225
production operation; a processor of maple syrup who boils sap 49226
when a minimum of seventy-five per cent of the sap used to produce 49227
the syrup is collected directly from trees by that processor; a 49228
processor of sorghum who processes sorghum juice when a minimum of 49229
seventy-five per cent of the sorghum juice used to produce the 49230
sorghum is extracted directly from sorghum plants by that 49231
processor; ~~or~~ a beekeeper who jars honey when a minimum of 49232
seventy-five per cent of the honey is from that beekeeper's own 49233
hives; or a processor of apple syrup or apple butter who directly 49234
harvests from trees a minimum of seventy-five per cent of the 49235
apples used to produce the apple syrup or apple butter. 49236

(B) The director of agriculture shall adopt rules in 49237
accordance with Chapter 119. of the Revised Code that establish, 49238
when otherwise not established by the Revised Code, standards and 49239
good manufacturing practices for food processing establishments, 49240
including the facilities of food processing establishments and 49241
their sanitation. The rules shall conform with or be equivalent to 49242

the standards for foods established by the United States food and 49243
drug administration in Title 21 of the Code of Federal 49244
Regulations. 49245

A business or that portion of a business that is regulated by 49246
the department of agriculture under Chapter 917. or 918. of the 49247
Revised Code is not subject to regulation under this section as a 49248
food processing establishment. 49249

Sec. 3715.041. (A)(1) As used in this section, "food 49250
processing establishment" has the same meaning as in section 49251
3715.021 of the Revised Code. 49252

(2) A person that operates a food processing establishment 49253
shall register the establishment annually with the director of 49254
agriculture. The person shall submit an application for 49255
registration or renewal on a form prescribed and provided by the 49256
director. Except as provided in division (G) of this section, an 49257
application for registration or renewal shall be accompanied by a 49258
registration fee in an amount established in rules adopted under 49259
this section. If a person files an application for registration on 49260
or after the first day of August of any year, the fee shall be 49261
one-half of the annual registration fee. 49262

(B)(1) The director shall inspect the food processing 49263
establishment for which an application for initial registration 49264
has been submitted. If, upon inspection, the director finds that 49265
the establishment is in compliance with this chapter and Chapter 49266
911., 913., 915., or 925. of the Revised Code, as applicable, or 49267
applicable rules adopted under those chapters, the director shall 49268
issue a certificate of registration to the food processing 49269
establishment. A food processing establishment registration 49270
expires on the thirty-first day of January and is valid until that 49271
date unless it is suspended or revoked under this section. 49272

(2) A person that is operating a food processing 49273

establishment ~~on the effective date of this section~~ shall apply to 49274
the director for a certificate of registration ~~not later than~~ 49275
~~ninety days after the effective date of this section~~ not later 49276
than a date specified by the director in rules adopted under this 49277
section. If an application is not filed with the director or 49278
postmarked on or before ~~ninety days after the effective date of~~ 49279
~~this section~~ that date, the director shall assess a late fee in an 49280
amount established in rules adopted under this section. 49281

(C)(1) A food processing establishment registration may be 49282
renewed by the director. A person seeking registration renewal 49283
shall submit an application for renewal to the director not later 49284
than the thirty-first day of January. The director shall issue a 49285
renewed certificate of registration on receipt of a complete 49286
renewal application except as provided in division (C)(2) of this 49287
section. 49288

(2) If a renewal application is not filed with the director 49289
or postmarked on or before the thirty-first day of January, the 49290
director shall assess a late fee in an amount established in rules 49291
adopted under this section. The director shall not renew the 49292
registration until the applicant pays the late fee. 49293

(D) A copy of the food processing establishment registration 49294
certificate shall be conspicuously displayed in an area of the 49295
establishment to which customers of the establishment have access. 49296

(E)(1) The director or the director's designee may issue an 49297
order suspending or revoking a food processing establishment 49298
registration upon determining that the registration holder is in 49299
violation of this chapter or Chapter 911., 913., 915., or 925. of 49300
the Revised Code, as applicable, or applicable rules adopted under 49301
those chapters. Except as provided in division (E)(2) of this 49302
section, a registration shall not be suspended or revoked until 49303
the registration holder is provided an opportunity to appeal the 49304
suspension or revocation in accordance with Chapter 119. of the 49305

Revised Code. 49306

(2) If the director determines that a food processing 49307
establishment presents an immediate danger to the public health, 49308
the director may issue an order immediately suspending the 49309
establishment's registration without affording the registration 49310
holder an opportunity for a hearing. The director then shall 49311
afford the registration holder a hearing in accordance with 49312
Chapter 119. of the Revised Code not later than ten days after the 49313
date of suspension. 49314

(3) If the director finds that a person is operating a food 49315
processing establishment without registering the establishment 49316
under this section, the director shall issue a letter of warning 49317
to the person giving the person ten days to register the 49318
establishment. If the person fails to register the establishment 49319
within that ten-day time period, the director may assess a civil 49320
penalty against the person. If the director assesses a civil 49321
penalty, the director shall do so as follows: 49322

(a) If, within five years of the issuance of the letter of 49323
warning to the person, the director has not previously assessed a 49324
civil penalty against the person under this section, in an amount 49325
not exceeding five hundred dollars; 49326

(b) If, within five years of the issuance of the letter of 49327
warning to the person, the director has previously assessed one 49328
civil penalty against the person under this section, in an amount 49329
not exceeding one thousand five hundred dollars; 49330

(c) If, within five years of the issuance of the letter of 49331
warning to the person, the director has previously assessed two or 49332
more civil penalties against the person under this section, in an 49333
amount not exceeding five thousand dollars. 49334

(F) The director shall adopt rules in accordance with Chapter 49335
119. of the Revised Code that establish all of the following: 49336

(1) <u>The date by which a person that is operating a food processing establishment must submit an application for a food processing establishment registration;</u>	49337
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	49339
(2) The amount of the registration fee that must be submitted with an application for a food processing establishment registration and with an application for renewal;	49340
	49341
	49342
(2) (3) The amount of the late fee that is required in division (B)(2) of this section;	49343
	49344
(3) (4) The amount of the fee for the late renewal of a food processing establishment registration that is required in division (C)(2) of this section;	49345
	49346
	49347
(4) (5) Any other procedures and requirements that are necessary to administer and enforce this section.	49348
	49349
(G) The following are not required to pay any registration fee that is otherwise required in this section:	49350
	49351
(1) Home bakeries <u>Bakeries</u> registered under section 911.02 of the Revised Code;	49352
	49353
(2) Canneries licensed under section 913.02 of the Revised Code;	49354
	49355
(3) Soft drink plants licensed under section 913.23 of the Revised Code;	49356
	49357
(4) Cold-storage warehouses licensed under section 915.02 of the Revised Code;	49358
	49359
(5) Persons licensed under section 915.15 of the Revised Code;	49360
	49361
(6) Persons that are engaged in egg production and that maintain annually five hundred or fewer laying hens.	49362
	49363
(H) All money that is collected under this section shall be credited to the food safety fund created in section 915.24 of the	49364
	49365

Revised Code. 49366

Sec. 3715.08. (A) As used in this section: 49367

(1) "Medication-assisted treatment" has the same meaning as 49368
in section 340.01 of the Revised Code. 49369

(2) "Prescriber" means any of the following: 49370

(a) An advanced practice registered nurse who holds a 49371
current, valid license issued under Chapter 4723. of the Revised 49372
Code and is designated as a clinical nurse specialist, certified 49373
nurse-midwife, or certified nurse practitioner; 49374

(b) A physician authorized under Chapter 4731. of the Revised 49375
Code to practice medicine and surgery or osteopathic medicine and 49376
surgery; 49377

(c) A physician assistant who is licensed under Chapter 4730. 49378
of the Revised Code, holds a valid prescriber number issued by the 49379
state medical board, and has been granted physician-delegated 49380
prescriptive authority. 49381

(3) "Qualifying practitioner" has the same meaning as in 49382
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 49383
1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended. 49384

(B) Before initiating medication-assisted treatment, a 49385
prescriber shall give the patient or the patient's representative 49386
information about all drugs approved by the United States food and 49387
drug administration for use in medication-assisted treatment. The 49388
information must be provided both orally and in writing. The 49389
prescriber or the prescriber's delegate shall note in the 49390
patient's medical record when this information was provided and 49391
make the record available to employees of the board of nursing or 49392
state medical board on their request. 49393

If the prescriber is not a qualifying practitioner and the 49394
patient's choice is treatment with a controlled substance 49395

containing buprenorphine and the prescriber determines that such 49396
treatment is clinically appropriate and meets generally accepted 49397
standards of medicine, the prescriber shall refer the patient to a 49398
qualifying practitioner. If the patient's choice is methadone 49399
treatment and the prescriber determines that such treatment is 49400
clinically appropriate and meets generally accepted standards of 49401
medicine, the prescriber shall refer the patient to a community 49402
addiction services provider licensed under section 5119.391 of the 49403
Revised Code. In either case, the prescriber or the prescriber's 49404
delegate shall make a notation in the patient's medical record 49405
naming the practitioner or provider to whom the patient was 49406
referred and specifying when the referral was made. 49407

Sec. 3719.04. (A) ~~A licensed manufacturer or wholesaler of~~ 49408
~~controlled substances~~ person identified in division (B)(1)(a) of 49409
section 4729.52 of the Revised Code who holds a category III 49410
license under that section may sell at wholesale controlled 49411
substances to any of the following persons and subject to the 49412
following conditions: 49413

(1) ~~To a licensed manufacturer or wholesaler of controlled~~ 49414
~~substances~~ another person who holds a category III license under 49415
section 4729.50 of the Revised Code, or a terminal distributor of 49416
dangerous drugs having a category III license under section 49417
4729.54 of the Revised Code; 49418

(2) To a person in the employ of the United States government 49419
or of any state, territorial, district, county, municipal, or 49420
insular government, purchasing, receiving, possessing, or 49421
dispensing controlled substances by reason of official duties; 49422

(3) To a master of a ship or a person in charge of any 49423
aircraft upon which no physician is regularly employed, for the 49424
actual medical needs of persons on board the ship or aircraft, 49425
when not in port; provided such controlled substances shall be 49426

sold to the master of the ship or person in charge of the aircraft 49427
only in pursuance of a special official written order approved by 49428
a commissioned medical officer or acting assistant surgeon of the 49429
United States public health service; 49430

(4) To a person in a foreign country, if the federal drug 49431
abuse control laws are complied with. 49432

(B) An official written order for any schedule II controlled 49433
substances shall be signed in triplicate by the person giving the 49434
order or by the person's authorized agent. The original shall be 49435
presented to the person who sells or dispenses the schedule II 49436
controlled substances named in the order and, if that person 49437
accepts the order, each party to the transaction shall preserve 49438
the party's copy of the order for a period of three years in such 49439
a way as to be readily accessible for inspection by any public 49440
officer or employee engaged in the enforcement of Chapter 3719. of 49441
the Revised Code. Compliance with the federal drug abuse control 49442
laws, respecting the requirements governing the use of a special 49443
official written order constitutes compliance with this division. 49444

Sec. 3719.07. (A) As used in this section, "description" 49445
means the dosage form, strength, and quantity, and the brand name, 49446
if any, or the generic name, of a drug or controlled substance. 49447

(B)(1) Every licensed health professional authorized to 49448
prescribe drugs shall keep a record of all controlled substances 49449
received and a record of all controlled substances administered, 49450
dispensed, or used other than by prescription. Every other person, 49451
except a pharmacist, or a manufacturer, or wholesaler, or other 49452
person licensed under section 4729.52 of the Revised Code, who is 49453
authorized to purchase and use controlled substances shall keep a 49454
record of all controlled substances purchased and used other than 49455
by prescription. The records shall be kept in accordance with 49456
division (C)(1) of this section. 49457

(2) Manufacturers and, wholesalers, and other persons 49458
licensed under section 4729.52 of the Revised Code shall keep 49459
records of all controlled substances compounded, mixed, 49460
cultivated, grown, or by any other process produced or prepared by 49461
them, and of all controlled substances received or sold by them. 49462
The records shall be kept in accordance with division (C)(2) of 49463
this section. 49464

(3) Every category III terminal distributor of dangerous 49465
drugs shall keep records of all controlled substances received or 49466
sold. The records shall be kept in accordance with division (C)(3) 49467
of this section. 49468

(4) Every person who sells or purchases for resale schedule V 49469
controlled substances exempted by section 3719.15 of the Revised 49470
Code shall keep a record showing the quantities and kinds thereof 49471
received or sold. The records shall be kept in accordance with 49472
divisions (C)(1), (2), and (3) of this section. 49473

(C)(1) The records required by divisions (B)(1) and (4) of 49474
this section shall contain the following: 49475

(a) The description of all controlled substances received, 49476
the name and address of the person from whom received, and the 49477
date of receipt; 49478

(b) The description of controlled substances administered, 49479
dispensed, purchased, sold, or used; the date of administering, 49480
dispensing, purchasing, selling, or using; the name and address of 49481
the person to whom, or for whose use, or the owner and species of 49482
the animal for which the controlled substance was administered, 49483
dispensed, purchased, sold, or used. 49484

(2) The records required by divisions (B)(2) and (4) of this 49485
section shall contain the following: 49486

(a) The description of all controlled substances produced or 49487
prepared, the name and address of the person from whom received, 49488

and the date of receipt; 49489

(b) The description of controlled substances sold, the name 49490
and address of each person to whom a controlled substance is sold, 49491
the amount of the controlled substance sold to each person, and 49492
the date it was sold. 49493

(3) The records required by divisions (B)(3) and (4) of this 49494
section shall contain the following: 49495

(a) The description of controlled substances received, the 49496
name and address of the person from whom controlled substances are 49497
received, and the date of receipt; 49498

(b) The name and place of residence of each person to whom 49499
controlled substances, including those otherwise exempted by 49500
section 3719.15 of the Revised Code, are sold, the description of 49501
the controlled substances sold to each person, and the date the 49502
controlled substances are sold to each person. 49503

(D) Every record required by this section shall be kept for a 49504
period of three years. 49505

The keeping of a record required by or under the federal drug 49506
abuse control laws, containing substantially the same information 49507
as specified in this section, constitutes compliance with this 49508
section. 49509

Every person who purchases for resale or who sells controlled 49510
substance preparations exempted by section 3719.15 of the Revised 49511
Code shall keep the record required by or under the federal drug 49512
abuse control laws. 49513

Sec. 3719.08. (A) ~~Whenever~~ As used in this division, 49514
"repackager" and "outsourcing facility" have the same meanings as 49515
in section 4729.01 of the Revised Code. 49516

Whenever a manufacturer sells a controlled substance, and 49517
whenever a wholesaler, repackager, or outsourcing facility sells a 49518

controlled substance in a package the wholesaler, repackager, or 49519
outsourcing facility has prepared, the manufacturer or the 49520
wholesaler, repackager, or outsourcing facility, as the case may 49521
be, shall securely affix to each package in which the controlled 49522
substance is contained a label showing in legible English the name 49523
and address of the vendor and the quantity, kind, and form of 49524
controlled substance contained therein. No person, except a 49525
pharmacist for the purpose of dispensing a controlled substance 49526
upon a prescription shall alter, deface, or remove any label so 49527
affixed. 49528

(B) Except as provided in division (C) of this section, when 49529
a pharmacist dispenses any controlled substance on a prescription 49530
for use by a patient, or supplies a controlled substance to a 49531
licensed health professional authorized to prescribe drugs for use 49532
by the professional in personally furnishing patients with 49533
controlled substances, the pharmacist shall affix to the container 49534
in which the controlled substance is dispensed or supplied a label 49535
showing the following: 49536

(1) The name and address of the pharmacy dispensing or 49537
supplying the controlled substance; 49538

(2) The name of the patient for whom the controlled substance 49539
is prescribed and, if the patient is an animal, the name of the 49540
owner and the species of the animal; 49541

(3) The name of the prescriber; 49542

(4) All directions for use stated on the prescription or 49543
provided by the prescriber; 49544

(5) The date on which the controlled substance was dispensed 49545
or supplied; 49546

(6) The name, quantity, and strength of the controlled 49547
substance and, if applicable, the name of the distributor or 49548
manufacturer. 49549

(C) The requirements of division (B) of this section do not 49550
apply when a controlled substance is prescribed or supplied for 49551
administration to an ultimate user who is institutionalized. 49552

(D) A licensed health professional authorized to prescribe 49553
drugs who personally furnishes a controlled substance to a patient 49554
shall comply with division (A) of section 4729.291 of the Revised 49555
Code with respect to labeling and packaging of the controlled 49556
substance. 49557

(E) No person shall alter, deface, or remove any label 49558
affixed pursuant to this section as long as any of the original 49559
contents remain. 49560

(F) Every label for a schedule II, III, or IV controlled 49561
substance shall contain the following warning: 49562

"Caution: federal law prohibits the transfer of this drug to 49563
any person other than the patient for whom it was prescribed." 49564

Sec. 3721.02. (A) As used in this section, "residential 49565
facility" means a residential facility licensed under section 49566
5119.34 of the Revised Code that provides accommodations, 49567
supervision, and personal care services for three to sixteen 49568
unrelated adults. 49569

(B)(1) The director of health shall license homes and 49570
establish procedures to be followed in inspecting and licensing 49571
homes. The director may inspect a home at any time. Each home 49572
shall be inspected by the director at least once prior to the 49573
issuance of a license and at least once every fifteen months 49574
thereafter. The state fire marshal or a township, municipal, or 49575
other legally constituted fire department approved by the marshal 49576
shall also inspect a home prior to issuance of a license, at least 49577
once every fifteen months thereafter, and at any other time 49578
requested by the director. A home does not have to be inspected 49579

prior to issuance of a license by the director, state fire marshal, or a fire department if ownership of the home is assigned or transferred to a different person and the home was licensed under this chapter immediately prior to the assignment or transfer. A nursing home does not need to be inspected before the director increases the nursing home's licensed capacity if the beds being added to the nursing home are placed in resident rooms that were inspected, as part of the most recent previous inspection of the nursing home, for the same number of residents proposed to be placed in a room after the capacity increase. The director may enter at any time, for the purposes of investigation, any institution, residence, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is operating as a nursing home, residential care facility, or home for the aging without a valid license required by section 3721.05 of the Revised Code or, in the case of a county home or district home, is operating despite the revocation of its residential care facility license. The director may delegate the director's authority and duties under this chapter to any division, bureau, agency, or official of the department of health.

(2)(a) If, prior to issuance of a license, a home submits a request for an expedited licensing inspection and the request is submitted in a manner and form approved by the director, the director shall commence an inspection of the home not later than ten business days after receiving the request.

(b) On request, submitted in a manner and form approved by the director, the director may review plans for a building that is to be used as a home for compliance with applicable state and local building and safety codes.

(c) The director may charge a fee for an expedited licensing inspection or a plan review that is adequate to cover the expense of expediting the inspection or reviewing the plans. The fee shall

be deposited in the state treasury to the credit of the general 49612
operations fund created in section 3701.83 of the Revised Code and 49613
used solely for expediting inspections and reviewing plans. 49614

(C) A single facility may be licensed both as a nursing home 49615
pursuant to this chapter and as a residential facility pursuant to 49616
section 5119.34 of the Revised Code if the director determines 49617
that the part or unit to be licensed as a nursing home can be 49618
maintained separate and discrete from the part or unit to be 49619
licensed as a residential facility. 49620

(D) In determining the number of residents in a home for the 49621
purpose of licensing, the director shall consider all the 49622
individuals for whom the home provides accommodations as one group 49623
unless one of the following is the case: 49624

(1) The home is a home for the aging, in which case all the 49625
individuals in the part or unit licensed as a nursing home shall 49626
be considered as one group, and all the individuals in the part or 49627
unit licensed as a rest home shall be considered as another group. 49628

(2) The home is both a nursing home and a residential 49629
facility. In that case, all the individuals in the part or unit 49630
licensed as a nursing home shall be considered as one group, and 49631
all the individuals in the part or unit licensed as an adult care 49632
facility shall be considered as another group. 49633

(3) The home maintains, in addition to a nursing home or 49634
residential care facility, a separate and discrete part or unit 49635
that provides accommodations to individuals who do not require or 49636
receive skilled nursing care and do not receive personal care 49637
services from the home, in which case the individuals in the 49638
separate and discrete part or unit shall not be considered in 49639
determining the number of residents in the home if the separate 49640
and discrete part or unit is in compliance with the Ohio basic 49641
building code established by the board of building standards under 49642

Chapters 3781. and 3791. of the Revised Code and the home permits 49643
the director, on request, to inspect the separate and discrete 49644
part or unit and speak with the individuals residing there, if 49645
they consent, to determine whether the separate and discrete part 49646
or unit meets the requirements of this division. 49647

(E)(1) The director of health shall charge the following 49648
application fee and annual renewal licensing and inspection fee 49649
for each fifty persons or part thereof of a home's licensed 49650
capacity: 49651

(a) For state fiscal year 2010, two hundred twenty dollars; 49652

(b) For state fiscal year 2011, two hundred seventy dollars; 49653

(c) For each state fiscal year thereafter, three hundred 49654
twenty dollars. 49655

(2) All fees collected by the director for the issuance or 49656
renewal of licenses shall be deposited into the state treasury to 49657
the credit of the general operations fund created in section 49658
3701.83 of the Revised Code for use only in administering and 49659
enforcing this chapter and rules adopted under it. 49660

(F)(1) Except as otherwise provided in this section, the 49661
results of an inspection or investigation of a home that is 49662
conducted under this section, including any statement of 49663
deficiencies and all findings and deficiencies cited in the 49664
statement on the basis of the inspection or investigation, shall 49665
be used solely to determine the home's compliance with this 49666
chapter or another chapter of the Revised Code in any action or 49667
proceeding other than an action commenced under division (I) of 49668
section 3721.17 of the Revised Code. Those results of an 49669
inspection or investigation, that statement of deficiencies, and 49670
the findings and deficiencies cited in that statement shall not be 49671
used in either of the following: 49672

(a) Any court or in any action or proceeding that is pending 49673

in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an action by the department of health under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code;

(b) An advertisement, unless the advertisement includes all of the following:

(i) The date the inspection or investigation was conducted;

(ii) A statement that the director of health inspects all homes at least once every fifteen months;

(iii) If a finding or deficiency cited in the statement of deficiencies has been substantially corrected, a statement that the finding or deficiency has been substantially corrected and the date that the finding or deficiency was substantially corrected;

(iv) The number of findings and deficiencies cited in the statement of deficiencies on the basis of the inspection or investigation;

(v) The average number of findings and deficiencies cited in a statement of deficiencies on the basis of an inspection or investigation conducted under this section during the same calendar year as the inspection or investigation used in the advertisement;

(vi) A statement that the advertisement is neither authorized nor endorsed by the department of health or any other government agency.

(2) Nothing in division (F)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.

Sec. 3721.031. (A) The director of health may investigate any

complaint the director receives concerning a home. 49704

(1) Except as required by court order, as necessary for the 49705
administration or enforcement of any statute relating to homes, or 49706
as provided in division (C) of this section, the director and any 49707
employee of the department of health shall not release any of the 49708
following information without the permission of the individual or 49709
of the individual's legal representative: 49710

(a) The identity of any patient or resident; 49711

(b) The identity of any individual who submits a complaint 49712
about a home; 49713

(c) The identity of any individual who provides the director 49714
with information about a home and has requested confidentiality; 49715

(d) Any information that reasonably would tend to disclose 49716
the identity of any individual described in division (A)(1)(a) to 49717
(c) of this section. 49718

(2) An agency or individual to whom the director is required, 49719
by court order or for the administration or enforcement of a 49720
statute relating to homes, to release information described in 49721
division (A)(1) of this section shall not release the information 49722
without the permission of the individual who would be or would 49723
reasonably tend to be identified, or of the individual's legal 49724
representative, unless the agency or individual is required to 49725
release it by division (C) of this section, by court order, or for 49726
the administration or enforcement of a statute relating to homes. 49727

(B) Except as provided in division (C) of this section, any 49728
record that identifies an individual described in division 49729
(A)(1)(a) to (c) of this section or that reasonably would tend to 49730
identify such an individual is not a public record for the 49731
purposes of section 149.43 of the Revised Code, and is not subject 49732
to inspection and copying under section 1347.08 of the Revised 49733

Code. 49734

(C)(1) If the director, or an agency or individual to whom 49735
the director is required by court order or for administration or 49736
enforcement of a statute relating to homes to release information 49737
described in division (A)(1) of this section, uses information in 49738
any administrative or judicial proceeding against a home that 49739
reasonably would tend to identify an individual described in 49740
division (A)(1)(a) to (c) of this section, the director, agency, 49741
or individual shall disclose that information to the home. 49742
However, the director, agency, or individual shall not disclose 49743
information that directly identifies an individual described in 49744
divisions (A)(1)(a) to (c) of this section, unless the individual 49745
is to testify in the proceedings. 49746

(2)(a) On the request of the director of aging or the 49747
director's designee and subject to division (C)(2)(b) of this 49748
section, the director of health may release to the department of 49749
aging the identity of a patient or resident of a home who receives 49750
assisted living services pursuant to sections 173.54 to 173.548 of 49751
the Revised Code. 49752

(b) The department of aging shall not use information 49753
obtained under division (C)(2)(a) for any purpose other than 49754
monitoring the well-being of patients or residents who receive 49755
assisted living services. 49756

(D) No person shall knowingly register a false complaint 49757
about a home with the director, or knowingly swear or affirm the 49758
truth of a false complaint, when the complaint is made for the 49759
purpose of incriminating another. 49760

(E) An individual who in good faith submits a complaint under 49761
this section or any other provision of the Revised Code regarding 49762
a violation of this chapter, or participates in any investigation, 49763
administrative proceeding, or judicial proceeding resulting from 49764

the complaint, has the full protection against retaliatory action 49765
provided by sections 4113.51 to 4113.53 of the Revised Code. 49766

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the 49767
Revised Code: 49768

(A) "Long-term care facility" means either of the following: 49769

(1) A nursing home as defined in section 3721.01 of the 49770
Revised Code; 49771

(2) A facility or part of a facility that is certified as a 49772
skilled nursing facility or a nursing facility under Title XVIII 49773
or XIX of the "Social Security Act." 49774

(B) "Residential care facility" has the same meaning as in 49775
section 3721.01 of the Revised Code. 49776

(C) "Abuse" means ~~knowingly causing physical harm or~~ 49777
~~recklessly causing serious physical harm to a resident by physical~~ 49778
~~contact with the resident or by use of physical or chemical~~ 49779
~~restraint, medication, or isolation as punishment, for staff~~ 49780
~~convenience, excessively, as a substitute for treatment, or in~~ 49781
~~amounts that preclude habilitation and treatment any of the~~ 49782
following: 49783

(1) Physical abuse; 49784

(2) Psychological abuse; 49785

(3) Sexual abuse. 49786

(D) "Neglect" means recklessly failing to provide a resident 49787
with any treatment, care, goods, or service necessary to maintain 49788
the health or safety of the resident when the failure results in 49789
serious physical harm to the resident. "Neglect" does not include 49790
allowing a resident, at the resident's option, to receive only 49791
treatment by spiritual means through prayer in accordance with the 49792
tenets of a recognized religious denomination. 49793

(E) "Exploitation" means taking advantage of a resident, regardless of whether the action was for personal gain, whether the resident knew of the action, or whether the resident was harmed. 49794
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(F) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code. 49798
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~~(F)~~(G) "Resident" includes a resident, patient, former resident or patient, or deceased resident or patient of a long-term care facility or a residential care facility. 49802
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(H) "Physical abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a resident through either of the following: 49805
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(1) Physical contact with the resident; 49808

(2) The use of physical restraint, chemical restraint, medication that does not constitute a chemical restraint, or isolation, if the restraint, medication, or isolation is excessive, for punishment, for staff convenience, a substitute for treatment, or in an amount that precludes habilitation and treatment. 49809
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(I) "Psychological abuse" means knowingly or recklessly causing psychological harm to a resident, whether verbally or by action. 49815
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(J) "Sexual abuse" means sexual conduct or sexual contact with a resident, as those terms are defined in section 2907.01 of the Revised Code. 49818
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~~(G)~~(K) "Physical restraint" has the same meaning as in section 3721.10 of the Revised Code. 49821
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~~(H)~~(L) "Chemical restraint" has the same meaning as in 49823

section 3721.10 of the Revised Code. 49824

~~(I)~~(M) "Nursing and nursing-related services" means the 49825
personal care services and other services not constituting skilled 49826
nursing care that are specified in rules the director of health 49827
shall adopt in accordance with Chapter 119. of the Revised Code. 49828

~~(J)~~(N) "Personal care services" has the same meaning as in 49829
section 3721.01 of the Revised Code. 49830

~~(K)~~(O)(1) Except as provided in division ~~(K)~~(O)(2) of this 49831
section, "nurse aide" means an individual who provides nursing and 49832
nursing-related services to residents in a long-term care 49833
facility, either as a member of the staff of the facility for 49834
monetary compensation or as a volunteer without monetary 49835
compensation. 49836

(2) "Nurse aide" does not include either of the following: 49837

(a) A licensed health professional practicing within the 49838
scope of the professional's license; 49839

(b) An individual providing nursing and nursing-related 49840
services in a religious nonmedical health care institution, if the 49841
individual has been trained in the principles of nonmedical care 49842
and is recognized by the institution as being competent in the 49843
administration of care within the religious tenets practiced by 49844
the residents of the institution. 49845

~~(L)~~(P) "Licensed health professional" means all of the 49846
following: 49847

(1) An occupational therapist or occupational therapy 49848
assistant licensed under Chapter 4755. of the Revised Code; 49849

(2) A physical therapist or physical therapy assistant 49850
licensed under Chapter 4755. of the Revised Code; 49851

(3) A physician authorized under Chapter 4731. of the Revised 49852
Code to practice medicine and surgery, osteopathic medicine and 49853

surgery, or pediatry <u>podiatric medicine and surgery</u> ;	49854
(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	49855 49856
(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	49857 49858
(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;	49859 49860 49861
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	49862 49863
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	49864 49865
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	49866 49867
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	49868 49869
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	49870 49871
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	49872 49873
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	49874 49875
(14) A licensed professional counselor or licensed professional clinical counselor licensed under Chapter 4757. of the Revised Code;	49876 49877 49878
(15) A marriage and family therapist or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code.	49879 49880 49881
(M) <u>(O)</u> "Religious nonmedical health care institution" means	49882

an institution that meets or exceeds the conditions to receive 49883
payment under the medicare program established under Title XVIII 49884
of the "Social Security Act" for inpatient hospital services or 49885
post-hospital extended care services furnished to an individual in 49886
a religious nonmedical health care institution, as defined in 49887
section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 49888
(1965), 42 U.S.C. 1395x(ss)(1), as amended. 49889

~~(N)~~(R) "Competency evaluation program" means a program 49890
through which the competency of a nurse aide to provide nursing 49891
and nursing-related services is evaluated. 49892

~~(O)~~(S) "Training and competency evaluation program" means a 49893
program of nurse aide training and evaluation of competency to 49894
provide nursing and nursing-related services. 49895

Sec. 3721.22. (A)~~(1)~~ No licensed health professional person 49896
identified in division (P)(1) to (12), (14), or (15) of section 49897
3721.21 of the Revised Code who knows or suspects that a resident 49898
has been abused ~~or~~, neglected, or exploited, or that a resident's 49899
property has been misappropriated, by any individual used by a 49900
long-term care facility or residential care facility to provide 49901
services to residents, shall fail to report that knowledge or 49902
suspicion to the ~~director of health facility~~. 49903

(2) No nursing home administrator licensed or temporarily 49904
licensed under Chapter 4751. of the Revised Code, and no 49905
administrator of a residential care facility, who knows or 49906
suspects that a resident has been abused, neglected, or exploited, 49907
or that a resident's property has been misappropriated, by any 49908
individual used by a long-term care facility or residential care 49909
facility to provide services to residents, shall fail to report 49910
that knowledge or suspicion to the director of health. 49911

(B) Any person, including a resident, who knows or suspects 49912
that a resident has been abused ~~or~~, neglected, or exploited, or 49913

that a resident's property has been misappropriated, by any 49914
individual used by a long-term care facility or residential care 49915
facility to provide services to residents, may report that 49916
knowledge or suspicion to the director of health. 49917

(C) Any person who in good faith reports suspected abuse, 49918
neglect, exploitation, or misappropriation to a facility or the 49919
director of health, provides information during an investigation 49920
of suspected abuse, neglect, exploitation, or misappropriation 49921
conducted by the director, or participates in a hearing conducted 49922
under section 3721.23 of the Revised Code is not subject to 49923
criminal prosecution, liable in damages in a tort or other civil 49924
action, or subject to professional disciplinary action because of 49925
injury or loss to person or property allegedly arising from the 49926
making of the report, provision of information, or participation 49927
in the hearing. 49928

(D) If the director has reason to believe that a violation of 49929
division (A) of this section has occurred, the director may report 49930
the suspected violation to the appropriate professional licensing 49931
authority and to the attorney general, county prosecutor, or other 49932
appropriate law enforcement official. 49933

(E) No person shall knowingly make a false allegation of 49934
abuse ~~or~~, neglect, or exploitation of a resident or 49935
misappropriation of a resident's property, or knowingly swear or 49936
affirm the truth of a false allegation, when the allegation is 49937
made for the purpose of incriminating another. 49938

Sec. 3721.23. (A) The director of health shall receive, 49939
review, and investigate allegations of abuse ~~or~~, neglect, or 49940
exploitation of a resident or misappropriation of the property of 49941
a resident by any individual used by a long-term care facility or 49942
residential care facility to provide services to residents. 49943

(B) The director shall make findings regarding alleged abuse, 49944

neglect, exploitation, or misappropriation of property after doing 49945
both of the following: 49946

(1) Investigating the allegation and determining that there 49947
is a reasonable basis for it; 49948

(2) Giving notice to the individual named in the allegation 49949
and affording the individual a reasonable opportunity for a 49950
hearing. 49951

Notice to the person named in an allegation shall be given 49952
and the hearing shall be conducted pursuant to rules adopted by 49953
the director under section 3721.26 of the Revised Code. For 49954
purposes of conducting a hearing under this section, the director 49955
may issue subpoenas compelling attendance of witnesses or 49956
production of documents. The subpoenas shall be served in the same 49957
manner as subpoenas and subpoenas duces tecum issued for a trial 49958
of a civil action in a court of common pleas. If a person who is 49959
served a subpoena fails to attend a hearing or to produce 49960
documents, or refuses to be sworn or to answer any questions, the 49961
director may apply to the common pleas court of the county in 49962
which the person resides, or the county in which the long-term 49963
care facility or residential care facility is located, for a 49964
contempt order, as in the case of a failure of a person who is 49965
served a subpoena issued by the court to attend or to produce 49966
documents or a refusal of such person to testify. 49967

(C)(1) If the director finds that an individual used by a 49968
long-term care facility or residential care facility has abused, 49969
neglected, or ~~abused~~ exploited a resident or misappropriated 49970
property of a resident, the director shall ~~notify~~ do both of the 49971
following: 49972

(a) Notify the individual, the facility using the individual, 49973
~~and~~ the attorney general, county prosecutor, or other appropriate 49974
law enforcement official. ~~The director also shall do the~~ 49975

following: 49976

~~(a) If the individual is used by a long term care facility as a nurse aide, the director shall, in accordance with section 3721.32 of the Revised Code, include in the nurse aide registry established under that section a statement detailing the findings pertaining to the individual.~~ 49977
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~~(b) If the individual is a licensed health professional used by a long term care facility or residential care facility to provide services to residents, the director shall notify, and, if applicable, the appropriate professional licensing authority established under Title XLVII of the Revised Code.~~ 49982
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~~(c) If the individual is used by a long term care facility and is neither a nurse aide nor a licensed health professional, or is used by a residential care facility and is not a licensed health professional, the director shall, in:~~ 49987
49988
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(b) In accordance with section 3721.32 of the Revised Code, include in the nurse aide registry established under that section a statement detailing the findings pertaining to the individual. 49991
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(2) ~~A nurse aide or other~~ An individual about whom a statement is required by this division to be included in the nurse aide registry may provide the director with a statement disputing the director's findings and explaining the circumstances of the allegation. The statement shall be included in the nurse aide registry with the director's findings. 49994
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(D)(1) If the director finds that alleged abuse, neglect, or ~~abuse~~ exploitation of a resident or misappropriation of property of a resident cannot be substantiated, the director shall notify the individual and expunge all files and records of the investigation and the hearing by doing all of the following: 50000
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(a) Removing and destroying the files and records, originals and copies, and deleting all index references; 50005
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(b) Reporting to the individual the nature and extent of any information about the individual transmitted to any other person or government entity by the director of health;

(c) Otherwise ensuring that any examination of files and records in question show no record whatever with respect to the individual.

(2)(a) If, in accordance with division (C)(1)~~(a) or (c)~~ of this section, the director includes in the nurse aide registry a statement of a finding of neglect, the individual found to have neglected a resident may, not earlier than one year after the date of the finding, petition the director to rescind the finding and remove the statement and any accompanying information from the nurse aide registry. The director shall consider the petition. If, in the judgment of the director, the neglect was a singular occurrence and the employment and personal history of the individual does not evidence abuse, exploitation, or any other incident of neglect of residents, the director shall notify the individual and remove the statement and any accompanying information from the nurse aide registry. The director shall expunge all files and records of the investigation and the hearing, except the petition for rescission of the finding of neglect and the director's notice that the rescission has been approved.

(b) A petition for rescission of a finding of neglect and the director's notice that the rescission has been approved are not public records for the purposes of section 149.43 of the Revised Code.

(3) When files and records have been expunged under division (D)(1) or (2) of this section, all rights and privileges are restored, and the individual, the director, and any other person or government entity may properly reply to an inquiry that no such record exists as to the matter expunged.

Sec. 3721.24. (A) No person or government entity shall 50039
retaliate against an employee or another individual used by the 50040
person or government entity to perform any work or services who, 50041
in good faith, makes or causes to be made a report of suspected 50042
abuse ~~or~~, neglect, or exploitation of a resident or 50043
misappropriation of the property of a resident; indicates an 50044
intention to make such a report; provides information during an 50045
investigation of suspected abuse, neglect, exploitation, or 50046
misappropriation conducted by the director of health; or 50047
participates in a hearing conducted under section 3721.23 of the 50048
Revised Code or in any other administrative or judicial 50049
proceedings pertaining to the suspected abuse, neglect, 50050
exploitation, or misappropriation. For purposes of this division, 50051
retaliatory actions include discharging, demoting, or transferring 50052
the employee or other person, preparing a negative work 50053
performance evaluation of the employee or other person, reducing 50054
the benefits, pay, or work privileges of the employee or other 50055
person, and any other action intended to retaliate against the 50056
employee or other person. 50057

(B)(1) No person or government entity shall retaliate against 50058
a resident who reports or causes to be reported suspected abuse, 50059
neglect, exploitation, or misappropriation; indicates an intention 50060
to make such a report; provides information during an 50061
investigation of alleged abuse, neglect, exploitation, or 50062
misappropriation conducted by the director; or participates in a 50063
hearing under section 3721.23 of the Revised Code or in any other 50064
administrative or judicial proceeding pertaining to the suspected 50065
abuse, neglect, exploitation, or misappropriation; or on whose 50066
behalf any other person or government entity takes any of those 50067
actions. ~~For~~ 50068

(2) No person or government entity shall retaliate against a 50069
resident whose family member, guardian, sponsor, or personal 50070

representative reports or causes to be reported suspected abuse, 50071
neglect, exploitation, or misappropriation; indicates an intention 50072
to make such a report; provides information during an 50073
investigation of alleged abuse, neglect, exploitation, or 50074
misappropriation conducted by the director; or participates in a 50075
hearing under section 3721.23 of the Revised Code or in any other 50076
administrative or judicial proceeding pertaining to the suspected 50077
abuse, neglect, exploitation, or misappropriation; or on whose 50078
behalf any other person or government entity takes any of those 50079
actions. 50080

(3) For purposes of ~~this division~~ divisions (B)(1) and (2) of 50081
this section, retaliatory actions include abuse, verbal threats or 50082
other harsh language, change of room assignment, withholding of 50083
services, failure to provide care in a timely manner, and any 50084
other action intended to retaliate against the resident. 50085

(C) Any person has a cause of action against a person or 50086
government entity for harm resulting from violation of division 50087
(A) or (B) of this section. If it finds that a violation has 50088
occurred, the court may award damages and order injunctive relief. 50089
The court may award court costs and reasonable attorney's fees to 50090
the prevailing party. 50091

Sec. 3721.25. (A)(1) Except as required by court order, as 50092
necessary for the administration or enforcement of any statute or 50093
rule relating to long-term care facilities or residential care 50094
facilities, or as provided in division (D) of this section, the 50095
director of health shall not disclose any of the following without 50096
the consent of the individual or the individual's legal 50097
representative: 50098

(a) The name of an individual who reports suspected abuse ~~or,~~ 50099
neglect, or exploitation of a resident or misappropriation of a 50100
resident's property to the facility or director; 50101

(b) The name of an individual who provides information during an investigation of suspected abuse, neglect, exploitation, or misappropriation conducted by the director;

(c) Any information that would tend to disclose the identity of an individual described in division (A)(1)(a) or (b) of this section.

(2) An agency or individual to whom the director is required, by court order or for the administration or enforcement of a statute relating to long-term care facilities or residential care facilities, to release information described in division (A)(1) of this section shall not release the information without the permission of the individual who would be or would reasonably tend to be identified, or of the individual's legal representative, unless the agency or individual is required to release it by division (D) of this section, by court order, or for the administration or enforcement of a statute relating to long-term care facilities or residential care facilities.

(B) Except as provided in division (D) of this section, any record that identifies an individual described in division (A)(1)(a) or (b) of this section, or that would tend to disclose the identity of such an individual, is not a public record for the purposes of section 149.43 of the Revised Code, and is not subject to inspection or copying under section 1347.08 of the Revised Code.

(C) Except as provided in division (B) of this section and division (D) of section 3721.23 of the Revised Code, the records of a hearing conducted under section 3721.23 of the Revised Code are public records for the purposes of section 149.43 of the Revised Code and are subject to inspection and copying under section 1347.08 of the Revised Code.

(D) If the director, or an agency or individual to whom the

director is required by court order or for administration or 50133
enforcement of a statute relating to long-term care facilities or 50134
residential care facilities to release information described in 50135
division (A)(1) of this section, uses information in any 50136
administrative or judicial proceeding against a long-term care 50137
facility or residential care facility that reasonably would tend 50138
to identify an individual described in division (A)(1)(a) or (b) 50139
of this section, the director, agency, or individual shall 50140
disclose that information to the facility. However, the director, 50141
agency, or individual shall not disclose information that directly 50142
identifies an individual described in division (A)(1)(a) or (b) of 50143
this section, unless the individual is to testify in the 50144
proceedings. 50145

Sec. 3721.32. (A) The director of health shall establish a 50146
state nurse aide registry listing all individuals who have done 50147
any of the following: 50148

(1) Were used by a long-term care facility as nurse aides on 50149
a full-time, temporary, per diem, or other basis at any time 50150
during the period commencing July 1, 1989, and ending January 1, 50151
1990, and successfully completed, not later than October 1, 1990, 50152
a competency evaluation program approved by the director under 50153
division (A) of section 3721.31 of the Revised Code or conducted 50154
by the director under division (C) of that section; 50155

(2) Successfully completed a training and competency 50156
evaluation program approved by the director under division (A) of 50157
section 3721.31 of the Revised Code or met the conditions 50158
specified in division (F) of section 3721.28 of the Revised Code, 50159
and, if the training and competency evaluation program or the 50160
training, instruction, or education the individual completed in 50161
meeting the conditions specified in division (F) of section 50162
3721.28 of the Revised Code was conducted in or by a long-term 50163

care facility, or if the director so required pursuant to division 50164
(E) of section 3721.31 of the Revised Code, has successfully 50165
completed a competency evaluation program conducted by the 50166
director; 50167

(3) Successfully completed a training and competency 50168
evaluation program conducted by the director under division (C) of 50169
section 3721.31 of the Revised Code; 50170

(4) Successfully completed, prior to July 1, 1989, a program 50171
that the director has determined under division (B)(3) of section 50172
3721.28 of the Revised Code included a competency evaluation 50173
component no less stringent than the competency evaluation 50174
programs approved or conducted by the director under section 50175
3721.31 of the Revised Code, and was otherwise comparable to the 50176
training and competency evaluation program being approved by the 50177
director under section 3721.31 of the Revised Code; 50178

(5) Are listed in a nurse aide registry maintained by another 50179
state that certifies that its program for training and evaluation 50180
of competency of nurse aides complies with Titles XVIII and XIX of 50181
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 50182
as amended, or regulations adopted thereunder; 50183

(6) Were found competent, as provided in division (B)(5) of 50184
section 3721.28 of the Revised Code, prior to July 1, 1989, after 50185
the completion of a course of nurse aide training of at least one 50186
hundred hours' duration; 50187

(7) Are enrolled in a prelicensure program of nursing 50188
education approved by the board of nursing or by an agency of 50189
another state that regulates nursing education, have provided the 50190
long-term care facility with a certificate from the program 50191
indicating that the individual has successfully completed the 50192
courses that teach basic nursing skills including infection 50193
control, safety and emergency procedures, and personal care, and 50194

have successfully completed a competency evaluation program 50195
conducted by the director under division (A) of section 3721.31 of 50196
the Revised Code; 50197

(8) Have the equivalent of twelve months or more of full-time 50198
employment in the five years preceding listing in the registry as 50199
a hospital aide or orderly and have successfully completed a 50200
competency evaluation program conducted by the director under 50201
division (C) of section 3721.31 of the Revised Code. 50202

(B) ~~The~~ In addition to the list of individuals required by 50203
division (A) of this section, the registry shall include both of 50204
the following: 50205

(1) The statement required by section 3721.23 of the Revised 50206
Code detailing findings by the director under that section 50207
regarding alleged abuse ~~or~~, neglect, or exploitation of a resident 50208
or misappropriation of resident property; 50209

(2) Any statement provided by an individual under section 50210
3721.23 of the Revised Code disputing the director's findings. 50211

Whenever an inquiry is received as to the information 50212
contained in the registry concerning an individual about whom a 50213
statement required by section 3721.23 of the Revised Code is 50214
included in the registry, the director shall disclose the 50215
statement or a summary of the statement together with any 50216
statement provided by the individual under section 3721.23 or a 50217
clear and accurate summary of that statement. 50218

(C) The director may by rule specify additional information 50219
that must be provided to the registry by long-term care facilities 50220
and persons or government agencies conducting approved competency 50221
evaluation programs and training and competency evaluation 50222
programs. 50223

(D) Information contained in the registry is a public record 50224
for the purposes of section 149.43 of the Revised Code, and is 50225

subject to inspection and copying under section 1347.08 of the Revised Code. 50226
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Sec. 3727.45. The director of health may apply to the court of common pleas of the county in which a hospital is located for a temporary or permanent injunction restraining the hospital from failure to comply with ~~sections 3727.33, 3727.34, and section~~ section 3727.42 of the Revised Code. 50228
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Sec. 3727.54. (A) At least once a ~~year~~ every two years, the hospital-wide nursing care committee convened pursuant to section 3727.51 of the Revised Code shall do both of the following: 50233
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~~(A)(1)~~ Review how the ~~most current~~ nursing services staffing plan in effect at the time of the review does all of the following: 50236
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~~(1)(a)~~ Affects inpatient care outcomes; 50239

~~(2)(b)~~ Affects clinical management; 50240

~~(3)(c)~~ Facilitates a delivery system that provides, on a cost-effective basis, quality nursing care consistent with acceptable and prevailing standards of safe nursing care and ~~evidenced-based~~ evidence-based guidelines established by national nursing organizations. 50241
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~~(B)(2)~~ Make recommendations, based on the ~~most recent~~ review conducted under division (A)(1) of this section, regarding how the ~~most current~~ nursing services staffing plan should be revised, if at all. 50246
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(B) Beginning in 2018, a hospital shall submit to the department of health, by March 1 of each even-numbered year, a copy of the hospital's nursing services staffing plan in effect at that time. 50250
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Sec. 3729.08. (A) The licenser of the health district in 50254
which a recreational vehicle park, recreation camp, combined 50255
park-camp, or temporary park-camp is or is to be located, in 50256
accordance with Chapter 119. of the Revised Code, may refuse to 50257
grant, may suspend, or may revoke any license granted to any 50258
person for failure to comply with this chapter or with any rule 50259
adopted by the director of health under section 3729.02 of the 50260
Revised Code. 50261

(B) If a recreational vehicle park or combined park-camp 50262
operator is found to have used the park or park-camp as a chronic 50263
nuisance in violation of division (B) of section 3729.14 of the 50264
Revised Code, the licenser shall immediately revoke any license 50265
held by the park or park-camp operator upon receipt of information 50266
provided by the local board of health in accordance with division 50267
(D) of that section. 50268

Sec. 3729.14. (A) As used in this section: 50269

(1) "Chronic nuisance property" means a property on which 50270
three or more nuisance activities have occurred during any 50271
consecutive six-month period. 50272

(2) "Deadly weapon" and "firearm" have the same meanings as 50273
in section 2923.11 of the Revised Code. 50274

(3) "Nuisance activity" includes all of the following: 50275

(a) A felony drug abuse offense as defined in section 2925.01 50276
of the Revised Code; 50277

(b) A felony sex offense as defined in section 2967.28 of the 50278
Revised Code; 50279

(c) A felony offense of violence; 50280

(d) A felony or a specification an element of which includes 50281
the possession or use of a deadly weapon, including an explosive 50282

or a firearm. 50283

(4) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code. 50284
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(5) "Person associated with the property" includes a camp operator; camp employee; camp official; camp agent; campsite user; any other person licensed under Chapter 3729. of the Revised Code; any person occupying a campsite including a tenant or invitee; or any person present on the property of a recreational park camp or combined park-camp with the permission of the camp operator or other person licensed under Chapter 3729. of the Revised Code or the consent of any campsite user, tenant, or invitee. 50286
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(6) "Property" means the property of a recreational vehicle park or a combined park-camp, including all lots, buildings, or campsites, whether contained on one or multiple parcels of real property. 50294
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(B) No person shall use or operate a recreational vehicle park or combined park-camp as a chronic nuisance. No camp operator shall let a park or park-camp be so used, or knowingly permit a person who has entered into a campsite use agreement with the operator to engage in such conduct in the park or park-camp. 50298
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(C) If a local board of health of the health district in which a recreational vehicle park or combined park-camp is located finds that persons associated with the property of the park or park-camp have engaged in a nuisance activity on the park or park-camp property two or more times in any consecutive six-month period, the local board of health shall send notice to the camp operator specifying the conduct that constitutes the nuisance activity. The notice shall be sent to the camp operator by certified mail. The notice shall inform the operator that if one or more nuisance activities occurs on the property within the consecutive six-month period beginning on the date of the first 50303
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nuisance activity, the property will be declared a chronic 50314
nuisance as described in division (A) of this section and the camp 50315
operator's license will be revoked. 50316

If subsequent to the mailing of the notice, the local board 50317
of health learns of an additional nuisance activity on the 50318
recreational vehicle park or combined park-camp property during a 50319
consecutive six-month period beginning on the date the notice was 50320
mailed to the park operator, the board shall immediately report to 50321
the licensing authority that the property is a chronic nuisance. 50322
Upon receipt of such information, the licensing authority shall 50323
revoke the camp operator's license in accordance with section 50324
3729.08 of the Revised Code. 50325

(D) This section does not limit any recourse permitted 50326
elsewhere in the Revised Code or at common law for conduct that 50327
violates this section. 50328

Sec. 3734.02. (A) The director of environmental protection, 50329
in accordance with Chapter 119. of the Revised Code, shall adopt 50330
and may amend, suspend, or rescind rules having uniform 50331
application throughout the state governing solid waste facilities 50332
and the inspections of and issuance of permits and licenses for 50333
all solid waste facilities in order to ensure that the facilities 50334
will be located, maintained, and operated, and will undergo 50335
closure and post-closure care, in a sanitary manner so as not to 50336
create a nuisance, cause or contribute to water pollution, create 50337
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 50338
257.3-8, as amended. The rules may include, without limitation, 50339
financial assurance requirements for closure and post-closure care 50340
and corrective action and requirements for taking corrective 50341
action in the event of the surface or subsurface discharge or 50342
migration of explosive gases or leachate from a solid waste 50343
facility, or of ground water contamination resulting from the 50344

transfer or disposal of solid wastes at a facility, beyond the 50345
boundaries of any area within a facility that is operating or is 50346
undergoing closure or post-closure care where solid wastes were 50347
disposed of or are being disposed of. The rules shall not concern 50348
or relate to personnel policies, salaries, wages, fringe benefits, 50349
or other conditions of employment of employees of persons owning 50350
or operating solid waste facilities. The director, in accordance 50351
with Chapter 119. of the Revised Code, shall adopt and may amend, 50352
suspend, or rescind rules governing the issuance, modification, 50353
revocation, suspension, or denial of variances from the director's 50354
solid waste rules, including, without limitation, rules adopted 50355
under this chapter governing the management of scrap tires. 50356

Variances shall be issued, modified, revoked, suspended, or 50357
rescinded in accordance with this division, rules adopted under 50358
it, and Chapter 3745. of the Revised Code. The director may order 50359
the person to whom a variance is issued to take such action within 50360
such time as the director may determine to be appropriate and 50361
reasonable to prevent the creation of a nuisance or a hazard to 50362
the public health or safety or the environment. Applications for 50363
variances shall contain such detail plans, specifications, and 50364
information regarding objectives, procedures, controls, and other 50365
pertinent data as the director may require. The director shall 50366
grant a variance only if the applicant demonstrates to the 50367
director's satisfaction that construction and operation of the 50368
solid waste facility in the manner allowed by the variance and any 50369
terms or conditions imposed as part of the variance will not 50370
create a nuisance or a hazard to the public health or safety or 50371
the environment. In granting any variance, the director shall 50372
state the specific provision or provisions whose terms are to be 50373
varied and also shall state specific terms or conditions imposed 50374
upon the applicant in place of the provision or provisions. 50375

The director may hold a public hearing on an application for 50376

a variance or renewal of a variance at a location in the county 50377
where the operations that are the subject of the application for 50378
the variance are conducted. The director shall give not less than 50379
twenty days' notice of the hearing to the applicant by certified 50380
mail or by another type of mail accompanied by a receipt and shall 50381
publish at least one notice of the hearing in a newspaper with 50382
general circulation in the county where the hearing is to be held. 50383
The director shall make available for public inspection at the 50384
principal office of the environmental protection agency a current 50385
list of pending applications for variances and a current schedule 50386
of pending variance hearings. The director shall make a complete 50387
stenographic record of testimony and other evidence submitted at 50388
the hearing. 50389

Within ten days after the hearing, the director shall make a 50390
written determination to issue, renew, or deny the variance and 50391
shall enter the determination and the basis for it into the record 50392
of the hearing. The director shall issue, renew, or deny an 50393
application for a variance or renewal of a variance within six 50394
months of the date upon which the director receives a complete 50395
application with all pertinent information and data required. No 50396
variance shall be issued, revoked, modified, or denied until the 50397
director has considered the relative interests of the applicant, 50398
other persons and property affected by the variance, and the 50399
general public. Any variance granted under this division shall be 50400
for a period specified by the director and may be renewed from 50401
time to time on such terms and for such periods as the director 50402
determines to be appropriate. No application shall be denied and 50403
no variance shall be revoked or modified without a written order 50404
stating the findings upon which the denial, revocation, or 50405
modification is based. A copy of the order shall be sent to the 50406
applicant or variance holder by certified mail or by another type 50407
of mail accompanied by a receipt. 50408

(B) The director shall prescribe and furnish the forms 50409
necessary to administer and enforce this chapter. The director may 50410
cooperate with and enter into agreements with other state, local, 50411
or federal agencies to carry out the purposes of this chapter. The 50412
director may exercise all incidental powers necessary to carry out 50413
the purposes of this chapter. 50414

(C) Except as provided in this division and divisions (N)(2) 50415
and (3) of this section, no person shall establish a new solid 50416
waste facility or infectious waste treatment facility, or modify 50417
an existing solid waste facility or infectious waste treatment 50418
facility, without submitting an application for a permit with 50419
accompanying detail plans, specifications, and information 50420
regarding the facility and method of operation and receiving a 50421
permit issued by the director, except that no permit shall be 50422
required under this division to install or operate a solid waste 50423
facility for sewage sludge treatment or disposal when the 50424
treatment or disposal is authorized by a current permit issued 50425
under Chapter 3704. or 6111. of the Revised Code. 50426

No person shall continue to operate a solid waste facility 50427
for which the director ~~has denied a permit for which an~~ 50428
~~application was required under division (A)(3) of section 3734.05~~ 50429
~~of the Revised Code, or for which the director has disapproved~~ 50430
plans and specifications required to be filed by an order issued 50431
under division (A)~~(5)~~(3) of ~~that~~ section 3734.05 of the Revised 50432
Code, after the date prescribed for commencement of closure of the 50433
facility in the order issued under division (A)~~(6)~~(4) of that 50434
section ~~3734.05 of the Revised Code~~ denying the permit application 50435
or approval. 50436

On and after the effective date of the rules adopted under 50437
division (A) of this section and division (D) of section 3734.12 50438
of the Revised Code governing solid waste transfer facilities, no 50439
person shall establish a new, or modify an existing, solid waste 50440

transfer facility without first submitting an application for a 50441
permit with accompanying engineering detail plans, specifications, 50442
and information regarding the facility and its method of operation 50443
to the director and receiving a permit issued by the director. 50444

No person shall establish a new compost facility or continue 50445
to operate an existing compost facility that accepts exclusively 50446
source separated yard wastes without submitting a completed 50447
registration for the facility to the director in accordance with 50448
rules adopted under divisions (A) and (N)(3) of this section. 50449

This division does not apply to a generator of infectious 50450
wastes that does any of the following: 50451

(1) Treats, by methods, techniques, and practices established 50452
by rules adopted under division (B)(2)(a) of section 3734.021 of 50453
the Revised Code, any of the following: 50454

(a) Infectious wastes that are generated on any premises that 50455
are owned or operated by the generator; 50456

(b) Infectious wastes that are generated by a generator who 50457
has staff privileges at a hospital as defined in section 3727.01 50458
of the Revised Code; 50459

(c) Infectious wastes that are generated in providing care to 50460
a patient by an emergency medical services organization as defined 50461
in section 4765.01 of the Revised Code. 50462

(2) Holds a license or renewal of a license to operate a 50463
crematory facility issued under Chapter 4717. and a permit issued 50464
under Chapter 3704. of the Revised Code; 50465

(3) Treats or disposes of dead animals or parts thereof, or 50466
the blood of animals, and is subject to any of the following: 50467

(a) Inspection under the "Federal Meat Inspection Act," 81 50468
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 50469

(b) Chapter 918. of the Revised Code; 50470

(c) Chapter 953. of the Revised Code. 50471

(D) Neither this chapter nor any rules adopted under it apply 50472
to single-family residential premises; to infectious wastes 50473
generated by individuals for purposes of their own care or 50474
treatment; to the temporary storage of solid wastes, other than 50475
scrap tires, prior to their collection for disposal; to the 50476
storage of one hundred or fewer scrap tires unless they are stored 50477
in such a manner that, in the judgment of the director or the 50478
board of health of the health district in which the scrap tires 50479
are stored, the storage causes a nuisance, a hazard to public 50480
health or safety, or a fire hazard; or to the collection of solid 50481
wastes, other than scrap tires, by a political subdivision or a 50482
person holding a franchise or license from a political subdivision 50483
of the state; to composting, as defined in section 1511.01 of the 50484
Revised Code, conducted in accordance with section 1511.022 of the 50485
Revised Code; or to any person who is licensed to transport raw 50486
rendering material to a compost facility pursuant to section 50487
953.23 of the Revised Code. 50488

(E)(1) As used in this division: 50489

(a) "On-site facility" means a facility that stores, treats, 50490
or disposes of hazardous waste that is generated on the premises 50491
of the facility. 50492

(b) "Off-site facility" means a facility that stores, treats, 50493
or disposes of hazardous waste that is generated off the premises 50494
of the facility and includes such a facility that is also an 50495
on-site facility. 50496

(c) "Satellite facility" means any of the following: 50497

(i) An on-site facility that also receives hazardous waste 50498
from other premises owned by the same person who generates the 50499
waste on the facility premises; 50500

(ii) An off-site facility operated so that all of the 50501

hazardous waste it receives is generated on one or more premises 50502
owned by the person who owns the facility; 50503

(iii) An on-site facility that also receives hazardous waste 50504
that is transported uninterruptedly and directly to the facility 50505
through a pipeline from a generator who is not the owner of the 50506
facility. 50507

(2) Except as provided in division (E)(3) of this section, no 50508
person shall establish or operate a hazardous waste facility, or 50509
use a solid waste facility for the storage, treatment, or disposal 50510
of any hazardous waste, without a hazardous waste facility 50511
installation and operation permit issued in accordance with 50512
section 3734.05 of the Revised Code and subject to the payment of 50513
an application fee not to exceed one thousand five hundred 50514
dollars, payable upon application for a hazardous waste facility 50515
installation and operation permit and upon application for a 50516
renewal permit issued under division (H) of section 3734.05 of the 50517
Revised Code, to be credited to the hazardous waste facility 50518
management fund created in section 3734.18 of the Revised Code. 50519
The term of a hazardous waste facility installation and operation 50520
permit shall not exceed ten years. 50521

In addition to the application fee, there is hereby levied an 50522
annual permit fee to be paid by the permit holder upon the 50523
anniversaries of the date of issuance of the hazardous waste 50524
facility installation and operation permit and of any subsequent 50525
renewal permits and to be credited to the hazardous waste facility 50526
management fund. Annual permit fees totaling forty thousand 50527
dollars or more for any one facility may be paid on a quarterly 50528
basis with the first quarterly payment each year being due on the 50529
anniversary of the date of issuance of the hazardous waste 50530
facility installation and operation permit and of any subsequent 50531
renewal permits. The annual permit fee shall be determined for 50532
each permit holder by the director in accordance with the 50533

following schedule:			50534
TYPE OF BASIC			50535
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	50536
Storage facility using:			50537
Containers	On-site, off-site, and		50538
	satellite	\$ 500	50539
Tanks	On-site, off-site, and		50540
	satellite	500	50541
Waste pile	On-site, off-site, and		50542
	satellite	3,000	50543
Surface impoundment	On-site and satellite	8,000	50544
	Off-site	10,000	50545
Disposal facility using:			50546
Deep well injection	On-site and satellite	15,000	50547
	Off-site	25,000	50548
Landfill	On-site and satellite	25,000	50549
	Off-site	40,000	50550
Land application	On-site and satellite	2,500	50551
	Off-site	5,000	50552
Surface impoundment	On-site and satellite	10,000	50553
	Off-site	20,000	50554
Treatment facility using:			50555
Tanks	On-site, off-site, and		50556
	satellite	700	50557
Surface impoundment	On-site and satellite	8,000	50558
	Off-site	10,000	50559
Incinerator	On-site and satellite	5,000	50560
	Off-site	10,000	50561
Other forms			50562
of treatment	On-site, off-site, and		50563
	satellite	1,000	50564
A hazardous waste disposal facility that disposes of			50565
hazardous waste by deep well injection and that pays the annual			50566

permit fee established in section 6111.046 of the Revised Code is 50567
not subject to the permit fee established in this division for 50568
disposal facilities using deep well injection unless the director 50569
determines that the facility is not in compliance with applicable 50570
requirements established under this chapter and rules adopted 50571
under it. 50572

In determining the annual permit fee required by this 50573
section, the director shall not require additional payments for 50574
multiple units of the same method of storage, treatment, or 50575
disposal or for individual units that are used for both storage 50576
and treatment. A facility using more than one method of storage, 50577
treatment, or disposal shall pay the permit fee indicated by the 50578
schedule for each such method. 50579

The director shall not require the payment of that portion of 50580
an annual permit fee of any permit holder that would apply to a 50581
hazardous waste management unit for which a permit has been 50582
issued, but for which construction has not yet commenced. Once 50583
construction has commenced, the director shall require the payment 50584
of a part of the appropriate fee indicated by the schedule that 50585
bears the same relationship to the total fee that the number of 50586
days remaining until the next anniversary date at which payment of 50587
the annual permit fee is due bears to three hundred sixty-five. 50588

The director, by rules adopted in accordance with Chapters 50589
119. and 3745. of the Revised Code, shall prescribe procedures for 50590
collecting the annual permit fee established by this division and 50591
may prescribe other requirements necessary to carry out this 50592
division. 50593

(3) The prohibition against establishing or operating a 50594
hazardous waste facility without a hazardous waste facility 50595
installation and operation permit does not apply to either of the 50596
following: 50597

(a) A facility that is operating in accordance with a permit 50598
renewal issued under division (H) of section 3734.05 of the 50599
Revised Code, a revision issued under division (I) of that section 50600
as it existed prior to August 20, 1996, or a modification issued 50601
by the director under division (I) of that section on and after 50602
August 20, 1996; 50603

(b) Except as provided in division (J) of section 3734.05 of 50604
the Revised Code, a facility that will operate or is operating in 50605
accordance with a permit by rule, or that is not subject to permit 50606
requirements, under rules adopted by the director. In accordance 50607
with Chapter 119. of the Revised Code, the director shall adopt, 50608
and subsequently may amend, suspend, or rescind, rules for the 50609
purposes of division (E)(3)(b) of this section. Any rules so 50610
adopted shall be consistent with and equivalent to regulations 50611
pertaining to interim status adopted under the "Resource 50612
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 50613
6921, as amended, except as otherwise provided in this chapter. 50614

If a modification is requested or proposed for a facility 50615
described in division (E)(3)(a) or (b) of this section, division 50616
(I)(7) of section 3734.05 of the Revised Code applies. 50617

(F) No person shall store, treat, or dispose of hazardous 50618
waste identified or listed under this chapter and rules adopted 50619
under it, regardless of whether generated on or off the premises 50620
where the waste is stored, treated, or disposed of, or transport 50621
or cause to be transported any hazardous waste identified or 50622
listed under this chapter and rules adopted under it to any other 50623
premises, except at or to any of the following: 50624

(1) A hazardous waste facility operating under a permit 50625
issued in accordance with this chapter; 50626

(2) A facility in another state operating under a license or 50627
permit issued in accordance with the "Resource Conservation and 50628

Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as
amended;

(3) A facility in another nation operating in accordance with
the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86
Stat. 1052, 33 U.S.C.A. 1401, as amended;

(5) A hazardous waste facility as described in division
(E)(3)(a) or (b) of this section.

(G) The director, by order, may exempt any person generating,
collecting, storing, treating, disposing of, or transporting solid
wastes, infectious wastes, or hazardous waste, or processing solid
wastes that consist of scrap tires, in such quantities or under
such circumstances that, in the determination of the director, are
unlikely to adversely affect the public health or safety or the
environment from any requirement to obtain a registration
certificate, permit, or license or comply with the manifest system
or other requirements of this chapter. Such an exemption shall be
consistent with and equivalent to any regulations adopted by the
administrator of the United States environmental protection agency
under the "Resource Conservation and Recovery Act of 1976," 90
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise
provided in this chapter.

(H) No person shall engage in filling, grading, excavating,
building, drilling, or mining on land where a hazardous waste
facility, or a solid waste facility, was operated without prior
authorization from the director, who shall establish the procedure
for granting such authorization by rules adopted in accordance
with Chapter 119. of the Revised Code.

A public utility that has main or distribution lines above or
below the land surface located on an easement or right-of-way

across land where a solid waste facility was operated may engage 50660
in any such activity within the easement or right-of-way without 50661
prior authorization from the director for purposes of performing 50662
emergency repair or emergency replacement of its lines; of the 50663
poles, towers, foundations, or other structures supporting or 50664
sustaining any such lines; or of the appurtenances to those 50665
structures, necessary to restore or maintain existing public 50666
utility service. A public utility may enter upon any such easement 50667
or right-of-way without prior authorization from the director for 50668
purposes of performing necessary or routine maintenance of those 50669
portions of its existing lines; of the existing poles, towers, 50670
foundations, or other structures sustaining or supporting its 50671
lines; or of the appurtenances to any such supporting or 50672
sustaining structure, located on or above the land surface on any 50673
such easement or right-of-way. Within twenty-four hours after 50674
commencing any such emergency repair, replacement, or maintenance 50675
work, the public utility shall notify the director or the 50676
director's authorized representative of those activities and shall 50677
provide such information regarding those activities as the 50678
director or the director's representative may request. Upon 50679
completion of the emergency repair, replacement, or maintenance 50680
activities, the public utility shall restore any land of the solid 50681
waste facility disturbed by those activities to the condition 50682
existing prior to the commencement of those activities. 50683

(I) No owner or operator of a hazardous waste facility, in 50684
the operation of the facility, shall cause, permit, or allow the 50685
emission therefrom of any particulate matter, dust, fumes, gas, 50686
mist, smoke, vapor, or odorous substance that, in the opinion of 50687
the director, unreasonably interferes with the comfortable 50688
enjoyment of life or property by persons living or working in the 50689
vicinity of the facility, or that is injurious to public health. 50690
Any such action is hereby declared to be a public nuisance. 50691

(J) Notwithstanding any other provision of this chapter, in 50692
the event the director finds an imminent and substantial danger to 50693
public health or safety or the environment that creates an 50694
emergency situation requiring the immediate treatment, storage, or 50695
disposal of hazardous waste, the director may issue a temporary 50696
emergency permit to allow the treatment, storage, or disposal of 50697
the hazardous waste at a facility that is not otherwise authorized 50698
by a hazardous waste facility installation and operation permit to 50699
treat, store, or dispose of the waste. The emergency permit shall 50700
not exceed ninety days in duration and shall not be renewed. The 50701
director shall adopt, and may amend, suspend, or rescind, rules in 50702
accordance with Chapter 119. of the Revised Code governing the 50703
issuance, modification, revocation, and denial of emergency 50704
permits. 50705

(K) Except for infectious wastes generated by a person who 50706
produces fewer than fifty pounds of infectious wastes at a 50707
premises during any one month, no owner or operator of a sanitary 50708
landfill shall knowingly accept for disposal, or dispose of, any 50709
infectious wastes that have not been treated to render them 50710
noninfectious. 50711

(L) The director, in accordance with Chapter 119. of the 50712
Revised Code, shall adopt, and may amend, suspend, or rescind, 50713
rules having uniform application throughout the state establishing 50714
a training and certification program that shall be required for 50715
employees of boards of health who are responsible for enforcing 50716
the solid waste and infectious waste provisions of this chapter 50717
and rules adopted under them and for persons who are responsible 50718
for the operation of solid waste facilities or infectious waste 50719
treatment facilities. The rules shall provide all of the 50720
following, without limitation: 50721

(1) The program shall be administered by the director and 50722
shall consist of a course on new solid waste and infectious waste 50723

technologies, enforcement procedures, and rules; 50724

(2) The course shall be offered on an annual basis; 50725

(3) Those persons who are required to take the course under 50726
division (L) of this section shall do so triennially; 50727

(4) Persons who successfully complete the course shall be 50728
certified by the director; 50729

(5) Certification shall be required for all employees of 50730
boards of health who are responsible for enforcing the solid waste 50731
or infectious waste provisions of this chapter and rules adopted 50732
under them and for all persons who are responsible for the 50733
operation of solid waste facilities or infectious waste treatment 50734
facilities; 50735

(6)(a) All employees of a board of health who, on the 50736
effective date of the rules adopted under this division, are 50737
responsible for enforcing the solid waste or infectious waste 50738
provisions of this chapter and the rules adopted under them shall 50739
complete the course and be certified by the director not later 50740
than January 1, 1995; 50741

(b) All employees of a board of health who, after the 50742
effective date of the rules adopted under division (L) of this 50743
section, become responsible for enforcing the solid waste or 50744
infectious waste provisions of this chapter and rules adopted 50745
under them and who do not hold a current and valid certification 50746
from the director at that time shall complete the course and be 50747
certified by the director within two years after becoming 50748
responsible for performing those activities. 50749

No person shall fail to obtain the certification required 50750
under this division. 50751

(M) The director shall not issue a permit under section 50752
3734.05 of the Revised Code to establish a solid waste facility, 50753

or to modify a solid waste facility operating on December 21, 50754
1988, in a manner that expands the disposal capacity or geographic 50755
area covered by the facility, that is or is to be located within 50756
the boundaries of a state park established or dedicated under 50757
Chapter 1546. of the Revised Code, a state park purchase area 50758
established under section 1546.06 of the Revised Code, any unit of 50759
the national park system, or any property that lies within the 50760
boundaries of a national park or recreation area, but that has not 50761
been acquired or is not administered by the secretary of the 50762
United States department of the interior, located in this state, 50763
or any candidate area located in this state and identified for 50764
potential inclusion in the national park system in the edition of 50765
the "national park system plan" submitted under paragraph (b) of 50766
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 50767
U.S.C.A. 1a-5, as amended, current at the time of filing of the 50768
application for the permit, unless the facility or proposed 50769
facility is or is to be used exclusively for the disposal of solid 50770
wastes generated within the park or recreation area and the 50771
director determines that the facility or proposed facility will 50772
not degrade any of the natural or cultural resources of the park 50773
or recreation area. The director shall not issue a variance under 50774
division (A) of this section and rules adopted under it, or issue 50775
an exemption order under division (G) of this section, that would 50776
authorize any such establishment or expansion of a solid waste 50777
facility within the boundaries of any such park or recreation 50778
area, state park purchase area, or candidate area, other than a 50779
solid waste facility exclusively for the disposal of solid wastes 50780
generated within the park or recreation area when the director 50781
determines that the facility will not degrade any of the natural 50782
or cultural resources of the park or recreation area. 50783

(N)(1) The rules adopted under division (A) of this section, 50784
other than those governing variances, do not apply to scrap tire 50785
collection, storage, monocell, monofill, and recovery facilities. 50786

Those facilities are subject to and governed by rules adopted 50787
under sections 3734.70 to 3734.73 of the Revised Code, as 50788
applicable. 50789

(2) Division (C) of this section does not apply to scrap tire 50790
collection, storage, monocell, monofill, and recovery facilities. 50791
The establishment and modification of those facilities are subject 50792
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 50793
Code, as applicable. 50794

(3) The director may adopt, amend, suspend, or rescind rules 50795
under division (A) of this section creating an alternative system 50796
for authorizing the establishment, operation, or modification of a 50797
solid waste compost facility in lieu of the requirement that a 50798
person seeking to establish, operate, or modify a solid waste 50799
compost facility apply for and receive a permit under division (C) 50800
of this section and section 3734.05 of the Revised Code and a 50801
license under division (A)(1) of that section. The rules may 50802
include requirements governing, without limitation, the 50803
classification of solid waste compost facilities, the submittal of 50804
operating records for solid waste compost facilities, and the 50805
creation of a registration or notification system in lieu of the 50806
issuance of permits and licenses for solid waste compost 50807
facilities. The rules shall specify the applicability of divisions 50808
(A)(1), and (2)(a), ~~(3), and (4)~~ of section 3734.05 of the Revised 50809
Code to a solid waste compost facility. 50810

(O)(1) As used in this division, "secondary aluminum waste" 50811
means waste material or byproducts, when disposed of, containing 50812
aluminum generated from secondary aluminum smelting operations and 50813
consisting of dross, salt cake, baghouse dust associated with 50814
aluminum recycling furnace operations, or dry-milled wastes. 50815

(2) The owner or operator of a sanitary landfill shall not 50816
dispose of municipal solid waste that has been commingled with 50817
secondary aluminum waste. 50818

(3) The owner or operator of a sanitary landfill may dispose of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with this chapter and rules adopted under it.

(P)(1) As used in divisions (P) and (Q) of this section:

(a) "Natural background" means two picocuries per gram or the actual number of picocuries per gram as measured at an individual solid waste facility, subject to verification by the director of health.

(b) "Drilling operation" includes a production operation as defined in section 1509.01 of the Revised Code.

(2) The owner or operator of a solid waste facility shall not accept for transfer or disposal technologically enhanced naturally occurring radioactive material if that material contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(3) The owner or operator of a solid waste facility may receive and process for purposes other than transfer or disposal technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background, provided that the owner or operator has obtained and maintains all other necessary authorizations, including any authorization required by rules adopted by the director of health under section 3748.04 of the Revised Code.

(4) The director of environmental protection may adopt rules in accordance with Chapter 119. of the Revised Code governing the receipt, acceptance, processing, handling, management, and disposal by solid waste facilities of material that contains or is

contaminated with radioactive material, including, without 50850
limitation, technologically enhanced naturally occurring 50851
radioactive material that contains or is contaminated with 50852
radium-226, radium-228, or any combination of radium-226 and 50853
radium-228 at concentrations less than five picocuries per gram 50854
above natural background. Rules adopted by the director may 50855
include at a minimum both of the following: 50856

(a) Requirements in accordance with which the owner or 50857
operator of a solid waste facility must monitor leachate and 50858
ground water for radium-226, radium-228, and other radionuclides; 50859

(b) Requirements in accordance with which the owner or 50860
operator of a solid waste facility must develop procedures to 50861
ensure that technologically enhanced naturally occurring 50862
radioactive material accepted at the facility neither contains nor 50863
is contaminated with radium-226, radium-228, or any combination of 50864
radium-226 and radium-228 at concentrations equal to or greater 50865
than five picocuries per gram above natural background. 50866

(Q) Notwithstanding any other provision of this section, the 50867
owner or operator of a solid waste facility shall not receive, 50868
accept, process, handle, manage, or dispose of technologically 50869
enhanced naturally occurring radioactive material associated with 50870
drilling operations without first obtaining representative 50871
analytical results to determine compliance with divisions (P)(2) 50872
and (3) of this section and rules adopted under it. 50873

Sec. 3734.041. (A) The owner or operator holding a license 50874
issued under division (A) of section 3734.05 of the Revised Code 50875
for a sanitary landfill that is so situated that a residence or 50876
other occupied structure off the premises of the landfill is 50877
located within one thousand feet horizontal distance from the 50878
exterior boundary of the landfill, and the owner or operator of 50879
any closed landfill that is so situated and for which a license 50880

was issued under division (A) of section 3734.05 of the Revised Code, or the subsequent owner, lessee, or other person who has control of the land on which the closed landfill is located, shall, within sixty days after the effective date of the rules adopted under division (F) of this section, submit an explosive gas monitoring plan for the landfill or closed landfill to the director of environmental protection for approval for compliance with those rules. After approval of the plan, the owner ~~or~~ operator ~~of the landfill, or, in the instance of a closed landfill, the owner or operator of the closed landfill, or the~~ subsequent owner, lessee, or other person ~~who has control of the land on which the closed landfill is located~~ shall conduct monitoring of explosive gas levels at the landfill or closed landfill, and submit written reports of the results of the monitoring to the director and the board of health of the health district in which the landfill is located in accordance with the approved plan and the schedule for implementation contained in the approved plan.

No person shall violate or fail to perform a duty imposed by a plan approved under this section.

(B) Division (A) of this section does not apply to a sanitary landfill or closed sanitary landfill that exclusively disposes, or disposed, of solid wastes generated on the premises where the landfill or closed landfill is located; to a sanitary landfill or closed sanitary landfill that exclusively disposes, or disposed, of solid wastes generated on one or more premises owned by the person who owns the landfill or closed landfill; or to a sanitary landfill or closed sanitary landfill owned or operated by a person other than the generator of the wastes that exclusively disposes, or disposed, of nonputrescible solid wastes or nonputrescible wastes generated by a single generator at one or more premises owned by the generator.

(C) ~~When~~ As used in this division and division (D) of this 50913
section, "responsible party" includes the owner or operator of a 50914
solid waste disposal facility; any current or former owner of a 50915
closed solid waste disposal facility; any person who was 50916
responsible for the operations of a closed solid waste disposal 50917
facility; any lessee or other person who has control of the 50918
property on which a closed solid waste disposal facility is 50919
located; a receiver appointed pursuant to Chapter 2735. of the 50920
Revised Code with respect to a solid waste disposal facility or 50921
closed solid waste disposal facility; and a trustee in bankruptcy. 50922

Notwithstanding division (B) of this section, if the director 50923
determines that, due to the types of wastes disposed of, the 50924
engineering design, the hydrogeological setting, the period of 50925
time since the commencement of operation, ~~and~~ the proximity of 50926
residential or other occupied structures located off the premises 50927
of ~~the landfill~~ a solid waste disposal facility to the exterior 50928
boundaries, ~~of~~ or information related to concentrations of 50929
explosive gas at or surrounding a sanitary landfill licensed under 50930
~~division (A) of section 3734.05 of the Revised Code~~ facility or 50931
closed ~~sanitary landfill for which a license was issued under that~~ 50932
~~division~~ facility, the potential exists for the formation and 50933
subsurface migration of explosive gases in such quantities and 50934
under such conditions as to ~~endanger~~ threaten human health or 50935
safety or the environment, the director ~~shall~~ may issue to the 50936
~~owner or operator of the sanitary landfill, or, in the instance of~~ 50937
~~a closed sanitary landfill, the owner or operator of the sanitary~~ 50938
~~landfill, or the subsequent owner, lessee, or other person who has~~ 50939
~~control of the property on which the closed landfill is located,~~ 50940
any responsible party an order directing ~~such owner~~ the 50941
responsible party to prepare, ~~obtain approval of, and implement an~~ 50942
and submit a new or revised explosive gas monitoring and reporting 50943
~~plan, in accordance with division (A) of~~ that complies with 50944
division (A) of this section and provides for the adequate 50945

evaluation of explosive gas generation at and migration from the 50946
solid waste disposal facility or closed solid waste disposal 50947
facility. A plan so submitted shall be approved in accordance with 50948
division (A) of this section. After approval of the plan, the 50949
responsible party shall conduct monitoring of explosive gas levels 50950
at the facility or closed facility and submit written reports of 50951
the results of the monitoring in accordance with the plan approved 50952
under this section. For the purposes of this division and division 50953
(D) of this section, explosive gases shall be considered to 50954
~~endanger~~ threaten human health or safety or the environment if 50955
concentrations of methane generated by ~~the landfill~~ a facility in 50956
~~landfill occupied~~ structures, ~~excluding gas control or recovery~~ 50957
~~system components,~~ exceed twenty-five per cent of the lower 50958
explosive limit or if concentrations of methane generated by the 50959
~~landfill~~ facility at the ~~landfill~~ facility boundary exceed the 50960
lower explosive limit. As used in this division, "lower explosive 50961
limit" means the lowest per cent by volume of methane that will 50962
produce a flame in air at twenty-five degrees centigrade and 50963
atmospheric pressure. 50964

(D) If a report submitted pursuant to a plan approved under 50965
division (A) of this section indicates that the formation of 50966
explosive gases at, and migration of explosive gases from, a 50967
~~sanitary landfill~~ solid waste disposal facility or closed ~~sanitary~~ 50968
~~landfill~~ solid waste disposal facility threatens human health or 50969
safety or the environment, the director or his authorized 50970
representative ~~shall promptly~~ may conduct an evaluation of the 50971
levels of explosive gases on the premises of the ~~landfill~~ facility 50972
and in occupied structures located in proximity to the boundaries 50973
of the ~~landfill~~ facility to determine whether the formation of 50974
explosive gases at, and migration of those gases from, the 50975
~~landfill~~ facility or closed ~~landfill~~ facility constitutes such a 50976
threat. In addition, the director or the director's authorized 50977
representative, on their own initiative, may conduct an evaluation 50978

in accordance with division (G) of this section. Based upon the 50979
findings of the an evaluation, ~~or of an evaluation conducted by~~ 50980
~~the director, or his authorized representative, on his own~~ 50981
~~initiative,~~ the director ~~shall~~ may issue an order under division 50982
(A) or (B) of section 3734.13 of the Revised Code, as the director 50983
considers necessary or appropriate, directing ~~the owner or~~ 50984
~~operator of the landfill, or, in the instance of a closed~~ 50985
~~landfill, the owner or operator of the landfill, or the subsequent~~ 50986
~~owner, lessee, or other person who has control of the land on~~ 50987
~~which the closed landfill is located,~~ any responsible party to 50988
perform such measures as the director considers necessary or 50989
appropriate, to abate or minimize the formation of explosive gases 50990
or their migration off the premises of the ~~landfill~~ facility, to 50991
abate or remedy any conditions caused by the formation and 50992
migration of such gases that ~~endanger~~ threaten human health or 50993
safety or the environment and to take such actions as the director 50994
finds necessary or appropriate to prevent recurrence of the 50995
migration of explosive gases or decrease their concentration to 50996
levels set forth in division (C) of this section. 50997

After the issuance of an order under this division, the 50998
director shall inspect the ~~landfill at least once each week, or~~ 50999
facility at such ~~other~~ intervals as the director or ~~his~~ an 51000
authorized representative of the director considers necessary or 51001
appropriate, to ascertain compliance with the order until such 51002
time as the director determines that full compliance with those 51003
terms and conditions has been achieved. 51004

If a report submitted pursuant to a plan approved under 51005
division (A) of this section indicates that the formation of 51006
explosive gases at, and migration of explosive gases from, a 51007
~~landfill~~ solid waste disposal facility that is subject to an order 51008
issued under division (D) of this section has recurred in such 51009
quantities or under such conditions as to threaten human health or 51010

safety or the environment, or if the director determines from an 51011
inspection of any such ~~landfill~~ facility that the ~~owner or~~ 51012
~~operator of the landfill, or, in the instance of a closed~~ 51013
~~landfill, the owner or operator of the landfill, or the subsequent~~ 51014
~~owner, lessee, or other person who has control of the land on~~ 51015
~~which the closed landfill is located,~~ responsible party has 51016
violated or is violating a term or condition of the order or that 51017
measures in addition to those prescribed by the order are 51018
necessary or appropriate under the circumstances, the director 51019
shall take such actions under division (A), (B), or (C) of section 51020
3734.13 of the Revised Code as ~~he~~ the director considers necessary 51021
or appropriate to protect human health or safety or the 51022
environment. 51023

(E) The director shall conduct random inspections of licensed 51024
and closed sanitary landfills for explosive gas levels and to 51025
monitor the accuracy of the reports submitted pursuant to plans 51026
approved under division (A) of this section. 51027

(F) The director shall adopt rules under Chapter 119. of the 51028
Revised Code prescribing standards for conducting the explosive 51029
gas monitoring required by division (A) of this section including, 51030
without limitation, standards governing the numbers, locations, 51031
and design and construction of monitoring wells; quality control 51032
procedures to be followed by persons conducting those evaluations 51033
to ensure the accuracy of the monitoring; the frequency for 51034
sampling the monitoring wells, which shall be at least quarterly, 51035
except as otherwise provided in this division; and the frequency 51036
of reporting monitoring results to the director and board of 51037
health. The rules shall require that, in the instance of closed 51038
sanitary landfills, explosive gas monitoring be conducted for the 51039
period of twenty years after closure or for such other period as 51040
the director considers necessary or appropriate. Such explosive 51041
gas monitoring shall be conducted quarterly during each of the 51042

five years immediately following closure of the landfills and 51043
semiannually thereafter. If such semiannual sampling shows that 51044
the methane limits set in division (C) of this section are 51045
exceeded, sampling may be resumed at a frequency determined by the 51046
director. 51047

(G) The director or the director's authorized representative 51048
may enter upon a solid waste disposal facility or a closed solid 51049
waste disposal facility to conduct an evaluation of the 51050
concentration of explosive gas generated at or migrating from the 51051
facility. The owner or operator of a solid waste disposal facility 51052
or closed solid waste disposal facility shall allow the director 51053
or representative to conduct such an evaluation of the facility, 51054
any structures within the boundary of the facility, and any 51055
occupied structures in close proximity to the boundary of the 51056
facility that are owned or controlled by the owner or operator. 51057

(H) The remedy provided by division (D) of this section is 51058
cumulative and concurrent with any other remedy provided in this 51059
chapter or Chapter 3704. of the Revised Code, and the existence or 51060
exercise of one remedy does not prevent the exercise of any other. 51061

Sec. 3734.05. (A)(1) Except as provided in divisions (A)~~(4)~~, 51062
~~(8)~~, (6) and ~~(9)~~, (7) of this section, no person shall operate or 51063
maintain a solid waste facility without a license issued under 51064
this division by the board of health of the health district in 51065
which the facility is located or by the director of environmental 51066
protection when the health district in which the facility is 51067
located is not on the approved list under section 3734.08 of the 51068
Revised Code. 51069

During the month of December, but before the first day of 51070
January of the next year, every person proposing to continue to 51071
operate an existing solid waste facility shall procure a license 51072
under this division to operate the facility for that year from the 51073

board of health of the health district in which the facility is 51074
located or, if the health district is not on the approved list 51075
under section 3734.08 of the Revised Code, from the director. The 51076
application for such a license shall be submitted to the board of 51077
health or to the director, as appropriate, on or before the last 51078
day of September of the year preceding that for which the license 51079
is sought. In addition to the application fee prescribed in 51080
division (A)(2) of this section, a person who submits an 51081
application after that date shall pay an additional ten per cent 51082
of the amount of the application fee for each week that the 51083
application is late. Late payment fees accompanying an application 51084
submitted to the board of health shall be credited to the special 51085
fund of the health district created in division (B) of section 51086
3734.06 of the Revised Code, and late payment fees accompanying an 51087
application submitted to the director shall be credited to the 51088
general revenue fund. A person who has received a license, upon 51089
sale or disposition of a solid waste facility, and upon consent of 51090
the board of health and the director, may have the license 51091
transferred to another person. The board of health or the director 51092
may include such terms and conditions in a license or revision to 51093
a license as are appropriate to ensure compliance with this 51094
chapter and rules adopted under it. The terms and conditions may 51095
establish the authorized maximum daily waste receipts for the 51096
facility. Limitations on maximum daily waste receipts shall be 51097
specified in cubic yards of volume for the purpose of regulating 51098
the design, construction, and operation of solid waste facilities. 51099
Terms and conditions included in a license or revision to a 51100
license by a board of health shall be consistent with, and pertain 51101
only to the subjects addressed in, the rules adopted under 51102
division (A) of section 3734.02 and division (D) of section 51103
3734.12 of the Revised Code. 51104

(2)(a) Except as provided in divisions (A)(2)(b), ~~(8)(6)~~, and 51105
~~(9)(7)~~ of this section, each person proposing to open a new solid 51106

waste facility or to modify an existing solid waste facility shall 51107
submit an application for a permit with accompanying detail plans 51108
and specifications to the environmental protection agency for 51109
required approval under the rules adopted by the director pursuant 51110
to division (A) of section 3734.02 of the Revised Code and 51111
applicable rules adopted under division (D) of section 3734.12 of 51112
the Revised Code at least two hundred seventy days before proposed 51113
operation of the facility and shall concurrently make application 51114
for the issuance of a license under division (A)(1) of this 51115
section with the board of health of the health district in which 51116
the proposed facility is to be located. 51117

(b) On and after the effective date of the rules adopted 51118
under division (A) of section 3734.02 of the Revised Code and 51119
division (D) of section 3734.12 of the Revised Code governing 51120
solid waste transfer facilities, each person proposing to open a 51121
new solid waste transfer facility or to modify an existing solid 51122
waste transfer facility shall submit an application for a permit 51123
with accompanying engineering detail plans, specifications, and 51124
information regarding the facility and its method of operation to 51125
the environmental protection agency for required approval under 51126
those rules at least two hundred seventy days before commencing 51127
proposed operation of the facility and concurrently shall make 51128
application for the issuance of a license under division (A)(1) of 51129
this section with the board of health of the health district in 51130
which the facility is located or proposed. 51131

(c) Each application for a permit under division (A)(2)(a) or 51132
(b) of this section shall be accompanied by a nonrefundable 51133
application fee of four hundred dollars that shall be credited to 51134
the general revenue fund. Each application for an annual license 51135
under division (A)(1) or (2) of this section shall be accompanied 51136
by a nonrefundable application fee of one hundred dollars. If the 51137
application for an annual license is submitted to a board of 51138

health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the Revised Code.

(d) As used in divisions (A)(2)(d), (e), and (f) of this section, "modify" means any of the following:

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;

(ii) Any expansion of the limits of solid waste placement at a solid waste facility;

(iii) Any increase in the depth of excavation at a solid waste facility;

(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.

Not later than forty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the

public meeting on the application, the applicant shall publish 51170
notice of the meeting in each newspaper of general circulation 51171
that is published in the county in which the facility is or is 51172
proposed to be located. If no newspaper of general circulation is 51173
published in the county, the applicant shall publish the notice in 51174
a newspaper of general circulation in the county. The notice shall 51175
contain the date, time, and location of the public meeting and a 51176
general description of the proposed new or modified facility. Not 51177
later than five days after publishing the notice, the applicant 51178
shall send by certified mail a copy of the notice and the date the 51179
notice was published to the director and the legislative authority 51180
of each municipal corporation, township, and county, and to the 51181
chief executive officer of each municipal corporation, in which 51182
the facility is or is proposed to be located. At the public 51183
meeting, the applicant shall provide information and describe the 51184
application and respond to comments or questions concerning the 51185
application, and the officer or employee of the agency shall 51186
describe the permit application process. At the public meeting, 51187
any person may submit written or oral comments on or objections to 51188
the application. Not more than thirty days after the public 51189
meeting, the applicant shall provide the director with a copy of a 51190
transcript of the full meeting, copies of any exhibits, displays, 51191
or other materials presented by the applicant at the meeting, and 51192
the original copy of any written comments submitted at the 51193
meeting. 51194

(e) Except as provided in division (A)(2)(f) of this section, 51195
prior to taking an action, other than a proposed or final denial, 51196
upon an application submitted under division (A)(2)(a) of this 51197
section for a permit to open a new or modify an existing solid 51198
waste facility, the director shall hold a public information 51199
session and a public hearing on the application within the county 51200
in which the new or modified solid waste facility is or is 51201
proposed to be located or within a contiguous county. If the 51202

application is for a permit to open a new solid waste facility, 51203
the director shall hold the hearing not less than fourteen days 51204
after the information session. If the application is for a permit 51205
to modify an existing solid waste facility, the director may hold 51206
both the information session and the hearing on the same day 51207
unless any individual affected by the application requests in 51208
writing that the information session and the hearing not be held 51209
on the same day, in which case the director shall hold the hearing 51210
not less than fourteen days after the information session. The 51211
director shall publish notice of the public information session or 51212
public hearing not less than thirty days before holding the 51213
information session or hearing, as applicable. The notice shall be 51214
published in each newspaper of general circulation that is 51215
published in the county in which the facility is or is proposed to 51216
be located. If no newspaper of general circulation is published in 51217
the county, the director shall publish the notice in a newspaper 51218
of general circulation in the county. The notice shall contain the 51219
date, time, and location of the information session or hearing, as 51220
applicable, and a general description of the proposed new or 51221
modified facility. At the public information session, an officer 51222
or employee of the environmental protection agency shall describe 51223
the status of the permit application and be available to respond 51224
to comments or questions concerning the application. At the public 51225
hearing, any person may submit written or oral comments on or 51226
objections to the approval of the application. The applicant, or a 51227
representative of the applicant who has knowledge of the location, 51228
construction, and operation of the facility, shall attend the 51229
information session and public hearing to respond to comments or 51230
questions concerning the facility directed to the applicant or 51231
representative by the officer or employee of the environmental 51232
protection agency presiding at the information session and 51233
hearing. 51234

(f) The solid waste management policy committee of a county 51235

or joint solid waste management district may adopt a resolution 51236
requesting expeditious consideration of a specific application 51237
submitted under division (A)(2)(a) of this section for a permit to 51238
modify an existing solid waste facility within the district. The 51239
resolution shall make the finding that expedited consideration of 51240
the application without the public information session and public 51241
hearing under division (A)(2)(e) of this section is in the public 51242
interest and will not endanger human health, as determined by the 51243
director by rules adopted in accordance with Chapter 119. of the 51244
Revised Code. Upon receiving such a resolution, the director, at 51245
the director's discretion, may issue a final action upon the 51246
application without holding a public information session or public 51247
hearing pursuant to division (A)(2)(e) of this section. 51248

~~(3) Except as provided in division (A)(10) of this section, 51249
and unless the owner or operator of any solid waste facility, 51250
other than a solid waste transfer facility or a compost facility 51251
that accepts exclusively source separated yard wastes, that 51252
commenced operation on or before July 1, 1968, has obtained an 51253
exemption from the requirements of division (A)(3) of this section 51254
in accordance with division (G) of section 3734.02 of the Revised 51255
Code, the owner or operator shall submit to the director an 51256
application for a permit with accompanying engineering detail 51257
plans, specifications, and information regarding the facility and 51258
its method of operation for approval under rules adopted under 51259
division (A) of section 3734.02 of the Revised Code and applicable 51260
rules adopted under division (D) of section 3734.12 of the Revised 51261
Code in accordance with the following schedule:~~ 51262

~~(a) Not later than September 24, 1988, if the facility is 51263
located in the city of Garfield Heights or Parma in Cuyahoga 51264
county;~~ 51265

~~(b) Not later than December 24, 1988, if the facility is 51266
located in Delaware, Greene, Guernsey, Hamilton, Madison,~~ 51267

~~Mahoning, Ottawa, or Vinton county;~~ 51268

~~(c) Not later than March 24, 1989, if the facility is located~~ 51269
~~in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or~~ 51270
~~Washington county, or is located in the city of Brooklyn or~~ 51271
~~Cuyahoga Heights in Cuyahoga county;~~ 51272

~~(d) Not later than June 24, 1989, if the facility is located~~ 51273
~~in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or~~ 51274
~~Summit county or is located in Cuyahoga county outside the cities~~ 51275
~~of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights;~~ 51276

~~(e) Not later than September 24, 1989, if the facility is~~ 51277
~~located in Butler, Carroll, Eric, Lake, Portage, Putnam, or Ross~~ 51278
~~county;~~ 51279

~~(f) Not later than December 24, 1989, if the facility is~~ 51280
~~located in a county not listed in divisions (A)(3)(a) to (c) of~~ 51281
~~this section;~~ 51282

~~(g) Notwithstanding divisions (A)(3)(a) to (f) of this~~ 51283
~~section, not later than December 31, 1990, if the facility is a~~ 51284
~~solid waste facility owned by a generator of solid wastes when the~~ 51285
~~solid waste facility exclusively disposes of solid wastes~~ 51286
~~generated at one or more premises owned by the generator~~ 51287
~~regardless of whether the facility is located on a premises where~~ 51288
~~the wastes are generated and if the facility disposes of more than~~ 51289
~~one hundred thousand tons of solid wastes per year, provided that~~ 51290
~~any such facility shall be subject to division (A)(5) of this~~ 51291
~~section.~~ 51292

~~(4) Except as provided in divisions (A)(8), (9), and (10) of~~ 51293
~~this section, unless the owner or operator of any solid waste~~ 51294
~~facility for which a permit was issued after July 1, 1968, but~~ 51295
~~before January 1, 1980, has obtained an exemption from the~~ 51296
~~requirements of division (A)(4) of this section under division (G)~~ 51297
~~of section 3734.02 of the Revised Code, the owner or operator~~ 51298

~~shall submit to the director an application for a permit with 51299
accompanying engineering detail plans, specifications, and 51300
information regarding the facility and its method of operation for 51301
approval under these rules. 51302~~

~~(5)~~ The director may issue an order in accordance with 51303
Chapter 3745. of the Revised Code to the owner or operator of a 51304
solid waste facility requiring the person to submit to the 51305
director updated engineering detail plans, specifications, and 51306
information regarding the facility and its method of operation for 51307
approval under rules adopted under division (A) of section 3734.02 51308
of the Revised Code and applicable rules adopted under division 51309
(D) of section 3734.12 of the Revised Code if, in the director's 51310
judgment, conditions at the facility constitute a substantial 51311
threat to public health or safety or are causing or contributing 51312
to or threatening to cause or contribute to air or water pollution 51313
or soil contamination. Any person who receives such an order shall 51314
submit the updated engineering detail plans, specifications, and 51315
information to the director within one hundred eighty days after 51316
the effective date of the order. 51317

~~(6)~~(4) The director shall act upon ~~an application submitted~~ 51318
~~under division (A)(3) or (4) of this section and any updated~~ 51319
engineering plans, specifications, and information submitted under 51320
division (A)~~(5)~~(3) of this section within one hundred eighty days 51321
after receiving them. If the director ~~denies any such permit~~ 51322
~~application, the issues an order denying the application or~~ 51323
~~disapproving the plans, specifications, and information submitted~~ 51324
under division (A)(3) of this section, the order shall include all 51325
of the following requirements that: 51326

(a) That the owner or operator submit a plan for closure and 51327
post-closure care of the facility to the director for approval 51328
within six months after issuance of the order; i 51329

(b) That the owner or operator cease accepting solid wastes 51330

for disposal or transfer at the facility~~7~~i and 51331

(c) The owner or operator commence closure of the facility 51332
not later than one year after issuance of the order. ~~If~~ 51333

If the director determines that closure of the facility 51334
within that one-year period would result in the unavailability of 51335
sufficient solid waste management facility capacity within the 51336
county or joint solid waste management district in which the 51337
facility is located to dispose of or transfer the solid waste 51338
generated within the district, the director in the order of ~~denial~~ 51339
~~or~~ disapproval may postpone commencement of closure of the 51340
facility for such period of time as the director finds necessary 51341
for the board of county commissioners or directors of the district 51342
to secure access to or for there to be constructed within the 51343
district sufficient solid waste management facility capacity to 51344
meet the needs of the district, provided that the director shall 51345
certify in the director's order that postponing the date for 51346
commencement of closure will not endanger ground water or any 51347
property surrounding the facility, allow methane gas migration to 51348
occur, or cause or contribute to any other type of environmental 51349
damage. 51350

If an emergency need for disposal capacity that may affect 51351
public health and safety exists as a result of closure of a 51352
facility under division (A)~~(6)~~(4) of this section, the director 51353
may issue an order designating another solid waste facility to 51354
accept the wastes that would have been disposed of at the facility 51355
to be closed. 51356

~~(7)~~(5) If the director determines that standards more 51357
stringent than those applicable in rules adopted under division 51358
(A) of section 3734.02 of the Revised Code and division (D) of 51359
section 3734.12 of the Revised Code, or standards pertaining to 51360
subjects not specifically addressed by those rules, are necessary 51361
to ensure that a solid waste facility constructed at the proposed 51362

location will not cause a nuisance, cause or contribute to water 51363
pollution, or endanger public health or safety, the director may 51364
issue a permit for the facility with such terms and conditions as 51365
the director finds necessary to protect public health and safety 51366
and the environment. If a permit is issued, the director shall 51367
state in the order issuing it the specific findings supporting 51368
each such term or condition. 51369

~~(8)(6)~~ Divisions (A)(1), and (2)(a), ~~(3), and (4)~~ of this 51370
section do not apply to a solid waste compost facility that 51371
accepts exclusively source separated yard wastes and that is 51372
registered under division (C) of section 3734.02 of the Revised 51373
Code or, unless otherwise provided in rules adopted under division 51374
(N)(3) of section 3734.02 of the Revised Code, to a solid waste 51375
compost facility if the director has adopted rules establishing an 51376
alternative system for authorizing the establishment, operation, 51377
or modification of a solid waste compost facility under that 51378
division. 51379

~~(9)(7)~~ Divisions (A)(1) to ~~(7)(5)~~ of this section do not 51380
apply to scrap tire collection, storage, monocell, monofill, and 51381
recovery facilities. The approval of plans and specifications, as 51382
applicable, and the issuance of registration certificates, 51383
permits, and licenses for those facilities are subject to sections 51384
3734.75 to 3734.78 of the Revised Code, as applicable, and section 51385
3734.81 of the Revised Code. 51386

~~(10) Divisions (A)(3) and (4) of this section do not apply to~~ 51387
~~a solid waste incinerator that was placed into operation on or~~ 51388
~~before October 12, 1994, and that is not authorized to accept and~~ 51389
~~treat infectious wastes pursuant to division (B) of this section.~~ 51390

(B)(1) No person shall operate or maintain an infectious 51391
waste treatment facility without a license issued by the board of 51392
health of the health district in which the facility is located or 51393
by the director when the health district in which the facility is 51394

located is not on the approved list under section 3734.08 of the Revised Code. 51395
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(2)(a) During the month of December, but before the first day of January of the next year, every person proposing to operate an existing infectious waste treatment facility shall procure a license to operate the facility for that year from the board of health of the health district in which the facility is located or, if the health district is not on the approved list under section 3734.08 of the Revised Code, from the director. The application for such a license shall be submitted to the board of health or to the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. In addition to the application fee prescribed in division (B)(2)(c) of this section, a person who submits an application after that date shall pay an additional ten per cent of the amount of the application fee for each week that the application is late. Late payment fees accompanying an application submitted to the board of health shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code, and late payment fees accompanying an application submitted to the director shall be credited to the general revenue fund. A person who has received a license, upon sale or disposition of an infectious waste treatment facility and upon consent of the board of health and the director, may have the license transferred to another person. The board of health or the director may include such terms and conditions in a license or revision to a license as are appropriate to ensure compliance with the infectious waste provisions of this chapter and rules adopted under them. 51397
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(b) Each person proposing to open a new infectious waste treatment facility or to modify an existing infectious waste treatment facility shall submit an application for a permit with 51424
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accompanying detail plans and specifications to the environmental 51427
protection agency for required approval under the rules adopted by 51428
the director pursuant to section 3734.021 of the Revised Code two 51429
hundred seventy days before proposed operation of the facility and 51430
concurrently shall make application for a license with the board 51431
of health of the health district in which the facility is or is 51432
proposed to be located. Not later than ninety days after receiving 51433
a complete application under division (B)(2)(b) of this section 51434
for a permit to open a new infectious waste treatment facility or 51435
modify an existing infectious waste treatment facility to expand 51436
its treatment capacity, or receiving a complete application under 51437
division (A)(2)(a) of this section for a permit to open a new 51438
solid waste incineration facility, or modify an existing solid 51439
waste incineration facility to also treat infectious wastes or to 51440
increase its infectious waste treatment capacity, that pertains to 51441
a facility for which a notation authorizing infectious waste 51442
treatment is included or proposed to be included in the solid 51443
waste incineration facility's license pursuant to division (B)(3) 51444
of this section, the director shall hold a public hearing on the 51445
application within the county in which the new or modified 51446
infectious waste or solid waste facility is or is proposed to be 51447
located or within a contiguous county. Not less than thirty days 51448
before holding the public hearing on the application, the director 51449
shall publish notice of the hearing in each newspaper that has 51450
general circulation and that is published in the county in which 51451
the facility is or is proposed to be located. If there is no 51452
newspaper that has general circulation and that is published in 51453
the county, the director shall publish the notice in a newspaper 51454
of general circulation in the county. The notice shall contain the 51455
date, time, and location of the public hearing and a general 51456
description of the proposed new or modified facility. At the 51457
public hearing, any person may submit written or oral comments on 51458
or objections to the approval or disapproval of the application. 51459

The applicant, or a representative of the applicant who has 51460
knowledge of the location, construction, and operation of the 51461
facility, shall attend the public hearing to respond to comments 51462
or questions concerning the facility directed to the applicant or 51463
representative by the officer or employee of the environmental 51464
protection agency presiding at the hearing. 51465

(c) Each application for a permit under division (B)(2)(b) of 51466
this section shall be accompanied by a nonrefundable application 51467
fee of four hundred dollars that shall be credited to the general 51468
revenue fund. Each application for an annual license under 51469
division (B)(2)(a) of this section shall be accompanied by a 51470
nonrefundable application fee of one hundred dollars. If the 51471
application for an annual license is submitted to a board of 51472
health on the approved list under section 3734.08 of the Revised 51473
Code, the application fee shall be credited to the special 51474
infectious waste fund of the health district created in division 51475
(C) of section 3734.06 of the Revised Code. If the application for 51476
an annual license is submitted to the director, the application 51477
fee shall be credited to the general revenue fund. If a permit or 51478
license is issued, the amount of the application fee paid shall be 51479
deducted from the amount of the permit fee due under division (Q) 51480
of section 3745.11 of the Revised Code or the amount of the 51481
license fee due under division (C) of section 3734.06 of the 51482
Revised Code. 51483

(d) The director may issue an order in accordance with 51484
Chapter 3745. of the Revised Code to the owner or operator of an 51485
infectious waste treatment facility requiring the person to submit 51486
to the director updated engineering detail plans, specifications, 51487
and information regarding the facility and its method of operation 51488
for approval under rules adopted under section 3734.021 of the 51489
Revised Code if, in the director's judgment, conditions at the 51490
facility constitute a substantial threat to public health or 51491

safety or are causing or contributing to or threatening to cause 51492
or contribute to air or water pollution or soil contamination. Any 51493
person who receives such an order shall submit the updated 51494
engineering detail plans, specifications, and information to the 51495
director within one hundred eighty days after the effective date 51496
of the order. 51497

(e) The director shall act on any updated engineering plans, 51498
specifications, and information submitted under division (B)(2)(d) 51499
of this section within one hundred eighty days after receiving 51500
them. If the director disapproves any such updated engineering 51501
plans, specifications, and information, the director shall include 51502
in the order disapproving the plans the requirement that the owner 51503
or operator cease accepting infectious wastes for treatment at the 51504
facility. 51505

(3) Division (B) of this section does not apply to a 51506
generator of infectious wastes that meets any of the following 51507
conditions: 51508

(a) Treats, by methods, techniques, and practices established 51509
by rules adopted under division (B)(2)(a) of section 3734.021 of 51510
the Revised Code, any of the following wastes: 51511

(i) Infectious wastes that are generated on any premises that 51512
are owned or operated by the generator; 51513

(ii) Infectious wastes that are generated by a generator who 51514
has staff privileges at a hospital as defined in section 3727.01 51515
of the Revised Code; 51516

(iii) Infectious wastes that are generated in providing care 51517
to a patient by an emergency medical services organization as 51518
defined in section 4765.01 of the Revised Code. 51519

(b) Holds a license or renewal of a license to operate a 51520
crematory facility issued under Chapter 4717. and a permit issued 51521
under Chapter 3704. of the Revised Code; 51522

(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following: 51523
51524

(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 51525
51526

(ii) Chapter 918. of the Revised Code; 51527

(iii) Chapter 953. of the Revised Code. 51528

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to obtain a license under division (B) of this section as an infectious waste treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious wastes. 51529
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The director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in rules adopted under division (B)(2)(b) of section 3734.021 of the Revised Code. 51537
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(C) Except for a facility or activity described in division (E)(3) of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit a complete application for a hazardous waste facility installation and operation permit and accompanying detail plans, specifications, and such information as the director may require to the environmental protection agency at least one hundred eighty days before the proposed beginning of operation of the facility. The applicant shall notify by certified mail the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located of the submission of the application within ten days after the submission or at such 51542
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earlier time as the director may establish by rule. If the 51554
application is for a proposed new hazardous waste disposal or 51555
thermal treatment facility, the applicant also shall give actual 51556
notice of the general design and purpose of the facility to the 51557
legislative authority of each municipal corporation, township, and 51558
county in which the facility is proposed to be located at least 51559
ninety days before the permit application is submitted to the 51560
environmental protection agency. 51561

In accordance with rules adopted under section 3734.12 of the 51562
Revised Code, prior to the submission of a complete application 51563
for a hazardous waste facility installation and operation permit, 51564
the applicant shall hold at least one meeting in the township or 51565
municipal corporation in which the facility is proposed to be 51566
located, whichever is geographically closer to the proposed 51567
location of the facility. The meeting shall be open to the public 51568
and shall be held to inform the community of the proposed 51569
hazardous waste management activities and to solicit questions 51570
from the community concerning the activities. 51571

(D)(1) Except as provided in section 3734.123 of the Revised 51572
Code, upon receipt of a complete application for a hazardous waste 51573
facility installation and operation permit under division (C) of 51574
this section, the director shall consider the application and 51575
accompanying information to determine whether the application 51576
complies with agency rules and the requirements of division (D)(2) 51577
of this section. After making a determination, the director shall 51578
issue either a draft permit or a notice of intent to deny the 51579
permit. The director, in accordance with rules adopted under 51580
section 3734.12 of the Revised Code or with rules adopted to 51581
implement Chapter 3745. of the Revised Code, shall provide public 51582
notice of the application and the draft permit or the notice of 51583
intent to deny the permit, provide an opportunity for public 51584
comments, and, if significant interest is shown, schedule a public 51585

meeting in the county in which the facility is proposed to be 51586
located and give public notice of the date, time, and location of 51587
the public meeting in a newspaper of general circulation in that 51588
county. 51589

(2) The director shall not approve an application for a 51590
hazardous waste facility installation and operation permit or an 51591
application for a modification under division (I)(3) of this 51592
section unless the director finds and determines as follows: 51593

(a) The nature and volume of the waste to be treated, stored, 51594
or disposed of at the facility; 51595

(b) That the facility complies with the director's hazardous 51596
waste standards adopted pursuant to section 3734.12 of the Revised 51597
Code; 51598

(c) That the facility represents the minimum adverse 51599
environmental impact, considering the state of available 51600
technology and the nature and economics of various alternatives, 51601
and other pertinent considerations; 51602

(d) That the facility represents the minimum risk of all of 51603
the following: 51604

(i) Fires or explosions from treatment, storage, or disposal 51605
methods; 51606

(ii) Release of hazardous waste during transportation of 51607
hazardous waste to or from the facility; 51608

(iii) Adverse impact on the public health and safety. 51609

(e) That the facility will comply with this chapter and 51610
Chapters 3704. and 6111. of the Revised Code and all rules and 51611
standards adopted under them; 51612

(f) That if the owner of the facility, the operator of the 51613
facility, or any other person in a position with the facility from 51614
which the person may influence the installation and operation of 51615

the facility has been involved in any prior activity involving 51616
transportation, treatment, storage, or disposal of hazardous 51617
waste, that person has a history of compliance with this chapter 51618
and Chapters 3704. and 6111. of the Revised Code and all rules and 51619
standards adopted under them, the "Resource Conservation and 51620
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 51621
amended, and all regulations adopted under it, and similar laws 51622
and rules of other states if any such prior operation was located 51623
in another state that demonstrates sufficient reliability, 51624
expertise, and competency to operate a hazardous waste facility 51625
under the applicable provisions of this chapter and Chapters 3704. 51626
and 6111. of the Revised Code, the applicable rules and standards 51627
adopted under them, and terms and conditions of a hazardous waste 51628
facility installation and operation permit, given the potential 51629
for harm to the public health and safety and the environment that 51630
could result from the irresponsible operation of the facility. For 51631
off-site facilities, as defined in section 3734.41 of the Revised 51632
Code, the director may use the investigative reports of the 51633
attorney general prepared pursuant to section 3734.42 of the 51634
Revised Code as a basis for making a finding and determination 51635
under division (D)(2)(f) of this section. 51636

(g) That the active areas within a new hazardous waste 51637
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 51638
(e), as amended, or organic waste that is toxic and is listed 51639
under 40 C.F.R. 261, as amended, is being stored, treated, or 51640
disposed of and where the aggregate of the storage design capacity 51641
and the disposal design capacity of all hazardous waste in those 51642
areas is greater than two hundred fifty thousand gallons, are not 51643
located or operated within any of the following: 51644

(i) Two thousand feet of any residence, school, hospital, 51645
jail, or prison; 51646

(ii) Any naturally occurring wetland; 51647

(iii) Any flood hazard area if the applicant cannot show that 51648
the facility will be designed, constructed, operated, and 51649
maintained to prevent washout by a one-hundred-year flood. 51650

Division (D)(2)(g) of this section does not apply to the 51651
facility of any applicant who demonstrates to the director that 51652
the limitations specified in that division are not necessary 51653
because of the nature or volume of the waste and the manner of 51654
management applied, the facility will impose no substantial danger 51655
to the health and safety of persons occupying the structures 51656
listed in division (D)(2)(g)(i) of this section, and the facility 51657
is to be located or operated in an area where the proposed 51658
hazardous waste activities will not be incompatible with existing 51659
land uses in the area. 51660

(h) That the facility will not be located within the 51661
boundaries of a state park established or dedicated under Chapter 51662
1546. of the Revised Code, a state park purchase area established 51663
under section 1546.06 of the Revised Code, any unit of the 51664
national park system, or any property that lies within the 51665
boundaries of a national park or recreation area, but that has not 51666
been acquired or is not administered by the secretary of the 51667
United States department of the interior, located in this state, 51668
or any candidate area located in this state identified for 51669
potential inclusion in the national park system in the edition of 51670
the "national park system plan" submitted under paragraph (b) of 51671
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 51672
U.S.C.A. 1a-5, as amended, current at the time of filing of the 51673
application for the permit, unless the facility will be used 51674
exclusively for the storage of hazardous waste generated within 51675
the park or recreation area in conjunction with the operation of 51676
the park or recreation area. Division (D)(2)(h) of this section 51677
does not apply to the facility of any applicant for modification 51678
of a permit unless the modification application proposes to 51679

increase the land area included in the facility or to increase the 51680
quantity of hazardous waste that will be treated, stored, or 51681
disposed of at the facility. 51682

(3) Not later than one hundred eighty days after the end of 51683
the public comment period, the director, without prior hearing, 51684
shall issue or deny the permit in accordance with Chapter 3745. of 51685
the Revised Code. If the director approves an application for a 51686
hazardous waste facility installation and operation permit, the 51687
director shall issue the permit, upon such terms and conditions as 51688
the director finds are necessary to ensure the construction and 51689
operation of the hazardous waste facility in accordance with the 51690
standards of this section. 51691

(E) No political subdivision of this state shall require any 51692
additional zoning or other approval, consent, permit, certificate, 51693
or condition for the construction or operation of a hazardous 51694
waste facility authorized by a hazardous waste facility 51695
installation and operation permit issued pursuant to this chapter, 51696
nor shall any political subdivision adopt or enforce any law, 51697
ordinance, or rule that in any way alters, impairs, or limits the 51698
authority granted in the permit. 51699

(F) The director may issue a single hazardous waste facility 51700
installation and operation permit to a person who operates two or 51701
more adjoining facilities where hazardous waste is stored, 51702
treated, or disposed of if the application includes detail plans, 51703
specifications, and information on all facilities. For the 51704
purposes of this section, "adjoining" means sharing a common 51705
boundary, separated only by a public road, or in such proximity 51706
that the director determines that the issuance of a single permit 51707
will not create a hazard to the public health or safety or the 51708
environment. 51709

(G) No person shall falsify or fail to keep or submit any 51710
plans, specifications, data, reports, records, manifests, or other 51711

information required to be kept or submitted to the director by 51712
this chapter or the rules adopted under it. 51713

(H)(1) Each person who holds an installation and operation 51714
permit issued under this section and who wishes to obtain a permit 51715
renewal shall submit a completed application for an installation 51716
and operation permit renewal and any necessary accompanying 51717
general plans, detail plans, specifications, and such information 51718
as the director may require to the director no later than one 51719
hundred eighty days prior to the expiration date of the existing 51720
permit or upon a later date prior to the expiration of the 51721
existing permit if the permittee can demonstrate good cause for 51722
the late submittal. The director shall consider the application 51723
and accompanying information, inspection reports of the facility, 51724
results of performance tests, a report regarding the facility's 51725
compliance or noncompliance with the terms and conditions of its 51726
permit and rules adopted by the director under this chapter, and 51727
such other information as is relevant to the operation of the 51728
facility and shall issue a draft renewal permit or a notice of 51729
intent to deny the renewal permit. The director, in accordance 51730
with rules adopted under this section or with rules adopted to 51731
implement Chapter 3745. of the Revised Code, shall give public 51732
notice of the application and draft renewal permit or notice of 51733
intent to deny the renewal permit, provide for the opportunity for 51734
public comments within a specified time period, schedule a public 51735
meeting in the county in which the facility is located if 51736
significant interest is shown, and give public notice of the 51737
public meeting. 51738

(2) Within sixty days after the public meeting or close of 51739
the public comment period, the director, without prior hearing, 51740
shall issue or deny the renewal permit in accordance with Chapter 51741
3745. of the Revised Code. The director shall not issue a renewal 51742
permit unless the director determines that the facility under the 51743

existing permit has a history of compliance with this chapter, 51744
rules adopted under it, the existing permit, or orders entered to 51745
enforce such requirements that demonstrates sufficient 51746
reliability, expertise, and competency to operate the facility 51747
henceforth under this chapter, rules adopted under it, and the 51748
renewal permit. If the director approves an application for a 51749
renewal permit, the director shall issue the permit subject to the 51750
payment of the annual permit fee required under division (E) of 51751
section 3734.02 of the Revised Code and upon such terms and 51752
conditions as the director finds are reasonable to ensure that 51753
continued operation, maintenance, closure, and post-closure care 51754
of the hazardous waste facility are in accordance with the rules 51755
adopted under section 3734.12 of the Revised Code. 51756

(3) An installation and operation permit renewal application 51757
submitted to the director that also contains or would constitute 51758
an application for a modification shall be acted upon by the 51759
director in accordance with division (I) of this section in the 51760
same manner as an application for a modification. In approving or 51761
disapproving the renewal portion of a permit renewal application 51762
containing an application for a modification, the director shall 51763
apply the criteria established under division (H)(2) of this 51764
section. 51765

(4) An application for renewal or modification of a permit 51766
that does not contain an application for a modification as 51767
described in divisions (I)(3)(a) to (d) of this section shall not 51768
be subject to division (D)(2) of this section. 51769

(I)(1) As used in this section, "modification" means a change 51770
or alteration to a hazardous waste facility or its operations that 51771
is inconsistent with or not authorized by its existing permit or 51772
authorization to operate. Modifications shall be classified as 51773
Class 1, 2, or 3 modifications in accordance with rules adopted 51774
under division (K) of this section. Modifications classified as 51775

Class 3 modifications, in accordance with rules adopted under that 51776
division, shall be further classified by the director as either 51777
Class 3 modifications that are to be approved or disapproved by 51778
the director under divisions (I)(3)(a) to (d) of this section or 51779
as Class 3 modifications that are to be approved or disapproved by 51780
the director under division (I)(5) of this section. Not later than 51781
thirty days after receiving a request for a modification under 51782
division (I)(4) of this section that is not listed in Appendix I 51783
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 51784
section, the director shall classify the modification and shall 51785
notify the owner or operator of the facility requesting the 51786
modification of the classification. Notwithstanding any other law 51787
to the contrary, a modification that involves the transfer of a 51788
hazardous waste facility installation and operation permit to a 51789
new owner or operator for any off-site facility as defined in 51790
section 3734.41 of the Revised Code shall be classified as a Class 51791
3 modification. The transfer of a hazardous waste facility 51792
installation and operation permit to a new owner or operator for a 51793
facility that is not an off-site facility shall be classified as a 51794
Class 1 modification requiring prior approval of the director. 51795

(2) Except as provided in section 3734.123 of the Revised 51796
Code, a hazardous waste facility installation and operation permit 51797
may be modified at the request of the director or upon the written 51798
request of the permittee only if any of the following applies: 51799

(a) The permittee desires to accomplish alterations, 51800
additions, or deletions to the permitted facility or to undertake 51801
alterations, additions, deletions, or activities that are 51802
inconsistent with or not authorized by the existing permit; 51803

(b) New information or data justify permit conditions in 51804
addition to or different from those in the existing permit; 51805

(c) The standards, criteria, or rules upon which the existing 51806
permit is based have been changed by new, amended, or rescinded 51807

standards, criteria, or rules, or by judicial decision after the 51808
existing permit was issued, and the change justifies permit 51809
conditions in addition to or different from those in the existing 51810
permit; 51811

(d) The permittee proposes to transfer the permit to another 51812
person. 51813

(3) The director shall approve or disapprove an application 51814
for a modification in accordance with division (D)(2) of this 51815
section and rules adopted under division (K) of this section for 51816
all of the following categories of Class 3 modifications: 51817

(a) Authority to conduct treatment, storage, or disposal at a 51818
site, location, or tract of land that has not been authorized for 51819
the proposed category of treatment, storage, or disposal activity 51820
by the facility's permit; 51821

(b) Modification or addition of a hazardous waste management 51822
unit, as defined in rules adopted under section 3734.12 of the 51823
Revised Code, that results in an increase in a facility's storage 51824
capacity of more than twenty-five per cent over the capacity 51825
authorized by the facility's permit, an increase in a facility's 51826
treatment rate of more than twenty-five per cent over the rate so 51827
authorized, or an increase in a facility's disposal capacity over 51828
the capacity so authorized. The authorized disposal capacity for a 51829
facility shall be calculated from the approved design plans for 51830
the disposal units at that facility. In no case during a five-year 51831
period shall a facility's storage capacity or treatment rate be 51832
modified to increase by more than twenty-five per cent in the 51833
aggregate without the director's approval in accordance with 51834
division (D)(2) of this section. Notwithstanding any provision of 51835
division (I) of this section to the contrary, a request for 51836
modification of a facility's annual total waste receipt limit 51837
shall be classified and approved or disapproved by the director 51838
under division (I)(5) of this section. 51839

(c) Authority to add any of the following categories of regulated activities not previously authorized at a facility by the facility's permit: storage at a facility not previously authorized to store hazardous waste, treatment at a facility not previously authorized to treat hazardous waste, or disposal at a facility not previously authorized to dispose of hazardous waste; or authority to add a category of hazardous waste management unit not previously authorized at the facility by the facility's permit. Notwithstanding any provision of division (I) of this section to the contrary, a request for authority to add or to modify an activity or a hazardous waste management unit for the purposes of performing a corrective action shall be classified and approved or disapproved by the director under division (I)(5) of this section.

(d) Authority to treat, store, or dispose of waste types listed or characterized as reactive or explosive, in rules adopted under section 3734.12 of the Revised Code, or any acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit unless the requested authority is limited to wastes that no longer exhibit characteristics meeting the criteria for listing or characterization as reactive or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes as established in rules adopted under section 3734.12 of the Revised Code because of the requirements established in 40 C.F.R. 261(a) and (e), as amended, that is, the "mixture," "derived-from," or "contained-in" regulations.

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance

with this section and rules adopted under it. 51872

(5) Class 1 modification applications that require prior 51873
approval of the director, as provided in division (I)(1) of this 51874
section or as determined in accordance with rules adopted under 51875
division (K) of this section, Class 2 modification applications, 51876
and Class 3 modification applications that are not described in 51877
divisions (I)(3)(a) to (d) of this section shall be approved or 51878
disapproved by the director in accordance with rules adopted under 51879
division (K) of this section. The board of county commissioners of 51880
the county, the board of township trustees of the township, and 51881
the city manager or mayor of the municipal corporation in which a 51882
hazardous waste facility is located shall receive notification of 51883
any application for a modification for that facility and shall be 51884
considered as interested persons with respect to the director's 51885
consideration of the application. 51886

As used in division (I) of this section: 51887

(a) "Owner" means the person who owns a majority or 51888
controlling interest in a facility. 51889

(b) "Operator" means the person who is responsible for the 51890
overall operation of a facility. 51891

The director shall approve or disapprove an application for a 51892
Class 1 modification that requires the director's approval within 51893
sixty days after receiving the request for modification. The 51894
director shall approve or disapprove an application for a Class 2 51895
modification within three hundred days after receiving the request 51896
for modification. The director shall approve or disapprove an 51897
application for a Class 3 modification within three hundred 51898
sixty-five days after receiving the request for modification. 51899

(6) The approval or disapproval by the director of a Class 1 51900
modification application is not a final action that is appealable 51901
under Chapter 3745. of the Revised Code. The approval or 51902

disapproval by the director of a Class 2 modification or a Class 3 51903
modification is a final action that is appealable under that 51904
chapter. In approving or disapproving a request for a 51905
modification, the director shall consider all comments pertaining 51906
to the request that are received during the public comment period 51907
and the public meetings. The administrative record for appeal of a 51908
final action by the director in approving or disapproving a 51909
request for a modification shall include all comments received 51910
during the public comment period relating to the request for 51911
modification, written materials submitted at the public meetings 51912
relating to the request, and any other documents related to the 51913
director's action. 51914

(7) Notwithstanding any other provision of law to the 51915
contrary, a change or alteration to a hazardous waste facility 51916
described in division (E)(3)(a) or (b) of section 3734.02 of the 51917
Revised Code, or its operations, is a modification for the 51918
purposes of this section. An application for a modification at 51919
such a facility shall be submitted, classified, and approved or 51920
disapproved in accordance with divisions (I)(1) to (6) of this 51921
section in the same manner as a modification to a hazardous waste 51922
facility installation and operation permit. 51923

(J)(1) Except as provided in division (J)(2) of this section, 51924
an owner or operator of a hazardous waste facility that is 51925
operating in accordance with a permit by rule under rules adopted 51926
by the director under division (E)(3)(b) of section 3734.02 of the 51927
Revised Code shall submit either a hazardous waste facility 51928
installation and operation permit application for the facility or 51929
a modification application, whichever is required under division 51930
(J)(1)(a) or (b) of this section, within one hundred eighty days 51931
after the director has requested the application or upon a later 51932
date if the owner or operator demonstrates to the director good 51933
cause for the late submittal. 51934

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste facility installation and operation permit for hazardous waste treatment, storage, or disposal activities at the facility other than those authorized by the permit by rule, the owner or operator shall submit to the director a request for modification in accordance with division (I) of this section. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the modification application in accordance with division (I)(5) of this section.

(2) The owner or operator of a boiler or industrial furnace that is conducting thermal treatment activities in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit a hazardous waste facility installation and operation permit application if the owner or operator does not have such a permit for any hazardous waste treatment, storage, or disposal activities at the facility or, if the owner or operator has such a permit for hazardous waste treatment, storage, or disposal activities at the facility other than thermal treatment activities authorized by the permit by rule, a modification application to add those activities authorized by the permit by rule, whichever is applicable, within one hundred eighty days after the director has requested the submission of the application or upon a later

date if the owner or operator demonstrates to the director good 51967
cause for the late submittal. The application shall be accompanied 51968
by information necessary to support the request. The director 51969
shall approve or disapprove an application for a hazardous waste 51970
facility installation and operation permit in accordance with 51971
division (D) of this section and approve or disapprove an 51972
application for a modification in accordance with division (I)(3) 51973
of this section, except that the director shall not disapprove an 51974
application for the thermal treatment activities on the basis of 51975
the criteria set forth in division (D)(2)(g) or (h) of this 51976
section. 51977

(3) As used in division (J) of this section: 51978

(a) "Modification application" means a request for a 51979
modification submitted in accordance with division (I) of this 51980
section. 51981

(b) "Thermal treatment," "boiler," and "industrial furnace" 51982
have the same meanings as in rules adopted under section 3734.12 51983
of the Revised Code. 51984

(K) The director shall adopt, and may amend, suspend, or 51985
rescind, rules in accordance with Chapter 119. of the Revised Code 51986
in order to implement divisions (H) and (I) of this section. 51987
Except when in actual conflict with this section, rules governing 51988
the classification of and procedures for the modification of 51989
hazardous waste facility installation and operation permits shall 51990
be substantively and procedurally identical to the regulations 51991
governing hazardous waste facility permitting and permit 51992
modifications adopted under the "Resource Conservation and 51993
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 51994
amended. 51995

Sec. 3734.06. (A)(1) Except as provided in divisions (A)(2), 51996
(3), (4), and (5) of this section and in section 3734.82 of the 51997

Revised Code, the annual fee for a solid waste facility license 51998
shall be in accordance with the following schedule: 51999

AUTHORIZED MAXIMUM	ANNUAL	
DAILY WASTE	LICENSE	
RECEIPT (TONS)	FEE	
100 or less	\$ 5,000	52003
101 to 200	12,500	52004
201 to 500	30,000	52005
501 or more	60,000	52006

For the purpose of determining the applicable license fee 52007
under divisions (A)(1), (2), and (3) of this section, the 52008
authorized maximum daily waste receipt shall be the maximum amount 52009
of wastes the facility is authorized to receive daily that is 52010
established in the permit for the facility, and any modifications 52011
to that permit, issued under division (A)(2) ~~or (3)~~ of section 52012
3734.05 of the Revised Code; the annual license for the facility, 52013
and any revisions to that license, issued under division (A)(1) of 52014
section 3734.05 of the Revised Code; the approved operating plan 52015
or operational report for which submission and approval are 52016
required by rules adopted by the director of environmental 52017
protection under section 3734.02 of the Revised Code; or an order 52018
issued by the director as authorized by rule; ~~or the updated~~ 52019
~~engineering plans, specifications, and facility and operation~~ 52020
~~information approved under division (A)(4) of section 3734.05 of~~ 52021
~~the Revised Code.~~ If no authorized maximum daily waste receipt is 52022
so established, the annual license fee is sixty thousand dollars 52023
under division (A)(1) of this section and thirty thousand dollars 52024
under divisions (A)(2) and (3) of this section. 52025

The authorized maximum daily waste receipt set forth in any 52026
such document shall be stated in terms of cubic yards of volume 52027
for the purpose of regulating the design, construction, and 52028
operation of a solid waste facility. For the purpose of 52029

determining applicable license fees under this section, the 52030
authorized maximum daily waste receipt so stated shall be 52031
converted from cubic yards to tons as the unit of measurement 52032
based upon a conversion factor of three cubic yards per ton for 52033
compacted wastes generally and one cubic yard per ton for baled 52034
wastes. 52035

(2) The annual license fee for a facility that is an 52036
incinerator facility is one-half the amount shown in division 52037
(A)(1) of this section. When a municipal corporation, county, or 52038
township owns and operates more than one incinerator within its 52039
boundaries, the municipal corporation, county, or township shall 52040
pay one fee for the licenses for all of its incinerators. The fee 52041
shall be determined on the basis of the aggregate maximum daily 52042
waste receipt for all the incinerators owned and operated by the 52043
municipal corporation, county, or township in an amount that is 52044
one-half the amount shown in division (A)(1) of this section. 52045

(3) The annual fee for a solid waste compost facility license 52046
shall be in accordance with the following schedule: 52047

AUTHORIZED MAXIMUM	ANNUAL	52048
DAILY WASTE	LICENSE	52049
RECEIPT (TONS)	FEE	52050
12 or less	\$ 300	52051
13 to 25	600	52052
26 to 50	1,200	52053
51 to 75	1,800	52054
76 to 100	2,500	52055
101 to 150	3,750	52056
151 to 200	5,000	52057
201 to 250	6,250	52058
251 to 300	7,500	52059
301 to 400	10,000	52060
401 to 500	12,500	52061

501 or more

30,000

52062

(4) The annual license fee for a solid waste facility, 52063
regardless of its authorized maximum daily waste receipt, is five 52064
thousand dollars for a facility meeting either of the following 52065
qualifications: 52066

(a) The facility is owned by a generator of solid wastes when 52067
the solid waste facility exclusively disposes of solid wastes 52068
generated at one or more premises owned by the generator 52069
regardless of whether the facility is located on a premises where 52070
the wastes are generated. 52071

(b) The facility exclusively disposes of wastes that are 52072
generated from the combustion of coal, or from the combustion of 52073
primarily coal in combination with scrap tires, that is not 52074
combined in any way with garbage at one or more premises owned by 52075
the generator. 52076

(5) The annual license fee for a facility that is a transfer 52077
facility is seven hundred fifty dollars. 52078

(6) The same fees shall apply to private operators and to the 52079
state and its political subdivisions and shall be paid within 52080
thirty days after issuance of a license. The fee includes the cost 52081
of licensing, all inspections, and other costs associated with the 52082
administration of the solid waste provisions of this chapter and 52083
rules adopted under them, excluding the provisions governing scrap 52084
tires. Each such license shall specify that it is conditioned upon 52085
payment of the applicable fee to the board of health or the 52086
director, as appropriate, within thirty days after issuance of the 52087
license. 52088

(B) The board of health shall retain two thousand five 52089
hundred dollars of each license fee collected by the board under 52090
divisions (A)(1), (2), (3), and (4) of this section or the entire 52091
amount of any such fee that is less than two thousand five hundred 52092

dollars. The moneys retained shall be paid into a special fund, 52093
which is hereby created in each health district, and used solely 52094
to administer and enforce the solid waste provisions of this 52095
chapter and the rules adopted under them, excluding the provisions 52096
governing scrap tires. The remainder of each license fee collected 52097
by the board shall be transmitted to the director within 52098
forty-five days after receipt of the fee. The director shall 52099
transmit these moneys to the treasurer of state to be credited to 52100
the general revenue fund. The board of health shall retain the 52101
entire amount of each fee collected under division (A)(5) of this 52102
section, which moneys shall be paid into the special fund of the 52103
health district. 52104

(C)(1) Except as provided in divisions (C)(2) and (3) of this 52105
section, the annual fee for an infectious waste treatment facility 52106
license shall be in accordance with the following schedule: 52107

MAXIMUM	ANNUAL	52108
DAILY WASTE	LICENSE	52109
RECEIPT (TONS)	FEE	52110
100 or less	\$ 5,000	52111
101 to 200	12,500	52112
201 to 500	30,000	52113
501 or more	60,000	52114

For the purpose of determining the applicable license fee 52115
under divisions (C)(1) and (2) of this section, the maximum daily 52116
waste receipt shall be the maximum amount of infectious wastes the 52117
facility is authorized to receive daily that is established in the 52118
permit for the facility, and any modifications to that permit, 52119
issued under division (B)(2)(b) of section 3734.05 of the Revised 52120
Code; or the annual license for the facility, and any revisions to 52121
that license, issued under division (B)(2)(a) of section 3734.05 52122
of the Revised Code. If no maximum daily waste receipt is so 52123
established, the annual license fee is sixty thousand dollars 52124

under division (C)(1) of this section and thirty thousand dollars 52125
under division (C)(2) of this section. 52126

(2) The annual license fee for an infectious waste treatment 52127
facility that is an incinerator is one-half the amount shown in 52128
division (C)(1) of this section. 52129

(3) Fees levied under divisions (C)(1) and (2) of this 52130
section shall apply to private operators and to the state and its 52131
political subdivisions and shall be paid within thirty days after 52132
issuance of a license. The fee includes the cost of licensing, all 52133
inspections, and other costs associated with the administration of 52134
the infectious waste provisions of this chapter and rules adopted 52135
under them. Each such license shall specify that it is conditioned 52136
upon payment of the applicable fee to the board of health or the 52137
director, as appropriate, within thirty days after issuance of the 52138
license. 52139

(4) The board of health shall retain two thousand five 52140
hundred dollars of each license fee collected by the board under 52141
divisions (C)(1) and (2) of this section. The moneys retained 52142
shall be paid into a special infectious waste fund, which is 52143
hereby created in each health district, and used solely to 52144
administer and enforce the infectious waste provisions of this 52145
chapter and the rules adopted under them. The remainder of each 52146
license fee collected by the board shall be transmitted to the 52147
director within forty-five days after receipt of the fee. The 52148
director shall transmit these moneys to the treasurer of state to 52149
be credited to the general revenue fund. 52150

Sec. 3734.15. (A) No person shall transport hazardous waste 52151
anywhere in this state unless the person has first ~~registered~~ 52152
filed an annual registration statement with, and ~~obtained a~~ 52153
uniform permit from the public utilities commission paid an annual 52154
registration fee to, the United States department of 52155

~~transportation in accordance with Chapter 4921. of the Revised Code 49 C.F.R. 107.601 to 107.620.~~ 52156
52157

For the purposes of this section, "registered transporter" means any person who ~~is registered~~ has filed an annual registration statement with and has received a uniform permit from the public utilities commission pursuant to Chapter 4921. of the Revised Code, and paid an annual registration fee to, the United States department of transportation in accordance with 49 C.F.R. 107.601 to 107.620. 52158
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(B) A registered transporter of hazardous waste shall be responsible for the safe delivery of any hazardous waste that the registered transporter transports from such time as the registered transporter obtains the waste until the registered transporter delivers it to a treatment, storage, or disposal facility specified in division (F) of section 3734.02 of the Revised Code, as recorded on the manifest required in division (B) of section 3734.12 of the Revised Code. Any registered transporter who violates this chapter or any rule adopted under the chapter while transporting hazardous waste shall be liable for any damage or injury caused by the violation and for the costs of rectifying the violation and conditions caused by the violation. 52165
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(C) No person who generates hazardous waste shall cause the waste to be transported by any person who is not a registered transporter. No person shall accept for treatment, storage, or disposal any hazardous waste from an unregistered transporter. Any person who is requested to accept such waste for treatment, storage, or disposal shall notify the director, the board of health in the person's location, and the public utilities commission of the request. 52177
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If a generator causes an unregistered transporter to transport the hazardous waste, the generator of the waste, the transporter, and any person who accepts the waste for treatment, 52185
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storage, or disposal shall be jointly and severally liable for any 52188
damage or injury caused by the handling of the waste and for the 52189
costs of rectifying their violation and conditions caused by their 52190
violation. 52191

Sec. 3734.42. (A)(1) Every applicant for a permit shall file 52192
a disclosure statement, on a form developed by the attorney 52193
general, with the director of environmental protection and the 52194
attorney general at the same time the applicant files an 52195
application for the permit with the director. 52196

(2) Any individual required to be listed in the disclosure 52197
statement shall be fingerprinted for identification and 52198
investigation purposes in accordance with procedures established 52199
by the attorney general. An individual required to be 52200
fingerprinted under this section shall not be required to be 52201
fingerprinted more than once under this section. 52202

(3) The attorney general, within one hundred eighty days 52203
after receipt of the disclosure statement from an applicant for a 52204
permit, shall prepare and transmit to the director an 52205
investigative report on the applicant, based in part upon the 52206
disclosure statement, except that this deadline may be extended 52207
for a reasonable period of time, for good cause, by the director 52208
or the attorney general. In preparing this report, the attorney 52209
general may request and receive criminal history information from 52210
the federal bureau of investigation and any other law enforcement 52211
agency or organization. The attorney general may provide such 52212
confidentiality regarding the information received from a law 52213
enforcement agency as may be imposed by that agency as a condition 52214
for providing that information to the attorney general. 52215

(4) The review of the application by the director shall 52216
include a review of the disclosure statement and investigative 52217
report. 52218

(B) All applicants and permittees shall provide any 52219
assistance or information requested by the director or the 52220
attorney general and shall cooperate in any inquiry or 52221
investigation conducted by the attorney general and any inquiry, 52222
investigation, or hearing conducted by the director. If, upon 52223
issuance of a formal request to answer any inquiry or produce 52224
information, evidence, or testimony, any applicant or permittee, 52225
any officer, director, or partner of any business concern, or any 52226
key employee of the applicant or permittee refuses to comply, the 52227
permit of the applicant or permittee may be denied or revoked by 52228
the director. 52229

(C) The attorney general may charge and collect such fees 52230
from applicants and permittees as are necessary to cover the costs 52231
of administering and enforcing the investigative procedures 52232
authorized in sections 3734.41 to 3734.47 of the Revised Code. The 52233
attorney general shall transmit moneys collected under this 52234
division to the treasurer of state to be credited to the solid and 52235
hazardous waste background investigations fund, which is hereby 52236
created in the state treasury. Moneys in the fund shall be used 52237
solely for paying the attorney general's costs of administering 52238
and enforcing the investigative procedures authorized in sections 52239
3734.41 to 3734.47 of the Revised Code. 52240

(D) An appropriate applicant, a permittee, or a prospective 52241
owner shall submit to the attorney general, on a form provided by 52242
the attorney general, the following information within the periods 52243
specified: 52244

(1) Information required to be included in the disclosure 52245
statement for any new officer, director, partner, or key employee, 52246
to be submitted within ninety days from the addition of the 52247
officer, director, partner, or key employee; 52248

(2) Information required to be included in a disclosure 52249
statement regarding the addition of any new business concern to be 52250

submitted within ninety days from the addition of the new business 52251
concern. 52252

(E)(1) The attorney general shall enter in the database 52253
established under section 109.5721 of the Revised Code the name, 52254
the fingerprints, and other relevant information concerning each 52255
officer, director, partner, or key employee of an applicant, 52256
permittee, or prospective owner. 52257

(2) For purposes of section 109.5721 of the Revised Code, 52258
annually on a date assigned by the attorney general, an applicant, 52259
permittee, or prospective owner shall provide the attorney general 52260
with a list of both of the following: 52261

(a) Each officer, director, partner, or key employee of the 52262
applicant, permittee, or prospective owner and the person's 52263
address and social security number; 52264

(b) Any officer, director, partner, or key employee of the 52265
applicant, permittee, or prospective owner who has left a position 52266
previously held with the applicant, permittee, or prospective 52267
owner during the previous one-year period and the person's social 52268
security number. 52269

(3) Annually, the attorney general shall update the database 52270
established under section 109.5721 of the Revised Code to reflect 52271
the information provided by an applicant, permittee, or 52272
prospective owner under divisions (E)(2)(a) and (b) of this 52273
section. 52274

(4) Notwithstanding division (C) of this section, the 52275
attorney general shall charge and collect fees from an applicant, 52276
permittee, or prospective owner that is required to submit 52277
information under this division in accordance with rules adopted 52278
under section 109.5721 of the Revised Code. The fees shall not 52279
exceed fees that are charged to any other person who is charged 52280
fees for purposes of the database established under that section 52281

and who is not an officer, director, partner, or key employee of 52282
an applicant, permittee, or prospective owner under this section. 52283

(F)(1) Every ~~three~~ five years, the attorney general shall 52284
request from the federal bureau of investigation any information 52285
regarding a criminal conviction with respect to each officer, 52286
director, partner, or key employee of an applicant, permittee, or 52287
prospective owner. The attorney general may take any actions 52288
necessary for purposes of this division, including, as necessary, 52289
requesting the submission of any necessary documents authorizing 52290
the release of information. 52291

(2) Every ~~three~~ five years, an applicant, permittee, or 52292
prospective owner shall submit an affidavit listing all of the 52293
following regarding a business concern required to be listed in 52294
the applicant's, permittee's, or prospective owner's disclosure 52295
statement: 52296

(a) Any administrative enforcement order issued to the 52297
business concern in connection with any violation of any federal 52298
or state environmental protection laws, rules, or regulations 52299
during the previous ~~three-year~~ five-year period; 52300

(b) Any civil action in which the business concern was 52301
determined to be liable or was the subject of injunctive relief or 52302
another type of civil relief in connection with any violation of 52303
any federal or state environmental protection laws, rules, or 52304
regulations during the previous ~~three-year~~ five-year period; 52305

(c) Any criminal conviction for a violation of any federal or 52306
state environmental protection laws, rules, or regulations that 52307
has been committed knowingly or recklessly by the business concern 52308
during the previous ~~three-year~~ five-year period. 52309

(G) With respect to an applicant, permittee, or prospective 52310
owner, the attorney general shall notify the director of 52311
environmental protection of any crime ascertained under division 52312

(E) or (F) of this section that is a disqualifying crime under 52313
section 3734.44 of the Revised Code. The attorney general shall 52314
provide the notification not later than thirty days after the 52315
crime was ascertained. 52316

(H) The failure to provide information under this section may 52317
constitute the basis for the revocation of a permit or license, 52318
the denial of a permit or license application, the denial of a 52319
renewal of a permit or license, or the disapproval of a change in 52320
ownership as described in division (I) of this section. Prior to a 52321
denial, revocation, or disapproval, the director shall notify the 52322
applicant, permittee, or prospective owner of the director's 52323
intention to do so. The director shall give the applicant, 52324
permittee, or prospective owner fourteen days from the date of the 52325
notice to explain why the information was not provided. The 52326
director shall consider the explanation when determining whether 52327
to revoke the permit or license, deny the permit or license 52328
application or renewal, or disapprove the change in ownership. 52329

Nothing in this section affects the rights of the director or 52330
the attorney general granted under sections 3734.40 to 3734.47 of 52331
the Revised Code to request information from a person at any other 52332
time. 52333

(I)(1) Whenever there is a change in ownership of any 52334
operating off-site solid waste facility, any operating off-site 52335
infectious waste facility, or any operating off-site hazardous 52336
waste facility, the prospective owner shall file a disclosure 52337
statement with the attorney general and the director at least one 52338
hundred eighty days prior to the proposed change in ownership. In 52339
addition, whenever there is a change in ownership of any operating 52340
on-site solid waste facility, any operating on-site infectious 52341
waste facility, or any operating on-site hazardous waste facility 52342
and the prospective owner intends to operate the facility as an 52343
off-site facility by accepting wastes other than wastes generated 52344

by the facility owner, the prospective owner shall file a 52345
disclosure statement with the attorney general and the director. 52346
The prospective owner shall file the disclosure statement at least 52347
one hundred eighty days prior to the proposed change in ownership. 52348

Upon receipt of the disclosure statement, the attorney 52349
general shall prepare an investigative report and transmit it to 52350
the director. The director shall review the disclosure statement 52351
and investigative report to determine whether the statement or 52352
report contains information that if submitted with a permit 52353
application would require a denial of the permit pursuant to 52354
section 3734.44 of the Revised Code. If the director determines 52355
that the statement or report contains such information, the 52356
director shall disapprove the change in ownership. 52357

(2) If the parties to a change in ownership decide to proceed 52358
with the change prior to the action of the director on the 52359
disclosure statement and investigative report, the parties shall 52360
include in all contracts or other documents reflecting the change 52361
in ownership language expressly making the change in ownership 52362
subject to the approval of the director and expressly negating the 52363
change if it is disapproved by the director pursuant to division 52364
(I)(1) of this section. 52365

(3) As used in this section, "change in ownership" includes a 52366
change of the individuals or entities who own a solid waste 52367
facility, infectious waste facility, or hazardous waste facility. 52368
"Change in ownership" does not include a legal change in a 52369
business concern's name when its ownership otherwise remains the 52370
same. "Change in ownership" also does not include a personal name 52371
change of officers, directors, partners, or key employees 52372
contained in a disclosure statement. 52373

Sec. 3734.57. (A) The following fees are hereby levied on the 52374
transfer or disposal of solid wastes in this state: 52375

(1) Ninety cents per ton through June 30, ~~2018~~ 2020, twenty 52376
cents of the proceeds of which shall be deposited in the state 52377
treasury to the credit of the hazardous waste facility management 52378
fund created in section 3734.18 of the Revised Code and seventy 52379
cents of the proceeds of which shall be deposited in the state 52380
treasury to the credit of the hazardous waste clean-up fund 52381
created in section 3734.28 of the Revised Code; 52382

(2) An additional seventy-five cents per ton through June 30, 52383
~~2018~~ 2020, the proceeds of which shall be deposited in the state 52384
treasury to the credit of the waste management fund created in 52385
section 3734.061 of the Revised Code. 52386

(3) An additional two dollars and eighty-five cents per ton 52387
through June 30, ~~2018~~ 2020, the proceeds of which shall be 52388
deposited in the state treasury to the credit of the environmental 52389
protection fund created in section 3745.015 of the Revised Code; 52390

(4) An additional twenty-five cents per ton through June 30, 52391
~~2018~~ 2020, the proceeds of which shall be deposited in the state 52392
treasury to the credit of the soil and water conservation district 52393
assistance fund created in section 940.15 of the Revised Code. 52394

In the case of solid wastes that are taken to a solid waste 52395
transfer facility located in this state prior to being transported 52396
for disposal at a solid waste disposal facility located in this 52397
state or outside of this state, the fees levied under this 52398
division shall be collected by the owner or operator of the 52399
transfer facility as a trustee for the state. The amount of fees 52400
required to be collected under this division at such a transfer 52401
facility shall equal the total tonnage of solid wastes received at 52402
the facility multiplied by the fees levied under this division. In 52403
the case of solid wastes that are not taken to a solid waste 52404
transfer facility located in this state prior to being transported 52405
to a solid waste disposal facility, the fees shall be collected by 52406
the owner or operator of the solid waste disposal facility as a 52407

trustee for the state. The amount of fees required to be collected 52408
under this division at such a disposal facility shall equal the 52409
total tonnage of solid wastes received at the facility that was 52410
not previously taken to a solid waste transfer facility located in 52411
this state multiplied by the fees levied under this division. Fees 52412
levied under this division do not apply to materials separated 52413
from a mixed waste stream for recycling by a generator or 52414
materials removed from the solid waste stream through recycling, 52415
as "recycling" is defined in rules adopted under section 3734.02 52416
of the Revised Code. 52417

The owner or operator of a solid waste transfer facility or 52418
disposal facility, as applicable, shall prepare and file with the 52419
director of environmental protection each month a return 52420
indicating the total tonnage of solid wastes received at the 52421
facility during that month and the total amount of the fees 52422
required to be collected under this division during that month. In 52423
addition, the owner or operator of a solid waste disposal facility 52424
shall indicate on the return the total tonnage of solid wastes 52425
received from transfer facilities located in this state during 52426
that month for which the fees were required to be collected by the 52427
transfer facilities. The monthly returns shall be filed on a form 52428
prescribed by the director. Not later than thirty days after the 52429
last day of the month to which a return applies, the owner or 52430
operator shall mail to the director the return for that month 52431
together with the fees required to be collected under this 52432
division during that month as indicated on the return or may 52433
submit the return and fees electronically in a manner approved by 52434
the director. If the return is filed and the amount of the fees 52435
due is paid in a timely manner as required in this division, the 52436
owner or operator may retain a discount of three-fourths of one 52437
per cent of the total amount of the fees that are required to be 52438
paid as indicated on the return. 52439

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in

writing, on a form prescribed by the director, and shall be 52472
supported by evidence that may be required in rules adopted by the 52473
director under this chapter. After reviewing the request, and if 52474
the request and evidence submitted with the request indicate that 52475
a refund or credit is warranted, the director shall grant a refund 52476
to the owner or operator or shall permit a credit to be taken by 52477
the owner or operator on a subsequent monthly return submitted by 52478
the owner or operator. The amount of a refund or credit shall not 52479
exceed an amount that is equal to ninety days' worth of fees owed 52480
to an owner or operator by a particular debtor of the owner or 52481
operator. A refund or credit shall not be granted by the director 52482
to an owner or operator more than once in any twelve-month period 52483
for fees owed to the owner or operator by a particular debtor. 52484

If, after receiving a refund or credit from the director, an 52485
owner or operator receives payment of all or part of the fees, the 52486
owner or operator shall remit the fees with the next monthly 52487
return submitted to the director together with a written 52488
explanation of the reason for the submittal. 52489

For purposes of computing the fees levied under this division 52490
or division (B) of this section, any solid waste transfer or 52491
disposal facility that does not use scales as a means of 52492
determining gate receipts shall use a conversion factor of three 52493
cubic yards per ton of solid waste or one cubic yard per ton for 52494
baled waste, as applicable. 52495

The fees levied under this division and divisions (B) and (C) 52496
of this section are in addition to all other applicable fees and 52497
taxes and shall be paid by the customer or a political subdivision 52498
to the owner or operator of a solid waste transfer or disposal 52499
facility. In the alternative, the fees shall be paid by a customer 52500
or political subdivision to a transporter of waste who 52501
subsequently transfers the fees to the owner or operator of such a 52502
facility. The fees shall be paid notwithstanding the existence of 52503

any provision in a contract that the customer or a political 52504
subdivision may have with the owner or operator or with a 52505
transporter of waste to the facility that would not require or 52506
allow such payment regardless of whether the contract was entered 52507
prior to or after October 16, 2009. For those purposes, "customer" 52508
means a person who contracts with, or utilizes the solid waste 52509
services of, the owner or operator of a solid waste transfer or 52510
disposal facility or a transporter of solid waste to such a 52511
facility. 52512

(B) For the purposes specified in division (G) of this 52513
section, the solid waste management policy committee of a county 52514
or joint solid waste management district may levy fees upon the 52515
following activities: 52516

(1) The disposal at a solid waste disposal facility located 52517
in the district of solid wastes generated within the district; 52518

(2) The disposal at a solid waste disposal facility within 52519
the district of solid wastes generated outside the boundaries of 52520
the district, but inside this state; 52521

(3) The disposal at a solid waste disposal facility within 52522
the district of solid wastes generated outside the boundaries of 52523
this state. 52524

The solid waste management plan of the county or joint 52525
district approved under section 3734.521 or 3734.55 of the Revised 52526
Code and any amendments to it, or the resolution adopted under 52527
this division, as appropriate, shall establish the rates of the 52528
fees levied under divisions (B)(1), (2), and (3) of this section, 52529
if any, and shall specify whether the fees are levied on the basis 52530
of tons or cubic yards as the unit of measurement. A solid waste 52531
management district that levies fees under this division on the 52532
basis of cubic yards shall do so in accordance with division (A) 52533
of this section. 52534

The fee levied under division (B)(1) of this section shall be 52535
not less than one dollar per ton nor more than two dollars per 52536
ton, the fee levied under division (B)(2) of this section shall be 52537
not less than two dollars per ton nor more than four dollars per 52538
ton, and the fee levied under division (B)(3) of this section 52539
shall be not more than the fee levied under division (B)(1) of 52540
this section. 52541

Prior to the approval of the solid waste management plan of a 52542
district under section 3734.55 of the Revised Code, the solid 52543
waste management policy committee of a district may levy fees 52544
under this division by adopting a resolution establishing the 52545
proposed amount of the fees. Upon adopting the resolution, the 52546
committee shall deliver a copy of the resolution to the board of 52547
county commissioners of each county forming the district and to 52548
the legislative authority of each municipal corporation and 52549
township under the jurisdiction of the district and shall prepare 52550
and publish the resolution and a notice of the time and location 52551
where a public hearing on the fees will be held. Upon adopting the 52552
resolution, the committee shall deliver written notice of the 52553
adoption of the resolution; of the amount of the proposed fees; 52554
and of the date, time, and location of the public hearing to the 52555
director and to the fifty industrial, commercial, or institutional 52556
generators of solid wastes within the district that generate the 52557
largest quantities of solid wastes, as determined by the 52558
committee, and to their local trade associations. The committee 52559
shall make good faith efforts to identify those generators within 52560
the district and their local trade associations, but the 52561
nonprovision of notice under this division to a particular 52562
generator or local trade association does not invalidate the 52563
proceedings under this division. The publication shall occur at 52564
least thirty days before the hearing. After the hearing, the 52565
committee may make such revisions to the proposed fees as it 52566
considers appropriate and thereafter, by resolution, shall adopt 52567

the revised fee schedule. Upon adopting the revised fee schedule, 52568
the committee shall deliver a copy of the resolution doing so to 52569
the board of county commissioners of each county forming the 52570
district and to the legislative authority of each municipal 52571
corporation and township under the jurisdiction of the district. 52572
Within sixty days after the delivery of a copy of the resolution 52573
adopting the proposed revised fees by the policy committee, each 52574
such board and legislative authority, by ordinance or resolution, 52575
shall approve or disapprove the revised fees and deliver a copy of 52576
the ordinance or resolution to the committee. If any such board or 52577
legislative authority fails to adopt and deliver to the policy 52578
committee an ordinance or resolution approving or disapproving the 52579
revised fees within sixty days after the policy committee 52580
delivered its resolution adopting the proposed revised fees, it 52581
shall be conclusively presumed that the board or legislative 52582
authority has approved the proposed revised fees. The committee 52583
shall determine if the resolution has been ratified in the same 52584
manner in which it determines if a draft solid waste management 52585
plan has been ratified under division (B) of section 3734.55 of 52586
the Revised Code. 52587

The committee may amend the schedule of fees levied pursuant 52588
to a resolution adopted and ratified under this division by 52589
adopting a resolution establishing the proposed amount of the 52590
amended fees. The committee may repeal the fees levied pursuant to 52591
such a resolution by adopting a resolution proposing to repeal 52592
them. Upon adopting such a resolution, the committee shall proceed 52593
to obtain ratification of the resolution in accordance with this 52594
division. 52595

Not later than fourteen days after declaring the new fees to 52596
be ratified or the fees to be repealed under this division, the 52597
committee shall notify by certified mail the owner or operator of 52598
each solid waste disposal facility that is required to collect the 52599

fees of the ratification and the amount of the fees or of the 52600
repeal of the fees. Collection of any fees shall commence or 52601
collection of repealed fees shall cease on the first day of the 52602
second month following the month in which notification is sent to 52603
the owner or operator. 52604

Fees levied under this division also may be established, 52605
amended, or repealed by a solid waste management policy committee 52606
through the adoption of a new district solid waste management 52607
plan, the adoption of an amended plan, or the amendment of the 52608
plan or amended plan in accordance with sections 3734.55 and 52609
3734.56 of the Revised Code or the adoption or amendment of a 52610
district plan in connection with a change in district composition 52611
under section 3734.521 of the Revised Code. 52612

Not later than fourteen days after the director issues an 52613
order approving a district's solid waste management plan, amended 52614
plan, or amendment to a plan or amended plan that establishes, 52615
amends, or repeals a schedule of fees levied by the district, the 52616
committee shall notify by certified mail the owner or operator of 52617
each solid waste disposal facility that is required to collect the 52618
fees of the approval of the plan or amended plan, or the amendment 52619
to the plan, as appropriate, and the amount of the fees, if any. 52620
In the case of an initial or amended plan approved under section 52621
3734.521 of the Revised Code in connection with a change in 52622
district composition, other than one involving the withdrawal of a 52623
county from a joint district, the committee, within fourteen days 52624
after the change takes effect pursuant to division (G) of that 52625
section, shall notify by certified mail the owner or operator of 52626
each solid waste disposal facility that is required to collect the 52627
fees that the change has taken effect and of the amount of the 52628
fees, if any. Collection of any fees shall commence or collection 52629
of repealed fees shall cease on the first day of the second month 52630
following the month in which notification is sent to the owner or 52631

operator. 52632

If, in the case of a change in district composition involving 52633
the withdrawal of a county from a joint district, the director 52634
completes the actions required under division (G)(1) or (3) of 52635
section 3734.521 of the Revised Code, as appropriate, forty-five 52636
days or more before the beginning of a calendar year, the policy 52637
committee of each of the districts resulting from the change that 52638
obtained the director's approval of an initial or amended plan in 52639
connection with the change, within fourteen days after the 52640
director's completion of the required actions, shall notify by 52641
certified mail the owner or operator of each solid waste disposal 52642
facility that is required to collect the district's fees that the 52643
change is to take effect on the first day of January immediately 52644
following the issuance of the notice and of the amount of the fees 52645
or amended fees levied under divisions (B)(1) to (3) of this 52646
section pursuant to the district's initial or amended plan as so 52647
approved or, if appropriate, the repeal of the district's fees by 52648
that initial or amended plan. Collection of any fees set forth in 52649
such a plan or amended plan shall commence on the first day of 52650
January immediately following the issuance of the notice. If such 52651
an initial or amended plan repeals a schedule of fees, collection 52652
of the fees shall cease on that first day of January. 52653

If, in the case of a change in district composition involving 52654
the withdrawal of a county from a joint district, the director 52655
completes the actions required under division (G)(1) or (3) of 52656
section 3734.521 of the Revised Code, as appropriate, less than 52657
forty-five days before the beginning of a calendar year, the 52658
director, on behalf of each of the districts resulting from the 52659
change that obtained the director's approval of an initial or 52660
amended plan in connection with the change proceedings, shall 52661
notify by certified mail the owner or operator of each solid waste 52662
disposal facility that is required to collect the district's fees 52663

that the change is to take effect on the first day of January 52664
immediately following the mailing of the notice and of the amount 52665
of the fees or amended fees levied under divisions (B)(1) to (3) 52666
of this section pursuant to the district's initial or amended plan 52667
as so approved or, if appropriate, the repeal of the district's 52668
fees by that initial or amended plan. Collection of any fees set 52669
forth in such a plan or amended plan shall commence on the first 52670
day of the second month following the month in which notification 52671
is sent to the owner or operator. If such an initial or amended 52672
plan repeals a schedule of fees, collection of the fees shall 52673
cease on the first day of the second month following the month in 52674
which notification is sent to the owner or operator. 52675

If the schedule of fees that a solid waste management 52676
district is levying under divisions (B)(1) to (3) of this section 52677
is amended or repealed, the fees in effect immediately prior to 52678
the amendment or repeal shall continue to be collected until 52679
collection of the amended fees commences or collection of the 52680
repealed fees ceases, as applicable, as specified in this 52681
division. In the case of a change in district composition, money 52682
so received from the collection of the fees of the former 52683
districts shall be divided among the resulting districts in 52684
accordance with division (B) of section 343.012 of the Revised 52685
Code and the agreements entered into under division (B) of section 52686
343.01 of the Revised Code to establish the former and resulting 52687
districts and any amendments to those agreements. 52688

For the purposes of the provisions of division (B) of this 52689
section establishing the times when newly established or amended 52690
fees levied by a district are required to commence and the 52691
collection of fees that have been amended or repealed is required 52692
to cease, "fees" or "schedule of fees" includes, in addition to 52693
fees levied under divisions (B)(1) to (3) of this section, those 52694
levied under section 3734.573 or 3734.574 of the Revised Code. 52695

(C) For the purposes of defraying the added costs to a 52696
municipal corporation or township of maintaining roads and other 52697
public facilities and of providing emergency and other public 52698
services, and compensating a municipal corporation or township for 52699
reductions in real property tax revenues due to reductions in real 52700
property valuations resulting from the location and operation of a 52701
solid waste disposal facility within the municipal corporation or 52702
township, a municipal corporation or township in which such a 52703
solid waste disposal facility is located may levy a fee of not 52704
more than twenty-five cents per ton on the disposal of solid 52705
wastes at a solid waste disposal facility located within the 52706
boundaries of the municipal corporation or township regardless of 52707
where the wastes were generated. 52708

The legislative authority of a municipal corporation or 52709
township may levy fees under this division by enacting an 52710
ordinance or adopting a resolution establishing the amount of the 52711
fees. Upon so doing the legislative authority shall mail a 52712
certified copy of the ordinance or resolution to the board of 52713
county commissioners or directors of the county or joint solid 52714
waste management district in which the municipal corporation or 52715
township is located or, if a regional solid waste management 52716
authority has been formed under section 343.011 of the Revised 52717
Code, to the board of trustees of that regional authority, the 52718
owner or operator of each solid waste disposal facility in the 52719
municipal corporation or township that is required to collect the 52720
fee by the ordinance or resolution, and the director of 52721
environmental protection. Although the fees levied under this 52722
division are levied on the basis of tons as the unit of 52723
measurement, the legislative authority, in its ordinance or 52724
resolution levying the fees under this division, may direct that 52725
the fees be levied on the basis of cubic yards as the unit of 52726
measurement based upon a conversion factor of three cubic yards 52727
per ton generally or one cubic yard per ton for baled wastes. 52728

Not later than five days after enacting an ordinance or 52729
adopting a resolution under this division, the legislative 52730
authority shall so notify by certified mail the owner or operator 52731
of each solid waste disposal facility that is required to collect 52732
the fee. Collection of any fee levied on or after March 24, 1992, 52733
shall commence on the first day of the second month following the 52734
month in which notification is sent to the owner or operator. 52735

(D)(1) The fees levied under divisions (A), (B), and (C) of 52736
this section do not apply to the disposal of solid wastes that: 52737

(a) Are disposed of at a facility owned by the generator of 52738
the wastes when the solid waste facility exclusively disposes of 52739
solid wastes generated at one or more premises owned by the 52740
generator regardless of whether the facility is located on a 52741
premises where the wastes are generated; 52742

(b) Are generated from the combustion of coal, or from the 52743
combustion of primarily coal, regardless of whether the disposal 52744
facility is located on the premises where the wastes are 52745
generated; 52746

(c) Are asbestos or asbestos-containing materials or products 52747
disposed of at a construction and demolition debris facility that 52748
is licensed under Chapter 3714. of the Revised Code or at a solid 52749
waste facility that is licensed under this chapter. 52750

(2) Except as provided in section 3734.571 of the Revised 52751
Code, any fees levied under division (B)(1) of this section apply 52752
to solid wastes originating outside the boundaries of a county or 52753
joint district that are covered by an agreement for the joint use 52754
of solid waste facilities entered into under section 343.02 of the 52755
Revised Code by the board of county commissioners or board of 52756
directors of the county or joint district where the wastes are 52757
generated and disposed of. 52758

(3) When solid wastes, other than solid wastes that consist 52759

of scrap tires, are burned in a disposal facility that is an 52760
incinerator or energy recovery facility, the fees levied under 52761
divisions (A), (B), and (C) of this section shall be levied upon 52762
the disposal of the fly ash and bottom ash remaining after burning 52763
of the solid wastes and shall be collected by the owner or 52764
operator of the sanitary landfill where the ash is disposed of. 52765

(4) When solid wastes are delivered to a solid waste transfer 52766
facility, the fees levied under divisions (B) and (C) of this 52767
section shall be levied upon the disposal of solid wastes 52768
transported off the premises of the transfer facility for disposal 52769
and shall be collected by the owner or operator of the solid waste 52770
disposal facility where the wastes are disposed of. 52771

(5) The fees levied under divisions (A), (B), and (C) of this 52772
section do not apply to sewage sludge that is generated by a waste 52773
water treatment facility holding a national pollutant discharge 52774
elimination system permit and that is disposed of through 52775
incineration, land application, or composting or at another 52776
resource recovery or disposal facility that is not a landfill. 52777

(6) The fees levied under divisions (A), (B), and (C) of this 52778
section do not apply to solid wastes delivered to a solid waste 52779
composting facility for processing. When any unprocessed solid 52780
waste or compost product is transported off the premises of a 52781
composting facility and disposed of at a landfill, the fees levied 52782
under divisions (A), (B), and (C) of this section shall be 52783
collected by the owner or operator of the landfill where the 52784
unprocessed waste or compost product is disposed of. 52785

(7) When solid wastes that consist of scrap tires are 52786
processed at a scrap tire recovery facility, the fees levied under 52787
divisions (A), (B), and (C) of this section shall be levied upon 52788
the disposal of the fly ash and bottom ash or other solid wastes 52789
remaining after the processing of the scrap tires and shall be 52790
collected by the owner or operator of the solid waste disposal 52791

facility where the ash or other solid wastes are disposed of. 52792

(8) The director of environmental protection may issue an 52793
order exempting from the fees levied under this section solid 52794
wastes, including, but not limited to, scrap tires, that are 52795
generated, transferred, or disposed of as a result of a contract 52796
providing for the expenditure of public funds entered into by the 52797
administrator or regional administrator of the United States 52798
environmental protection agency, the director of environmental 52799
protection, or the director of administrative services on behalf 52800
of the director of environmental protection for the purpose of 52801
remediating conditions at a hazardous waste facility, solid waste 52802
facility, or other location at which the administrator or regional 52803
administrator or the director of environmental protection has 52804
reason to believe that there is a substantial threat to public 52805
health or safety or the environment or that the conditions are 52806
causing or contributing to air or water pollution or soil 52807
contamination. An order issued by the director of environmental 52808
protection under division (D)(8) of this section shall include a 52809
determination that the amount of the fees not received by a solid 52810
waste management district as a result of the order will not 52811
adversely impact the implementation and financing of the 52812
district's approved solid waste management plan and any approved 52813
amendments to the plan. Such an order is a final action of the 52814
director of environmental protection. 52815

(E) The fees levied under divisions (B) and (C) of this 52816
section shall be collected by the owner or operator of the solid 52817
waste disposal facility where the wastes are disposed of as a 52818
trustee for the county or joint district and municipal corporation 52819
or township where the wastes are disposed of. Moneys from the fees 52820
levied under division (B) of this section shall be forwarded to 52821
the board of county commissioners or board of directors of the 52822
district in accordance with rules adopted under division (H) of 52823

this section. Moneys from the fees levied under division (C) of 52824
this section shall be forwarded to the treasurer or such other 52825
officer of the municipal corporation as, by virtue of the charter, 52826
has the duties of the treasurer or to the fiscal officer of the 52827
township, as appropriate, in accordance with those rules. 52828

(F) Moneys received by the treasurer or other officer of the 52829
municipal corporation under division (E) of this section shall be 52830
paid into the general fund of the municipal corporation. Moneys 52831
received by the fiscal officer of the township under that division 52832
shall be paid into the general fund of the township. The treasurer 52833
or other officer of the municipal corporation or the township 52834
fiscal officer, as appropriate, shall maintain separate records of 52835
the moneys received from the fees levied under division (C) of 52836
this section. 52837

(G) Moneys received by the board of county commissioners or 52838
board of directors under division (E) of this section or section 52839
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 52840
shall be paid to the county treasurer, or other official acting in 52841
a similar capacity under a county charter, in a county district or 52842
to the county treasurer or other official designated by the board 52843
of directors in a joint district and kept in a separate and 52844
distinct fund to the credit of the district. If a regional solid 52845
waste management authority has been formed under section 343.011 52846
of the Revised Code, moneys received by the board of trustees of 52847
that regional authority under division (E) of this section shall 52848
be kept by the board in a separate and distinct fund to the credit 52849
of the district. Moneys in the special fund of the county or joint 52850
district arising from the fees levied under division (B) of this 52851
section and the fee levied under division (A) of section 3734.573 52852
of the Revised Code shall be expended by the board of county 52853
commissioners or directors of the district in accordance with the 52854
district's solid waste management plan or amended plan approved 52855

under section 3734.521, 3734.55, or 3734.56 of the Revised Code 52856
exclusively for the following purposes: 52857

(1) Preparation of the solid waste management plan of the 52858
district under section 3734.54 of the Revised Code, monitoring 52859
implementation of the plan, and conducting the periodic review and 52860
amendment of the plan required by section 3734.56 of the Revised 52861
Code by the solid waste management policy committee; 52862

(2) Implementation of the approved solid waste management 52863
plan or amended plan of the district, including, without 52864
limitation, the development and implementation of solid waste 52865
recycling or reduction programs; 52866

(3) Providing financial assistance to boards of health within 52867
the district, if solid waste facilities are located within the 52868
district, for enforcement of this chapter and rules, orders, and 52869
terms and conditions of permits, licenses, and variances adopted 52870
or issued under it, other than the hazardous waste provisions of 52871
this chapter and rules adopted and orders and terms and conditions 52872
of permits issued under those provisions; 52873

(4) Providing financial assistance to each county within the 52874
district to defray the added costs of maintaining roads and other 52875
public facilities and of providing emergency and other public 52876
services resulting from the location and operation of a solid 52877
waste facility within the county under the district's approved 52878
solid waste management plan or amended plan; 52879

(5) Pursuant to contracts entered into with boards of health 52880
within the district, if solid waste facilities contained in the 52881
district's approved plan or amended plan are located within the 52882
district, for paying the costs incurred by those boards of health 52883
for collecting and analyzing samples from public or private water 52884
wells on lands adjacent to those facilities; 52885

(6) Developing and implementing a program for the inspection 52886

of solid wastes generated outside the boundaries of this state 52887
that are disposed of at solid waste facilities included in the 52888
district's approved solid waste management plan or amended plan; 52889

(7) Providing financial assistance to boards of health within 52890
the district for the enforcement of section 3734.03 of the Revised 52891
Code or to local law enforcement agencies having jurisdiction 52892
within the district for enforcing anti-littering laws and 52893
ordinances; 52894

(8) Providing financial assistance to boards of health of 52895
health districts within the district that are on the approved list 52896
under section 3734.08 of the Revised Code to defray the costs to 52897
the health districts for the participation of their employees 52898
responsible for enforcement of the solid waste provisions of this 52899
chapter and rules adopted and orders and terms and conditions of 52900
permits, licenses, and variances issued under those provisions in 52901
the training and certification program as required by rules 52902
adopted under division (L) of section 3734.02 of the Revised Code; 52903

(9) Providing financial assistance to individual municipal 52904
corporations and townships within the district to defray their 52905
added costs of maintaining roads and other public facilities and 52906
of providing emergency and other public services resulting from 52907
the location and operation within their boundaries of a 52908
composting, energy or resource recovery, incineration, or 52909
recycling facility that either is owned by the district or is 52910
furnishing solid waste management facility or recycling services 52911
to the district pursuant to a contract or agreement with the board 52912
of county commissioners or directors of the district; 52913

(10) Payment of any expenses that are agreed to, awarded, or 52914
ordered to be paid under section 3734.35 of the Revised Code and 52915
of any administrative costs incurred pursuant to that section. In 52916
the case of a joint solid waste management district, if the board 52917
of county commissioners of one of the counties in the district is 52918

negotiating on behalf of affected communities, as defined in that 52919
section, in that county, the board shall obtain the approval of 52920
the board of directors of the district in order to expend moneys 52921
for administrative costs incurred. 52922

Prior to the approval of the district's solid waste 52923
management plan under section 3734.55 of the Revised Code, moneys 52924
in the special fund of the district arising from the fees shall be 52925
expended for those purposes in the manner prescribed by the solid 52926
waste management policy committee by resolution. 52927

Notwithstanding division (G)(6) of this section as it existed 52928
prior to October 29, 1993, or any provision in a district's solid 52929
waste management plan prepared in accordance with division 52930
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 52931
prior to that date, any moneys arising from the fees levied under 52932
division (B)(3) of this section prior to January 1, 1994, may be 52933
expended for any of the purposes authorized in divisions (G)(1) to 52934
(10) of this section. 52935

(H) The director shall adopt rules in accordance with Chapter 52936
119. of the Revised Code prescribing procedures for collecting and 52937
forwarding the fees levied under divisions (B) and (C) of this 52938
section to the boards of county commissioners or directors of 52939
county or joint solid waste management districts and to the 52940
treasurers or other officers of municipal corporations and the 52941
fiscal officers of townships. The rules also shall prescribe the 52942
dates for forwarding the fees to the boards and officials and may 52943
prescribe any other requirements the director considers necessary 52944
or appropriate to implement and administer divisions (A), (B), and 52945
(C) of this section. 52946

Sec. 3734.576. (A) As used in this section: 52947

(1) "Recycling" means the process of collecting, sorting, 52948
cleansing, treating, and reconstituting waste or other discarded 52949

materials for the purpose of recovering and reusing the materials. 52950

(2) "Automotive shredder residue" means the nonrecyclable 52951
residue that is generated as a direct result of processing 52952
automobiles, appliances, sheet steel, and other ferrous and 52953
nonferrous scrap metals through a hammermill shredder for purposes 52954
of recycling and that meets all of the following requirements: 52955

~~(a) The residue is solid waste.~~ 52956

~~(b)~~ The residue is not hazardous waste. 52957

~~(e)~~(b) The residue created during the recycling process 52958
comprises not more than thirty-five per cent of the total weight 52959
of material that is processed for recycling. 52960

~~(d)~~(c) The residue is generated by processing recycled 52961
materials that are to be sold, used, or reused within ninety days 52962
of the time when the material is processed. 52963

(B) Automotive shredder residue is not solid waste as defined 52964
in section 3734.01 of the Revised Code and is exempt from solid 52965
waste fees otherwise applicable under sections 3734.57 and 52966
3734.573 of the Revised Code if both of the following apply: 52967

(1) The automotive shredder residue conforms to 52968
specifications that result in a residue of a uniform consistency 52969
resembling dirt or mulch; 52970

(2) The particulate pieces that make up the residue do not 52971
exceed three inches in diameter. 52972

(C) Automotive shredder residue that does not comply with 52973
division (B) of this section is solid waste as defined in section 52974
3734.01 of the Revised Code and is not exempt from solid waste 52975
fees applicable under sections 3734.57 and 3734.573 of the Revised 52976
Code. 52977

(D) Automotive shredder residue that complies with division 52978
(B) of this section may be used as daily cover, as defined in 52979

rules adopted under Chapter 3745. of the Revised Code, if the 52980
residue provides protection comparable to six inches of soil. 52981

(E)(1) The solid waste management policy committee of a solid 52982
waste management district that is levying a solid waste generation 52983
fee under section 3734.573 of the Revised Code may adopt a 52984
resolution exempting automotive shredder residue that does not 52985
comply with division (B) of this section from that fee without the 52986
necessity for ratification of the resolution or may include the 52987
exemption in an amended solid waste management plan of the 52988
district adopted under section 3734.56 of the Revised Code at the 52989
time when adoption of an amended plan is required. Not later than 52990
seven days after the adoption of such a resolution or the approval 52991
of an amended plan, the committee shall notify by certified mail 52992
the owner or operator of each solid waste disposal facility or 52993
transfer facility that is required to collect generation fees on 52994
behalf of the district of the exemption. The exemption shall take 52995
effect on the first day of the first month following the month in 52996
which notification is sent to each disposal facility and transfer 52997
facility, as applicable. 52998

The policy committee of a solid waste management district may 52999
establish procedures and requirements, including record-keeping 53000
procedures and requirements, that are necessary for the 53001
administration and enforcement of an exemption established under 53002
division ~~(B)~~(E)(1) of this section. 53003

(2) If the policy committee of a solid waste management 53004
district has adopted a resolution under division ~~(B)~~(E)(1) of this 53005
section and the committee seeks to continue exempting automotive 53006
shredder residue that does not comply with division (B) of this 53007
section from the district's generation fee at the time when the 53008
district is required to adopt an amended solid waste management 53009
plan under section 3734.56 of the Revised Code, the committee 53010
shall include the exemption in the amended plan of the district. 53011

If the exemption is not included in the amended plan of the district, the exemption shall expire and shall cease to apply as provided in division ~~(C)~~(F) of this section.

~~(C)~~(F) If the policy committee of a solid waste management district seeks to eliminate an exemption of automotive shredder residue that does not comply with division (B) of this section from the district's generation fee that was established under division ~~(B)~~(E)(1) of this section, the committee shall adopt a resolution eliminating the exemption without the necessity for ratification of the resolution. After adoption of the resolution and if the district has included the exemption in its amended solid waste management plan in accordance with either division ~~(B)~~(E)(1) or (2) of this section, the committee shall subsequently amend the plan to reflect the elimination of the exemption at the time when the adoption of an amended plan is required under section 3734.56 of the Revised Code.

Upon expiration of the exemption or adoption of a resolution eliminating the exemption, the policy committee shall notify by certified mail the owner or operator of each solid waste disposal facility or transfer facility that is required to collect generation fees on behalf of the district of the expiration or elimination of the exemption, as applicable. The exemption shall cease to apply on the first day of the first month following the month in which notification is sent to each disposal facility and transfer facility, as applicable.

Sec. 3734.82. (A) The annual fee for a scrap tire recovery facility license issued under section 3734.81 of the Revised Code shall be in accordance with the following schedule:

Daily Design	Annual	53040
Input Capacity	License	53041
(Tons)	Fee	53042

1 or less	\$ 100	53043
2 to 25	500	53044
26 to 50	1,000	53045
51 to 100	1,500	53046
101 to 200	2,500	53047
201 to 500	3,500	53048
501 or more	5,500	53049

For the purpose of determining the applicable license fee 53050
under this division, the daily design input capacity shall be the 53051
quantity of scrap tires the facility is designed to process daily 53052
as set forth in the registration certificate or permit for the 53053
facility, and any modifications to the permit, if applicable, 53054
issued under section 3734.78 of the Revised Code. 53055

(B) The annual fee for a scrap tire monocell or monofill 53056
facility license shall be in accordance with the following 53057
schedule: 53058

Authorized Maximum	Annual	53059
Daily Waste Receipt	License	53060
(Tons)	Fee	53061
100 or less	\$ 5,000	53062
101 to 200	12,500	53063
201 to 500	30,000	53064
501 or more	60,000	53065

For the purpose of determining the applicable license fee 53066
under this division, the authorized maximum daily waste receipt 53067
shall be the maximum amount of scrap tires the facility is 53068
authorized to receive daily that is established in the permit for 53069
the facility, and any modification to that permit, issued under 53070
section 3734.77 of the Revised Code. 53071

(C)(1) Except as otherwise provided in division (C)(2) of 53072
this section, the annual fee for a scrap tire storage facility 53073
license shall equal one thousand dollars times the number of acres 53074

on which scrap tires are to be stored at the facility during the 53075
license year, as set forth on the application for the annual 53076
license, except that the total annual license fee for any such 53077
facility shall not exceed three thousand dollars. 53078

(2) The annual fee for a scrap tire storage facility license 53079
for a storage facility that is owned or operated by a motor 53080
vehicle salvage dealer licensed under Chapter 4738. of the Revised 53081
Code is one hundred dollars. 53082

(D)(1) Except as otherwise provided in division (D)(2) of 53083
this section, the annual fee for a scrap tire collection facility 53084
license is two hundred dollars. 53085

(2) The annual fee for a scrap tire collection facility 53086
license for a collection facility that is owned or operated by a 53087
motor vehicle salvage dealer licensed under Chapter 4738. of the 53088
Revised Code is fifty dollars. 53089

(E) Except as otherwise provided in divisions (C)(2) and 53090
(D)(2) of this section, the same fees apply to private operators 53091
and to the state and its political subdivisions and shall be paid 53092
within thirty days after the issuance of a license. The fees 53093
include the cost of licensing, all inspections, and other costs 53094
associated with the administration of the scrap tire provisions of 53095
this chapter and rules adopted under them. Each license shall 53096
specify that it is conditioned upon payment of the applicable fee 53097
to the board of health or the director of environmental 53098
protection, as appropriate, within thirty days after the issuance 53099
of the license. 53100

(F) The board of health shall retain fifteen thousand dollars 53101
of each license fee collected by the board under division (B) of 53102
this section, or the entire amount of any such fee that is less 53103
than fifteen thousand dollars, and the entire amount of each 53104
license fee collected by the board under divisions (A), (C), and 53105

(D) of this section. The moneys retained shall be paid into a 53106
special fund, which is hereby created in each health district, and 53107
used solely to administer and enforce the scrap tire provisions of 53108
this chapter and rules adopted under them. The remainder, if any, 53109
of each license fee collected by the board under division (B) of 53110
this section shall be transmitted to the director within 53111
forty-five days after receipt of the fee. 53112

(G) The director shall transmit the moneys received by the 53113
director from license fees collected under division (B) of this 53114
section to the treasurer of state to be credited to the scrap tire 53115
management fund, which is hereby created in the state treasury. 53116
The fund shall consist of all federal moneys received by the 53117
environmental protection agency for the scrap tire management 53118
program; all grants, gifts, and contributions made to the director 53119
for that program; and all other moneys that may be provided by law 53120
for that program. The director shall use moneys in the fund as 53121
follows: 53122

(1) Expend amounts determined necessary by the director to 53123
implement, administer, and enforce the scrap tire provisions of 53124
this chapter and rules adopted under them; 53125

(2) During each fiscal year, if the director of environmental 53126
protection determines it to be appropriate and advisable, request 53127
the director of budget and management to, and the director of 53128
budget and management ~~shall~~ may, transfer up to one million 53129
dollars to the scrap tire grant fund created in section 3734.822 53130
of the Revised Code for supporting market development activities 53131
for scrap tires and synthetic rubber from tire manufacturing 53132
processes and tire recycling processes. In addition, during a 53133
fiscal year, the director of environmental protection may request 53134
the director of budget and management to, and the director of 53135
budget and management shall, transfer up to an additional five 53136
hundred thousand dollars to the scrap tire grant fund for scrap 53137

tire amnesty events and scrap tire cleanup events. 53138

(3) After the expenditures and transfers are made under 53139
divisions (G)(1) and (2) of this section, expend the balance of 53140
the money in the scrap tire management fund remaining in each 53141
fiscal year to conduct removal actions under section 3734.85 of 53142
the Revised Code and to provide grants to boards of health under 53143
section 3734.042 of the Revised Code. 53144

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 53145
defray the cost of administering and enforcing the scrap tire 53146
provisions of this chapter, rules adopted under those provisions, 53147
and terms and conditions of orders, variances, and licenses issued 53148
under those provisions; to abate accumulations of scrap tires; to 53149
make grants supporting market development activities for scrap 53150
tires and synthetic rubber from tire manufacturing processes and 53151
tire recycling processes and to support scrap tire amnesty and 53152
cleanup events; to make loans to promote the recycling or recovery 53153
of energy from scrap tires; and to defray the costs of 53154
administering and enforcing sections 3734.90 to 3734.9014 of the 53155
Revised Code, a fee of fifty cents per tire is hereby levied on 53156
the sale of tires. The proceeds of the fee shall be deposited in 53157
the state treasury to the credit of the scrap tire management fund 53158
created in section 3734.82 of the Revised Code. The fee is levied 53159
from the first day of the calendar month that begins next after 53160
thirty days from October 29, 1993, through June 30, ~~2018~~ 2020. 53161

(2) Beginning on July 1, 2011, and ending on June 30, ~~2018~~ 53162
2020, there is hereby levied an additional fee of fifty cents per 53163
tire on the sale of tires the proceeds of which shall be deposited 53164
in the state treasury to the credit of the soil and water 53165
conservation district assistance fund created in section 940.15 of 53166
the Revised Code. 53167

(B) Only one sale of the same article shall be used in 53168

computing the amount of the fee due. 53169

Sec. 3734.9011. (A) No wholesale distributor or other person 53170
shall sell tires to a retail dealer within this state, and no 53171
retail dealer or other person shall import or otherwise acquire 53172
tires for sale at retail within this state from a person who is 53173
not a registered wholesale distributor, without having a 53174
registration therefor. 53175

(B) Each wholesale distributor and each retail dealer 53176
required to be registered under division (A) of this section shall 53177
apply for registration ~~on or before the date that is two months~~ 53178
~~after the effective date of this section,~~ or on or before the 53179
first day of doing business that ~~required~~ requires the 53180
registration. The application shall be filed with the tax 53181
commissioner, in a form and providing such information as 53182
prescribed by the commissioner. The commissioner shall assign an 53183
account number to each registration and shall so notify the 53184
registrant. ~~The~~ An unrevoked registration shall remain in effect 53185
until canceled by the wholesale distributor or retail dealer upon 53186
the cessation of business. 53187

(C) The tax commissioner shall not accept a registration 53188
under division (B) of this section or may suspend or revoke the 53189
registration of a wholesale distributor or retail dealer if the 53190
wholesale distributor or retail dealer has failed to file any 53191
returns, submit any information, or pay any outstanding taxes, 53192
charges, or fees as required for any tax, charge, or fee 53193
administered by the commissioner, to the extent that the 53194
commissioner is aware of such failure at the time of the 53195
application. 53196

Sec. 3735.31. A metropolitan housing authority created under 53197
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 53198

corporate and politic. Nothing in this chapter shall limit the 53199
authority of a metropolitan housing authority, or a nonprofit 53200
corporation formed by a metropolitan housing authority to carry 53201
out its functions, to compete for and perform federal housing 53202
contracts or grants within or outside this state. To clear, plan, 53203
and rebuild slum areas within the district in which the authority 53204
is created, to provide safe and sanitary housing accommodations to 53205
families of low income within that district, or to accomplish any 53206
combination of the foregoing purposes, the authority may do any of 53207
the following: 53208

(A) Sue and be sued; have a seal; have corporate succession; 53209
receive grants from state, federal, or other governments, or from 53210
private sources; conduct investigations into housing and living 53211
conditions; enter any buildings or property in order to conduct 53212
its investigations; conduct examinations, subpoena, and require 53213
the attendance of witnesses and the production of books and 53214
papers; issue commissions for the examination of witnesses who are 53215
out of the state or unable to attend before the authority or 53216
excused from attendance; and in connection with these powers, any 53217
member of the authority may administer oaths, take affidavits, and 53218
issue subpoenas; 53219

(B) Determine what areas constitute slum areas, and prepare 53220
plans for housing or other projects in those areas; purchase, 53221
lease, sell, exchange, transfer, assign, or mortgage any property, 53222
real or personal, or any interest in that property, or acquire the 53223
same by gift, bequest, or eminent domain; own, hold, clear, and 53224
improve property; provide and set aside housing projects, or 53225
dwelling units comprising portions of housing projects, designed 53226
especially for the use of families, the head of which or the 53227
spouse of which is sixty-five years of age or older; engage in, or 53228
contract for, the construction, reconstruction, alteration, or 53229
repair, or both, of any housing project or part of any housing 53230

project; include in any contract let in connection with a project, 53231
stipulations requiring that the contractor and any subcontractors 53232
comply with requirements as to minimum wages and maximum hours of 53233
labor, and comply with any conditions that the federal government 53234
has attached to its financial aid of the project; lease or 53235
operate, or both, any project, and establish or revise schedules 53236
of rents for any projects or part of any project; arrange with the 53237
county or municipal corporations, or both, for the planning and 53238
replanning of streets, alleys, and other public places or 53239
facilities in connection with any area or project; borrow money 53240
upon its notes, debentures, or other evidences of indebtedness, 53241
and secure the same by mortgages upon property held or to be held 53242
by it, or by pledge of its revenues, or in any other manner; 53243
invest any funds held in reserves or sinking funds or not required 53244
for immediate disbursements; enter into a shared service agreement 53245
with another metropolitan housing authority; execute contracts and 53246
all other instruments necessary or convenient to the exercise of 53247
the powers granted in this section; make, amend, and repeal bylaws 53248
and rules to carry into effect its powers and purposes; 53249

(C) Borrow money or accept grants or other financial 53250
assistance from the federal government for or in aid of any 53251
housing project within its territorial limits; take over or lease 53252
or manage any housing project or undertaking constructed or owned 53253
by the federal government; comply with any conditions and enter 53254
into any mortgages, trust indentures, leases, or agreements that 53255
are necessary, convenient, or desirable; 53256

(D) Subject to section 3735.311 of the Revised Code, employ a 53257
police force to protect the lives and property of the residents of 53258
housing projects within the district, to preserve the peace in the 53259
housing projects, and to enforce the laws, ordinances, and 53260
regulations of this state and its political subdivisions in the 53261
housing projects and, when authorized by law, outside the limits 53262

of the housing projects. 53263

(E) Enter into an agreement with a county, municipal 53264
corporation, or township in whose jurisdiction the metropolitan 53265
housing authority is located that permits metropolitan housing 53266
authority police officers employed under division (D) of this 53267
section to exercise full arrest powers as provided in section 53268
2935.03 of the Revised Code, perform any police function, exercise 53269
any police power, or render any police service within specified 53270
areas of the county, municipal corporation, or township for the 53271
purpose of preserving the peace and enforcing all laws of the 53272
state, ordinances of the municipal corporation, or regulations of 53273
the township. 53274

Sec. 3735.33. Any two or more metropolitan housing 53275
authorities created under sections 3735.27 to 3735.50, ~~inclusive,~~ 53276
of the Revised Code, may join or cooperate with one another in the 53277
exercise, either jointly or otherwise, of any or all of their 53278
powers relative to the purpose of financing as provided in 53279
sections 3735.31 and 3735.45 to 3735.49, ~~inclusive,~~ of the Revised 53280
Code. The moneys received from such joint or cooperative financing 53281
may be used for planning, undertaking, owning, constructing, 53282
operating, or contracting with respect to a housing project or 53283
projects located within the area of operation of any one or more 53284
of the authorities. An authority may by resolution prescribe and 53285
authorize any other authority or authorities, joining or 53286
cooperating with it, to act on its behalf with respect to any or 53287
all powers relative to the purpose of financing, as its agent or 53288
otherwise, in the name of the authority or authorities so joining 53289
or cooperating, or in its own name. 53290

Any two or more metropolitan housing authorities created 53291
under sections 3735.27 to 3735.50 of the Revised Code may enter 53292
into a shared service agreement. 53293

Sec. 3735.40. As used in sections 3735.27, 3735.31, and 53294
3735.40 to 3735.50 of the Revised Code: 53295

(A) "Federal government" includes the United States, the 53296
federal works administrator, or any other agency or 53297
instrumentality, corporate or otherwise, of the United States. 53298

(B) "Slum" has the meaning defined in section 1.08 of the 53299
Revised Code. 53300

(C) "Housing project" or "project" means any of the following 53301
works or undertakings: 53302

(1) Demolish, clear, or remove buildings from any slum area. 53303
Such work or undertaking may embrace the adaptation of such area 53304
to public purposes, including parks or other recreational or 53305
community purposes. 53306

(2) Provide decent, safe, and sanitary urban or rural 53307
dwellings, apartments, or other living accommodations for persons 53308
of low income. ~~Such work or undertaking may include~~ 53309

(3) Provide for buildings, land, equipment, facilities, and 53310
other real or personal property for necessary, convenient, or 53311
desirable appurtenances, streets, sewers, water service, parks, 53312
site preparation, gardening, administrative, community, health, 53313
recreational, educational, welfare, commercial, residential, or 53314
other purposes. 53315

~~(3)~~(4) Accomplish a combination of the foregoing. "Housing 53316
project" also may be applied to the planning of the buildings and 53317
improvements, the acquisition of property, the demolition of 53318
existing structures, the construction, reconstruction, alteration, 53319
and repair of the improvements, and all other work in connection 53320
therewith. 53321

(D) "Families of low income" means persons or families who 53322
lack the amount of income which is necessary, as determined by the 53323

metropolitan housing authority undertaking the housing project, to 53324
enable them, without financial assistance, to live in decent, 53325
safe, and sanitary dwellings, without overcrowding. 53326

(E) "Families" means families consisting of two or more 53327
persons, a single person who has attained the age at which an 53328
individual may elect to receive an old age benefit under Title II 53329
of the "Social Security Act" or is under disability as defined in 53330
section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 53331
amended, or the remaining member of a tenant family. 53332

(F) "Families" also means a single person discharged by the 53333
head of a hospital pursuant to section 5122.21 of the Revised Code 53334
after March 10, 1964. 53335

Sec. 3735.41. Except as otherwise provided in section 3735.43 53336
of the Revised Code, in the operation or management of housing 53337
projects a metropolitan housing authority shall observe the 53338
following with respect to rentals and tenant selection: 53339

(A)(1) It shall not ~~accept~~ provide a federally derived rent 53340
subsidy to any person as a tenant in for any dwelling in a housing 53341
project if the persons who would occupy the dwelling have an 53342
aggregate annual net income ~~less such deductions and exemptions~~ 53343
~~therefrom as are authorized by law or the regulations established~~ 53344
~~by the public housing administration which that~~ equals or exceeds 53345
the amount ~~which that~~ the authority determines to be necessary ~~in~~ 53346
~~order~~ to enable such persons to ~~secure~~ do both of the following: 53347

(a) Secure safe, sanitary, and uncongested dwelling 53348
accommodations within the area of operation of the authority ~~and~~ 53349
~~to provide;~~ 53350

(b) Provide an adequate standard of living for themselves. 53351

(2) As used in this division, "aggregate annual net income" 53352
means the aggregate annual income less the deductions and 53353

exemptions from that income authorized by law or regulations 53354
established by the United States department of housing and urban 53355
development. 53356

(B) It may rent or lease the dwelling accommodations therein 53357
only at rentals within the financial reach of persons who lack the 53358
amount of income which it determines, pursuant to division (A) of 53359
this section, to be necessary in order to obtain safe, sanitary, 53360
and uncongested dwelling accommodations within the area of 53361
operation of the authority and to provide an adequate standard of 53362
living. 53363

(C) It may use a federally derived rent subsidy to rent or 53364
lease to a tenant a dwelling consisting of the number of rooms, 53365
but no greater number, which it considers necessary to provide 53366
safe and sanitary accommodations to the proposed occupants 53367
thereof, without overcrowding. 53368

Sections 3735.27 to 3735.50 of the Revised Code do not limit 53369
the power of an authority to vest in a bondholder the right, in 53370
the event of a default by such authority, to take possession of a 53371
housing project or cause the appointment of a receiver thereof or 53372
acquire title thereto through foreclosure proceedings, free from 53373
all the restrictions imposed by such sections. 53374

Sec. 3735.66. The legislative authorities of municipal 53375
corporations and counties may survey the housing within their 53376
jurisdictions and, after the survey, may adopt resolutions 53377
describing the boundaries of community reinvestment areas which 53378
contain the conditions required for the finding under division (B) 53379
of section 3735.65 of the Revised Code. The findings resulting 53380
from the survey shall be incorporated in the resolution describing 53381
the boundaries of an area. The legislative authority may stipulate 53382
in the resolution that only new structures or remodeling 53383
classified as to use as commercial, industrial, or residential, or 53384

some combination thereof, and otherwise satisfying the 53385
requirements of section 3735.67 of the Revised Code are eligible 53386
for exemption from taxation under that section. If the resolution 53387
does not include such a stipulation, all new structures and 53388
remodeling satisfying the requirements of section 3735.67 of the 53389
Revised Code are eligible for exemption from taxation regardless 53390
of classification. Whether or not the resolution includes such a 53391
stipulation, the classification of the structures or remodeling 53392
eligible for exemption in the area shall at all times be 53393
consistent with zoning restrictions applicable to the area. For 53394
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 53395
whether a structure or remodeling composed of multiple units is 53396
classified as commercial or residential shall be determined by 53397
resolution or ordinance of the legislative authority or, in the 53398
absence of such a determination, by the classification of the use 53399
of the structure or remodeling under the applicable zoning 53400
regulations. 53401

If construction or remodeling classified as residential is 53402
eligible for exemption from taxation, the resolution shall specify 53403
a percentage, not to exceed one hundred per cent, of the assessed 53404
valuation of such property to be exempted. The percentage 53405
specified shall apply to all residential construction or 53406
remodeling for which exemption is granted. 53407

The resolution adopted pursuant to this section shall be 53408
published in a newspaper of general circulation in the municipal 53409
corporation, if the resolution is adopted by the legislative 53410
authority of a municipal corporation, or in a newspaper of general 53411
circulation in the county, if the resolution is adopted by the 53412
legislative authority of the county, once a week for two 53413
consecutive weeks or as provided in section 7.16 of the Revised 53414
Code, immediately following its adoption. 53415

Each legislative authority adopting a resolution pursuant to 53416

this section shall designate a housing officer. In addition, each 53417
such legislative authority, not later than ~~fifteen~~ sixty days 53418
after the adoption of the resolution, shall petition the director 53419
of development services for the director to confirm the findings 53420
described in the resolution. The petition shall be accompanied by 53421
a copy of the resolution and by a map of the community 53422
reinvestment area in sufficient detail to denote the specific 53423
boundaries of the area and to indicate zoning restrictions 53424
applicable to the area. The director shall determine whether the 53425
findings contained in the resolution are valid, and whether the 53426
classification of structures or remodeling eligible for exemption 53427
under the resolution is consistent with zoning restrictions 53428
applicable to the area as indicated on the map. Within thirty days 53429
of receiving the petition, the director shall forward the 53430
director's determination to the legislative authority. The 53431
legislative authority or housing officer shall not grant any 53432
exemption from taxation under section 3735.67 of the Revised Code 53433
until the director forwards the director's determination to the 53434
legislative authority. The director shall assign to each community 53435
reinvestment area a unique designation by which the area shall be 53436
identified for purposes of sections 3735.65 to 3735.70 of the 53437
Revised Code. 53438

If zoning restrictions in any part of a community 53439
reinvestment area are changed at any time after the legislative 53440
authority petitions the director under this section, the 53441
legislative authority shall notify the director and shall submit a 53442
map of the area indicating the new zoning restrictions in the 53443
area. 53444

Sec. 3735.661. (A) For the purpose of determining the "first 53445
two amendments" referenced in division (B) of Section 3 of Am. 53446
Sub. S.B. 19 of the 120th general assembly, an amendment means any 53447
modification to an ordinance or resolution adopted under section 53448

3735.66 of the Revised Code that does any of the following:	53449
(1) Expands the geographic size of a community reinvestment area;	53450 53451
(2) Increases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (A)(2) of this section does not authorize a municipal corporation or county to increase a property's or category of property's exempted percentage of assessed valuation pursuant to that section.	53452 53453 53454 53455 53456 53457 53458
(3) Increases the term of any tax exemption or category of tax exemptions, <u>except as provided in division (B)(6) of this section</u> ;	53459 53460 53461
(4) Extends the duration of a community reinvestment area;	53462
(5) Changes eligibility requirements for receiving tax exemptions.	53463 53464
(B) For the purpose of determining the "first two amendments" in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment does not include any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following:	53465 53466 53467 53468 53469
(1) Restricts the availability of tax exemptions, including any of the following:	53470 53471
(a) Removes area from or decreases the geographic size of a community reinvestment area;	53472 53473
(b) Decreases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (B)(1)(b) of this section does not authorize a municipal corporation or county to decrease a	53474 53475 53476 53477 53478

property's or category of property's exempted percentage of assessed valuation pursuant to that section.	53479 53480
(c) Decreases the term of any tax exemption or category of exemption;	53481 53482
(d) Shortens the period of time after which the granting of tax exemptions may be terminated.	53483 53484
(2) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;	53485 53486 53487
(3) Recognizes or confirms a previously granted tax exemption;	53488 53489
(4) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;	53490 53491
(5) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code;	53492 53493 53494 53495 53496 53497 53498
<u>(6) Increases the term of tax exemption for remodeling to not more than that authorized by H.B. 463 of the 131st general assembly for an exemption application that has been filed but not yet granted, or has been filed, on or after April 6, 2017, or that is filed on or after any other later date, provided the maximum term of the exemption for such remodeling before the ordinance's or resolution's modification was the maximum term allowed under division (D)(1) or (2) of section 3735.67 of the Revised Code as that section existed before its amendment by H.B. 463 of the 131st general assembly.</u>	53499 53500 53501 53502 53503 53504 53505 53506 53507 53508

Sec. 3735.672. (A) On or before the thirty-first day of March 53509
each year, a legislative authority that has entered into an 53510
agreement with a party under section 3735.671 of the Revised Code 53511
shall submit to the director of development services and the board 53512
of education of each school district of which a municipal 53513
corporation or township to which such an agreement applies is a 53514
part a report on all such agreements in effect during the 53515
preceding calendar year. The report shall include the following 53516
information: 53517

(1) The designation, assigned by the director of development 53518
services, of each community reinvestment area within the municipal 53519
corporation or county, and the total population of each area 53520
according to the most recent data available; 53521

(2) The number of agreements and the number of full-time 53522
employees subject to those agreements within each area, each 53523
according to the most recent data available and identified and 53524
categorized by the appropriate standard industrial code, and the 53525
rate of unemployment in the municipal corporation or county in 53526
which the area is located for each year since the area was 53527
certified; 53528

(3) The number of agreements approved and executed during the 53529
calendar year for which the report is submitted, the total number 53530
of agreements in effect on the thirty-first day of December of the 53531
preceding calendar year, the number of agreements that expired 53532
during the calendar year for which the report is submitted, and 53533
the number of agreements scheduled to expire during the calendar 53534
year in which the report is submitted. For each agreement that 53535
expired during the calendar year for which the report is 53536
submitted, the legislative authority shall include the amount of 53537
taxes exempted under the agreement. 53538

(4) The number of agreements receiving compliance reviews by 53539

the tax incentive review council in the municipal corporation or 53540
county during the calendar year for which the report is submitted, 53541
including all of the following information: 53542

(a) The number of agreements the terms of which the party has 53543
complied with, indicating separately for each such agreement the 53544
value of the real property exempted pursuant to the agreement and 53545
a comparison of the stipulated and actual schedules for hiring new 53546
employees, for retaining existing employees, and for the amount of 53547
payroll of the party attributable to these employees; 53548

(b) The number of agreements the terms of which a party has 53549
failed to comply with, indicating separately for each such 53550
agreement the value of the real and personal property exempted 53551
pursuant to the agreement and a comparison of the stipulated and 53552
actual schedules for hiring new employees, for retaining existing 53553
employees, and for the amount of payroll of the enterprise 53554
attributable to these employees; 53555

(c) The number of agreements about which the tax incentive 53556
review council made recommendations to the legislative authority, 53557
and the number of such recommendations that have not been 53558
followed; 53559

(d) The number of agreements rescinded during the calendar 53560
year for which the report is submitted. 53561

(5) The number of parties subject to agreements that expanded 53562
within each area, including the number of new employees hired and 53563
existing employees retained by that party, and the number of new 53564
parties subject to agreements that established within each area, 53565
including the number of new employees hired by each party; 53566

(6) For each agreement in effect during any part of the 53567
preceding year, the number of employees employed by the party at 53568
the property that is the subject of the agreement immediately 53569
prior to formal approval of the agreement, the number of employees 53570

employed by the party at that property on the thirty-first day of 53571
December of the preceding year, the payroll of the party for the 53572
preceding year, the amount of taxes paid on real property that was 53573
exempted under the agreement, and the amount of such taxes that 53574
were not paid because of the exemption. 53575

(B) Upon the failure of a municipal corporation or county to 53576
comply with division (A) of this section: 53577

(1) Beginning on the first day of April of the calendar year 53578
in which the municipal corporation or county fails to comply with 53579
that division, the municipal corporation or county shall not enter 53580
into any agreements under section 3735.671 of the Revised Code 53581
until the municipal corporation or county has complied with 53582
division (A) of this section. 53583

(2) On the first day of each ensuing calendar month until the 53584
municipal corporation or county complies with that division, the 53585
director of development services shall either order the proper 53586
county auditor to deduct from the next succeeding payment of taxes 53587
to the municipal corporation or county under section 321.31, 53588
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 53589
five hundred dollars for each calendar month the municipal 53590
corporation or county fails to comply with that division, or order 53591
the county auditor to deduct such an amount from the next 53592
succeeding payment to the municipal corporation or county from the 53593
undivided local government fund under section 5747.51 of the 53594
Revised Code. At the time such a payment is made, the county 53595
auditor shall comply with the director's order by issuing a 53596
warrant, drawn on the fund from which such money would have been 53597
paid, to the director of development services, who shall deposit 53598
the warrant into the state community reinvestment area program 53599
administration fund created in division (C) of this section. 53600

(C) The director, by rule, shall establish the state's 53601
application fee for applications submitted to a municipal 53602

corporation or county to enter into an agreement under section 53603
3735.671 of the Revised Code. In establishing the amount of the 53604
fee, the director shall consider the state's cost of administering 53605
the community reinvestment area program, including the cost of 53606
reviewing the reports required under division (A) of this section. 53607
The director may change the amount of the fee at such times and in 53608
such increments as the director considers necessary. Any municipal 53609
corporation or county that receives an application shall collect 53610
the application fee and remit the fee for deposit in the state 53611
treasury to the credit of the ~~business assistance~~ tax incentives 53612
operating fund created in section 122.174 of the Revised Code. 53613

Sec. 3737.21. (A) The director of the department of commerce 53614
shall appoint, from names submitted to the director by the state 53615
fire council, a state fire marshal, who shall serve at the 53616
pleasure of the director and shall possess the following 53617
qualifications: 53618

(1) A degree from an accredited college or university with 53619
specialized study in either the field of fire protection or fire 53620
protection engineering, or the equivalent qualifications 53621
determined from training, experience, and duties in a fire 53622
service; 53623

(2) Five years of recent, progressively more responsible 53624
experience in fire inspection, fire code enforcement, fire 53625
investigation, fire protection engineering, teaching of fire 53626
safety engineering, or fire fighting. 53627

(B) When a vacancy occurs in the position of state fire 53628
marshal, the director shall notify the state fire council. ~~The~~ 53629
~~council shall communicate the fact of the vacancy by regular mail~~ 53630
~~to all fire chiefs and fire protection engineers known to the~~ 53631
~~council, or whose identity may be ascertained by the council by~~ 53632
~~the exercise of due diligence. The council, no earlier than thirty~~ 53633

~~days after mailing the notification, shall compile a list of all~~ 53634
~~applicants for the position of fire marshal who are qualified~~ 53635
~~under this section.~~ The council shall submit the names of at least 53636
three persons on the list for the position of state fire marshal 53637
who are qualified under this section to the director. The director 53638
shall appoint the state fire marshal from the list of at least 53639
three names or may request the council to submit additional names. 53640

Sec. 3742.01. As used in this chapter: 53641

(A) "Board of health" means the board of health of a city or 53642
general health district or the authority having the duties of a 53643
board of health under section 3709.05 of the Revised Code. 53644

(B) "Child care facility" means each area of any of the 53645
following in which child care, as defined in section 5104.01 of 53646
the Revised Code, is provided to children under six years of age: 53647

(1) A child day-care center, type A family day-care home, or 53648
type B family day-care home as defined in section 5104.01 of the 53649
Revised Code; 53650

(2) A preschool program or school child program as defined in 53651
section 3301.52 of the Revised Code. 53652

(C) "Clearance examination" means an examination to determine 53653
whether the lead hazards in a residential unit, child care 53654
facility, or school have been sufficiently controlled. A clearance 53655
examination includes a visual assessment, collection, and analysis 53656
of environmental samples. 53657

(D) "Clearance technician" means a person, other than a 53658
licensed lead inspector or licensed lead risk assessor, who 53659
performs a clearance examination. 53660

(E) "Clinical laboratory" means a facility for the 53661
biological, microbiological, serological, chemical, 53662
immunohematological, hematological, biophysical, cytological, 53663

pathological, or other examination of substances derived from the 53664
human body for the purpose of providing information for the 53665
diagnosis, prevention, or treatment of any disease, or in the 53666
assessment or impairment of the health of human beings. "Clinical 53667
laboratory" does not include a facility that only collects or 53668
prepares specimens, or serves as a mailing service, and does not 53669
perform testing. 53670

(F) "Encapsulation" means the coating and sealing of surfaces 53671
with durable surface coating specifically formulated to be 53672
elastic, able to withstand sharp and blunt impacts, long-lasting, 53673
and resilient, while also resistant to cracking, peeling, algae, 53674
fungus, and ultraviolet light, so as to prevent any part of 53675
lead-containing paint from becoming part of house dust or 53676
otherwise accessible to children. 53677

(G) "Enclosure" means the resurfacing or covering of surfaces 53678
with durable materials such as wallboard or paneling, and the 53679
sealing or caulking of edges and joints, so as to prevent or 53680
control chalking, flaking, peeling, scaling, or loose 53681
lead-containing substances from becoming part of house dust or 53682
otherwise accessible to children. 53683

(H) "Environmental lead analytical laboratory" means a 53684
facility that analyzes air, dust, soil, water, paint, film, or 53685
other substances, other than substances derived from the human 53686
body, for the presence and concentration of lead. 53687

(I) "HEPA" means the designation given to a product, device, 53688
or system that has been equipped with a high-efficiency 53689
particulate air filter, which is a filter capable of removing 53690
particles of 0.3 microns or larger from air at 99.97 per cent or 53691
greater efficiency. 53692

(J) "Interim controls" means a set of measures designed to 53693
reduce temporarily human exposure or likely human exposure to lead 53694

hazards. Interim controls include specialized cleaning, repairs, 53695
painting, temporary containment, ongoing lead hazard maintenance 53696
activities, and the establishment and operation of management and 53697
resident education programs. 53698

(K)(1) "Lead abatement" means a measure or set of measures 53699
designed for the single purpose of permanently eliminating lead 53700
hazards. "Lead abatement" includes all of the following: 53701

(a) Removal of lead-based paint and lead-contaminated dust; 53702

(b) Permanent enclosure or encapsulation of lead-based paint; 53703

(c) Replacement of surfaces or fixtures painted with 53704
lead-based paint; 53705

(d) Removal or permanent covering of lead-contaminated soil; 53706

(e) Preparation, cleanup, and disposal activities associated 53707
with lead abatement. 53708

(2) "Lead abatement" does not include any of the following: 53709

(a) ~~Preventive treatments~~ Residential rental unit lead-safe 53710
maintenance practices performed pursuant to ~~section~~ sections 53711
3742.41 and 3742.42 of the Revised Code; 53712

(b) Implementation of interim controls; 53713

(c) Activities performed by a property owner on a residential 53714
unit to which both of the following apply: 53715

(i) It is a freestanding single-family home used as the 53716
property owner's private residence. 53717

(ii) No child under six years of age who has lead poisoning 53718
resides in the unit. 53719

(L) "Lead abatement contractor" means any individual who 53720
engages in or intends to engage in lead abatement and employs or 53721
supervises one or more lead abatement workers, including on-site 53722
supervision of lead abatement projects, or prepares 53723

specifications, plans, or documents for a lead abatement project. 53724

(M) "Lead abatement project" means one or more lead abatement 53725
activities that are conducted by a lead abatement contractor and 53726
are reasonably related to each other. 53727

(N) "Lead abatement project designer" means a person who is 53728
responsible for designing lead abatement projects and preparing a 53729
pre-abatement plan for all designed projects. 53730

(O) "Lead abatement worker" means an individual who is 53731
responsible in a nonsupervisory capacity for the performance of 53732
lead abatement. 53733

(P) "Lead-based paint" means any paint or other similar 53734
surface-coating substance containing lead at or in excess of the 53735
level that is hazardous to human health, as that level is 53736
established in rules adopted under section ~~3742.50~~ 3742.45 of the 53737
Revised Code. 53738

(Q) "Lead-contaminated dust" means dust that contains an area 53739
or mass concentration of lead at or in excess of the level that is 53740
hazardous to human health, as that level is established in rules 53741
adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 53742

(R) "Lead-contaminated soil" means soil that contains lead at 53743
or in excess of the level that is hazardous to human health, as 53744
that level is established in rules adopted under section ~~3742.50~~ 53745
3742.45 of the Revised Code. 53746

(S) "Lead ~~hazard~~ free" means no lead-based paint is present 53747
in any area referenced in division (B) of section 3742.42 of the 53748
Revised Code. 53749

(T) "Lead hazard" means material that is likely to cause lead 53750
exposure and endanger an individual's health as determined by the 53751
director of health in rules adopted under section ~~3742.50~~ 3742.45 53752
of the Revised Code. "Lead hazard" includes lead-based paint, 53753

lead-contaminated dust, lead-contaminated soil, and 53754
lead-contaminated water pipes. 53755

~~(T)~~(U) "Lead inspection" means a surface-by-surface 53756
investigation to determine the presence of lead-based paint. The 53757
inspection shall use a sampling or testing technique approved by 53758
the director in rules adopted under section 3742.03 of the Revised 53759
Code. A licensed lead inspector or laboratory approved under 53760
section 3742.09 of the Revised Code shall certify in writing the 53761
precise results of the inspection. 53762

~~(U)~~(V) "Lead inspector" means any individual who conducts a 53763
lead inspection, provides professional advice regarding a lead 53764
inspection, or prepares a report explaining the results of a lead 53765
inspection. 53766

~~(V)~~(W) "Lead poisoning" means the level of lead in human 53767
blood that is hazardous to human health, as specified in rules 53768
adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 53769

~~(W)~~(X) "Lead risk assessment" means an on-site investigation 53770
to determine and report the existence, nature, severity, and 53771
location of lead hazards in a residential unit, child care 53772
facility, or school, including information gathering from the 53773
unit, facility, or school's current owner's knowledge regarding 53774
the age and painting history of the unit, facility, or school and 53775
occupancy by children under six years of age, visual inspection, 53776
limited wipe sampling or other environmental sampling techniques, 53777
and any other activity as may be appropriate. 53778

~~(X)~~(Y) "Lead risk assessor" means a person who is responsible 53779
for developing a written inspection, risk assessment, and analysis 53780
plan; conducting inspections for lead hazards in a residential 53781
unit, child care facility, or school; interpreting results of 53782
inspections and risk assessments; identifying hazard control 53783
strategies to reduce or eliminate lead exposures; and completing a 53784

risk assessment report. 53785

~~(Y) "Lead safe renovation" means the supervision or 53786
performance of services for the general improvement of all or part 53787
of an existing structure, including a residential unit, child care 53788
facility, or school, when the services are supervised or performed 53789
by a lead safe renovator. 53790~~

~~(Z) "Lead safe renovator" means a person who has successfully 53791
completed a training program in lead safe renovation approved 53792
under section 3742.47 of the Revised Code. "Lead-safe residential 53793
rental unit" means a residential rental unit that has undergone 53794
the residential rental unit lead-safe maintenance practices 53795
described in section 3742.42 of the Revised Code, including 53796
post-maintenance dust sampling or are registered pursuant to 53797
division (D) of section 3742.41 of the Revised Code. 53798~~

(AA) "Manager" means a person, who may be the same person as 53799
the owner, responsible for the daily operation of a residential 53800
unit, child care facility, or school. 53801

(BB) "Permanent" means an expected design life of at least 53802
twenty years. 53803

(CC) "Replacement" means an activity that entails removing 53804
components such as windows, doors, and trim that have lead hazards 53805
on their surfaces and installing components free of lead hazards. 53806

(DD) "Residential unit" means a dwelling or any part of a 53807
building being used as an individual's private residence. 53808
"Residential unit" includes a residential rental unit. 53809

(EE) ~~"School"~~ "Residential rental unit" means a rental 53810
property containing a dwelling or any part of a building being 53811
used as an individual's private residence. 53812

(FF) "School" means a public or nonpublic school in which 53813
children under six years of age receive education. 53814

Sec. 3742.02. (A) No person shall do any of the following:	53815
(1) Violate any provision of this chapter or the rules adopted pursuant to it;	53816 53817
(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child care facility, or school, unless the director of health has determined by rule under section 3742.50 <u>3742.45</u> of the Revised Code that no suitable substitute exists;	53818 53819 53820 53821 53822
(3) Interfere with an investigation conducted by the director of health or a board of health in accordance with section 3742.35 of the Revised Code.	53823 53824 53825
(B) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under section 3742.05 of the Revised Code.	53826 53827 53828 53829 53830
(C) No person shall do any of the following when a residential unit, child care facility, or school is involved:	53831 53832
(1) Perform a lead inspection without a valid lead inspector license issued under section 3742.05 of the Revised Code;	53833 53834
(2) Perform a lead risk assessment or provide professional advice regarding lead abatement without a valid lead risk assessor license issued under section 3742.05 of the Revised Code;	53835 53836 53837
(3) Act as a lead abatement contractor without a valid lead abatement contractor's license issued under section 3742.05 of the Revised Code;	53838 53839 53840
(4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under section 3742.05 of the Revised Code;	53841 53842 53843

(5) Perform lead abatement without a valid lead abatement worker license issued under section 3742.05 of the Revised Code;	53844 53845
(6) Effective one year after April 7, 2003, perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;	53846 53847 53848 53849 53850
(7) Perform lead training for the licensing purposes of this chapter without a valid approval from the director of health under section 3742.08 of the Revised Code;	53851 53852 53853
(8) Perform interim controls without complying with 24 C.F.R. Part 35.	53854 53855
Sec. 3742.31. (A) The director of health shall establish, promote, and maintain a child lead poisoning prevention program. The program shall provide statewide coordination of screening, diagnosis, and treatment services for children under age six, including both of the following:	53856 53857 53858 53859 53860
(1) Collecting the social security numbers of all children screened, diagnosed, or treated as part of the program's case management system;	53861 53862 53863
(2) Disclosing to the department of medicaid on at least an annual basis the identity and lead screening test results of each child screened pursuant to section 3742.30 of the Revised Code. The director shall collect and disseminate information relating to child lead poisoning and controlling lead hazards.	53864 53865 53866 53867 53868
(B) The director of health shall operate the child lead poisoning prevention program in accordance with rules adopted under section 3742.50 <u>3742.45</u> of the Revised Code. The director may enter into an interagency agreement with one or more other state agencies to perform one or more of the program's duties. The	53869 53870 53871 53872 53873

director shall supervise and direct an agency's performance of 53874
such a duty. 53875

Sec. 3742.35. When the director of health or a board of 53876
health authorized to enforce sections 3742.35 to 3742.40 of the 53877
Revised Code becomes aware that an individual under six years of 53878
age has lead poisoning, the director or board shall conduct an 53879
investigation to determine the source of the lead poisoning. The 53880
director or board may conduct such an investigation when the 53881
director or board becomes aware that an individual six years of 53882
age or older has lead poisoning. The director or board shall 53883
conduct the investigation in accordance with rules adopted under 53884
section ~~3742.50~~ 3742.45 of the Revised Code. 53885

In conducting the investigation, the director or board may 53886
request permission to enter the residential unit, child care 53887
facility, or school that the director or board reasonably suspects 53888
to be the source of the lead poisoning. If the property is 53889
occupied, the director or board shall ask the occupant for 53890
permission. If the property is not occupied, the director or board 53891
shall ask the property owner or manager for permission. If the 53892
occupant, owner, or manager fails or refuses to permit entry, the 53893
director or board may petition and obtain an order to enter the 53894
property from a court of competent jurisdiction in the county in 53895
which the property is located. 53896

As part of the investigation, the director or board may 53897
review the records and reports, if any, maintained by a lead 53898
inspector, lead abatement contractor, lead risk assessor, lead 53899
abatement project designer, lead abatement worker, or clearance 53900
technician. 53901

Sec. 3742.36. When the director of health or an authorized 53902
board of health determines pursuant to an investigation conducted 53903

under section 3742.35 of the Revised Code that a residential unit, 53904
child care facility, or school is a possible source of the child's 53905
lead poisoning, the director or board shall conduct a risk 53906
assessment of that property in accordance with rules adopted under 53907
section ~~3742.50~~ 3742.45 of the Revised Code. 53908

Sec. 3742.41. (A) ~~A property~~ The director of health shall 53909
establish and maintain a lead-safe residential rental unit 53910
registry in accordance with rules adopted under section 3742.45 of 53911
the Revised Code. The director shall not impose a fee for 53912
registration of a residential rental unit on the registry. 53913

(B) Beginning six months after the effective date of the 53914
rules referenced in division (A) of this section, the owner of a 53915
residential rental unit constructed before January 1, ~~1950~~ 1978, 53916
that is used as a residential unit, child care facility, or school 53917
shall be legally presumed not to contain a lead hazard and not to 53918
be the source of the lead poisoning of an individual who resides 53919
in the unit or receives child care or education at the facility or 53920
school if the owner or manager of the unit, facility, or school 53921
successfully completes both of the following preventive 53922
treatments: 53923

(1) ~~Follows may implement~~ the essential residential rental 53924
unit lead-safe maintenance practices specified in section 3742.42 53925
of the Revised Code for the control of any lead hazards~~+~~. 53926

(2) ~~Covers all rough, pitted, or porous horizontal surfaces~~ 53927
~~of the inhabited or occupied areas within the unit, facility, or~~ 53928
~~school with a smooth, cleanable covering or coating, such as metal~~ 53929
~~coil stock, plastic, polyurethane, carpet, or linoleum.~~ 53930

(B) ~~The owner or manager of a residential unit, child care~~ 53931
~~facility, or school has successfully completed the preventive~~ 53932
~~treatments specified in division (A) of this section if the unit,~~ 53933

~~facility, or school passes a clearance examination in accordance 53934
with standards for passage established by rules adopted under 53935
section 3742.49 of the Revised Code. 53936~~

~~(C) The legal presumption established under this section is 53937
rebuttable in a court of law only on a showing of clear and 53938
convincing evidence to the contrary. After completion of the 53939
residential rental unit lead-safe maintenance practices, the owner 53940
may register the property as a lead-safe residential rental unit 53941
with the department of health for inclusion on the registry. 53942~~

~~(D) The owner of a residential rental unit also may register 53943
the unit as a lead-safe residential rental unit with the 53944
department for inclusion on the registry if either of the 53945
following apply: 53946~~

~~(1) The residential rental unit was or is constructed after 53947
January 1, 1978; 53948~~

~~(2) The residential rental unit is lead free as determined by 53949
a licensed lead inspector or lead risk assessor after an 53950
inspection of the unit. 53951~~

~~(E)(1) The owner of a residential rental unit that is subject 53952
to a lead hazard control order under section 3742.37 of the 53953
Revised Code shall register the residential rental unit on the 53954
lead-safe residential rental unit lead-safe registry after the 53955
unit passes a clearance examination, as specified in section 53956
3742.39 of the Revised Code, indicating that the lead hazards 53957
identified in the order are controlled. 53958~~

~~(2) The owner of a residential rental unit that is designated 53959
as housing for the elderly or senior housing by the director is 53960
exempt from the requirement to register under division (E)(1) of 53961
this section. 53962~~

Sec. 3742.42. (A) In completing the ~~essential~~ residential 53963

~~rental unit lead-safe maintenance practices portion of the~~ 53964
~~preventive treatments specified in section 3742.41 of the Revised~~ 53965
~~Code, the owner or manager~~ agent of the owner of a residential 53966
~~rental unit, child care facility, or school~~ shall do all of the 53967
following: 53968

(1) ~~Use only safe work practices, which include compliance~~ 53969
~~with section 3742.44 of the Revised Code, to prevent the spread of~~ 53970
~~lead contaminated dust~~ Successfully complete a training program in 53971
residential rental unit lead-safe maintenance practices approved 53972
by the director under section 3742.43 of the Revised Code; 53973

(2) ~~Perform~~ Annually perform a visual examinations 53974
examination for deteriorated paint, underlying damage, and other 53975
conditions that may cause exposure to lead; 53976

(3) ~~Promptly and safely~~ After completing the visual 53977
examination and identification of deteriorated paint or other 53978
conditions that may cause exposure to lead, repair deteriorated 53979
paint or other building components that may cause exposure to lead 53980
and eliminate the cause of the deterioration in accordance with 53981
the work practice standards established by the United States 53982
environmental protection agency in 40 C.F.R. Part 745.85; 53983

(4) ~~Ask tenants in a residential unit, and parents,~~ 53984
~~guardians, and custodians of children in a child care facility or~~ 53985
~~school, to report concerns about potential lead hazards by~~ 53986
~~providing written notices to the tenants or parents, guardians,~~ 53987
~~and custodians or by posting notices in conspicuous locations~~ 53988
Conduct post-maintenance dust sampling in accordance with rules 53989
adopted under section 3742.45 of the Revised Code; 53990

(5) ~~Perform specialized cleaning in accordance with section~~ 53991
~~3742.45 of the Revised Code to control lead contaminated dust;~~ 53992

~~(6) Cover any bare soil on the property, except soil proven~~ 53993

not to be lead contaminated;	53994
(7) Maintain a record of <u>essential residential rental unit</u>	53995
<u>lead-safe</u> maintenance practices for at least three years that	53996
documents all essential <u>those</u> maintenance practices;	53997
(8) <u>Successfully complete a training program in essential</u>	53998
<u>maintenance practices that has been approved under section</u>	53999
<u>3742.47, including post-maintenance dust sampling conducted in</u>	54000
<u>accordance with rules adopted under section 3742.45 of the Revised</u>	54001
Code.	54002
(B) The areas of a residential <u>rental unit</u>, child care	54003
<u>facility, or school</u> that are subject to division (A) of this	54004
section include all of the following:	54005
(1) The interior surfaces and all common areas of the unit,	54006
<u>facility, or school</u>;	54007
(2) Every attached or unattached structure located within the	54008
same lot line as the <u>residential rental unit</u>, facility, or school	54009
that the owner or manager considers to be associated with the	54010
operation of the <u>residential rental</u> unit, facility, or school,	54011
including garages, play equipment, and fences;	54012
(3) The lot or land that the <u>residential rental</u> unit,	54013
<u>facility, or school</u> occupies.	54014
(C) <u>The residential rental unit lead-safe maintenance</u>	54015
<u>practices described in this section are not required to be</u>	54016
<u>performed by a person licensed as a lead abatement contractor or</u>	54017
<u>lead abatement worker under this chapter. However, six months</u>	54018
<u>after the effective date of this amendment, any person other than</u>	54019
<u>a lead abatement contractor or lead abatement worker who performs</u>	54020
<u>the residential rental unit lead-safe maintenance practices shall</u>	54021
<u>have successfully completed a training program in residential</u>	54022
<u>rental unit lead-safe maintenance practices approved by the</u>	54023
<u>director under section 3742.43 of the Revised Code.</u>	54024

Sec. 3742.43. (A) A person seeking approval of a training program in residential rental unit lead-safe maintenance practices shall apply for approval of the training program to the director of health. The application shall be made on a form prescribed by the director and shall include the nonrefundable application fee established in division (B) of this section. The director shall approve the training program if the applicant demonstrates to the satisfaction of the director both of the following:

(1) That the training program will provide written proof of completion to each person who completes the program and passes an examination;

(2) The program is in compliance with any other training program requirements established in rules adopted under section 3742.45 of the Revised Code.

(B) The director of health shall establish a nonrefundable application fee for approving a training program under this section. The fee shall be reasonable and shall not exceed the expense incurred in conducting evaluation and approval of a training program.

~~Sec. 3742.49~~ 3742.44. The director of health, in consultation with the individual authorized by the governor to act as the state historic preservation officer, shall develop recommendations for controlling lead hazards that take into consideration the historic nature of the property in which the hazards are located. The director shall provide periodic notifications of the recommendations to all persons licensed under this chapter. All lead hazard control orders issued under section 3742.37 of the Revised Code shall inform the recipient of the recommendations developed under this section.

In no event shall a person use the recommendations as

justification for refusing to comply with a lead hazard control 54055
order issued under section 3742.37 of the Revised Code. 54056

Sec. ~~3742.50~~ 3742.45. (A) The director of health shall adopt 54057
rules in accordance with Chapter 119. of the Revised Code 54058
establishing all of the following: 54059

(1) Procedures necessary for the development and operation of 54060
the child lead poisoning prevention program established under 54061
section 3742.31 of the Revised Code; 54062

(2) Standards and procedures for conducting investigations 54063
and risk assessments under sections 3742.35 and 3742.36 of the 54064
Revised Code; 54065

(3) Standards and procedures for issuing lead hazard control 54066
orders under section 3742.37 of the Revised Code, including 54067
standards and procedures for determining appropriate deadlines for 54068
complying with lead hazard control orders; 54069

(4) The level of lead in human blood that is hazardous to 54070
human health, consistent with the guidelines issued by the centers 54071
for disease control and prevention in the public health service of 54072
the United States department of health and human services; 54073

(5) The level of lead in paint, dust, and soil that is 54074
hazardous to human health; 54075

(6) Standards and procedures to be followed when ~~implementing~~ 54076
~~preventive treatments for the control of lead hazards pursuant to~~ 54077
~~registering a residential rental unit on the lead-safe residential~~ 54078
~~rental unit registry under~~ section 3742.41 of the Revised Code 54079
that are based on information from the United States environmental 54080
protection agency, ~~department of housing and urban development,~~ 54081
~~occupational safety and health administration, or other agencies~~ 54082
~~with recommendations or guidelines regarding implementation of~~ 54083
~~preventive treatments;~~ 54084

(7) Standards that must be met to pass a clearance examination; 54085
54086

(8) Procedures and criteria for approving ~~under section 3742.47 of the Revised Code~~ training programs in ~~essential residential rental unit lead-safe~~ maintenance practices ~~and lead-safe renovation and requirements~~, in addition to those specified in section ~~3742.47~~ 3742.43 of the Revised Code, ~~that a program must meet to receive approval;~~ 54087
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(9) ~~The examination to be administered by a training program approved under section 3742.47 of the Revised Code and the examination's passing score~~ Procedures for post-maintenance dust sampling. 54093
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(B) The director shall establish procedures for revising its rules to ensure that the child lead poisoning prevention activities conducted under this chapter continue to meet the requirements necessary to obtain any federal funding available for those activities, including requirements established by the United States environmental protection agency, United States department of housing and urban development, or any other federal agency with jurisdiction over activities pertaining to child lead poisoning prevention. 54097
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Sec. ~~3742.51~~ 3742.46. (A) There is hereby created in the state treasury the lead poisoning prevention fund. The fund shall include all moneys appropriated to the department of health for the administration and enforcement of sections 3742.31 to ~~3742.50~~ 3742.45 of the Revised Code and the rules adopted under those sections. Any grants, contributions, or other moneys collected by the department for purposes of preventing lead poisoning shall be deposited in the state treasury to the credit of the fund. 54106
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(B) Moneys in the fund shall be used solely for the purposes of the child lead poisoning prevention program established under 54114
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section 3742.31 of the Revised Code, including providing financial assistance to individuals who are unable to pay for the following:

(1) Costs associated with obtaining lead tests and lead poisoning treatment for children under six years of age who are not covered by private medical insurance or are underinsured, are not eligible for the medicaid program or any other government health program, and do not have access to another source of funds to cover the cost of lead tests and any indicated treatments;

(2) Costs associated with having lead abatement performed or having the ~~preventive treatments~~ residential rental unit lead-safe maintenance practices specified in section ~~3742.41~~ 3742.42 of the Revised Code performed.

Sec. 3745.012. (A) The director of environmental protection shall collect all moneys for permits, licenses, plan approvals, variances, and certifications of any nature issued and administered by the environmental protection agency under Chapter 3704., 3714., 3734., 6109., or 6111. of the Revised Code. The director shall keep a record of all such moneys collected showing the amounts received, from whom, and for what purpose collected. All such moneys shall be credited to the general revenue fund, except for such moneys required to be credited to any other fund.

(B) The director may reduce or waive a fee incurred for either of the following:

(1) Submitting a late payment if the original amount has been paid in full;

(2) Responding to an emergency, including fees for the disposal of material and debris, if the governor declares a state of emergency.

Sec. 3745.016. There is hereby created in the state treasury the federally supported cleanup and response fund consisting of

money credited to the fund from federal grants, gifts, and 54146
contributions ~~to support the investigation and remediation of~~ 54147
~~contaminated property~~. The environmental protection agency shall 54148
use money in the fund to support the investigation and remediation 54149
of contaminated property and implementation of the hazardous waste 54150
provisions of Chapter 3734. of the Revised Code. 54151

Sec. 3745.018. The director of environmental protection shall 54152
establish within environmental protection the agency a division to 54153
administer the agency's financial, technical, and compliance 54154
programs to assist communities, businesses, and other regulated 54155
entities. The division shall administer all of the following: 54156

(A) State revolving wastewater and drinking water loan 54157
programs under sections 6109.22 and 6111.036 of the Revised Code; 54158

(B) Agency grant programs, including recycling and litter 54159
prevention grant programs under section 3736.05 of the Revised 54160
Code; 54161

(C) Programs for providing compliance and pollution 54162
prevention assistance to regulated entities under sections 3704.18 54163
and 3745.017 of the Revised Code; 54164

(D) Statewide source reduction, recycling, recycling market 54165
development, and litter prevention programs under section 3736.02 54166
of the Revised Code. 54167

Sec. 3745.11. (A) Applicants for and holders of permits, 54168
licenses, variances, plan approvals, and certifications issued by 54169
the director of environmental protection pursuant to Chapters 54170
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 54171
to the environmental protection agency for each such issuance and 54172
each application for an issuance as provided by this section. No 54173
fee shall be charged for any issuance for which no application has 54174

been submitted to the director. 54175

(B) Except as otherwise provided in division (C)(2) of this 54176
section, beginning July 1, 1994, each person who owns or operates 54177
an air contaminant source and who is required to apply for and 54178
obtain a Title V permit under section 3704.036 of the Revised Code 54179
shall pay the fees set forth in this division. For the purposes of 54180
this division, total emissions of air contaminants may be 54181
calculated using engineering calculations, emissions factors, 54182
material balance calculations, or performance testing procedures, 54183
as authorized by the director. 54184

The following fees shall be assessed on the total actual 54185
emissions from a source in tons per year of the regulated 54186
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 54187
organic compounds, and lead: 54188

(1) Fifteen dollars per ton on the total actual emissions of 54189
each such regulated pollutant during the period July through 54190
December 1993, to be collected no sooner than July 1, 1994; 54191

(2) Twenty dollars per ton on the total actual emissions of 54192
each such regulated pollutant during calendar year 1994, to be 54193
collected no sooner than April 15, 1995; 54194

(3) Twenty-five dollars per ton on the total actual emissions 54195
of each such regulated pollutant in calendar year 1995, and each 54196
subsequent calendar year, to be collected no sooner than the 54197
fifteenth day of April of the year next succeeding the calendar 54198
year in which the emissions occurred. 54199

The fees levied under this division do not apply to that 54200
portion of the emissions of a regulated pollutant at a facility 54201
that exceed four thousand tons during a calendar year. 54202

(C)(1) The fees assessed under division (B) of this section 54203
are for the purpose of providing funding for the Title V permit 54204
program. 54205

(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year		54235
of regulated pollutants	Annual fee	54236
emitted	per facility	54237

More than 0, but less than 50	\$ 75	54238
50 or more, but less than 100	300	54239
100 or more	700	54240

(2) Except as provided in division (D)(3) of this section, 54241
beginning January 1, 2004, each person who owns or operates an air 54242
contaminant source; who is required to apply for a permit to 54243
operate pursuant to rules adopted under division (G), or a 54244
variance pursuant to division (H), of section 3704.03 of the 54245
Revised Code; and who is not required to apply for and obtain a 54246
Title V permit under section 3704.03 of the Revised Code shall pay 54247
a single fee based upon the sum of the actual annual emissions 54248
from the facility of the regulated pollutants particulate matter, 54249
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 54250
accordance with the following schedule: 54251

Total tons per year		54252
of regulated pollutants	Annual fee	54253
emitted	per facility	54254
More than 0, but less than 10	\$ 100	54255
10 or more, but less than 50	200	54256
50 or more, but less than 100	300	54257
100 or more	700	54258

(3)(a) As used in division (D) of this section, "synthetic 54259
minor facility" means a facility for which one or more permits to 54260
install or permits to operate have been issued for the air 54261
contaminant sources at the facility that include terms and 54262
conditions that lower the facility's potential to emit air 54263
contaminants below the major source thresholds established in 54264
rules adopted under section 3704.036 of the Revised Code. 54265

(b) Beginning January 1, 2000, through June 30, ~~2018~~ 2020, 54266
each person who owns or operates a synthetic minor facility shall 54267
pay an annual fee based on the sum of the actual annual emissions 54268
from the facility of particulate matter, sulfur dioxide, nitrogen 54269

dioxide, organic compounds, and lead in accordance with the	54270	
following schedule:	54271	
Combined total tons	54272	
per year of all regulated	Annual fee	54273
pollutants emitted	per facility	54274
Less than 10	\$ 170	54275
10 or more, but less than 20	340	54276
20 or more, but less than 30	670	54277
30 or more, but less than 40	1,010	54278
40 or more, but less than 50	1,340	54279
50 or more, but less than 60	1,680	54280
60 or more, but less than 70	2,010	54281
70 or more, but less than 80	2,350	54282
80 or more, but less than 90	2,680	54283
90 or more, but less than 100	3,020	54284
100 or more	3,350	54285
(4) The fees assessed under division (D)(1) of this section	54286	
shall be collected annually no sooner than the fifteenth day of	54287	
April, commencing in 1995. The fees assessed under division (D)(2)	54288	
of this section shall be collected annually no sooner than the	54289	
fifteenth day of April, commencing in 2005. The fees assessed	54290	
under division (D)(3) of this section shall be collected no sooner	54291	
than the fifteenth day of April, commencing in 2000. The fees	54292	
assessed under division (D) of this section in a calendar year	54293	
shall be based upon the sum of the actual emissions of those	54294	
regulated pollutants during the preceding calendar year. For the	54295	
purpose of division (D) of this section, emissions of air	54296	
contaminants may be calculated using engineering calculations,	54297	
emission factors, material balance calculations, or performance	54298	
testing procedures, as authorized by the director. The director,	54299	
by rule, may require persons who are required to pay the fees	54300	
assessed under division (D) of this section to pay those fees	54301	
biennially rather than annually.	54302	

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

Input capacity (maximum)	Permit to install
(million British thermal units per hour)	
Greater than 0, but less than 10	\$ 200
10 or more, but less than 100	400

100 or more, but less than 300	1000	54334
300 or more, but less than 500	2250	54335
500 or more, but less than 1000	3750	54336
1000 or more, but less than 5000	6000	54337
5000 or more	9000	54338

Units burning exclusively natural gas, number two fuel oil,
or both shall be assessed a fee that is one-half the applicable
amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		54339
		54340
		54341
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		54342
Generating capacity (mega watts)	Permit to install	54343
0 or more, but less than 10	\$ 25	54344
10 or more, but less than 25	150	54345
25 or more, but less than 50	300	54346
50 or more, but less than 100	500	54347
100 or more, but less than 250	1000	54348
250 or more	2000	54349

(3) Incinerators		54350
Input capacity (pounds per hour)	Permit to install	54351
0 to 100	\$ 100	54352
101 to 500	500	54353
501 to 2000	1000	54354
2001 to 20,000	1500	54355
more than 20,000	3750	54356

(4)(a) Process		54357
Process weight rate (pounds per hour)	Permit to install	54358
0 to 1000	\$ 200	54359
1001 to 5000	500	54360
5001 to 10,000	750	54361
10,001 to 50,000	1000	54362
more than 50,000	1250	54363

In any process where process weight rate cannot be

ascertained, the minimum fee shall be assessed. A boiler, furnace, 54366
combustion turbine, stationary internal combustion engine, or 54367
process heater designed to provide direct heat or power to a 54368
process not designed to generate electricity shall be assessed a 54369
fee established in division (F)(4)(a) of this section. A 54370
combustion turbine or stationary internal combustion engine 54371
designed to generate electricity shall be assessed a fee 54372
established in division (F)(2) of this section. 54373

(b) Notwithstanding division (F)(4)(a) of this section, any 54374
person issued a permit to install pursuant to rules adopted under 54375
division (F) of section 3704.03 of the Revised Code shall pay the 54376
fees set forth in division (F)(4)(c) of this section for a process 54377
used in any of the following industries, as identified by the 54378
applicable two-digit, three-digit, or four-digit standard 54379
industrial classification code according to the Standard 54380
Industrial Classification Manual published by the United States 54381
office of management and budget in the executive office of the 54382
president, 1987, as revised: 54383

- Major group 10, metal mining; 54384
- Major group 12, coal mining; 54385
- Major group 14, mining and quarrying of nonmetallic minerals; 54386
- Industry group 204, grain mill products; 54387
- 2873 Nitrogen fertilizers; 54388
- 2874 Phosphatic fertilizers; 54389
- 3281 Cut stone and stone products; 54390
- 3295 Minerals and earth, ground or otherwise treated; 54391
- 4221 Grain elevators (storage only); 54392
- 5159 Farm related raw materials; 54393
- 5261 Retail nurseries and lawn and garden supply stores. 54394

(c) The fees set forth in the following schedule apply to the		54395
issuance of a permit to install pursuant to rules adopted under		54396
division (F) of section 3704.03 of the Revised Code for a process		54397
identified in division (F)(4)(b) of this section:		54398
Process weight rate (pounds per	Permit to install	54399
hour)		
0 to 10,000	\$ 200	54400
10,001 to 50,000	400	54401
50,001 to 100,000	500	54402
100,001 to 200,000	600	54403
200,001 to 400,000	750	54404
400,001 or more	900	54405
(5) Storage tanks		54406
Gallons (maximum useful capacity)	Permit to install	54407
0 to 20,000	\$ 100	54408
20,001 to 40,000	150	54409
40,001 to 100,000	250	54410
100,001 to 500,000	400	54411
500,001 or greater	750	54412
(6) Gasoline/fuel dispensing facilities		54413
For each gasoline/fuel		54414
dispensing facility (includes all	Permit to install	54415
units at the facility)	\$ 100	54416
(7) Dry cleaning facilities		54417
For each dry cleaning		54418
facility (includes all units	Permit to install	54419
at the facility)	\$ 100	54420
(8) Registration status		54421
For each source covered	Permit to install	54422
by registration status	\$ 75	54423
(G) An owner or operator who is responsible for an asbestos		54424

demolition or renovation project pursuant to rules adopted under 54425
section 3704.03 of the Revised Code shall pay, upon submitting a 54426
notification pursuant to rules adopted under that section, the 54427
fees set forth in the following schedule: 54428

Action	Fee	
Each notification	\$75	54429
Asbestos removal	\$3/unit	54430
Asbestos cleanup	\$4/cubic yard	54431

For purposes of this division, "unit" means any combination of 54432
linear feet or square feet equal to fifty. 54433

(H) A person who is issued an extension of time for a permit 54434
to install an air contaminant source pursuant to rules adopted 54435
under division (F) of section 3704.03 of the Revised Code shall 54436
pay a fee equal to one-half the fee originally assessed for the 54437
permit to install under this section, except that the fee for such 54438
an extension shall not exceed two hundred dollars. 54439
54440

(I) A person who is issued a modification to a permit to 54441
install an air contaminant source pursuant to rules adopted under 54442
section 3704.03 of the Revised Code shall pay a fee equal to 54443
one-half of the fee that would be assessed under this section to 54444
obtain a permit to install the source. The fee assessed by this 54445
division only applies to modifications that are initiated by the 54446
owner or operator of the source and shall not exceed two thousand 54447
dollars. 54448

(J) Notwithstanding division (F) of this section, a person 54449
who applies for or obtains a permit to install pursuant to rules 54450
adopted under division (F) of section 3704.03 of the Revised Code 54451
after the date actual construction of the source began shall pay a 54452
fee for the permit to install that is equal to twice the fee that 54453
otherwise would be assessed under the applicable division unless 54454
the applicant received authorization to begin construction under 54455
division (W) of section 3704.03 of the Revised Code. This division 54456

only applies to sources for which actual construction of the 54457
source begins on or after July 1, 1993. The imposition or payment 54458
of the fee established in this division does not preclude the 54459
director from taking any administrative or judicial enforcement 54460
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 54461
of the Revised Code, or a rule adopted under any of them, in 54462
connection with a violation of rules adopted under division (F) of 54463
section 3704.03 of the Revised Code. 54464

As used in this division, "actual construction of the source" 54465
means the initiation of physical on-site construction activities 54466
in connection with improvements to the source that are permanent 54467
in nature, including, without limitation, the installation of 54468
building supports and foundations and the laying of underground 54469
pipework. 54470

(K)(1) Money received under division (B) of this section 54471
shall be deposited in the state treasury to the credit of the 54472
Title V clean air fund created in section 3704.035 of the Revised 54473
Code. Annually, not more than fifty cents per ton of each fee 54474
assessed under division (B) of this section on actual emissions 54475
from a source and received by the environmental protection agency 54476
pursuant to that division ~~shall~~ may be transferred by the director 54477
using an interstate transfer voucher to the state treasury to the 54478
credit of the small business assistance fund created in section 54479
3706.19 of the Revised Code. In addition, annually, the amount of 54480
money necessary for the operation of the office of ombudsperson as 54481
determined under division (B) of that section shall be transferred 54482
to the state treasury to the credit of the small business 54483
ombudsperson fund created by that section. 54484

(2) Money received by the agency pursuant to divisions (D), 54485
(F), (G), (H), (I), and (J) of this section shall be deposited in 54486
the state treasury to the credit of the non-Title V clean air fund 54487
created in section 3704.035 of the Revised Code. 54488

~~(L)(1)(a) Except as otherwise provided in division (L)(1)(b) or (c) of this section, a person issued a water discharge permit or renewal of a water discharge permit pursuant to Chapter 6111. of the Revised Code shall pay a fee based on each point source to which the issuance is applicable in accordance with the following schedule:~~

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	54496
1,001 to 5000	100	54497
5,001 to 50,000	200	54498
50,001 to 100,000	300	54499
100,001 to 300,000	525	54500
over 300,000	750	54501

~~(b) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit that is applicable to coal mining operations regulated under Chapter 1513. of the Revised Code shall be two hundred fifty dollars per mine.~~

~~(c) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit for a public discharger identified by I in the third character of the permittee's NPDES permit number shall not exceed seven hundred fifty dollars.~~

~~(2) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2018~~ 2020, and a nonrefundable application fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2018~~ 2020, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2018~~ 2020, and~~

five thousand dollars on and after July 1, ~~2018~~ 2020. The fee 54521
shall be paid at the time the application is submitted. 54522

~~(3) A person issued a modification of a water discharge 54523
permit shall pay a fee equal to one half the fee that otherwise 54524
would be charged for a water discharge permit, except that the fee 54525
for the modification shall not exceed four hundred dollars. 54526~~

~~(4)~~(2) A person who has entered into an agreement with the 54527
director under section 6111.14 of the Revised Code shall pay an 54528
administrative service fee for each plan submitted under that 54529
section for approval that shall not exceed the minimum amount 54530
necessary to pay administrative costs directly attributable to 54531
processing plan approvals. The director annually shall calculate 54532
the fee and shall notify all persons who have entered into 54533
agreements under that section, or who have applied for agreements, 54534
of the amount of the fee. 54535

~~(5)~~(3)(a)(i) Not later than January 30, ~~2016~~ 2018, and 54536
January 30, ~~2017~~ 2019, a person holding an NPDES discharge permit 54537
issued pursuant to Chapter 6111. of the Revised Code with an 54538
average daily discharge flow of five thousand gallons or more 54539
shall pay a nonrefundable annual discharge fee. Any person who 54540
fails to pay the fee at that time shall pay an additional amount 54541
that equals ten per cent of the required annual discharge fee. 54542

(ii) The billing year for the annual discharge fee 54543
established in division (L)~~(5)~~(3)(a)(i) of this section shall 54544
consist of a twelve-month period beginning on the first day of 54545
January of the year preceding the date when the annual discharge 54546
fee is due. In the case of an existing source that permanently 54547
ceases to discharge during a billing year, the director shall 54548
reduce the annual discharge fee, including the surcharge 54549
applicable to certain industrial facilities pursuant to division 54550
(L)~~(5)~~(3)(c) of this section, by one-twelfth for each full month 54551
during the billing year that the source was not discharging, but 54552

only if the person holding the NPDES discharge permit for the 54553
source notifies the director in writing, not later than the first 54554
day of October of the billing year, of the circumstances causing 54555
the cessation of discharge. 54556

(iii) The annual discharge fee established in division 54557
(L)~~(5)~~(3)(a)(i) of this section, except for the surcharge 54558
applicable to certain industrial facilities pursuant to division 54559
(L)~~(5)~~(3)(c) of this section, shall be based upon the average 54560
daily discharge flow in gallons per day calculated using first day 54561
of May through thirty-first day of October flow data for the 54562
period two years prior to the date on which the fee is due. In the 54563
case of NPDES discharge permits for new sources, the fee shall be 54564
calculated using the average daily design flow of the facility 54565
until actual average daily discharge flow values are available for 54566
the time period specified in division (L)~~(5)~~(3)(a)(iii) of this 54567
section. The annual discharge fee may be prorated for a new source 54568
as described in division (L)~~(5)~~(3)(a)(ii) of this section. 54569

(b)(i) An NPDES permit holder that is a public discharger 54570
shall pay the fee specified in the following schedule: 54571

Average daily	Fee due by	
discharge flow	January 30,	
	2016 <u>2018</u> , and	
	January 30, 2017	
	<u>2019</u>	
5,000 to 49,999	\$ 200	54576
50,000 to 100,000	500	54577
100,001 to 250,000	1,050	54578
250,001 to 1,000,000	2,600	54579
1,000,001 to 5,000,000	5,200	54580
5,000,001 to 10,000,000	10,350	54581
10,000,001 to 20,000,000	15,550	54582
20,000,001 to 50,000,000	25,900	54583

50,000,001 to 100,000,000	41,400	54584
100,000,001 or more	62,100	54585

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)~~(5)~~(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by	
	January 30,	54598
	2016 2018, and	54599
	January 30, 2017	54600
	2019	54601
5,000 to 49,999	\$ 250	54602
50,000 to 250,000	1,200	54603
250,001 to 1,000,000	2,950	54604
1,000,001 to 5,000,000	5,850	54605
5,000,001 to 10,000,000	8,800	54606
10,000,001 to 20,000,000	11,700	54607
20,000,001 to 100,000,000	14,050	54608
100,000,001 to 250,000,000	16,400	54609
250,000,001 or more	18,700	54610

(ii) In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)~~(5)~~(3)(a)(ii) of this

section shall pay a nonrefundable annual surcharge of seven 54615
thousand five hundred dollars not later than January 30, ~~2016~~ 54616
2018, and not later than January 30, ~~2017~~ 2019. Any person who 54617
fails to pay the surcharge at that time shall pay an additional 54618
amount that equals ten per cent of the amount of the surcharge. 54619

(d) Notwithstanding divisions (L)~~(5)~~(3)(b) and (c) of this 54620
section, a public discharger, that is not a separate municipal 54621
storm sewer system, identified by I in the third character of the 54622
permittee's NPDES permit number and an industrial discharger 54623
identified by I, J, L, V, W, X, Y, or Z in the third character of 54624
the permittee's NPDES permit number shall pay a nonrefundable 54625
annual discharge fee of one hundred eighty dollars not later than 54626
January 30, ~~2016~~ 2018, and not later than January 30, ~~2017~~ 2019. 54627
Any person who fails to pay the fee at that time shall pay an 54628
additional amount that equals ten per cent of the required fee. 54629

~~(6)~~(4) Each person obtaining a ~~national pollutant discharge~~ 54630
~~elimination system general or individual~~ an NPDES permit for 54631
municipal storm water discharge shall pay a nonrefundable storm 54632
water annual discharge fee of ~~one hundred~~ ten dollars per 54633
one-tenth of a square mile of area permitted. The fee shall not 54634
exceed ten thousand dollars and shall be payable on or before 54635
January 30, 2004, and the thirtieth day of January of each year 54636
thereafter. Any person who fails to pay the fee on the date 54637
specified in division (L)~~(6)~~(4) of this section shall pay an 54638
additional amount per year equal to ten per cent of the annual fee 54639
that is unpaid. 54640

~~(7)~~(5) The director shall transmit all moneys collected under 54641
division (L) of this section to the treasurer of state for deposit 54642
into the state treasury to the credit of the surface water 54643
protection fund created in section 6111.038 of the Revised Code. 54644

~~(8)~~(6) As used in ~~division (L)~~ of this section: 54645

(a) "NPDES" means the federally approved national pollutant discharge elimination system individual and general program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, ~~2018~~ 2020, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community

water system as defined in section 6109.01 of the Revised Code, 54677
and for each license renewal required for such a system prior to 54678
January 31, ~~2018~~ 2020, the fee is: 54679

Number of service connections	Fee amount	
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Not more than 49	\$ 112	54681
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50 to 99	176	54682
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Number of service connections	Average cost per connection	
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100 to 2,499	\$ 1.92	54684
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2,500 to 4,999	1.48	54685
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5,000 to 7,499	1.42	54686
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7,500 to 9,999	1.34	54687
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10,000 to 14,999	1.16	54688
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15,000 to 24,999	1.10	54689
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25,000 to 49,999	1.04	54690
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50,000 to 99,999	.92	54691
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100,000 to 149,999	.86	54692
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150,000 to 199,999	.80	54693
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200,000 or more	.76	54694
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A public water system may determine how it will pay the total 54695
amount of the fee calculated under division (M)(1) of this 54696
section, including the assessment of additional user fees that may 54697
be assessed on a volumetric basis. 54698

As used in division (M)(1) of this section, "service 54699
connection" means the number of active or inactive pipes, 54700
goosenecks, pigtails, and any other fittings connecting a water 54701
main to any building outlet. 54702

(2) For the initial license required under section 6109.21 of 54703
the Revised Code for any public water system that is not a 54704
community water system and serves a nontransient population, and 54705
for each license renewal required for such a system prior to 54706
January 31, ~~2018~~ 2020, the fee is: 54707

Population served	Fee amount	
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Fewer than 150	\$ 112	54709
150 to 299	176	54710
300 to 749	384	54711
750 to 1,499	628	54712
1,500 to 2,999	1,268	54713
3,000 to 7,499	2,816	54714
7,500 to 14,999	5,510	54715
15,000 to 22,499	9,048	54716
22,500 to 29,999	12,430	54717
30,000 or more	16,820	54718

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2018~~ 2020, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	54731
2	112	54732
3	176	54733
4	278	54734
5	568	54735
System designated as using a surface water source	792	54736

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means

those wells or sources that are physically connected to the 54740
plumbing system serving the public water system. 54741

(4) A public water system designated as using a surface water 54742
source shall pay a fee of seven hundred ninety-two dollars or the 54743
amount calculated under division (M)(1) or (2) of this section, 54744
whichever is greater. 54745

(5) An applicant for an initial license who is proposing to 54746
operate a new public water supply system shall submit a fee that 54747
equals a prorated amount of the appropriate fee for the remainder 54748
of the licensing year. 54749

(N)(1) A person applying for a plan approval for a public 54750
water supply system under section 6109.07 of the Revised Code 54751
shall pay a fee of one hundred fifty dollars plus thirty-five 54752
hundredths of one per cent of the estimated project cost, except 54753
that the total fee shall not exceed twenty thousand dollars 54754
through June 30, ~~2018~~ 2020, and fifteen thousand dollars on and 54755
after July 1, ~~2018~~ 2020. The fee shall be paid at the time the 54756
application is submitted. 54757

(2) A person who has entered into an agreement with the 54758
director under division (A)(2) of section 6109.07 of the Revised 54759
Code shall pay an administrative service fee for each plan 54760
submitted under that section for approval that shall not exceed 54761
the minimum amount necessary to pay administrative costs directly 54762
attributable to processing plan approvals. The director annually 54763
shall calculate the fee and shall notify all persons that have 54764
entered into agreements under that division, or who have applied 54765
for agreements, of the amount of the fee. 54766

(3) Through June 30, ~~2018~~ 2020, the following fee, on a per 54767
survey basis, shall be charged any person for services rendered by 54768
the state in the evaluation of laboratories and laboratory 54769
personnel for compliance with accepted analytical techniques and 54770

procedures established pursuant to Chapter 6109. of the Revised		54771
Code for determining the qualitative characteristics of water:		54772
microbiological		54773
MMO-MUG	\$2,000	54774
MF	2,100	54775
MMO-MUG and MF	2,550	54776
organic chemical	5,400	54777
trace metals	5,400	54778
standard chemistry	2,800	54779
limited chemistry	1,550	54780

On and after July 1, ~~2018~~ 2020, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	54783
organic chemicals	3,500	54784
trace metals	3,500	54785
standard chemistry	1,800	54786
limited chemistry	1,000	54787

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2018~~ 2020, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration. 54796
- (b) "MMO" means minimal medium ONPG. 54797
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 54798
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 54799

The director shall transmit all moneys collected under this 54800

division to the treasurer of state for deposit into the drinking 54801
water protection fund created in section 6109.30 of the Revised 54802
Code. 54803

(O) Any person applying to the director to take an 54804
examination for certification as an operator of a water supply 54805
system or wastewater system under Chapter 6109. or 6111. of the 54806
Revised Code that is administered by the director, at the time the 54807
application is submitted, shall pay a fee in accordance with the 54808
following schedule through November 30, ~~2018~~ 2020: 54809

Class A operator	\$ 80	54810
Class I operator	105	54811
Class II operator	120	54812
Class III operator	130	54813
Class IV operator	145	54814

On and after December 1, ~~2018~~ 2020, the applicant shall pay a 54815
fee in accordance with the following schedule: 54816

Class A operator	\$ 50	54817
Class I operator	70	54818
Class II operator	80	54819
Class III operator	90	54820
Class IV operator	100	54821

Any person applying to the director for certification as an 54822
operator of a water supply system or wastewater system who has 54823
passed an examination administered by an examination provider 54824
approved by the director shall pay a certification fee of 54825
forty-five dollars. 54826

A person shall pay a biennial certification renewal fee for 54827
each applicable class of certification in accordance with the 54828
following schedule: 54829

Class A operator	\$25	54830
Class I operator	35	54831

Class II operator	45	54832
Class III operator	55	54833
Class IV operator	65	54834

If a certification renewal fee is received by the director 54835
more than thirty days, but not more than one year, after the 54836
expiration date of the certification, the person shall pay a 54837
certification renewal fee in accordance with the following 54838
schedule: 54839

Class A operator	\$45	54840
Class I operator	55	54841
Class II operator	65	54842
Class III operator	75	54843
Class IV operator	85	54844

A person who requests a replacement certificate shall pay a 54845
fee of twenty-five dollars at the time the request is made. 54846

Any person applying to be a water supply system or wastewater 54847
treatment system examination provider shall pay an application fee 54848
of five hundred dollars. Any person approved by the director as a 54849
water supply system or wastewater treatment system examination 54850
provider shall pay an annual fee that is equal to ten per cent of 54851
the fees that the provider assesses and collects for administering 54852
water supply system or wastewater treatment system certification 54853
examinations in this state for the calendar year. The fee shall be 54854
paid not later than forty-five days after the end of a calendar 54855
year. 54856

The director shall transmit all moneys collected under this 54857
division to the treasurer of state for deposit into the drinking 54858
water protection fund created in section 6109.30 of the Revised 54859
Code. 54860

(P) Any person submitting an application for an industrial 54861
water pollution control certificate under section 6111.31 of the 54862
Revised Code, as that section existed before its repeal by H.B. 95 54863

of the 125th general assembly, shall pay a nonrefundable fee of 54864
five hundred dollars at the time the application is submitted. The 54865
director shall transmit all moneys collected under this division 54866
to the treasurer of state for deposit into the surface water 54867
protection fund created in section 6111.038 of the Revised Code. A 54868
person paying a certificate fee under this division shall not pay 54869
an application fee under division (S)(1) of this section. On and 54870
after June 26, 2003, persons shall file such applications and pay 54871
the fee as required under sections 5709.20 to 5709.27 of the 54872
Revised Code, and proceeds from the fee shall be credited as 54873
provided in section 5709.212 of the Revised Code. 54874

(Q) Except as otherwise provided in division (R) of this 54875
section, a person issued a permit by the director for a new solid 54876
waste disposal facility other than an incineration or composting 54877
facility, a new infectious waste treatment facility other than an 54878
incineration facility, or a modification of such an existing 54879
facility that includes an increase in the total disposal or 54880
treatment capacity of the facility pursuant to Chapter 3734. of 54881
the Revised Code shall pay a fee of ten dollars per thousand cubic 54882
yards of disposal or treatment capacity, or one thousand dollars, 54883
whichever is greater, except that the total fee for any such 54884
permit shall not exceed eighty thousand dollars. A person issued a 54885
modification of a permit for a solid waste disposal facility or an 54886
infectious waste treatment facility that does not involve an 54887
increase in the total disposal or treatment capacity of the 54888
facility shall pay a fee of one thousand dollars. A person issued 54889
a permit to install a new, or modify an existing, solid waste 54890
transfer facility under that chapter shall pay a fee of two 54891
thousand five hundred dollars. A person issued a permit to install 54892
a new or to modify an existing solid waste incineration or 54893
composting facility, or an existing infectious waste treatment 54894
facility using incineration as its principal method of treatment, 54895
under that chapter shall pay a fee of one thousand dollars. The 54896

increases in the permit fees under this division resulting from 54897
the amendments made by Amended Substitute House Bill 592 of the 54898
117th general assembly do not apply to any person who submitted an 54899
application for a permit to install a new, or modify an existing, 54900
solid waste disposal facility under that chapter prior to 54901
September 1, 1987; any such person shall pay the permit fee 54902
established in this division as it existed prior to June 24, 1988. 54903
In addition to the applicable permit fee under this division, a 54904
person issued a permit to install or modify a solid waste facility 54905
or an infectious waste treatment facility under that chapter who 54906
fails to pay the permit fee to the director in compliance with 54907
division (V) of this section shall pay an additional ten per cent 54908
of the amount of the fee for each week that the permit fee is 54909
late. 54910

Permit and late payment fees paid to the director under this 54911
division shall be credited to the general revenue fund. 54912

(R)(1) A person issued a registration certificate for a scrap 54913
tire collection facility under section 3734.75 of the Revised Code 54914
shall pay a fee of two hundred dollars, except that if the 54915
facility is owned or operated by a motor vehicle salvage dealer 54916
licensed under Chapter 4738. of the Revised Code, the person shall 54917
pay a fee of twenty-five dollars. 54918

(2) A person issued a registration certificate for a new 54919
scrap tire storage facility under section 3734.76 of the Revised 54920
Code shall pay a fee of three hundred dollars, except that if the 54921
facility is owned or operated by a motor vehicle salvage dealer 54922
licensed under Chapter 4738. of the Revised Code, the person shall 54923
pay a fee of twenty-five dollars. 54924

(3) A person issued a permit for a scrap tire storage 54925
facility under section 3734.76 of the Revised Code shall pay a fee 54926
of one thousand dollars, except that if the facility is owned or 54927
operated by a motor vehicle salvage dealer licensed under Chapter 54928

4738. of the Revised Code, the person shall pay a fee of fifty 54929
dollars. 54930

(4) A person issued a permit for a scrap tire monocell or 54931
monofill facility under section 3734.77 of the Revised Code shall 54932
pay a fee of ten dollars per thousand cubic yards of disposal 54933
capacity or one thousand dollars, whichever is greater, except 54934
that the total fee for any such permit shall not exceed eighty 54935
thousand dollars. 54936

(5) A person issued a registration certificate for a scrap 54937
tire recovery facility under section 3734.78 of the Revised Code 54938
shall pay a fee of one hundred dollars. 54939

(6) A person issued a permit for a scrap tire recovery 54940
facility under section 3734.78 of the Revised Code shall pay a fee 54941
of one thousand dollars. 54942

(7) In addition to the applicable registration certificate or 54943
permit fee under divisions (R)(1) to (6) of this section, a person 54944
issued a registration certificate or permit for any such scrap 54945
tire facility who fails to pay the registration certificate or 54946
permit fee to the director in compliance with division (V) of this 54947
section shall pay an additional ten per cent of the amount of the 54948
fee for each week that the fee is late. 54949

(8) The registration certificate, permit, and late payment 54950
fees paid to the director under divisions (R)(1) to (7) of this 54951
section shall be credited to the scrap tire management fund 54952
created in section 3734.82 of the Revised Code. 54953

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 54954
(P), and (S)(2) of this section, division (A)(2) of section 54955
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 54956
and rules adopted under division (T)(1) of this section, any 54957
person applying for a registration certificate under section 54958
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 54959

variance, or plan approval under Chapter 3734. of the Revised Code 54960
shall pay a nonrefundable fee of fifteen dollars at the time the 54961
application is submitted. 54962

(b) Except as otherwise provided, any person applying for a 54963
permit, variance, or plan approval under Chapter 6109. or 6111. of 54964
the Revised Code shall pay a nonrefundable application fee of one 54965
hundred dollars at the time the application is submitted through 54966
June 30, ~~2018~~ 2020, and a nonrefundable application fee of fifteen 54967
dollars at the time the application is submitted on and after July 54968
1, ~~2018~~ 2020. ~~Except~~ 54969

(c)(i) ~~Except as otherwise provided in division divisions~~ 54970
~~(S)(3)(1)(c)(iii) and (iv) of this section, through June 30, 2018~~ 54971
~~2020, any person applying for a national pollutant discharge~~ 54972
~~elimination system~~ an NPDES permit under Chapter 6111. of the 54973
Revised Code shall pay a nonrefundable application fee of two 54974
hundred dollars at the time of application for the permit. On and 54975
after July 1, ~~2018~~ 2020, such a person shall pay a nonrefundable 54976
application fee of fifteen dollars at the time of application. 54977

(ii) In addition to the nonrefundable application fee, any 54978
person applying for an NPDES permit under Chapter 6111. of the 54979
Revised Code shall pay a design flow discharge fee based on each 54980
point source to which the issuance is applicable in accordance 54981
with the following schedule: 54982

<u>Design flow discharge (gallons per day)</u>	<u>Fee</u>	
<u>0 to 1000</u>	<u>\$ 0</u>	54984
<u>1,001 to 5000</u>	<u>100</u>	54985
<u>5,001 to 50,000</u>	<u>200</u>	54986
<u>50,001 to 100,000</u>	<u>300</u>	54987
<u>100,001 to 300,000</u>	<u>525</u>	54988
<u>over 300,000</u>	<u>750</u>	54989

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 54990
section, the application and design flow discharge fee for an 54991

NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

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(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

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(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

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(d) In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for a ~~national pollutant discharge elimination system~~ an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for a ~~national pollutant discharge elimination system~~ an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

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(e) The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

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(f) The director shall transmit all moneys collected under 55023
division (S)(1) of this section pursuant to Chapter 6111. of the 55024
Revised Code and under division (S)(3) of this section to the 55025
treasurer of state for deposit into the surface water protection 55026
fund created in section 6111.038 of the Revised Code. 55027

(g) If a registration certificate is issued under section 55028
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 55029
the application fee paid shall be deducted from the amount of the 55030
registration certificate fee due under division (R)(1), (2), or 55031
(5) of this section, as applicable. 55032

(h) If a person submits an electronic application for a 55033
registration certificate, permit, variance, or plan approval for 55034
which an application fee is established under division (S)(1) of 55035
this section, the person shall pay ~~the~~ all applicable ~~application~~ 55036
~~fee fees~~ as expeditiously as possible after the submission of the 55037
electronic application. An application for a registration 55038
certificate, permit, variance, or plan approval for which an 55039
application fee is established under division (S)(1) of this 55040
section shall not be reviewed or processed until the applicable 55041
application fee, and any other fees established under this 55042
division, are paid. 55043

(2) Division (S)(1) of this section does not apply to an 55044
application for a registration certificate for a scrap tire 55045
collection or storage facility submitted under section 3734.75 or 55046
3734.76 of the Revised Code, as applicable, if the owner or 55047
operator of the facility or proposed facility is a motor vehicle 55048
salvage dealer licensed under Chapter 4738. of the Revised Code. 55049

(3) A person applying for coverage under ~~a national pollutant~~ 55050
~~discharge elimination system~~ an NPDES general discharge permit for 55051
household sewage treatment systems shall pay the following fees: 55052

(a) A nonrefundable fee of two hundred dollars at the time of 55053

application for initial permit coverage; 55054

(b) A nonrefundable fee of one hundred dollars at the time of 55055
application for a renewal of permit coverage. 55056

(T) The director may adopt, amend, and rescind rules in 55057
accordance with Chapter 119. of the Revised Code that do all of 55058
the following: 55059

(1) Prescribe fees to be paid by applicants for and holders 55060
of any license, permit, variance, plan approval, or certification 55061
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 55062
the Revised Code that are not specifically established in this 55063
section. The fees shall be designed to defray the cost of 55064
processing, issuing, revoking, modifying, denying, and enforcing 55065
the licenses, permits, variances, plan approvals, and 55066
certifications. 55067

The director shall transmit all moneys collected under rules 55068
adopted under division (T)(1) of this section pursuant to Chapter 55069
6109. of the Revised Code to the treasurer of state for deposit 55070
into the drinking water protection fund created in section 6109.30 55071
of the Revised Code. 55072

The director shall transmit all moneys collected under rules 55073
adopted under division (T)(1) of this section pursuant to Chapter 55074
6111. of the Revised Code to the treasurer of state for deposit 55075
into the surface water protection fund created in section 6111.038 55076
of the Revised Code. 55077

(2) Exempt the state and political subdivisions thereof, 55078
including education facilities or medical facilities owned by the 55079
state or a political subdivision, or any person exempted from 55080
taxation by section 5709.07 or 5709.12 of the Revised Code, from 55081
any fee required by this section; 55082

(3) Provide for the waiver of any fee, or any part thereof, 55083
otherwise required by this section whenever the director 55084

determines that the imposition of the fee would constitute an 55085
unreasonable cost of doing business for any applicant, class of 55086
applicants, or other person subject to the fee; 55087

(4) Prescribe measures that the director considers necessary 55088
to carry out this section. 55089

(U) When the director reasonably demonstrates that the direct 55090
cost to the state associated with the issuance of a permit ~~to~~ 55091
~~install~~, license, variance, plan approval, or certification 55092
exceeds the fee for the issuance or review specified by this 55093
section, the director may condition the issuance or review on the 55094
payment by the person receiving the issuance or review of, in 55095
addition to the fee specified by this section, the amount, or any 55096
portion thereof, in excess of the fee specified under this 55097
section. The director shall not so condition issuances for which a 55098
fee is prescribed in division ~~(L)(1)(b)~~(S)(1)(c)(iii) of this 55099
section. 55100

(V) Except as provided in divisions (L), (M), ~~and~~ (P), and 55101
(S) of this section or unless otherwise prescribed by a rule of 55102
the director adopted pursuant to Chapter 119. of the Revised Code, 55103
all fees required by this section are payable within thirty days 55104
after the issuance of an invoice for the fee by the director or 55105
the effective date of the issuance of the license, permit, 55106
variance, plan approval, or certification. If payment is late, the 55107
person responsible for payment of the fee shall pay an additional 55108
ten per cent of the amount due for each month that it is late. 55109

(W) As used in this section, "fuel-burning equipment," 55110
"fuel-burning equipment input capacity," "incinerator," 55111
"incinerator input capacity," "process," "process weight rate," 55112
"storage tank," "gasoline dispensing facility," "dry cleaning 55113
facility," "design flow discharge," and "new source treatment 55114
works" have the meanings ascribed to those terms by applicable 55115
rules or standards adopted by the director under Chapter 3704. or 55116

6111. of the Revised Code.	55117
(X) As used in divisions (B), (D), (E), (F), (H), (I), and	55118
(J) of this section, and in any other provision of this section	55119
pertaining to fees paid pursuant to Chapter 3704. of the Revised	55120
Code:	55121
(1) "Facility," "federal Clean Air Act," "person," and "Title	55122
V permit" have the same meanings as in section 3704.01 of the	55123
Revised Code.	55124
(2) "Title V permit program" means the following activities	55125
as necessary to meet the requirements of Title V of the federal	55126
Clean Air Act and 40 C.F.R. part 70, including at least:	55127
(a) Preparing and adopting, if applicable, generally	55128
applicable rules or guidance regarding the permit program or its	55129
implementation or enforcement;	55130
(b) Reviewing and acting on any application for a Title V	55131
permit, permit revision, or permit renewal, including the	55132
development of an applicable requirement as part of the processing	55133
of a permit, permit revision, or permit renewal;	55134
(c) Administering the permit program, including the	55135
supporting and tracking of permit applications, compliance	55136
certification, and related data entry;	55137
(d) Determining which sources are subject to the program and	55138
implementing and enforcing the terms of any Title V permit, not	55139
including any court actions or other formal enforcement actions;	55140
(e) Emission and ambient monitoring;	55141
(f) Modeling, analyses, or demonstrations;	55142
(g) Preparing inventories and tracking emissions;	55143
(h) Providing direct and indirect support to small business	55144
stationary sources to determine and meet their obligations under	55145
the federal Clean Air Act pursuant to the small business	55146

stationary source technical and environmental compliance 55147
assistance program required by section 507 of that act and 55148
established in sections 3704.18, 3704.19, and 3706.19 of the 55149
Revised Code. 55150

(3) "Organic compound" means any chemical compound of carbon, 55151
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 55152
carbides or carbonates, and ammonium carbonate. 55153

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 55154
of this section, each sewage sludge facility shall pay a 55155
nonrefundable annual sludge fee equal to three dollars and fifty 55156
cents per dry ton of sewage sludge, including the dry tons of 55157
sewage sludge in materials derived from sewage sludge, that the 55158
sewage sludge facility treats or disposes of in this state. The 55159
annual volume of sewage sludge treated or disposed of by a sewage 55160
sludge facility shall be calculated using the first day of January 55161
through the thirty-first day of December of the calendar year 55162
preceding the date on which payment of the fee is due. 55163

(2)(a) Except as provided in division (Y)(2)(d) of this 55164
section, each sewage sludge facility shall pay a minimum annual 55165
sewage sludge fee of one hundred dollars. 55166

(b) The annual sludge fee required to be paid by a sewage 55167
sludge facility that treats or disposes of exceptional quality 55168
sludge in this state shall be thirty-five per cent less per dry 55169
ton of exceptional quality sludge than the fee assessed under 55170
division (Y)(1) of this section, subject to the following 55171
exceptions: 55172

(i) Except as provided in division (Y)(2)(d) of this section, 55173
a sewage sludge facility that treats or disposes of exceptional 55174
quality sludge shall pay a minimum annual sewage sludge fee of one 55175
hundred dollars. 55176

(ii) A sewage sludge facility that treats or disposes of 55177

exceptional quality sludge shall not be required to pay the annual 55178
sludge fee for treatment or disposal in this state of exceptional 55179
quality sludge generated outside of this state and contained in 55180
bags or other containers not greater than one hundred pounds in 55181
capacity. 55182

A thirty-five per cent reduction for exceptional quality 55183
sludge applies to the maximum annual fees established under 55184
division (Y)(3) of this section. 55185

(c) A sewage sludge facility that transfers sewage sludge to 55186
another sewage sludge facility in this state for further treatment 55187
prior to disposal in this state shall not be required to pay the 55188
annual sludge fee for the tons of sewage sludge that have been 55189
transferred. In such a case, the sewage sludge facility that 55190
disposes of the sewage sludge shall pay the annual sludge fee. 55191
However, the facility transferring the sewage sludge shall pay the 55192
one-hundred-dollar minimum fee required under division (Y)(2)(a) 55193
of this section. 55194

In the case of a sewage sludge facility that treats sewage 55195
sludge in this state and transfers it out of this state to another 55196
entity for disposal, the sewage sludge facility in this state 55197
shall be required to pay the annual sludge fee for the tons of 55198
sewage sludge that have been transferred. 55199

(d) A sewage sludge facility that generates sewage sludge 55200
resulting from an average daily discharge flow of less than five 55201
thousand gallons per day is not subject to the fees assessed under 55202
division (Y) of this section. 55203

(3) No sewage sludge facility required to pay the annual 55204
sludge fee shall be required to pay more than the maximum annual 55205
fee for each disposal method that the sewage sludge facility uses. 55206
The maximum annual fee does not include the additional amount that 55207
may be charged under division (Y)(5) of this section for late 55208

payment of the annual sludge fee. The maximum annual fee for the 55209
following methods of disposal of sewage sludge is as follows: 55210

(a) Incineration: five thousand dollars; 55211

(b) Preexisting land reclamation project or disposal in a 55212
landfill: five thousand dollars; 55213

(c) Land application, land reclamation, surface disposal, or 55214
any other disposal method not specified in division (Y)(3)(a) or 55215
(b) of this section: twenty thousand dollars. 55216

(4)(a) In the case of an entity that generates sewage sludge 55217
or a sewage sludge facility that treats sewage sludge and 55218
transfers the sewage sludge to an incineration facility for 55219
disposal, the incineration facility, and not the entity generating 55220
the sewage sludge or the sewage sludge facility treating the 55221
sewage sludge, shall pay the annual sludge fee for the tons of 55222
sewage sludge that are transferred. However, the entity or 55223
facility generating or treating the sewage sludge shall pay the 55224
one-hundred-dollar minimum fee required under division (Y)(2)(a) 55225
of this section. 55226

(b) In the case of an entity that generates sewage sludge and 55227
transfers the sewage sludge to a landfill for disposal or to a 55228
sewage sludge facility for land reclamation or surface disposal, 55229
the entity generating the sewage sludge, and not the landfill or 55230
sewage sludge facility, shall pay the annual sludge fee for the 55231
tons of sewage sludge that are transferred. 55232

(5) Not later than the first day of April of the calendar 55233
year following March 17, 2000, and each first day of April 55234
thereafter, the director shall issue invoices to persons who are 55235
required to pay the annual sludge fee. The invoice shall identify 55236
the nature and amount of the annual sludge fee assessed and state 55237
the first day of May as the deadline for receipt by the director 55238
of objections regarding the amount of the fee and the first day of 55239

July as the deadline for payment of the fee. 55240

Not later than the first day of May following receipt of an 55241
invoice, a person required to pay the annual sludge fee may submit 55242
objections to the director concerning the accuracy of information 55243
regarding the number of dry tons of sewage sludge used to 55244
calculate the amount of the annual sludge fee or regarding whether 55245
the sewage sludge qualifies for the exceptional quality sludge 55246
discount established in division (Y)(2)(b) of this section. The 55247
director may consider the objections and adjust the amount of the 55248
fee to ensure that it is accurate. 55249

If the director does not adjust the amount of the annual 55250
sludge fee in response to a person's objections, the person may 55251
appeal the director's determination in accordance with Chapter 55252
119. of the Revised Code. 55253

Not later than the first day of June, the director shall 55254
notify the objecting person regarding whether the director has 55255
found the objections to be valid and the reasons for the finding. 55256
If the director finds the objections to be valid and adjusts the 55257
amount of the annual sludge fee accordingly, the director shall 55258
issue with the notification a new invoice to the person 55259
identifying the amount of the annual sludge fee assessed and 55260
stating the first day of July as the deadline for payment. 55261

Not later than the first day of July, any person who is 55262
required to do so shall pay the annual sludge fee. Any person who 55263
is required to pay the fee, but who fails to do so on or before 55264
that date shall pay an additional amount that equals ten per cent 55265
of the required annual sludge fee. 55266

(6) The director shall transmit all moneys collected under 55267
division (Y) of this section to the treasurer of state for deposit 55268
into the surface water protection fund created in section 6111.038 55269
of the Revised Code. The moneys shall be used to defray the costs 55270

of administering and enforcing provisions in Chapter 6111. of the 55271
Revised Code and rules adopted under it that govern the use, 55272
storage, treatment, or disposal of sewage sludge. 55273

(7) Beginning in fiscal year 2001, and every two years 55274
thereafter, the director shall review the total amount of moneys 55275
generated by the annual sludge fees to determine if that amount 55276
exceeded six hundred thousand dollars in either of the two 55277
preceding fiscal years. If the total amount of moneys in the fund 55278
exceeded six hundred thousand dollars in either fiscal year, the 55279
director, after review of the fee structure and consultation with 55280
affected persons, shall issue an order reducing the amount of the 55281
fees levied under division (Y) of this section so that the 55282
estimated amount of moneys resulting from the fees will not exceed 55283
six hundred thousand dollars in any fiscal year. 55284

If, upon review of the fees under division (Y)(7) of this 55285
section and after the fees have been reduced, the director 55286
determines that the total amount of moneys collected and 55287
accumulated is less than six hundred thousand dollars, the 55288
director, after review of the fee structure and consultation with 55289
affected persons, may issue an order increasing the amount of the 55290
fees levied under division (Y) of this section so that the 55291
estimated amount of moneys resulting from the fees will be 55292
approximately six hundred thousand dollars. Fees shall never be 55293
increased to an amount exceeding the amount specified in division 55294
(Y)(7) of this section. 55295

Notwithstanding section 119.06 of the Revised Code, the 55296
director may issue an order under division (Y)(7) of this section 55297
without the necessity to hold an adjudicatory hearing in 55298
connection with the order. The issuance of an order under this 55299
division is not an act or action for purposes of section 3745.04 55300
of the Revised Code. 55301

(8) As used in division (Y) of this section: 55302

- (a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge. 55303
55304
- (b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. 55305
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"Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage. 55308
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- (c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications: 55315
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- (i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a); 55317
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- (ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 55319
55320
- (iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13; 55321
55322
- (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13. 55323
55324
- (d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. 55325
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- (e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator. 55328
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- (f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage 55331
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sludge below the land surface, or the incorporation of sewage 55333
sludge into the soil for the purposes of conditioning the soil or 55334
fertilizing crops or vegetation grown in the soil. 55335

(g) "Land reclamation" means the returning of disturbed land 55336
to productive use. 55337

(h) "Surface disposal" means the placement of sludge on an 55338
area of land for disposal, including, but not limited to, 55339
monofills, surface impoundments, lagoons, waste piles, or 55340
dedicated disposal sites. 55341

(i) "Incinerator" means an entity that disposes of sewage 55342
sludge through the combustion of organic matter and inorganic 55343
matter in sewage sludge by high temperatures in an enclosed 55344
device. 55345

(j) "Incineration facility" includes all incinerators owned 55346
or operated by the same entity and located on a contiguous tract 55347
of land. Areas of land are considered to be contiguous even if 55348
they are separated by a public road or highway. 55349

(k) "Annual sludge fee" means the fee assessed under division 55350
(Y)(1) of this section. 55351

(l) "Landfill" means a sanitary landfill facility, as defined 55352
in rules adopted under section 3734.02 of the Revised Code, that 55353
is licensed under section 3734.05 of the Revised Code. 55354

(m) "Preexisting land reclamation project" means a 55355
property-specific land reclamation project that has been in 55356
continuous operation for not less than five years pursuant to 55357
approval of the activity by the director and includes the 55358
implementation of a community outreach program concerning the 55359
activity. 55360

Sec. 3751.01. As used in this chapter: 55361

(A) "Confidential business information" means the types or 55362

categories of information identified in rules adopted by the 55363
administrator of the United States environmental protection agency 55364
under ~~division (A)(1)(g) of section 3751.02 of the Revised Code~~ 55365
EPCRA. 55366

(B) "EPCRA" means the "Emergency Planning and Community 55367
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, et 55368
seq. 55369

(C) "Facility" means all buildings, equipment, structures, 55370
and other stationary items that are located on a single site or on 55371
contiguous or adjacent sites and that are owned or operated by the 55372
same person or by any person who controls, is controlled by, or is 55373
under common control with such person. 55374

~~(C)~~(D) "Manufacture" means the production, preparation, 55375
importation, or compounding of a toxic chemical. The term also 55376
applies to a toxic chemical produced coincidentally during the 55377
manufacture, processing, use, or disposal of another substance or 55378
mixture including, without limitation, byproducts and coproducts 55379
that are separated from the other substance or mixture and 55380
impurities that remain in that substance or mixture. 55381

~~(D)~~(E) "Person" includes the state, any political subdivision 55382
or other state or local body, the United States and any agency or 55383
instrumentality thereof, and any entity defined as a person under 55384
section 1.59 of the Revised Code. 55385

~~(E)~~(F) "Process" means the preparation of a toxic chemical 55386
after its manufacture for distribution in commerce: 55387

(1) In the same form or physical state as, or in a different 55388
form or physical state from, that in which it was received by the 55389
person so preparing such chemical; 55390

(2) As part of an article containing the toxic chemical. 55391

~~(F)~~(G) "Release" means any spilling, leaking, pumping, 55392

pouring, emitting, emptying, discharging, injecting, escaping, 55393
leaching, dumping, or discharging into the environment of any 55394
toxic chemical including, without limitation, the abandonment or 55395
discarding of barrels, containers, and other closed receptacles 55396
that contained a toxic chemical. 55397

~~(G)(H)~~ "Toxic chemical" means a chemical listed in rules 55398
adopted by the administrator of the United States environmental 55399
protection agency under ~~division (A)(1)(a) of section 3751.02 of~~ 55400
~~the Revised Code EPCRA.~~ 55401

Sec. 3751.02. ~~(A)~~ The director of environmental protection 55402
~~shall~~ may do any of the following: 55403

~~(1)(A)~~ Adopt rules in accordance with Chapter 119. of the 55404
Revised Code ~~that are consistent with and equivalent in scope,~~ 55405
~~content, and coverage to, and no more stringent than section 313~~ 55406
~~of the "Emergency Planning and Community Right To Know Act of~~ 55407
~~1986," 100 Stat. 1741, 42 U.S.C.A. 11023, and regulations adopted~~ 55408
~~under that section:~~ 55409

~~(a)~~ Identifying and listing toxic chemicals, establishing 55410
threshold quantities for any such chemical used, manufactured, or 55411
processed at a facility that differ from and supersede a threshold 55412
quantity prescribed in ~~division (C) of section 3751.03 of the~~ 55413
Revised Code, and establishing ranges of quantities of those 55414
chemicals to be used in preparing toxic chemical release forms 55415
under that section. The rules may establish different annual 55416
threshold quantities based upon whether a toxic chemical is used, 55417
manufactured, or processed at a facility or based upon classes of 55418
chemicals or categories of facilities. 55419

~~(b)~~ Adding or deleting standard industrial classification 55420
codes from the list in ~~division (A)(1) of section 3751.03 of the~~ 55421
Revised Code establishing the categories of facilities subject to 55422
the reporting requirements of that section; 55423

~~(c) Applying the reporting requirements of section 3751.03 of the Revised Code to owners or operators of individual facilities in this state that manufacture, process, or otherwise use a toxic chemical, in addition to those subject to the reporting requirements of that section pursuant to the criteria contained in it or rules adopted under division (A)(1)(a) or (b) of this section;~~

~~(d) Modifying the frequency for submitting the report required by division (A) of section 3751.03 of the Revised Code applicable to;~~

~~(i) All toxic chemical release forms required to be submitted by division (A) of section 3751.03 of the Revised Code;~~

~~(ii) A class of toxic chemicals or a category of facilities;~~

~~(iii) A specific toxic chemical;~~

~~(iv) A specific facility.~~

~~(e) Establishing procedures for receiving and fulfilling requests from the public for information held by the director under this chapter;~~

~~(f) Establishing procedures and criteria to protect trade secret and confidential business information from unauthorized disclosure;~~

~~(g) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;~~

~~(h) Establishing other establishing requirements or authorizations that the director considers necessary or appropriate to implement and administer this chapter.~~

~~(2) Adopt rules in accordance with Chapter 119. of the Revised Code requiring that all claims for protection of information obtained under this chapter as a trade secret be~~

~~submitted to the administrator of the United States environmental protection agency for determination under section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section.~~

~~(3) Prescribe and publish a uniform toxic release form to be used by owners or operators of facilities subject to the reporting requirements of section 3751.03 of the Revised Code. The form shall require the submission of only the information and certifications required by division (B) of section 3751.03 of the Revised Code and such additional information as is required to be provided on the uniform toxic chemical release form published by the administrator under section 313 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11023.~~

~~(B) The director may:~~

~~(1) As the representative of the governor pursuant to section 313(b) of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 10041 EPCRA, request the administrator of the United States environmental protection agency to apply the toxic chemical release reporting requirements of section 313 of that act to the owner or operator of any facility in this state that manufactures, processes, or otherwise uses a toxic chemical if, in the director's judgment, such reporting is warranted by the toxicity of the toxic chemical manufactured, processed, or otherwise used at the facility; the proximity of the facility to other facilities that release the toxic chemical or to population centers; or the history of releases of the toxic chemical at the facility;~~

~~(2)(C) As the representative of the governor pursuant to section 313(c)(2) of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11041~~

EPCRA, petition the administrator to, by regulation, add a 55486
chemical to or delete a chemical from the list of toxic chemicals 55487
subject to the toxic chemical release reporting requirements of 55488
~~section 313~~ of that act if, in the director's judgment, the 55489
chemical meets the criteria of ~~paragraph (d)(2) or (3) of~~ required 55490
by that section act. 55491

Sec. 3751.03. (A)(1) On or before the first day of July of 55492
each year or as otherwise prescribed ~~in rules adopted by the~~ 55493
administrator of the United States environmental protection agency 55494
~~under division (A)(1)(d) of section 3751.02 of the Revised Code~~ 55495
EPCRA, the owner or operator of a facility ~~that is in standard~~ 55496
~~industrial classification codes 20 to 39 and any other codes added~~ 55497
~~by rules adopted under division (A)(1)(b) of section 3751.02 of~~ 55498
~~the Revised Code, as those standard industrial classification~~ 55499
~~codes were in effect on July 1, 1985, that has ten or more~~ 55500
~~full time employees, and that manufactured, processed, or~~ 55501
~~otherwise used during the preceding calendar year a toxic chemical~~ 55502
~~in an amount exceeding the applicable threshold quantity~~ 55503
~~established in division (C) of this section or otherwise~~ 55504
~~prescribed in rules adopted under division (A)(1)(a) of section~~ 55505
~~3751.02 of the Revised Code, described in division (A)(2) of this~~ 55506
section shall prepare and submit to the ~~director of environmental~~ 55507
protection administrator a completed toxic chemical release form 55508
for each toxic chemical that was so manufactured, processed, or 55509
otherwise used at the facility during the preceding calendar year. 55510
The electronic submission of the form to the administrator 55511
constitutes simultaneous submission of the form to the director of 55512
environmental protection for purposes of EPCRA. The 55513

(2) Division (A)(1) of this section applies to the owner or 55514
operator of a facility to which all of the following apply: 55515

(a) The facility is in standard industrial classification 55516

codes 20 to 39, as those codes were in effect on July 1, 1985, or 55517
in any other applicable code added by the administrator. 55518

(b) The owner or operator has ten or more full-time 55519
employees. 55520

(c) The facility manufactured, processed, or otherwise used 55521
during the calendar year immediately preceding the first day of 55522
July or date otherwise prescribed by the administrator, a toxic 55523
chemical in an amount exceeding the applicable threshold quantity 55524
established by the administrator under EPCRA. 55525

(3) The owner or operator shall submit the information 55526
required by division (B) of this section on a uniform toxic 55527
chemical release form prescribed by the administrator under 55528
division (A)(3) of section 3751.02 of the Revised Code EPCRA. If 55529
the director has not prescribed the form, an owner or operator 55530
shall submit the information required to be included on the form 55531
under that division to the director by means of a letter 55532
postmarked not later than the date on which the form is due under 55533
this division. 55534

(2) In addition to the owners or operators of facilities 55535
meeting the criteria enumerated in division (A)(1) of this 55536
section, the owners and operators of facilities identified in 55537
rules adopted under division (A)(1)(e) of section 3751.02 of the 55538
Revised Code shall comply with division (A)(1) of this section. 55539
Division (A)(1) of this section does not apply to the owner or 55540
operator of a facility in a standard industrial classification 55541
code that has been deleted from the list in division (A)(1) of 55542
this section by rules adopted under division (A)(1)(b) of section 55543
3751.02 of the Revised Code. 55544

(B) The uniform toxic chemical release form shall contain all 55545
of the following information: 55546

(1) The name, location of, and principal business activities 55547

~~conducted at the facility;~~ 55548

~~(2) Each of the following items of information regarding the toxic chemical:~~ 55549

~~(a) Whether the toxic chemical is manufactured, processed, or otherwise used and the general category or categories of use of the chemical;~~ 55550

~~(a) Whether the toxic chemical is manufactured, processed, or otherwise used and the general category or categories of use of the chemical;~~ 55551

~~otherwise used and the general category or categories of use of the chemical;~~ 55552

~~the chemical;~~ 55553

~~(b) An estimate of the maximum amount in pounds of the toxic chemical present at the facility at any time during the preceding calendar year. The estimate shall be provided in the appropriate reporting range established by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.~~ 55554

~~chemical present at the facility at any time during the preceding calendar year. The estimate shall be provided in the appropriate reporting range established by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.~~ 55555

~~reporting range established by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.~~ 55556

~~(A)(1)(a) of section 3751.02 of the Revised Code.~~ 55557

~~(c) The waste treatment or disposal methods employed for each waste stream and an estimate of the efficiency typically achieved by those methods for that waste stream;~~ 55558

~~(c) The waste treatment or disposal methods employed for each waste stream and an estimate of the efficiency typically achieved by those methods for that waste stream;~~ 55559

~~waste stream and an estimate of the efficiency typically achieved by those methods for that waste stream;~~ 55560

~~by those methods for that waste stream;~~ 55561

~~(d) The quantity of the toxic chemical entering each environmental medium annually;~~ 55562

~~(d) The quantity of the toxic chemical entering each environmental medium annually;~~ 55563

~~environmental medium annually;~~ 55564

~~(e) An indication as to whether the owner or operator chooses to withhold information about it as a trade secret and, if so, whether the owner or operator has filed a claim with the administrator of the United States environmental protection agency for protection of that information as a trade secret pursuant to rules adopted under division (A)(2) of section 3751.02 of the Revised Code.~~ 55565

~~(e) An indication as to whether the owner or operator chooses to withhold information about it as a trade secret and, if so, whether the owner or operator has filed a claim with the administrator of the United States environmental protection agency for protection of that information as a trade secret pursuant to rules adopted under division (A)(2) of section 3751.02 of the Revised Code.~~ 55566

~~to withhold information about it as a trade secret and, if so, whether the owner or operator has filed a claim with the administrator of the United States environmental protection agency for protection of that information as a trade secret pursuant to rules adopted under division (A)(2) of section 3751.02 of the Revised Code.~~ 55567

~~whether the owner or operator has filed a claim with the administrator of the United States environmental protection agency for protection of that information as a trade secret pursuant to rules adopted under division (A)(2) of section 3751.02 of the Revised Code.~~ 55568

~~administrator of the United States environmental protection agency for protection of that information as a trade secret pursuant to rules adopted under division (A)(2) of section 3751.02 of the Revised Code.~~ 55569

~~for protection of that information as a trade secret pursuant to rules adopted under division (A)(2) of section 3751.02 of the Revised Code.~~ 55570

~~(3) An appropriate certification regarding the accuracy and completeness of the report, signed by an official of the owner or operator with management responsibility.~~ 55571

~~(3) An appropriate certification regarding the accuracy and completeness of the report, signed by an official of the owner or operator with management responsibility.~~ 55572

~~operator with management responsibility.~~ 55573

~~(C) The threshold amounts for purposes of reporting toxic chemicals under this section are as follow:~~ 55574

~~(C) The threshold amounts for purposes of reporting toxic chemicals under this section are as follow:~~ 55575

~~(1) With respect to a toxic chemical used at a facility, ten thousand pounds for the applicable calendar year;~~ 55576

~~(1) With respect to a toxic chemical used at a facility, ten thousand pounds for the applicable calendar year;~~ 55577

~~(2) With respect to a toxic chemical manufactured or processed at a facility:~~ 55578
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~~(a) For the form required to be submitted on or before July 1, 1989, fifty thousand pounds per year;~~ 55580
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~~(b) For the form required to be submitted on or before July 1, 1990, and for each year thereafter, twenty five thousand pounds per year;~~ 55582
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~~(c) Such other threshold quantities as may be prescribed by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.~~ 55585
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~~(D)(B) The toxic chemical release forms required by this section are intended to provide information to federal, state, and local governments and the public, including residents of communities surrounding facilities covered by this section. Subject to the limitations prescribed in section 3751.04 of the Revised Code and rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code governing the protection of trade secrets and confidential business information, the director, upon request, shall make toxic chemical release forms submitted under this section available to inform persons about releases of toxic chemicals to the environment, to assist government agencies, researchers, and other persons in conducting research and gathering data, to aid in the development of appropriate rules, guidelines, standards, and emergency plans, and for other similar purposes.~~ 55588
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~~(E)(C) No owner or operator of a facility who is required by this section to file a toxic chemical release form shall fail to submit a toxic chemical release form as required by this section.~~ 55603
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~~(F)(D) An owner or operator of a facility who is required under this section to file a toxic chemical release form and who knowingly makes a false statement on that form, on a record upon~~ 55606
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which the information on that form is based, or on other 55609
information or records required to be kept or submitted under this 55610
chapter and the rules adopted under this chapter is guilty of 55611
falsification under section 2921.13 of the Revised Code. 55612

Sec. 3751.04. (A) Except as otherwise provided in division 55613
(D) of this section, any person required to provide information ~~to~~ 55614
~~the director of environmental protection~~ under section 3751.03 of 55615
the Revised Code may withhold from submission ~~to the director or~~ 55616
~~any other person~~ the specific chemical identity, including the 55617
chemical name and other specific identification, of the toxic 55618
chemical on the grounds that the information constitutes a trade 55619
secret if either of the following conditions is met: 55620

(1)(a) At the time of submitting the information sought to be 55621
classified as a trade secret, the owner or operator of the 55622
facility submits a claim for protection of that information as a 55623
trade secret pursuant to ~~rules adopted~~ regulations promulgated by 55624
the administrator of the United States environmental protection 55625
agency under ~~division (A)(2) of section 3751.02 of the Revised~~ 55626
~~Code~~ EPCRA, and submits a copy of the required toxic chemical 55627
release form that indicates that such a claim has been filed and 55628
contains the generic class or category of the identity in place of 55629
the identity ~~and that is accompanied by a copy of the~~ 55630
~~substantiation supporting the trade secret claim that was~~ 55631
~~submitted to the administrator of the United States environmental~~ 55632
~~protection agency. The owner or operator may withhold from the~~ 55633
~~copy of the explanations and supplemental information submitted to~~ 55634
~~the director information identified as confidential business~~ 55635
~~information in rules adopted under division (A)(1)(g) of section~~ 55636
~~3751.02 of the Revised Code.~~ 55637

(b) A determination of the claim remains pending pursuant to 55638
those ~~rules~~ regulations. 55639

(2) It has been determined by the administrator pursuant to 55640
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 55641
~~Revised Code~~ those regulations that a trade secret exists. 55642

(B) No person shall withhold the specific identity of a toxic 55643
chemical on the grounds that the information is a trade secret in 55644
either of the following instances: 55645

(1) From any toxic chemical release form if it has been 55646
determined by the administrator pursuant to ~~rules adopted~~ 55647
regulations promulgated under ~~division (A)(2) of section 3751.02~~ 55648
~~of the Revised Code~~ EPCRA that no trade secret exists; 55649

(2) When required to provide the specific chemical identity 55650
to a health professional, physician, or nurse pursuant to division 55651
(D) of this section. 55652

(C) The governor may, pursuant to ~~section 322 of the~~ 55653
~~"Emergency Planning and Community Right To Know Act of 1986," 100~~ 55654
~~Stat. 1747, 42 U.S.C.A. 11042~~ EPCRA, request the administrator of 55655
the United States environmental protection agency to provide 55656
specific chemical identities that are claimed or have been 55657
determined to be trade secret information or the explanations and 55658
supplemental information supporting trade secret protection claims 55659
regarding facilities located in this state that are subject to 55660
this chapter. The governor shall not make any trade secret or 55661
confidential information obtained under this division available to 55662
any member of the emergency planning commission created in section 55663
3750.02 of the Revised Code or to any member of a local emergency 55664
planning committee of an emergency planning district established 55665
under section 3750.03 of the Revised Code who is not also an 55666
officer or employee of the state or a political subdivision. Any 55667
trade secret or confidential business information obtained under 55668
this division shall be protected from unauthorized disclosure ~~in~~ 55669
~~accordance with rules adopted under division (A)(1)(f) of section~~ 55670
~~3751.02 of the Revised Code.~~ 55671

(D)(1) The owner or operator of a facility that is subject to section 3751.03 of the Revised Code shall provide the specific chemical identity of a toxic chemical, if the specific chemical identity is known, to any health professional who submits to the owner or operator a written request and statement of need for the specific chemical identity. The written statement of need shall be a statement of the health professional that the health professional has a reasonable basis to believe that all of the following conditions pertain to the request:

(a) The information is needed for purposes of diagnosis or treatment of an individual;

(b) The individual being diagnosed or treated has been exposed to the chemical concerned;

(c) Knowledge of the specific chemical identity of the chemical will assist in diagnosis and treatment.

An owner or operator to whom such a written request and statement of need is submitted shall provide the requested information to the health professional promptly after receiving the request and statement of need, subject to division (D)(4) of this section.

(2) The owner or operator of a facility that is subject to section 3751.03 of the Revised Code shall provide a copy of a toxic chemical release form that contains the specific chemical identity of a toxic chemical, if the specific chemical identity is known, to any treating physician or nurse who requests that information if the physician or nurse determines that all of the following conditions pertain to the request:

(a) A medical emergency exists;

(b) The specific chemical identity of the chemical concerned is necessary for or will assist in emergency or first aid diagnosis or treatment;

(c) The individual being diagnosed or treated has been 55703
exposed to the chemical concerned. 55704

The owner or operator shall provide the requested information 55705
to the physician or nurse immediately upon receiving such a 55706
request. The owner or operator shall not require any such treating 55707
physician or nurse to provide a written confidentiality agreement 55708
or statement of need as a precondition for disclosure of a 55709
specific chemical identity under this division; however, the owner 55710
or operator may require the treating physician or nurse to provide 55711
a written confidentiality agreement under division (D)(4) of this 55712
section and a statement setting forth the conditions listed in 55713
divisions (D)(2)(a) to (c) of this section as soon after the 55714
disclosure is made as circumstances permit. 55715

(3) The owner or operator of a facility that is subject to 55716
section 3751.03 of the Revised Code shall provide the specific 55717
chemical identity of a toxic chemical, if the specific chemical 55718
identity is known, to any health professional, including, without 55719
limitation, a physician, toxicologist, or epidemiologist, who is 55720
either employed by or under contract with a political subdivision 55721
and who submits to the owner or operator a written request for the 55722
information, a written statement of need for the information that 55723
meets the requirements of division (D)(3) of this section, and a 55724
written confidentiality agreement under division (D)(4) of this 55725
section. The owner or operator shall promptly after receipt of the 55726
written request, statement of need, and confidentiality agreement 55727
provide the requested information to the local health professional 55728
who requested it. 55729

The written statement of need for a specific chemical 55730
identity required by division (D)(3) of this section shall 55731
describe with reasonable detail one or more of the following 55732
health needs for the information: 55733

(a) To assess exposure of persons living in a local community 55734

to the hazards of the chemical concerned; 55735

(b) To conduct or assess sampling to determine exposure 55736
levels of various population groups to the chemical concerned; 55737

(c) To conduct periodic medical surveillance of population 55738
groups exposed to the chemical concerned; 55739

(d) To provide medical treatment to individuals or population 55740
groups exposed to the chemical concerned; 55741

(e) To conduct studies to determine the health effects of 55742
exposure to the chemical concerned; 55743

(f) To conduct studies to aid in the identification of a 55744
chemical that may reasonably be anticipated to cause an observed 55745
health effect. 55746

(4) Any person who obtains information under division (D)(1) 55747
or (3) of this section shall, as a precondition for receiving that 55748
information, enter into a written confidentiality agreement with 55749
the owner or operator of the facility from whom the information 55750
was requested that the person will not use the information for any 55751
purpose other than the health needs asserted in the statement of 55752
need provided thereunder, except as otherwise may be authorized by 55753
the terms of the agreement or by the person providing the 55754
information. 55755

(E) An officer or employee of the environmental protection 55756
agency shall not request the owner or operator of a facility 55757
subject to this chapter to submit to the officer or employee a 55758
trade secret claim, toxic chemical release form required by 55759
section 3751.03 of the Revised Code, substantiation of a trade 55760
secret claim, or explanation or supporting information or copy 55761
thereof pertaining to a trade secret claim, that contains any 55762
information claimed or determined to be a trade secret pursuant to 55763
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 55764
Revised Code or identified as confidential business information by 55765

~~rules adopted under division (A)(1)(g) of that section EPCRA. If~~ 55766
any officer or employee of the agency knows or has reason to 55767
believe that a trade secret claim, toxic chemical release form, 55768
substantiation, or explanation or supporting information 55769
pertaining to a trade secret claim contains any such information, 55770
the officer or employee immediately shall return it to the owner 55771
or operator of the facility who submitted it without reading it 55772
and shall request the owner or operator to submit the appropriate 55773
report or substantiation that does not contain the information 55774
claimed or determined to be a trade secret or so identified as 55775
confidential business information. 55776

(F) No officer or employee of the environmental protection 55777
agency, health professional, physician, nurse, or other person who 55778
receives information claimed or determined to be a trade secret 55779
~~pursuant to rules adopted under division (A)(2) of section 3751.02~~ 55780
~~of the Revised Code~~ or identified as confidential business 55781
information by rules adopted by regulations promulgated by the 55782
administrator under ~~division (A)(1)(g) of section 3751.02 of the~~ 55783
~~Revised Code EPCRA~~ shall release any information so classified or 55784
identified to any person not authorized to have that information 55785
under division (C) of this section ~~or rules adopted under division~~ 55786
~~(A)(1)(f) of section 3751.02 of the Revised Code~~. A violation of 55787
this division is not also a violation of section 2913.02 or 55788
2913.04 of the Revised Code. 55789

Sec. 3751.05. ~~(A) The owner or operator of a facility~~ 55790
~~required to annually file one or more toxic chemical release forms~~ 55791
~~under section 3751.03 of the Revised Code shall submit with the~~ 55792
~~release forms a filing fee of fifty dollars. In addition to the~~ 55793
~~filing fee, the owner or operator shall submit an additional fee~~ 55794
~~of fifteen dollars per release form filed but not exceeding a~~ 55795
~~total additional fee of five hundred dollars.~~ 55796

~~(B) An owner or operator of a facility who fails to submit a toxic chemical release form within thirty days after the applicable filing date prescribed in that section shall submit with the form a late filing fee of fifteen per cent of the total fees due under division (A) of this section, whichever is more, in addition to the fees due under that division.~~

~~(C) The director of environmental protection may establish fees to be paid by persons, other than public officers or employees, obtaining copies of documents or information submitted to the director under this chapter and rules adopted under it. The fee shall be established at a level calculated to defray the costs of copying the documents or information. The director may charge the actual costs involved in accessing any computerized data base established by him under this chapter or by the administrator of the United States environmental protection agency under the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11002, needed to fulfill a request for information regarding releases of toxic chemicals for which reporting is required by this chapter and rules adopted under it.~~

~~(D) All moneys received by the director under this section and all civil penalties received under division (B) of section 3751.10 of the Revised Code shall be credited to the toxic chemical release reporting fund, hereby created in the state treasury. Moneys credited to the fund shall be expended by the director exclusively for the purposes of implementing, administering, and enforcing this chapter and the rules adopted and orders issued under it.~~

Sec. 3751.10. (A) The attorney general, the prosecuting attorney of the county, or the city director of law of the city where a violation has occurred or is occurring, upon the written request of the director of environmental protection, shall

prosecute to termination or bring an action for injunction against 55828
any person who has violated or is violating any section of this 55829
chapter or any rule adopted or order issued under it. The court of 55830
common pleas in which an action for injunction is filed has the 55831
jurisdiction to and shall grant preliminary and permanent 55832
injunctive relief upon a showing that the person against whom the 55833
action is brought has violated or is violating any section of this 55834
chapter or a rule adopted or order issued under it. The court 55835
shall give precedence to such an action over all other cases. 55836

Upon the certified written request of any person, the 55837
director shall conduct such investigations and make such inquiries 55838
as are necessary to secure compliance with this chapter or rules 55839
adopted or orders issued under it. The director may, upon request 55840
or upon ~~his~~ the director's own initiative, investigate or make 55841
inquiries into any violation of this chapter or rules adopted or 55842
orders issued under it. 55843

(B) Whoever violates division ~~(E)~~(C) of section 3751.03, 55844
division (B)(1) or (2) of section 3751.04 of the Revised Code, or 55845
an order issued under this chapter, shall pay a civil penalty of 55846
not more than twenty-five thousand dollars for each day of 55847
violation. The attorney general, the prosecuting attorney of the 55848
county, or the city director of law of the city where a violation 55849
of this chapter or a rule adopted or order issued under it has 55850
occurred or is occurring, upon the written request of the 55851
director, shall bring an action for imposition of a civil penalty 55852
under this division against any person who has committed or is 55853
committing any such violation. All civil penalties received under 55854
this division shall be credited to the toxic chemical release 55855
reporting fund created in section 3751.05 of the Revised Code. 55856

(C) Any action for injunction or civil penalties under 55857
division (A) or (B) of this section is a civil action governed by 55858
the Rules of Civil Procedure. 55859

Sec. 3751.11. A member of the emergency response commission, 55860
officer or employee of the environmental protection agency, member 55861
or employee of a local emergency planning committee, officer or 55862
employee of a fire department, health professional, physician, 55863
nurse, or other person who receives information classified as a 55864
trade secret ~~pursuant to rules adopted under division (A)(2) of~~ 55865
~~section 3751.02 of the Revised Code~~ or identified as confidential 55866
business information ~~by rules adopted under division (A)(1)(g) of~~ 55867
~~section 3751.02 of the Revised Code~~ pursuant to EPCRA and who 55868
violates division (F) of section 3751.04 of the Revised Code or 55869
otherwise discloses information classified as a trade secret or 55870
identified as confidential business information pursuant to ~~those~~ 55871
~~rules that act~~ to a person not authorized to have that information 55872
under division (C) of section 3751.04 of the Revised Code or ~~rules~~ 55873
~~adopted under division (A)(1)(f) of section 3751.02 of the Revised~~ 55874
~~Code~~ EPCRA, is liable in damages in a civil action to the owner of 55875
the trade secret information for any injury or loss to person or 55876
property sustained by ~~him~~ the owner resulting from the violation 55877
or unauthorized disclosure of that information. Any owner of 55878
information so classified as a trade secret or identified as 55879
confidential business information who, as a result of a violation 55880
of division (F) of section 3751.04 of the Revised Code or by 55881
disclosure of trade secret or confidential business information to 55882
a person not authorized to have it pursuant to division (C) of 55883
section 3751.04 of the Revised Code or ~~rules adopted~~ under 55884
~~division (A)(1)(f) of section 3751.02 of the Revised Code~~ EPCRA, 55885
sustains any injury or loss to person or property may bring a 55886
civil action for damages and other appropriate relief against the 55887
person who violated that division or otherwise disclosed the trade 55888
secret or confidential business information to a person not so 55889
authorized to have it. 55890

In such a civil action, if the plaintiff establishes by a 55891

preponderance of the evidence, and if the trier of fact finds, 55892
that the defendant violated that division or otherwise disclosed 55893
information classified as a trade secret or identified as 55894
confidential business information to a person not so authorized to 55895
have it, and that the plaintiff sustained injury or loss to person 55896
or property as a result of the violation or unauthorized 55897
disclosure of the information, the trier of fact may award 55898
compensatory damages and such other relief as the trier of fact 55899
finds appropriate. 55900

In any civil action under this section the court may award 55901
costs and reasonable attorney's fees to the prevailing party. 55902

Liability imposed under this section for a violation of 55903
division (F) of section 3751.04 of the Revised Code is in addition 55904
to other civil liability, if any, under the Revised Code or common 55905
law of this state and in addition to any criminal penalty that is 55906
imposed for the same violation under section 3751.99 of the 55907
Revised Code. 55908

Sec. 3769.087. (A) In addition to the commission of eighteen 55909
per cent retained by each permit holder as provided in section 55910
3769.08 of the Revised Code, each permit holder shall retain an 55911
additional amount equal to four per cent of the total of all 55912
moneys wagered on each racing day on all wagering pools other than 55913
win, place, and show, of which amount retained an amount equal to 55914
three per cent of the total of all moneys wagered on each racing 55915
day on those pools shall be paid in the manner prescribed under 55916
section 3769.103 of the Revised Code, as a tax. Subject to the 55917
restrictions contained in divisions (B), (C), and (M) of section 55918
3769.08 of the Revised Code, from such additional moneys paid to 55919
the tax commissioner: 55920

(1) Four-sixths shall be allocated to fund distribution as 55921
provided in division (M) of section 3769.08 of the Revised Code. 55922

(2) One-twelfth shall be paid into the Ohio fairs fund 55923
created by section 3769.082 of the Revised Code. 55924

(3) ~~One-sixth~~ One-twelfth of the additional moneys paid to 55925
the tax commissioner by thoroughbred racing permit holders shall 55926
be paid into the Ohio thoroughbred race fund created by section 55927
3769.083 of the Revised Code. 55928

(4) One-twelfth of the additional moneys paid to the tax 55929
commissioner by harness horse racing permit holders shall be paid 55930
to the Ohio standardbred development fund created by section 55931
3769.085 of the Revised Code. 55932

(5) One-sixth shall be paid into the state racing commission 55933
operating fund created by section 3769.03 of the Revised Code. 55934

(6) One-twelfth of the additional moneys paid to the tax 55935
commissioner by quarterhorse racing permit holders shall be paid 55936
into the Ohio thoroughbred race fund created by section 3769.083 55937
of the Revised Code to support quarterhorse development and 55938
purses. 55939

The remaining one per cent that is retained of the total of 55940
all moneys wagered on each racing day on all pools other than win, 55941
place, and show, shall be retained by racing permit holders, and, 55942
except as otherwise provided in section 3769.089 of the Revised 55943
Code, racing permit holders shall use one-half for purse money and 55944
retain one-half. 55945

(B) In addition to the commission of eighteen per cent 55946
retained by each permit holder as provided in section 3769.08 of 55947
the Revised Code and the additional amount retained by each permit 55948
holder as provided in division (A) of this section, each permit 55949
holder shall retain an additional amount equal to one-half of one 55950
per cent of the total of all moneys wagered on each racing day on 55951
all wagering pools other than win, place, and show. The additional 55952
amount retained under this division shall be paid in the manner 55953

prescribed under section 3769.103 of the Revised Code, as a tax. 55954
The tax commissioner shall pay the amount of the tax received 55955
under this division to the state racing commission operating fund 55956
created by section 3769.03 of the Revised Code. 55957

(C) Unless otherwise agreed to by the video lottery sales 55958
agent and the applicable horsemen's association recognized by the 55959
state racing commission to represent such persons, within ninety 55960
days after September 29, 2013, for video lottery sales agents 55961
operating as such on September 29, 2013, or within six months 55962
after the date a video lottery sales agent begins operating as 55963
such for video lottery sales agents not operating as such on 55964
September 29, 2013, the state racing commission shall direct 55965
through rule that a percentage of the lottery sales agent's 55966
commission as determined by the state lottery commission for 55967
conducting video lottery terminal gaming on behalf of the state be 55968
paid to the state racing commission for the benefit of breeding 55969
and racing in this state. The percentage so determined shall not 55970
be less than nine per cent or more than eleven per cent of the 55971
video lottery terminal income, and shall be a sliding scale based 55972
upon capital expenditures necessary to build the video lottery 55973
sales agent's facility. The aggregate of one hundred per cent of 55974
video lottery terminal income minus the lottery sales agent's 55975
commission percentage as determined by the state lottery 55976
commission plus the percentage of the lottery sale agent's 55977
commission, as determined by the state racing commission or 55978
otherwise agreed to by the video lottery sales agent and the 55979
applicable horsemen's association recognized by the state racing 55980
commission to represent such persons, for the benefit of breeding 55981
and racing in this state shall not exceed forty-five per cent of 55982
the video lottery terminal income. In addition, beginning July 1, 55983
2013, the state lottery commission shall adopt a rule to require 55984
the lottery sales agent conducting video lottery terminal gaming 55985
on behalf of the state to disperse to the state lottery commission 55986

one-half of one per cent of such a lottery sales agent's 55987
commission for the purpose of providing funding support to 55988
appropriate state agencies for programs that provide for gambling 55989
addiction and other related addiction services. The state lottery 55990
commission's rule also may require the lottery sales agent 55991
conducting video lottery terminal gaming on behalf of the state to 55992
disperse to the state lottery commission an additional amount up 55993
to one-half of one per cent of such a lottery sales agent's 55994
commission for that purpose. 55995

Sec. 3770.02. (A) Subject to the advice and consent of the 55996
senate, the governor shall appoint a director of the state lottery 55997
commission who shall serve at the pleasure of the governor. The 55998
director shall devote full time to the duties of the office and 55999
shall hold no other office or employment. The director shall meet 56000
all requirements for appointment as a member of the commission and 56001
shall, by experience and training, possess management skills that 56002
equip the director to administer an enterprise of the nature of a 56003
state lottery. The director shall receive an annual salary in 56004
accordance with pay range 48 of section 124.152 of the Revised 56005
Code. 56006

(B)(1) The director shall attend all meetings of the 56007
commission and shall act as its secretary. The director shall keep 56008
a record of all commission proceedings and shall keep the 56009
commission's records, files, and documents at the commission's 56010
principal office. All records of the commission's meetings shall 56011
be available for inspection by any member of the public, upon a 56012
showing of good cause and prior notification to the director. 56013

(2) The director shall be the commission's executive officer 56014
and shall be responsible for keeping all commission records and 56015
supervising and administering the state lottery in accordance with 56016
this chapter, and carrying out all commission rules adopted under 56017

section 3770.03 of the Revised Code. 56018

(C)(1) The director shall appoint ~~an assistant director,~~ 56019
~~deputy directors of marketing, operations, sales, finance, public~~ 56020
~~relations, security, and administration,~~ as necessary and as many 56021
regional managers as are required. The director may also appoint 56022
necessary professional, technical, and clerical assistants. All 56023
such officers and employees shall be appointed and compensated 56024
pursuant to Chapter 124. of the Revised Code. Regional and 56025
assistant regional managers, sales representatives, and any 56026
lottery executive account representatives shall remain in the 56027
unclassified service. The assistant director shall act as director 56028
in the absence or disability of the director. If the director does 56029
not appoint an assistant director, the director shall designate a 56030
deputy director to act as director in the absence or disability of 56031
the director. 56032

(2) The director, in consultation with the director of 56033
administrative services, may establish standards of proficiency 56034
and productivity for commission field representatives. 56035

(D) The director shall request the bureau of criminal 56036
identification and investigation, the department of public safety, 56037
or any other state, local, or federal agency to supply the 56038
director with the criminal records of any job applicant and may 56039
periodically request the criminal records of commission employees. 56040
At or prior to the time of making such a request, the director 56041
shall require a job applicant or commission employee to obtain 56042
fingerprint cards prescribed by the superintendent of the bureau 56043
of criminal identification and investigation at a qualified law 56044
enforcement agency, and the director shall cause these fingerprint 56045
cards to be forwarded to the bureau of criminal identification and 56046
investigation and the federal bureau of investigation. The 56047
commission shall assume the cost of obtaining the fingerprint 56048
cards and shall pay to each agency supplying criminal records for 56049

each investigation under this division a reasonable fee, as 56050
determined by the agency. 56051

(E) The director shall license lottery sales agents pursuant 56052
to section 3770.05 of the Revised Code and, when it is considered 56053
necessary, may revoke or suspend the license of any lottery sales 56054
agent. The director may license video lottery technology 56055
providers, independent testing laboratories, and gaming employees, 56056
and promulgate rules relating thereto. When the director considers 56057
it necessary, the director may suspend or revoke the license of a 56058
video lottery technology provider, independent testing laboratory, 56059
or gaming employee, including suspension or revocation without 56060
affording an opportunity for a prior hearing under section 119.07 56061
of the Revised Code when the public safety, convenience, or trust 56062
requires immediate action. 56063

(F) The director shall confer at least once each month with 56064
the commission, at which time the director shall advise it 56065
regarding the operation and administration of the lottery. The 56066
director shall make available at the request of the commission all 56067
documents, files, and other records pertaining to the operation 56068
and administration of the lottery. The director shall prepare and 56069
make available to the commission each month a complete and 56070
accurate accounting of lottery revenues, prize money disbursements 56071
and the cost of goods and services awarded as prizes, operating 56072
expenses, and all other relevant financial information, including 56073
an accounting of all transfers made from any lottery funds in the 56074
custody of the treasurer of state to benefit education. 56075

(G) The director may enter into contracts for the operation 56076
or promotion of the lottery pursuant to Chapter 125. of the 56077
Revised Code. 56078

(H)(1) Pursuant to rules adopted by the commission under 56079
section 3770.03 of the Revised Code, the director shall require 56080
any lottery sales agents to deposit to the credit of the state 56081

lottery fund, in banking institutions designated by the treasurer 56082
of state, net proceeds due the commission as determined by the 56083
director. 56084

(2) Pursuant to rules adopted by the commission under Chapter 56085
119. of the Revised Code, the director may impose penalties for 56086
the failure of a sales agent to transfer funds to the commission 56087
in a timely manner. Penalties may include monetary penalties, 56088
immediate suspension or revocation of a license, or any other 56089
penalty the commission adopts by rule. 56090

(I) The director may arrange for any person, or any banking 56091
institution, to perform functions and services in connection with 56092
the operation of the lottery as the director may consider 56093
necessary to carry out this chapter. 56094

(J)(1) As used in this chapter, "statewide joint lottery 56095
game" means a lottery game that the commission sells solely within 56096
this state under an agreement with other lottery jurisdictions to 56097
sell the same lottery game solely within their statewide or other 56098
jurisdictional boundaries. 56099

(2) If the governor directs the director to do so, the 56100
director shall enter into an agreement with other lottery 56101
jurisdictions to conduct statewide joint lottery games. If the 56102
governor signs the agreement personally or by means of an 56103
authenticating officer pursuant to section 107.15 of the Revised 56104
Code, the director then may conduct statewide joint lottery games 56105
under the agreement. 56106

(3) The entire net proceeds from any statewide joint lottery 56107
games shall be used to fund elementary, secondary, vocational, and 56108
special education programs in this state. 56109

(4) The commission shall conduct any statewide joint lottery 56110
games in accordance with rules it adopts under division (B)(5) of 56111
section 3770.03 of the Revised Code. 56112

(K)(1) The director shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program of gambling addiction services on behalf of the commission. The commission shall pay the costs of the program provided pursuant to the agreement.

(2) As used in this section, "gambling addiction services" has the same meaning as in section 5119.01 of the Revised Code.

Sec. 3770.03. (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games. Any reference in this chapter to tickets shall not be construed to in any way limit the authority of the commission to operate video lottery terminal games. Nothing in this chapter shall restrict the authority of the commission to promulgate rules related to the operation of games utilizing video lottery terminals as described in section 3770.21 of the Revised Code. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules shall include, but need not be limited to, the following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery;

(3) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to

Chapter 119. of the Revised Code under which a statewide lottery 56143
and statewide joint lottery games may be conducted. Subjects 56144
covered in these rules shall include, but not be limited to, the 56145
following: 56146

(1) The locations at which lottery tickets may be sold and 56147
the manner in which they are to be sold. These rules may authorize 56148
the sale of lottery tickets by commission personnel or other 56149
licensed individuals from traveling show wagons at the state fair, 56150
and at any other expositions the director of the commission 56151
considers acceptable. These rules shall prohibit commission 56152
personnel or other licensed individuals from soliciting from an 56153
exposition the right to sell lottery tickets at that exposition, 56154
but shall allow commission personnel or other licensed individuals 56155
to sell lottery tickets at an exposition if the exposition 56156
requests commission personnel or licensed individuals to do so. 56157
These rules may also address the accessibility of sales agent 56158
locations to commission products in accordance with the "Americans 56159
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 56160
et seq. These rules may not permit a lottery sales agent to accept 56161
a credit card for the purchase of a lottery ticket, except for a 56162
video lottery terminal as provided in rule 3770:2-7-01 of the 56163
Administrative Code. 56164

(2) The manner in which lottery sales revenues are to be 56165
collected, including authorization for the director to impose 56166
penalties for failure by lottery sales agents to transfer revenues 56167
to the commission in a timely manner; 56168

(3) The Except as otherwise provided in division (B)(6) of 56169
this section, the amount of compensation to be paid to licensed 56170
lottery sales agents; 56171

(4) The substantive criteria for the licensing of lottery 56172
sales agents consistent with section 3770.05 of the Revised Code, 56173
and procedures for revoking or suspending their licenses 56174

consistent with Chapter 119. of the Revised Code. If 56175
circumstances, such as the nonpayment of funds owed by a lottery 56176
sales agent, or other circumstances related to the public safety, 56177
convenience, or trust, require immediate action, the director may 56178
suspend a license without affording an opportunity for a prior 56179
hearing under section 119.07 of the Revised Code. 56180

(5) Special game rules to implement any agreements signed by 56181
the governor that the director enters into with other lottery 56182
jurisdictions under division (J) of section 3770.02 of the Revised 56183
Code to conduct statewide joint lottery games. The rules shall 56184
require that the entire net proceeds of those games that remain, 56185
after associated operating expenses, prize disbursements, lottery 56186
sales agent bonuses, commissions, and reimbursements, and any 56187
other expenses necessary to comply with the agreements or the 56188
rules are deducted from the gross proceeds of those games, be 56189
transferred to the lottery profits education fund under division 56190
(B) of section 3770.06 of the Revised Code. 56191

(6) The commission to be paid to a video lottery sales agent, 56192
which shall be sixty-six per cent of the agent's video lottery 56193
terminal income; 56194

(7) Any other subjects the commission determines are 56195
necessary for the operation of video lottery terminal games, 56196
including the establishment of any fees, fines, ~~or~~ payment 56197
schedules, or the establishment of a voluntary exclusion program. 56198

(C) Chapter 2915. of the Revised Code does not apply to, 56199
affect, or prohibit lotteries conducted pursuant to this chapter. 56200

(D) The commission may promulgate rules, in addition to those 56201
described in divisions (A) and (B) of this section, that establish 56202
standards governing the display of advertising and celebrity 56203
images on lottery tickets and on other items that are used in the 56204
conduct of, or to promote, the statewide lottery and statewide 56205

joint lottery games. Any revenue derived from the sale of 56206
advertising displayed on lottery tickets and on those other items 56207
shall be considered, for purposes of section 3770.06 of the 56208
Revised Code, to be related proceeds in connection with the 56209
statewide lottery or gross proceeds from statewide joint lottery 56210
games, as applicable. 56211

(E)(1) The commission shall meet with the director at least 56212
once each month and shall convene other meetings at the request of 56213
the chairperson or any five of the members. No action taken by the 56214
commission shall be binding unless at least five of the members 56215
present vote in favor of the action. A written record shall be 56216
made of the proceedings of each meeting and shall be transmitted 56217
forthwith to the governor, the president of the senate, the senate 56218
minority leader, the speaker of the house of representatives, and 56219
the house minority leader. 56220

(2) The director shall present to the commission a report 56221
each month, showing the total revenues, prize disbursements, and 56222
operating expenses of the state lottery for the preceding month. 56223
As soon as practicable after the end of each fiscal year, the 56224
commission shall prepare and transmit to the governor and the 56225
general assembly a report of lottery revenues, prize 56226
disbursements, and operating expenses for the preceding fiscal 56227
year and any recommendations for legislation considered necessary 56228
by the commission. 56229

Sec. 3770.22. (A) Any information concerning the following 56230
that is submitted, collected, or gathered as part of an 56231
application to the state lottery commission for a video lottery 56232
related license under this chapter is confidential and not subject 56233
to disclosure by a state agency or political subdivision as a 56234
public record under section 149.43 of the Revised Code: 56235

(1) A dependent of an applicant; 56236

(2) The social security number, passport number, or federal tax identification number of an applicant or the spouse of an applicant;	56237 56238 56239
(3) The home address and telephone number of an applicant or the spouse or dependent of an applicant;	56240 56241
(4) An applicant's birth certificate;	56242
(5) The driver's license number of an applicant or the applicant's spouse;	56243 56244
(6) The name or address of a previous spouse of the applicant;	56245 56246
(7) The date of birth of the applicant and the spouse of an applicant;	56247 56248
(8) The place of birth of the applicant and the spouse of an applicant;	56249 56250
(9) The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;	56251 56252 56253 56254
(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;	56255 56256
(11) The electronic mail address of the spouse or family member of the applicant;	56257 56258
(12) Any trade secret, medical records, and patents or exclusive licenses;	56259 56260
(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;	56261 56262 56263 56264 56265

(14) Information provided in a multijurisdictional personal history disclosure form, including the Ohio supplement, exhibits, attachments, and updates. 56266
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(B) The individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a video lottery related license under this chapter is not confidential. The reason for denial or revocation of a video lottery related license or for disciplinary action against the individual is not confidential. 56269
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(C) An individual who holds, held, or has applied for a video lottery related license under this chapter may waive the confidentiality requirements of division (A) of this section. 56276
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(D) Confidential information received by the commission from another jurisdiction relating to a person who holds, held, or has applied for a license under this chapter is confidential and not subject to disclosure as a public record under section 149.43 of the Revised Code. The commission may share the information referenced in this division with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate governmental or licensing agency, if the agency that receives the information complies with the same requirements regarding confidentiality as those with which the commission must comply. 56279
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The applicant shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the lottery sales agent, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located. 56290
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(E) The identity and personal information of a person participating in a voluntary exclusion program implemented either by the lottery commission or a video lottery terminal sales agent shall be confidential and only shall be disseminated according to the following: 56297
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(1) The commission may disseminate the information to a video lottery terminal sales agent and the agents and employees of the agent for purposes of enforcement. 56302
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(2) A video lottery terminal sales agent operating a voluntary exclusion program may disseminate the information to the agents, employees of the agent, and to the commission for purposes of enforcement. 56305
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(3) Either the commission or a video lottery terminal sales agent operating a voluntary exclusion program may disseminate the information to other entities upon request of the participant and agreement by the commission. 56309
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Sec. 3794.03. Areas where smoking is not regulated by this chapter. 56313
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The following shall be exempt from the provisions of this chapter: 56315
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(A) Private residences, except during the hours of operation as a child care or adult care facility for compensation, during the hours of operation as a business by a person other than a person residing in the private residence, or during the hours of operation as a business, when employees of the business, who are not residents of the private residence or are not related to the owner, are present. 56317
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(B) Rooms for sleeping in hotels, motels and other lodging facilities designated as smoking rooms; provided, however, that not more than twenty ~~percent~~ per cent of sleeping rooms may be so 56324
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designated. 56327

(C) Family-owned and operated places of employment in which 56328
all employees are related to the owner, but only if the enclosed 56329
areas of the place of employment are not open to the public, are 56330
in a ~~free-standing~~ freestanding structure occupied solely by the 56331
place of employment, and smoke from the place of employment does 56332
not migrate into an enclosed area where smoking is prohibited 56333
under the provisions of this chapter. 56334

(D) Any nursing home, as defined in division (A) of section 56335
3721.10~~(A)~~ of the Revised Code, but only to the extent necessary 56336
to comply with division (A)(18) of section 3721.13~~(A)(18)~~ of the 56337
Revised Code. If indoor smoking area is provided by a nursing home 56338
for residents of the nursing home, the designated indoor smoking 56339
area shall be separately enclosed and separately ventilated so 56340
that tobacco smoke does not enter, through entrances, windows, 56341
ventilation systems, or other means, any areas where smoking is 56342
otherwise prohibited under this chapter. Only residents of the 56343
nursing home may utilize the designated indoor smoking area for 56344
smoking. A nursing home may designate specific times when the 56345
indoor smoking area may be used for such purpose. No employee of a 56346
nursing home shall be required to accompany a resident into a 56347
designated indoor smoking area or perform services in such area 56348
when being used for smoking. 56349

(E) Retail tobacco stores ~~as defined in section 3794.01(H) of~~ 56350
~~this chapter~~ in operation prior to ~~the effective date of this~~ 56351
~~section~~ December 7, 2006. The retail tobacco store shall annually 56352
file with the department of health by the thirty-first day of 56353
January ~~thirty-first~~ an affidavit stating the percentage of its 56354
gross income during the prior calendar year that was derived from 56355
the sale of cigars, cigarettes, pipes, or other smoking devices 56356
for smoking tobacco and related smoking accessories. Any retail 56357
tobacco store that begins operation after ~~the effective date of~~ 56358

~~this section~~ December 7, 2006, or any existing retail tobacco 56359
store that relocates to another location after ~~the effective date~~ 56360
~~of this section~~ December 7, 2006, may only qualify for this 56361
exemption if located in a freestanding structure occupied solely 56362
by the business and smoke from the business does not migrate into 56363
an enclosed area where smoking is prohibited under the provisions 56364
of this chapter. 56365

(F) Outdoor patios ~~as defined in Section 3794.01(I) of this~~ 56366
~~chapter~~. All outdoor patios shall be physically separated from an 56367
enclosed area. If windows or doors form any part of the partition 56368
between an enclosed area and the outdoor patio, the openings shall 56369
be closed to prevent the migration of smoke into the enclosed 56370
area. If windows or doors do not prevent the migration of smoke 56371
into the enclosed area, the outdoor patio shall be considered an 56372
extension of the enclosed area and subject to the prohibitions of 56373
this chapter. 56374

(G) Private clubs as defined in division (B)(13) of section 56375
4301.01(B)(13) of the Revised Code, provided all of the following 56376
apply: the club has no employees; the club is organized as a 56377
not-for-profit entity; only members of the club are present in the 56378
club's building; no persons under the age of eighteen are present 56379
in the club's building; the club is located in a freestanding 56380
structure occupied solely by the club; smoke from the club does 56381
not migrate into an enclosed area where smoking is prohibited 56382
under the provisions of this chapter; and, if the club serves 56383
alcohol, it holds a valid D4 liquor permit. 56384

(H) An enclosed space in a laboratory facility at an 56385
accredited college or university, when used solely and exclusively 56386
for clinical research activities by a person, organization, or 56387
other entity conducting institutional review board-approved 56388
scientific or medical research related to the health effects of 56389
smoking or the use of tobacco products. The enclosed space shall 56390

not be open to the public and shall be designed to minimize 56391
exposure of nonsmokers to smoke. The program administrator shall 56392
annually file a notice of new research with the department of 56393
health on a form prescribed by the department. 56394

Sec. 3901.89. Beginning on the effective date of this section 56395
and ending on the last day of the 132nd General Assembly, there 56396
shall be a moratorium on any new health care mandates impacting 56397
individual and group health insurance plans that are not subject 56398
to the "Employee Retirement Income Security Act of 1974," 29 56399
U.S.C. 1001, et seq. 56400

Sec. 3901.90. The superintendent of insurance, in 56401
consultation with the director of mental health and addiction 56402
services, shall develop consumer and payer education on mental 56403
health and addiction services insurance parity and establish and 56404
promote a consumer hotline to collect information and help 56405
consumers understand and access their insurance benefits. 56406

The department of insurance and the department of mental 56407
health and addiction services shall jointly report annually on the 56408
department's efforts, which shall include information on consumer 56409
and payer outreach activities and identification of trends and 56410
barriers to access and coverage in this state. The departments 56411
shall submit the report to the general assembly, the joint 56412
medicaid oversight committee, and the governor, not later than the 56413
thirtieth day of January of each year. 56414

Sec. 3923.041. (A) As used in this section: 56415

(1) "Chronic condition" means a medical condition that has 56416
persisted after reasonable efforts have been made to relieve or 56417
cure its cause and has continued, either continuously or 56418
episodically, for longer than six continuous months. 56419

(2) "Clinical peer" means a health care practitioner in the same or in a similar, specialty that typically manages the medical condition, procedure, or treatment under review.

(3) "Covered person" means a person receiving coverage for health services under a policy of sickness and accident insurance or a public employee benefit plan.

(4) "Emergency service" has the same meaning as in section 1753.28 of the Revised Code.

(5) "Fraudulent or materially incorrect information" means any type of intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to the covered person in question.

(6) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code.

(7) "NCPDP SCRIPT standard" means the national council for prescription drug programs SCRIPT standard version 201310 or the most recent standard adopted by the United States department of health and human services.

(8) "Prior authorization requirement" means any practice implemented by either a sickness and accident insurer or a public employee benefit plan in which coverage of a health care service, device, or drug is dependent upon a covered person or a health care practitioner obtaining approval from the insurer or plan prior to the service, device, or drug being performed, received, or prescribed, as applicable. "Prior authorization" includes prospective or utilization review procedures conducted prior to providing a health care service, device, or drug.

(9) "Urgent care services" means a medical care or other service for a condition where application of the timeframe for making routine or non-life threatening care determinations is either of the following:

(a) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; 56451
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(b) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request. 56453
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(10) "Utilization review" and "utilization review organization" have the same meanings as in section 1751.77 of the Revised Code. 56457
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(B) If a policy issued by a sickness and accident insurer or a public employee benefit plan contains a prior authorization requirement, then all of the following apply: 56460
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(1) For policies issued on or after January 1, 2018, the insurer or plan shall permit health care practitioners to access the prior authorization form through the applicable electronic software system. 56463
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(2)(a) For policies issued on or after January 1, 2018, the insurer or plan, or other payer acting on behalf of the insurer or plan, to accept prior authorization requests through a secure electronic transmission. 56467
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(b) For policies issued on or after January 1, 2018, the insurer or plan, a pharmacy benefit manager responsible for handling prior authorization requests, or other payer acting on behalf of the insurer or plan shall accept and respond to prior prescription benefit authorization requests through a secure electronic transmission using NCPDP SCRIPT standard ePA transactions, and for prior medical benefit authorization requests through a secure electronic transmission using standards established by the council for affordable quality health care on operating rules for information exchange or its successor. 56471
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(c) For purposes of division (B)(2) of this section, neither 56481

of the following shall be considered a secure electronic transmission: 56482
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(i) A facsimile; 56484

(ii) A proprietary payer portal for prescription drug requests that does not use NCPDP SCRIPT standard. 56485
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(3) For policies issued on or after January 1, 2018, a health care practitioner and an insurer or plan may enter into a contractual arrangement under which the insurer or plan agrees to process prior authorization requests that are not submitted electronically because of the financial hardship that electronic submission of prior authorization requests would create for the health care practitioner or if internet connectivity is limited or unavailable where the health care practitioner is located. 56487
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(4)(a) For policies issued on or after January 1, 2018, if the health care practitioner submits the request for prior authorization electronically as described in divisions (B)(1) and (2) of this section, the insurer or plan shall respond to all prior authorization requests within forty-eight hours for urgent care services, or ten calendar days for any prior authorization request that is not for an urgent care service, of the time the request is received by the insurer or plan. Division (B)(4) of this section does not apply to emergency services. 56495
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(b) The response required under division (B)(4)(a) of this section shall indicate whether the request is approved or denied. If the prior authorization is denied, the insurer or plan shall provide the specific reason for the denial. 56504
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(c) If the prior authorization request is incomplete, the insurer or plan shall indicate the specific additional information that is required to process the request. 56508
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(5)(a) For policies issued on or after January 1, 2018, if a health care practitioner submits a prior authorization request as 56511
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described in divisions (B)(1) and (2) of this section, the insurer
or plan shall provide an electronic receipt to the health care
practitioner acknowledging that the prior authorization request
was received.

(b) For policies issued on or after January 1, 2018, if an
issuer or plan requests additional information that is required to
process a prior authorization request as described in division
(B)(4)(c) of this section, the health care practitioner shall
provide an electronic receipt to the issuer or plan acknowledging
that the request for additional information was received.

(6)(a) For policies issued on or after January 1, 2017, for a
prior approval related to a chronic condition, the insurer or plan
shall honor a prior authorization approval for an approved drug
for the lesser of the following from the date of the approval:

(i) Twelve months;

(ii) The last day of the covered person's eligibility under
the policy or plan.

(b) The duration of all other prior authorization approvals
shall be dictated by the policy or plan.

(c) An insurer or plan, in relation to prior approval under
division (B)(6)(a) of this section, may require a health care
practitioner to submit information to the insurer or plan
indicating that the patient's chronic condition has not changed.

(i) The request for information by the insurer or plan and
the response by the health care practitioner shall be in an
electronic format, which may be by electronic mail or other
electronic communication.

(ii) The frequency of the submission of requested information
shall be consistent with medical or scientific evidence, as
defined in section 3922.01 of the Revised Code, but shall not be

required more frequently than quarterly. 56543

(iii) If the health care practitioner does not respond within 56544
five calendar days from the date the request was received, the 56545
insurer or plan may terminate the twelve-month approval. 56546

(d) A twelve-month approval provided under division (B)(6)(a) 56547
of this section is no longer valid and automatically terminates if 56548
there are changes to federal or state laws or federal regulatory 56549
guidance or compliance information prescribing that the drug in 56550
question is no longer approved or safe for the intended purpose. 56551

(e) A twelve-month approval provided under division (B)(6)(a) 56552
of this section does not apply to and is not required for any of 56553
the following: 56554

(i) Medications that are prescribed for a non-maintenance 56555
condition; 56556

(ii) Medications that have a typical treatment of less than 56557
one year; 56558

(iii) Medications that require an initial trial period to 56559
determine effectiveness and tolerability, beyond which a one-year, 56560
or greater, prior authorization period will be given; 56561

(iv) Medications where there is medical or scientific 56562
evidence as defined in section 3922.01 of the Revised Code that do 56563
not support a twelve-month prior approval; 56564

(v) Medications that are a schedule I or II controlled 56565
substance or any opioid analgesic or benzodiazepine, as defined in 56566
section 3719.01 of the Revised Code; 56567

(vi) Medications that are not prescribed by an in-network 56568
provider as part of the care management program. 56569

(7) For policies issued on or after January 1, 2017, an 56570
insurer or plan may, but is not required to, provide the 56571
twelve-month approval prescribed in division (B)(6)(a) of this 56572

section for a prescription drug that meets either of the 56573
following: 56574

(a) The drug is prescribed or administered to treat a rare 56575
medical condition and pursuant to medical or scientific evidence 56576
as defined in section 3922.01 of the Revised Code. 56577

(b) Medications that are controlled substances not included 56578
in division (B)(6)(e)(v) of this section. 56579

For purposes of division (B)(7) of this section, "rare 56580
medical condition" means any disease or condition that affects 56581
fewer than two hundred thousand individuals in the United States. 56582

(8) Nothing in division (B)(6) or (7) of this section 56583
prohibits the substitution, in accordance with section 4729.38 of 56584
the Revised Code, of any drug that has received a twelve-month 56585
approval under division (B)(6)(a) of this section when there is a 56586
release of either of the following: 56587

(a) A United States food and drug administration approved 56588
comparable brand product or a generic counterpart of a brand 56589
product that is listed as therapeutically equivalent in the United 56590
States food and drug administration's publication titled approved 56591
drug products with therapeutic equivalence evaluations; 56592

(b) An interchangeable biological product, as defined in 56593
section 3715.01 of the Revised Code. 56594

(9)(a) For policies issued on or after January 1, 2017, upon 56595
written request, an insurer or plan shall permit a retrospective 56596
review for a claim that is submitted for a service where prior 56597
authorization was required but not obtained if the service in 56598
question meets all of the following: 56599

(i) The service is directly related to another service for 56600
which prior approval has already been obtained and that has 56601
already been performed. 56602

(ii) The new service was not known to be needed at the time 56603
the original prior authorized service was performed. 56604

(iii) The need for the new service was revealed at the time 56605
the original authorized service was performed. 56606

(b) Once the written request and all necessary information is 56607
received, the insurer or plan shall review the claim for coverage 56608
and medical necessity. The insurer or plan shall not deny a claim 56609
for such a new service based solely on the fact that a prior 56610
authorization approval was not received for the new service in 56611
question. 56612

(10)(a) For policies issued on or after January 1, 2017, the 56613
insurer or plan shall disclose to all participating health care 56614
practitioners any new prior authorization requirement at least 56615
thirty days prior to the effective date of the new requirement. 56616

(b) The notice may be sent via electronic mail or standard 56617
mail and shall be conspicuously entitled "Notice of Changes to 56618
Prior Authorization Requirements." The notice is not required to 56619
contain a complete listing of all changes made to the prior 56620
authorization requirements, but shall include specific information 56621
on where the health care practitioner may locate the information 56622
on the insurer or plan's web site or, if applicable, the insurer's 56623
or plan's portal. 56624

(c) All participating health care practitioners shall 56625
promptly notify the insurer or plan of any changes to the health 56626
care practitioner's electronic mail or standard mail address. 56627

(11)(a) For policies issued on or after January 1, 2017, the 56628
insurer or plan shall make available to all participating health 56629
care practitioners on its web site or provider portal a listing of 56630
its prior authorization requirements, including specific 56631
information or documentation that a practitioner must submit in 56632
order for the prior authorization request to be considered 56633

complete. 56634

(b) The insurer or plan shall make available on its web site 56635
information about the policies, contracts, or agreements offered 56636
by the insurer or plan that clearly identifies specific services, 56637
drugs, or devices to which a prior authorization requirement 56638
exists. 56639

(12) For policies issued on or after January 1, 2018, the 56640
insurer or plan shall establish a streamlined appeal process 56641
relating to adverse prior authorization determinations that shall 56642
include all of the following: 56643

(a) For urgent care services, the appeal shall be considered 56644
within forty-eight hours after the insurer or plan receives the 56645
appeal. 56646

(b) For all other matters, the appeal shall be considered 56647
within ten calendar days after the insurer or plan receives the 56648
appeal. 56649

(c) The appeal shall be between the health care practitioner 56650
requesting the service in question and a clinical peer. 56651

(d) If the appeal does not resolve the disagreement, either 56652
the covered person or an authorized representative as defined in 56653
section 3922.01 of the Revised Code may request an external review 56654
under Chapter 3922. of the Revised Code to the extent Chapter 56655
3922. of the Revised Code is applicable. 56656

(C) For policies issued on or after January 1, 2017, except 56657
in cases of fraudulent or materially incorrect information, an 56658
insurer or plan shall not retroactively deny a prior authorization 56659
for a health care service, drug, or device when all of the 56660
following are met: 56661

(1) The health care practitioner submits a prior 56662
authorization request to the insurer or plan for a health care 56663

service, drug, or device; 56664

(2) The insurer or plan approves the prior authorization 56665
request after determining that all of the following are true: 56666

(a) The patient is eligible under the health benefit plan. 56667

(b) The health care service, drug, or device is covered under 56668
the patient's health benefit plan. 56669

(c) The health care service, drug, or device meets the 56670
insurer's or plan's standards for medical necessity and prior 56671
authorization. 56672

(3) The health care practitioner renders the health care 56673
service, drug, or device pursuant to the approved prior 56674
authorization request and all of the terms and conditions of the 56675
health care practitioner's contract with the insurer or plan; 56676

(4) On the date the health care practitioner renders the 56677
prior approved health care service, drug, or device, all of the 56678
following are true: 56679

(a) The patient is eligible under the health benefit plan. 56680

(b) The patient's condition or circumstances related to the 56681
patient's care has not changed. 56682

(c) The health care practitioner submits an accurate claim 56683
that matches the information submitted by the health care 56684
practitioner in the approved prior authorization request. 56685

(5) If the health care practitioner submits a claim that 56686
includes an unintentional error and the error results in a claim 56687
that does not match the information originally submitted by the 56688
health care practitioner in the approved prior authorization 56689
request, upon receiving a denial of services from the insurer or 56690
plan, the health care practitioner may resubmit the claim pursuant 56691
to division (C) of this section with the information that matches 56692
the information included in the approved prior authorization. 56693

(D) Any provision of a contractual arrangement entered into 56694
between an insurer or plan and a health care practitioner or 56695
beneficiary that is contrary to divisions (A) to (C) of this 56696
section is unenforceable. 56697

(E) For policies issued on or after January 1, 2017, 56698
committing a series of violations of this section that, taken 56699
together, constitute a practice or pattern shall be considered an 56700
unfair and deceptive practice under sections 3901.19 to 3901.26 of 56701
the Revised Code. 56702

(F) The superintendent of insurance may adopt rules in 56703
accordance with Chapter 119. of the Revised Code as necessary to 56704
implement the provisions of this section. 56705

(G) This section does not apply to any of the following types 56706
of coverage: a policy, contract, certificate, or agreement that 56707
covers only a specified accident, accident only, credit, dental, 56708
disability income, long-term care, hospital indemnity, 56709
supplemental coverage as described in section 3923.37 of the 56710
Revised Code, specified disease, or vision care; a dental benefit 56711
that is offered as a part of a policy of sickness and accident 56712
insurance or a public employee benefit plan; coverage issued as a 56713
supplement to liability insurance; insurance arising out of 56714
workers' compensation or similar law; automobile medical payment 56715
insurance; insurance under which benefits are payable with or 56716
without regard to fault and which is statutorily required to be 56717
contained in any liability insurance policy or equivalent 56718
self-insurance; a medicare supplement policy of insurance as 56719
defined by the superintendent of insurance by rule; coverage under 56720
a plan through medicare or the federal employees benefit program; 56721
or any coverage issued under Chapter 55 of Title 10 of the United 56722
States Code and any coverage issued as a supplement to that 56723
coverage. 56724

Sec. 3937.32. (A) No cancellation of an automobile insurance policy is effective, unless it is pursuant to written notice to the insured of cancellation. Such notice shall contain:

~~(A)~~(1) The policy number;

~~(B)~~(2) The date of the notice;

~~(C)~~(3) The effective date of cancellation of the policy, which shall not be earlier than thirty days following the date of the notice;

~~(D)~~(4) An explanation of the reason for cancellation and the information upon which it is based, or a statement that such explanation will be furnished to the insured in writing within five days after receipt of the insured's written request therefor to the insurer;

~~(E)~~(5) Where cancellation is for nonpayment of premium at least ten days notice from the date of mailing of cancellation accompanied by the reason therefor shall be given;

~~(F)~~(6) A statement that if there is cause to believe such cancellation is based on erroneous information, or is contrary to law or the terms of the policy, the insured is entitled to have the matter reviewed by the superintendent of insurance, upon written application to the superintendent made not later than the effective date of cancellation of the policy.

(B) An insurer may include a notice of cancellation for nonpayment of premium with a billing notice. Subject to division (A)(5) of this section, such a cancellation is effective on or after the due date of the bill.

Sec. 4104.15. (A) All certificates of inspection for boilers, issued prior to October 15, 1965, are valid and effective for the period set forth in such certificates unless sooner withdrawn by

the superintendent of industrial compliance. The owner or user of 56754
any such boiler shall obtain an appropriate certificate of 56755
operation for such boiler, and shall not operate such boiler, or 56756
permit it to be operated unless a certificate of operation has 56757
been obtained in accordance with section 4104.17 of the Revised 56758
Code. 56759

~~(B) If, upon making the internal and external inspection 56760
required under sections 4104.11, 4104.12, and 4104.13 of the 56761
Revised Code, the inspector finds the boiler to be in safe working 56762
order, with the fittings necessary to safety, and properly set up, 56763
upon the inspector's report to the superintendent, the 56764
superintendent shall issue to the owner or user thereof, or renew, 56765
upon application and upon a boiler owner or user is in compliance 56766
with sections 4104.13, 4104.17, and 4104.18 of the Revised Code, a 56767
the superintendent, upon application, shall issue the boiler owner 56768
or user a certificate of operation or renew the boiler owner's or 56769
user's certificate of operation. The certificate of operation 56770
which shall state: 56771~~

~~(1) State the maximum pressure at which the boiler may be 56772
operated, as ascertained by the rules of the board of building 56773
standards. Such certificates shall also state, the name of the 56774
owner or user, the location, size, and number of each boiler, and 56775
the date of issuance, and shall be; 56776~~

~~(2) Be so placed as to be easily read in the engine room or 56777
boiler room of the plant where the boiler is located, except that 56778
the certificate of operation for a portable boiler shall be kept 56779
on the premises and shall be accessible at all times. 56780~~

(C) If an inspector at any inspection finds that the boiler 56781
or pressure vessel is not in safe working condition, or is not 56782
provided with the fittings necessary to safety, or if the fittings 56783
are improperly arranged, the inspector shall immediately notify 56784
the owner or user and person in charge of the boiler and shall 56785

report the same to the superintendent who may revoke, suspend, or 56786
deny the certificate of operation and not renew the same until the 56787
boiler or pressure vessel and its fittings are put in condition to 56788
insure safety of operation, and the owner or user shall not 56789
operate the boiler or pressure vessel, or permit it to be operated 56790
until such certificate has been granted or restored. 56791

(D) If the superintendent or a general boiler inspector finds 56792
that a pressure vessel or boiler or a part thereof poses an 56793
explosion hazard that reasonably can be regarded as posing an 56794
imminent danger of death or serious physical harm to persons, the 56795
superintendent or the general boiler inspector shall seal the 56796
pressure vessel or boiler and order, in writing, the operator or 56797
owner of the pressure vessel or boiler to immediately cease the 56798
pressure vessel's or boiler's operation. The order shall be 56799
effective until the nonconformities are eliminated, corrected, or 56800
otherwise remedied, or for a period of seventy-two hours from the 56801
time of issuance, whichever occurs first. During the 56802
seventy-two-hour period, the superintendent may request that the 56803
prosecuting attorney or city attorney of Franklin county or of the 56804
county in which the pressure vessel or boiler is located obtain an 56805
injunction restraining the operator or owner of the pressure 56806
vessel or boiler from continuing its operation after the 56807
seventy-two-hour period expires until the nonconformities are 56808
eliminated, corrected, or otherwise remedied. 56809

(E) Each boiler which has been inspected shall be assigned a 56810
number by the superintendent, which number shall be stamped on a 56811
nonferrous metal tag affixed to the boiler or its fittings by seal 56812
or otherwise. No person except an inspector shall deface or remove 56813
any such number or tag. 56814

(F) If the owner or user of any pressure vessel or boiler 56815
disagrees with the inspector as to the necessity for shutting down 56816
a pressure vessel or boiler or for making repairs or alterations 56817

in it, or taking any other measures for safety that are requested 56818
by an inspector, the owner or user may appeal from the decision of 56819
the inspector to the superintendent, who may, after such other 56820
inspection by a general inspector or special inspector as the 56821
superintendent deems necessary, decide the issue. 56822

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 56823
nor an inspection or report by any inspector, shall relieve the 56824
owner or user of a pressure vessel or boiler of the duty of using 56825
due care in the inspection, operation, and repair of the pressure 56826
vessel or boiler or of any liability for damages for failure to 56827
inspect, repair, or operate the pressure vessel or boiler safely. 56828

Sec. 4104.18. (A) The owner or user of a boiler required 56829
under section 4104.12 of the Revised Code to be inspected upon 56830
installation, and the owner or user of a boiler for which a 56831
certificate of inspection has been issued ~~which~~ that is replaced 56832
with an appropriate certificate of operation, shall pay to the 56833
superintendent of industrial compliance a an initial certificate 56834
of operation fee in the following amount ~~of fifty, as applicable:~~ 56835

(1) Fifty dollars for boilers subject to annual inspections 56836
under section 4104.11 of the Revised Code, ~~one;~~ 56837

(2) One hundred dollars for boilers subject to biennial 56838
inspection under section 4104.13 of the Revised Code, ~~one;~~ 56839

(3) One hundred fifty dollars for boilers subject to 56840
triennial inspection under section 4104.11 of the Revised Code, ~~or~~ 56841
~~two;~~ 56842

(4) Two hundred fifty dollars for boilers subject to 56843
quinquennial inspection under section 4104.13 of the Revised Code. 56844

(B) The owner or user of a boiler required under section 56845
4104.12 of the Revised Code to be inspected upon installation, and 56846
the owner or user of a boiler for which a certificate of 56847

inspection has been issued that is replaced with an appropriate 56848
certificate of operation, shall pay to the superintendent of 56849
industrial compliance an annual certificate of operation renewal 56850
fee in the following amount, as applicable: 56851

(1) Fifty dollars for boilers subject to annual inspections 56852
under section 4101.11 of the Revised Code; 56853

(2) One hundred dollars for boilers subject to biennial 56854
inspections under section 4104.13 of the Revised Code; 56855

(3) One hundred fifty dollars for boilers subject to 56856
triennial inspections under section 4104.11 of the Revised Code; 56857

(4) Two hundred fifty dollars for boilers subject to 56858
quinquennial inspections under section 4104.13 of the Revised 56859
Code. 56860

(C) The fee for complete inspection during construction by a 56861
general inspector on boilers and pressure vessels manufactured 56862
within the state shall be thirty-five dollars per hour. Boiler and 56863
pressure vessel manufacturers other than those located in the 56864
state may secure inspection by a general inspector on work during 56865
construction, upon application to the superintendent, and upon 56866
payment of a fee of thirty-five dollars per hour, plus the 56867
necessary traveling and hotel expenses incurred by the inspector. 56868

~~(C)~~(D) The application fee for applicants for steam engineer, 56869
high pressure boiler operator, or low pressure boiler operator 56870
licenses is seventy-five dollars. The fee for each original or 56871
renewal steam engineer, high pressure boiler operator, or low 56872
pressure boiler operator license is fifty dollars. 56873

~~(D)~~ The director of commerce, subject to the approval of the 56874
controlling board, may establish fees in excess of the fees 56875
provided in divisions (A), (B), and (C) of this section. (E) The 56876
superintendent of industrial compliance, by rule adopted in 56877
accordance with Chapter 119. of the Revised Code, may increase the 56878

fees required by this section and may establish fees to pay the 56879
costs of the division to fulfill its duties established by this 56880
chapter. The fees shall bear some reasonable relationship to the 56881
cost of administering and enforcing the provisions of this 56882
chapter. Any moneys collected under this section shall be paid 56883
into the state treasury to the credit of the industrial compliance 56884
operating fund created in section 121.084 of the Revised Code. 56885

~~(E)~~(F) Any person who fails to pay an invoiced renewal fee or 56886
an invoiced inspection fee required for any inspection conducted 56887
by the division of industrial compliance pursuant to this chapter 56888
within forty-five days of the invoice date shall pay a late 56889
payment fee equal to twenty-five per cent of the invoiced fee. 56890

~~(F)~~(G) In addition to the fees assessed in divisions (A) ~~and~~ 56891
(B), and (C) of this section, the board of building standards 56892
shall assess the owner or user a fee of three dollars and 56893
twenty-five cents for each certificate of operation or renewal 56894
thereof issued under ~~division~~ divisions (A) and (B) of this 56895
section and for each inspection conducted under division ~~(B)~~(C) of 56896
this section. The board shall adopt rules, in accordance with 56897
Chapter 119. of the Revised Code, specifying the manner by which 56898
the superintendent shall collect and remit to the board the fees 56899
assessed under this division and requiring that remittance of the 56900
fees be made at least quarterly. 56901

Sec. 4105.17. (A) The fee for each ~~inspection, or~~ attempted 56902
inspection that, due to no fault of a general inspector or the 56903
division of industrial compliance, is not successfully completed, 56904
by a general inspector before the operation of a permanent new 56905
elevator prior to the issuance of a certificate of operation, 56906
before operation of an elevator being put back into service after 56907
a repair or after an adjudication under section 4105.11 of the 56908
Revised Code, or as a result of the operation of section 4105.08 56909

of the Revised Code and is an elevator required to be inspected 56910
under this chapter is one hundred twenty dollars plus ten dollars 56911
for each floor where the elevator stops. ~~The superintendent of~~ 56912
~~industrial compliance may assess an additional fee of one hundred~~ 56913
~~twenty dollars plus ten dollars for each floor where an elevator~~ 56914
~~stops for the reinspection of an elevator when a previous attempt~~ 56915
~~to inspect that elevator has been unsuccessful through no fault of~~ 56916
~~a general inspector or the division of industrial compliance.~~ 56917

(B) The fee for each ~~inspection, or~~ attempted inspection, 56918
that due to no fault of the general inspector or the division, is 56919
not successfully completed by a general inspector before operation 56920
of a permanent new escalator or moving walk prior to the issuance 56921
of a certificate of operation, before operation of an escalator or 56922
moving walk being put back in service after a repair, or as a 56923
result of the operation of section 4105.08 of the Revised Code is 56924
three hundred dollars. ~~The superintendent may assess an additional~~ 56925
~~fee of one hundred fifty dollars for the reinspection of an~~ 56926
~~escalator or moving walk when a previous attempt to inspect that~~ 56927
~~escalator or moving walk has been unsuccessful through no fault of~~ 56928
~~the general inspector or the division.~~ 56929

(C) The fee for issuing or renewing a certificate of 56930
operation under section 4105.15 of the Revised Code for an 56931
elevator that is inspected every six months in accordance with 56932
division (A) of section 4105.10 of the Revised Code is two hundred 56933
twenty dollars plus twelve dollars for each floor where the 56934
elevator stops, except where the elevator has been inspected by a 56935
special inspector in accordance with section 4105.07 of the 56936
Revised Code. 56937

(D) The fee for issuing or renewing a certificate of 56938
operation under section 4105.05 of the Revised Code for an 56939
elevator that is inspected every twelve months in accordance with 56940
division (A) of section 4105.10 of the Revised Code is fifty-five 56941

dollars plus ten dollars for each floor where the elevator stops, 56942
except where the elevator has been inspected by a special 56943
inspector in accordance with section 4105.07 of the Revised Code. 56944

(E) The fee for issuing or renewing a certificate of 56945
operation under section 4105.15 of the Revised Code for an 56946
escalator or moving walk is three hundred dollars, except where 56947
the escalator or moving walk has been inspected by a special 56948
inspector in accordance with section 4105.07 of the Revised Code. 56949

(F) All other fees to be charged for any examination given or 56950
other service performed by the division pursuant to this chapter 56951
shall be prescribed by the director of commerce. The fees shall be 56952
reasonably related to the costs of such examination or other 56953
service. 56954

(G) The director of commerce, subject to the approval of the 56955
controlling board, may establish fees in excess of the fees 56956
provided in divisions (A), (B), (C), (D), and (E) of this section. 56957
Any moneys collected under this section shall be paid into the 56958
state treasury to the credit of the industrial compliance 56959
operating fund created in section 121.084 of the Revised Code. 56960

(H) Any person who fails to pay an inspection fee required 56961
for any inspection ~~conducted~~ attempted by the division pursuant to 56962
this chapter within forty-five days after the inspection is 56963
~~conducted~~ attempted, or who fails to pay a certificate of 56964
operation fee pursuant to this chapter within forty-five days 56965
after the certificate's expiration, shall pay a late payment fee 56966
equal to twenty-five per cent of the inspection fee. 56967

(I) In addition to the fees assessed in divisions (A), (B), 56968
(C), (D), and (E) of this section, the board of building standards 56969
shall assess a fee of three dollars and twenty-five cents for each 56970
certificate of operation or renewal thereof issued under divisions 56971
(A), (B), (C), (D), or (E) of this section and for each permit 56972

issued under section 4105.16 of the Revised Code. The board shall 56973
adopt rules, in accordance with Chapter 119. of the Revised Code, 56974
specifying the manner by which the superintendent shall collect 56975
and remit to the board the fees assessed under this division and 56976
requiring that remittance of the fees be made at least quarterly. 56977

(J) The superintendent, by rule adopted in accordance with 56978
Chapter 119. of the Revised Code, may increase the fees required 56979
by this section and may establish fees to pay the costs of the 56980
division to fulfill its duties established by this chapter. The 56981
fees shall bear some reasonable relationship to the cost of 56982
administering and enforcing this chapter. 56983

(K) For purposes of this section: 56984

(1) "Escalator" means a power driven, inclined, continuous 56985
stairway used for raising or lowering passengers. 56986

(2) "Moving walk" means a passenger carrying device on which 56987
passengers stand or walk, with a passenger carrying surface that 56988
is uninterrupted and remains parallel to its direction of motion. 56989

Sec. 4109.06. (A) This chapter does not apply to the 56990
following: 56991

(1) Minors who are students working on any properly guarded 56992
machines in the manual training department of any school when the 56993
work is performed under the personal supervision of an instructor; 56994

(2) Students participating in a ~~vocational~~ career-technical 56995
or STEM program approved by the Ohio department of education or 56996
students participating in any eligible classes through the college 56997
credit plus program established under Chapter 3365. of the Revised 56998
Code that include a state-recognized pre-apprenticeship program 56999
that imparts the skills and knowledge needed for successful 57000
participation in a registered apprenticeship occupation course; 57001

(3) A minor participating in a play, pageant, or concert 57002

produced by an outdoor historical drama corporation, a 57003
professional traveling theatrical production, a professional 57004
concert tour, or a personal appearance tour as a professional 57005
motion picture star, or as an actor or performer in motion 57006
pictures or in radio or television productions in accordance with 57007
the rules adopted pursuant to division (A) of section 4109.05 of 57008
the Revised Code; 57009

(4) The participation, without remuneration of a minor and 57010
with the consent of a parent or guardian, in a performance given 57011
by a church, school, or academy, or at a concert or entertainment 57012
given solely for charitable purposes, or by a charitable or 57013
religious institution; 57014

(5) Minors who are employed by their parents in occupations 57015
other than occupations prohibited by rule adopted under this 57016
chapter; 57017

(6) Minors engaged in the delivery of newspapers to the 57018
consumer; 57019

(7) Minors who have received a high school diploma or a 57020
certificate of attendance from an accredited secondary school or a 57021
certificate of high school equivalence; 57022

(8) Minors who are currently heads of households or are 57023
parents contributing to the support of their children; 57024

(9) Minors engaged in lawn mowing, snow shoveling, and other 57025
related employment; 57026

(10) Minors employed in agricultural employment in connection 57027
with farms operated by their parents, grandparents, or guardians 57028
where they are members of the guardians' household. Minors are not 57029
exempt from this chapter if they reside in agricultural labor 57030
camps as defined in section 3733.41 of the Revised Code; 57031

(11) Students participating in a program to serve as precinct 57032

officers as authorized by section 3501.22 of the Revised Code. 57033

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 57034
Revised Code do not apply to the following: 57035

(1) Minors who work in a sheltered workshop operated by a 57036
county board of developmental disabilities; 57037

(2) Minors performing services for a nonprofit organization 57038
where the minor receives no compensation, except for any expenses 57039
incurred by the minor or except for meals provided to the minor; 57040

(3) Minors who are employed in agricultural employment and 57041
who do not reside in agricultural labor camps. 57042

(C) Division (D) of section 4109.07 of the Revised Code does 57043
not apply to minors who have their employment hours established as 57044
follows: 57045

(1) A minor adjudicated to be an unruly child or delinquent 57046
child who, as a result of the adjudication, is placed on probation 57047
may either file a petition in the juvenile court in whose 57048
jurisdiction the minor resides, or apply to the superintendent or 57049
to the chief administrative officer who issued the minor's age and 57050
schooling certificate pursuant to section 3331.01 of the Revised 57051
Code, alleging the restrictions on the hours of employment 57052
described in division (D) of section 4109.07 of the Revised Code 57053
will cause a substantial hardship or are not in the minor's best 57054
interests. Upon receipt of a petition or application, the court, 57055
the superintendent, or the chief administrative officer, as 57056
appropriate, shall consult with the person required to supervise 57057
the minor on probation. If after that consultation, the court, the 57058
superintendent, or the chief administrative officer finds the 57059
minor has failed to show the restrictions will result in a 57060
substantial hardship or that the restrictions are not in the 57061
minor's best interests, the court, the superintendent, or the 57062
chief administrative officer shall uphold the restrictions. If 57063

after that consultation, the court, the superintendent, or the 57064
chief administrative officer finds the minor has shown the 57065
restricted hours will cause a substantial hardship or are not in 57066
the minor's best interests, the court, the superintendent, or the 57067
chief administrative officer shall establish differing hours of 57068
employment for the minor and notify the minor and the minor's 57069
employer of those hours, which shall be binding in lieu of the 57070
restrictions on the hours of employment described in division (D) 57071
of section 4109.07 of the Revised Code. 57072

(2) Any minor to whom division (C)(1) of this section does 57073
not apply may either file a petition in the juvenile court in 57074
whose jurisdiction the person resides, or apply to the 57075
superintendent or to the chief administrative officer who issued 57076
the minor's age and schooling certificate pursuant to section 57077
3331.01 of the Revised Code, alleging the restrictions on the 57078
hours of employment described in division (D) of section 4109.07 57079
of the Revised Code will cause a substantial hardship or are not 57080
in the minor's best interests. 57081

If, as a result of a petition or application, the court, the 57082
superintendent, or the chief administrative officer, as 57083
appropriate, finds the minor has failed to show such restrictions 57084
will result in a substantial hardship or that the restrictions are 57085
not in the minor's best interests, the court, the superintendent, 57086
or the chief administrative officer shall uphold the restrictions. 57087
If the court, the superintendent, or the chief administrative 57088
officer finds the minor has shown the restricted hours will cause 57089
a substantial hardship or are not in the minor's best interests, 57090
the court, the superintendent, or the chief administrative officer 57091
shall establish the hours of employment for the minor and shall 57092
notify the minor and the minor's employer of those hours. 57093

(D) Section 4109.03, divisions (A) and (C) of section 57094
4109.02, and division (B) of section 4109.08 of the Revised Code 57095

do not apply to minors who are sixteen or seventeen years of age 57096
and who are employed at a seasonal amusement or recreational 57097
establishment. 57098

(E) As used in this section, "certificate of high school 57099
equivalence" means either: 57100

(1) A statement issued by the department of education that 57101
the holder of the statement has achieved the equivalent of a high 57102
school education as measured by scores obtained on a high school 57103
equivalency test approved by the department pursuant to division 57104
(B) of section 3301.80 of the Revised Code; 57105

(2) A statement issued by a primary-secondary education or 57106
higher education agency of another state that the holder of the 57107
statement has achieved the equivalent of a high school education 57108
as measured by scores obtained on a similar nationally recognized 57109
high school equivalency test. 57110

Sec. 4112.05. (A)(1) The commission, as provided in this 57111
section, shall prevent any person from engaging in unlawful 57112
discriminatory practices. 57113

(2) The commission may at any time attempt to resolve 57114
allegations of unlawful discriminatory practices by the use of 57115
alternative dispute resolution, provided that, before instituting 57116
the formal hearing authorized by division (B) of this section, it 57117
shall attempt, by informal methods of conference, conciliation, 57118
and persuasion, to induce compliance with this chapter. 57119

(B)(1) Any person may file a charge with the commission 57120
alleging that another person has engaged or is engaging in an 57121
unlawful discriminatory practice. In the case of a charge alleging 57122
an unlawful discriminatory practice described in division (A), 57123
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 57124
section 4112.021 or 4112.022 of the Revised Code, the charge shall 57125

be in writing and under oath and shall be filed with the 57126
commission within six months after the alleged unlawful 57127
discriminatory practice was committed. In the case of a charge 57128
alleging an unlawful discriminatory practice described in division 57129
(H) of section 4112.02 of the Revised Code, the charge shall be in 57130
writing and under oath and shall be filed with the commission 57131
within one year after the alleged unlawful discriminatory practice 57132
was committed. 57133

(a) An oath under this chapter may be made in any form of 57134
affirmation the person deems binding on the person's conscience. 57135
Acceptable forms include, but are not limited to, declarations 57136
made under penalty of perjury. 57137

(b) Any charge timely received, via facsimile, postal mail, 57138
electronic mail, or otherwise, may be signed under oath after the 57139
limitations period for filing set forth under division (B)(1) of 57140
this section and will relate back to the original filing date. 57141

(2) Upon receiving a charge, the commission may initiate a 57142
preliminary investigation to determine whether it is probable that 57143
an unlawful discriminatory practice has been or is being engaged 57144
in. The commission also may conduct, upon its own initiative and 57145
independent of the filing of any charges, a preliminary 57146
investigation relating to any of the unlawful discriminatory 57147
practices described in division (A), (B), (C), (D), (E), (F), (I), 57148
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 57149
the Revised Code. Prior to a notification of a complainant under 57150
division (B)(4) of this section or prior to the commencement of 57151
informal methods of conference, conciliation, and persuasion, or 57152
alternative dispute resolution, under that division, the members 57153
of the commission and the officers and employees of the commission 57154
shall not make public in any manner and shall retain as 57155
confidential all information that was obtained as a result of or 57156
that otherwise pertains to a preliminary investigation other than 57157

one described in division (B)(3) of this section. 57158

(3)(a) Unless it is impracticable to do so and subject to its 57159
authority under division (B)(3)(d) of this section, the commission 57160
shall complete a preliminary investigation of a charge filed 57161
pursuant to division (B)(1) of this section that alleges an 57162
unlawful discriminatory practice described in division (H) of 57163
section 4112.02 of the Revised Code, and shall take one of the 57164
following actions, within one hundred days after the filing of the 57165
charge: 57166

(i) Notify the complainant and the respondent that it is not 57167
probable that an unlawful discriminatory practice described in 57168
division (H) of section 4112.02 of the Revised Code has been or is 57169
being engaged in and that the commission will not issue a 57170
complaint in the matter; 57171

(ii) Initiate a complaint and schedule it for informal 57172
methods of conference, conciliation, and persuasion, or 57173
alternative dispute resolution; 57174

(iii) Initiate a complaint and refer it to the attorney 57175
general with a recommendation to seek a temporary or permanent 57176
injunction or a temporary restraining order. If this action is 57177
taken, the attorney general shall apply, as expeditiously as 57178
possible after receipt of the complaint, to the court of common 57179
pleas of the county in which the unlawful discriminatory practice 57180
allegedly occurred for the appropriate injunction or order, and 57181
the court shall hear and determine the application as 57182
expeditiously as possible. 57183

(b) If it is not practicable to comply with the requirements 57184
of division (B)(3)(a) of this section within the one-hundred-day 57185
period described in that division, the commission shall notify the 57186
complainant and the respondent in writing of the reasons for the 57187
noncompliance. 57188

(c) Prior to the issuance of a complaint under division 57189
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 57190
of the complainant and the respondent under division (B)(3)(a)(i) 57191
of this section, the members of the commission and the officers 57192
and employees of the commission shall not make public in any 57193
manner and shall retain as confidential all information that was 57194
obtained as a result of or that otherwise pertains to a 57195
preliminary investigation of a charge filed pursuant to division 57196
(B)(1) of this section that alleges an unlawful discriminatory 57197
practice described in division (H) of section 4112.02 of the 57198
Revised Code. 57199

(d) Notwithstanding the types of action described in 57200
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 57201
issuance of a complaint or the referral of a complaint to the 57202
attorney general and prior to endeavoring to eliminate an unlawful 57203
discriminatory practice described in division (H) of section 57204
4112.02 of the Revised Code by informal methods of conference, 57205
conciliation, and persuasion, or by alternative dispute 57206
resolution, the commission may seek a temporary or permanent 57207
injunction or a temporary restraining order in the court of common 57208
pleas of the county in which the unlawful discriminatory practice 57209
allegedly occurred. 57210

(4) If the commission determines after a preliminary 57211
investigation other than one described in division (B)(3) of this 57212
section that it is not probable that an unlawful discriminatory 57213
practice has been or is being engaged in, it shall notify any 57214
complainant under division (B)(1) of this section that it has so 57215
determined and that it will not issue a complaint in the matter. 57216
If the commission determines after a preliminary investigation 57217
other than the one described in division (B)(3) of this section 57218
that it is probable that an unlawful discriminatory practice has 57219
been or is being engaged in, it shall endeavor to eliminate the 57220

practice by informal methods of conference, conciliation, and 57221
persuasion, or by alternative dispute resolution. 57222

(5) Nothing said or done during informal methods of 57223
conference, conciliation, and persuasion, or during alternative 57224
dispute resolution, under this section shall be disclosed by any 57225
member of the commission or its staff or be used as evidence in 57226
any subsequent hearing or other proceeding. If, after a 57227
preliminary investigation and the use of informal methods of 57228
conference, conciliation, and persuasion, or alternative dispute 57229
resolution, under this section, the commission is satisfied that 57230
any unlawful discriminatory practice will be eliminated, it may 57231
treat the charge involved as being conciliated and enter that 57232
disposition on the records of the commission. If the commission 57233
fails to effect the elimination of an unlawful discriminatory 57234
practice by informal methods of conference, conciliation, and 57235
persuasion, or by alternative dispute resolution under this 57236
section and to obtain voluntary compliance with this chapter, the 57237
commission shall issue and cause to be served upon any person, 57238
including the respondent against whom a complainant has filed a 57239
charge pursuant to division (B)(1) of this section, a complaint 57240
stating the charges involved and containing a notice of an 57241
opportunity for a hearing before the commission, a member of the 57242
commission, or a hearing examiner at a place that is stated in the 57243
notice and that is located within the county in which the alleged 57244
unlawful discriminatory practice has occurred or is occurring or 57245
in which the respondent resides or transacts business. The hearing 57246
shall be held not less than thirty days after the service of the 57247
complaint upon the complainant, the aggrieved persons other than 57248
the complainant on whose behalf the complaint is issued, and the 57249
respondent, unless the complainant, an aggrieved person, or the 57250
respondent elects to proceed under division (A)(2) of section 57251
4112.051 of the Revised Code when that division is applicable. If 57252
a complaint pertains to an alleged unlawful discriminatory 57253

practice described in division (H) of section 4112.02 of the Revised Code, the complainant shall notify the complainant, an aggrieved person, and the respondent of the right of the complainant, an aggrieved person, or the respondent to elect to proceed with the administrative hearing process under this section or to proceed under division (A)(2) of section 4112.051 of the Revised Code.

(6) The attorney general shall represent the commission at any hearing held pursuant to division (B)(5) of this section and shall present the evidence in support of the complaint.

(7) Any complaint issued pursuant to division (B)(5) of this section after the filing of a charge under division (B)(1) of this section shall be so issued within one year after the complainant filed the charge with respect to an alleged unlawful discriminatory practice.

(C)(1) Any complaint issued pursuant to division (B) of this section may be amended by the commission, a member of the commission, or the hearing examiner conducting a hearing under division (B) of this section.

(a) Except as provided in division (C)(1)(b) of this section, a complaint issued pursuant to division (B) of this section may be amended at any time prior to or during the hearing.

(b) If a complaint issued pursuant to division (B) of this section alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint may be amended at any time up to seven days prior to the hearing and not thereafter.

(2) The respondent has the right to file an answer or an amended answer to the original and amended complaints and to appear at the hearing in person, by attorney, or otherwise to examine and cross-examine witnesses.

(D) The complainant shall be a party to a hearing under 57285
division (B) of this section, and any person who is an 57286
indispensable party to a complete determination or settlement of a 57287
question involved in the hearing shall be joined. Any aggrieved 57288
person who has or claims an interest in the subject of the hearing 57289
and in obtaining or preventing relief against the unlawful 57290
discriminatory practices complained of shall be permitted to 57291
appear only for the presentation of oral or written arguments, to 57292
present evidence, perform direct and cross-examination, and be 57293
represented by counsel. The commission shall adopt rules, in 57294
accordance with Chapter 119. of the Revised Code governing the 57295
authority granted under this division. 57296

(E) In any hearing under division (B) of this section, the 57297
commission, a member of the commission, or the hearing examiner 57298
shall not be bound by the Rules of Evidence but, in ascertaining 57299
the practices followed by the respondent, shall take into account 57300
all reliable, probative, and substantial statistical or other 57301
evidence produced at the hearing that may tend to prove the 57302
existence of a predetermined pattern of employment or membership, 57303
provided that nothing contained in this section shall be construed 57304
to authorize or require any person to observe the proportion that 57305
persons of any race, color, religion, sex, military status, 57306
familial status, national origin, disability, age, or ancestry 57307
bear to the total population or in accordance with any criterion 57308
other than the individual qualifications of the applicant. 57309

(F) The testimony taken at a hearing under division (B) of 57310
this section shall be under oath and shall be reduced to writing 57311
and filed with the commission. Thereafter, in its discretion, the 57312
commission, upon the service of a notice upon the complainant and 57313
the respondent that indicates an opportunity to be present, may 57314
take further testimony or hear argument. 57315

(G)(1)(a) If, upon all reliable, probative, and substantial 57316

evidence presented at a hearing under division (B) of this 57317
section, the commission determines that the respondent has engaged 57318
in, or is engaging in, any unlawful discriminatory practice, 57319
whether against the complainant or others, the commission shall 57320
state its findings of fact and conclusions of law and shall issue 57321
and, subject to the provisions of Chapter 119. of the Revised 57322
Code, cause to be served on the respondent an order requiring the 57323
respondent to do all of the following: 57324

~~(1)~~(i) Cease and desist from the unlawful discriminatory 57325
practice; 57326

(ii) Take any further affirmative or other action that will 57327
effectuate the purposes of this chapter, including, but not 57328
limited to, hiring, reinstatement, or upgrading of employees with 57329
or without back pay, or admission or restoration to union 57330
membership; 57331

(iii) Report to the commission the manner of compliance. 57332

If the commission directs payment of back pay, it shall make 57333
allowance for interim earnings. 57334

(b) If the commission finds a violation of division (H) of 57335
section 4112.02 of the Revised Code, in addition to the action 57336
described in division (G)(1)(a) of this section, the commission 57337
additionally may require the respondent to undergo ~~recommendation~~ 57338
remediation in the form of a class, seminar, or any other type of 57339
remediation approved by the commission, may require the ~~responded~~ 57340
respondent to pay actual damages and reasonable attorney's fees, 57341
and may, to vindicate the public interest, assess a civil penalty 57342
against the respondent as follows: 57343

(i) If division (G)(1)(b)(ii) or (iii) of this section does 57344
not apply, a civil penalty in an amount not to exceed ten thousand 57345
dollars; 57346

(ii) If division (G)(1)(b)(iii) of this section does not 57347

apply and if the respondent has been determined by a final order 57348
of the commission or by a final judgment of a court to have 57349
committed one violation of division (H) of section 4112.02 of the 57350
Revised Code during the five-year period immediately preceding the 57351
date on which a complaint was issued pursuant to division (B) of 57352
this section, a civil penalty in an amount not to exceed 57353
twenty-five thousand dollars; 57354

(iii) If the respondent has been determined by a final order 57355
of the commission or by a final judgment of a court to have 57356
committed two or more violations of division (H) of section 57357
4112.02 of the Revised Code during the seven-year period 57358
immediately preceding the date on which a complaint was issued 57359
pursuant to division (B) of this section, a civil penalty damages 57360
in an amount not to exceed fifty thousand dollars. 57361

(2) Upon the submission of reports of compliance, the 57362
commission may issue a declaratory order stating that the 57363
respondent has ceased to engage in particular unlawful 57364
discriminatory practices. 57365

(H) If the commission finds that no probable cause exists for 57366
crediting charges of unlawful discriminatory practices or if, upon 57367
all the evidence presented at a hearing under division (B) of this 57368
section on a charge, the commission finds that a respondent has 57369
not engaged in any unlawful discriminatory practice against the 57370
complainant or others, it shall state its findings of fact and 57371
shall issue and cause to be served on the complainant an order 57372
dismissing the complaint as to the respondent. A copy of the order 57373
shall be delivered in all cases to the attorney general and any 57374
other public officers whom the commission considers proper. 57375

If, upon all the evidence presented at a hearing under 57376
division (B) of this section on a charge, the commission finds 57377
that a respondent has not engaged in any unlawful discriminatory 57378
practice against the complainant or others, it may award to the 57379

respondent reasonable attorney's fees to the extent provided in 5 57380
U.S.C. 504 and accompanying regulations. 57381

(I) Until the time period for appeal set forth in division 57382
(H) of section 4112.06 of the Revised Code expires, the 57383
commission, subject to the provisions of Chapter 119. of the 57384
Revised Code, at any time, upon reasonable notice, and in the 57385
manner it considers proper, may modify or set aside, in whole or 57386
in part, any finding or order made by it under this section. 57387

Sec. 4117.01. As used in this chapter: 57388

(A) "Person," in addition to those included in division (C) 57389
of section 1.59 of the Revised Code, includes employee 57390
organizations, public employees, and public employers. 57391

(B) ~~"Public (1) Except as provided in division (B)(2) of this~~ 57392
~~section, "public employer" means the state or any political~~ 57393
subdivision of the state located entirely within the state, 57394
including, ~~without limitation,~~ any of the following: 57395

(a) A municipal corporation with a population of at least 57396
five thousand according to the most recent federal decennial 57397
census; 57398

(b) A county; 57399

(c) A township with a population of at least five thousand in 57400
the unincorporated area of the township according to the most 57401
recent federal decennial census; 57402

(d) A school district; 57403

(e) A governing authority of a community school established 57404
under Chapter 3314. of the Revised Code; 57405

(f) The college preparatory boarding school established under 57406
Chapter 3328. of the Revised Code or its operator; 57407

(g) A state institution of higher learning; 57408

<u>(h) A public or special district;</u>	57409
<u>(i) A state agency, authority, commission, or board; or</u>	57410
<u>(j) Any other branch of public employment. "Public</u>	57411
<u>(2) "Public employer" does not include the either of the</u>	57412
<u>following:</u>	57413
<u>(a) The nonprofit corporation formed under section 187.01 of</u>	57414
<u>the Revised Code;</u>	57415
<u>(b) A municipal corporation that has a population of less</u>	57416
<u>than five thousand, according to the most recent federal decennial</u>	57417
<u>census, after excluding from the count those individuals</u>	57418
<u>incarcerated in a state or federal prison located within the</u>	57419
<u>municipal corporation.</u>	57420
(C) "Public employee" means any person holding a position by	57421
appointment or employment in the service of a public employer,	57422
including any person working pursuant to a contract between a	57423
public employer and a private employer and over whom the national	57424
labor relations board has declined jurisdiction on the basis that	57425
the involved employees are employees of a public employer, except:	57426
(1) Persons holding elective office;	57427
(2) Employees of the general assembly and employees of any	57428
other legislative body of the public employer whose principal	57429
duties are directly related to the legislative functions of the	57430
body;	57431
(3) Employees on the staff of the governor or the chief	57432
executive of the public employer whose principal duties are	57433
directly related to the performance of the executive functions of	57434
the governor or the chief executive;	57435
(4) Persons who are members of the Ohio organized militia,	57436
while training or performing duty under section 5919.29 or 5923.12	57437
of the Revised Code;	57438

(5) Employees of the state employment relations board,	57439
including those employees of the state employment relations board	57440
utilized by the state personnel board of review in the exercise of	57441
the powers and the performance of the duties and functions of the	57442
state personnel board of review;	57443
(6) Confidential employees;	57444
(7) Management level employees;	57445
(8) Employees and officers of the courts, assistants to the	57446
attorney general, assistant prosecuting attorneys, and employees	57447
of the clerks of courts who perform a judicial function;	57448
(9) Employees of a public official who act in a fiduciary	57449
capacity, appointed pursuant to section 124.11 of the Revised	57450
Code;	57451
(10) Supervisors;	57452
(11) Students whose primary purpose is educational training,	57453
including graduate assistants or associates, residents, interns,	57454
or other students working as part-time public employees less than	57455
fifty per cent of the normal year in the employee's bargaining	57456
unit;	57457
(12) Employees of county boards of election;	57458
(13) Seasonal and casual employees as determined by the state	57459
employment relations board;	57460
(14) Part-time faculty members of an institution of higher	57461
education;	57462
(15) Participants in a work activity, developmental activity,	57463
or alternative work activity under sections 5107.40 to 5107.69 of	57464
the Revised Code who perform a service for a public employer that	57465
the public employer needs but is not performed by an employee of	57466
the public employer if the participant is not engaged in paid	57467
employment or subsidized employment pursuant to the activity;	57468

(16) Employees included in the career professional service of 57469
the department of transportation under section 5501.20 of the 57470
Revised Code; 57471

(17) Employees of community-based correctional facilities and 57472
district community-based correctional facilities created under 57473
sections 2301.51 to 2301.58 of the Revised Code. 57474

(D) "Employee organization" means any labor or bona fide 57475
organization in which public employees participate and that exists 57476
for the purpose, in whole or in part, of dealing with public 57477
employers concerning grievances, labor disputes, wages, hours, 57478
terms, and other conditions of employment. 57479

(E) "Exclusive representative" means the employee 57480
organization certified or recognized as an exclusive 57481
representative under section 4117.05 of the Revised Code. 57482

(F) "Supervisor" means any individual who has authority, in 57483
the interest of the public employer, to hire, transfer, suspend, 57484
lay off, recall, promote, discharge, assign, reward, or discipline 57485
other public employees; to responsibly direct them; to adjust 57486
their grievances; or to effectively recommend such action, if the 57487
exercise of that authority is not of a merely routine or clerical 57488
nature, but requires the use of independent judgment, provided 57489
that: 57490

(1) Employees of school districts who are department 57491
chairpersons or consulting teachers shall not be deemed 57492
supervisors. 57493

(2) With respect to members of a police or fire department, 57494
no person shall be deemed a supervisor except the chief of the 57495
department or those individuals who, in the absence of the chief, 57496
are authorized to exercise the authority and perform the duties of 57497
the chief of the department. Where prior to June 1, 1982, a public 57498
employer pursuant to a judicial decision, rendered in litigation 57499

to which the public employer was a party, has declined to engage 57500
in collective bargaining with members of a police or fire 57501
department on the basis that those members are supervisors, those 57502
members of a police or fire department do not have the rights 57503
specified in this chapter for the purposes of future collective 57504
bargaining. The state employment relations board shall decide all 57505
disputes concerning the application of division (F)(2) of this 57506
section. 57507

(3) With respect to faculty members of a state institution of 57508
higher education, heads of departments or divisions are 57509
supervisors; however, no other faculty member or group of faculty 57510
members is a supervisor solely because the faculty member or group 57511
of faculty members participate in decisions with respect to 57512
courses, curriculum, personnel, or other matters of academic 57513
policy. 57514

(4) No teacher as defined in section 3319.09 of the Revised 57515
Code shall be designated as a supervisor or a management level 57516
employee unless the teacher is employed under a contract governed 57517
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 57518
is assigned to a position for which a license deemed to be for 57519
administrators under state board rules is required pursuant to 57520
section 3319.22 of the Revised Code. 57521

(G) "To bargain collectively" means to perform the mutual 57522
obligation of the public employer, by its representatives, and the 57523
representatives of its employees to negotiate in good faith at 57524
reasonable times and places with respect to wages, hours, terms, 57525
and other conditions of employment and the continuation, 57526
modification, or deletion of an existing provision of a collective 57527
bargaining agreement, with the intention of reaching an agreement, 57528
or to resolve questions arising under the agreement. "To bargain 57529
collectively" includes executing a written contract incorporating 57530
the terms of any agreement reached. The obligation to bargain 57531

collectively does not mean that either party is compelled to agree 57532
to a proposal nor does it require the making of a concession. 57533

(H) "Strike" means continuous concerted action in failing to 57534
report to duty; willful absence from one's position; or stoppage 57535
of work in whole from the full, faithful, and proper performance 57536
of the duties of employment, for the purpose of inducing, 57537
influencing, or coercing a change in wages, hours, terms, and 57538
other conditions of employment. "Strike" does not include a 57539
stoppage of work by employees in good faith because of dangerous 57540
or unhealthful working conditions at the place of employment that 57541
are abnormal to the place of employment. 57542

(I) "Unauthorized strike" includes, but is not limited to, 57543
concerted action during the term or extended term of a collective 57544
bargaining agreement or during the pendency of the settlement 57545
procedures set forth in section 4117.14 of the Revised Code in 57546
failing to report to duty; willful absence from one's position; 57547
stoppage of work; slowdown, or abstinence in whole or in part from 57548
the full, faithful, and proper performance of the duties of 57549
employment for the purpose of inducing, influencing, or coercing a 57550
change in wages, hours, terms, and other conditions of employment. 57551
"Unauthorized strike" includes any such action, absence, stoppage, 57552
slowdown, or abstinence when done partially or intermittently, 57553
whether during or after the expiration of the term or extended 57554
term of a collective bargaining agreement or during or after the 57555
pendency of the settlement procedures set forth in section 4117.14 57556
of the Revised Code. 57557

(J) "Professional employee" means any employee engaged in 57558
work that is predominantly intellectual, involving the consistent 57559
exercise of discretion and judgment in its performance and 57560
requiring knowledge of an advanced type in a field of science or 57561
learning customarily acquired by a prolonged course in an 57562
institution of higher learning or a hospital, as distinguished 57563

from a general academic education or from an apprenticeship; or an employee who has completed the courses of specialized intellectual instruction and is performing related work under the supervision of a professional person to become qualified as a professional employee.

(K) "Confidential employee" means any employee who works in the personnel offices of a public employer and deals with information to be used by the public employer in collective bargaining; or any employee who works in a close continuing relationship with public officers or representatives directly participating in collective bargaining on behalf of the employer.

(L) "Management level employee" means an individual who formulates policy on behalf of the public employer, who responsibly directs the implementation of policy, or who may reasonably be required on behalf of the public employer to assist in the preparation for the conduct of collective negotiations, administer collectively negotiated agreements, or have a major role in personnel administration. Assistant superintendents, principals, and assistant principals whose employment is governed by section 3319.02 of the Revised Code are management level employees. With respect to members of a faculty of a state institution of higher education, no person is a management level employee because of the person's involvement in the formulation or implementation of academic or institution policy.

(M) "Wages" means hourly rates of pay, salaries, or other forms of compensation for services rendered.

(N) "Member of a police department" means a person who is in the employ of a police department of a municipal corporation as a full-time regular police officer as the result of an appointment from a duly established civil service eligibility list or under section 737.15 or 737.16 of the Revised Code, a full-time deputy sheriff appointed under section 311.04 of the Revised Code, a

township constable appointed under section 509.01 of the Revised Code, or a member of a township or joint police district police department appointed under section 505.49 of the Revised Code.

(O) "Members of the state highway patrol" means highway patrol troopers and radio operators appointed under section 5503.01 of the Revised Code.

(P) "Member of a fire department" means a person who is in the employ of a fire department of a municipal corporation or a township as a fire cadet, full-time regular firefighter, or promoted rank as the result of an appointment from a duly established civil service eligibility list or under section 505.38, 709.012, or 737.22 of the Revised Code.

(Q) "Day" means calendar day.

Sec. 4141.29. Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary total or partial unemployment in the amounts and subject to the conditions stipulated in this chapter.

(A) No individual is entitled to a waiting period or benefits for any week unless the individual:

(1) Has filed a valid application for determination of benefit rights in accordance with section 4141.28 of the Revised Code;

(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;

(3)(a) Has registered for work and thereafter continues to report to an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with the time limits, frequency, and manner prescribed by the director.

(b) For purposes of division (A)(3) of this section, an

individual has "registered" upon doing any of the following:	57626
(i) Filing an application for benefit rights;	57627
(ii) Making a weekly claim for benefits;	57628
(iii) Reopening an existing claim following a period of employment or nonreporting.	57629 57630
(c) After an applicant is registered, that registration continues for a period of three calendar weeks, including the week during which the applicant registered. However, an individual is not registered for purposes of division (A)(3) of this section during any period in which the individual fails to report, as instructed by the director, or fails to reopen an existing claim following a period of employment.	57631 57632 57633 57634 57635 57636 57637
(d) The director may, for good cause, extend the period of registration.	57638 57639
(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director.	57640 57641 57642
(4)(a)(i) Is able to work and available for suitable work and, except as provided in division (A)(4)(a)(ii) or (iii) of this section, is actively seeking suitable work either in a locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed.	57643 57644 57645 57646 57647 57648 57649
(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual within a specified number of days not to exceed forty-five	57650 57651 57652 57653 57654 57655

calendar days following the last day the individual worked. In the 57656
event the individual is not recalled within the specified period, 57657
this waiver shall cease to be operative with respect to that 57658
layoff. 57659

(iii) The director may waive the requirement that a claimant 57660
be actively seeking work if the director determines that the 57661
individual has been laid off and the employer who laid the 57662
individual off has notified the director in accordance with 57663
division (C) of section 4141.28 of the Revised Code that the 57664
employer has closed the employer's entire plant or part of the 57665
employer's plant for a purpose other than inventory or vacation 57666
that will cause unemployment for a definite period not exceeding 57667
twenty-six weeks beginning on the date the employer notifies the 57668
director, for the period of the specific shutdown, if all of the 57669
following apply: 57670

(I) The employer and the individuals affected by the layoff 57671
who are claiming benefits under this chapter jointly request the 57672
exemption. 57673

(II) The employer provides that the affected individuals 57674
shall return to work for the employer within twenty-six weeks 57675
after the date the employer notifies the director. 57676

(III) The director determines that the waiver of the active 57677
search for work requirement will promote productivity and economic 57678
stability within the state. 57679

(iv) Division (A)(4)(a)(iii) of this section does not exempt 57680
an individual from meeting the other requirements specified in 57681
division (A)(4)(a)(i) of this section to be able to work and 57682
otherwise fully be available for work. An exemption granted under 57683
division (A)(4)(a)(iii) of this section may be granted only with 57684
respect to a specific plant closing. 57685

(b)(i) The individual shall be instructed as to the efforts 57686

that the individual must make in the search for suitable work, 57687
including that, within six months after October 11, 2013, the 57688
individual shall register with the OhioMeansJobs web site, except 57689
in any of the following circumstances: 57690

(I) The individual is an individual described in division 57691
(A)(4)(b)(iii) of this section; 57692

(II) Where the active search for work requirement has been 57693
waived under division (A)(4)(a) of this section; 57694

(III) Where the active search for work requirement is 57695
considered to be met under division (A)(4)(c), (d), or (e) of this 57696
section. 57697

(ii) An individual who is registered with the OhioMeansJobs 57698
web site shall receive a weekly listing of available jobs based on 57699
information provided by the individual at the time of 57700
registration. For each week that the individual claims benefits, 57701
the individual shall keep a record of the individual's work search 57702
efforts and shall produce that record in the manner and means 57703
prescribed by the director. 57704

(iii) No individual shall be required to register with the 57705
OhioMeansJobs web site if the individual is legally prohibited 57706
from using a computer, has a physical or visual impairment that 57707
makes the individual unable to use a computer, or has a limited 57708
ability to read, write, speak, or understand a language in which 57709
the OhioMeansJobs web site is available. 57710

(iv) As used in division (A)(4)(b) of this section: 57711

(I) "OhioMeansJobs web site" ~~means the electronic job~~ 57712
~~placement system operated by the state~~ has the same meaning as in 57713
section 6301.01 of the Revised Code. 57714

(II) "Registration" includes the creation, electronic 57715
posting, and maintenance of an active, searchable resume. 57716

(c) An individual who is attending a training course approved 57717
by the director meets the requirement of this division, if 57718
attendance was recommended by the director and the individual is 57719
regularly attending the course and is making satisfactory 57720
progress. An individual also meets the requirements of this 57721
division if the individual is participating and advancing in a 57722
training program, as defined in division (P) of section 5709.61 of 57723
the Revised Code, and if an enterprise, defined in division (B) of 57724
section 5709.61 of the Revised Code, is paying all or part of the 57725
cost of the individual's participation in the training program 57726
with the intention of hiring the individual for employment as a 57727
new employee, as defined in division (L) of section 5709.61 of the 57728
Revised Code, for at least ninety days after the individual's 57729
completion of the training program. 57730

(d) An individual who becomes unemployed while attending a 57731
regularly established school and whose base period qualifying 57732
weeks were earned in whole or in part while attending that school, 57733
meets the availability and active search for work requirements of 57734
division (A)(4)(a) of this section if the individual regularly 57735
attends the school during weeks with respect to which the 57736
individual claims unemployment benefits and makes self available 57737
on any shift of hours for suitable employment with the 57738
individual's most recent employer or any other employer in the 57739
individual's base period, or for any other suitable employment to 57740
which the individual is directed, under this chapter. 57741

(e) An individual who is a member in good standing with a 57742
labor organization that refers individuals to jobs meets the 57743
active search for work requirement specified in division (A)(4)(a) 57744
of this section if the individual provides documentation that the 57745
individual is eligible for a referral or placement upon request 57746
and in a manner prescribed by the director. 57747

(f) Notwithstanding any other provisions of this section, no 57748

otherwise eligible individual shall be denied benefits for any 57749
week because the individual is in training approved under section 57750
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 57751
2296, nor shall that individual be denied benefits by reason of 57752
leaving work to enter such training, provided the work left is not 57753
suitable employment, or because of the application to any week in 57754
training of provisions in this chapter, or any applicable federal 57755
unemployment compensation law, relating to availability for work, 57756
active search for work, or refusal to accept work. 57757

For the purposes of division (A)(4)(f) of this section, 57758
"suitable employment" means with respect to an individual, work of 57759
a substantially equal or higher skill level than the individual's 57760
past adversely affected employment, as defined for the purposes of 57761
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 57762
wages for such work at not less than eighty per cent of the 57763
individual's average weekly wage as determined for the purposes of 57764
that federal act. 57765

(5) Is unable to obtain suitable work. An individual who is 57766
provided temporary work assignments by the individual's employer 57767
under agreed terms and conditions of employment, and who is 57768
required pursuant to those terms and conditions to inquire with 57769
the individual's employer for available work assignments upon the 57770
conclusion of each work assignment, is not considered unable to 57771
obtain suitable employment if suitable work assignments are 57772
available with the employer but the individual fails to contact 57773
the employer to inquire about work assignments. 57774

(6) Participates in reemployment services, such as job search 57775
assistance services, if the individual has been determined to be 57776
likely to exhaust benefits under this chapter, including 57777
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 57778
extended compensation, and needs reemployment services pursuant to 57779
the profiling system established by the director under division 57780

(K) of this section, unless the director determines that: 57781

(a) The individual has completed such services; or 57782

(b) There is justifiable cause for the claimant's failure to 57783
participate in such services. 57784

Ineligibility for failure to participate in reemployment 57785
services as described in division (A)(6) of this section shall be 57786
for the week or weeks in which the claimant was scheduled and 57787
failed to participate without justifiable cause. 57788

(7) Participates in the reemployment and eligibility 57789
assessment program, or other reemployment services, as required by 57790
the director. As used in division (A)(7) of this section, 57791
"reemployment services" includes job search assistance activities, 57792
skills assessments, and the provision of labor market statistics 57793
or analysis. 57794

(a) For purposes of division (A)(7) of this section, 57795
participation is required unless the director determines that 57796
either of the following circumstances applies to the individual: 57797

(i) The individual has completed similar services. 57798

(ii) Justifiable cause exists for the failure of the 57799
individual to participate in those services. 57800

(b) Within six months after October 11, 2013, notwithstanding 57801
any earlier contact an individual may have had with a local 57802
~~one-stop county office~~ OhioMeansJobs center, including as 57803
~~described~~ defined in section ~~6301.08~~ 6301.01 of the Revised Code, 57804
beginning with the eighth week after the week during which an 57805
individual first files a valid application for determination of 57806
benefit rights in the individual's benefit year, the individual 57807
shall report to a local ~~one-stop county office~~ OhioMeansJobs 57808
center for reemployment services in the manner prescribed by the 57809
director. 57810

(c) An individual whose active search for work requirement 57811
has been waived under division (A)(4)(a) of this section or is 57812
considered to be satisfied under division (A)(4)(c), (d), or (e) 57813
of this section is exempt from the requirements of division (A)(7) 57814
of this section. 57815

(B) An individual suffering total or partial unemployment is 57816
eligible for benefits for unemployment occurring subsequent to a 57817
waiting period of one week and no benefits shall be payable during 57818
this required waiting period. Not more than one week of waiting 57819
period shall be required of any individual in any benefit year in 57820
order to establish the individual's eligibility for total or 57821
partial unemployment benefits. 57822

(C) The waiting period for total or partial unemployment 57823
shall commence on the first day of the first week with respect to 57824
which the individual first files a claim for benefits at an 57825
employment office or other place of registration maintained or 57826
designated by the director or on the first day of the first week 57827
with respect to which the individual has otherwise filed a claim 57828
for benefits in accordance with the rules of the department of job 57829
and family services, provided such claim is allowed by the 57830
director. 57831

(D) Notwithstanding division (A) of this section, no 57832
individual may serve a waiting period or be paid benefits under 57833
the following conditions: 57834

(1) For any week with respect to which the director finds 57835
that: 57836

(a) The individual's unemployment was due to a labor dispute 57837
other than a lockout at any factory, establishment, or other 57838
premises located in this or any other state and owned or operated 57839
by the employer by which the individual is or was last employed; 57840
and for so long as the individual's unemployment is due to such 57841

labor dispute. No individual shall be disqualified under this 57842
provision if either of the following applies: 57843

(i) The individual's employment was with such employer at any 57844
factory, establishment, or premises located in this state, owned 57845
or operated by such employer, other than the factory, 57846
establishment, or premises at which the labor dispute exists, if 57847
it is shown that the individual is not financing, participating 57848
in, or directly interested in such labor dispute; 57849

(ii) The individual's employment was with an employer not 57850
involved in the labor dispute but whose place of business was 57851
located within the same premises as the employer engaged in the 57852
dispute, unless the individual's employer is a wholly owned 57853
subsidiary of the employer engaged in the dispute, or unless the 57854
individual actively participates in or voluntarily stops work 57855
because of such dispute. If it is established that the claimant 57856
was laid off for an indefinite period and not recalled to work 57857
prior to the dispute, or was separated by the employer prior to 57858
the dispute for reasons other than the labor dispute, or that the 57859
individual obtained a bona fide job with another employer while 57860
the dispute was still in progress, such labor dispute shall not 57861
render the employee ineligible for benefits. 57862

(b) The individual has been given a disciplinary layoff for 57863
misconduct in connection with the individual's work. 57864

(2) For the duration of the individual's unemployment if the 57865
director finds that: 57866

(a) The individual quit work without just cause or has been 57867
discharged for just cause in connection with the individual's 57868
work, provided division (D)(2) of this section does not apply to 57869
the separation of a person under any of the following 57870
circumstances: 57871

(i) Separation from employment for the purpose of entering 57872

the armed forces of the United States if the individual is 57873
inducted into the armed forces within one of the following 57874
periods: 57875

(I) Thirty days after separation; 57876

(II) One hundred eighty days after separation if the 57877
individual's date of induction is delayed solely at the discretion 57878
of the armed forces. 57879

(ii) Separation from employment pursuant to a 57880
labor-management contract or agreement, or pursuant to an 57881
established employer plan, program, or policy, which permits the 57882
employee, because of lack of work, to accept a separation from 57883
employment; 57884

(iii) The individual has left employment to accept a recall 57885
from a prior employer or, except as provided in division 57886
(D)(2)(a)(iv) of this section, to accept other employment as 57887
provided under section 4141.291 of the Revised Code, or left or 57888
was separated from employment that was concurrent employment at 57889
the time of the most recent separation or within six weeks prior 57890
to the most recent separation where the remuneration, hours, or 57891
other conditions of such concurrent employment were substantially 57892
less favorable than the individual's most recent employment and 57893
where such employment, if offered as new work, would be considered 57894
not suitable under the provisions of divisions (E) and (F) of this 57895
section. Any benefits that would otherwise be chargeable to the 57896
account of the employer from whom an individual has left 57897
employment or was separated from employment that was concurrent 57898
employment under conditions described in division (D)(2)(a)(iii) 57899
of this section, shall instead be charged to the mutualized 57900
account created by division (B) of section 4141.25 of the Revised 57901
Code, except that any benefits chargeable to the account of a 57902
reimbursing employer under division (D)(2)(a)(iii) of this section 57903
shall be charged to the account of the reimbursing employer and 57904

not to the mutualized account, except as provided in division 57905
(D)(2) of section 4141.24 of the Revised Code. 57906

(iv) When an individual has been issued a definite layoff 57907
date by the individual's employer and before the layoff date, the 57908
individual quits to accept other employment, the provisions of 57909
division (D)(2)(a)(iii) of this section apply and no 57910
disqualification shall be imposed under division (D) of this 57911
section. However, if the individual fails to meet the employment 57912
and earnings requirements of division (A)(2) of section 4141.291 57913
of the Revised Code, then the individual, pursuant to division 57914
(A)(5) of this section, shall be ineligible for benefits for any 57915
week of unemployment that occurs prior to the layoff date. 57916

(b) The individual has refused without good cause to accept 57917
an offer of suitable work when made by an employer either in 57918
person or to the individual's last known address, or has refused 57919
or failed to investigate a referral to suitable work when directed 57920
to do so by a local employment office of this state or another 57921
state, provided that this division shall not cause a 57922
disqualification for a waiting week or benefits under the 57923
following circumstances: 57924

(i) When work is offered by the individual's employer and the 57925
individual is not required to accept the offer pursuant to the 57926
terms of the labor-management contract or agreement; or 57927

(ii) When the individual is attending a training course 57928
pursuant to division (A)(4) of this section except, in the event 57929
of a refusal to accept an offer of suitable work or a refusal or 57930
failure to investigate a referral, benefits thereafter paid to 57931
such individual shall not be charged to the account of any 57932
employer and, except as provided in division (B)(1)(b) of section 57933
4141.241 of the Revised Code, shall be charged to the mutualized 57934
account as provided in division (B) of section 4141.25 of the 57935
Revised Code. 57936

(c) Such individual quit work to marry or because of marital, 57937
parental, filial, or other domestic obligations. 57938

(d) The individual became unemployed by reason of commitment 57939
to any correctional institution. 57940

(e) The individual became unemployed because of dishonesty in 57941
connection with the individual's most recent or any base period 57942
work. Remuneration earned in such work shall be excluded from the 57943
individual's total base period remuneration and qualifying weeks 57944
that otherwise would be credited to the individual for such work 57945
in the individual's base period shall not be credited for the 57946
purpose of determining the total benefits to which the individual 57947
is eligible and the weekly benefit amount to be paid under section 57948
4141.30 of the Revised Code. Such excluded remuneration and 57949
noncredited qualifying weeks shall be excluded from the 57950
calculation of the maximum amount to be charged, under division 57951
(D) of section 4141.24 and section 4141.33 of the Revised Code, 57952
against the accounts of the individual's base period employers. In 57953
addition, no benefits shall thereafter be paid to the individual 57954
based upon such excluded remuneration or noncredited qualifying 57955
weeks. 57956

For purposes of division (D)(2)(e) of this section, 57957
"dishonesty" means the commission of substantive theft, fraud, or 57958
deceitful acts. 57959

(E) No individual otherwise qualified to receive benefits 57960
shall lose the right to benefits by reason of a refusal to accept 57961
new work if: 57962

(1) As a condition of being so employed the individual would 57963
be required to join a company union, or to resign from or refrain 57964
from joining any bona fide labor organization, or would be denied 57965
the right to retain membership in and observe the lawful rules of 57966
any such organization. 57967

(2) The position offered is vacant due directly to a strike, 57968
lockout, or other labor dispute. 57969

(3) The work is at an unreasonable distance from the 57970
individual's residence, having regard to the character of the work 57971
the individual has been accustomed to do, and travel to the place 57972
of work involves expenses substantially greater than that required 57973
for the individual's former work, unless the expense is provided 57974
for. 57975

(4) The remuneration, hours, or other conditions of the work 57976
offered are substantially less favorable to the individual than 57977
those prevailing for similar work in the locality. 57978

(F) Subject to the special exceptions contained in division 57979
(A)(4)(f) of this section and section 4141.301 of the Revised 57980
Code, in determining whether any work is suitable for a claimant 57981
in the administration of this chapter, the director, in addition 57982
to the determination required under division (E) of this section, 57983
shall consider the degree of risk to the claimant's health, 57984
safety, and morals, the individual's physical fitness for the 57985
work, the individual's prior training and experience, the length 57986
of the individual's unemployment, the distance of the available 57987
work from the individual's residence, and the individual's 57988
prospects for obtaining local work. 57989

(G) The "duration of unemployment" as used in this section 57990
means the full period of unemployment next ensuing after a 57991
separation from any base period or subsequent work and until an 57992
individual has become reemployed in employment subject to this 57993
chapter, or the unemployment compensation act of another state, or 57994
of the United States, and until such individual has worked six 57995
weeks and for those weeks has earned or been paid remuneration 57996
equal to six times an average weekly wage of not less than: 57997
eighty-five dollars and ten cents per week beginning on June 26, 57998
1990; and beginning on and after January 1, 1992, twenty-seven and 57999

one-half per cent of the statewide average weekly wage as computed 58000
each first day of January under division (B)(3) of section 4141.30 58001
of the Revised Code, rounded down to the nearest dollar, except 58002
for purposes of division (D)(2)(c) of this section, such term 58003
means the full period of unemployment next ensuing after a 58004
separation from such work and until such individual has become 58005
reemployed subject to the terms set forth above, and has earned 58006
wages equal to one-half of the individual's average weekly wage or 58007
sixty dollars, whichever is less. 58008

(H) If a claimant is disqualified under division (D)(2)(a), 58009
(c), or (d) of this section or found to be qualified under the 58010
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 58011
this section or division (A)(2) of section 4141.291 of the Revised 58012
Code, then benefits that may become payable to such claimant, 58013
which are chargeable to the account of the employer from whom the 58014
individual was separated under such conditions, shall be charged 58015
to the mutualized account provided in section 4141.25 of the 58016
Revised Code, provided that no charge shall be made to the 58017
mutualized account for benefits chargeable to a reimbursing 58018
employer, except as provided in division (D)(2) of section 4141.24 58019
of the Revised Code. In the case of a reimbursing employer, the 58020
director shall refund or credit to the account of the reimbursing 58021
employer any over-paid benefits that are recovered under division 58022
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 58023
other states, the United States, or Canada that are subject to 58024
agreements and arrangements that are established pursuant to 58025
section 4141.43 of the Revised Code shall be credited or 58026
reimbursed according to the agreements and arrangements to which 58027
the chargeable amounts are subject. 58028

(I)(1) Benefits based on service in employment as provided in 58029
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 58030
shall be payable in the same amount, on the same terms, and 58031

subject to the same conditions as benefits payable on the basis of 58032
other service subject to this chapter; except that after December 58033
31, 1977: 58034

(a) Benefits based on service in an instructional, research, 58035
or principal administrative capacity in an institution of higher 58036
education, as defined in division (Y) of section 4141.01 of the 58037
Revised Code; or for an educational institution as defined in 58038
division (CC) of section 4141.01 of the Revised Code, shall not be 58039
paid to any individual for any week of unemployment that begins 58040
during the period between two successive academic years or terms, 58041
or during a similar period between two regular but not successive 58042
terms or during a period of paid sabbatical leave provided for in 58043
the individual's contract, if the individual performs such 58044
services in the first of those academic years or terms and has a 58045
contract or a reasonable assurance that the individual will 58046
perform services in any such capacity for any such institution in 58047
the second of those academic years or terms. 58048

(b) Benefits based on service for an educational institution 58049
or an institution of higher education in other than an 58050
instructional, research, or principal administrative capacity, 58051
shall not be paid to any individual for any week of unemployment 58052
which begins during the period between two successive academic 58053
years or terms of the employing educational institution or 58054
institution of higher education, provided the individual performed 58055
those services for the educational institution or institution of 58056
higher education during the first such academic year or term and, 58057
there is a reasonable assurance that such individual will perform 58058
those services for any educational institution or institution of 58059
higher education in the second of such academic years or terms. 58060

If compensation is denied to any individual for any week 58061
under division (I)(1)(b) of this section and the individual was 58062
not offered an opportunity to perform those services for an 58063

institution of higher education or for an educational institution 58064
for the second of such academic years or terms, the individual is 58065
entitled to a retroactive payment of compensation for each week 58066
for which the individual timely filed a claim for compensation and 58067
for which compensation was denied solely by reason of division 58068
(I)(1)(b) of this section. An application for retroactive benefits 58069
shall be timely filed if received by the director or the 58070
director's deputy within or prior to the end of the fourth full 58071
calendar week after the end of the period for which benefits were 58072
denied because of reasonable assurance of employment. The 58073
provision for the payment of retroactive benefits under division 58074
(I)(1)(b) of this section is applicable to weeks of unemployment 58075
beginning on and after November 18, 1983. The provisions under 58076
division (I)(1)(b) of this section shall be retroactive to 58077
September 5, 1982, only if, as a condition for full tax credit 58078
against the tax imposed by the "Federal Unemployment Tax Act," 53 58079
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 58080
secretary of labor determines that retroactivity is required by 58081
federal law. 58082

(c) With respect to weeks of unemployment beginning after 58083
December 31, 1977, benefits shall be denied to any individual for 58084
any week which commences during an established and customary 58085
vacation period or holiday recess, if the individual performs any 58086
services described in divisions (I)(1)(a) and (b) of this section 58087
in the period immediately before the vacation period or holiday 58088
recess, and there is a reasonable assurance that the individual 58089
will perform any such services in the period immediately following 58090
the vacation period or holiday recess. 58091

(d) With respect to any services described in division 58092
(I)(1)(a), (b), or (c) of this section, benefits payable on the 58093
basis of services in any such capacity shall be denied as 58094
specified in division (I)(1)(a), (b), or (c) of this section to 58095

any individual who performs such services in an educational 58096
institution or institution of higher education while in the employ 58097
of an educational service agency. For this purpose, the term 58098
"educational service agency" means a governmental agency or 58099
governmental entity that is established and operated exclusively 58100
for the purpose of providing services to one or more educational 58101
institutions or one or more institutions of higher education. 58102

(e) Any individual employed by a county board of 58103
developmental disabilities shall be notified by the thirtieth day 58104
of April each year if the individual is not to be reemployed the 58105
following academic year. 58106

(f) Any individual employed by a school district, other than 58107
a municipal school district as defined in section 3311.71 of the 58108
Revised Code, shall be notified by the first day of June each year 58109
if the individual is not to be reemployed the following academic 58110
year. 58111

(2) No disqualification will be imposed, between academic 58112
years or terms or during a vacation period or holiday recess under 58113
this division, unless the director or the director's deputy has 58114
received a statement in writing from the educational institution 58115
or institution of higher education that the claimant has a 58116
contract for, or a reasonable assurance of, reemployment for the 58117
ensuing academic year or term. 58118

(3) If an individual has employment with an educational 58119
institution or an institution of higher education and employment 58120
with a noneducational employer, during the base period of the 58121
individual's benefit year, then the individual may become eligible 58122
for benefits during the between-term, or vacation or holiday 58123
recess, disqualification period, based on employment performed for 58124
the noneducational employer, provided that the employment is 58125
sufficient to qualify the individual for benefit rights separately 58126
from the benefit rights based on school employment. The weekly 58127

benefit amount and maximum benefits payable during a 58128
disqualification period shall be computed based solely on the 58129
nonschool employment. 58130

(J) Benefits shall not be paid on the basis of employment 58131
performed by an alien, unless the alien had been lawfully admitted 58132
to the United States for permanent residence at the time the 58133
services were performed, was lawfully present for purposes of 58134
performing the services, or was otherwise permanently residing in 58135
the United States under color of law at the time the services were 58136
performed, under section 212(d)(5) of the "Immigration and 58137
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 58138

(1) Any data or information required of individuals applying 58139
for benefits to determine whether benefits are not payable to them 58140
because of their alien status shall be uniformly required from all 58141
applicants for benefits. 58142

(2) In the case of an individual whose application for 58143
benefits would otherwise be approved, no determination that 58144
benefits to the individual are not payable because of the 58145
individual's alien status shall be made except upon a 58146
preponderance of the evidence that the individual had not, in 58147
fact, been lawfully admitted to the United States. 58148

(K) The director shall establish and utilize a system of 58149
profiling all new claimants under this chapter that: 58150

(1) Identifies which claimants will be likely to exhaust 58151
regular compensation and will need job search assistance services 58152
to make a successful transition to new employment; 58153

(2) Refers claimants identified pursuant to division (K)(1) 58154
of this section to reemployment services, such as job search 58155
assistance services, available under any state or federal law; 58156

(3) Collects follow-up information relating to the services 58157
received by such claimants and the employment outcomes for such 58158

claimant's subsequent to receiving such services and utilizes such 58159
information in making identifications pursuant to division (K)(1) 58160
of this section; and 58161

(4) Meets such other requirements as the United States 58162
secretary of labor determines are appropriate. 58163

(L) Except as otherwise provided in division (A)(6) of this 58164
section, ineligibility pursuant to division (A) of this section 58165
shall begin on the first day of the week in which the claimant 58166
becomes ineligible for benefits and shall end on the last day of 58167
the week preceding the week in which the claimant satisfies the 58168
eligibility requirements. 58169

(M) The director may adopt rules that the director considers 58170
necessary for the administration of division (A) of this section. 58171

Sec. 4141.43. (A) The director of job and family services may 58172
cooperate with the industrial commission, the bureau of workers' 58173
compensation, the United States internal revenue service, the 58174
United States employment service, and other similar departments 58175
and agencies, as determined by the director, in the exchange or 58176
disclosure of information as to wages, employment, payrolls, 58177
unemployment, and other information. The director may employ, 58178
jointly with one or more of such agencies or departments, 58179
auditors, examiners, inspectors, and other employees necessary for 58180
the administration of this chapter and employment and training 58181
services for workers in the state. 58182

(B) The director may make the state's record relating to the 58183
administration of this chapter available to the railroad 58184
retirement board and may furnish the board at the board's expense 58185
such copies thereof as the board deems necessary for its purposes. 58186

(C) The director may afford reasonable cooperation with every 58187
agency of the United States charged with the administration of any 58188

unemployment compensation law. 58189

(D) The director may enter into arrangements with the 58190
appropriate agencies of other states or of the United States or 58191
Canada whereby individuals performing services in this and other 58192
states for a single employer under circumstances not specifically 58193
provided for in division (B) of section 4141.01 of the Revised 58194
Code or in similar provisions in the unemployment compensation 58195
laws of such other states shall be deemed to be engaged in 58196
employment performed entirely within this state or within one of 58197
such other states or within Canada, and whereby potential rights 58198
to benefits accumulated under the unemployment compensation laws 58199
of several states or under such a law of the United States, or 58200
both, or of Canada may constitute the basis for the payment of 58201
benefits through a single appropriate agency under terms that the 58202
director finds will be fair and reasonable as to all affected 58203
interests and will not result in any substantial loss to the 58204
unemployment compensation fund. 58205

(E) The director may enter into agreements with the 58206
appropriate agencies of other states or of the United States or 58207
Canada: 58208

(1) Whereby services or wages upon the basis of which an 58209
individual may become entitled to benefits under the unemployment 58210
compensation law of another state or of the United States or 58211
Canada shall be deemed to be employment or wages for employment by 58212
employers for the purposes of qualifying claimants for benefits 58213
under this chapter, and the director may estimate the number of 58214
weeks of employment represented by the wages reported to the 58215
director for such claimants by such other agency, provided such 58216
other state agency or agency of the United States or Canada has 58217
agreed to reimburse the unemployment compensation fund for such 58218
portion of benefits paid under this chapter upon the basis of such 58219
services or wages as the director finds will be fair and 58220

reasonable as to all affected interests; 58221

(2) Whereby the director will reimburse other state or 58222
federal or Canadian agencies charged with the administration of 58223
unemployment compensation laws with such reasonable portion of 58224
benefits, paid under the law of such other states or of the United 58225
States or of Canada upon the basis of employment or wages for 58226
employment by employers, as the director finds will be fair and 58227
reasonable as to all affected interests. Reimbursements so payable 58228
shall be deemed to be benefits for the purpose of section 4141.09 58229
and division (A) of section 4141.30 of the Revised Code. However, 58230
no reimbursement so payable shall be charged against any 58231
employer's account for the purposes of section 4141.24 of the 58232
Revised Code if the employer's account, under the same or similar 58233
circumstances, with respect to benefits charged under the 58234
provisions of this chapter, other than this section, would not be 58235
charged or, if the claimant at the time the claimant files the 58236
combined wage claim cannot establish benefit rights under this 58237
chapter. This noncharging shall not be applicable to a nonprofit 58238
organization that has elected to make payments in lieu of 58239
contributions under section 4141.241 of the Revised Code, except 58240
as provided in division (D)(2) of section 4141.24 of the Revised 58241
Code. The director may make to other state or federal or Canadian 58242
agencies and receive from such other state or federal or Canadian 58243
agencies reimbursements from or to the unemployment compensation 58244
fund, in accordance with arrangements pursuant to this section. 58245

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 58246
the Revised Code, the director may enter into agreements with 58247
other states whereby services performed for a crew leader, as 58248
defined in division (BB) of section 4141.01 of the Revised Code, 58249
may be covered in the state in which the crew leader either: 58250

(a) Has the crew leader's place of business or from which the 58251
crew leader's business is operated or controlled; 58252

(b) Resides if the crew leader has no place of business in 58253
any state. 58254

(F) The director may apply for an advance to the unemployment 58255
compensation fund and do all things necessary or required to 58256
obtain such advance and arrange for the repayment of such advance 58257
in accordance with Title XII of the "Social Security Act" as 58258
amended. 58259

(G) The director may enter into reciprocal agreements or 58260
arrangements with the appropriate agencies of other states in 58261
regard to services on vessels engaged in interstate or foreign 58262
commerce whereby such services for a single employer, wherever 58263
performed, shall be deemed performed within this state or within 58264
such other states. 58265

(H) The director shall participate in any arrangements for 58266
the payment of compensation on the basis of combining an 58267
individual's wages and employment, covered under this chapter, 58268
with the individual's wages and employment covered under the 58269
unemployment compensation laws of other states which are approved 58270
by the United States secretary of labor in consultation with the 58271
state unemployment compensation agencies as reasonably calculated 58272
to assure the prompt and full payment of compensation in such 58273
situations and which include provisions for: 58274

(1) Applying the base period of a single state law to a claim 58275
involving the combining of an individual's wages and employment 58276
covered under two or more state unemployment compensation laws, 58277
and 58278

(2) Avoiding the duplicate use of wages and employment by 58279
reason of such combining. 58280

(I) The director shall cooperate with the United States 58281
department of labor to the fullest extent consistent with this 58282
chapter, and shall take such action, through the adoption of 58283

appropriate rules, regulations, and administrative methods and 58284
standards, as may be necessary to secure to this state and its 58285
citizens all advantages available under the provisions of the 58286
"Social Security Act" that relate to unemployment compensation, 58287
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 58288
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 58289
113, 29 U.S.C.A. 49, ~~and~~ the "Federal-State Extended Unemployment 58290
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the 58291
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 58292
~~2801 et seq~~ "Workforce Innovation and Opportunity Act," 29 58293
U.S.C.A. 3101 et seq. 58294

(J) The director may disclose wage information furnished to 58295
or maintained by the director under Chapter 4141. of the Revised 58296
Code to a consumer reporting agency as defined by the "Fair Credit 58297
Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 58298
the purpose of verifying an individual's income under a written 58299
agreement that requires all of the following: 58300

(1) A written statement of informed consent from the 58301
individual whose information is to be disclosed; 58302

(2) A written statement confirming that the consumer 58303
reporting agency and any other entity to which the information is 58304
disclosed or released will safeguard the information from illegal 58305
or unauthorized disclosure; 58306

(3) A written statement confirming that the consumer 58307
reporting agency will pay to the bureau all costs associated with 58308
the disclosure. 58309

The director shall prescribe a manner and format in which 58310
this information may be provided. 58311

(K) The director shall adopt rules defining the requirements 58312
of the release of individual income verification information 58313
specified in division (J) of this section, which shall include all 58314

terms and conditions necessary to meet the requirements of federal 58315
law as interpreted by the United States department of labor or 58316
considered necessary by the director for the proper administration 58317
of this division. 58318

(L) The director shall disclose information furnished to or 58319
maintained by the director under this chapter upon request and on 58320
a reimbursable basis as required by section 303 of the "Social 58321
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 58322
Revenue Code," 26 U.S.C.A. 3304. 58323

Sec. 4141.51. (A) An employer who wishes to participate in 58324
the SharedWork Ohio program shall submit a plan to the director of 58325
job and family services in which the employer does all of the 58326
following: 58327

(1) Identifies the participating employees by name, social 58328
security number, affected unit, and normal weekly hours of work; 58329

(2) Describes the manner in which the employer will implement 58330
the requirements of the SharedWork Ohio program, including the 58331
proposed reduction percentage, which shall be between ten per cent 58332
and fifty per cent, and any temporary closure of the participating 58333
employer's business for equipment maintenance or other similar 58334
circumstances that the employer knows may occur during the 58335
effective period of an approved plan; 58336

(3) Includes a plan for giving advance notice, if feasible, 58337
to an employee whose normal weekly hours of work are to be reduced 58338
and, if advance notice is not feasible, an explanation of why that 58339
notice is not feasible; 58340

(4) Includes a certification by the employer that the 58341
aggregate reduction in the number of hours worked by the employees 58342
of the employer is in lieu of layoffs and includes an estimate of 58343
the number of layoffs that would have occurred absent the ability 58344

to participate in the SharedWork Ohio program; 58345

(5) Includes a certification by the employer that if the 58346
employer provides health benefits and retirement benefits under a 58347
defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, 58348
or contributions under a defined contribution plan as defined in 58349
26 U.S.C. 414(i), as amended, to any employee whose normal weekly 58350
hours of work are reduced under the program that such benefits 58351
will continue to be provided to an employee participating in the 58352
SharedWork Ohio program under the same terms and conditions as 58353
though the normal weekly hours of work of the employee had not 58354
been reduced or to the same extent as other employees not 58355
participating in the program; 58356

(6) Permits eligible employees to participate, as 58357
appropriate, in training to enhance job skills approved by the 58358
director, including employer-sponsored training or worker training 58359
funded under the federal ~~"Workforce Investment Act of 1998," 112~~ 58360
~~Stat. 936, 29 U.S.C. 2801 et seq., as amended~~ "Workforce 58361
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.; 58362

(7) Includes any other information as required by the United 58363
States secretary of labor or the director under the rules the 58364
director adopts under section 4141.50 of the Revised Code; 58365

(8) Includes an attestation by the employer that the terms of 58366
the written plan submitted by the employer and implementation of 58367
that plan are consistent with obligations of the employer under 58368
the applicable federal and state laws; 58369

(9) Includes a certification by the employer that the 58370
employer will promptly notify the director of any change in the 58371
business that includes the sale or transfer of all or part of the 58372
business, and that the employer will notify any successor in 58373
interest to the employer's business prior to the transfer of all 58374
or part of the business, of the existence of any approved shared 58375

work plan;	58376
(10) Includes a certification by the employer that, as of the date the employer submits the plan, the employer is current on all reports and has paid all contributions, reimbursements, interest, and penalties due under this chapter;	58377 58378 58379 58380
(11) Includes an assurance from the employer that the employer will remain current on all employer reporting and payments of contributions, reimbursements, interest, and penalties as required by this chapter;	58381 58382 58383 58384
(12) Includes a certification by the employer that none of the participating employees are employed on a seasonal, temporary, or intermittent basis;	58385 58386 58387
(13) Includes an assurance from the employer that the employer will not reduce a participating employee's normal weekly hours of work by more than the reduction percentage, except in the event of a temporary closure of the employer's business for equipment maintenance, or when the employee takes approved time off during the week with pay, and the combined work hours and paid leave hours equal the number of hours the employee would have worked under the plan.	58388 58389 58390 58391 58392 58393 58394 58395
(B) The director shall approve a shared work plan if an employer includes in the plan all of the information, certifications, and assurances required under division (A) of this section.	58396 58397 58398 58399
(C) The director shall approve or deny a shared work plan and shall send a written notice to the employer stating whether the director approved or denied the plan not later than thirty days after the director receives the plan. If the director denies approval of a shared work plan, the director shall state the reasons for denying approval in the written notice sent to the employer.	58400 58401 58402 58403 58404 58405 58406

(D) The director shall enforce the requirements of the SharedWork Ohio program in the same manner as the director enforces the requirements of this chapter, including under section 4141.40 of the Revised Code.

Sec. 4301.22. Sales of beer and intoxicating liquor under all classes of permits and from state liquor stores are subject to the following restrictions, in addition to those imposed by the rules or orders of the division of liquor control:

(A)(1) Except as otherwise provided in this chapter, no beer or intoxicating liquor shall be sold to any person under twenty-one years of age.

(2) No low-alcohol beverage shall be sold to any person under eighteen years of age. No permit issued by the division shall be suspended, revoked, or canceled because of a violation of division (A)(2) of this section.

(3) No intoxicating liquor shall be handled by any person under twenty-one years of age, except that a person eighteen years of age or older employed by a permit holder may handle or sell beer or intoxicating liquor in sealed containers in connection with wholesale or retail sales, and any person nineteen years of age or older employed by a permit holder may handle intoxicating liquor in open containers when acting in the capacity of a server in a hotel, restaurant, club, or night club, as defined in division (B) of section 4301.01 of the Revised Code, or in the premises of a D-7 permit holder. This section does not authorize persons under twenty-one years of age to sell intoxicating liquor across a bar. Any person employed by a permit holder may handle beer or intoxicating liquor in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, bagging, loading, or unloading, and may handle beer or intoxicating liquor in open containers in connection with cleaning

tables or handling empty bottles or glasses. 58438

(B) No permit holder and no agent or employee of a permit 58439
holder shall sell or furnish beer or intoxicating liquor to an 58440
intoxicated person. 58441

(C) No sales of intoxicating liquor shall be made after 58442
two-thirty a.m. on Sunday except under either of the following 58443
circumstances: 58444

(1) Intoxicating liquor may be sold on Sunday under authority 58445
of a permit that authorizes Sunday sale. 58446

(2) Spirituous liquor may be sold on Sunday by any person 58447
awarded an agency contract under section 4301.17 of the Revised 58448
Code if the sale of spirituous liquor is authorized in the 58449
applicable precinct as the result of an election on question 58450
(B)(1) or (2) of section 4301.351 of the Revised Code and if the 58451
agency contract authorizes the sale of spirituous liquor on 58452
Sunday. 58453

This section does not prevent a municipal corporation from 58454
adopting a closing hour for the sale of intoxicating liquor 58455
earlier than two-thirty a.m. on Sunday or to provide that no 58456
intoxicating liquor may be sold prior to that hour on Sunday. 58457

(D) No holder of a permit shall give away any beer or 58458
intoxicating liquor of any kind at any time in connection with the 58459
permit holder's business. However, with the exception of an A-1-A 58460
permit holder that also has been issued an A-2 or A-2f permit, an 58461
A-1-A, A-1c, or D permit holder may provide to a paying customer 58462
not more than a total of four tasting samples of beer, wine, or 58463
spirituous liquor, as authorized by the applicable permit, in any 58464
twenty-four-hour period. The permit holder shall provide the 58465
tasting samples free of charge, at the permit holder's expense, 58466
only to a person who is twenty-one years of age or older. The 58467
person shall consume the tasting samples on the premises of the 58468

permit holder. A distributor is not responsible for the costs of 58469
providing tasting samples authorized under division (D) of this 58470
section. 58471

As used in division (D) of this section: 58472

(1) "Tasting sample" means one of the following, as 58473
applicable: 58474

(a) An amount not to exceed two ounces of beer; 58475

(b) An amount not to exceed two ounces of wine; 58476

(c) An amount not to exceed a quarter ounce of spirituous 58477
liquor. 58478

(2) "D permit holder" means a person that has been issued a 58479
D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, 58480
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-6, 58481
or D-7 permit. 58482

(E) Except as otherwise provided in this division, no retail 58483
permit holder shall display or permit the display on the outside 58484
of any licensed retail premises, or on any lot of ground on which 58485
the licensed premises are situated, or on the exterior of any 58486
building of which the licensed premises are a part, any sign, 58487
illustration, or advertisement bearing the name, brand name, trade 58488
name, trade-mark, designation, or other emblem of or indicating 58489
the manufacturer, producer, distributor, place of manufacture, 58490
production, or distribution of any beer or intoxicating liquor. 58491
Signs, illustrations, or advertisements bearing the name, brand 58492
name, trade name, trade-mark, designation, or other emblem of or 58493
indicating the manufacturer, producer, distributor, place of 58494
manufacture, production, or distribution of beer or intoxicating 58495
liquor may be displayed and permitted to be displayed on the 58496
interior or in the show windows of any licensed premises, if the 58497
particular brand or type of product so advertised is actually 58498
available for sale on the premises at the time of that display. 58499

The liquor control commission shall determine by rule the size and character of those signs, illustrations, or advertisements. 58500
58501

(F) No retail permit holder shall possess on the licensed premises any barrel or other container from which beer is drawn, unless there is attached to the spigot or other dispensing apparatus the name of the manufacturer of the product contained in the barrel or other container, provided that, if the beer is served at a bar, the manufacturer's name or brand shall appear in full view of the purchaser. The commission shall regulate the size and character of the devices provided for in this section. 58502
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(G) Except as otherwise provided in this division, no sale of any gift certificate shall be permitted whereby beer or intoxicating liquor of any kind is to be exchanged for the certificate, unless the gift certificate can be exchanged only for food, and beer or intoxicating liquor, for on-premises consumption and the value of the beer or intoxicating liquor for which the certificate can be exchanged does not exceed more than thirty per cent of the total value of the gift certificate. The sale of gift certificates for the purchase of beer, wine, or mixed beverages shall be permitted for the purchase of beer, wine, or mixed beverages for off-premises consumption. Limitations on the use of a gift certificate for the purchase of beer, wine, or mixed beverages for off-premises consumption may be expressed by clearly stamping or typing on the face of the certificate that the certificate may not be used for the purchase of beer, wine, or mixed beverages. 58510
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Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of the Revised Code: 58526
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(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces. 58528
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(2) "Sale" or "sell" includes exchange, barter, gift, 58530

distribution, and, except with respect to A-4 permit holders, 58531
offer for sale. 58532

(B) For the purposes of providing revenues for the support of 58533
the state and encouraging the grape industries in the state, a tax 58534
is hereby levied on the sale or distribution of wine in Ohio, 58535
except for known sacramental purposes, at the rate of thirty cents 58536
per wine gallon for wine containing not less than four per cent of 58537
alcohol by volume and not more than fourteen per cent of alcohol 58538
by volume, ninety-eight cents per wine gallon for wine containing 58539
more than fourteen per cent but not more than twenty-one per cent 58540
of alcohol by volume, one dollar and eight cents per wine gallon 58541
for vermouth, and one dollar and forty-eight cents per wine gallon 58542
for sparkling and carbonated wine and champagne, the tax to be 58543
paid by the holders of A-2, A-2f, and B-5 permits or by any other 58544
person selling or distributing wine upon which no tax has been 58545
paid. From the tax paid under this section on wine, vermouth, and 58546
sparkling and carbonated wine and champagne, the treasurer of 58547
state shall credit to the Ohio grape industries fund created under 58548
section 924.54 of the Revised Code a sum equal to one cent per 58549
gallon for each gallon upon which the tax is paid. 58550

(C) For the purpose of providing revenues for the support of 58551
the state, there is hereby levied a tax on prepared and bottled 58552
highballs, cocktails, cordials, and other mixed beverages at the 58553
rate of one dollar and twenty cents per wine gallon to be paid by 58554
holders of A-4 permits or by any other person selling or 58555
distributing those products upon which no tax has been paid. Only 58556
one sale of the same article shall be used in computing the amount 58557
of tax due. The tax on mixed beverages to be paid by holders of 58558
A-4 permits under this section shall not attach until the 58559
ownership of the mixed beverage is transferred for valuable 58560
consideration to a wholesaler or retailer, and no payment of the 58561
tax shall be required prior to that time. 58562

(D) During the period of July 1, ~~2015~~ 2017, through June 30, 58563
~~2017~~ 2019, from the tax paid under this section on wine, vermouth, 58564
and sparkling and carbonated wine and champagne, the treasurer of 58565
state shall credit to the Ohio grape industries fund created under 58566
section 924.54 of the Revised Code a sum equal to two cents per 58567
gallon upon which the tax is paid. The amount credited under this 58568
division is in addition to the amount credited to the Ohio grape 58569
industries fund under division (B) of this section. 58570

(E) For the purpose of providing revenues for the support of 58571
the state, there is hereby levied a tax on cider at the rate of 58572
twenty-four cents per wine gallon to be paid by the holders of 58573
A-2, A-2f, and B-5 permits or by any other person selling or 58574
distributing cider upon which no tax has been paid. Only one sale 58575
of the same article shall be used in computing the amount of the 58576
tax due. 58577

Sec. 4301.62. (A) As used in this section: 58578

(1) "Chauffeured limousine" means a vehicle registered under 58579
section 4503.24 of the Revised Code. 58580

(2) "Street," "highway," and "motor vehicle" have the same 58581
meanings as in section 4511.01 of the Revised Code. 58582

(B) No person shall have in the person's possession an opened 58583
container of beer or intoxicating liquor in any of the following 58584
circumstances: 58585

(1) Except as provided in division (C)(1)(e) of this section, 58586
in an agency store; 58587

(2) Except as provided in division (C) of this section, on 58588
the premises of the holder of any permit issued by the division of 58589
liquor control; 58590

(3) In any other public place; 58591

(4) Except as provided in division (D) or (E) of this 58592

section, while operating or being a passenger in or on a motor 58593
vehicle on any street, highway, or other public or private 58594
property open to the public for purposes of vehicular travel or 58595
parking; 58596

(5) Except as provided in division (D) or (E) of this 58597
section, while being in or on a stationary motor vehicle on any 58598
street, highway, or other public or private property open to the 58599
public for purposes of vehicular travel or parking. 58600

(C)(1) A person may have in the person's possession an opened 58601
container of any of the following: 58602

(a) Beer or intoxicating liquor that has been lawfully 58603
purchased for consumption on the premises where bought from the 58604
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 58605
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 58606
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, 58607
or F-8 permit; 58608

(b) Beer, wine, or mixed beverages served for consumption on 58609
the premises by the holder of an F-3 permit, wine served as a 58610
tasting sample by an A-2 permit holder or S permit holder for 58611
consumption on the premises of a farmers market for which an F-10 58612
permit has been issued, or wine served for consumption on the 58613
premises by the holder of an F-4 or F-6 permit; 58614

(c) Beer or intoxicating liquor consumed on the premises of a 58615
convention facility as provided in section 4303.201 of the Revised 58616
Code; 58617

(d) Beer or intoxicating liquor to be consumed during 58618
tastings and samplings approved by rule of the liquor control 58619
commission; 58620

(e) Spirituous liquor to be consumed for purposes of a 58621
tasting sample, as defined in section 4301.171 of the Revised 58622
Code. 58623

(2) A person may have in the person's possession on an F 58624
liquor permit premises an opened container of beer or intoxicating 58625
liquor that was not purchased from the holder of the F permit if 58626
the premises for which the F permit is issued is a music festival 58627
and the holder of the F permit grants permission for that 58628
possession on the premises during the period for which the F 58629
permit is issued. As used in this division, "music festival" means 58630
a series of outdoor live musical performances, extending for a 58631
period of at least three consecutive days and located on an area 58632
of land of at least forty acres. 58633

(3)(a) A person may have in the person's possession on a D-2 58634
liquor permit premises an opened or unopened container of wine 58635
that was not purchased from the holder of the D-2 permit if the 58636
premises for which the D-2 permit is issued is an outdoor 58637
performing arts center, the person is attending an orchestral 58638
performance, and the holder of the D-2 permit grants permission 58639
for the possession and consumption of wine in certain 58640
predesignated areas of the premises during the period for which 58641
the D-2 permit is issued. 58642

(b) As used in division (C)(3)(a) of this section: 58643

(i) "Orchestral performance" means a concert comprised of a 58644
group of not fewer than forty musicians playing various musical 58645
instruments. 58646

(ii) "Outdoor performing arts center" means an outdoor 58647
performing arts center that is located on not less than one 58648
hundred fifty acres of land and that is open for performances from 58649
the first day of April to the last day of October of each year. 58650

(4) A person may have in the person's possession an opened or 58651
unopened container of beer or intoxicating liquor at an outdoor 58652
location at which the person is attending an orchestral 58653
performance as defined in division (C)(3)(b)(i) of this section if 58654

the person with supervision and control over the performance 58655
grants permission for the possession and consumption of beer or 58656
intoxicating liquor in certain predesignated areas of that outdoor 58657
location. 58658

(5) A person may have in the person's possession on an F-9 58659
liquor permit premises an opened or unopened container of beer or 58660
intoxicating liquor that was not purchased from the holder of the 58661
F-9 permit if the person is attending an either of the following: 58662

(a) An orchestral performance and the F-9 permit holder of 58663
the F-9 permit grants permission for the possession and 58664
consumption of beer or intoxicating liquor in certain 58665
predesignated areas of the premises during the period for which 58666
the F-9 permit is issued; 58667

(b) An outdoor performing arts event or orchestral 58668
performance that is free of charge and the F-9 permit holder 58669
annually hosts not less than twenty-five other events or 58670
performances that are free of charge on the permit premises. 58671

As used in division (C)(5) of this section, "orchestral 58672
performance" has the same meaning as in division (C)(3)(b) of this 58673
section. 58674

(6)(a) A person may have in the person's possession on the 58675
property of an outdoor motorsports facility an opened or unopened 58676
container of beer or intoxicating liquor that was not purchased 58677
from the owner of the facility if both of the following apply: 58678

(i) The person is attending a racing event at the facility; 58679
and 58680

(ii) The owner of the facility grants permission for the 58681
possession and consumption of beer or intoxicating liquor on the 58682
property of the facility. 58683

(b) As used in division (C)(6)(a) of this section: 58684

(i) "Racing event" means a motor vehicle racing event 58685
sanctioned by one or more motor racing sanctioning organizations. 58686

(ii) "Outdoor motorsports facility" means an outdoor 58687
racetrack to which all of the following apply: 58688

(I) It is two and four-tenths miles or more in length. 58689

(II) It is located on two hundred acres or more of land. 58690

(III) The primary business of the owner of the facility is 58691
the hosting and promoting of racing events. 58692

(IV) The holder of a D-1, D-2, or D-3 permit is located on 58693
the property of the facility. 58694

(7)(a) A person may have in the person's possession an opened 58695
container of beer or intoxicating liquor at an outdoor location 58696
within an outdoor refreshment area created under section 4301.82 58697
of the Revised Code if the opened container of beer or 58698
intoxicating liquor was purchased from a qualified permit holder 58699
to which both of the following apply: 58700

(i) The permit holder's premises is located within the 58701
outdoor refreshment area. 58702

(ii) The permit held by the permit holder has an outdoor 58703
refreshment area designation. 58704

(b) Division (C)(7) of this section does not authorize a 58705
person to do either of the following: 58706

(i) Enter the premises of an establishment within an outdoor 58707
refreshment area while possessing an opened container of beer or 58708
intoxicating liquor acquired elsewhere; 58709

(ii) Possess an opened container of beer or intoxicating 58710
liquor while being in or on a motor vehicle within an outdoor 58711
refreshment area, unless the motor vehicle is stationary and is 58712
not being operated in a lane of vehicular travel or unless the 58713
possession is otherwise authorized under division (D) or (E) of 58714

this section. 58715

(8)(a) A person may have in the person's possession on the 58716
property of a market, within a defined F-8 permit premises, an 58717
opened container of beer or intoxicating liquor that was purchased 58718
from a D permit premises that is located immediately adjacent to 58719
the market if both of the following apply: 58720

(i) The market grants permission for the possession and 58721
consumption of beer and intoxicating liquor within the defined F-8 58722
permit premises; 58723

(ii) The market is hosting an event pursuant to an F-8 permit 58724
and the market has notified the division of liquor control about 58725
the event in accordance with division (A)(3) of section 4303.208 58726
of the Revised Code. 58727

(b) As used in division (C)(8) of this section, ~~market~~ 58728
"market" means a market, for which an F-8 permit is held, that has 58729
been in operation since 1860. 58730

(D) This section does not apply to a person who pays all or a 58731
portion of the fee imposed for the use of a chauffeured limousine 58732
pursuant to a prearranged contract, or the guest of the person, 58733
when all of the following apply: 58734

(1) The person or guest is a passenger in the limousine. 58735

(2) The person or guest is located in the limousine, but is 58736
not occupying a seat in the front compartment of the limousine 58737
where the operator of the limousine is located. 58738

(3) The limousine is located on any street, highway, or other 58739
public or private property open to the public for purposes of 58740
vehicular travel or parking. 58741

(E) An opened bottle of wine that was purchased from the 58742
holder of a permit that authorizes the sale of wine for 58743
consumption on the premises where sold is not an opened container 58744

for the purposes of this section if both of the following apply: 58745

(1) The opened bottle of wine is securely resealed by the 58746
permit holder or an employee of the permit holder before the 58747
bottle is removed from the premises. The bottle shall be secured 58748
in such a manner that it is visibly apparent if the bottle has 58749
been subsequently opened or tampered with. 58750

(2) The opened bottle of wine that is resealed in accordance 58751
with division (E)(1) of this section is stored in the trunk of a 58752
motor vehicle or, if the motor vehicle does not have a trunk, 58753
behind the last upright seat or in an area not normally occupied 58754
by the driver or passengers and not easily accessible by the 58755
driver. 58756

(F)(1) Except if an ordinance or resolution is enacted or 58757
adopted under division (F)(2) of this section, this section does 58758
not apply to a person who, pursuant to a prearranged contract, is 58759
a passenger riding on a commercial quadricycle when all of the 58760
following apply: 58761

(a) The person is not occupying a seat in the front of the 58762
commercial quadricycle where the operator is steering or braking. 58763

(b) The commercial quadricycle is being operated on a street, 58764
highway, or other public or private property open to the public 58765
for purposes of vehicular travel or parking. 58766

(c) The person has in their possession on the commercial 58767
quadricycle an opened container of beer or wine. 58768

(d) The person has in their possession on the commercial 58769
quadricycle not more than either thirty-six ounces of beer or 58770
eighteen ounces of wine. 58771

(2) The legislative authority of a municipal corporation or 58772
township may enact an ordinance or adopt a resolution, as 58773
applicable, that prohibits a passenger riding on a commercial 58774

quadricycle from possessing an opened container of beer or wine. 58775

(3) As used in this section, "commercial quadricycle" means a 58776
vehicle that has fully-operative pedals for propulsion entirely by 58777
human power and that meets all of the following requirements: 58778

(a) It has four wheels and is operated in a manner similar to 58779
a bicycle. 58780

(b) It has at least five seats for passengers. 58781

(c) It is designed to be powered by the pedaling of the 58782
operator and the passengers. 58783

(d) It is used for commercial purposes. 58784

(e) It is operated by the vehicle owner or an employee of the 58785
owner. 58786

(G) This section does not apply to a person that has in the 58787
person's possession an opened container of beer or intoxicating 58788
liquor on the premises of a market if the beer or intoxicating 58789
liquor has been purchased from a D liquor permit holder that is 58790
located in the market. 58791

As used in division (G) of this section, "market" means an 58792
establishment that: 58793

(1) Leases space in the market to individual vendors, not 58794
less than fifty per cent of which are retail food establishments 58795
or food service operations licensed under Chapter 3717. of the 58796
Revised Code; 58797

(2) Has an indoor sales floor area of not less than 58798
twenty-two thousand square feet; 58799

(3) Hosts a farmer's market on each Saturday from April 58800
through December. 58801

Sec. 4303.05. (A) Permit A-4 may be issued to a either of the 58802
following: 58803

(1) A manufacturer to manufacture prepared highballs, 58804
cocktails, cordials, and other mixed ~~drinks~~ beverages containing 58805
not less than ~~four~~ one-half of one per cent of alcohol by volume 58806
and not more than twenty-one per cent of alcohol by volume, and to 58807
sell such products to wholesale and retail permit holders in 58808
sealed containers only under such rules as are adopted by the 58809
division of liquor control. The holder of such permit may import 58810
into the state spirituous liquor and wine only for blending or 58811
other manufacturing purposes under such rules as are prescribed by 58812
the division. 58813

(2) A manufacturer to manufacture ice cream containing not 58814
less than one-half of one per cent of alcohol by volume but not 58815
more than six per cent of alcohol by volume, and to sell those 58816
products either for consumption on the premises where manufactured 58817
or in sealed containers for consumption off the premises where 58818
manufactured. For off-premises consumption purposes, a 58819
manufacturer shall not knowingly sell more than four pints of such 58820
ice cream to a customer in any calendar day. 58821

No A-4 permit shall be issued to a manufacturer to sell ice 58822
cream under division (A)(2) of this section unless the sale of 58823
mixed beverages for both on- and off-premises consumption is 58824
authorized in the election precinct in which the A-4 permit is 58825
proposed to be located. 58826

(B) The holder of ~~such an~~ A-4 permit may also purchase 58827
spirituous liquor for manufacturing and blending purposes from the 58828
holder of an A-3 permit issued by the division. The fee for an A-4 58829
permit is three thousand nine hundred six dollars for each plant. 58830

Sec. 4303.181. (A) Permit D-5a may be issued either to the 58831
owner or operator of a hotel or motel that is required to be 58832
licensed under section 3731.03 of the Revised Code, that contains 58833
at least fifty rooms for registered transient guests or is owned 58834

by a state institution of higher education as defined in section 58835
3345.011 of the Revised Code or a private college or university, 58836
and that qualifies under the other requirements of this section, 58837
or to the owner or operator of a restaurant specified under this 58838
section, to sell beer and any intoxicating liquor at retail, only 58839
by the individual drink in glass and from the container, for 58840
consumption on the premises where sold, and to registered guests 58841
in their rooms, which may be sold by means of a controlled access 58842
alcohol and beverage cabinet in accordance with division (B) of 58843
section 4301.21 of the Revised Code; and to sell the same products 58844
in the same manner and amounts not for consumption on the premises 58845
as may be sold by holders of D-1 and D-2 permits. The premises of 58846
the hotel or motel shall include a retail food establishment or a 58847
food service operation licensed pursuant to Chapter 3717. of the 58848
Revised Code that operates as a restaurant for purposes of this 58849
chapter and that is affiliated with the hotel or motel and within 58850
or contiguous to the hotel or motel, and that serves food within 58851
the hotel or motel, but the principal business of the owner or 58852
operator of the hotel or motel shall be the accommodation of 58853
transient guests. In addition to the privileges authorized in this 58854
division, the holder of a D-5a permit may exercise the same 58855
privileges as the holder of a D-5 permit. 58856

The owner or operator of a hotel, motel, or restaurant who 58857
qualified for and held a D-5a permit on August 4, 1976, may, if 58858
the owner or operator held another permit before holding a D-5a 58859
permit, either retain a D-5a permit or apply for the permit 58860
formerly held, and the division of liquor control shall issue the 58861
permit for which the owner or operator applies and formerly held, 58862
notwithstanding any quota. 58863

A D-5a permit shall not be transferred to another location. 58864
No quota restriction shall be placed on the number of D-5a permits 58865
that may be issued. 58866

The fee for this permit is two thousand three hundred 58867
forty-four dollars. 58868

(B) Permit D-5b may be issued to the owner, operator, tenant, 58869
lessee, or occupant of an enclosed shopping center to sell beer 58870
and intoxicating liquor at retail, only by the individual drink in 58871
glass and from the container, for consumption on the premises 58872
where sold; and to sell the same products in the same manner and 58873
amount not for consumption on the premises as may be sold by 58874
holders of D-1 and D-2 permits. In addition to the privileges 58875
authorized in this division, the holder of a D-5b permit may 58876
exercise the same privileges as a holder of a D-5 permit. 58877

A D-5b permit shall not be transferred to another location. 58878

One D-5b permit may be issued at an enclosed shopping center 58879
containing at least two hundred twenty-five thousand, but less 58880
than four hundred thousand, square feet of floor area. 58881

Two D-5b permits may be issued at an enclosed shopping center 58882
containing at least four hundred thousand square feet of floor 58883
area. No more than one D-5b permit may be issued at an enclosed 58884
shopping center for each additional two hundred thousand square 58885
feet of floor area or fraction of that floor area, up to a maximum 58886
of five D-5b permits for each enclosed shopping center. The number 58887
of D-5b permits that may be issued at an enclosed shopping center 58888
shall be determined by subtracting the number of D-3 and D-5 58889
permits issued in the enclosed shopping center from the number of 58890
D-5b permits that otherwise may be issued at the enclosed shopping 58891
center under the formulas provided in this division. Except as 58892
provided in this section, no quota shall be placed on the number 58893
of D-5b permits that may be issued. Notwithstanding any quota 58894
provided in this section, the holder of any D-5b permit first 58895
issued in accordance with this section is entitled to its renewal 58896
in accordance with section 4303.271 of the Revised Code. 58897

The holder of a D-5b permit issued before April 4, 1984, 58898
whose tenancy is terminated for a cause other than nonpayment of 58899
rent, may return the D-5b permit to the division of liquor 58900
control, and the division shall cancel that permit. Upon 58901
cancellation of that permit and upon the permit holder's payment 58902
of taxes, contributions, premiums, assessments, and other debts 58903
owing or accrued upon the date of cancellation to this state and 58904
its political subdivisions and a filing with the division of a 58905
certification of that payment, the division shall issue to that 58906
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 58907
that person requests. The division shall issue the D-5 permit, or 58908
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 58909
D-3, or D-5 permits currently issued in the municipal corporation 58910
or in the unincorporated area of the township where that person's 58911
proposed premises is located equals or exceeds the maximum number 58912
of such permits that can be issued in that municipal corporation 58913
or in the unincorporated area of that township under the 58914
population quota restrictions contained in section 4303.29 of the 58915
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 58916
be transferred to another location. If a D-5b permit is canceled 58917
under the provisions of this paragraph, the number of D-5b permits 58918
that may be issued at the enclosed shopping center for which the 58919
D-5b permit was issued, under the formula provided in this 58920
division, shall be reduced by one if the enclosed shopping center 58921
was entitled to more than one D-5b permit under the formula. 58922

The fee for this permit is two thousand three hundred 58923
forty-four dollars. 58924

(C) Permit D-5c may be issued to the owner or operator of a 58925
retail food establishment or a food service operation licensed 58926
pursuant to Chapter 3717. of the Revised Code that operates as a 58927
restaurant for purposes of this chapter and that qualifies under 58928
the other requirements of this section to sell beer and any 58929

intoxicating liquor at retail, only by the individual drink in 58930
glass and from the container, for consumption on the premises 58931
where sold, and to sell the same products in the same manner and 58932
amounts not for consumption on the premises as may be sold by 58933
holders of D-1 and D-2 permits. In addition to the privileges 58934
authorized in this division, the holder of a D-5c permit may 58935
exercise the same privileges as the holder of a D-5 permit. 58936

To qualify for a D-5c permit, the owner or operator of a 58937
retail food establishment or a food service operation licensed 58938
pursuant to Chapter 3717. of the Revised Code that operates as a 58939
restaurant for purposes of this chapter, shall have operated the 58940
restaurant at the proposed premises for not less than twenty-four 58941
consecutive months immediately preceding the filing of the 58942
application for the permit, have applied for a D-5 permit no later 58943
than December 31, 1988, and appear on the division's quota waiting 58944
list for not less than six months immediately preceding the filing 58945
of the application for the permit. In addition to these 58946
requirements, the proposed D-5c permit premises shall be located 58947
within a municipal corporation and further within an election 58948
precinct that, at the time of the application, has no more than 58949
twenty-five per cent of its total land area zoned for residential 58950
use. 58951

A D-5c permit shall not be transferred to another location. 58952
No quota restriction shall be placed on the number of such permits 58953
that may be issued. 58954

Any person who has held a D-5c permit for at least two years 58955
may apply for a D-5 permit, and the division of liquor control 58956
shall issue the D-5 permit notwithstanding the quota restrictions 58957
contained in section 4303.29 of the Revised Code or in any rule of 58958
the liquor control commission. 58959

The fee for this permit is one thousand five hundred 58960
sixty-three dollars. 58961

(D) Permit D-5d may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located at an airport operated by a board of county commissioners pursuant to section 307.20 of the Revised Code, at an airport operated by a port authority pursuant to Chapter 4582. of the Revised Code, or at an airport operated by a regional airport authority pursuant to Chapter 308. of the Revised Code. The holder of a D-5d permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5d permit may exercise the same privileges as the holder of a D-5 permit.

A D-5d permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

- (1) Is permanently docked at one location;
- (2) Is designated as an historical riverboat by the Ohio history connection;

(3) Contains not less than fifteen hundred square feet of floor area;	58993 58994
(4) Has a seating capacity of fifty or more persons.	58995
The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.	58996 58997 58998
A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.	58999 59000 59001 59002 59003 59004 59005 59006 59007 59008
The fee for this permit is one thousand two hundred nineteen dollars.	59009 59010
(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:	59011 59012 59013 59014 59015
(1) It contains not less than twenty-five hundred square feet of floor area.	59016 59017
(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.	59018 59019
(3) It provides docking space for twenty-five boats.	59020
(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit	59021 59022

premises shall be preparing and serving meals for a consideration. 59023

In addition, each application for a D-5f permit shall be 59024
accompanied by a certification from the local legislative 59025
authority that the issuance of the D-5f permit is not inconsistent 59026
with that political subdivision's comprehensive development plan 59027
or other economic development goal as officially established by 59028
the local legislative authority. 59029

The holder of a D-5f permit may sell beer and intoxicating 59030
liquor at retail, only by the individual drink in glass and from 59031
the container, for consumption on the premises where sold. 59032

A D-5f permit shall not be transferred to another location. 59033

The division of liquor control shall not issue a D-5f permit 59034
if the permit premises or proposed permit premises are located 59035
within an area in which the sale of spirituous liquor by the glass 59036
is prohibited. 59037

A fee for this permit is two thousand three hundred 59038
forty-four dollars. 59039

As used in this division, "navigable river" means a river 59040
that is also a "navigable water" as defined in the "Federal Power 59041
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 59042

(G) Permit D-5g may be issued to a nonprofit corporation that 59043
is either the owner or the operator of a national professional 59044
sports museum. The holder of a D-5g permit may sell beer and any 59045
intoxicating liquor at retail, only by the individual drink in 59046
glass and from the container, for consumption on the premises 59047
where sold. The holder of a D-5g permit shall sell no beer or 59048
intoxicating liquor for consumption on the premises where sold 59049
after two-thirty a.m. A D-5g permit shall not be transferred to 59050
another location. No quota restrictions shall be placed on the 59051
number of D-5g permits that may be issued. The fee for this permit 59052
is one thousand eight hundred seventy-five dollars. 59053

(H)(1) Permit D-5h may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that owns or operates any of the following:

(a) A fine arts museum, provided that the nonprofit organization has no less than one thousand five hundred bona fide members possessing full membership privileges;

(b) A community arts center. As used in division (H)(1)(b) of this section, "community arts center" means a facility that provides arts programming to the community in more than one arts discipline, including, but not limited to, exhibits of works of art and performances by both professional and amateur artists.

(c) A community theater, provided that the nonprofit organization is a member of the Ohio arts council and the American community theatre association and has been in existence for not less than ten years. As used in division (H)(1)(c) of this section, "community theater" means a facility that contains at least one hundred fifty seats and has a primary function of presenting live theatrical performances and providing recreational opportunities to the community.

(2) The holder of a D-5h permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5h permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued.

(3) The fee for a D-5h permit is one thousand eight hundred seventy-five dollars.

(I) Permit D-5i may be issued to the owner or operator of a

retail food establishment or a food service operation licensed 59085
under Chapter 3717. of the Revised Code that operates as a 59086
restaurant for purposes of this chapter and that meets all of the 59087
following requirements: 59088

(1) It is located in a municipal corporation or a township 59089
with a population of one hundred thousand or less. 59090

(2) It has inside seating capacity for at least one hundred 59091
forty persons. 59092

(3) It has at least four thousand square feet of floor area. 59093

(4) It offers full-course meals, appetizers, and sandwiches. 59094

(5) Its receipts from beer and liquor sales, excluding wine 59095
sales, do not exceed twenty-five per cent of its total gross 59096
receipts. 59097

(6) It has at least one of the following characteristics: 59098

(a) The value of its real and personal property exceeds seven 59099
hundred twenty-five thousand dollars. 59100

(b) It is located on property that is owned or leased by the 59101
state or a state agency, and its owner or operator has 59102
authorization from the state or the state agency that owns or 59103
leases the property to obtain a D-5i permit. 59104

The holder of a D-5i permit may sell beer and any 59105
intoxicating liquor at retail, only by the individual drink in 59106
glass and from the container, for consumption on the premises 59107
where sold, and may sell the same products in the same manner and 59108
amounts not for consumption on the premises where sold as may be 59109
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 59110
permit shall sell no beer or intoxicating liquor for consumption 59111
on the premises where sold after two-thirty a.m. In addition to 59112
the privileges authorized in this division, the holder of a D-5i 59113
permit may exercise the same privileges as the holder of a D-5 59114

permit. 59115

A D-5i permit shall not be transferred to another location. 59116
The division of liquor control shall not renew a D-5i permit 59117
unless the retail food establishment or food service operation for 59118
which it is issued continues to meet the requirements described in 59119
divisions (I)(1) to (6) of this section. No quota restrictions 59120
shall be placed on the number of D-5i permits that may be issued. 59121
The fee for the D-5i permit is two thousand three hundred 59122
forty-four dollars. 59123

(J) Permit D-5j may be issued to the owner or the operator of 59124
a retail food establishment or a food service operation licensed 59125
under Chapter 3717. of the Revised Code to sell beer and 59126
intoxicating liquor at retail, only by the individual drink in 59127
glass and from the container, for consumption on the premises 59128
where sold and to sell beer and intoxicating liquor in the same 59129
manner and amounts not for consumption on the premises where sold 59130
as may be sold by the holders of D-1 and D-2 permits. The holder 59131
of a D-5j permit may exercise the same privileges, and shall 59132
observe the same hours of operation, as the holder of a D-5 59133
permit. 59134

The D-5j permit shall be issued only within a community 59135
entertainment district that is designated under section 4301.80 of 59136
the Revised Code. The permit shall not be issued to a community 59137
entertainment district that is designated under divisions (B) and 59138
(C) of section 4301.80 of the Revised Code if the district does 59139
not meet one of the following qualifications: 59140

(1) It is located in a municipal corporation with a 59141
population of at least one hundred thousand. 59142

(2) It is located in a municipal corporation with a 59143
population of at least twenty thousand, and either of the 59144
following applies: 59145

(a) It contains an amusement park the rides of which have
been issued a permit by the department of agriculture under
Chapter 1711. of the Revised Code.

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(b) Not less than fifty million dollars will be invested in
development and construction in the community entertainment
district's area located in the municipal corporation.

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(3) It is located in a township with a population of at least
forty thousand.

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(4) It is located in a township with a population of at least
twenty thousand, and not less than seventy million dollars will be
invested in development and construction in the community
entertainment district's area located in the township.

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(5) It is located in a municipal corporation with a
population between seven thousand and twenty thousand, and both of
the following apply:

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(a) The municipal corporation was incorporated as a village
prior to calendar year 1860 and currently has a historic downtown
business district.

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(b) The municipal corporation is located in the same county
as another municipal corporation with at least one community
entertainment district.

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(6) It is located in a municipal corporation with a
population of at least ten thousand, and not less than seventy
million dollars will be invested in development and construction
in the community entertainment district's area located in the
municipal corporation.

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(7) It is located in a municipal corporation with a
population of at least ~~five~~ three thousand, and not less than one
hundred fifty million dollars will be invested in development and
construction in the community entertainment district's area

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located in the municipal corporation. 59176

The location of a D-5j permit may be transferred only within 59177
the geographic boundaries of the community entertainment district 59178
in which it was issued and shall not be transferred outside the 59179
geographic boundaries of that district. 59180

Not more than one D-5j permit shall be issued within each 59181
community entertainment district for each five acres of land 59182
located within the district. Not more than fifteen D-5j permits 59183
may be issued within a single community entertainment district. 59184
Except as otherwise provided in division (J)(4) of this section, 59185
no quota restrictions shall be placed upon the number of D-5j 59186
permits that may be issued. 59187

The fee for a D-5j permit is two thousand three hundred 59188
forty-four dollars. 59189

(K)(1) Permit D-5k may be issued to any nonprofit 59190
organization that is exempt from federal income taxation under the 59191
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 59192
501(c)(3), as amended, that is the owner or operator of a 59193
botanical garden recognized by the American association of 59194
botanical gardens and arboreta, and that has not less than 59195
twenty-five hundred bona fide members. 59196

(2) The holder of a D-5k permit may sell beer and any 59197
intoxicating liquor at retail, only by the individual drink in 59198
glass and from the container, on the premises where sold. 59199

(3) The holder of a D-5k permit shall sell no beer or 59200
intoxicating liquor for consumption on the premises where sold 59201
after one a.m. 59202

(4) A D-5k permit shall not be transferred to another 59203
location. 59204

(5) No quota restrictions shall be placed on the number of 59205

D-5k permits that may be issued. 59206

(6) The fee for the D-5k permit is one thousand eight hundred 59207
seventy-five dollars. 59208

(L)(1) Permit D-5l may be issued to the owner or the operator 59209
of a retail food establishment or a food service operation 59210
licensed under Chapter 3717. of the Revised Code to sell beer and 59211
intoxicating liquor at retail, only by the individual drink in 59212
glass and from the container, for consumption on the premises 59213
where sold and to sell beer and intoxicating liquor in the same 59214
manner and amounts not for consumption on the premises where sold 59215
as may be sold by the holders of D-1 and D-2 permits. The holder 59216
of a D-5l permit may exercise the same privileges, and shall 59217
observe the same hours of operation, as the holder of a D-5 59218
permit. 59219

(2) The D-5l permit shall be issued only to a premises to 59220
which all of the following apply: 59221

(a) The premises has gross annual receipts from the sale of 59222
food and meals that constitute not less than seventy-five per cent 59223
of its total gross annual receipts. 59224

(b) The premises is located within a revitalization district 59225
that is designated under section 4301.81 of the Revised Code. 59226

(c) The premises is located in a municipal corporation or 59227
township in which the number of D-5 permits issued equals or 59228
exceeds the number of those permits that may be issued in that 59229
municipal corporation or township under section 4303.29 of the 59230
Revised Code. 59231

(d) The premises meets any of the following qualifications: 59232

(i) It is located in a county with a population of one 59233
hundred twenty-five thousand or less according to the population 59234
estimates certified by the development services agency for 59235

calendar year 2006. 59236

(ii) It is located in the municipal corporation that has the 59237
largest population in a county when the county has a population 59238
between two hundred fifteen thousand and two hundred twenty-five 59239
thousand according to the population estimates certified by the 59240
development services agency for calendar year 2006. Division 59241
(L)(2)(d)(ii) of this section applies only to a municipal 59242
corporation that is wholly located in a county. 59243

(iii) It is located in the municipal corporation that has the 59244
largest population in a county when the county has a population 59245
between one hundred forty thousand and one hundred forty-one 59246
thousand according to the population estimates certified by the 59247
development services agency for calendar year 2006. Division 59248
(L)(2)(d)(iii) of this section applies only to a municipal 59249
corporation that is wholly located in a county. 59250

(iv) It is located in a township with a population density of 59251
less than four hundred fifty people per square mile. For purposes 59252
of division (L)(2)(d)(iv) of this section, the population of a 59253
township is considered to be the population shown by the most 59254
recent regular federal decennial census. 59255

(v) It is located in a municipal corporation that is wholly 59256
located within the geographic boundaries of a township, provided 59257
that the municipal corporation and the unincorporated portion of 59258
the township have a combined population density of less than four 59259
hundred fifty people per square mile. For purposes of division 59260
(L)(2)(d)(v) of this section, the population of a municipal 59261
corporation and unincorporated portion of a township is the 59262
population shown by the most recent federal decennial census. 59263

(3) The location of a D-51 permit may be transferred only 59264
within the geographic boundaries of the revitalization district in 59265
which it was issued and shall not be transferred outside the 59266

geographic boundaries of that district. 59267

(4) Not more than one D-5l permit shall be issued within each 59268
revitalization district for each five acres of land located within 59269
the district. Not more than fifteen D-5l permits may be issued 59270
within a single revitalization district. Except as otherwise 59271
provided in division (L)(4) of this section, no quota restrictions 59272
shall be placed upon the number of D-5l permits that may be 59273
issued. 59274

(5) No D-5l permit shall be issued to an adult entertainment 59275
establishment as defined in section 2907.39 of the Revised Code. 59276

(6) The fee for a D-5l permit is two thousand three hundred 59277
forty-four dollars. 59278

(M) Permit D-5m may be issued to either the owner or the 59279
operator of a retail food establishment or food service operation 59280
licensed under Chapter 3717. of the Revised Code that operates as 59281
a restaurant for purposes of this chapter and that is located in, 59282
or affiliated with, a center for the preservation of wild animals 59283
as defined in section 4301.404 of the Revised Code, to sell beer 59284
and any intoxicating liquor at retail, only by the glass and from 59285
the container, for consumption on the premises where sold, and to 59286
sell the same products in the same manner and amounts not for 59287
consumption on the premises as may be sold by the holders of D-1 59288
and D-2 permits. In addition to the privileges authorized by this 59289
division, the holder of a D-5m permit may exercise the same 59290
privileges as the holder of a D-5 permit. 59291

A D-5m permit shall not be transferred to another location. 59292
No quota restrictions shall be placed on the number of D-5m 59293
permits that may be issued. The fee for a permit D-5m is two 59294
thousand three hundred forty-four dollars. 59295

(N) Permit D-5n shall be issued to either a casino operator 59296
or a casino management company licensed under Chapter 3772. of the 59297

Revised Code that operates a casino facility under that chapter, 59298
to sell beer and any intoxicating liquor at retail, only by the 59299
individual drink in glass and from the container, for consumption 59300
on the premises where sold, and to sell the same products in the 59301
same manner and amounts not for consumption on the premises as may 59302
be sold by the holders of D-1 and D-2 permits. In addition to the 59303
privileges authorized by this division, the holder of a D-5n 59304
permit may exercise the same privileges as the holder of a D-5 59305
permit. A D-5n permit shall not be transferred to another 59306
location. Only one D-5n permit may be issued per casino facility 59307
and not more than four D-5n permits shall be issued in this state. 59308
The fee for a permit D-5n shall be twenty thousand dollars. The 59309
holder of a D-5n permit may conduct casino gaming on the permit 59310
premises notwithstanding any provision of the Revised Code or 59311
Administrative Code. 59312

(O) Permit D-5o may be issued to the owner or operator of a 59313
retail food establishment or a food service operation licensed 59314
under Chapter 3717. of the Revised Code that operates as a 59315
restaurant for purposes of this chapter and that is located within 59316
a casino facility for which a D-5n permit has been issued. The 59317
holder of a D-5o permit may sell beer and any intoxicating liquor 59318
at retail, only by the individual drink in glass and from the 59319
container, for consumption on the premises where sold, and may 59320
sell the same products in the same manner and amounts not for 59321
consumption on the premises where sold as may be sold by the 59322
holders of D-1 and D-2 permits. In addition to the privileges 59323
authorized by this division, the holder of a D-5o permit may 59324
exercise the same privileges as the holder of a D-5 permit. A D-5o 59325
permit shall not be transferred to another location. No quota 59326
restrictions shall be placed on the number of such permits that 59327
may be issued. The fee for this permit is two thousand three 59328
hundred forty-four dollars. 59329

Sec. 4303.209. (A)(1) The division of liquor control may 59330
issue an F-9 permit to a nonprofit corporation that operates a 59331
park on property leased from a municipal corporation or to a 59332
nonprofit corporation that provides or manages entertainment 59333
programming pursuant to an agreement with a nonprofit corporation 59334
that operates a park on property leased from a municipal 59335
corporation to sell beer or intoxicating liquor by the individual 59336
drink at specific events conducted within the park property and 59337
appurtenant streets, but only if, and only at times at which, the 59338
sale of beer and intoxicating liquor on the premises is otherwise 59339
permitted by law. Additionally, an F-9 permit may be issued only 59340
if the park property ~~is~~ meets either of the following: 59341

(a) It is located in a county that has a population of 59342
between one million one hundred thousand and one million two 59343
hundred thousand on ~~the effective date of this section~~ March 22, 59344
2012. 59345

(b) It is the subject of an agreement between a municipal 59346
corporation, a national nonprofit organization that is a 59347
foundation, and an Ohio-based nonprofit organization for the 59348
purposes of hosting outdoor performing arts events or orchestral 59349
performances. As used in division (A)(1)(b) of this section, 59350
"orchestral performance" has the same meaning as in division 59351
(C)(3)(a) of section 4301.62 of the Revised Code. 59352

(2) The division may issue separate F-9 permits to a 59353
nonprofit corporation that operates a park on property leased from 59354
a municipal corporation and a nonprofit corporation that provides 59355
or manages entertainment programming pursuant to an agreement with 59356
a nonprofit corporation that operates a park on property leased 59357
from a municipal corporation to be effective during the same time 59358
period. However, the permit privileges may be exercised by only 59359
one of the holders of an F-9 permit at specific events. The other 59360

holder of an F-9 permit shall certify to the division that it will 59361
not exercise its permit privileges during that specific event. 59362

(3) The premises on which an F-9 permit will be used shall be 59363
clearly defined and sufficiently restricted to allow proper 59364
supervision of the permit's use by state and local law enforcement 59365
officers. Sales under an F-9 permit shall be confined to the same 59366
hours permitted to the holder of a D-3 permit. 59367

(4) The fee for an F-9 permit is one thousand seven hundred 59368
dollars. An F-9 permit is effective for a period not to exceed 59369
nine months as specified in the permit. An F-9 permit is not 59370
transferable or renewable. However, the holder of an F-9 permit 59371
may apply for a new F-9 permit at any time. The holder of an F-9 59372
permit shall make sales only at those specific events about which 59373
the permit holder has notified in advance the division of liquor 59374
control, the department of public safety, and the chief, sheriff, 59375
or other principal peace officer of the local law enforcement 59376
agencies having jurisdiction over the premises. 59377

(B)(1) An application for the issuance of an F-9 permit is 59378
subject to the notice and hearing requirements established in 59379
division (A) of section 4303.26 of the Revised Code. 59380

(2) The liquor control commission shall adopt rules under 59381
Chapter 119. of the Revised Code necessary to administer this 59382
section. 59383

(C) No F-9 permit holder shall sell beer or intoxicating 59384
liquor beyond the hours of sale allowed by the permit. This 59385
division imposes strict liability on the holder of an F-9 permit 59386
and on any officer, agent, or employee of that permit holder. 59387

(D) Nothing in this section prohibits the division from 59388
issuing an F-2 permit for a specific event not conducted by the 59389
holder of an F-9 permit provided that the holder of the F-9 permit 59390
certifies to the division that it will not exercise its permit 59391

privileges during that specific event. 59392

Sec. 4303.26. (A) Applications for regular permits authorized 59393
by sections 4303.02 to 4303.23 of the Revised Code may be filed 59394
with the division of liquor control. No permit shall be issued by 59395
the division until fifteen days after the application for it is 59396
filed. An applicant for the issuance of a new permit shall pay a 59397
processing fee of one hundred dollars when filing application for 59398
the permit, if the permit is then available, or shall pay the 59399
processing fee when a permit becomes available, if it is not 59400
available when the applicant initially files the application. When 59401
an application for a new class C or D permit is filed, when class 59402
C or D permits become available, or when an application for 59403
transfer of ownership of a class C or D permit or transfer of a 59404
location of a class C or D permit is filed, no permit shall be 59405
issued, nor shall the location or the ownership of a permit be 59406
transferred, by the division until the division notifies the 59407
legislative authority of the municipal corporation, if the 59408
business or event is or is to be located within the corporate 59409
limits of a municipal corporation, or the clerk of the board of 59410
county commissioners and the fiscal officer of the board of 59411
township trustees in the county in which the business or event is 59412
or is to be conducted, if the business is or is to be located 59413
outside the corporate limits of a municipal corporation, and an 59414
opportunity is provided officials or employees of the municipal 59415
corporation or county and township, who shall be designated by the 59416
legislative authority ~~of the municipal corporation~~ or the board of 59417
county commissioners or board of township trustees, for a complete 59418
hearing upon the advisability of the issuance, transfer of 59419
ownership, or transfer of location of the permit. In this hearing, 59420
no objection to the issuance, transfer of ownership, or transfer 59421
of location of the permit shall be based upon noncompliance of the 59422
proposed permit premises with local zoning regulations which 59423

prohibit the sale of beer or intoxicating liquor, in an area zoned 59424
for commercial or industrial uses, for a permit premises that 59425
would otherwise qualify for a proper permit issued by the 59426
division. 59427

When the division sends notice to the legislative or 59428
executive authority of the political subdivision, as required by 59429
this section, the division shall also so notify, by certified 59430
mail, return receipt requested, or by personal service, the chief 59431
peace officer of the political subdivision. Upon the request of 59432
the chief peace officer, the division shall send the chief peace 59433
officer a copy of the application for the issuance or the transfer 59434
of ownership or location of the permit and all other documents or 59435
materials filed by the applicant or applicants in relation to the 59436
application. The chief peace officer may appear and testify, 59437
either in person or through a representative, at any hearing held 59438
on the advisability of the issuance, transfer of ownership, or 59439
transfer of location of the permit. The hearing shall be held in 59440
the central office of the division, except that upon written 59441
request of the legislative authority of the municipal corporation 59442
or the board of county commissioners or board of township 59443
trustees, the hearing shall be held in the county seat of the 59444
county where the applicant's business is or is to be conducted. 59445

If the business or event specified in an application for the 59446
issuance, transfer of ownership, or transfer of location of any 59447
regular permit authorized by sections 4303.02 to 4303.23 of the 59448
Revised Code, except for an F-2 permit, is, or is to be operated, 59449
within five hundred feet from the boundaries of a parcel of real 59450
estate having situated on it a school, church, library, public 59451
playground, or township park, no permit shall be issued, nor shall 59452
the location or the ownership of a permit be transferred, by the 59453
division until written notice of the filing of the application 59454
with the division is served, by certified mail, return receipt 59455

requested, or by personal service, upon the authorities in control 59456
of the school, church, library, public playground, or township 59457
park and an opportunity is provided them for a complete hearing 59458
upon the advisability of the issuance, transfer of ownership, or 59459
transfer of location of the permit. In this hearing, no objection 59460
to the issuance, transfer of ownership, or transfer of location of 59461
the permit shall be based upon the noncompliance of the proposed 59462
permit premises with local zoning regulations which prohibit the 59463
sale of beer or intoxicating liquor, in an area zoned for 59464
commercial or industrial uses, for a permit premises that would 59465
otherwise qualify for a proper permit issued by the division. Upon 59466
the written request of any of these authorities, the hearing shall 59467
be held in the county seat of the county where the applicant's 59468
business is or is to be conducted. 59469

A request for any hearing authorized by this section shall be 59470
made no later than thirty days from the time of notification by 59471
the division. This thirty-day period begins on the date the 59472
division mails notice to the legislative authority or the date on 59473
which the division mails notice to or, by personal service, serves 59474
notice upon, the institution. The division shall conduct a hearing 59475
if the request for the hearing is postmarked by the deadline date. 59476
The division may allow, upon cause shown by the requesting 59477
legislative authority or board, an extension of thirty additional 59478
days for the legislative authority of the municipal corporation, 59479
board of township trustees of the township, or board of county 59480
commissioners of the county in which a permit premises is or is to 59481
be located to object to the issuance, transfer of ownership, or 59482
transfer of location of a permit. The request for the extension 59483
shall be made by the legislative authority or board to the 59484
division no later than thirty days after the time of notification 59485
by the division. 59486

(B)~~(1)~~ When an application for transfer of ownership of a 59487

permit is filed with the division, the division shall give notice 59488
of the application to the ~~department of taxation~~ tax commissioner. 59489
Within twenty days after receiving this notification, the 59490
~~department of taxation~~ commissioner shall notify the division of 59491
liquor control and the proposed transferee of the permit if the 59492
permit holder owes to this state any delinquent horse-racing 59493
taxes, alcoholic beverage taxes, motor fuel taxes, petroleum 59494
activity taxes, sales or use taxes ~~or~~, cigarette taxes, other 59495
tobacco product taxes, income taxes withheld from employee 59496
compensation, commercial activity taxes, or gross casino revenue 59497
taxes, or has failed to file any sales tax returns or employee 59498
income tax withholding corresponding returns or submit any 59499
information required by the commissioner, as required for such 59500
taxes, to the extent that the any delinquent taxes and delinquent 59501
returns are payment or return, or any failure to submit 59502
information, is known to the department of taxation at that the 59503
time of the application. The division shall not transfer ownership 59504
of the permit until payments known to be delinquent are resolved, 59505
returns known to be delinquent are filed, and ~~until the tax or~~ 59506
~~withholding delinquency is resolved~~ any information required by 59507
the commissioner has been provided. As used in this division, 59508
"resolved" means that the ~~tax or withholding delinquency~~ 59509
delinquent payment has been paid in full or an amount sufficient 59510
to satisfy the ~~delinquency~~ delinquent payment is in escrow for the 59511
benefit of the state. The ~~department of taxation~~ commissioner 59512
shall notify the division of the resolution. After the division 59513
has received the notification from the ~~department of taxation~~ 59514
commissioner, the division may proceed to transfer ownership of 59515
the permit. Nothing in this division shall be construed to affect 59516
or limit the responsibilities or liabilities of the transferor or 59517
the transferee imposed by Chapter 3769., 4301., 4303., 4305., 59518
5735., 5736., 5739. or, 5741., 5743., 5747., 5751., or 5753. of 59519
the Revised Code. 59520

~~(2) Notwithstanding section 5703.21 of the Revised Code, nothing prohibits the department of taxation from disclosing to the division or to the proposed transferee or the proposed transferee's designated agent any information pursuant to division (B)(1) of this section.~~

(C) No F or F-2 permit shall be issued for an event until the applicant has, by means of a form that the division shall provide to the applicant, notified the chief peace officer of the political subdivision in which the event will be conducted of the date, time, place, and duration of the event.

(D) The division of liquor control shall notify an applicant for a permit authorized by sections 4303.02 to 4303.23 of the Revised Code of an action pending or judgment entered against a liquor permit premises, of which the division has knowledge, pursuant to section 3767.03 or 3767.05 of the Revised Code if the applicant is applying for a permit at the location of the premises that is the subject of the action under section 3767.03 or judgment under section 3767.05 of the Revised Code.

Sec. 4303.271. (A) Except as provided in divisions (B) and (D) of this section, the holder of a permit issued under sections 4303.02 to 4303.232 of the Revised Code, who files an application for the renewal of the same class of permit for the same premises, shall be entitled to the renewal of the permit. The division of liquor control shall renew the permit unless the division rejects for good cause any renewal application, subject to the right of the applicant to appeal the rejection to the liquor control commission.

(B) The legislative authority of the municipal corporation, the board of township trustees, or the board of county commissioners of the county in which a permit premises is located may object to the renewal of a permit issued under sections

4303.11 to 4303.183 of the Revised Code for any of the reasons 59552
contained in division (A) of section 4303.292 of the Revised Code. 59553
Any objection shall be made no later than thirty days prior to the 59554
expiration of the permit, and the division shall accept the 59555
objection if it is postmarked no later than thirty days prior to 59556
the expiration of the permit. The objection shall be made by a 59557
resolution specifying the reasons for objecting to the renewal and 59558
requesting a hearing, but no objection shall be based upon 59559
noncompliance of the permit premises with local zoning regulations 59560
that prohibit the sale of beer or intoxicating liquor in an area 59561
zoned for commercial or industrial uses, for a permit premises 59562
that would otherwise qualify for a proper permit issued by the 59563
division. The resolution shall be accompanied by a statement by 59564
the chief legal officer of the political subdivision that, in the 59565
chief legal officer's opinion, the objection is based upon 59566
substantial legal grounds within the meaning and intent of 59567
division (A) of section 4303.292 of the Revised Code. 59568

Upon receipt of a resolution of a legislative authority or 59569
board objecting to the renewal of a permit and a statement from 59570
the chief legal officer, the division shall set a time for the 59571
hearing and send by certified mail to the permit holder, at the 59572
permit holder's usual place of business, a copy of the resolution 59573
and notice of the hearing. The division shall then hold a hearing 59574
in the central office of the division, except that, upon written 59575
request of the legislative authority or board, the hearing shall 59576
be held in the county seat of the county in which the permit 59577
premises is located, to determine whether the renewal shall be 59578
denied for any of the reasons contained in division (A) of section 59579
4303.292 of the Revised Code. Only the reasons for refusal 59580
contained in division (A) of section 4303.292 of the Revised Code 59581
and specified in the resolution of objection shall be considered 59582
at the hearing. 59583

The permit holder and the objecting legislative authority or board shall be parties to the proceedings under this section and shall have the right to be present, to be represented by counsel, to offer evidence, to require the attendance of witnesses, and to cross-examine witnesses at the hearing.

(C) An application for renewal of a permit shall be filed with the division at least fifteen days prior to the expiration of an existing permit, and the existing permit shall continue in effect as provided in section 119.06 of the Revised Code until the application is approved or rejected by the division. Any holder of a permit, which has expired through failure to be renewed as provided in this section, shall obtain a renewal of the permit, upon filing an application for renewal with the division, at any time within thirty days from the date of the expired permit. A penalty of ten per cent of the permit fee shall be paid by the permit holder if the application for renewal is not filed at least fifteen days prior to the expiration of the permit.

(D)(1) Annually, the tax commissioner shall cause the horse-racing, alcoholic beverage, motor fuel, petroleum activity, sales and or use, cigarette, other tobacco products, employer withholding, commercial activity, and gross casino revenue tax records in the department of taxation for each holder of a permit issued under sections 4303.02 to 4303.232 of the Revised Code to be examined to determine if the permit holder is delinquent in filing any ~~sales or withholding tax~~ returns ~~or has any outstanding liability for sales or withholding tax, penalties, or interest imposed pursuant to Chapter 5739. or sections 5747.06 and 5747.07 of the Revised Code, submitting any information required by the commissioner, or remitting any payments with respect to those taxes or any fees, charges, penalties, or interest related to those taxes.~~ If

If any delinquency or liability exists, the commissioner

shall send a notice of that fact by certified mail, return receipt 59616
requested, to the permit holder at the mailing address shown in 59617
the records of the department. The notice shall specify, in as 59618
much detail as is possible, the periods for which returns have not 59619
been filed and the nature and amount of unpaid assessments and 59620
other liabilities and shall be sent on or before the first day of 59621
the third month preceding the month in which the permit expires. 59622
The commissioner also shall notify the division of liquor control 59623
of the delinquency or liability, identifying the permit holder by 59624
name and permit number. 59625

(2)(a) Except as provided in division (D)(4) of this section, 59626
the division of liquor control shall not renew the permit of any 59627
permit holder the tax commissioner has identified as being 59628
~~delinquent in filing any sales or withholding tax returns or as~~ 59629
~~being liable for outstanding sales or withholding tax, penalties,~~ 59630
~~or interest, providing any information, or remitting any payments~~ 59631
with respect to the taxes listed in division (D)(1) of this 59632
section as of the first day of the sixth month preceding the month 59633
in which the permit expires, or of any permit holder the 59634
commissioner has identified as having been assessed by the 59635
department on or before the first day of the third month preceding 59636
the month in which the permit expires, until the division is 59637
notified by the ~~tax~~ commissioner that the delinquency, liability, 59638
or assessment has been resolved. 59639

(b)(i) Within ninety days after the date on which the permit 59640
expires, any permit holder whose permit is not renewed under this 59641
division may file an appeal with the liquor control commission. 59642
The commission shall notify the tax commissioner regarding the 59643
filing of any such appeal. During the period in which the appeal 59644
is pending, the permit shall not be renewed by the division. The 59645
permit shall be reinstated if the permit holder and the ~~tax~~ 59646
commissioner or the attorney general demonstrate to the liquor 59647

control commission that the commissioner's notification of a 59648
delinquency or assessment was in error or that the issue of the 59649
delinquency or assessment has been resolved. 59650

(ii) A permit holder who has filed an appeal under division 59651
(D)(2)(b)(i) of this section may file a motion to withdraw the 59652
appeal. The division of liquor control may renew a permit holder's 59653
permit if the permit holder has withdrawn such an appeal and the 59654
division receives written certification from the tax commissioner 59655
that the permit holder's delinquency or assessment has been 59656
resolved. 59657

(3) A permit holder notified of delinquency or liability 59658
under this section may protest the notification to the tax 59659
commissioner on the basis that no ~~returns are~~ return or 59660
information is delinquent and no tax, ~~penalties fee, charge,~~ 59661
penalty, or interest is outstanding. The commissioner shall 59662
expeditiously consider any evidence submitted by the permit holder 59663
and, if it is determined that the notification was in error, 59664
immediately shall inform the division of liquor control that the 59665
renewal application may be granted. The renewal shall not be 59666
denied if the delinquency or unreported liability is the subject 59667
of a bona fide dispute ~~pursuant to section 5717.02, 5717.04,~~ 59668
~~5739.13, or 5747.13 of the Revised Code~~ as to the validity of the 59669
delinquency or unreported liability and is the subject of an 59670
assessment and of an appeal properly filed by the permit holder. 59671

(4) If the commissioner concludes that under the 59672
circumstances the permit holder's delinquency or liability has 59673
been conditionally resolved, the commissioner shall allow the 59674
permit to be renewed, conditioned upon the permit holder's 59675
continuing performance in satisfying the delinquency and 59676
liability. The conditional nature of the renewal shall be 59677
specified in the notification given to the division of liquor 59678
control under division (D)(1) of this section. Upon receipt of 59679

notice of the resolution, the division shall issue a conditional 59680
renewal. If the taxpayer defaults on any agreement to pay the 59681
delinquency or liability or fails to keep subsequent tax or fee 59682
payments current, the liquor control commission, upon request and 59683
proof of the default or failure to keep subsequent tax or fee 59684
payments current, shall indefinitely suspend the permit holder's 59685
permit until all taxes or fees and interest due are paid. 59686

(5) The commissioner may adopt rules to assist in 59687
administering the duties imposed by this section. 59688

Sec. 4501.044. (A) All moneys received under section 4503.65 59689
of the Revised Code ~~and~~ from the tax imposed by section 4503.02 of 59690
the Revised Code on vehicles that are apportionable ~~and to which~~ 59691
~~the rates specified in divisions (A)(1) to (21) and division (B)~~ 59692
~~of section 4503.042 of the Revised Code apply~~ shall be paid into 59693
the international registration plan distribution fund, which is 59694
hereby created in the state treasury, and distributed as follows: 59695

(1) First, to make payments to other states that are members 59696
of the international registration plan of the portions of 59697
registration taxes the states are eligible to receive because of 59698
the operation within their borders of apportionable vehicles that 59699
are registered in Ohio; 59700

(2) Second, two and five-tenths per cent of all the moneys 59701
received from apportionable vehicles under section 4503.65 of the 59702
Revised Code that are collected from other international 59703
registration plan jurisdictions shall be deposited into the public 59704
safety - highway purposes fund established in section 4501.06 of 59705
the Revised Code; 59706

(3) Third, forty-two and six-tenths per cent of the moneys 59707
received from apportionable vehicles registered in this state 59708
under divisions (A)(8) to (21) of section ~~4503.042~~ 4503.65 and 59709
forty-two and six-tenths per cent of the balance remaining from 59710

the moneys received from apportionable vehicles under section 59711
4503.65 of the Revised Code that are collected from other 59712
international registration plan jurisdictions after distribution 59713
under division (A)(2) of this section shall be deposited in the 59714
state treasury to the credit of the public safety - highway 59715
purposes fund created by section 4501.06 of the Revised Code; 59716

(4) Fourth, an amount estimated as the annual costs that the 59717
department of taxation will incur in conducting audits of persons 59718
who have registered motor vehicles under the international 59719
registration plan, one-twelfth of which amount shall be paid by 59720
the registrar of motor vehicles into the international 59721
registration plan auditing fund created by section 5703.12 of the 59722
Revised Code by the fifteenth day of each month; 59723

(5) Fifth, to the public safety - highway purposes fund 59724
established in section 4501.06 of the Revised Code, to offset 59725
operating expenses incurred by the bureau of motor vehicles in 59726
administering the international registration plan; 59727

(6) Any moneys remaining in the international registration 59728
plan distribution fund after distribution under divisions (A)(1) 59729
to (5) of this section shall be distributed in accordance with 59730
division (B) of this section. 59731

(B)(1) Moneys received under section 4503.65 from the tax 59732
imposed by section 4503.02 of the Revised Code on vehicles that 59733
are apportionable ~~and to which the rates specified in divisions~~ 59734
~~(A)(1) to (21) and division (B) of section 4503.042 of the Revised~~ 59735
~~Code apply~~ vehicles registered in this state shall be distributed 59736
and used in the manner provided in section 4501.04 of the Revised 59737
Code and rules adopted by the registrar of motor vehicles for 59738
moneys deposited to the credit of the auto registration 59739
distribution fund. 59740

(2) Moneys received from ~~collections~~ apportionable vehicles 59741

under section 4503.65 of the Revised Code that are collected from 59742
other international registration plan jurisdictions shall be 59743
distributed under divisions (B)(2) and (3) of this section. 59744

Each county, township, and municipal corporation shall 59745
receive an amount such that the ratio that the amount of moneys 59746
received by that county, township, or municipal corporation under 59747
division (B)(1) of this section from apportionable vehicles 59748
registered in Ohio and under section 4503.65 of the Revised Code 59749
from apportionable vehicles registered in other international 59750
registration plan jurisdictions bears to the total amount of 59751
moneys received by all counties, townships, and municipal 59752
corporations under division (B)(1) of this section from 59753
apportionable vehicles registered in Ohio and under section 59754
4503.65 of the Revised Code from apportionable vehicles registered 59755
in other international registration plan jurisdictions equals the 59756
ratio that the amount of moneys that the county, township, or 59757
municipal corporation would receive from apportionable vehicles 59758
registered in Ohio were the moneys from such vehicles distributed 59759
under section 4501.04 of the Revised Code, based solely on the 59760
weight schedules contained in section ~~4503.042~~ 4503.65 of the 59761
Revised Code, bears to the total amount of money that all 59762
counties, townships, and municipal corporations would receive from 59763
apportionable vehicles registered in Ohio were the moneys from 59764
such vehicles distributed under section 4501.04 of the Revised 59765
Code, based solely on the weight schedules contained in section 59766
~~4503.042~~ 4503.65 of the Revised Code. 59767

No county, township, or municipal corporation shall receive 59768
under division (B)(2) of this section an amount greater than the 59769
amount of money that that county, township, or municipal 59770
corporation would receive from apportionable vehicles registered 59771
in Ohio were the money from the taxation of such vehicles 59772
distributed under section 4501.04 of the Revised Code based solely 59773

on the weight schedules contained in section ~~4503.042~~ 4503.65 of 59774
the Revised Code. 59775

(3) If, at the end of the distribution year, the total of all 59776
moneys received under section 4503.65 of the Revised Code for 59777
apportionable vehicles registered in another international 59778
registration plan jurisdiction exceeds the total moneys subject to 59779
distribution under division (B)(2) of this section, the registrar 59780
shall distribute to each county, township, and municipal 59781
corporation a portion of the excess. The excess shall be 59782
distributed to counties, townships, and municipal corporations in 59783
the same proportion that the revenues received by each county, 59784
township, and municipal corporation from collections under section 59785
4503.02 of the Revised Code for apportionable vehicles registered 59786
in this state and from collections under section 4503.65 of the 59787
Revised Code for apportionable vehicles registered in another 59788
international registration plan jurisdiction during that 59789
distribution year bears to the total revenues received by 59790
counties, townships, and municipal corporations from taxes levied 59791
under section 4503.02 of the Revised Code for apportionable 59792
vehicles registered in this state and from collections under 59793
section 4503.65 of the Revised Code for apportionable vehicles 59794
registered in another international registration plan jurisdiction 59795
during that distribution year. 59796

(C) All moneys received from the administrative fee imposed 59797
by division (C)(2) of section ~~4503.042~~ 4503.65 of the Revised Code 59798
shall be deposited to the credit of the public safety - highway 59799
purposes fund established in section 4501.06 of the Revised Code, 59800
to offset operating expenses incurred by the bureau of motor 59801
vehicles in administering the international registration plan. 59802

(D) A deputy registrar shall retain fifty cents of the fee 59803
imposed under division (C)(3) of section 4503.65 of the Revised 59804
Code and shall transmit the remaining amount to the registrar at 59805

the time and in the manner provided by section 4503.10 of the 59806
Revised Code. The registrar shall deposit all such moneys received 59807
into the public safety - highway purposes fund established in 59808
section 4501.06 of the Revised Code. 59809

(E) All investment earnings of the international registration 59810
plan distribution fund shall be credited to the fund. 59811

Sec. 4501.045. (A) All moneys received from the tax imposed 59812
by section 4503.02 of the Revised Code on commercial cars and 59813
buses that are registered in this state and that are not 59814
apportionable and to which the rates provided under divisions 59815
(A)(8) to (21) of section 4503.042 of the Revised Code apply, 59816
shall be distributed as follows: 59817

(1) First, forty-two and six-tenths per cent shall be 59818
deposited in the state treasury to the credit of the public safety 59819
- highway purposes fund created by section 4501.06 of the Revised 59820
Code, to be used solely for the purposes set forth in that 59821
section; 59822

(2) Second, the balance remaining after distribution under 59823
division (A)(1) of this section shall be deposited to the credit 59824
of the auto registration distribution fund for distribution in the 59825
manner provided in sections 4501.03 and 4501.04 of the Revised 59826
Code. 59827

(B) All moneys received from the tax imposed by section 59828
4503.02 of the Revised Code on commercial cars and buses that are 59829
registered in this state and that are not apportionable and to 59830
which the rates provided under divisions (A)(1) to (7) and 59831
division (B) of section 4503.042 of the Revised Code apply, shall 59832
be deposited to the credit of the auto registration distribution 59833
fund for distribution in the manner provided in sections 4501.03 59834
and 4501.04 of the Revised Code. 59835

(C) All moneys received from the tax imposed by section 4503.02 of the Revised Code on trailers and semitrailers shall be deposited to the credit of the auto registration distribution fund for distribution in the manner provided in sections 4501.03 and 4501.04 of the Revised Code.

Sec. 4501.07. There is hereby created the public safety highway patrol custodial fund, which shall be in the custody of the treasurer of state, but shall not be part of the state treasury. Except as otherwise provided in section 5502.1321 of the Revised Code, all money seized during investigations or other enforcement activities of the highway patrol shall be deposited into the fund or otherwise safeguarded as provided in Chapter 2981. of the Revised Code. The director of public safety shall transfer money upon resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code.

Sec. 4503.02. An annual license tax is hereby levied upon the operation of motor vehicles on the public roads or highways, for the purpose of enforcing and paying the expense of administering the law relative to the registration and operation of such vehicles; planning, constructing, maintaining, and repairing public roads, highways, and streets; maintaining and repairing bridges and viaducts; paying the counties' proportion of the cost and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways; paying the counties' portion of the compensation, damages, cost, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads; paying the principal, interest, and charges on county bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for highway improvements; for the purpose of providing motorcycle safety and education

instruction; enabling municipal corporations to plan, construct, 59867
reconstruct, repave, widen, maintain, repair, clear, and clean 59868
public highways, roads, and streets; paying the principal, 59869
interest, and other charges on municipal bonds and other 59870
obligations issued pursuant to Chapter 133. of the Revised Code or 59871
incurred pursuant to section 5531.09 of the Revised Code for 59872
highway improvements; to maintain and repair bridges and viaducts; 59873
to purchase, erect, and maintain street and traffic signs and 59874
markers; to purchase, erect, and maintain traffic lights and 59875
signals; to supplement revenue already available for such 59876
purposes; to pay the interest, principal, and charges on bonds and 59877
other obligations issued pursuant to Section 2i of Article VIII, 59878
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 59879
Code. ~~Such~~ 59880

The tax shall be at the rates specified in sections 4503.04 59881
~~and~~, 4503.042, ~~and~~ 4503.65 of the Revised Code. Under section 59882
4503.04 of the Revised Code, the tax shall be paid to and 59883
collected by the registrar of motor vehicles or deputy registrar 59884
at the time of making application for registration. Under ~~section~~ 59885
sections 4503.042 ~~and~~ 4503.65 of the Revised Code, the tax shall 59886
be paid to and collected by the registrar or deputy registrar as 59887
specified in those sections at the time and manner set forth by 59888
the registrar by rule. 59889

Sec. 4503.038. (A) Not later than nine months after ~~the~~ 59890
~~effective date of this section~~ June 30, 2017, the registrar of 59891
motor vehicles shall adopt rules in accordance with Chapter 119. 59892
of the Revised Code establishing a service fee that applies for 59893
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 59894
4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 4506.08, 59895
4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 59896
4519.56, and 4519.69 of the Revised Code. The service fee shall be 59897
not more than five dollars and twenty-five cents. When 59898

establishing the fee, the registrar shall consider inflation and 59899
any other factors the registrar considers to be relevant to the 59900
determination. 59901

(B) Not later than nine months after ~~the effective date of~~ 59902
~~this section~~ June 30, 2017, the registrar shall adopt rules in 59903
accordance with Chapter 119. of the Revised Code establishing 59904
prorated service fees that apply for purposes of multi-year 59905
registrations authorized under section 4503.103 of the Revised 59906
Code. When establishing the fee, the registrar shall consider 59907
inflation and any other factors the registrar considers to be 59908
relevant to the determination. 59909

Sec. 4503.04. Except as provided in sections 4503.042 and 59910
4503.65 of the Revised Code for the registration of commercial 59911
cars, trailers, semitrailers, and certain buses, the rates of the 59912
taxes imposed by section 4503.02 of the Revised Code shall be as 59913
follows: 59914

(A)(1) For motor vehicles having three wheels or less, the 59915
license tax is: 59916

(a) For each motorized bicycle or moped, ten dollars; 59917

(b) For each motorcycle, auticycle, cab-enclosed motorcycle, 59918
motor-driven cycle, or motor scooter, fourteen dollars. 59919

(2) For each low-speed, under-speed, and utility vehicle, and 59920
each mini-truck, ten dollars. 59921

(B) For each passenger car, twenty dollars; 59922

(C) For each manufactured home, each mobile home, and each 59923
travel trailer or house vehicle, ten dollars; 59924

(D) For each noncommercial motor vehicle designed by the 59925
manufacturer to carry a load of no more than three-quarters of one 59926
ton and for each motor home, thirty-five dollars; for each 59927
noncommercial motor vehicle designed by the manufacturer to carry 59928

a load of more than three-quarters of one ton, but not more than	59929
one ton, seventy dollars;	59930
(E) For each noncommercial trailer, the license tax is:	59931
(1) Eighty-five cents for each one hundred pounds or part	59932
thereof for the first two thousand pounds or part thereof of	59933
weight of vehicle fully equipped;	59934
(2) One dollar and forty cents for each one hundred pounds or	59935
part thereof in excess of two thousand pounds up to and including	59936
ten thousand pounds.	59937
(F) Notwithstanding its weight, twelve dollars for any:	59938
(1) Vehicle equipped, owned, and used by a charitable or	59939
nonprofit corporation exclusively for the purpose of administering	59940
chest x-rays or receiving blood donations;	59941
(2) Van used principally for the transportation of	59942
handicapped persons that has been modified by being equipped with	59943
adaptive equipment to facilitate the movement of such persons into	59944
and out of the van;	59945
(3) Bus used principally for the transportation of	59946
handicapped persons or persons sixty-five years of age or older.	59947
(G) Notwithstanding its weight, twenty dollars for any bus	59948
used principally for the transportation of persons in a	59949
ridesharing arrangement.	59950
(H) For each transit bus having motor power the license tax	59951
is twelve dollars.	59952
"Transit bus" means either a motor vehicle having a seating	59953
capacity of more than seven persons which is operated and used by	59954
any person in the rendition of a public mass transportation	59955
service primarily in a municipal corporation or municipal	59956
corporations and provided at least seventy-five per cent of the	59957
annual mileage of such service and use is within such municipal	59958

corporation or municipal corporations or a motor vehicle having a seating capacity of more than seven persons which is operated solely for the transportation of persons associated with a charitable or nonprofit corporation, but does not mean any motor vehicle having a seating capacity of more than seven persons when such vehicle is used in a ridesharing capacity or any bus described by division (F)(3) of this section.

The application for registration of such transit bus shall be accompanied by an affidavit prescribed by the registrar of motor vehicles and signed by the person or an agent of the firm or corporation operating such bus stating that the bus has a seating capacity of more than seven persons, and that it is either to be operated and used in the rendition of a public mass transportation service and that at least seventy-five per cent of the annual mileage of such operation and use shall be within one or more municipal corporations or that it is to be operated solely for the transportation of persons associated with a charitable or nonprofit corporation.

The form of the license plate, and the manner of its attachment to the vehicle, shall be prescribed by the registrar of motor vehicles.

(I) Except as otherwise provided in division (A) or (J) of this section, the minimum tax for any vehicle having motor power is ten dollars and eighty cents, and for each noncommercial trailer, five dollars.

(J)(1) Except as otherwise provided in division (J) of this section, for each farm truck, except a noncommercial motor vehicle, that is owned, controlled, or operated by one or more farmers exclusively in farm use as defined in this section, and not for commercial purposes, and provided that at least seventy-five per cent of such farm use is by or for the one or more owners, controllers, or operators of the farm in the

operation of which a farm truck is used, the license tax is five 59991
dollars plus: 59992

(a) Fifty cents per one hundred pounds or part thereof for 59993
the first three thousand pounds; 59994

(b) Seventy cents per one hundred pounds or part thereof in 59995
excess of three thousand pounds up to and including four thousand 59996
pounds; 59997

(c) Ninety cents per one hundred pounds or part thereof in 59998
excess of four thousand pounds up to and including six thousand 59999
pounds; 60000

(d) Two dollars for each one hundred pounds or part thereof 60001
in excess of six thousand pounds up to and including ten thousand 60002
pounds; 60003

(e) Two dollars and twenty-five cents for each one hundred 60004
pounds or part thereof in excess of ten thousand pounds; 60005

(f) The minimum license tax for any farm truck shall be 60006
twelve dollars. 60007

(2) The owner of a farm truck may register the truck for a 60008
period of one-half year by paying one-half the registration tax 60009
imposed on the truck under this chapter and one-half the amount of 60010
any tax imposed on the truck under Chapter 4504. of the Revised 60011
Code. 60012

(3) A farm bus may be registered for a period of two hundred 60013
ten days from the date of issue of the license plates for the bus, 60014
for a fee of ten dollars, provided such license plates shall not 60015
be issued for more than one such period in any calendar year. Such 60016
use does not include the operation of trucks by commercial 60017
processors of agricultural products. 60018

(4) License plates for farm trucks and for farm buses shall 60019
have some distinguishing marks, letters, colors, or other 60020

characteristics to be determined by the director of public safety. 60021

(5) Every person registering a farm truck or bus under this 60022
section shall furnish an affidavit certifying that the truck or 60023
bus licensed to that person is to be so used as to meet the 60024
requirements necessary for the farm truck or farm bus 60025
classification. 60026

Any farmer may use a truck owned by the farmer for commercial 60027
purposes by paying the difference between the commercial truck 60028
registration fee and the farm truck registration fee for the 60029
remaining part of the registration period for which the truck is 60030
registered. Such remainder shall be calculated from the beginning 60031
of the semiannual period in which application for such commercial 60032
license is made. 60033

Taxes at the rates provided in this section are in lieu of 60034
all taxes on or with respect to the ownership of such motor 60035
vehicles, except as provided in ~~section~~ sections 4503.042 ~~and~~ 60036
~~section~~, 4503.06, and 4503.65 of the Revised Code. 60037

(K) Other than trucks registered under the international 60038
registration plan in another jurisdiction and for which this state 60039
has received an apportioned registration fee, the license tax for 60040
each truck which is owned, controlled, or operated by a 60041
nonresident, and licensed in another state, and which is used 60042
exclusively for the transportation of nonprocessed agricultural 60043
products intrastate, from the place of production to the place of 60044
processing, is twenty-four dollars. 60045

"Truck," as used in this division, means any pickup truck, 60046
straight truck, semitrailer, or trailer other than a travel 60047
trailer. Nonprocessed agricultural products, as used in this 60048
division, does not include livestock or grain. 60049

A license issued under this division shall be issued for a 60050
period of one hundred thirty days in the same manner in which all 60051

other licenses are issued under this section, provided that no 60052
truck shall be so licensed for more than one 60053
one-hundred-thirty-day period during any calendar year. 60054

The license issued pursuant to this division shall consist of 60055
a windshield decal to be designed by the director of public 60056
safety. 60057

Every person registering a truck under this division shall 60058
furnish an affidavit certifying that the truck licensed to the 60059
person is to be used exclusively for the purposes specified in 60060
this division. 60061

(L) Every person registering a motor vehicle as a 60062
noncommercial motor vehicle as defined in section 4501.01 of the 60063
Revised Code, or registering a trailer as a noncommercial trailer 60064
as defined in that section, shall furnish an affidavit certifying 60065
that the motor vehicle or trailer so licensed to the person is to 60066
be so used as to meet the requirements necessary for the 60067
noncommercial vehicle classification. 60068

(M) Every person registering a van or bus as provided in 60069
divisions (F)(2) and (3) of this section shall furnish a notarized 60070
statement certifying that the van or bus licensed to the person is 60071
to be used for the purposes specified in those divisions. The form 60072
of the license plate issued for such motor vehicles shall be 60073
prescribed by the registrar. 60074

(N) Every person registering as a passenger car a motor 60075
vehicle designed and used for carrying more than nine but not more 60076
than fifteen passengers, and every person registering a bus as 60077
provided in division (G) of this section, shall furnish an 60078
affidavit certifying that the vehicle so licensed to the person is 60079
to be used in a ridesharing arrangement and that the person will 60080
have in effect whenever the vehicle is used in a ridesharing 60081
arrangement a policy of liability insurance with respect to the 60082

motor vehicle in amounts and coverages no less than those required 60083
by section 4509.79 of the Revised Code. The form of the license 60084
plate issued for such a motor vehicle shall be prescribed by the 60085
registrar. 60086

(O)(1) If an application for registration renewal is not 60087
applied for prior to the expiration date of the registration or 60088
within thirty days after that date, the registrar or deputy 60089
registrar shall collect a fee of ten dollars for the issuance of 60090
the vehicle registration. For any motor vehicle that is used on a 60091
seasonal basis, whether used for general transportation or not, 60092
and that has not been used on the public roads or highways since 60093
the expiration of the registration, the registrar or deputy 60094
registrar shall waive the fee established under this division if 60095
the application is accompanied by supporting evidence of seasonal 60096
use as the registrar may require. The registrar or deputy 60097
registrar may waive the fee for other good cause shown if the 60098
application is accompanied by supporting evidence as the registrar 60099
may require. The fee shall be in addition to all other fees 60100
established by this section. A deputy registrar shall retain fifty 60101
cents of the fee and shall transmit the remaining amount to the 60102
registrar at the time and in the manner provided by section 60103
4503.10 of the Revised Code. The registrar shall deposit all 60104
moneys received under this division into the public safety - 60105
highway purposes fund established in section 4501.06 of the 60106
Revised Code. 60107

(2) Division (O)(1) of this section does not apply to a farm 60108
truck or farm bus registered under division (J) of this section. 60109

(P) As used in this section: 60110

(1) "Van" means any motor vehicle having a single rear axle 60111
and an enclosed body without a second seat. 60112

(2) "Handicapped person" means any person who has lost the 60113

use of one or both legs, or one or both arms, or is blind, deaf, 60114
or so severely disabled as to be unable to move about without the 60115
aid of crutches or a wheelchair. 60116

(3) "Farm truck" means a truck used in the transportation 60117
from the farm of products of the farm, including livestock and its 60118
products, poultry and its products, floricultural and 60119
horticultural products, and in the transportation to the farm of 60120
supplies for the farm, including tile, fence, and every other 60121
thing or commodity used in agricultural, floricultural, 60122
horticultural, livestock, and poultry production and livestock, 60123
poultry, and other animals and things used for breeding, feeding, 60124
or other purposes connected with the operation of the farm. 60125

(4) "Farm bus" means a bus used only for the transportation 60126
of agricultural employees and used only in the transportation of 60127
such employees as are necessary in the operation of the farm. 60128

(5) "Farm supplies" includes fuel used exclusively in the 60129
operation of a farm, including one or more homes located on and 60130
used in the operation of one or more farms, and furniture and 60131
other things used in and around such homes. 60132

Sec. 4503.042. ~~The registrar of motor vehicles shall adopt~~ 60133
~~rules establishing the date, subsequent to this state's entry into~~ 60134
~~membership in the international registration plan, when the rates~~ 60135
established by under this section ~~become operative~~ apply to 60136
commercial cars, buses, trailers, and semitrailers that are not 60137
subject to apportioned rates under the international registration 60138
plan. 60139

(A) The rates of the annual registration taxes imposed by 60140
section 4503.02 of the Revised Code ~~are as follows for commercial~~ 60141
~~cars having a, based on~~ gross vehicle weight or combined gross 60142
vehicle weight ~~of, for commercial cars that are not apportionable~~ 60143
are as follows: 60144

- | | |
|--|----------------|
| (1) Not <u>For not</u> more than two thousand pounds, forty-five dollars; | 60145
60146 |
| (2) More <u>For more</u> than two thousand but not more than six thousand pounds, seventy dollars; | 60147
60148 |
| (3) More <u>For more</u> than six thousand but not more than ten thousand pounds, eighty-five dollars; | 60149
60150 |
| (4) More <u>For more</u> than ten thousand but not more than fourteen thousand pounds, one hundred five dollars; | 60151
60152 |
| (5) More <u>For more</u> than fourteen thousand but not more than eighteen thousand pounds, one hundred twenty-five dollars; | 60153
60154 |
| (6) More <u>For more</u> than eighteen thousand but not more than twenty-two thousand pounds, one hundred fifty dollars; | 60155
60156 |
| (7) More <u>For more</u> than twenty-two thousand but not more than twenty-six thousand pounds, one hundred seventy-five dollars; | 60157
60158 |
| (8) More <u>For more</u> than twenty-six thousand but not more than thirty thousand pounds, three hundred fifty-five dollars; | 60159
60160 |
| (9) More <u>For more</u> than thirty thousand but not more than thirty-four thousand pounds, four hundred twenty dollars; | 60161
60162 |
| (10) More <u>For more</u> than thirty-four thousand but not more than thirty-eight thousand pounds, four hundred eighty dollars; | 60163
60164 |
| (11) More <u>For more</u> than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars; | 60165
60166 |
| (12) More <u>For more</u> than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars; | 60167
60168 |
| (13) More <u>For more</u> than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars; | 60169
60170 |
| (14) More <u>For more</u> than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars; | 60171
60172 |
| (15) More <u>For more</u> than fifty-four thousand but not more than | 60173 |

fifty-eight thousand pounds, seven hundred eighty-five dollars;	60174
(16) More <u>For more</u> than fifty-eight thousand but not more	60175
than sixty-two thousand pounds, eight hundred fifty-five dollars;	60176
(17) More <u>For more</u> than sixty-two thousand but not more than	60177
sixty-six thousand pounds, nine hundred twenty-five dollars;	60178
(18) More <u>For more</u> than sixty-six thousand but not more than	60179
seventy thousand pounds, nine hundred ninety-five dollars;	60180
(19) More <u>For more</u> than seventy thousand but not more than	60181
seventy-four thousand pounds, one thousand eighty dollars;	60182
(20) More <u>For more</u> than seventy-four thousand but not more	60183
than seventy-eight thousand pounds, one thousand two hundred	60184
dollars;	60185
(21) More <u>For more</u> than seventy-eight thousand pounds, one	60186
thousand three hundred forty dollars.	60187
(B) The rates of the <u>annual registration</u> taxes imposed by	60188
section 4503.02 of the Revised Code are as follows for buses	60189
having a, based on gross vehicle weight or combined gross vehicle	60190
weight of, for buses that are not apportionable are as follows:	60191
(1) Not <u>For not</u> more than two thousand pounds, ten dollars;	60192
(2) More <u>For more</u> than two thousand but not more than six	60193
thousand pounds, forty dollars;	60194
(3) More <u>For more</u> than six thousand but not more than ten	60195
thousand pounds, one hundred dollars;	60196
(4) More <u>For more</u> than ten thousand but not more than	60197
fourteen thousand pounds, one hundred eighty dollars;	60198
(5) More <u>For more</u> than fourteen thousand but not more than	60199
eighteen thousand pounds, two hundred sixty dollars;	60200
(6) More <u>For more</u> than eighteen thousand but not more than	60201
twenty-two thousand pounds, three hundred forty dollars;	60202

- (7) ~~More~~ For more than twenty-two thousand but not more than 60203
twenty-six thousand pounds, four hundred twenty dollars; 60204
- (8) ~~More~~ For more than twenty-six thousand but not more than 60205
thirty thousand pounds, five hundred dollars; 60206
- (9) ~~More~~ For more than thirty thousand but not more than 60207
thirty-four thousand pounds, five hundred eighty dollars; 60208
- (10) ~~More~~ For more than thirty-four thousand but not more 60209
than thirty-eight thousand pounds, six hundred sixty dollars; 60210
- (11) ~~More~~ For more than thirty-eight thousand but not more 60211
than forty-two thousand pounds, seven hundred forty dollars; 60212
- (12) ~~More~~ For more than forty-two thousand but not more than 60213
forty-six thousand pounds, eight hundred twenty dollars; 60214
- (13) ~~More~~ For more than forty-six thousand but not more than 60215
fifty thousand pounds, nine hundred forty dollars; 60216
- (14) ~~More~~ For more than fifty thousand but not more than 60217
fifty-four thousand pounds, one thousand dollars; 60218
- (15) ~~More~~ For more than fifty-four thousand but not more than 60219
fifty-eight thousand pounds, one thousand ninety dollars; 60220
- (16) ~~More~~ For more than fifty-eight thousand but not more 60221
than sixty-two thousand pounds, one thousand one hundred eighty 60222
dollars; 60223
- (17) ~~More~~ For more than sixty-two thousand but not more than 60224
sixty-six thousand pounds, one thousand two hundred seventy 60225
dollars; 60226
- (18) ~~More~~ For more than sixty-six thousand but not more than 60227
seventy thousand pounds, one thousand three hundred sixty dollars; 60228
- (19) ~~More~~ For more than seventy thousand but not more than 60229
seventy-four thousand pounds, one thousand four hundred fifty 60230
dollars; 60231

(20) ~~More~~ For more than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand five hundred forty dollars; 60232
60233
60234

(21) ~~More~~ For more than seventy-eight thousand pounds, one thousand six hundred thirty dollars. 60235
60236

~~(C) In addition to the license taxes imposed at the rates specified in divisions (A) and (B) of this section, a fee equal to the amount established under section 4503.038 of the Revised Code, plus an appropriate amount to cover the cost of postage, shall be collected by the registrar for each international registration plan license processed by the registrar.~~ 60237
60238
60239
60240
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~~(D)~~ The rate of the tax for each trailer and semitrailer is twenty-five dollars. 60243
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~~(E)~~(D) If an application for registration renewal is not applied for prior to the expiration date of the registration or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration, but may waive the fee for good cause shown if the application is accompanied by supporting evidence as the registrar may require. The fee shall be in addition to all other fees established by this section. A deputy registrar shall retain fifty cents of the fee and shall transmit the remaining amount to the registrar at the time and in the manner provided by section 4503.10 of the Revised Code. The registrar shall deposit all moneys received under this division into the public safety - highway purposes fund established in section 4501.06 of the Revised Code. 60245
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~~(F)~~(E) The rates established by this section shall not apply to any of the following: 60259
60260

(1) Vehicles equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering 60261
60262

chest x-rays or receiving blood donations;	60263
(2) Vans used principally for the transportation of handicapped persons that have been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the vans;	60264 60265 60266 60267
(3) Buses used principally for the transportation of handicapped persons or persons sixty-five years of age or older;	60268 60269
(4) Buses used principally for the transportation of persons in a ridesharing arrangement;	60270 60271
(5) Transit buses having motor power;	60272
(6) Noncommercial trailers, mobile homes, or manufactured homes.	60273 60274
Sec. 4503.066. (A)(1) To obtain a tax reduction under section 4503.065 of the Revised Code, the owner of the home shall file an application with the county auditor of the county in which the home is located. An application for reduction in taxes based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction in taxes based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state. The certificate shall attest to the fact that the applicant is permanently and totally disabled, shall be in a form that the department of taxation requires, and shall include the definition of totally and permanently disabled as set forth in section 4503.064 of the Revised Code. An application for reduction in taxes based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency. An application by a disabled veteran for the reduction under division (B) of section 4503.065 of the Revised Code shall be accompanied	60275 60276 60277 60278 60279 60280 60281 60282 60283 60284 60285 60286 60287 60288 60289 60290 60291 60292

by a letter or other written confirmation from the United States 60293
department of veterans affairs, or its predecessor or successor 60294
agency, showing that the veteran qualifies as a disabled veteran. 60295

60296

(2) Each application shall constitute a continuing 60297
application for a reduction in taxes for each year in which the 60298
manufactured or mobile home is occupied by the applicant. Failure 60299
to receive a new application or notification under division (B) of 60300
this section after an application for reduction has been approved 60301
is prima-facie evidence that the original applicant is entitled to 60302
the reduction calculated on the basis of the information contained 60303
in the original application. The original application and any 60304
subsequent application shall be in the form of a signed statement 60305
and shall be filed ~~not later than the first Monday in June~~ on or 60306
before the thirty-first day of December of the year for which the 60307
reduction is sought. The statement shall be on a form, devised and 60308
supplied by the tax commissioner, that shall require no more 60309
information than is necessary to establish the applicant's 60310
eligibility for the reduction in taxes and the amount of the 60311
reduction to which the applicant is entitled. The form shall 60312
contain a statement that signing such application constitutes a 60313
delegation of authority by the applicant to the tax commissioner 60314
or the county auditor, individually or in consultation with each 60315
other, to examine any tax or financial records that relate to the 60316
income of the applicant as stated on the application for the 60317
purpose of determining eligibility under, or possible violation 60318
of, division (C) or (D) of this section. The form also shall 60319
contain a statement that conviction of willfully falsifying 60320
information to obtain a reduction in taxes or failing to comply 60321
with division (B) of this section shall result in the revocation 60322
of the right to the reduction for a period of three years. 60323

If an application filed for the current tax year is approved 60324

after the taxes have been paid for the current year, the amount of 60325
the reduction in taxes for the current year shall be treated as an 60326
overpayment of taxes in the same manner as a late application 60327
under division (A)(3) of this section. 60328

(3) A late application for a reduction in taxes for the year 60329
preceding the year for which an original application is filed may 60330
be filed with an original application. If the auditor determines 60331
that the information contained in the late application is correct, 60332
the auditor shall determine both the amount of the reduction in 60333
taxes to which the applicant would have been entitled for the 60334
current tax year had the application been timely filed and 60335
approved in the preceding year, and the amount the taxes levied 60336
under section 4503.06 of the Revised Code for the current year 60337
would have been reduced as a result of the reduction. When an 60338
applicant is permanently and totally disabled on the first day of 60339
January of the year in which the applicant files a late 60340
application, the auditor, in making the determination of the 60341
amounts of the reduction in taxes under division (A)(3) of this 60342
section, is not required to determine that the applicant was 60343
permanently and totally disabled on the first day of January of 60344
the preceding year. 60345

The amount of the reduction in taxes pursuant to a late 60346
application shall be treated as an overpayment of taxes by the 60347
applicant. The auditor shall credit the amount of the overpayment 60348
against the amount of the taxes or penalties then due from the 60349
applicant, and, at the next succeeding settlement, the amount of 60350
the credit shall be deducted from the amount of any taxes or 60351
penalties distributable to the county or any taxing unit in the 60352
county that has received the benefit of the taxes or penalties 60353
previously overpaid, in proportion to the benefits previously 60354
received. If, after the credit has been made, there remains a 60355
balance of the overpayment, or if there are no taxes or penalties 60356

due from the applicant, the auditor shall refund that balance to 60357
the applicant by a warrant drawn on the county treasurer in favor 60358
of the applicant. The treasurer shall pay the warrant from the 60359
general fund of the county. If there is insufficient money in the 60360
general fund to make the payment, the treasurer shall pay the 60361
warrant out of any undivided manufactured or mobile home taxes 60362
subsequently received by the treasurer for distribution to the 60363
county or taxing district in the county that received the benefit 60364
of the overpaid taxes, in proportion to the benefits previously 60365
received, and the amount paid from the undivided funds shall be 60366
deducted from the money otherwise distributable to the county or 60367
taxing district in the county at the next or any succeeding 60368
distribution. At the next or any succeeding distribution after 60369
making the refund, the treasurer shall reimburse the general fund 60370
for any payment made from that fund by deducting the amount of 60371
that payment from the money distributable to the county or other 60372
taxing unit in the county that has received the benefit of the 60373
taxes, in proportion to the benefits previously received. ~~On the~~ 60374
~~second Monday in September of each year, the~~ The county auditor 60375
shall certify the total amount of the reductions in taxes made in 60376
the current year under division (A)(3) of this section to the tax 60377
commissioner who shall treat that amount as a reduction in taxes 60378
for the current tax year and shall make reimbursement to the 60379
county of that amount in the manner prescribed in section 4503.068 60380
of the Revised Code, from moneys appropriated for that purpose. 60381

(B) If in any year for which an application for reduction in 60382
taxes has been approved the owner no longer qualifies for the 60383
reduction, the owner shall notify the county auditor that the 60384
owner is not qualified for a reduction in taxes. 60385

During ~~January~~ February of each year, the county auditor 60386
shall furnish each person whose application for reduction has been 60387
approved, by ordinary mail, a form on which to report any changes 60388

in total income, ownership, occupancy, disability, and other 60389
information earlier furnished the auditor relative to the 60390
application. The form shall be completed and returned to the 60391
auditor not later than the ~~first Monday in June~~ thirty-first day
of December if the changes would affect the person's eligibility 60392
for the reduction. 60393
60394

(C) No person shall knowingly make a false statement for the 60395
purpose of obtaining a reduction in taxes under section 4503.065 60396
of the Revised Code. 60397

(D) No person shall knowingly fail to notify the county 60398
auditor of any change required by division (B) of this section 60399
that has the effect of maintaining or securing a reduction in 60400
taxes under section 4503.065 of the Revised Code. 60401

(E) No person shall knowingly make a false statement or 60402
certification attesting to any person's physical or mental 60403
condition for purposes of qualifying such person for tax relief 60404
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 60405

(F) Whoever violates division (C), (D), or (E) of this 60406
section is guilty of a misdemeanor of the fourth degree. 60407

Sec. 4503.08. (A) The weight of all motor vehicles, except 60408
those taxed under ~~section~~ sections 4503.042 and 4503.65 of the 60409
Revised Code, shall be the weight of the vehicle fully equipped as 60410
determined on a standard scale. The weight of any machinery 60411
mounted upon or affixed to a motor vehicle and not inherently 60412
motor vehicle equipment shall not be included in the determination 60413
of the total weight. 60414

(B) The horsepower of all vehicles propelled by internal 60415
combustion engines shall be computed upon the following formula: 60416
square the diameter of the cylinder measured in inches, multiply 60417
by the number of cylinders, and divide by two and one half. For 60418

all motor vehicles propelled by steam engines, the rating of the 60419
horsepower shall be based on the system of rating adopted by the 60420
United States government. 60421

(C) For all motor vehicles propelled by electricity, the 60422
rating of the horsepower shall be the normal horsepower of the 60423
electric motor therein, to be ascertained by the registrar of 60424
motor vehicles. 60425

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 60426
motorcycle, and all-purpose vehicle required to be registered 60427
under section 4519.02 of the Revised Code shall file an 60428
application for registration under section 4519.03 of the Revised 60429
Code. The owner of a motor vehicle, other than a snowmobile, 60430
off-highway motorcycle, or all-purpose vehicle, that is not 60431
designed and constructed by the manufacturer for operation on a 60432
street or highway may not register it under this chapter except 60433
upon certification of inspection pursuant to section 4513.02 of 60434
the Revised Code by the sheriff, or the chief of police of the 60435
municipal corporation or township, with jurisdiction over the 60436
political subdivision in which the owner of the motor vehicle 60437
resides. Except as provided in section 4503.103 of the Revised 60438
Code, every owner of every other motor vehicle not previously 60439
described in this section and every person mentioned as owner in 60440
the last certificate of title of a motor vehicle that is operated 60441
or driven upon the public roads or highways shall cause to be 60442
filed each year, by mail or otherwise, in the office of the 60443
registrar of motor vehicles or a deputy registrar, a written or 60444
electronic application or a preprinted registration renewal notice 60445
issued under section 4503.102 of the Revised Code, the form of 60446
which shall be prescribed by the registrar, for registration for 60447
the following registration year, which shall begin on the first 60448
day of January of every calendar year and end on the thirty-first 60449
day of December in the same year. Applications for registration 60450

and registration renewal notices shall be filed at the times 60451
established by the registrar pursuant to section 4503.101 of the 60452
Revised Code. A motor vehicle owner also may elect to apply for or 60453
renew a motor vehicle registration by electronic means using 60454
electronic signature in accordance with rules adopted by the 60455
registrar. Except as provided in division (J) of this section, 60456
applications for registration shall be made on blanks furnished by 60457
the registrar for that purpose, containing the following 60458
information: 60459

(1) A brief description of the motor vehicle to be 60460
registered, including the year, make, model, and vehicle 60461
identification number, and, in the case of commercial cars, the 60462
gross weight of the vehicle fully equipped computed in the manner 60463
prescribed in section 4503.08 of the Revised Code; 60464

(2) The name and residence address of the owner, and the 60465
township and municipal corporation in which the owner resides; 60466

(3) The district of registration, which shall be determined 60467
as follows: 60468

(a) In case the motor vehicle to be registered is used for 60469
hire or principally in connection with any established business or 60470
branch business, conducted at a particular place, the district of 60471
registration is the municipal corporation in which that place is 60472
located or, if not located in any municipal corporation, the 60473
county and township in which that place is located. 60474

(b) In case the vehicle is not so used, the district of 60475
registration is the municipal corporation or county in which the 60476
owner resides at the time of making the application. 60477

(4) Whether the motor vehicle is a new or used motor vehicle; 60478

(5) The date of purchase of the motor vehicle; 60479

(6) Whether the fees required to be paid for the registration 60480

or transfer of the motor vehicle, during the preceding 60481
registration year and during the preceding period of the current 60482
registration year, have been paid. Each application for 60483
registration shall be signed by the owner, either manually or by 60484
electronic signature, or pursuant to obtaining a limited power of 60485
attorney authorized by the registrar for registration, or other 60486
document authorizing such signature. If the owner elects to apply 60487
for or renew the motor vehicle registration with the registrar by 60488
electronic means, the owner's manual signature is not required. 60489

(7) The owner's social security number, driver's license 60490
number, or state identification number, or, where a motor vehicle 60491
to be registered is used for hire or principally in connection 60492
with any established business, the owner's federal taxpayer 60493
identification number. The bureau of motor vehicles shall retain 60494
in its records all social security numbers provided under this 60495
section, but the bureau shall not place social security numbers on 60496
motor vehicle certificates of registration. 60497

(B) Except as otherwise provided in this division, each time 60498
an applicant first registers a motor vehicle in the applicant's 60499
name, the applicant shall present for inspection a physical 60500
certificate of title or memorandum certificate showing title to 60501
the motor vehicle to be registered in the name of the applicant if 60502
a physical certificate of title or memorandum certificate has been 60503
issued by a clerk of a court of common pleas. If, under sections 60504
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 60505
instead has issued an electronic certificate of title for the 60506
applicant's motor vehicle, that certificate may be presented for 60507
inspection at the time of first registration in a manner 60508
prescribed by rules adopted by the registrar. An applicant is not 60509
required to present a certificate of title to an electronic motor 60510
vehicle dealer acting as a limited authority deputy registrar in 60511
accordance with rules adopted by the registrar. When a motor 60512

vehicle inspection and maintenance program is in effect under 60513
section 3704.14 of the Revised Code and rules adopted under it, 60514
each application for registration for a vehicle required to be 60515
inspected under that section and those rules shall be accompanied 60516
by an inspection certificate for the motor vehicle issued in 60517
accordance with that section. The application shall be refused if 60518
any of the following applies: 60519

(1) The application is not in proper form. 60520

(2) The application is prohibited from being accepted by 60521
division (D) of section 2935.27, division (A) of section 2937.221, 60522
division (A) of section 4503.13, division (B) of section 4510.22, 60523
or division (B)(1) of section 4521.10 of the Revised Code. 60524

(3) A certificate of title or memorandum certificate of title 60525
is required but does not accompany the application or, in the case 60526
of an electronic certificate of title, is required but is not 60527
presented in a manner prescribed by the registrar's rules. 60528

(4) All registration and transfer fees for the motor vehicle, 60529
for the preceding year or the preceding period of the current 60530
registration year, have not been paid. 60531

(5) The owner or lessee does not have an inspection 60532
certificate for the motor vehicle as provided in section 3704.14 60533
of the Revised Code, and rules adopted under it, if that section 60534
is applicable. 60535

This section does not require the payment of license or 60536
registration taxes on a motor vehicle for any preceding year, or 60537
for any preceding period of a year, if the motor vehicle was not 60538
taxable for that preceding year or period under sections 4503.02, 60539
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 60540
Revised Code. When a certificate of registration is issued upon 60541
the first registration of a motor vehicle by or on behalf of the 60542
owner, the official issuing the certificate shall indicate the 60543

issuance with a stamp on the certificate of title or memorandum 60544
certificate or, in the case of an electronic certificate of title, 60545
an electronic stamp or other notation as specified in rules 60546
adopted by the registrar, and with a stamp on the inspection 60547
certificate for the motor vehicle, if any. The official also shall 60548
indicate, by a stamp or by other means the registrar prescribes, 60549
on the registration certificate issued upon the first registration 60550
of a motor vehicle by or on behalf of the owner the odometer 60551
reading of the motor vehicle as shown in the odometer statement 60552
included in or attached to the certificate of title. Upon each 60553
subsequent registration of the motor vehicle by or on behalf of 60554
the same owner, the official also shall so indicate the odometer 60555
reading of the motor vehicle as shown on the immediately preceding 60556
certificate of registration. 60557

The registrar shall include in the permanent registration 60558
record of any vehicle required to be inspected under section 60559
3704.14 of the Revised Code the inspection certificate number from 60560
the inspection certificate that is presented at the time of 60561
registration of the vehicle as required under this division. 60562

(C)(1) Except as otherwise provided in division (C)(1) of 60563
this section, the registrar and each deputy registrar shall 60564
collect an additional fee of eleven dollars for each application 60565
for registration and registration renewal received. For vehicles 60566
specified in divisions (A)(1) to (21) of section 4503.042 of the 60567
Revised Code, the registrar and deputy registrar shall collect an 60568
additional fee of thirty dollars for each application for 60569
registration and registration renewal received. No additional fee 60570
shall be charged for vehicles registered under section 4503.65 of 60571
the Revised Code. The additional fee is for the purpose of 60572
defraying the department of public safety's costs associated with 60573
the administration and enforcement of the motor vehicle and 60574
traffic laws of Ohio. Each deputy registrar shall transmit the 60575

fees collected under division (C)(1) of this section in the time 60576
and manner provided in this section. The registrar shall deposit 60577
all moneys received under division (C)(1) of this section into the 60578
public safety - highway purposes fund established in section 60579
4501.06 of the Revised Code. 60580

(2) In addition, a charge of twenty-five cents shall be made 60581
for each reflectorized safety license plate issued, and a single 60582
charge of twenty-five cents shall be made for each county 60583
identification sticker or each set of county identification 60584
stickers issued, as the case may be, to cover the cost of 60585
producing the license plates and stickers, including material, 60586
manufacturing, and administrative costs. Those fees shall be in 60587
addition to the license tax. If the total cost of producing the 60588
plates is less than twenty-five cents per plate, or if the total 60589
cost of producing the stickers is less than twenty-five cents per 60590
sticker or per set issued, any excess moneys accruing from the 60591
fees shall be distributed in the same manner as provided by 60592
section 4501.04 of the Revised Code for the distribution of 60593
license tax moneys. If the total cost of producing the plates 60594
exceeds twenty-five cents per plate, or if the total cost of 60595
producing the stickers exceeds twenty-five cents per sticker or 60596
per set issued, the difference shall be paid from the license tax 60597
moneys collected pursuant to section 4503.02 of the Revised Code. 60598

(D) Each deputy registrar shall be allowed a fee equal to the 60599
amount established under section 4503.038 of the Revised Code for 60600
each application for registration and registration renewal notice 60601
the deputy registrar receives, which shall be for the purpose of 60602
compensating the deputy registrar for the deputy registrar's 60603
services, and such office and rental expenses, as may be necessary 60604
for the proper discharge of the deputy registrar's duties in the 60605
receiving of applications and renewal notices and the issuing of 60606
registrations. 60607

(E) Upon the certification of the registrar, the county 60608
sheriff or local police officials shall recover license plates 60609
erroneously or fraudulently issued. 60610

(F) Each deputy registrar, upon receipt of any application 60611
for registration or registration renewal notice, together with the 60612
license fee and any local motor vehicle license tax levied 60613
pursuant to Chapter 4504. of the Revised Code, shall transmit that 60614
fee and tax, if any, in the manner provided in this section, 60615
together with the original and duplicate copy of the application, 60616
to the registrar. The registrar, subject to the approval of the 60617
director of public safety, may deposit the funds collected by 60618
those deputies in a local bank or depository to the credit of the 60619
"state of Ohio, bureau of motor vehicles." Where a local bank or 60620
depository has been designated by the registrar, each deputy 60621
registrar shall deposit all moneys collected by the deputy 60622
registrar into that bank or depository not more than one business 60623
day after their collection and shall make reports to the registrar 60624
of the amounts so deposited, together with any other information, 60625
some of which may be prescribed by the treasurer of state, as the 60626
registrar may require and as prescribed by the registrar by rule. 60627
The registrar, within three days after receipt of notification of 60628
the deposit of funds by a deputy registrar in a local bank or 60629
depository, shall draw on that account in favor of the treasurer 60630
of state. The registrar, subject to the approval of the director 60631
and the treasurer of state, may make reasonable rules necessary 60632
for the prompt transmittal of fees and for safeguarding the 60633
interests of the state and of counties, townships, municipal 60634
corporations, and transportation improvement districts levying 60635
local motor vehicle license taxes. The registrar may pay service 60636
charges usually collected by banks and depositories for such 60637
service. If deputy registrars are located in communities where 60638
banking facilities are not available, they shall transmit the fees 60639
forthwith, by money order or otherwise, as the registrar, by rule 60640

approved by the director and the treasurer of state, may 60641
prescribe. The registrar may pay the usual and customary fees for 60642
such service. 60643

(G) This section does not prevent any person from making an 60644
application for a motor vehicle license directly to the registrar 60645
by mail, by electronic means, or in person at any of the 60646
registrar's offices, upon payment of a service fee equal to the 60647
amount established under section 4503.038 of the Revised Code for 60648
each application. 60649

(H) No person shall make a false statement as to the district 60650
of registration in an application required by division (A) of this 60651
section. Violation of this division is falsification under section 60652
2921.13 of the Revised Code and punishable as specified in that 60653
section. 60654

(I)(1) Where applicable, the requirements of division (B) of 60655
this section relating to the presentation of an inspection 60656
certificate issued under section 3704.14 of the Revised Code and 60657
rules adopted under it for a motor vehicle, the refusal of a 60658
license for failure to present an inspection certificate, and the 60659
stamping of the inspection certificate by the official issuing the 60660
certificate of registration apply to the registration of and 60661
issuance of license plates for a motor vehicle under sections 60662
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 60663
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 60664
4503.47, and 4503.51 of the Revised Code. 60665

(2)(a) The registrar shall adopt rules ensuring that each 60666
owner registering a motor vehicle in a county where a motor 60667
vehicle inspection and maintenance program is in effect under 60668
section 3704.14 of the Revised Code and rules adopted under it 60669
receives information about the requirements established in that 60670
section and those rules and about the need in those counties to 60671
present an inspection certificate with an application for 60672

registration or preregistration. 60673

(b) Upon request, the registrar shall provide the director of 60674
environmental protection, or any person that has been awarded a 60675
contract under section 3704.14 of the Revised Code, an on-line 60676
computer data link to registration information for all passenger 60677
cars, noncommercial motor vehicles, and commercial cars that are 60678
subject to that section. The registrar also shall provide to the 60679
director of environmental protection a magnetic data tape 60680
containing registration information regarding passenger cars, 60681
noncommercial motor vehicles, and commercial cars for which a 60682
multi-year registration is in effect under section 4503.103 of the 60683
Revised Code or rules adopted under it, including, without 60684
limitation, the date of issuance of the multi-year registration, 60685
the registration deadline established under rules adopted under 60686
section 4503.101 of the Revised Code that was applicable in the 60687
year in which the multi-year registration was issued, and the 60688
registration deadline for renewal of the multi-year registration. 60689

(J) Subject to division (K) of this section, application for 60690
registration under the international registration plan, as set 60691
forth in sections 4503.60 to 4503.66 of the Revised Code, shall be 60692
made to the registrar on forms furnished by the registrar. In 60693
accordance with international registration plan guidelines and 60694
pursuant to rules adopted by the registrar, the forms shall 60695
include the following: 60696

(1) A uniform mileage schedule; 60697

(2) The gross vehicle weight of the vehicle or combined gross 60698
vehicle weight of the combination vehicle as declared by the 60699
registrant; 60700

(3) Any other information the registrar requires by rule. 60701

(K) The registrar shall determine the feasibility of 60702
implementing an electronic commercial fleet licensing and 60703

management program that will enable the owners of commercial 60704
tractors, commercial trailers, and commercial semitrailers to 60705
conduct electronic transactions by July 1, 2010, or sooner. If the 60706
registrar determines that implementing such a program is feasible, 60707
the registrar shall adopt new rules under this division or amend 60708
existing rules adopted under this division as necessary in order 60709
to respond to advances in technology. 60710

If international registration plan guidelines and provisions 60711
allow member jurisdictions to permit applications for 60712
registrations under the international registration plan to be made 60713
via the internet, the rules the registrar adopts under this 60714
division shall permit such action. 60715

Sec. 4503.101. (A) The registrar of motor vehicles shall 60716
adopt rules to establish a system of motor vehicle registration 60717
based upon the type of vehicle to be registered, the type of 60718
ownership of the vehicle, the class of license plate to be issued, 60719
and any other factor the registrar determines to be relevant. 60720
Except for commercial cars, buses, trailers, and semitrailers that 60721
are registered in this state and that are taxed under ~~section~~ 60722
sections 4503.042 and 4503.65 of the Revised Code; except for 60723
rental vehicles owned by motor vehicle renting dealers; and except 60724
as otherwise provided by rule, motor vehicles owned by an 60725
individual shall be registered based upon the motor vehicle 60726
owner's date of birth. Beginning with the 2004 registration year, 60727
the registrar shall assign motor vehicles to the registration 60728
periods established by rules adopted under this section. 60729

(B) The registrar shall adopt rules to permit motor vehicle 60730
owners residing together at one address to select the date of 60731
birth of any one of the owners as the date to register any or all 60732
of the vehicles at that residence address, as shown in the records 60733
of the bureau of motor vehicles. 60734

(C) The registrar shall adopt rules to assign and reassign 60735
all commercial cars, trailers, and semitrailers that are 60736
registered in this state and that are taxed under ~~section~~ sections 60737
4503.042 and 4503.65 of the Revised Code and all rental vehicles 60738
owned by motor vehicle renting dealers to a system of registration 60739
so that the registrations of approximately one-twelfth of all such 60740
vehicles expire on the last day of each month of a calendar year. 60741
To effect a reassignment from the registration period in effect on 60742
June 30, 2003, to the new registration periods established by the 60743
rules adopted under this section as amended, the rules may require 60744
the motor vehicle to be registered for more or less than a 60745
twelve-month period at the time the motor vehicle's registration 60746
is subject to its initial renewal following the effective date of 60747
such rules. If necessary to effect an efficient transition, the 60748
rules may provide that the registration reassignments take place 60749
over two consecutive registration periods. The registration taxes 60750
to be charged shall be determined by the registrar on the basis of 60751
the annual tax otherwise due on the motor vehicle, prorated in 60752
accordance with the number of months for which the motor vehicle 60753
is registered, except that the fee established by division (C)(1) 60754
of section 4503.10 of the Revised Code shall be collected in full 60755
for each renewal that occurs during the transition period and 60756
shall not be prorated. 60757

(D) The registrar shall adopt rules to permit any commercial 60758
motor vehicle owner or motor vehicle renting dealer who owns two 60759
or more motor vehicles to request the registrar to permit the 60760
owner to separate the owner's fleet into up to four divisions for 60761
assignment to separate dates upon which to register the vehicles, 60762
provided that the registrar may disapprove any such request 60763
whenever the registrar has reason to believe that an uneven 60764
distribution of registrations throughout the calendar year has 60765
developed or is likely to develop. 60766

(E) Every owner or lessee of a motor vehicle holding a certificate of registration shall notify the registrar of any change of the owner's or lessee's correct address within ten days after the change occurs. The notification shall be in writing on a form provided by the registrar or by electronic means approved by the registrar and shall include the full name, date of birth if applicable, license number, county of residence or place of business, social security account number of an individual or federal tax identification number of a business, and new address.

(F) As used in this section, "motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code.

Sec. 4503.15. Owners and lessees of motor vehicles who are residents of this state and hold an unrevoked and unexpired license duly admitting them to the practice of medicine in this state, upon application, accompanied by proof of the issuance to the applicant by this state of a ~~certificate~~ license issued pursuant to section 4731.14 of the Revised Code authorizing the person to engage in the practice of medicine, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the regular license fee, as prescribed under sections 4503.04 and 4503.10 of the Revised Code, and the payment of an additional fee of ten dollars, which shall be for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of license plates under this section, shall be issued a validation sticker and license plates, or a validation sticker alone when required by section 4503.191 of the Revised Code, for passenger cars and other vehicles of a class approved by the registrar. Such license plates, in addition to the letters and numbers ordinarily inscribed thereon, shall be inscribed with the word "physician."

Sec. 4503.503. (A) The owner or lessee of any passenger car,

noncommercial motor vehicle, recreational vehicle, or other 60798
vehicle of a class approved by the registrar of motor vehicles may 60799
apply to the registrar for the registration of the vehicle and 60800
issuance of "Ohio agriculture" license plates. The application for 60801
"Ohio agriculture" license plates may be combined with a request 60802
for a special reserved license plate under section 4503.40 or 60803
4503.42 of the Revised Code. Upon receipt of the completed 60804
application and compliance with division (B) of this section, the 60805
registrar shall issue to the applicant the appropriate vehicle 60806
registration and a set of "Ohio agriculture" license plates with a 60807
validation sticker or a validation sticker alone when required by 60808
section 4503.191 of the Revised Code. 60809

In addition to the letters and numbers ordinarily inscribed 60810
thereon, "Ohio agriculture" license plates shall be inscribed with 60811
words and markings selected and designed by the Ohio farm bureau 60812
federation, in consultation with representatives of agricultural 60813
commodity organizations of this state. The registrar shall approve 60814
the final design. "Ohio agriculture" license plates shall bear 60815
county identification stickers that identify the county of 60816
registration as required under section 4503.19 of the Revised 60817
Code. 60818

(B) "Ohio agriculture" license plates and validation stickers 60819
shall be issued upon payment of the regular license tax as 60820
prescribed under section 4503.04 of the Revised Code, any 60821
applicable motor vehicle tax levied under Chapter 4504. of the 60822
Revised Code, any applicable fee prescribed by section 4503.40 or 60823
4503.42 of the Revised Code, a bureau of motor vehicles 60824
administrative fee of ten dollars, the contribution specified 60825
under division (C) of this section, and compliance with all other 60826
applicable laws relating to the registration of motor vehicles. 60827

(C) For each application for registration and registration 60828

renewal received under this section, the registrar shall collect a 60829
contribution of twenty dollars. The registrar shall transmit this 60830
contribution to the treasurer of state for deposit in the ~~Ohio~~ 60831
~~agriculture license plate scholarship~~ state treasury to the credit 60832
of the agro Ohio fund created in section ~~901.90~~ 901.04 of the 60833
Revised Code. 60834

(D) The registrar shall deposit the bureau administrative fee 60835
of ten dollars specified in division (B) of this section, the 60836
purpose of which is to compensate the bureau for the additional 60837
services required in the issuing of the applicant's "Ohio 60838
agriculture" license plates, into the state bureau of motor 60839
vehicles fund created in section 4501.25 of the Revised Code. 60840

Sec. 4503.63. (A) The registrar of motor vehicles shall adopt 60841
rules in accordance with the international registration plan for 60842
the calculation of the proportionate registration tax due under 60843
section ~~4503.042~~ 4503.65 of the Revised Code for the registration 60844
of a vehicle in this state and in all jurisdictions declared for 60845
apportionment purposes on the uniform mileage schedule. In 60846
accordance with such rules, the registrar shall notify the 60847
registrant of the taxes or fees due and shall collect the amount 60848
due for registration in each declared jurisdiction, unless the 60849
other jurisdiction bills the registrant directly. 60850

(B) The registrar shall notify other declared jurisdictions 60851
that an apportioned registration application has been filed, shall 60852
furnish the declared jurisdiction documentation to substantiate 60853
and verify the application, and shall transmit the taxes or fees 60854
to those jurisdictions within forty-five days of receipt. 60855

(C) The registrar shall cooperate with other jurisdictions in 60856
connection with registration of vehicles under sections 4503.60 to 60857
4503.66 of the Revised Code and the collection of apportioned 60858
taxes and fees. 60859

Sec. 4503.65. ~~The registrar of motor vehicles shall take all steps necessary to determine and collect the apportioned registration tax due for vehicles registered in another international registration plan jurisdiction that lists Ohio for apportionment purposes on a uniform mileage schedule. The registration taxes to be charged shall be determined on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered. Until October 1, 2009, such vehicles shall be taxed at the rates established under section 4503.042 of the Revised Code. The rates ~~in~~ established under this section ~~become~~ effective on and after October 1, 2009 apply to commercial cars and buses that are subject to apportioned rates under the international registration plan.~~

(A) The rates of ~~the~~ annual registration taxes ~~imposed by this section are as follows for commercial cars having a, based on gross vehicle weight or combined gross vehicle weight of, for commercial cars that are apportionable are as follows:~~

(1) ~~Not~~ For not more than two thousand pounds, ~~forty seven one hundred~~ dollars;

(2) ~~More~~ For more than two thousand but not more than six thousand pounds, ~~seventy two~~ one hundred twenty-five dollars;

(3) ~~More~~ For more than six thousand but not more than ten thousand pounds, ~~eighty eight~~ one hundred forty dollars;

(4) ~~More~~ For more than ten thousand but not more than fourteen thousand pounds, one hundred ~~eight~~ sixty dollars;

(5) ~~More~~ For more than fourteen thousand but not more than eighteen thousand pounds, one hundred ~~twenty nine~~ eighty dollars;

(6) ~~More~~ For more than eighteen thousand but not more than twenty-two thousand pounds, ~~one~~ two hundred ~~fifty four~~ five

dollars;	60890
(7) More <u>For more</u> than twenty-two thousand but not more than	60891
twenty-six thousand pounds, one two <u>hundred eighty thirty</u> dollars;	60892
(8) More <u>For more</u> than twenty-six thousand but not more than	60893
thirty thousand pounds, three four <u>hundred sixty four ten</u> dollars;	60894
(9) More <u>For more</u> than thirty thousand but not more than	60895
thirty-four thousand pounds, four hundred thirty one <u>seventy-five</u>	60896
dollars;	60897
(10) More <u>For more</u> than thirty-four thousand but not more	60898
than thirty-eight thousand pounds, four five <u>hundred ninety two</u>	60899
<u>thirty-five</u> dollars;	60900
(11) More <u>For more</u> than thirty-eight thousand but not more	60901
than forty-two thousand pounds, five hundred fifty four	60902
<u>ninety-five</u> dollars;	60903
(12) More <u>For more</u> than forty-two thousand but not more than	60904
forty-six thousand pounds, six hundred fifteen <u>fifty-five</u> dollars;	60905
(13) More <u>For more</u> than forty-six thousand but not more than	60906
fifty thousand pounds, six seven <u>hundred seventy seven fifteen</u>	60907
dollars;	60908
(14) More <u>For more</u> than fifty thousand but not more than	60909
fifty-four thousand pounds, seven hundred forty four <u>eighty</u>	60910
dollars;	60911
(15) More <u>For more</u> than fifty-four thousand but not more than	60912
fifty-eight thousand pounds, eight hundred five <u>forty</u> dollars;	60913
(16) More <u>For more</u> than fifty-eight thousand but not more	60914
than sixty-two thousand pounds, eight nine <u>hundred seventy seven</u>	60915
<u>ten</u> dollars;	60916
(17) More <u>For more</u> than sixty-two thousand but not more than	60917
sixty-six thousand pounds, nine hundred forty nine <u>eighty</u> dollars;	60918

(18) More <u>For more</u> than sixty-six thousand but not more than	60919
seventy thousand pounds, one thousand twenty <u>fifty</u> dollars;	60920
(19) More <u>For more</u> than seventy thousand but not more than	60921
seventy-four thousand pounds, one thousand one hundred seven	60922
<u>thirty-five</u> dollars;	60923
(20) More <u>For more</u> than seventy-four thousand but not more	60924
than seventy-eight thousand pounds, one thousand two hundred	60925
thirty <u>fifty-five</u> dollars;	60926
(21) More <u>For more</u> than seventy-eight thousand pounds, one	60927
thousand three hundred seventy-three <u>ninety-five</u> dollars and fifty	60928
cents .	60929
(B) The rates of the <u>annual registration</u> taxes imposed by	60930
this section are as follows for buses having a, <u>based on</u> gross	60931
vehicle weight or combined gross vehicle weight of, <u>for buses that</u>	60932
<u>are apportionable are as follows:</u>	60933
(1) Not <u>For not</u> more than two thousand pounds, eleven	60934
<u>forty-six</u> dollars;	60935
(2) More <u>For more</u> than two thousand but not more than six	60936
thousand pounds, forty-one <u>seventy-six</u> dollars;	60937
(3) More <u>For more</u> than six thousand but not more than ten	60938
thousand pounds, one hundred three <u>thirty-six</u> dollars;	60939
(4) More <u>For more</u> than ten thousand but not more than	60940
fourteen thousand pounds, one <u>two</u> hundred eighty-five <u>sixteen</u>	60941
dollars;	60942
(5) More <u>For more</u> than fourteen thousand but not more than	60943
eighteen thousand pounds, two hundred sixty-seven <u>ninety-six</u>	60944
dollars;	60945
(6) More <u>For more</u> than eighteen thousand but not more than	60946
twenty-two thousand pounds, three hundred forty-nine <u>seventy-six</u>	60947
dollars;	60948

- (7) ~~More~~ For more than twenty-two thousand but not more than 60949
twenty-six thousand pounds, four hundred ~~thirty-one~~ fifty-six 60950
dollars; 60951
- (8) ~~More~~ For more than twenty-six thousand but not more than 60952
thirty thousand pounds, five hundred ~~thirteen~~ thirty-six dollars; 60953
- (9) ~~More~~ For more than thirty thousand but not more than 60954
thirty-four thousand pounds, ~~five~~ six hundred ~~ninety-four~~ sixteen 60955
dollars ~~and fifty cents~~; 60956
- (10) ~~More~~ For more than thirty-four thousand but not more 60957
than thirty-eight thousand pounds, six hundred ~~seventy-four~~ 60958
ninety-six dollars ~~and fifty cents~~; 60959
- (11) ~~More~~ For more than thirty-eight thousand but not more 60960
than forty-two thousand pounds, seven hundred ~~fifty-four~~ 60961
seventy-six dollars ~~and fifty cents~~; 60962
- (12) ~~More~~ For more than forty-two thousand but not more than 60963
forty-six thousand pounds, eight hundred ~~thirty-four~~ fifty-six 60964
dollars ~~and fifty cents~~; 60965
- (13) ~~More~~ For more than forty-six thousand but not more than 60966
fifty thousand pounds, nine hundred ~~fifty-four~~ seventy-six dollars 60967
~~and fifty cents~~; 60968
- (14) ~~More~~ For more than fifty thousand but not more than 60969
fifty-four thousand pounds, one thousand ~~fourteen~~ thirty-six 60970
dollars ~~and fifty cents~~; 60971
- (15) ~~More~~ For more than fifty-four thousand but not more than 60972
fifty-eight thousand pounds, one thousand one hundred ~~four~~ 60973
twenty-six dollars ~~and fifty cents~~; 60974
- (16) ~~More~~ For more than fifty-eight thousand but not more 60975
than sixty-two thousand pounds, one thousand ~~one~~ two hundred 60976
~~ninety-four~~ sixteen dollars ~~and fifty cents~~; 60977
- (17) ~~More~~ For more than sixty-two thousand but not more than 60978

sixty-six thousand pounds, one thousand ~~two~~ three hundred
eighty-four six dollars and ~~fifty~~ cents; 60979
60980

(18) ~~More~~ For more than sixty-six thousand but not more than 60981
seventy thousand pounds, one thousand three hundred ~~seventy-four~~
ninety-six dollars and ~~fifty~~ cents; 60982
60983

(19) ~~More~~ For more than seventy thousand but not more than 60984
seventy-four thousand pounds, one thousand four hundred ~~sixty-four~~
eighty-six dollars and ~~fifty~~ cents; 60985
60986

(20) ~~More~~ For more than seventy-four thousand but not more 60987
than seventy-eight thousand pounds, one thousand five hundred 60988
~~fifty-four~~ seventy-six dollars and ~~fifty~~ cents; 60989

(21) ~~More~~ For more than seventy-eight thousand pounds, one 60990
thousand six hundred ~~forty-four~~ sixty-six dollars and ~~fifty~~ cents. 60991

(C)(1) Applications for the in-state registration of a 60992
commercial car or commercial bus under the international 60993
registration plan shall be filed with the registrar. The registrar 60994
shall use the appropriate amount under division (A) or (B) of this 60995
section as the base rate for purposes of determining the 60996
registration taxes due to this state in accordance with rules 60997
adopted under section 4503.63 of the Revised Code for 60998
apportionment purposes. 60999

(2) With regard to a commercial car or commercial bus that is 61000
registered in this state and is subject to the international 61001
registration plan, the registrar or deputy registrar shall charge 61002
a fee equal to the amount established under section 4503.038 of 61003
the Revised Code, plus an appropriate amount to cover the cost of 61004
postage. 61005

(3) With regard to a commercial car or commercial bus that is 61006
registered in this state and is subject to the international 61007
registration plan, if an application for registration renewal is 61008
not applied for prior to the expiration date of the registration 61009

or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration. The registrar may waive the fee for good cause shown if the application is accompanied by supporting evidence as the registrar may require.

(D) The registrar of motor vehicles shall take all steps necessary to determine and collect the apportioned registration tax due for vehicles registered in another international registration plan jurisdiction that lists Ohio for apportionment purposes on a uniform mileage schedule. The registration taxes charged shall be determined on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered. The base rate shall be the applicable amount under division (A) or (B) of this section.

Sec. 4503.77. (A) As used in this section:

(1) "Nonstandard license plate" means all of the following:

(a) A license plate issued under sections 4503.52, 4503.55, 4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the Revised Code;

(b) A license plate issued under a program that is reestablished under division (D) of this section and that meets the requirements contained in division (B) of section 4503.78 of the Revised Code;

(c) Except as may otherwise be specifically provided by law, any license plate created after August 21, 1997.

(2) For purposes of license plates issued under sections 4503.503 and 4503.504 of the Revised Code, "sponsor" includes ~~the Ohio agriculture license plate scholarship fund board created in section 901.90 of the Revised Code and the director of~~

agriculture. 61040

(B)(1) If, during any calendar year, the total number of 61041
motor vehicle registrations involving a particular type of 61042
nonstandard license plate is less than twenty-five, including both 61043
new registrations and registration renewals, the registrar of 61044
motor vehicles, on or after the first day of January, but not 61045
later than the fifteenth day of January of the following year, 61046
shall send a written notice to the sponsor of that type of 61047
nonstandard license plate, if a sponsor exists, informing the 61048
sponsor of this fact. The registrar also shall inform the sponsor 61049
that if, during the calendar year in which the written notice is 61050
sent, the total number of motor vehicle registrations involving 61051
the sponsor's nonstandard license plate again is less than 61052
twenty-five, the program involving that type of nonstandard 61053
license plate will be terminated on the thirty-first day of 61054
December of the calendar year in which the written notice is sent 61055
and, except as provided in division (C) of this section, no motor 61056
vehicle registration application involving either the actual 61057
issuance of that type of nonstandard license plate or the 61058
registration renewal of a motor vehicle displaying that type of 61059
nonstandard license plate will be accepted by the registrar or a 61060
deputy registrar beginning the first day of January of the next 61061
calendar year. The registrar also shall inform the sponsor that if 61062
the program involving the sponsor's nonstandard license plate is 61063
terminated under this section, it may be reestablished pursuant to 61064
division (D) of this section. 61065

(2) If, during any calendar year, the total number of motor 61066
vehicle registrations involving a particular type of nonstandard 61067
license plate is less than twenty-five, including both new 61068
registrations and registration renewals, and no sponsor exists for 61069
that license plate, the registrar shall issue a public notice on 61070
or after the first day of January, but not later than the 61071

fifteenth day of January of the following year, stating that fact. 61072
The notice also shall inform the public that if, during the 61073
calendar year in which the registrar issues the public notice, the 61074
total number of motor vehicle registrations for that type of 61075
nonstandard license plate, including both new registrations and 61076
registration renewals, again is less than twenty-five, the program 61077
involving that type of nonstandard license plate will be 61078
terminated on the thirty-first day of December of the calendar 61079
year in which the registrar issues the public notice and, except 61080
as provided in division (C) of this section, no motor vehicle 61081
registration application involving either the actual issuance of 61082
that type of nonstandard license plate or the registration renewal 61083
of a motor vehicle displaying that type of nonstandard license 61084
plate will be accepted by the registrar or a deputy registrar 61085
beginning on the first day of January of the next calendar year. 61086

(C) If the program involving a type of nonstandard license 61087
plate is terminated under division (B) of this section, the 61088
registration of any motor vehicle displaying that type of 61089
nonstandard license plate at the time of termination may be 61090
renewed so long as the nonstandard license plates remain 61091
serviceable. If the nonstandard license plates of such a motor 61092
vehicle become unfit for service, the owner of the motor vehicle 61093
may apply for the issuance of nonstandard license plates of that 61094
same type, but the registrar or deputy registrar shall issue such 61095
nonstandard license plates only if at the time of application the 61096
stock of the bureau contains license plates of that type of 61097
nonstandard license plate. If, at the time of such application, 61098
the stock of the bureau does not contain license plates of that 61099
type of nonstandard license plate, the registrar or deputy 61100
registrar shall inform the owner of that fact, and the application 61101
shall be refused. 61102

If the program involving a type of nonstandard license plate 61103

is terminated under division (B) of this section and the 61104
registration of motor vehicles displaying such license plates 61105
continues as permitted by this division, the registrar, for as 61106
long as such registrations continue to be issued, shall continue 61107
to collect and distribute any contribution that was required to be 61108
collected and distributed prior to the termination of that 61109
program. 61110

(D) If the program involving a nonstandard license plate is 61111
terminated under division (B)(1) of this section, the sponsor of 61112
that license plate may apply to the registrar for the 61113
reestablishment of the program. If the program involving that 61114
nonstandard license plate is reestablished, the reestablishment is 61115
subject to division (B) of section 4503.78 of the Revised Code. 61116

Sec. 4503.83. (A) Commencing January 1, 2014, the owner or 61117
lessee of a fleet of apportioned vehicles may apply to the 61118
registrar of motor vehicles for the registration of any 61119
apportioned vehicle, commercial trailer, or other vehicle of a 61120
class approved by the registrar and issuance of company logo 61121
license plates. The initial application shall be for not less than 61122
fifty eligible vehicles. The applicant shall provide the registrar 61123
the artwork for the company logo plate in a format designated by 61124
the registrar. The registrar shall approve the artwork or return 61125
the artwork for modification in accordance with any design 61126
requirements reasonably imposed by the registrar. 61127

Upon approval of the artwork and receipt of the completed 61128
application and compliance with divisions (B) and (C) of this 61129
section, the registrar shall issue to the applicant the 61130
appropriate vehicle registration and the appropriate number of 61131
company logo license plates with a validation sticker or a 61132
validation sticker alone when required by section 4503.191 of the 61133
Revised Code, except that no validation sticker shall be issued 61134

under this section for a motor vehicle for which the registration tax is specified in section 4503.042 of the Revised Code. 61135
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In addition to the letters and numbers ordinarily inscribed on license plates, company logo license plates shall be inscribed with words and markings requested by the applicant and approved by the registrar. 61137
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(B) A company logo license plate and a validation sticker or, when applicable, a validation sticker alone shall be issued upon payment of the applicable regular license tax prescribed in section 4503.042 or 4503.65 of the Revised Code for the registration of a vehicle in this state, any applicable fees prescribed in section 4503.10 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, a bureau of motor vehicles fee of six dollars when a company logo license plate actually is issued, and compliance with all other applicable laws relating to the registration of motor vehicles. If a company logo plate is issued to replace an existing license plate for the same vehicle, the replacement license plate fees prescribed in division (A) of section 4503.19 of the Revised Code shall not apply. 61141
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(C) The registrar shall deposit the bureau of motor vehicles fee specified in division (B) of this section, the purpose of which is to compensate the bureau for the additional services required in issuing company logo license plates, in the public safety - highway purposes fund created in section 4501.06 of the Revised Code. 61155
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Sec. 4504.201. No commercial car that is taxed under division (A) of section 4503.65 of the Revised Code, and no commercial bus that is taxed under division (B) of section 4503.65 of the Revised Code, is subject to a tax established under section 4504.02, 4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.18, 61161
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or 4504.24 of the Revised Code. 61166

Sec. 4505.06. (A)(1) Application for a certificate of title 61167
shall be made in a form prescribed by the registrar of motor 61168
vehicles and shall be sworn to before a notary public or other 61169
officer empowered to administer oaths. The application shall be 61170
filed with the clerk of any court of common pleas. An application 61171
for a certificate of title may be filed electronically by any 61172
electronic means approved by the registrar in any county with the 61173
clerk of the court of common pleas of that county. Any payments 61174
required by this chapter shall be considered as accompanying any 61175
electronically transmitted application when payment actually is 61176
received by the clerk. Payment of any fee or taxes may be made by 61177
electronic transfer of funds. 61178

(2) The application for a certificate of title shall be 61179
accompanied by the fee prescribed in section 4505.09 of the 61180
Revised Code. The fee shall be retained by the clerk who issues 61181
the certificate of title and shall be distributed in accordance 61182
with that section. If a clerk of a court of common pleas, other 61183
than the clerk of the court of common pleas of an applicant's 61184
county of residence, issues a certificate of title to the 61185
applicant, the clerk shall transmit data related to the 61186
transaction to the automated title processing system. 61187

(3) If a certificate of title previously has been issued for 61188
a motor vehicle in this state, the application for a certificate 61189
of title also shall be accompanied by that certificate of title 61190
duly assigned, unless otherwise provided in this chapter. If a 61191
certificate of title previously has not been issued for the motor 61192
vehicle in this state, the application, unless otherwise provided 61193
in this chapter, shall be accompanied by a manufacturer's or 61194
importer's certificate or by a certificate of title of another 61195
state from which the motor vehicle was brought into this state. If 61196

the application refers to a motor vehicle last previously 61197
registered in another state, the application also shall be 61198
accompanied by the physical inspection certificate required by 61199
section 4505.061 of the Revised Code. If the application is made 61200
by two persons regarding a motor vehicle in which they wish to 61201
establish joint ownership with right of survivorship, they may do 61202
so as provided in section 2131.12 of the Revised Code. If the 61203
applicant requests a designation of the motor vehicle in 61204
beneficiary form so that upon the death of the owner of the motor 61205
vehicle, ownership of the motor vehicle will pass to a designated 61206
transfer-on-death beneficiary or beneficiaries, the applicant may 61207
do so as provided in section 2131.13 of the Revised Code. A person 61208
who establishes ownership of a motor vehicle that is transferable 61209
on death in accordance with section 2131.13 of the Revised Code 61210
may terminate that type of ownership or change the designation of 61211
the transfer-on-death beneficiary or beneficiaries by applying for 61212
a certificate of title pursuant to this section. The clerk shall 61213
retain the evidence of title presented by the applicant and on 61214
which the certificate of title is issued, except that, if an 61215
application for a certificate of title is filed electronically by 61216
an electronic motor vehicle dealer on behalf of the purchaser of a 61217
motor vehicle, the clerk shall retain the completed electronic 61218
record to which the dealer converted the certificate of title 61219
application and other required documents. The registrar, after 61220
consultation with the attorney general, shall adopt rules that 61221
govern the location at which, and the manner in which, are stored 61222
the actual application and all other documents relating to the 61223
sale of a motor vehicle when an electronic motor vehicle dealer 61224
files the application for a certificate of title electronically on 61225
behalf of the purchaser. Not later than December 31, 2017, the 61226
registrar shall arrange for a service that enables all electronic 61227
motor vehicle dealers to file applications for certificates of 61228
title on behalf of purchasers of motor vehicles electronically by 61229

transferring the applications directly from the computer systems 61230
of the dealers to the clerk. 61231

The clerk shall use reasonable diligence in ascertaining 61232
whether or not the facts in the application for a certificate of 61233
title are true by checking the application and documents 61234
accompanying it or the electronic record to which a dealer 61235
converted the application and accompanying documents with the 61236
records of motor vehicles in the clerk's office. If the clerk is 61237
satisfied that the applicant is the owner of the motor vehicle and 61238
that the application is in the proper form, the clerk, within five 61239
business days after the application is filed and except as 61240
provided in section 4505.021 of the Revised Code, shall issue a 61241
physical certificate of title over the clerk's signature and 61242
sealed with the clerk's seal, unless the applicant specifically 61243
requests the clerk not to issue a physical certificate of title 61244
and instead to issue an electronic certificate of title. For 61245
purposes of the transfer of a certificate of title, if the clerk 61246
is satisfied that the secured party has duly discharged a lien 61247
notation but has not canceled the lien notation with a clerk, the 61248
clerk may cancel the lien notation on the automated title 61249
processing system and notify the clerk of the county of origin. 61250

(4) In the case of the sale of a motor vehicle to a general 61251
buyer or user by a dealer, by a motor vehicle leasing dealer 61252
selling the motor vehicle to the lessee or, in a case in which the 61253
leasing dealer subleased the motor vehicle, the sublessee, at the 61254
end of the lease agreement or sublease agreement, or by a 61255
manufactured housing broker, the certificate of title shall be 61256
obtained in the name of the buyer by the dealer, leasing dealer, 61257
or manufactured housing broker, as the case may be, upon 61258
application signed by the buyer. The certificate of title shall be 61259
issued, or the process of entering the certificate of title 61260
application information into the automated title processing system 61261

if a physical certificate of title is not to be issued shall be 61262
completed, within five business days after the application for 61263
title is filed with the clerk. If the buyer of the motor vehicle 61264
previously leased the motor vehicle and is buying the motor 61265
vehicle at the end of the lease pursuant to that lease, the 61266
certificate of title shall be obtained in the name of the buyer by 61267
the motor vehicle leasing dealer who previously leased the motor 61268
vehicle to the buyer or by the motor vehicle leasing dealer who 61269
subleased the motor vehicle to the buyer under a sublease 61270
agreement. 61271

In all other cases, except as provided in section 4505.032 61272
and division (D)(2) of section 4505.11 of the Revised Code, such 61273
certificates shall be obtained by the buyer. 61274

(5)(a)(i) If the certificate of title is being obtained in 61275
the name of the buyer by a motor vehicle dealer or motor vehicle 61276
leasing dealer and there is a security interest to be noted on the 61277
certificate of title, the dealer or leasing dealer shall submit 61278
the application for the certificate of title and, if required by 61279
division (B)(5) of this section, payment of the applicable tax to 61280
a clerk within seven business days after the later of the delivery 61281
of the motor vehicle to the buyer or the date the dealer or 61282
leasing dealer obtains the manufacturer's or importer's 61283
certificate, or certificate of title issued in the name of the 61284
dealer or leasing dealer, for the motor vehicle. Submission of the 61285
application for the certificate of title and payment, if required, 61286
of the applicable tax within the required seven business days may 61287
be indicated by postmark or receipt by a clerk within that period. 61288

(ii) Upon receipt of the certificate of title with the 61289
security interest noted on its face, the dealer or leasing dealer 61290
shall forward the certificate of title to the secured party at the 61291
location noted in the financing documents or otherwise specified 61292
by the secured party. 61293

(iii) A motor vehicle dealer or motor vehicle leasing dealer 61294
is liable to a secured party for a late fee of ten dollars per day 61295
for each certificate of title application and, if required by 61296
division (B)(5) of this section, payment of the applicable tax 61297
~~that is,~~ submitted to a clerk more than seven business days but 61298
less than twenty-one days after the later of the delivery of the 61299
motor vehicle to the buyer or the date the dealer or leasing 61300
dealer obtains the manufacturer's or importer's certificate, or 61301
certificate of title issued in the name of the dealer or leasing 61302
dealer, for the motor vehicle and, from then on, twenty-five 61303
dollars per day until the application and applicable tax are 61304
submitted to a clerk. 61305

(b) In all cases of transfer of a motor vehicle except the 61306
transfer of a manufactured home or mobile home, the application 61307
for certificate of title shall be filed within thirty days after 61308
the assignment or delivery of the motor vehicle. 61309

(c) An application for a certificate of title for a new 61310
manufactured home shall be filed within thirty days after the 61311
delivery of the new manufactured home to the purchaser. The date 61312
of the delivery shall be the date on which an occupancy permit for 61313
the manufactured home is delivered to the purchaser of the home by 61314
the appropriate legal authority. 61315

(d) An application for a certificate of title for a used 61316
manufactured home or a used mobile home shall be filed as follows: 61317

(i) If a certificate of title for the used manufactured home 61318
or used mobile home was issued to the motor vehicle dealer prior 61319
to the sale of the manufactured or mobile home to the purchaser, 61320
the application for certificate of title shall be filed within 61321
thirty days after the date on which an occupancy permit for the 61322
manufactured or mobile home is delivered to the purchaser by the 61323
appropriate legal authority. 61324

(ii) If the motor vehicle dealer has been designated by a secured party to display the manufactured or mobile home for sale, or to sell the manufactured or mobile home under section 4505.20 of the Revised Code, but the certificate of title has not been transferred by the secured party to the motor vehicle dealer, and the dealer has complied with the requirements of division (A) of section 4505.181 of the Revised Code, the application for certificate of title shall be filed within thirty days after the date on which the motor vehicle dealer obtains the certificate of title for the home from the secured party or the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

(6) If an application for a certificate of title is not filed within the period specified in division (A)(5)(b), (c), or (d) of this section, the clerk shall collect a fee of five dollars for the issuance of the certificate, except that no such fee shall be required from a motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, who immediately surrenders the certificate of title for cancellation. The fee shall be in addition to all other fees established by this chapter, and shall be retained by the clerk. The registrar shall provide, on the certificate of title form prescribed by section 4505.07 of the Revised Code, language necessary to give evidence of the date on which the assignment or delivery of the motor vehicle was made.

(7) As used in division (A) of this section, "lease agreement," "lessee," and "sublease agreement" have the same meanings as in section 4505.04 of the Revised Code and "new manufactured home," "used manufactured home," and "used mobile home" have the same meanings as in section 5739.0210 of the Revised Code.

(B)(1) The clerk, except as otherwise provided in this 61357
section, shall refuse to accept for filing any application for a 61358
certificate of title and shall refuse to issue a certificate of 61359
title unless the dealer or the applicant, in cases in which the 61360
certificate shall be obtained by the buyer, submits with the 61361
application payment of the tax levied by or pursuant to Chapters 61362
5739. and 5741. of the Revised Code based on the purchaser's 61363
county of residence. Upon payment of the tax in accordance with 61364
division (E) of this section, the clerk shall issue a receipt 61365
prescribed by the registrar and agreed upon by the tax 61366
commissioner showing payment of the tax or a receipt issued by the 61367
commissioner showing the payment of the tax. When submitting 61368
payment of the tax to the clerk, a dealer shall retain any 61369
discount to which the dealer is entitled under section 5739.12 of 61370
the Revised Code. 61371

(2) For receiving and disbursing such taxes paid to the clerk 61372
by a resident of the clerk's county, the clerk may retain a 61373
poundage fee of one and one one-hundredth per cent, and the clerk 61374
shall pay the poundage fee into the certificate of title 61375
administration fund created by section 325.33 of the Revised Code. 61376
The clerk shall not retain a poundage fee from payments of taxes 61377
by persons who do not reside in the clerk's county. 61378

A clerk, however, may retain from the taxes paid to the clerk 61379
an amount equal to the poundage fees associated with certificates 61380
of title issued by other clerks of courts of common pleas to 61381
applicants who reside in the first clerk's county. The registrar, 61382
in consultation with the tax commissioner and the clerks of the 61383
courts of common pleas, shall develop a report from the automated 61384
title processing system that informs each clerk of the amount of 61385
the poundage fees that the clerk is permitted to retain from those 61386
taxes because of certificates of title issued by the clerks of 61387
other counties to applicants who reside in the first clerk's 61388

county. 61389

(3) In the case of casual sales of motor vehicles, as defined 61390
in section 4517.01 of the Revised Code, the price for the purpose 61391
of determining the tax shall be the purchase price on the assigned 61392
certificate of title executed by the seller and filed with the 61393
clerk by the buyer on a form to be prescribed by the registrar, 61394
which shall be prima-facie evidence of the amount for the 61395
determination of the tax. 61396

(4) Each county clerk shall forward to the treasurer of state 61397
all sales and use tax collections resulting from sales of motor 61398
vehicles, off-highway motorcycles, and all-purpose vehicles during 61399
a calendar week on or before the Friday following the close of 61400
that week. If, on any Friday, the offices of the clerk of courts 61401
or the state are not open for business, the tax shall be forwarded 61402
to the treasurer of state on or before the next day on which the 61403
offices are open. Every remittance of tax under division (B)(4) of 61404
this section shall be accompanied by a remittance report in such 61405
form as the tax commissioner prescribes. Upon receipt of a tax 61406
remittance and remittance report, the treasurer of state shall 61407
date stamp the report and forward it to the tax commissioner. If 61408
the tax due for any week is not remitted by a clerk of courts as 61409
required under division (B)(4) of this section, the commissioner 61410
may require the clerk to forfeit the poundage fees for the sales 61411
made during that week. The treasurer of state may require the 61412
clerks of courts to transmit tax collections and remittance 61413
reports electronically. 61414

(5) On and after January 1, 2018, a new or used motor vehicle 61415
dealer licensed in this state, in lieu of remitting the tax levied 61416
by or pursuant to Chapters 5739. and 5741. of the Revised Code to 61417
the clerk under this section, may elect to submit to the clerk a 61418
certificate acknowledging the sale or lease of the motor vehicle, 61419
stating the purchaser's county of residence, and pledging that the 61420

dealer will report and remit the tax due as required by section 61421
5739.12 or 5741.12 of the Revised Code, whichever is applicable. 61422
For each dealer that reports and remits the tax due pursuant to an 61423
election under division (B)(5) of this section, the director of 61424
budget and management shall transfer from the general revenue fund 61425
to the certificate of title administration fund an amount equal to 61426
the poundage fees that the clerk would be entitled to retain if 61427
the dealer had remitted the tax due to the clerk under division 61428
(A)(5)(a) of this section. The registrar, in consultation with the 61429
tax commissioner, the director, and the clerks of courts of common 61430
pleas, shall develop a report from the automated title processing 61431
system that informs each clerk, the commissioner, and the director 61432
of the amount of the poundage fees that each clerk is permitted to 61433
receive because of the certificates of title issued by the clerks. 61434
A motor vehicle dealer that does not report and remit the tax due 61435
pursuant to an election under division (B)(5) of this section 61436
shall pay the tax to the clerk of courts as provided in division 61437
(A)(5)(a) of this section. 61438

(C)(1) If the transferor indicates on the certificate of 61439
title that the odometer reflects mileage in excess of the designed 61440
mechanical limit of the odometer, the clerk shall enter the phrase 61441
"exceeds mechanical limits" following the mileage designation. If 61442
the transferor indicates on the certificate of title that the 61443
odometer reading is not the actual mileage, the clerk shall enter 61444
the phrase "nonactual: warning - odometer discrepancy" following 61445
the mileage designation. The clerk shall use reasonable care in 61446
transferring the information supplied by the transferor, but is 61447
not liable for any errors or omissions of the clerk or those of 61448
the clerk's deputies in the performance of the clerk's duties 61449
created by this chapter. 61450

The registrar shall prescribe an affidavit in which the 61451
transferor shall swear to the true selling price and, except as 61452

provided in this division, the true odometer reading of the motor 61453
vehicle. The registrar may prescribe an affidavit in which the 61454
seller and buyer provide information pertaining to the odometer 61455
reading of the motor vehicle in addition to that required by this 61456
section, as such information may be required by the United States 61457
secretary of transportation by rule prescribed under authority of 61458
subchapter IV of the "Motor Vehicle Information and Cost Savings 61459
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 61460

(2) Division (C)(1) of this section does not require the 61461
giving of information concerning the odometer and odometer reading 61462
of a motor vehicle when ownership of a motor vehicle is being 61463
transferred as a result of a bequest, under the laws of intestate 61464
succession, to a survivor pursuant to section 2106.18, 2131.12, or 61465
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 61466
beneficiaries pursuant to section 2131.13 of the Revised Code, in 61467
connection with the creation of a security interest or for a 61468
vehicle with a gross vehicle weight rating of more than sixteen 61469
thousand pounds. 61470

(D) When the transfer to the applicant was made in some other 61471
state or in interstate commerce, the clerk, except as provided in 61472
this section, shall refuse to issue any certificate of title 61473
unless the tax imposed by or pursuant to Chapter 5741. of the 61474
Revised Code based on the purchaser's county of residence has been 61475
paid as evidenced by a receipt issued by the tax commissioner, or 61476
unless the applicant submits with the application payment of the 61477
tax. Upon payment of the tax in accordance with division (E) of 61478
this section, the clerk shall issue a receipt prescribed by the 61479
registrar and agreed upon by the tax commissioner, showing payment 61480
of the tax. 61481

For receiving and disbursing such taxes paid to the clerk by 61482
a resident of the clerk's county, the clerk may retain a poundage 61483
fee of one and one one-hundredth per cent. The clerk shall not 61484

retain a poundage fee from payments of taxes by persons who do not 61485
reside in the clerk's county. 61486

A clerk, however, may retain from the taxes paid to the clerk 61487
an amount equal to the poundage fees associated with certificates 61488
of title issued by other clerks of courts of common pleas to 61489
applicants who reside in the first clerk's county. The registrar, 61490
in consultation with the tax commissioner and the clerks of the 61491
courts of common pleas, shall develop a report from the automated 61492
title processing system that informs each clerk of the amount of 61493
the poundage fees that the clerk is permitted to retain from those 61494
taxes because of certificates of title issued by the clerks of 61495
other counties to applicants who reside in the first clerk's 61496
county. 61497

When the vendor is not regularly engaged in the business of 61498
selling motor vehicles, the vendor shall not be required to 61499
purchase a vendor's license or make reports concerning those 61500
sales. 61501

(E) The clerk shall accept any payment of a tax in cash, or 61502
by cashier's check, certified check, draft, money order, or teller 61503
check issued by any insured financial institution payable to the 61504
clerk and submitted with an application for a certificate of title 61505
under division (B) or (D) of this section. The clerk also may 61506
accept payment of the tax by corporate, business, or personal 61507
check, credit card, electronic transfer or wire transfer, debit 61508
card, or any other accepted form of payment made payable to the 61509
clerk. The clerk may require bonds, guarantees, or letters of 61510
credit to ensure the collection of corporate, business, or 61511
personal checks. Any service fee charged by a third party to a 61512
clerk for the use of any form of payment may be paid by the clerk 61513
from the certificate of title administration fund created in 61514
section 325.33 of the Revised Code, or may be assessed by the 61515
clerk upon the applicant as an additional fee. Upon collection, 61516

the additional fees shall be paid by the clerk into that certificate of title administration fund.

The clerk shall make a good faith effort to collect any payment of taxes due but not made because the payment was returned or dishonored, but the clerk is not personally liable for the payment of uncollected taxes or uncollected fees. The clerk shall notify the tax commissioner of any such payment of taxes that is due but not made and shall furnish the information to the commissioner that the commissioner requires. The clerk shall deduct the amount of taxes due but not paid from the clerk's periodic remittance of tax payments, in accordance with procedures agreed upon by the tax commissioner. The commissioner may collect taxes due by assessment in the manner provided in section 5739.13 of the Revised Code.

Any person who presents payment that is returned or dishonored for any reason is liable to the clerk for payment of a penalty over and above the amount of the taxes due. The clerk shall determine the amount of the penalty, and the penalty shall be no greater than that amount necessary to compensate the clerk for banking charges, legal fees, or other expenses incurred by the clerk in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies. Subsequently collected penalties, poundage fees, and title fees, less any title fee due the state, from returned or dishonored payments collected by the clerk shall be paid into the certificate of title administration fund. Subsequently collected taxes, less poundage fees, shall be sent by the clerk to the treasurer of state at the next scheduled periodic remittance of tax payments, with information as the commissioner may require. The clerk may abate all or any part of any penalty assessed under this division.

(F) In the following cases, the clerk shall accept for filing

an application and shall issue a certificate of title without 61549
requiring payment or evidence of payment of the tax: 61550

(1) When the purchaser is this state or any of its political 61551
subdivisions, a church, or an organization whose purchases are 61552
exempted by section 5739.02 of the Revised Code; 61553

(2) When the transaction in this state is not a retail sale 61554
as defined by section 5739.01 of the Revised Code; 61555

(3) When the purchase is outside this state or in interstate 61556
commerce and the purpose of the purchaser is not to use, store, or 61557
consume within the meaning of section 5741.01 of the Revised Code; 61558

(4) When the purchaser is the federal government; 61559

(5) When the motor vehicle was purchased outside this state 61560
for use outside this state; 61561

(6) When the motor vehicle is purchased by a nonresident 61562
under the circumstances described in division (B)(1) of section 61563
5739.029 of the Revised Code, and upon presentation of a copy of 61564
the affidavit provided by that section, and a copy of the 61565
exemption certificate provided by section 5739.03 of the Revised 61566
Code; 61567

(7) When the applicant is a new or used motor vehicle dealer 61568
that makes an election and submits a certificate under division 61569
(B)(5) of this section. 61570

(G) An application, as prescribed by the registrar and agreed 61571
to by the tax commissioner, shall be filled out and sworn to by 61572
the buyer of a motor vehicle in a casual sale. The application 61573
shall contain the following notice in bold lettering: "WARNING TO 61574
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 61575
law to state the true selling price. A false statement is in 61576
violation of section 2921.13 of the Revised Code and is punishable 61577
by six months' imprisonment or a fine of up to one thousand 61578

dollars, or both. All transfers are audited by the department of 61579
taxation. The seller and buyer must provide any information 61580
requested by the department of taxation. The buyer may be assessed 61581
any additional tax found to be due." 61582

(H) For sales of manufactured homes or mobile homes occurring 61583
on or after January 1, 2000, the clerk shall accept for filing, 61584
pursuant to Chapter 5739. of the Revised Code, an application for 61585
a certificate of title for a manufactured home or mobile home 61586
without requiring payment of any tax pursuant to section 5739.02, 61587
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 61588
issued by the tax commissioner showing payment of the tax. For 61589
sales of manufactured homes or mobile homes occurring on or after 61590
January 1, 2000, the applicant shall pay to the clerk an 61591
additional fee of five dollars for each certificate of title 61592
issued by the clerk for a manufactured or mobile home pursuant to 61593
division (H) of section 4505.11 of the Revised Code and for each 61594
certificate of title issued upon transfer of ownership of the 61595
home. The clerk shall credit the fee to the county certificate of 61596
title administration fund, and the fee shall be used to pay the 61597
expenses of archiving those certificates pursuant to division (A) 61598
of section 4505.08 and division (H)(3) of section 4505.11 of the 61599
Revised Code. The tax commissioner shall administer any tax on a 61600
manufactured or mobile home pursuant to Chapters 5739. and 5741. 61601
of the Revised Code. 61602

(I) Every clerk shall have the capability to transact by 61603
electronic means all procedures and transactions relating to the 61604
issuance of motor vehicle certificates of title that are described 61605
in the Revised Code as being accomplished by electronic means. 61606

Sec. 4508.02. (A)(1) The director of public safety, subject 61607
to Chapter 119. of the Revised Code, shall adopt and prescribe 61608
such rules concerning the administration and enforcement of this 61609

chapter as are necessary to protect the public. The rules shall 61610
require an assessment of the holder of a probationary instructor 61611
license. The director shall inspect the school facilities and 61612
equipment of applicants and licensees and examine applicants for 61613
instructor's licenses. 61614

(2) The director shall adopt rules governing online driver 61615
education courses that may be completed via the internet to 61616
satisfy the classroom instruction under division (C) of this 61617
section. The rules shall do all of the following: 61618

(a) Establish standards that an online driver training 61619
enterprise must satisfy to be licensed to offer an online driver 61620
education course via the internet, including, at a minimum, proven 61621
expertise in providing driver education and an acceptable 61622
infrastructure capable of providing secure online driver education 61623
in accord with advances in internet technology. The rules shall 61624
allow an online driver training enterprise to be affiliated with a 61625
licensed driver training school offering in-person classroom 61626
instruction, but shall not require such an affiliation. 61627

(b) Establish content requirements that an online driver 61628
education course must satisfy to be approved as equivalent to 61629
twenty-four hours of in-person classroom instruction; 61630

(c) Establish attendance standards, including a maximum 61631
number of course hours that may be completed in a twenty-four-hour 61632
period; 61633

(d) Allow an enrolled applicant to begin the required eight 61634
hours of actual behind-the-wheel instruction upon completing at 61635
least two hours of course instruction and being issued a 61636
certificate of enrollment by a licensed online driver training 61637
enterprise; 61638

(e) Establish any other requirements necessary to regulate 61639
online driver education. 61640

(B) The director shall administer and enforce this chapter. 61641

(C) The rules shall require twenty-four hours of in-person 61642
classroom instruction or completion of an approved, equivalent 61643
online driver education course offered via the internet by a 61644
licensed online driver training enterprise, and eight hours of 61645
actual behind-the-wheel instruction conducted on public streets 61646
and highways of this state for all beginning drivers of 61647
noncommercial motor vehicles who are under age eighteen. The rules 61648
also shall require the classroom instruction or online driver 61649
education course for such drivers to include instruction ~~in the on~~ 61650
both of the following: 61651

(1) The dangers of driving a motor vehicle while using an 61652
electronic wireless communications device to write, send, or read 61653
a text-based communication; 61654

(2) Substance abuse and prescription drug abuse, the science 61655
related to addiction, and the effect of psychoactive substances on 61656
the brain and on a person while operating a motor vehicle. 61657

(D) The rules shall state the minimum hours for classroom and 61658
behind-the-wheel instruction required for beginning drivers of 61659
commercial trucks, commercial cars, buses, and commercial 61660
tractors, trailers, and semitrailers. 61661

(E)(1) The department of public safety may charge a fee to 61662
each online driver training enterprise in an amount sufficient to 61663
pay the actual expenses the department incurs in the regulation of 61664
online driver education courses. 61665

(2) The department shall supply to each licensed online 61666
driver training enterprise certificates to be used for certifying 61667
an applicant's enrollment in an approved online driver education 61668
course and a separate certificate to be issued upon successful 61669
completion of an approved online driver education course. The 61670
certificates shall be numbered serially. The department may charge 61671

a fee to each online driver training enterprise per certificate 61672
supplied to pay the actual expenses the department incurs in 61673
supplying the certificates. 61674

(F) The director shall adopt rules in accordance with Chapter 61675
119. of the Revised Code governing an abbreviated driver training 61676
course for adults that must be completed by any applicant for an 61677
initial driver's license who is eighteen years of age or older and 61678
who failed the road or maneuverability test required under 61679
division (A)(2) of section 4507.11 of the Revised Code prior to 61680
attempting the test a second or subsequent time. 61681

Sec. 4510.022. (A) As used in this section: 61682

(1) "First-time offender" means a person whose driver's 61683
license or commercial driver's license or permit or nonresident 61684
operating privilege has been suspended for being convicted of, or 61685
pleading guilty to, an OVI offense under any of the following: 61686

(a) Division (G)(1)(a) or (H)(1) of section 4511.19 of the 61687
Revised Code; 61688

(b) Section 4510.07 of the Revised Code for a municipal OVI 61689
offense when the offense is equivalent to an offense under 61690
division (G)(1)(a) or (H)(1) of section 4511.19 of the Revised 61691
Code; 61692

(c) Division (B) or (D) of section 4510.17 of the Revised 61693
Code when the offense is equivalent to an offense under division 61694
(G)(1)(a) or (H)(1) of section 4511.19 of the Revised Code. 61695

(2) "OVI offense" means a violation of section 4511.19 of the 61696
Revised Code or a violation of a substantially similar municipal 61697
ordinance or law of another state or the United States. 61698

(3) "Unlimited driving privileges" means driving privileges 61699
that are unrestricted as to purpose, time, and place, but that are 61700
subject to any other reasonable conditions imposed by a court 61701

under division (C)(2) of this section. 61702

(B) A first-time offender may file a petition for unlimited 61703
driving privileges with a certified ignition interlock device 61704
during the period of suspension imposed for an OVI offense in the 61705
same manner and in the same venue as the person is permitted to 61706
apply for limited driving privileges. 61707

(C)(1) With regard to a first-time offender, in any 61708
circumstance in which a court is authorized to grant limited 61709
driving privileges under section 4510.021, 4510.13, or 4510.17 of 61710
the Revised Code during the period of suspension, as applicable, 61711
the court may instead grant unlimited driving privileges with a 61712
certified ignition interlock device. No court shall grant 61713
unlimited driving privileges with a certified ignition interlock 61714
device during any period, or under any circumstance, that the 61715
court is prohibited from granting limited driving privileges. 61716

(2) All of the following apply when a court grants unlimited 61717
driving privileges with a certified ignition interlock device to a 61718
first-time offender: 61719

(a) The court shall issue an order authorizing the first-time 61720
offender to operate a motor vehicle only if the vehicle is 61721
equipped with a certified ignition interlock device, except as 61722
provided in division (C) of section 4510.43 of the Revised Code. 61723
The order may include any reasonable conditions other than 61724
conditions that restrict the driving privileges in terms of 61725
purpose, time, or place. 61726

The court shall provide to the first-time offender a copy of 61727
the order and a notice that the first-time offender is subject to 61728
the sanctions specified in division (E) of this section. 61729

The court also shall submit a copy of the order to the 61730
registrar of motor vehicles. 61731

(b) The court may reduce the period of suspension imposed by 61732

the court by an amount of time not greater than half the period of suspension. 61733
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(c) The court shall suspend any jail term imposed for the OVI offense. The court shall retain jurisdiction over the first-time offender until the expiration of the period of suspension imposed for the OVI offense and, if the offender violates any term or condition of the order during the period of suspension, the court shall require the first-time offender to serve the jail term. 61735
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(D)(1) A first-time offender shall present to the registrar or to a deputy registrar an order issued under this section and a certificate affirming the installation of a certified ignition interlock device that is in a form established by the director of public safety and that is signed by the person who installed the device. Upon presentation of the order and certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with a certified ignition interlock device. 61741
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(2)(a) No person who has been granted unlimited driving privileges with a certified ignition interlock device under this section shall operate a motor vehicle prior to obtaining a restricted license. Any person who violates this prohibition is subject to the penalties prescribed in section 4510.14 of the Revised Code. 61757
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(b) The offense established under division (D)(2)(a) of this section is a strict liability offense and section 2901.20 of the 61763
61764

Revised Code does not apply. 61765

(E) If a first-time offender has been granted unlimited 61766
driving privileges with a certified ignition interlock device 61767
under this section and the first-time offender either commits an 61768
ignition interlock device violation as defined under section 61769
4510.46 of the Revised Code or the first-time offender operates a 61770
motor vehicle that is not equipped with a certified ignition 61771
interlock device, the following applies: 61772

(1) On a first violation, the court may require the 61773
first-time offender to wear a monitor that provides continuous 61774
alcohol monitoring that is remote. 61775

(2) On a second violation, the court shall require the 61776
first-time offender to wear a monitor that provides continuous 61777
alcohol monitoring that is remote for a minimum of forty days. 61778

(3) On a third or subsequent violation, the court shall 61779
require the first-time offender to wear a monitor that provides 61780
continuous alcohol monitoring that is remote for a minimum of 61781
sixty days. 61782

(4) With regard to any instance, the judge may increase the 61783
period of suspension and the period during which the first-time 61784
offender must drive a motor vehicle equipped with a certified 61785
ignition interlock device in the same manner as provided in 61786
division (A)(8)(c) of section 4510.13 of the Revised Code. The 61787
limitation under division (E) of section 4510.46 of the Revised 61788
Code applies to an increase under division (E)(4) of this section. 61789

(5) If the instance occurred within sixty days of the end of 61790
the suspension of the offender's driver's or commercial driver's 61791
license or permit or nonresident operating privilege and the court 61792
does not increase the period of the suspension under division 61793
(E)(4) of this section, the court shall proceed as follows: 61794

(a) Issue an order extending the period of suspension and the 61795

period of time during which the first-time offender must drive a 61796
vehicle equipped with a certified ignition interlock device so 61797
that the suspension terminates sixty days from the date the 61798
offender committed that violation. 61799

(b) For each violation subsequent to a violation for which an 61800
extension was ordered under division (E)(5)(a) of this section, 61801
issue an order extending the period of suspension and the period 61802
of time during which the first-time offender must drive a vehicle 61803
equipped with a certified ignition interlock device so that the 61804
suspension terminates sixty days from the date the offender 61805
committed that violation. 61806

The registrar of motor vehicles is prohibited from 61807
reinstating a first-time offender's license unless the applicable 61808
period of suspension has been served and no ignition interlock 61809
device violations have been committed within the sixty days prior 61810
to the application for reinstatement. 61811

(F) With respect to an order issued under this section, the 61812
judge shall impose an additional court cost of two dollars and 61813
fifty cents upon the first-time offender. The judge shall not 61814
waive this payment unless the judge determines that the first-time 61815
offender is indigent and waives the payment of all court costs 61816
imposed upon the indigent first-time offender. The clerk of court 61817
shall transmit one hundred per cent of this mandatory court cost 61818
collected during a month on or before the twenty-third day of the 61819
following month to the state treasury to be credited to the ~~state~~ 61820
~~highway safety~~ public safety - highway purposes fund created under 61821
section 4501.06 of the Revised Code. The department of public 61822
safety shall use the amounts collected to cover costs associated 61823
with maintaining the habitual OVI/OMWI offender registry created 61824
under section 5502.10 of the Revised Code. 61825

A judge may impose an additional court cost of two dollars 61826
and fifty cents upon the first-time offender. The clerk of court 61827

shall retain this discretionary two dollar and fifty cent court 61828
cost, if imposed. The clerk shall deposit it in the court's 61829
special projects fund that is established under division (E)(1) of 61830
section 2303.201, division (B)(1) of section 1901.26, or division 61831
(B)(1) of section 1907.24 of the Revised Code. 61832

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 61833
streetcar, or trackless trolley within this state, if, at the time 61834
of the operation, any of the following apply: 61835

(a) The person is under the influence of alcohol, a drug of 61836
abuse, or a combination of them. 61837

(b) The person has a concentration of eight-hundredths of one 61838
per cent or more but less than seventeen-hundredths of one per 61839
cent by weight per unit volume of alcohol in the person's whole 61840
blood. 61841

(c) The person has a concentration of ninety-six-thousandths 61842
of one per cent or more but less than two hundred four-thousandths 61843
of one per cent by weight per unit volume of alcohol in the 61844
person's blood serum or plasma. 61845

(d) The person has a concentration of eight-hundredths of one 61846
gram or more but less than seventeen-hundredths of one gram by 61847
weight of alcohol per two hundred ten liters of the person's 61848
breath. 61849

(e) The person has a concentration of eleven-hundredths of 61850
one gram or more but less than two hundred 61851
thirty-eight-thousandths of one gram by weight of alcohol per one 61852
hundred milliliters of the person's urine. 61853

(f) The person has a concentration of seventeen-hundredths of 61854
one per cent or more by weight per unit volume of alcohol in the 61855
person's whole blood. 61856

(g) The person has a concentration of two hundred 61857

four-thousandths of one per cent or more by weight per unit volume 61858
of alcohol in the person's blood serum or plasma. 61859

(h) The person has a concentration of seventeen-hundredths of 61860
one gram or more by weight of alcohol per two hundred ten liters 61861
of the person's breath. 61862

(i) The person has a concentration of two hundred 61863
thirty-eight-thousandths of one gram or more by weight of alcohol 61864
per one hundred milliliters of the person's urine. 61865

(j) Except as provided in division (K) of this section, the 61866
person has a concentration of any of the following controlled 61867
substances or metabolites of a controlled substance in the 61868
person's whole blood, blood serum or plasma, or urine that equals 61869
or exceeds any of the following: 61870

(i) The person has a concentration of amphetamine in the 61871
person's urine of at least five hundred nanograms of amphetamine 61872
per milliliter of the person's urine or has a concentration of 61873
amphetamine in the person's whole blood or blood serum or plasma 61874
of at least one hundred nanograms of amphetamine per milliliter of 61875
the person's whole blood or blood serum or plasma. 61876

(ii) The person has a concentration of cocaine in the 61877
person's urine of at least one hundred fifty nanograms of cocaine 61878
per milliliter of the person's urine or has a concentration of 61879
cocaine in the person's whole blood or blood serum or plasma of at 61880
least fifty nanograms of cocaine per milliliter of the person's 61881
whole blood or blood serum or plasma. 61882

(iii) The person has a concentration of cocaine metabolite in 61883
the person's urine of at least one hundred fifty nanograms of 61884
cocaine metabolite per milliliter of the person's urine or has a 61885
concentration of cocaine metabolite in the person's whole blood or 61886
blood serum or plasma of at least fifty nanograms of cocaine 61887
metabolite per milliliter of the person's whole blood or blood 61888

serum or plasma. 61889

(iv) The person has a concentration of heroin in the person's 61890
urine of at least two thousand nanograms of heroin per milliliter 61891
of the person's urine or has a concentration of heroin in the 61892
person's whole blood or blood serum or plasma of at least fifty 61893
nanograms of heroin per milliliter of the person's whole blood or 61894
blood serum or plasma. 61895

(v) The person has a concentration of heroin metabolite 61896
(6-monoacetyl morphine) in the person's urine of at least ten 61897
nanograms of heroin metabolite (6-monoacetyl morphine) per 61898
milliliter of the person's urine or has a concentration of heroin 61899
metabolite (6-monoacetyl morphine) in the person's whole blood or 61900
blood serum or plasma of at least ten nanograms of heroin 61901
metabolite (6-monoacetyl morphine) per milliliter of the person's 61902
whole blood or blood serum or plasma. 61903

(vi) The person has a concentration of L.S.D. in the person's 61904
urine of at least twenty-five nanograms of L.S.D. per milliliter 61905
of the person's urine or a concentration of L.S.D. in the person's 61906
whole blood or blood serum or plasma of at least ten nanograms of 61907
L.S.D. per milliliter of the person's whole blood or blood serum 61908
or plasma. 61909

(vii) The person has a concentration of marihuana in the 61910
person's urine of at least ten nanograms of marihuana per 61911
milliliter of the person's urine or has a concentration of 61912
marihuana in the person's whole blood or blood serum or plasma of 61913
at least two nanograms of marihuana per milliliter of the person's 61914
whole blood or blood serum or plasma. 61915

(viii) Either of the following applies: 61916

(I) The person is under the influence of alcohol, a drug of 61917
abuse, or a combination of them, and, ~~as measured by gas~~ 61918
~~chromatography mass spectrometry,~~ the person has a concentration 61919

of marihuana metabolite in the person's urine of at least fifteen 61920
nanograms of marihuana metabolite per milliliter of the person's 61921
urine or has a concentration of marihuana metabolite in the 61922
person's whole blood or blood serum or plasma of at least five 61923
nanograms of marihuana metabolite per milliliter of the person's 61924
whole blood or blood serum or plasma. 61925

~~(II) As measured by gas chromatography mass spectrometry, the~~ 61926
The person has a concentration of marihuana metabolite in the 61927
person's urine of at least thirty-five nanograms of marihuana 61928
metabolite per milliliter of the person's urine or has a 61929
concentration of marihuana metabolite in the person's whole blood 61930
or blood serum or plasma of at least fifty nanograms of marihuana 61931
metabolite per milliliter of the person's whole blood or blood 61932
serum or plasma. 61933

(ix) The person has a concentration of methamphetamine in the 61934
person's urine of at least five hundred nanograms of 61935
methamphetamine per milliliter of the person's urine or has a 61936
concentration of methamphetamine in the person's whole blood or 61937
blood serum or plasma of at least one hundred nanograms of 61938
methamphetamine per milliliter of the person's whole blood or 61939
blood serum or plasma. 61940

(x) The person has a concentration of phencyclidine in the 61941
person's urine of at least twenty-five nanograms of phencyclidine 61942
per milliliter of the person's urine or has a concentration of 61943
phencyclidine in the person's whole blood or blood serum or plasma 61944
of at least ten nanograms of phencyclidine per milliliter of the 61945
person's whole blood or blood serum or plasma. 61946

(xi) The state board of pharmacy has adopted a rule pursuant 61947
to section 4729.041 of the Revised Code that specifies the amount 61948
of salvia divinorum and the amount of salvinorin A that constitute 61949
concentrations of salvia divinorum and salvinorin A in a person's 61950
urine, in a person's whole blood, or in a person's blood serum or 61951

plasma at or above which the person is impaired for purposes of 61952
operating any vehicle, streetcar, or trackless trolley within this 61953
state, the rule is in effect, and the person has a concentration 61954
of salvia divinorum or salvinorin A of at least that amount so 61955
specified by rule in the person's urine, in the person's whole 61956
blood, or in the person's blood serum or plasma. 61957

(2) No person who, within twenty years of the conduct 61958
described in division (A)(2)(a) of this section, previously has 61959
been convicted of or pleaded guilty to a violation of this 61960
division, a violation of division (A)(1) or (B) of this section, 61961
or any other equivalent offense shall do both of the following: 61962

(a) Operate any vehicle, streetcar, or trackless trolley 61963
within this state while under the influence of alcohol, a drug of 61964
abuse, or a combination of them; 61965

(b) Subsequent to being arrested for operating the vehicle, 61966
streetcar, or trackless trolley as described in division (A)(2)(a) 61967
of this section, being asked by a law enforcement officer to 61968
submit to a chemical test or tests under section 4511.191 of the 61969
Revised Code, and being advised by the officer in accordance with 61970
section 4511.192 of the Revised Code of the consequences of the 61971
person's refusal or submission to the test or tests, refuse to 61972
submit to the test or tests. 61973

(B) No person under twenty-one years of age shall operate any 61974
vehicle, streetcar, or trackless trolley within this state, if, at 61975
the time of the operation, any of the following apply: 61976

(1) The person has a concentration of at least two-hundredths 61977
of one per cent but less than eight-hundredths of one per cent by 61978
weight per unit volume of alcohol in the person's whole blood. 61979

(2) The person has a concentration of at least 61980
three-hundredths of one per cent but less than 61981
ninety-six-thousandths of one per cent by weight per unit volume 61982

of alcohol in the person's blood serum or plasma. 61983

(3) The person has a concentration of at least two-hundredths 61984
of one gram but less than eight-hundredths of one gram by weight 61985
of alcohol per two hundred ten liters of the person's breath. 61986

(4) The person has a concentration of at least twenty-eight 61987
one-thousandths of one gram but less than eleven-hundredths of one 61988
gram by weight of alcohol per one hundred milliliters of the 61989
person's urine. 61990

(C) In any proceeding arising out of one incident, a person 61991
may be charged with a violation of division (A)(1)(a) or (A)(2) 61992
and a violation of division (B)(1), (2), or (3) of this section, 61993
but the person may not be convicted of more than one violation of 61994
these divisions. 61995

(D)(1)(a) In any criminal prosecution or juvenile court 61996
proceeding for a violation of division (A)(1)(a) of this section 61997
or for an equivalent offense that is vehicle-related, the result 61998
of any test of any blood or urine withdrawn and analyzed at any 61999
health care provider, as defined in section 2317.02 of the Revised 62000
Code, may be admitted with expert testimony to be considered with 62001
any other relevant and competent evidence in determining the guilt 62002
or innocence of the defendant. 62003

(b) In any criminal prosecution or juvenile court proceeding 62004
for a violation of division (A) or (B) of this section or for an 62005
equivalent offense that is vehicle-related, the court may admit 62006
evidence on the concentration of alcohol, drugs of abuse, 62007
controlled substances, metabolites of a controlled substance, or a 62008
combination of them in the defendant's whole blood, blood serum or 62009
plasma, breath, urine, or other bodily substance at the time of 62010
the alleged violation as shown by chemical analysis of the 62011
substance withdrawn within three hours of the time of the alleged 62012
violation. The three-hour time limit specified in this division 62013

regarding the admission of evidence does not extend or affect the 62014
two-hour time limit specified in division (A) of section 4511.192 62015
of the Revised Code as the maximum period of time during which a 62016
person may consent to a chemical test or tests as described in 62017
that section. The court may admit evidence on the concentration of 62018
alcohol, drugs of abuse, or a combination of them as described in 62019
this division when a person submits to a blood, breath, urine, or 62020
other bodily substance test at the request of a law enforcement 62021
officer under section 4511.191 of the Revised Code or a blood or 62022
urine sample is obtained pursuant to a search warrant. Only a 62023
physician, a registered nurse, an emergency medical 62024
technician-intermediate, an emergency medical 62025
technician-paramedic, or a qualified technician, chemist, or 62026
phlebotomist shall withdraw a blood sample for the purpose of 62027
determining the alcohol, drug, controlled substance, metabolite of 62028
a controlled substance, or combination content of the whole blood, 62029
blood serum, or blood plasma. This limitation does not apply to 62030
the taking of breath or urine specimens. A person authorized to 62031
withdraw blood under this division may refuse to withdraw blood 62032
under this division, if in that person's opinion, the physical 62033
welfare of the person would be endangered by the withdrawing of 62034
blood. 62035

The bodily substance withdrawn under division (D)(1)(b) of 62036
this section shall be analyzed in accordance with methods approved 62037
by the director of health by an individual possessing a valid 62038
permit issued by the director pursuant to section 3701.143 of the 62039
Revised Code. 62040

(c) As used in division (D)(1)(b) of this section, "emergency 62041
medical technician-intermediate" and "emergency medical 62042
technician-paramedic" have the same meanings as in section 4765.01 62043
of the Revised Code. 62044

(2) In a criminal prosecution or juvenile court proceeding 62045

for a violation of division (A) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (A)(1)(b), (c), (d), and (e) of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (A)(1)(j) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section or for an equivalent offense that is substantially equivalent to that division.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

If the chemical test was obtained pursuant to division (D)(1)(b) of this section, the person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of section 4511.191 of the Revised Code, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of section 4511.191 of the Revised Code, the form to be read to the person to be tested, as required under section 4511.192 of the Revised Code, shall state that the person may have an independent test performed at the person's expense. The failure

or inability to obtain an additional chemical test by a person 62078
shall not preclude the admission of evidence relating to the 62079
chemical test or tests taken at the request of a law enforcement 62080
officer. 62081

(4)(a) As used in divisions (D)(4)(b) and (c) of this 62082
section, "national highway traffic safety administration" means 62083
the national highway traffic safety administration established as 62084
an administration of the United States department of 62085
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 62086

(b) In any criminal prosecution or juvenile court proceeding 62087
for a violation of division (A) or (B) of this section, of a 62088
municipal ordinance relating to operating a vehicle while under 62089
the influence of alcohol, a drug of abuse, or alcohol and a drug 62090
of abuse, or of a municipal ordinance relating to operating a 62091
vehicle with a prohibited concentration of alcohol, a controlled 62092
substance, or a metabolite of a controlled substance in the whole 62093
blood, blood serum or plasma, breath, or urine, if a law 62094
enforcement officer has administered a field sobriety test to the 62095
operator of the vehicle involved in the violation and if it is 62096
shown by clear and convincing evidence that the officer 62097
administered the test in substantial compliance with the testing 62098
standards for any reliable, credible, and generally accepted field 62099
sobriety tests that were in effect at the time the tests were 62100
administered, including, but not limited to, any testing standards 62101
then in effect that were set by the national highway traffic 62102
safety administration, all of the following apply: 62103

(i) The officer may testify concerning the results of the 62104
field sobriety test so administered. 62105

(ii) The prosecution may introduce the results of the field 62106
sobriety test so administered as evidence in any proceedings in 62107
the criminal prosecution or juvenile court proceeding. 62108

(iii) If testimony is presented or evidence is introduced 62109
under division (D)(4)(b)(i) or (ii) of this section and if the 62110
testimony or evidence is admissible under the Rules of Evidence, 62111
the court shall admit the testimony or evidence and the trier of 62112
fact shall give it whatever weight the trier of fact considers to 62113
be appropriate. 62114

(c) Division (D)(4)(b) of this section does not limit or 62115
preclude a court, in its determination of whether the arrest of a 62116
person was supported by probable cause or its determination of any 62117
other matter in a criminal prosecution or juvenile court 62118
proceeding of a type described in that division, from considering 62119
evidence or testimony that is not otherwise disallowed by division 62120
(D)(4)(b) of this section. 62121

(E)(1) Subject to division (E)(3) of this section, in any 62122
criminal prosecution or juvenile court proceeding for a violation 62123
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 62124
or (B)(1), (2), (3), or (4) of this section or for an equivalent 62125
offense that is substantially equivalent to any of those 62126
divisions, a laboratory report from any laboratory personnel 62127
issued a permit by the department of health authorizing an 62128
analysis as described in this division that contains an analysis 62129
of the whole blood, blood serum or plasma, breath, urine, or other 62130
bodily substance tested and that contains all of the information 62131
specified in this division shall be admitted as prima-facie 62132
evidence of the information and statements that the report 62133
contains. The laboratory report shall contain all of the 62134
following: 62135

(a) The signature, under oath, of any person who performed 62136
the analysis; 62137

(b) Any findings as to the identity and quantity of alcohol, 62138
a drug of abuse, a controlled substance, a metabolite of a 62139
controlled substance, or a combination of them that was found; 62140

(c) A copy of a notarized statement by the laboratory 62141
director or a designee of the director that contains the name of 62142
each certified analyst or test performer involved with the report, 62143
the analyst's or test performer's employment relationship with the 62144
laboratory that issued the report, and a notation that performing 62145
an analysis of the type involved is part of the analyst's or test 62146
performer's regular duties; 62147

(d) An outline of the analyst's or test performer's 62148
education, training, and experience in performing the type of 62149
analysis involved and a certification that the laboratory 62150
satisfies appropriate quality control standards in general and, in 62151
this particular analysis, under rules of the department of health. 62152

(2) Notwithstanding any other provision of law regarding the 62153
admission of evidence, a report of the type described in division 62154
(E)(1) of this section is not admissible against the defendant to 62155
whom it pertains in any proceeding, other than a preliminary 62156
hearing or a grand jury proceeding, unless the prosecutor has 62157
served a copy of the report on the defendant's attorney or, if the 62158
defendant has no attorney, on the defendant. 62159

(3) A report of the type described in division (E)(1) of this 62160
section shall not be prima-facie evidence of the contents, 62161
identity, or amount of any substance if, within seven days after 62162
the defendant to whom the report pertains or the defendant's 62163
attorney receives a copy of the report, the defendant or the 62164
defendant's attorney demands the testimony of the person who 62165
signed the report. The judge in the case may extend the seven-day 62166
time limit in the interest of justice. 62167

(F) Except as otherwise provided in this division, any 62168
physician, registered nurse, emergency medical 62169
technician-intermediate, emergency medical technician-paramedic, 62170
or qualified technician, chemist, or phlebotomist who withdraws 62171
blood from a person pursuant to this section or section 4511.191 62172

or 4511.192 of the Revised Code, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

As used in this division, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(G)(1) Whoever violates any provision of divisions (A)(1)(a) to (i) or (A)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (A)(1)(j) of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under Chapter 2929. of the Revised Code, except as otherwise authorized or required by divisions (G)(1)(a) to (e) of this section:

(a) Except as otherwise provided in division (G)(1)(b), (c), (d), or (e) of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of

division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 62205
mandatory jail term of three consecutive days. As used in this 62206
division, three consecutive days means seventy-two consecutive 62207
hours. The court may sentence an offender to both an intervention 62208
program and a jail term. The court may impose a jail term in 62209
addition to the three-day mandatory jail term or intervention 62210
program. However, in no case shall the cumulative jail term 62211
imposed for the offense exceed six months. 62212

The court may suspend the execution of the three-day jail 62213
term under this division if the court, in lieu of that suspended 62214
term, places the offender under a community control sanction 62215
pursuant to section 2929.25 of the Revised Code and requires the 62216
offender to attend, for three consecutive days, a drivers' 62217
intervention program certified under section 5119.38 of the 62218
Revised Code. The court also may suspend the execution of any part 62219
of the three-day jail term under this division if it places the 62220
offender under a community control sanction pursuant to section 62221
2929.25 of the Revised Code for part of the three days, requires 62222
the offender to attend for the suspended part of the term a 62223
drivers' intervention program so certified, and sentences the 62224
offender to a jail term equal to the remainder of the three 62225
consecutive days that the offender does not spend attending the 62226
program. The court may require the offender, as a condition of 62227
community control and in addition to the required attendance at a 62228
drivers' intervention program, to attend and satisfactorily 62229
complete any treatment or education programs that comply with the 62230
minimum standards adopted pursuant to Chapter 5119. of the Revised 62231
Code by the director of mental health and addiction services that 62232
the operators of the drivers' intervention program determine that 62233
the offender should attend and to report periodically to the court 62234
on the offender's progress in the programs. The court also may 62235
impose on the offender any other conditions of community control 62236
that it considers necessary. 62237

If the court grants unlimited driving privileges to a 62238
first-time offender under section 4510.022 of the Revised Code, 62239
all penalties imposed upon the offender by the court under 62240
division (G)(1)(a)(i) of this section for the offense apply, 62241
except that the court shall suspend any mandatory or additional 62242
jail term imposed by the court under division (G)(1)(a)(i) of this 62243
section upon granting unlimited driving privileges in accordance 62244
with section 4510.022 of the Revised Code. 62245

(ii) If the sentence is being imposed for a violation of 62246
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 62247
section, except as otherwise provided in this division, a 62248
mandatory jail term of at least three consecutive days and a 62249
requirement that the offender attend, for three consecutive days, 62250
a drivers' intervention program that is certified pursuant to 62251
section 5119.38 of the Revised Code. As used in this division, 62252
three consecutive days means seventy-two consecutive hours. If the 62253
court determines that the offender is not conducive to treatment 62254
in a drivers' intervention program, if the offender refuses to 62255
attend a drivers' intervention program, or if the jail at which 62256
the offender is to serve the jail term imposed can provide a 62257
driver's intervention program, the court shall sentence the 62258
offender to a mandatory jail term of at least six consecutive 62259
days. 62260

If the court grants unlimited driving privileges to a 62261
first-time offender under section 4510.022 of the Revised Code, 62262
all penalties imposed upon the offender by the court under 62263
division (G)(1)(a)(ii) of this section for the offense apply, 62264
except that the court shall suspend any mandatory or additional 62265
jail term imposed by the court under division (G)(1)(a)(ii) of 62266
this section upon granting unlimited driving privileges in 62267
accordance with section 4510.022 of the Revised Code. 62268

The court may require the offender, under a community control 62269

sanction imposed under section 2929.25 of the Revised Code, to 62270
attend and satisfactorily complete any treatment or education 62271
programs that comply with the minimum standards adopted pursuant 62272
to Chapter 5119. of the Revised Code by the director of mental 62273
health and addiction services, in addition to the required 62274
attendance at drivers' intervention program, that the operators of 62275
the drivers' intervention program determine that the offender 62276
should attend and to report periodically to the court on the 62277
offender's progress in the programs. The court also may impose any 62278
other conditions of community control on the offender that it 62279
considers necessary. 62280

(iii) In all cases, a fine of not less than three hundred 62281
seventy-five and not more than one thousand seventy-five dollars; 62282

(iv) In all cases, a suspension of the offender's driver's or 62283
commercial driver's license or permit or nonresident operating 62284
privilege for a definite period of one to three years. The court 62285
may grant limited driving privileges relative to the suspension 62286
under sections 4510.021 and 4510.13 of the Revised Code. The court 62287
may grant unlimited driving privileges with an ignition interlock 62288
device relative to the suspension and may reduce the period of 62289
suspension as authorized under section 4510.022 of the Revised 62290
Code. 62291

(b) Except as otherwise provided in division (G)(1)(e) of 62292
this section, an offender who, within ten years of the offense, 62293
previously has been convicted of or pleaded guilty to one 62294
violation of division (A) or (B) of this section or one other 62295
equivalent offense is guilty of a misdemeanor of the first degree. 62296
The court shall sentence the offender to all of the following: 62297

(i) If the sentence is being imposed for a violation of 62298
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 62299
mandatory jail term of ten consecutive days. The court shall 62300
impose the ten-day mandatory jail term under this division unless, 62301

subject to division (G)(3) of this section, it instead imposes a 62302
sentence under that division consisting of both a jail term and a 62303
term of house arrest with electronic monitoring, with continuous 62304
alcohol monitoring, or with both electronic monitoring and 62305
continuous alcohol monitoring. The court may impose a jail term in 62306
addition to the ten-day mandatory jail term. The cumulative jail 62307
term imposed for the offense shall not exceed six months. 62308

In addition to the jail term or the term of house arrest with 62309
electronic monitoring or continuous alcohol monitoring or both 62310
types of monitoring and jail term, the court shall require the 62311
offender to be assessed by a community addiction services provider 62312
that is authorized by section 5119.21 of the Revised Code, subject 62313
to division (I) of this section, and shall order the offender to 62314
follow the treatment recommendations of the services provider. The 62315
purpose of the assessment is to determine the degree of the 62316
offender's alcohol usage and to determine whether or not treatment 62317
is warranted. Upon the request of the court, the services provider 62318
shall submit the results of the assessment to the court, including 62319
all treatment recommendations and clinical diagnoses related to 62320
alcohol use. 62321

(ii) If the sentence is being imposed for a violation of 62322
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 62323
section, except as otherwise provided in this division, a 62324
mandatory jail term of twenty consecutive days. The court shall 62325
impose the twenty-day mandatory jail term under this division 62326
unless, subject to division (G)(3) of this section, it instead 62327
imposes a sentence under that division consisting of both a jail 62328
term and a term of house arrest with electronic monitoring, with 62329
continuous alcohol monitoring, or with both electronic monitoring 62330
and continuous alcohol monitoring. The court may impose a jail 62331
term in addition to the twenty-day mandatory jail term. The 62332
cumulative jail term imposed for the offense shall not exceed six 62333

months. 62334

In addition to the jail term or the term of house arrest with 62335
electronic monitoring or continuous alcohol monitoring or both 62336
types of monitoring and jail term, the court shall require the 62337
offender to be assessed by a community addiction service provider 62338
that is authorized by section 5119.21 of the Revised Code, subject 62339
to division (I) of this section, and shall order the offender to 62340
follow the treatment recommendations of the services provider. The 62341
purpose of the assessment is to determine the degree of the 62342
offender's alcohol usage and to determine whether or not treatment 62343
is warranted. Upon the request of the court, the services provider 62344
shall submit the results of the assessment to the court, including 62345
all treatment recommendations and clinical diagnoses related to 62346
alcohol use. 62347

(iii) In all cases, notwithstanding the fines set forth in 62348
Chapter 2929. of the Revised Code, a fine of not less than five 62349
hundred twenty-five and not more than one thousand six hundred 62350
twenty-five dollars; 62351

(iv) In all cases, a suspension of the offender's driver's 62352
license, commercial driver's license, temporary instruction 62353
permit, probationary license, or nonresident operating privilege 62354
for a definite period of one to seven years. The court may grant 62355
limited driving privileges relative to the suspension under 62356
sections 4510.021 and 4510.13 of the Revised Code. 62357

(v) In all cases, if the vehicle is registered in the 62358
offender's name, immobilization of the vehicle involved in the 62359
offense for ninety days in accordance with section 4503.233 of the 62360
Revised Code and impoundment of the license plates of that vehicle 62361
for ninety days. 62362

(c) Except as otherwise provided in division (G)(1)(e) of 62363
this section, an offender who, within ten years of the offense, 62364

previously has been convicted of or pleaded guilty to two 62365
violations of division (A) or (B) of this section or other 62366
equivalent offenses is guilty of a misdemeanor. The court shall 62367
sentence the offender to all of the following: 62368

(i) If the sentence is being imposed for a violation of 62369
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 62370
mandatory jail term of thirty consecutive days. The court shall 62371
impose the thirty-day mandatory jail term under this division 62372
unless, subject to division (G)(3) of this section, it instead 62373
imposes a sentence under that division consisting of both a jail 62374
term and a term of house arrest with electronic monitoring, with 62375
continuous alcohol monitoring, or with both electronic monitoring 62376
and continuous alcohol monitoring. The court may impose a jail 62377
term in addition to the thirty-day mandatory jail term. 62378
Notwithstanding the jail terms set forth in sections 2929.21 to 62379
2929.28 of the Revised Code, the additional jail term shall not 62380
exceed one year, and the cumulative jail term imposed for the 62381
offense shall not exceed one year. 62382

(ii) If the sentence is being imposed for a violation of 62383
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 62384
section, a mandatory jail term of sixty consecutive days. The 62385
court shall impose the sixty-day mandatory jail term under this 62386
division unless, subject to division (G)(3) of this section, it 62387
instead imposes a sentence under that division consisting of both 62388
a jail term and a term of house arrest with electronic monitoring, 62389
with continuous alcohol monitoring, or with both electronic 62390
monitoring and continuous alcohol monitoring. The court may impose 62391
a jail term in addition to the sixty-day mandatory jail term. 62392
Notwithstanding the jail terms set forth in sections 2929.21 to 62393
2929.28 of the Revised Code, the additional jail term shall not 62394
exceed one year, and the cumulative jail term imposed for the 62395
offense shall not exceed one year. 62396

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than eight hundred fifty and not more than two thousand seven hundred fifty dollars;

(iv) In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of two to twelve years. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three or four violations of division (A) or (B) of this section or other equivalent offenses or an offender who, within twenty years of the

offense, previously has been convicted of or pleaded guilty to 62429
five or more violations of that nature is guilty of a felony of 62430
the fourth degree. The court shall sentence the offender to all of 62431
the following: 62432

(i) If the sentence is being imposed for a violation of 62433
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 62434
mandatory prison term of one, two, three, four, or five years as 62435
required by and in accordance with division (G)(2) of section 62436
2929.13 of the Revised Code if the offender also is convicted of 62437
or also pleads guilty to a specification of the type described in 62438
section 2941.1413 of the Revised Code or, in the discretion of the 62439
court, either a mandatory term of local incarceration of sixty 62440
consecutive days in accordance with division (G)(1) of section 62441
2929.13 of the Revised Code or a mandatory prison term of sixty 62442
consecutive days in accordance with division (G)(2) of that 62443
section if the offender is not convicted of and does not plead 62444
guilty to a specification of that type. If the court imposes a 62445
mandatory term of local incarceration, it may impose a jail term 62446
in addition to the sixty-day mandatory term, the cumulative total 62447
of the mandatory term and the jail term for the offense shall not 62448
exceed one year, and, except as provided in division (A)(1) of 62449
section 2929.13 of the Revised Code, no prison term is authorized 62450
for the offense. If the court imposes a mandatory prison term, 62451
notwithstanding division (A)(4) of section 2929.14 of the Revised 62452
Code, it also may sentence the offender to a definite prison term 62453
that shall be not less than six months and not more than thirty 62454
months and the prison terms shall be imposed as described in 62455
division (G)(2) of section 2929.13 of the Revised Code. If the 62456
court imposes a mandatory prison term or mandatory prison term and 62457
additional prison term, in addition to the term or terms so 62458
imposed, the court also may sentence the offender to a community 62459
control sanction for the offense, but the offender shall serve all 62460
of the prison terms so imposed prior to serving the community 62461

control sanction. 62462

(ii) If the sentence is being imposed for a violation of 62463
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 62464
section, a mandatory prison term of one, two, three, four, or five 62465
years as required by and in accordance with division (G)(2) of 62466
section 2929.13 of the Revised Code if the offender also is 62467
convicted of or also pleads guilty to a specification of the type 62468
described in section 2941.1413 of the Revised Code or, in the 62469
discretion of the court, either a mandatory term of local 62470
incarceration of one hundred twenty consecutive days in accordance 62471
with division (G)(1) of section 2929.13 of the Revised Code or a 62472
mandatory prison term of one hundred twenty consecutive days in 62473
accordance with division (G)(2) of that section if the offender is 62474
not convicted of and does not plead guilty to a specification of 62475
that type. If the court imposes a mandatory term of local 62476
incarceration, it may impose a jail term in addition to the one 62477
hundred twenty-day mandatory term, the cumulative total of the 62478
mandatory term and the jail term for the offense shall not exceed 62479
one year, and, except as provided in division (A)(1) of section 62480
2929.13 of the Revised Code, no prison term is authorized for the 62481
offense. If the court imposes a mandatory prison term, 62482
notwithstanding division (A)(4) of section 2929.14 of the Revised 62483
Code, it also may sentence the offender to a definite prison term 62484
that shall be not less than six months and not more than thirty 62485
months and the prison terms shall be imposed as described in 62486
division (G)(2) of section 2929.13 of the Revised Code. If the 62487
court imposes a mandatory prison term or mandatory prison term and 62488
additional prison term, in addition to the term or terms so 62489
imposed, the court also may sentence the offender to a community 62490
control sanction for the offense, but the offender shall serve all 62491
of the prison terms so imposed prior to serving the community 62492
control sanction. 62493

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(vii) In all cases, if the court sentences the offender to a mandatory term of local incarceration, in addition to the mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender

has served the mandatory term of local incarceration. 62526

(e) An offender who previously has been convicted of or 62527
pleaded guilty to a violation of division (A) of this section that 62528
was a felony, regardless of when the violation and the conviction 62529
or guilty plea occurred, is guilty of a felony of the third 62530
degree. The court shall sentence the offender to all of the 62531
following: 62532

(i) If the offender is being sentenced for a violation of 62533
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 62534
mandatory prison term of one, two, three, four, or five years as 62535
required by and in accordance with division (G)(2) of section 62536
2929.13 of the Revised Code if the offender also is convicted of 62537
or also pleads guilty to a specification of the type described in 62538
section 2941.1413 of the Revised Code or a mandatory prison term 62539
of sixty consecutive days in accordance with division (G)(2) of 62540
section 2929.13 of the Revised Code if the offender is not 62541
convicted of and does not plead guilty to a specification of that 62542
type. The court may impose a prison term in addition to the 62543
mandatory prison term. The cumulative total of a sixty-day 62544
mandatory prison term and the additional prison term for the 62545
offense shall not exceed five years. In addition to the mandatory 62546
prison term or mandatory prison term and additional prison term 62547
the court imposes, the court also may sentence the offender to a 62548
community control sanction for the offense, but the offender shall 62549
serve all of the prison terms so imposed prior to serving the 62550
community control sanction. 62551

(ii) If the sentence is being imposed for a violation of 62552
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 62553
section, a mandatory prison term of one, two, three, four, or five 62554
years as required by and in accordance with division (G)(2) of 62555
section 2929.13 of the Revised Code if the offender also is 62556
convicted of or also pleads guilty to a specification of the type 62557

described in section 2941.1413 of the Revised Code or a mandatory 62558
prison term of one hundred twenty consecutive days in accordance 62559
with division (G)(2) of section 2929.13 of the Revised Code if the 62560
offender is not convicted of and does not plead guilty to a 62561
specification of that type. The court may impose a prison term in 62562
addition to the mandatory prison term. The cumulative total of a 62563
one hundred twenty-day mandatory prison term and the additional 62564
prison term for the offense shall not exceed five years. In 62565
addition to the mandatory prison term or mandatory prison term and 62566
additional prison term the court imposes, the court also may 62567
sentence the offender to a community control sanction for the 62568
offense, but the offender shall serve all of the prison terms so 62569
imposed prior to serving the community control sanction. 62570

(iii) In all cases, notwithstanding section 2929.18 of the 62571
Revised Code, a fine of not less than one thousand three hundred 62572
fifty nor more than ten thousand five hundred dollars; 62573

(iv) In all cases, a class two license suspension of the 62574
offender's driver's license, commercial driver's license, 62575
temporary instruction permit, probationary license, or nonresident 62576
operating privilege from the range specified in division (A)(2) of 62577
section 4510.02 of the Revised Code. The court may grant limited 62578
driving privileges relative to the suspension under sections 62579
4510.021 and 4510.13 of the Revised Code. 62580

(v) In all cases, if the vehicle is registered in the 62581
offender's name, criminal forfeiture of the vehicle involved in 62582
the offense in accordance with section 4503.234 of the Revised 62583
Code. Division (G)(6) of this section applies regarding any 62584
vehicle that is subject to an order of criminal forfeiture under 62585
this division. 62586

(vi) In all cases, the court shall order the offender to 62587
participate with a community addiction services provider 62588
authorized by section 5119.21 of the Revised Code, subject to 62589

division (I) of this section, and shall order the offender to 62590
follow the treatment recommendations of the services provider. The 62591
operator of the services provider shall determine and assess the 62592
degree of the offender's alcohol dependency and shall make 62593
recommendations for treatment. Upon the request of the court, the 62594
services provider shall submit the results of the assessment to 62595
the court, including all treatment recommendations and clinical 62596
diagnoses related to alcohol use. 62597

(2) An offender who is convicted of or pleads guilty to a 62598
violation of division (A) of this section and who subsequently 62599
seeks reinstatement of the driver's or occupational driver's 62600
license or permit or nonresident operating privilege suspended 62601
under this section as a result of the conviction or guilty plea 62602
shall pay a reinstatement fee as provided in division (F)(2) of 62603
section 4511.191 of the Revised Code. 62604

(3) If an offender is sentenced to a jail term under division 62605
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 62606
if, within sixty days of sentencing of the offender, the court 62607
issues a written finding on the record that, due to the 62608
unavailability of space at the jail where the offender is required 62609
to serve the term, the offender will not be able to begin serving 62610
that term within the sixty-day period following the date of 62611
sentencing, the court may impose an alternative sentence under 62612
this division that includes a term of house arrest with electronic 62613
monitoring, with continuous alcohol monitoring, or with both 62614
electronic monitoring and continuous alcohol monitoring. 62615

As an alternative to a mandatory jail term of ten consecutive 62616
days required by division (G)(1)(b)(i) of this section, the court, 62617
under this division, may sentence the offender to five consecutive 62618
days in jail and not less than eighteen consecutive days of house 62619
arrest with electronic monitoring, with continuous alcohol 62620
monitoring, or with both electronic monitoring and continuous 62621

alcohol monitoring. The cumulative total of the five consecutive 62622
days in jail and the period of house arrest with electronic 62623
monitoring, continuous alcohol monitoring, or both types of 62624
monitoring shall not exceed six months. The five consecutive days 62625
in jail do not have to be served prior to or consecutively to the 62626
period of house arrest. 62627

As an alternative to the mandatory jail term of twenty 62628
consecutive days required by division (G)(1)(b)(ii) of this 62629
section, the court, under this division, may sentence the offender 62630
to ten consecutive days in jail and not less than thirty-six 62631
consecutive days of house arrest with electronic monitoring, with 62632
continuous alcohol monitoring, or with both electronic monitoring 62633
and continuous alcohol monitoring. The cumulative total of the ten 62634
consecutive days in jail and the period of house arrest with 62635
electronic monitoring, continuous alcohol monitoring, or both 62636
types of monitoring shall not exceed six months. The ten 62637
consecutive days in jail do not have to be served prior to or 62638
consecutively to the period of house arrest. 62639

As an alternative to a mandatory jail term of thirty 62640
consecutive days required by division (G)(1)(c)(i) of this 62641
section, the court, under this division, may sentence the offender 62642
to fifteen consecutive days in jail and not less than fifty-five 62643
consecutive days of house arrest with electronic monitoring, with 62644
continuous alcohol monitoring, or with both electronic monitoring 62645
and continuous alcohol monitoring. The cumulative total of the 62646
fifteen consecutive days in jail and the period of house arrest 62647
with electronic monitoring, continuous alcohol monitoring, or both 62648
types of monitoring shall not exceed one year. The fifteen 62649
consecutive days in jail do not have to be served prior to or 62650
consecutively to the period of house arrest. 62651

As an alternative to the mandatory jail term of sixty 62652
consecutive days required by division (G)(1)(c)(ii) of this 62653

section, the court, under this division, may sentence the offender 62654
to thirty consecutive days in jail and not less than one hundred 62655
ten consecutive days of house arrest with electronic monitoring, 62656
with continuous alcohol monitoring, or with both electronic 62657
monitoring and continuous alcohol monitoring. The cumulative total 62658
of the thirty consecutive days in jail and the period of house 62659
arrest with electronic monitoring, continuous alcohol monitoring, 62660
or both types of monitoring shall not exceed one year. The thirty 62661
consecutive days in jail do not have to be served prior to or 62662
consecutively to the period of house arrest. 62663

(4) If an offender's driver's or occupational driver's 62664
license or permit or nonresident operating privilege is suspended 62665
under division (G) of this section and if section 4510.13 of the 62666
Revised Code permits the court to grant limited driving 62667
privileges, the court may grant the limited driving privileges in 62668
accordance with that section. If division (A)(7) of that section 62669
requires that the court impose as a condition of the privileges 62670
that the offender must display on the vehicle that is driven 62671
subject to the privileges restricted license plates that are 62672
issued under section 4503.231 of the Revised Code, except as 62673
provided in division (B) of that section, the court shall impose 62674
that condition as one of the conditions of the limited driving 62675
privileges granted to the offender, except as provided in division 62676
(B) of section 4503.231 of the Revised Code. 62677

(5) Fines imposed under this section for a violation of 62678
division (A) of this section shall be distributed as follows: 62679

(a) Twenty-five dollars of the fine imposed under division 62680
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 62681
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 62682
fine imposed under division (G)(1)(c)(iii), and two hundred ten 62683
dollars of the fine imposed under division (G)(1)(d)(iii) or 62684
(e)(iii) of this section shall be paid to an enforcement and 62685

education fund established by the legislative authority of the law 62686
enforcement agency in this state that primarily was responsible 62687
for the arrest of the offender, as determined by the court that 62688
imposes the fine. The agency shall use this share to pay only 62689
those costs it incurs in enforcing this section or a municipal OVI 62690
ordinance and in informing the public of the laws governing the 62691
operation of a vehicle while under the influence of alcohol, the 62692
dangers of the operation of a vehicle under the influence of 62693
alcohol, and other information relating to the operation of a 62694
vehicle under the influence of alcohol and the consumption of 62695
alcoholic beverages. 62696

(b) Fifty dollars of the fine imposed under division 62697
(G)(1)(a)(iii) of this section shall be paid to the political 62698
subdivision that pays the cost of housing the offender during the 62699
offender's term of incarceration. If the offender is being 62700
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 62701
(e), or (j) of this section and was confined as a result of the 62702
offense prior to being sentenced for the offense but is not 62703
sentenced to a term of incarceration, the fifty dollars shall be 62704
paid to the political subdivision that paid the cost of housing 62705
the offender during that period of confinement. The political 62706
subdivision shall use the share under this division to pay or 62707
reimburse incarceration or treatment costs it incurs in housing or 62708
providing drug and alcohol treatment to persons who violate this 62709
section or a municipal OVI ordinance, costs of any immobilizing or 62710
disabling device used on the offender's vehicle, and costs of 62711
electronic house arrest equipment needed for persons who violate 62712
this section. 62713

(c) Twenty-five dollars of the fine imposed under division 62714
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 62715
division (G)(1)(b)(iii) of this section shall be deposited into 62716
the county or municipal indigent drivers' alcohol treatment fund 62717

under the control of that court, as created by the county or 62718
municipal corporation under division (F) of section 4511.191 of 62719
the Revised Code. 62720

(d) One hundred fifteen dollars of the fine imposed under 62721
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 62722
fine imposed under division (G)(1)(c)(iii), and four hundred forty 62723
dollars of the fine imposed under division (G)(1)(d)(iii) or 62724
(e)(iii) of this section shall be paid to the political 62725
subdivision that pays the cost of housing the offender during the 62726
offender's term of incarceration. The political subdivision shall 62727
use this share to pay or reimburse incarceration or treatment 62728
costs it incurs in housing or providing drug and alcohol treatment 62729
to persons who violate this section or a municipal OVI ordinance, 62730
costs for any immobilizing or disabling device used on the 62731
offender's vehicle, and costs of electronic house arrest equipment 62732
needed for persons who violate this section. 62733

(e) Fifty dollars of the fine imposed under divisions 62734
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 62735
and (G)(1)(e)(iii) of this section shall be deposited into the 62736
special projects fund of the court in which the offender was 62737
convicted and that is established under division (E)(1) of section 62738
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 62739
of section 1907.24 of the Revised Code, to be used exclusively to 62740
cover the cost of immobilizing or disabling devices, including 62741
certified ignition interlock devices, and remote alcohol 62742
monitoring devices for indigent offenders who are required by a 62743
judge to use either of these devices. If the court in which the 62744
offender was convicted does not have a special projects fund that 62745
is established under division (E)(1) of section 2303.201, division 62746
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 62747
of the Revised Code, the fifty dollars shall be deposited into the 62748
indigent drivers interlock and alcohol monitoring fund under 62749

division (I) of section 4511.191 of the Revised Code. 62750

(f) Seventy-five dollars of the fine imposed under division 62751
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 62752
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 62753
of the fine imposed under division (G)(1)(c)(iii), and five 62754
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 62755
or (e)(iii) of this section shall be transmitted to the treasurer 62756
of state for deposit into the indigent defense support fund 62757
established under section 120.08 of the Revised Code. 62758

(g) The balance of the fine imposed under division 62759
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 62760
section shall be disbursed as otherwise provided by law. 62761

(6) If title to a motor vehicle that is subject to an order 62762
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 62763
this section is assigned or transferred and division (B)(2) or (3) 62764
of section 4503.234 of the Revised Code applies, in addition to or 62765
independent of any other penalty established by law, the court may 62766
fine the offender the value of the vehicle as determined by 62767
publications of the national automobile dealers association. The 62768
proceeds of any fine so imposed shall be distributed in accordance 62769
with division (C)(2) of that section. 62770

(7) In all cases in which an offender is sentenced under 62771
division (G) of this section, the offender shall provide the court 62772
with proof of financial responsibility as defined in section 62773
4509.01 of the Revised Code. If the offender fails to provide that 62774
proof of financial responsibility, the court, in addition to any 62775
other penalties provided by law, may order restitution pursuant to 62776
section 2929.18 or 2929.28 of the Revised Code in an amount not 62777
exceeding five thousand dollars for any economic loss arising from 62778
an accident or collision that was the direct and proximate result 62779
of the offender's operation of the vehicle before, during, or 62780
after committing the offense for which the offender is sentenced 62781

under division (G) of this section. 62782

(8) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply: 62783
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(a) The offender is convicted of or pleads guilty to a violation of division (A) of this section. 62787
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(b) The test or tests were of the offender's whole blood, blood serum or plasma, or urine. 62789
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(c) The test or tests indicated that the offender had a prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine at the time of the offense. 62791
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(9) As used in division (G) of this section, "electronic monitoring," "mandatory prison term," and "mandatory term of local incarceration" have the same meanings as in section 2929.01 of the Revised Code. 62795
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(H) Whoever violates division (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows: 62799
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(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. The court may grant unlimited driving privileges with an ignition interlock device relative to the 62802
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suspension and may reduce the period of suspension as authorized 62813
under section 4510.022 of the Revised Code. If the court grants 62814
unlimited driving privileges under section 4510.022 of the Revised 62815
Code, the court shall suspend any jail term imposed under division 62816
(H)(1) of this section as required under that section. 62817

(2) If, within one year of the offense, the offender 62818
previously has been convicted of or pleaded guilty to one or more 62819
violations of division (A) or (B) of this section or other 62820
equivalent offenses, the offender is guilty of a misdemeanor of 62821
the third degree. In addition to any other sanction imposed for 62822
the offense, the court shall impose a class four suspension of the 62823
offender's driver's license, commercial driver's license, 62824
temporary instruction permit, probationary license, or nonresident 62825
operating privilege from the range specified in division (A)(4) of 62826
section 4510.02 of the Revised Code. The court may grant limited 62827
driving privileges relative to the suspension under sections 62828
4510.021 and 4510.13 of the Revised Code. 62829

(3) If the offender also is convicted of or also pleads 62830
guilty to a specification of the type described in section 62831
2941.1416 of the Revised Code and if the court imposes a jail term 62832
for the violation of division (B) of this section, the court shall 62833
impose upon the offender an additional definite jail term pursuant 62834
to division (E) of section 2929.24 of the Revised Code. 62835

(4) The offender shall provide the court with proof of 62836
financial responsibility as defined in section 4509.01 of the 62837
Revised Code. If the offender fails to provide that proof of 62838
financial responsibility, then, in addition to any other penalties 62839
provided by law, the court may order restitution pursuant to 62840
section 2929.28 of the Revised Code in an amount not exceeding 62841
five thousand dollars for any economic loss arising from an 62842
accident or collision that was the direct and proximate result of 62843
the offender's operation of the vehicle before, during, or after 62844

committing the violation of division (B) of this section. 62845

(I)(1) No court shall sentence an offender to an alcohol 62846
treatment program under this section unless the treatment program 62847
complies with the minimum standards for alcohol treatment programs 62848
adopted under Chapter 5119. of the Revised Code by the director of 62849
mental health and addiction services. 62850

(2) An offender who stays in a drivers' intervention program 62851
or in an alcohol treatment program under an order issued under 62852
this section shall pay the cost of the stay in the program. 62853
However, if the court determines that an offender who stays in an 62854
alcohol treatment program under an order issued under this section 62855
is unable to pay the cost of the stay in the program, the court 62856
may order that the cost be paid from the court's indigent drivers' 62857
alcohol treatment fund. 62858

(J) If a person whose driver's or commercial driver's license 62859
or permit or nonresident operating privilege is suspended under 62860
this section files an appeal regarding any aspect of the person's 62861
trial or sentence, the appeal itself does not stay the operation 62862
of the suspension. 62863

(K) Division (A)(1)(j) of this section does not apply to a 62864
person who operates a vehicle, streetcar, or trackless trolley 62865
while the person has a concentration of a listed controlled 62866
substance or a listed metabolite of a controlled substance in the 62867
person's whole blood, blood serum or plasma, or urine that equals 62868
or exceeds the amount specified in that division, if both of the 62869
following apply: 62870

(1) The person obtained the controlled substance pursuant to 62871
a prescription issued by a licensed health professional authorized 62872
to prescribe drugs. 62873

(2) The person injected, ingested, or inhaled the controlled 62874
substance in accordance with the health professional's directions. 62875

(L) The prohibited concentrations of a controlled substance 62876
or a metabolite of a controlled substance listed in division 62877
(A)(1)(j) of this section also apply in a prosecution of a 62878
violation of division (D) of section 2923.16 of the Revised Code 62879
in the same manner as if the offender is being prosecuted for a 62880
prohibited concentration of alcohol. 62881

(M) All terms defined in section 4510.01 of the Revised Code 62882
apply to this section. If the meaning of a term defined in section 62883
4510.01 of the Revised Code conflicts with the meaning of the same 62884
term as defined in section 4501.01 or 4511.01 of the Revised Code, 62885
the term as defined in section 4510.01 of the Revised Code applies 62886
to this section. 62887

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 62888
as adopted by the supreme court under authority of section 2937.46 62889
of the Revised Code, do not apply to felony violations of this 62890
section. Subject to division (N)(2) of this section, the Rules of 62891
Criminal Procedure apply to felony violations of this section. 62892

(2) If, on or after January 1, 2004, the supreme court 62893
modifies the Ohio Traffic Rules to provide procedures to govern 62894
felony violations of this section, the modified rules shall apply 62895
to felony violations of this section. 62896

Sec. 4709.02. Except as provided in this chapter, no person 62897
shall do any of the following: 62898

(A) Engage in or attempt to engage in the practice of 62899
barbering, hold themselves out as a practicing barber, or 62900
advertise in a manner that indicates they are a barber, without a 62901
barber license issued pursuant to this chapter; 62902

(B) Operate or attempt to operate a barber shop without a 62903
barber shop license issued pursuant to this chapter; 62904

(C) Engage in or attempt to engage in the teaching of or 62905

assist in the teaching of the practice of barbering without a 62906
barber teacher or assistant barber teacher license issued pursuant 62907
to this chapter; 62908

(D) Advertise barbering services unless the establishment and 62909
personnel employed therein are licensed pursuant to this chapter; 62910

(E) Use or display a barber pole for the purpose of offering 62911
barber services to the consuming public without a barber shop 62912
license issued pursuant to this chapter; 62913

(F) Operate or attempt to operate a barber school without a 62914
barber school license issued pursuant to this chapter; 62915

(G) Teach or attempt to teach any phase of barbering for pay, 62916
free, or otherwise without approval from the state cosmetology and 62917
barber board; 62918

(H) Being a barber, knowingly continue the practice of 62919
barbering, or being a student, knowingly continue as a student in 62920
any barber school, while such person has an infectious, 62921
contagious, or communicable disease; 62922

(I) Obtain or attempt to obtain a license by fraudulent 62923
misrepresentation for money, other than the required fee, or any 62924
other thing of value; 62925

(J) Practice or attempt to practice barbering by fraudulent 62926
misrepresentation; 62927

(K) Employ another person to perform or himself perform the 62928
practice of barbering in a licensed barber shop unless that person 62929
is licensed as a barber under this chapter; 62930

(L) Use any room or place for barbering which is also used 62931
for residential or other business purposes, unless it is separated 62932
by a substantial ceiling-high partition. This does not exclude 62933
hair care products used and sold in barber shops or the sale of 62934
clothing and related accessories as authorized by division (F) of 62935

section 4709.09 of the Revised Code. 62936

(M) Violate any rule adopted by the board or department of health for barber shops or barber schools. 62937
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Sec. 4709.05. In addition to any other duty imposed on the 62939
state cosmetology and barber board under this chapter or Chapter 62940
4713. of the Revised Code, the board shall do all of the 62941
following: 62942

~~(A) Organize by electing a chairperson from its members to serve a one year term;~~ 62943
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~~(B) Hold regular meetings, at the times and places as it determines for the purpose of conducting the examinations required under this chapter, and hold additional meetings for the transaction of necessary business;~~ 62945
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~~(C) Provide for suitable quarters, in the city of Columbus, for the conduct of its business and the maintenance of its records;~~ 62949
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~~(D) Adopt a common seal for the authentication of its orders, communications, and records;~~ 62952
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~~(E)~~(B) Maintain a record of its proceedings and a register of persons licensed as barbers. The register shall include each licensee's name, place of business, residence, and licensure date and number, and a record of all licenses issued, refused, renewed, suspended, or revoked. The records are open to public inspection at all reasonable times. 62954
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~~(F) Annually, on or before the first day of January, make a report to the governor of all its official acts during the preceding year, its receipts and disbursements, recommendations it determines appropriate, and an evaluation of board activities intended to aid or protect consumers of barber services;~~ 62960
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~~(G) Employ an executive director who shall do all things~~ 62965

~~requested by the board for the administration and enforcement of~~ 62966
~~this chapter. The executive director shall employ inspectors,~~ 62967
~~clerks, and other assistants as the executive director determines~~ 62968
~~necessary.~~ 62969

~~(H)~~(C) Ensure that the practice of barbering is conducted 62970
only in a licensed barber shop, except when the practice of 62971
barbering is performed on a person whose physical or mental 62972
disability prevents that person from going to a licensed barber 62973
shop; 62974

~~(I)~~(D) Conduct or have conducted the examination for 62975
applicants to practice as licensed barbers at least four times per 62976
year at the times and places the board determines; 62977

~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the 62978
Revised Code, to administer and enforce this chapter and which 62979
cover all of the following: 62980

(1) Sanitary standards for the operation of barber shops and 62981
barber schools that conform to guidelines established by the 62982
department of health; 62983

(2) The content of the examination required of an applicant 62984
for a barber license. The examination shall include a practical 62985
demonstration and a written test, shall relate only to the 62986
practice of barbering, and shall require the applicant to 62987
demonstrate that the applicant has a thorough knowledge of and 62988
competence in the proper techniques in the safe use of chemicals 62989
used in the practice of barbering. 62990

(3) Continuing education requirements for persons licensed 62991
pursuant to this chapter. The board may impose continuing 62992
education requirements upon a licensee for a violation of this 62993
chapter or the rules adopted pursuant thereto or if the board 62994
determines that the requirements are necessary to preserve the 62995
health, safety, or welfare of the public. 62996

(4) Requirements for the licensure of barber schools, barber teachers, and assistant barber teachers;	62997 62998
(5) Requirements for students of barber schools;	62999
(6) Any other area the board determines appropriate to administer or enforce this chapter.	63000 63001
(K) Annually review the rules adopted pursuant to division (J) of this section in order to compare those rules with the rules adopted by the state board of cosmetology pursuant to section 4713.08 of the Revised Code. If the barber board determines that the rules adopted by the state board of cosmetology, including, but not limited to, rules concerning using career technical schools, would be beneficial to the barbering profession, the barber board shall adopt rules similar to those it determines would be beneficial for barbers.	63002 63003 63004 63005 63006 63007 63008 63009 63010
(L) (F) Prior to adopting any rule under this chapter, indicate at a formal hearing the reasons why the rule is necessary as a protection of the persons who use barber services or as an improvement of the professional standing of barbers in this state;	63011 63012 63013 63014
(M) (G) Furnish each owner or manager of a barber shop and barber school with a copy of all sanitary rules adopted pursuant to division (J) (E) of this section;	63015 63016 63017
(N) (H) Conduct such investigations and inspections of persons and establishments licensed or unlicensed pursuant to this chapter and for that purpose, any member of the board or any of its authorized agents may enter and inspect any place of business of a licensee or a person suspected of violating this chapter or the rules adopted pursuant thereto, during normal business hours;	63018 63019 63020 63021 63022 63023
(O) (I) Upon the written request of an applicant and the payment of the appropriate fee, provide to the applicant licensure information concerning the applicant;	63024 63025 63026

~~(P)~~(J) Do all things necessary for the proper administration 63027
and enforcement of this chapter. 63028

Sec. 4709.07. (A) Each person who desires to obtain an 63029
initial license to practice barbering shall apply to the state 63030
cosmetology and barber board, on forms provided by the board. The 63031
application form shall include the name of the person applying for 63032
the license and evidence that the applicant meets all of the 63033
requirements of division (B) of this section. The application 63034
shall be accompanied by two signed current photographs of the 63035
applicant, in the size determined by the board, that show only the 63036
head and shoulders of the applicant, and the examination 63037
application fee. 63038

(B) In order to take the required barber examination and to 63039
qualify for licensure as a barber, an applicant must demonstrate 63040
that the applicant meets all of the following: 63041

(1) Is of good moral character; 63042

(2) Is at least eighteen years of age; 63043

(3) Has an eighth grade education or an equivalent education 63044
as determined by the state board of education in the state where 63045
the applicant resides; 63046

(4) Has graduated with at least ~~eighteen~~ one thousand eight 63047
hundred hours of training from a board-approved barber school or 63048
has graduated with at least one thousand hours of training from a 63049
board-approved barber school in this state and has a current 63050
cosmetology or hair designer license issued pursuant to Chapter 63051
4713. of the Revised Code. No hours of instruction earned by an 63052
applicant five or more years prior to the examination apply to the 63053
hours of study required by this division. 63054

(C) Any applicant who meets all of the requirements of 63055
divisions (A) and (B) of this section may take the barber 63056

examination at the time and place specified by the board. If the 63057
applicant fails to attain at least a seventy-five per cent pass 63058
rate on each part of the examination, the applicant is ineligible 63059
for licensure; however, the applicant may reapply for examination 63060
within ninety days after the date of the release of the 63061
examination scores by paying the required reexamination fee. An 63062
applicant is only required to take that part or parts of the 63063
examination on which the applicant did not receive a score of 63064
seventy-five per cent or higher. If the applicant fails to reapply 63065
for examination within ninety days or fails the second 63066
examination, in order to reapply for examination for licensure the 63067
applicant shall complete an additional course of study of not less 63068
than two hundred hours, in a board-approved barber school. The 63069
board shall provide to an applicant, upon request, a report which 63070
explains the reasons for the applicant's failure to pass the 63071
examination. 63072

(D) The board shall issue a license to practice barbering to 63073
any applicant who, to the satisfaction of the board, meets the 63074
requirements of divisions (A) and (B) of this section, who passes 63075
the required examination, and pays the initial licensure fee. 63076
Every licensed barber shall display the certificate of licensure 63077
in a conspicuous place adjacent to or near the licensed barber's 63078
work chair, along with a signed current photograph, in the size 63079
determined by the board, showing head and shoulders only. 63080

Sec. 4709.08. Any person who holds a current license or 63081
registration to practice as a barber in any other state or 63082
district of the United States or country whose requirements for 63083
licensure or registration of barbers are substantially equivalent 63084
to the requirements of this chapter and rules adopted under it and 63085
that extends similar reciprocity to persons licensed as barbers in 63086
this state may apply to the state cosmetology and barber board for 63087
a barber license. The board shall, without examination, unless the 63088

board determines to require an examination, issue a license to 63089
practice as a licensed barber in this state if the person meets 63090
the requirements of this section, is at least eighteen years of 63091
age and of good moral character, and pays the required fees. The 63092
board may waive any of the requirements of this section. 63093

Sec. 4709.09. (A) Each person who desires to obtain a barber 63094
shop license shall apply to the state cosmetology and barber 63095
board, on forms provided by the board. The board shall issue a 63096
barber shop license to a person if the board determines that the 63097
person meets all of the requirements of division (B) of this 63098
section and pays the required license and inspection fees. 63099

(B) In order for a person to qualify for a license to operate 63100
a barber shop, the barber shop shall meet all of the following 63101
requirements: 63102

(1) Be in the charge and under the immediate supervision of a 63103
licensed barber; 63104

(2) Be equipped to provide running hot and cold water and 63105
proper drainage; 63106

(3) Sanitize and maintain in a sanitary condition, all 63107
instruments and supplies; 63108

(4) Keep towels and linens clean and sanitary and in a dry, 63109
dust-proof container; 63110

(5) Display the shop license and a copy of the board's 63111
sanitary rules in a conspicuous place in the working area. 63112

(C) Any licensed barber who leases space in a licensed barber 63113
shop and engages in the practice of barbering independent and free 63114
from supervision of the owner or manager of the barber shop is 63115
considered to be engaged in the operation of a separate and 63116
distinct barber shop and shall obtain a license to operate a 63117
barber shop pursuant to this section. 63118

(D) A shop license is not transferable from one owner to 63119
another and if an owner or operator of a barber shop permanently 63120
ceases offering barber services at the shop, the owner or operator 63121
shall return the barber shop license to the board within ten days 63122
of the cessation of services. 63123

(E)(1) Manicurists licensed under Chapter 4713. of the 63124
Revised Code may practice manicuring in a barber shop. 63125

(2) Tanning facilities issued a permit under section 4713.48 63126
of the Revised Code may be operated in a barber shop. 63127

(F) Clothing and related accessories may be sold at retail in 63128
a barber shop so long as these sales maintain the integrity of the 63129
facility as a barber shop. 63130

Sec. 4709.10. (A) Each person who desires to obtain a license 63131
to operate a barber school shall apply to the state cosmetology 63132
and barber board, on forms provided by the board. The board shall 63133
issue a barber school license to a person if the board determines 63134
that the person meets and will comply with all of the requirements 63135
of division (B) of this section and pays the required licensure 63136
and inspection fees. 63137

(B) In order for a person to qualify for a license to operate 63138
a barber school, the barber school to be operated by the person 63139
must meet all of the following requirements: 63140

(1) Have a training facility sufficient to meet the required 63141
educational curriculum established by the board, including enough 63142
space to accommodate all the facilities and equipment required by 63143
rule by the board; 63144

(2) Provide sufficient licensed teaching personnel to meet 63145
the minimum pupil-teacher ratio established by rule of the board; 63146

(3) Have established and provide to the board proof that it 63147
has met all of the board requirements to operate a barber school, 63148

as adopted by rule of the board; 63149

(4) File with the board a program of its curriculum, 63150
accounting for not less than ~~eighteen~~ one thousand eight hundred 63151
hours of instruction in the courses of theory and practical 63152
demonstration required by rule of the board; 63153

(5) File with the board a surety bond in the amount of ten 63154
thousand dollars issued by a bonding company licensed to do 63155
business in this state. The bond shall be in the form prescribed 63156
by the board and conditioned upon the barber school's continued 63157
instruction in the theory and practice of barbering. The bond 63158
shall continue in effect until notice of its termination is 63159
provided to the board. In no event, however, shall the bond be 63160
terminated while the barber school is in operation. Any student 63161
who is injured or damaged by reason of a barber school's failure 63162
to continue instruction in the theory and practice of barbering 63163
may maintain an action on the bond against the barber school or 63164
the surety, or both, for the recovery of any money or tuition paid 63165
in advance for instruction in the theory and practice of barbering 63166
which was not received. The aggregate liability of the surety to 63167
all students shall not exceed the sum of the bond. 63168

(6) Maintain adequate record keeping to ensure that it has 63169
met the requirements for records of student progress as required 63170
by board rule; 63171

(7) Establish minimum standards for acceptance of student 63172
applicants for admission to the barber school. The barber school 63173
may establish entrance requirements which are more stringent than 63174
those prescribed by the board, but the requirements must at a 63175
minimum require the applicant to meet all of the following: 63176

(a) Be at least seventeen years of age; 63177

(b) Be of good moral character; 63178

(c) Have an eighth grade education, or an equivalent 63179

education as determined by the state board of education;	63180
(d) Submit two signed current photographs of himself <u>the applicant</u> , in the size determined by the board.	63181 63182
(8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;	63183 63184 63185
(9) Operate in a manner which reflects credit upon the barbering profession;	63186 63187
(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;	63188 63189 63190
(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.	63191 63192 63193 63194
(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the barber board, on forms provided by the barber board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:	63195 63196 63197 63198 63199
(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;	63200 63201 63202 63203 63204 63205
(2) Meets such other requirements as adopted by rule by the board;	63206 63207
(3) Passes the required examination; and	63208
(4) Pays the required fees. If an applicant fails to pass the	63209

examination, ~~he~~ the applicant may reapply for the examination and 63210
licensure no earlier than one year after the failure to pass and 63211
provided that during that period, ~~he~~ the applicant remains 63212
employed as an assistant barber teacher. 63213

The board shall only issue an assistant barber teacher 63214
license to a person who holds a current barber license issued 63215
pursuant to this chapter and pays the required fees. 63216

(D) Any person who meets the qualifications of an assistant 63217
teacher pursuant to division (C) of this section, may be employed 63218
as an assistant teacher, provided that within five days after the 63219
commencement of the employment the barber school submits to the 63220
board, on forms provided by the board, the applicant's 63221
qualifications. 63222

Sec. 4709.12. (A) The state cosmetology and barber board 63223
shall charge and collect the following fees: 63224

(1) For the application to take the barber examination, 63225
ninety dollars; 63226

(2) For an application to retake any part of the barber 63227
examination, forty-five dollars; 63228

(3) For the initial issuance of a license to practice as a 63229
barber, thirty dollars; 63230

(4) For the biennial renewal of the license to practice as a 63231
barber, one hundred ten dollars; 63232

(5) For the restoration of an expired barber license, one 63233
hundred dollars, and seventy-five dollars for each lapsed year, 63234
provided that the total fee shall not exceed six hundred ninety 63235
dollars; 63236

(6) For the issuance of a duplicate barber or shop license, 63237
forty-five dollars; 63238

(7) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, one hundred ten dollars;	63239 63240 63241 63242
(8) For the biennial renewal of a barber shop license, seventy-five dollars;	63243 63244
(9) For the restoration of a barber shop license, one hundred ten dollars;	63245 63246
(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	63247 63248 63249
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	63250 63251
(12) For the restoration of a barber school license, one thousand dollars;	63252 63253
(13) For the issuance of a student registration, forty dollars;	63254 63255
(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	63256 63257
(15) For the renewal of a biennial teacher license, one hundred fifty dollars;	63258 63259
(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;	63260 63261 63262 63263
(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, three hundred dollars;	63264 63265 63266
(18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars.	63267 63268

(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.

(C) In addition to any other fee charged and collected under this section, the ~~barber~~ board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.

Sec. 4709.13. (A) The state cosmetology and barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for any one or more of the following causes:

(1) Advertising by means of knowingly false or deceptive statements;

(2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;

(3) Immoral or unprofessional conduct;

(4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;

(5) Employing any person who does not have a current Ohio license to perform the practice of barbering;

(6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively;

(7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;

(8) Violating any sanitary rules approved by the department of health or the board;

(9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;

(10) Gross incompetence.

(B)(1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter, shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty.

(2) A conviction or plea of guilty to a felony committed prior to being issued a license under this chapter shall not disqualify a person from being issued an initial license under this chapter.

(C) Prior to taking any action under division (A) or (B) of this section, the board shall provide the person with a statement of the charges against the person and notice of the time and place of a hearing on the charges. The board shall conduct the hearing according to Chapter 119. of the Revised Code. Any person dissatisfied with a decision of the board may appeal the board's decision to the court of common pleas in Franklin county.

(D) The board may adopt rules in accordance with Chapter 119. of the Revised Code, specifying additional grounds upon which the board may take action under division (A) of this section.

Sec. 4709.14. (A) If the state cosmetology and barber board 63329
determines that any person is violating or threatening to violate 63330
any provision of this chapter or the rules adopted pursuant 63331
thereto and such violation or threatened violation is a threat to 63332
the health or safety of persons who use barber services, the board 63333
may apply to a court of competent jurisdiction in the county in 63334
which the violation or threatened violation occurred or will occur 63335
for injunctive relief and such other relief to prevent further 63336
violations. The attorney general shall, at the board's request, 63337
represent the board in any such action. 63338

(B) If the board determines, after a hearing conducted in 63339
accordance with Chapter 119. of the Revised Code, that any person 63340
has violated any provision of this chapter or the rules adopted 63341
pursuant thereto, the board may, in addition to any other action 63342
it may take or any other penalty imposed pursuant to this chapter, 63343
impose one or more fines upon the person. In no event, however, 63344
shall the fines imposed under this division exceed five hundred 63345
dollars for a first offense or one thousand dollars for each 63346
subsequent offense. 63347

(C) A person who allegedly has violated a provision of this 63348
chapter for which the board proposes to impose a fine may pay the 63349
board the amount of the fine and waive the right to an 63350
adjudicatory hearing conducted under Chapter 119. of the Revised 63351
Code and described in division (B) of this section. 63352

Sec. 4709.23. No phase of barbering shall be taught for pay, 63353
free, or otherwise, without approval from the state cosmetology 63354
and barber board. 63355

Sec. 4713.01. As used in this chapter: 63356

"Apprentice instructor" means an individual holding a 63357
practicing license issued by the state ~~board of~~ cosmetology and 63358

barber board who is engaged in learning or acquiring knowledge of 63359
the occupation of an instructor of a branch of cosmetology at a 63360
school of cosmetology. 63361

"Beauty salon" means a salon in which an individual is 63362
authorized to engage in all branches of cosmetology. 63363

"Biennial licensing period" means the two-year period 63364
beginning on the first day of February of an odd-numbered year and 63365
ending on the last day of January of the next odd-numbered year. 63366

"Boutique salon" means a salon in which an individual engages 63367
in boutique services and no other branch of cosmetology. 63368

"Boutique services" means braiding, threading, and 63369
shampooing. 63370

"Braiding" means intertwining the hair in a systematic motion 63371
to create patterns in a three-dimensional form, inverting the hair 63372
against the scalp along part of a straight or curved row of 63373
intertwined hair, or twisting the hair in a systematic motion, and 63374
includes extending the hair with natural or synthetic hair fibers. 63375

"Branch of cosmetology" means the practice of cosmetology, 63376
practice of esthetics, practice of hair design, practice of 63377
manicuring, practice of natural hair styling, or practice of 63378
boutique services. 63379

"Cosmetic therapy" has the same meaning as in section 4731.15 63380
of the Revised Code. 63381

"Cosmetologist" means an individual authorized to engage in 63382
all branches of cosmetology in a licensed facility. 63383

"Cosmetology" means the art or practice of embellishment, 63384
cleansing, beautification, and styling of hair, wigs, postiches, 63385
face, body, or nails. 63386

"Cosmetology instructor" means an individual authorized to 63387
teach the theory and practice of all branches of cosmetology at a 63388

school of cosmetology.	63389
"Esthetician" means an individual who engages in the practice of esthetics but no other branch of cosmetology in a licensed facility.	63390 63391 63392
"Esthetics instructor" means an individual who teaches the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology.	63393 63394 63395
"Esthetics salon" means a salon in which an individual engages in the practice of esthetics but no other branch of cosmetology.	63396 63397 63398
"Eye lash extensions" include temporary and semi-permanent enhancements designed to add length, thickness, and fullness to natural eyelashes.	63399 63400 63401
"Hair designer" means an individual who engages in the practice of hair design but no other branch of cosmetology in a licensed facility.	63402 63403 63404
"Hair design instructor" means an individual who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology.	63405 63406 63407
"Hair design salon" means a salon in which an individual engages in the practice of hair design but no other branch of cosmetology.	63408 63409 63410
"Hair removal" includes tweezing, waxing, sugaring, and threading. "Hair removal" does not include electrolysis.	63411 63412
"Independent contractor" means an individual who is not an employee of a salon but practices a branch of cosmetology within a salon in a licensed facility.	63413 63414 63415
"Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology.	63416 63417
"Licensed facility" means any premises, building, or part of	63418

a building licensed under section 4713.41 of the Revised Code in 63419
which cosmetology services are authorized by the state ~~board of~~ 63420
cosmetology and barber board to be performed. 63421

"Advanced cosmetologist" means an individual authorized to 63422
work in a beauty salon and engage in all branches of cosmetology. 63423

"Advanced esthetician" means an individual authorized to work 63424
in an esthetics salon, but no other type of salon, and engage in 63425
the practice of esthetics, but no other branch of cosmetology. 63426

"Advanced hair designer" means an individual authorized to 63427
work in a hair design salon, but no other type of salon, and 63428
engage in the practice of hair design, but no other branch of 63429
cosmetology. 63430

"Advanced license" means a license to work in a salon and 63431
practice the branch of cosmetology practiced at the salon. 63432

"Advanced manicurist" means an individual authorized to work 63433
in a nail salon, but no other type of salon, and engage in the 63434
practice of manicuring, but no other branch of cosmetology. 63435

"Advanced natural hair stylist" means an individual 63436
authorized to work in a natural hair style salon, but no other 63437
type of salon, and engage in the practice of natural hair styling, 63438
but no other branch of cosmetology. 63439

"Manicurist" means an individual who engages in the practice 63440
of manicuring but no other branch of cosmetology in a licensed 63441
facility. 63442

"Manicurist instructor" means an individual who teaches the 63443
theory and practice of manicuring, but no other branch of 63444
cosmetology, at a school of cosmetology. 63445

"Nail salon" means a salon in which an individual engages in 63446
the practice of manicuring but no other branch of cosmetology. 63447

"Natural hair stylist" means an individual who engages in the 63448

practice of natural hair styling but no other branch of 63449
cosmetology in a licensed facility. 63450

"Natural hair style instructor" means an individual who 63451
teaches the theory and practice of natural hair styling, but no 63452
other branch of cosmetology, at a school of cosmetology. 63453

"Natural hair style salon" means a salon in which an 63454
individual engages in the practice of natural hair styling but no 63455
other branch of cosmetology. 63456

"Practice of braiding" means utilizing the technique of 63457
intertwining hair in a systematic motion to create patterns in a 63458
three-dimensional form, including patterns that are inverted, 63459
upright, or singled against the scalp that follow along straight 63460
or curved partings. It may include twisting or locking the hair 63461
while adding bulk or length with human hair, synthetic hair, or 63462
both and using simple devices such as clips, combs, and hairpins. 63463
"Practice of braiding" does not include application of weaving, 63464
bonding, and fusion of individual strands or wefts; application of 63465
dyes, reactive chemicals, or other preparations to alter the color 63466
or straighten, curl, or alter the structure of hair; embellishing 63467
or beautifying hair by cutting or singeing, except as needed to 63468
finish the ends of synthetic fibers used to add bulk to or 63469
lengthen hair. 63470

"Practice of cosmetology" means the practice of all branches 63471
of cosmetology. 63472

"Practice of esthetics" means the application of cosmetics, 63473
tonics, antiseptics, creams, lotions, or other preparations for 63474
the purpose of skin beautification and includes preparation of the 63475
skin by manual massage techniques or by use of electrical, 63476
mechanical, or other apparatus; enhancement of the skin by skin 63477
care, facials, body treatments, hair removal, and other 63478
treatments; and eye lash extension services. 63479

"Practice of hair design" means embellishing or beautifying hair, wigs, or hairpieces by arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, braiding, weaving, or similar work. "Practice of hair design" includes utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.

"Practice of manicuring" means cleaning, trimming, shaping the free edge of, or applying polish to the nails of any individual; applying nail enhancements and embellishments to any individual; massaging the hands and lower arms up to the elbow of any individual; massaging the feet and lower legs up to the knee of any individual; using lotions or softeners on the hands and feet of any individual; or any combination of these types of services.

"Practice of natural hair styling" means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeing, except as needed to finish off the end of a braid, or by dressing, pressing, curling, waving, permanent waving, or similar work.

"Practicing license" means a license to practice a branch of cosmetology in a licensed facility.

"Salon" means a licensed facility on any premises, building, or part of a building in which an individual engages in the practice of one or more branches of cosmetology. "Salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code. "Salon" does not mean a tanning facility, although a tanning

facility may be located in a salon. 63512

"School of cosmetology" means any premises, building, or part 63513
of a building in which students are instructed in the theories and 63514
practices of one or more branches of cosmetology. 63515

"Shampooing" means the act of cleansing and conditioning an 63516
individual's hair under the supervision of an individual licensed 63517
under this chapter and in preparation to immediately receive a 63518
service from a licensee. 63519

"Student" means an individual, other than an apprentice 63520
instructor, who is engaged in learning or acquiring knowledge of 63521
the practice of a branch of cosmetology at a school of 63522
cosmetology. 63523

"Tanning facility" means any premises, building, or part of a 63524
building that contains one or more rooms or booths with any of the 63525
following: 63526

(A) Equipment or beds used for tanning human skin by the use 63527
of fluorescent sun lamps using ultraviolet or other artificial 63528
radiation; 63529

(B) Equipment or booths that use chemicals applied to human 63530
skin, including chemical applications commonly referred to as 63531
spray-on, mist-on, or sunless tans; 63532

(C) Equipment or beds that use visible light for cosmetic 63533
purposes. 63534

"Threading" includes a service that results in the removal of 63535
hair from its follicle from around the eyebrows and from other 63536
parts of the face with the use of a single strand of thread and an 63537
astringent, if the service does not use chemicals of any kind, 63538
wax, or any implements, instruments, or tools to remove hair. 63539

Sec. 4713.02. (A) There is hereby created the state ~~board of~~ 63540
cosmetology and barber board, consisting of all of the following 63541

members appointed by the governor, with the advice and consent of the senate:

(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment;

(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment;

(3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology;

(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school;

(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;

(6) One owner of at least five licensed salons;

(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(8) One individual representing the general public;

(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;

(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the

individual's appointment; 63571

(11) Two barbers, one of whom is an employer barber and one of whom is employed as a barber, both of whom have been licensed as barbers in this state for at least five years immediately preceding their appointment. 63572
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(B) The superintendent of public instruction shall nominate three individuals for the governor to choose from when making an appointment under division (A)(4) of this section. 63576
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(C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology ~~or~~ salon, barber school, or barber shop. 63579
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Terms of office are for five years. Terms shall commence on the first day of November and end on the thirty-first day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. In case of a vacancy occurring on the board, the governor shall, in the same manner prescribed for the regular appointment to the board, fill the vacancy by appointing a member. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Before entering upon the discharge of the duties of the office of member, each member shall take, and file with the secretary of state, the oath of office required by Section 7 of Article XV, Ohio Constitution. 63585
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The members of the board shall receive an amount fixed 63601

pursuant to Chapter 124. of the Revised Code per diem for every 63602
meeting of the board which they attend, together with their 63603
necessary expenses, and mileage for each mile necessarily 63604
traveled. 63605

The members of the board shall annually elect, from among 63606
their number, a chairperson and a vice-chairperson. The executive 63607
director appointed pursuant to section 4713.06 of the Revised Code 63608
shall serve as the board's secretary. 63609

(D) The board shall prescribe the duties of its officers and 63610
establish an office within Franklin county. The board shall keep 63611
all records and files at the office and have the records and files 63612
at all reasonable hours open to public inspection in accordance 63613
with section 149.43 of the Revised Code and any rules adopted by 63614
the board in compliance with this state's record retention policy. 63615
The board also shall adopt a seal for the authentication of its 63616
orders, communications, and records. 63617

(E) The governor may remove any member for cause prior to the 63618
expiration of the member's term of office. 63619

(F) Whenever the term "state board of cosmetology" is used, 63620
referred to, or designated in statute, rule, contract, grant, or 63621
other document, the use, reference, or designation shall be deemed 63622
to mean the "state cosmetology and barber board" or the executive 63623
director of the state cosmetology and barber board, whichever is 63624
appropriate in context. Whenever the term "barber board" is used, 63625
referred to, or designated in statute, rule, contract, grant, or 63626
other document, the use, reference, or designation shall be deemed 63627
to mean the "state cosmetology and barber board" or the executive 63628
director of the state cosmetology and barber board, whichever is 63629
appropriate in context. 63630

Sec. 4713.03. The state ~~board~~ of cosmetology and barber board 63631
shall hold meetings to transact its business at least four times a 63632

year. The board may hold additional meetings as, in its judgment, 63633
are necessary. The board shall meet at the times and places it 63634
selects. 63635

Sec. 4713.04. The state ~~board of~~ cosmetology and barber board 63636
may authorize any of its members, in writing, to undertake any 63637
proceedings authorized by this chapter, and the finding or order 63638
of such members is the finding of the board when confirmed by it. 63639
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Sec. 4713.05. All receipts of the state ~~board of~~ cosmetology 63641
and barber board shall be deposited into the state treasury to the 63642
credit of the occupational licensing and regulatory fund. All 63643
vouchers of the board shall be approved by the board chairperson 63644
or executive director, or both, as authorized by the board. 63645

Sec. 4713.06. The state ~~board of~~ cosmetology and barber board 63646
shall annually appoint an executive director. The executive 63647
director may not be a member of the board, but subsequent to 63648
appointment, shall serve as secretary of the board. The executive 63649
director, before entering upon the discharge of the executive 63650
director's duties, shall file with the secretary of state a good 63651
and sufficient bond payable to the state, to ensure the faithful 63652
performance of duties of the office of executive director. The 63653
bond shall be in an amount the board requires. The premium of the 63654
bond shall be paid from appropriations made to the board for 63655
operating purposes. Whenever the term "executive director of the 63656
state board of cosmetology" or the term "executive director of the 63657
barber board," or variations thereof, is used, referred to, or 63658
designated in statute, rule, contract, grant, or other document, 63659
the use, reference, or designation shall be deemed to mean the 63660
"executive director of the state cosmetology and barber board." 63661

The board may employ inspectors, examiners, consultants on 63662
contents of examinations, clerks, or other individuals as 63663
necessary for the administration of this chapter and Chapter 4709. 63664
of the Revised Code. All inspectors and examiners shall be 63665
licensed cosmetologists pursuant to this chapter or licensed 63666
barbers pursuant to Chapter 4709. of the Revised Code. 63667

The board may appoint inspectors to inspect and investigate 63668
all facilities regulated by this chapter and Chapter 4709. of the 63669
Revised Code, including tanning facilities, to ensure compliance 63670
with this chapter and Chapter 4709. of the Revised Code, the rules 63671
adopted ~~pursuant to it~~ by the board, and the board's policies, in 63672
accordance with division (A)(11) of section 4713.07 of the Revised 63673
Code. 63674

Sec. 4713.07. (A) The state ~~board of~~ cosmetology and barber 63675
board shall do all of the following: 63676

(1) Regulate the practice of cosmetology and all of its 63677
branches in this state; 63678

(2) Investigate or inspect, when evidence appears to 63679
demonstrate that an individual has violated any provision of this 63680
chapter or any rule adopted pursuant to it, the activities or 63681
premises of a license holder or unlicensed individual; 63682

(3) Adopt rules in accordance with section 4713.08 of the 63683
Revised Code; 63684

(4) Prescribe and make available application forms to be used 63685
by individuals seeking admission to an examination conducted under 63686
section 4713.24 of the Revised Code or a license or registration 63687
issued under this chapter; 63688

(5) Prescribe and make available application forms to be used 63689
by individuals seeking renewal of a license or registration issued 63690
under this chapter; 63691

(6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter <u>or Chapter 4709. of the Revised Code</u> ;	63692 63693 63694
(7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware;	63695 63696
(8) Submit a written report annually to the governor that provides all of the following:	63697 63698
(a) A discussion of the conditions in this state of the branches of cosmetology;	63699 63700
(b) <u>An evaluation of board activities intended to aid or protect consumers</u> ;	63701 63702
(c) A brief summary of the board's proceedings during the year the report covers;	63703 63704
(e) (d) A statement of all money that the board received and expended during the year the report covers.	63705 63706
(9) Keep a record of all of the following:	63707
(a) The board's proceedings;	63708
(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter;	63709 63710 63711
(c) The date and number of each license, permit, and registration that the board issues.	63712 63713
(10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;	63714 63715 63716
(11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, <u>barber schools, barber shops,</u> and tanning	63717 63718 63719 63720

facilities, within ninety days of the opening for business of a 63721
licensed facility, upon complaints reported to the board, within 63722
ninety days after a violation was documented at a facility, and at 63723
least once every two years. Any individual, after providing the 63724
individual's name and contact information, may report to the board 63725
any information the individual may have that appears to show a 63726
violation of any provision of this chapter or rule adopted under 63727
it or a violation of any provision of Chapter 4709. of the Revised 63728
Code or rule adopted by the board pursuant to Chapter 4709. of the 63729
Revised Code. In the absence of bad faith, any individual who 63730
reports information of that nature or who testifies before the 63731
board in any adjudication conducted under Chapter 119. of the 63732
Revised Code shall not be liable for damages in a civil action as 63733
a result of the report or testimony. For the purpose of 63734
inspections, an independent contractor shall be added to the 63735
board's records as an individual salon. 63736

(12) Supply a copy of the poster created pursuant to division 63737
(B) of section 5502.63 of the Revised Code to each person 63738
authorized to operate a salon, school of cosmetology, tanning 63739
facility, or other type of facility under this chapter; 63740

(13) All other duties that this chapter imposes on the board. 63741

(B) The board may delegate any of the duties listed in 63742
division (A) of this section to the executive director of the 63743
board or to an individual designated by the executive director. 63744

Sec. 4713.071. (A) ~~Beginning one year after the effective~~ 63745
~~date of this section, the~~ The state board of cosmetology and 63746
barber board shall annually submit a written report to the 63747
governor, president of the senate, and speaker of the house of 63748
representatives. The report shall list all of the following for 63749
the preceding twelve-month period: 63750

(1) The number of students enrolled in courses at licensed 63751

public and private schools of cosmetology <u>and barbering</u> ;	63752
(2) The number of students graduating from licensed public and private schools of cosmetology <u>and barbering</u> ;	63753 63754
(3) The annual cost for students to attend each licensed public or private school of cosmetology <u>and barbering</u> ;	63755 63756
(4) The loan default rates for licensed public and private schools of cosmetology <u>and barbering</u> ;	63757 63758
(5) The first-time licensure passage rate for graduates of all public and private schools <u>of cosmetology and barbering</u> ;	63759 63760
(6) The total number of new and renewal licenses in each profession;	63761 63762
(7) The total number of complaint-driven inspections conducted by the board;	63763 63764
(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification of focus areas for continuing education purposes;	63765 63766 63767
(9) The twenty salons and individuals cited with the most violations for unlicensed workers;	63768 63769
(10) The number of adjudications or other disciplinary action taken by the board.	63770 63771
(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter <u>or Chapter 4709. of the Revised Code.</u>	63772 63773 63774
Sec. 4713.08. (A) The state board of cosmetology <u>and barber board</u> shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following:	63775 63776 63777 63778
(1) Govern the practice of the branches of cosmetology;	63779

- (2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section;
- (3) Provide for the conduct of examinations under section 4713.24 of the Revised Code;
- (4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license;
- (5) Provide for the granting of waivers under section 4713.29 of the Revised Code;
- (6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code;
- (7) Specify locations in which glamour photography services in which a branch of cosmetology is practiced may be provided;
- (8) Establish conditions and the fee for a temporary special occasion work permit under section 4713.37 of the Revised Code and specify the amount of time such a permit is valid;
- (9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license;
- (10) Establish conditions under which food may be sold at a salon;
- (11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under

section 4713.42 of the Revised Code;	63810
(12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code;	63811 63812 63813
(13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state;	63814 63815 63816
(14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs;	63817 63818 63819
(15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology;	63820 63821
(16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit;	63822 63823 63824
(17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following:	63825 63826 63827
(a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated;	63828 63829
(b) Require consumers to wear protective eyeglasses;	63830
(c) Require consumers to be supervised as to the length of time consumers use the facility's sun lamps;	63831 63832
(d) Require the operator to prohibit consumers from standing too close to sun lamps and to post signs warning consumers of the potential effects of radiation on individuals taking certain medications and of the possible relationship of the radiation to skin cancer;	63833 63834 63835 63836 63837
(e) Require the installation of protective shielding for sun lamps and handrails for consumers;	63838 63839

- (f) Require floors to be dry during operation of lamps; 63840
- (g) Establish procedures an operator must follow in making 63841
reasonable efforts in compliance with section 4713.50 of the 63842
Revised Code to determine the age of an individual seeking to use 63843
sun lamp tanning services. 63844
- (18)(a) If the board, under section 4713.61 of the Revised 63845
Code, develops a procedure for classifying licenses inactive, do 63846
both of the following: 63847
- (i) Establish a fee for having a license classified inactive 63848
that reflects the cost to the board of providing the inactive 63849
license service. If one or more renewal periods have elapsed since 63850
the license was valid, the fee shall not include lapsed renewal 63851
fees for more than three of those renewal periods; 63852
- (ii) Specify the continuing education that an individual 63853
whose license has been classified inactive must complete to have 63854
the license restored. The continuing education shall be sufficient 63855
to ensure the minimum competency in the use or administration of a 63856
new procedure or product required by a licensee necessary to 63857
protect public health and safety. The requirement shall not exceed 63858
the cumulative number of hours of continuing education that the 63859
individual would have been required to complete had the individual 63860
retained an active license. 63861
- (b) In addition, the board may specify the conditions and 63862
method for granting a temporary work permit to practice a branch 63863
of cosmetology to an individual whose license has been classified 63864
inactive. 63865
- (19) Establish a fee for approval of a continuing education 63866
program under section 4713.62 of the Revised Code that is adequate 63867
to cover any expense the board incurs in the approval process; 63868
- (20) Anything else necessary to implement this chapter. 63869

(B)(1) The rules adopted under division (A)(2) of this section may establish additional conditions for a temporary pre-examination work permit under section 4713.22 of the Revised Code that are applicable to individuals who practice a branch of cosmetology in another state or country.

(2) The rules adopted under division (A)(18)(b) of this section may establish additional conditions for a temporary work permit that are applicable to individuals who practice a branch of cosmetology in another state.

(C) The conditions specified in rules adopted under division (A)(6) of this section may include that an applicant is applying for a license to practice a branch of cosmetology for which the board determines an examination is unnecessary.

(D) The rules adopted under division (A)(11) of this section shall not include a profession if practice of the profession in a salon is a violation of a statute or rule governing the profession.

(E) The sanitary standards established under division (A)(15) of this section shall focus in particular on precautions to be employed to prevent infectious or contagious diseases being created or spread. The board shall consult with the Ohio department of health when establishing the sanitary standards.

(F) The fee established by rules adopted under division (A)(16) of this section shall cover the cost the board incurs in inspecting tanning facilities and enforcing the board's rules but may not exceed one hundred dollars per location of such facilities.

Sec. 4713.081. The state ~~board of~~ cosmetology and barber board shall furnish a copy of the sanitary standards established by rules adopted under section 4713.08 of the Revised Code to each

individual to whom the board issues a practicing license, advanced 63900
license, license to operate a salon or school of cosmetology, or 63901
boutique services registration. The board also shall furnish a 63902
copy of the sanitary standards to each individual providing 63903
cosmetic therapy, massage therapy, or other professional service 63904
in a salon under section 4713.42 of the Revised Code. A salon or 63905
school of cosmetology provided a copy of the sanitary standards 63906
shall post the standards in a public and conspicuous place in the 63907
salon or school. 63908

Sec. 4713.082. The state ~~board of~~ cosmetology and barber 63909
board shall furnish a copy of the standards established by rules 63910
adopted under section 4713.08 of the Revised Code for installing 63911
and operating a tanning facility to each individual to whom the 63912
board issues a permit to operate a tanning facility. An individual 63913
provided a copy of the standards shall post the standards in a 63914
public and conspicuous place in the tanning facility. 63915

Sec. 4713.09. The state ~~board of~~ cosmetology and barber board 63916
may adopt rules in accordance with section 4713.08 of the Revised 63917
Code to establish a continuing education requirement, not to 63918
exceed eight hours in a biennial licensing period, as a condition 63919
of renewal for a practicing license, advanced license, instructor 63920
license, or boutique services registration. These hours may 63921
include training in identifying and addressing the crime of 63922
trafficking in persons as described in section 2905.32 of the 63923
Revised Code. At least two of the eight hours of the continuing 63924
education requirement must be achieved in courses concerning 63925
safety and sanitation, and at least one hour of the eight hours of 63926
the continuing education requirement must be achieved in courses 63927
concerning law and rule updates. 63928

Sec. 4713.10. (A) The state board of cosmetology shall charge 63929

and collect the following fees:	63930
(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, seven <u>not more than fifteen</u> dollars and fifty cents ;	63931 63932 63933
(2) For initial application to take an examination under section 4713.24 of the Revised Code, thirty-one <u>not more than forty</u> dollars and fifty cents ;	63934 63935 63936
(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, forty <u>not more than fifty-five</u> dollars;	63937 63938 63939 63940
(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, thirty-one <u>not more than forty</u> dollars and fifty cents ;	63941 63942 63943 63944
(5) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, forty-five <u>not more than seventy-five</u> dollars;	63945 63946 63947
(6) For the issuance of a license under section 4713.34 of the Revised Code, <u>not more than</u> seventy dollars;	63948 63949
(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five <u>not more than seventy</u> dollars;	63950 63951 63952
(8) For the issuance or renewal of a cosmetology school license, <u>not more than</u> two hundred fifty dollars;	63953 63954
(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, seventy-five <u>not more than one hundred</u> dollars;	63955 63956 63957
(10) For the renewal of a salon license under section 4713.41	63958

of the Revised Code, ~~sixty~~ not more than ninety dollars; 63959

(11) For the restoration of an expired license that may be 63960
restored pursuant to section 4713.63 of the Revised Code, an 63961
amount equal to the sum of the current license renewal fee and a 63962
lapsed renewal fee of not more than forty-five dollars per license 63963
renewal period that has elapsed since the license was last issued 63964
or renewed; 63965

(12) For the issuance of a duplicate of any license, ~~twenty~~ 63966
not more than thirty dollars; 63967

(13) For the preparation and mailing of a licensee's records 63968
to another state for a reciprocity license, not more than fifty 63969
dollars; 63970

(14) For the processing of any fees related to a check from a 63971
licensee returned to the board for insufficient funds, an 63972
additional thirty dollars. 63973

(B) The board shall adjust the fees biennially, by rule, 63974
within the limits established by division (A) of this section, to 63975
provide sufficient revenues to meet its expenses. 63976

(C) The board may establish an installment plan for the 63977
payment of fines and fees and may reduce fees as considered 63978
appropriate by the board. 63979

~~(C)~~(D) At the request of a person who is temporarily unable 63980
to pay a fee imposed under division (A) of this section, or on its 63981
own motion, the board may extend the date payment is due by up to 63982
ninety days. If the fee remains unpaid after the date payment is 63983
due, the amount of the fee shall be certified to the attorney 63984
general for collection in the form and manner prescribed by the 63985
attorney general. The attorney general may assess the collection 63986
cost to the amount certified in such a manner and amount as 63987
prescribed by the attorney general. 63988

Sec. 4713.11. The state ~~board of~~ cosmetology and barber
board, subject to the approval of the controlling board, may
establish fees in excess of the amounts provided by section
4713.10 of the Revised Code, provided that any fee increase does
not exceed the amount permitted by more than fifty per cent.

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Sec. 4713.13. Whenever in the judgment of the state ~~board of~~
cosmetology and barber board any individual has engaged in or is
about to engage in any acts or practices that constitute a
violation of this chapter, or any rule adopted under this chapter,
the board may apply to the appropriate court for an order
enjoining the acts or practices, and upon a showing by the board
that the individual has engaged in the acts or practices, the
court shall grant an injunction, restraining order, or other order
as may be appropriate.

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Sec. 4713.141. An inspector employed by the state ~~board of~~
cosmetology and barber board may take a sample of a product used
or sold in a salon or school of cosmetology for the purpose of
examining the sample, or causing an examination of the sample to
be made, to determine whether division (M) of section 4713.14 of
the Revised Code has been violated.

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Should the results of the test prove that division (M) of
section 4713.14 of the Revised Code has been violated, the board
shall take action in accordance with section 4713.64 of the
Revised Code. A fine imposed under that section shall include the
cost of the test. The person's license may be suspended or
revoked.

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Sec. 4713.17. (A) The following persons are exempt from the
provisions of this chapter, except, as applicable, section 4713.42
of the Revised Code:

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- (1) All individuals authorized to practice medicine, surgery, dentistry, and nursing or any of its branches in this state; 64018
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- (2) Commissioned surgical and medical officers of the United States army, navy, air force, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same; 64020
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- ~~(3) Barbers, insofar as their usual and ordinary vocation and profession is concerned;~~ 64024
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- ~~(4)~~ Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code; 64026
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- ~~(5)~~(4) Persons who are engaged in the retail sale, cleaning, or beautification of wigs and hairpieces but who do not engage in any other act constituting the practice of a branch of cosmetology; 64028
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- ~~(6)~~(5) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient. 64032
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- ~~(7)~~(6) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who practice a branch of cosmetology on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis; 64039
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- ~~(8)~~(7) Cosmetic therapists and massage therapists who hold current, valid certificates to practice cosmetic or massage therapy issued by the state medical board under section 4731.15 of the Revised Code, to the extent their actions are authorized by their certificates to practice; 64044
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~~(9)~~(8) Inmates who provide services related to a branch of
cosmetology to other inmates, except when those services are
provided in a licensed school of cosmetology within a state
correctional institution for females.

(B) The director of rehabilitation and correction shall
oversee the services described in division (A)~~(9)~~(8) of this
section with respect to sanitation and adopt rules governing those
types of services provided by inmates.

Sec. 4713.20. Each individual who seeks admission to an
examination conducted under section 4713.24 of the Revised Code
shall submit both of the following to the state ~~board of~~
cosmetology and barber board:

(A) As part of a license application, proof that the
individual satisfies all conditions to obtain the license for
which the examination is conducted, other than the requirement to
have passed the examination;

(B) A set of the individual's biometric fingerprint scan
taken at the board's offices.

Sec. 4713.22. (A) The state ~~board of~~ cosmetology and barber
board shall issue a temporary pre-examination work permit to an
individual who applies under section 4713.20 of the Revised Code
for admission to an examination conducted under section 4713.24 of
the Revised Code, if the individual satisfies all of the following
conditions:

(1) Is seeking a practicing license or an instructor license;

(2) Has not previously failed an examination conducted under
section 4713.24 of the Revised Code to determine the applicant's
fitness to practice or instruct the branch of cosmetology for
which the individual seeks a license;

(3) Pays to the board the applicable fee; 64078

(4) Satisfies all other conditions established by rules 64079
adopted under section 4713.08 of the Revised Code. 64080

(B) An individual issued a temporary pre-examination work 64081
permit may practice the branch of cosmetology for which the 64082
individual seeks a practicing license until the date the 64083
individual is scheduled to take an examination under section 64084
4713.24 of the Revised Code. The individual shall practice under 64085
the supervision of an individual holding a current, valid license 64086
appropriate for the type of salon in which the permit holder 64087
practices. 64088

(C) An individual issued a temporary pre-examination work 64089
permit may instruct the branch of cosmetology for which the 64090
individual seeks an instructor license for a period not to exceed 64091
one hundred twenty days. 64092

(D) A temporary pre-examination work permit is renewable in 64093
accordance with rules adopted under section 4713.08 of the Revised 64094
Code. 64095

Sec. 4713.24. (A) The state ~~board of~~ cosmetology and barber 64096
board shall conduct an examination for each individual who 64097
satisfies the requirements established by section 4713.20 of the 64098
Revised Code for admission to the examination. Examinations for 64099
licensure for any branch of cosmetology shall assess the ability 64100
of a prospective cosmetology professional to maintain a safe and 64101
sanitary place of service delivery. The board may develop and 64102
administer the appropriate examination or enter into an agreement 64103
with a national testing service to develop the examination, 64104
administer the examination, or both. The examination shall be 64105
specific to the type of license the individual seeks and satisfy 64106
all of the following conditions: 64107

(1) Include both practical demonstrations and written or oral tests related to the type of license the individual seeks; 64108
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(2) Relate only to a branch of cosmetology, but not be confined to any special system or method; 64110
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(3) Be consistent in both practical and technical requirements for the type of license the individual seeks; 64112
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(4) Be of sufficient thoroughness to satisfy the board as to the individual's skill in and knowledge of the branch of cosmetology for which the examination is conducted. 64114
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(B) Not later than two years after ~~the effective date of this amendment~~ September 13, 2016, the board shall create a curriculum and an examination for individuals seeking licensure to become an instructor and shall conduct an examination for each individual who satisfies the requirements established pursuant to section 4713.31 of the Revised Code for admission to the examination. 64117
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(C) The board shall adopt rules regarding the equipment or supplies an individual is required to bring to an examination described in this section. 64123
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(D) The board shall not release the questions developed for the examinations and the practical demonstrations used in the testing process, except for the following purposes: 64126
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(1) Reviewing or rewriting of any part of the examination on a periodic basis as prescribed in rules adopted under section 4713.08 of the Revised Code; 64129
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(2) Testing of individuals in another state for admission to the profession of cosmetology or any of its branches as required under a contract or by means of a license with that state; 64132
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(3) Complying with a public records request after which the questions or the demonstrations have become a public record under division (F) of this section and otherwise may lawfully be 64135
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released. 64138

(E) The examination papers and the scored results of the 64139
practical demonstrations of each individual examined by the board 64140
shall be open for inspection by the individual or the individual's 64141
attorney for at least ninety days following the announcement of 64142
the individual's grade, except for papers that under the terms of 64143
a contract with a testing service are not available for 64144
inspection. On written request of an individual or the 64145
individual's attorney made to the board not later than ninety days 64146
after announcement of the individual's grade, the board shall have 64147
the individual's practical examination papers regraded manually. 64148

(F) Test materials, examinations, or evaluation tools used in 64149
an examination for licensure under this chapter that the board 64150
develops or contracts with a private or government entity to 64151
administer shall become public records under section 149.43 of the 64152
Revised Code fifteen years after the materials, examinations, or 64153
tools were first used in an assessment for licensure, unless the 64154
release of the record is otherwise prohibited by state or federal 64155
law, or the record is deemed to be the proprietary information of 64156
a private entity. 64157

Sec. 4713.25. (A) The state ~~board of~~ cosmetology and barber 64158
board may administer a separate advanced cosmetologist examination 64159
for individuals who complete an advanced cosmetologist training 64160
course separate from a cosmetologist training course. The board 64161
may combine the advanced cosmetologist examination with the 64162
cosmetologist examination for individuals who complete a combined 64163
cosmetologist and advanced cosmetologist training course. 64164

(B) The board may administer a separate advanced esthetician 64165
examination for individuals who complete an advanced esthetician 64166
training course separate from an esthetician training course. The 64167
board may combine the advanced esthetician examination with the 64168

esthetician examination for individuals who complete an 64169
esthetician and advanced esthetician training course. 64170

(C) The board may administer a separate advanced hair 64171
designer examination for individuals who complete an advanced hair 64172
designer training course separate from a hair designer training 64173
course. The board may combine the advanced hair designer 64174
examination with the hair designer examination for individuals who 64175
complete a hair designer and advanced hair designer training 64176
course. 64177

(D) The board may administer a separate advanced manicurist 64178
examination for individuals who complete an advanced manicurist 64179
training course separate from a manicurist training course. The 64180
board may combine the advanced manicurist examination with the 64181
manicurist examination for individuals who complete a manicurist 64182
and advanced manicurist training course. 64183

(E) The board may administer a separate advanced natural hair 64184
stylist examination for individuals who complete an advanced 64185
natural hair stylist training course separate from a natural hair 64186
stylist training course. The board may combine the advanced 64187
natural hair stylist examination with the natural hair stylist 64188
examination for individuals who complete a natural hair stylist 64189
and advanced natural hair stylist training course. 64190

Sec. 4713.28. (A) The state ~~board of~~ cosmetology and barber 64191
board shall issue a practicing license to an applicant who 64192
satisfies all of the following applicable conditions: 64193

(1) Is at least sixteen years of age; 64194

(2) Is of good moral character; 64195

(3) Has the equivalent of an Ohio public school tenth grade 64196
education; 64197

(4) Has submitted a written application on a form furnished 64198

by the board that contains all of the following:	64199
(a) The name of the individual and any other identifying information required by the board;	64200 64201
(b) A recent photograph of the individual that meets the specifications established by the board;	64202 64203
(c) A photocopy of the individual's current driver's license or other proof of legal residence;	64204 64205
(d) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;	64206 64207 64208
(e) An oath verifying that the information in the application is true;	64209 64210
(f) The applicable application fee.	64211
(5) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;	64212 64213 64214
(6) Pays to the board the applicable license fee;	64215
(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;	64216 64217 64218 64219 64220 64221 64222
(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;	64223 64224 64225 64226
(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two	64227 64228

hundred hours of board-approved hair designer training in a school 64229
of cosmetology licensed in this state, except that only one 64230
thousand hours of board-approved hair designer training in a 64231
school of cosmetology licensed in this state is required of an 64232
individual licensed as a barber under Chapter 4709. of the Revised 64233
Code; 64234

(10) In the case of an applicant for an initial manicurist 64235
license, has successfully completed at least two hundred hours of 64236
board-approved manicurist training in a school of cosmetology 64237
licensed in this state; 64238

(11) In the case of an applicant for an initial natural hair 64239
stylist license, has successfully completed at least four hundred 64240
fifty hours of instruction in subjects relating to sanitation, 64241
scalp care, anatomy, hair styling, communication skills, and laws 64242
and rules governing the practice of cosmetology. 64243

(B) The board shall not deny a license to any applicant based 64244
on prior incarceration or conviction for any crime. If the board 64245
denies an individual a license or license renewal, the reasons for 64246
such denial shall be put in writing. 64247

Sec. 4713.29. In accordance with rules adopted under section 64248
4713.08 of the Revised Code, the state ~~board of~~ cosmetology and 64249
barber board may waive a condition established by section 4713.28 64250
of the Revised Code for a license to practice a branch of 64251
cosmetology for an applicant who practices that branch of 64252
cosmetology in a state or country that does not license or 64253
register branches of cosmetology. 64254

Sec. 4713.30. The state ~~board of~~ cosmetology and barber board 64255
shall issue an advanced license to an applicant who satisfies all 64256
of the following applicable conditions: 64257

(A) Is at least sixteen years of age; 64258

(B) Is of good moral character;	64259
(C) Has the equivalent of an Ohio public school tenth grade education;	64260 64261
(D) Pays to the board the applicable fee;	64262
(E) Passes the appropriate advanced license examination;	64263
(F) In the case of an applicant for an initial advanced cosmetologist license, does either of the following:	64264 64265
(1) Has a licensed advanced cosmetologist or owner of a licensed beauty salon located in this or another state certify to the board that the applicant has practiced as a cosmetologist for at least one thousand eight hundred hours in a licensed beauty salon;	64266 64267 64268 64269 64270
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a cosmetologist, at least three hundred hours of board-approved advanced cosmetologist training.	64271 64272 64273 64274 64275
(G) In the case of an applicant for an initial advanced esthetician license, does either of the following:	64276 64277
(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced esthetics for at least one thousand eight hundred hours as an esthetician in a licensed esthetics salon or as a cosmetologist in a licensed beauty salon;	64278 64279 64280 64281 64282 64283
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as an esthetician or cosmetologist, at least one hundred fifty hours of board-approved advanced esthetician training.	64284 64285 64286 64287 64288

(H) In the case of an applicant for an initial advanced hair designer license, does either of the following: 64289
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(1) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of a licensed hair design salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced hair design for at least one thousand eight hundred hours as a hair designer in a licensed hair design salon or as a cosmetologist in a licensed beauty salon; 64291
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(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a hair designer or cosmetologist, at least two hundred forty hours of board-approved advanced hair designer training. 64298
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(I) In the case of an applicant for an initial advanced manicurist license, does either of the following: 64303
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(1) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of a licensed nail salon, licensed beauty salon, or licensed barber shop located in this or another state certify to the board that the applicant has practiced manicuring for at least one thousand eight hundred hours as a manicurist in a licensed nail salon or licensed barber shop or as a cosmetologist in a licensed beauty salon or licensed barber shop; 64305
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(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a manicurist or cosmetologist, at least one hundred hours of board-approved advanced manicurist training. 64312
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(J) In the case of an applicant for an initial advanced natural hair stylist license, does either of the following: 64317
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(1) Has the licensed advanced natural hair stylist, licensed 64319

advanced cosmetologist, or owner of a licensed natural hair style salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced natural hair styling for at least one thousand eight hundred hours as a natural hair stylist in a licensed natural hair style salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as natural hair stylist or cosmetologist, at least one hundred fifty hours of board-approved advanced natural hair stylist training.

Sec. 4713.31. The state ~~board of~~ cosmetology and barber board shall issue an instructor license to an applicant who satisfies all of the following applicable conditions:

(A) Is at least eighteen years of age;

(B) Is of good moral character;

(C) Has the equivalent of an Ohio public school twelfth grade education;

(D) Pays to the board the applicable fee;

(E) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced cosmetologist license issued in this state and does either of the following:

(1) Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor

training as an apprentice instructor. 64350

(F) In the case of an applicant for an initial esthetics 64351
instructor license, holds a current, valid advanced esthetician or 64352
advanced cosmetologist license issued in this state and does 64353
either of the following: 64354

(1) Has the licensed advanced esthetician, licensed advanced 64355
cosmetologist, or owner of the licensed esthetics salon or 64356
licensed beauty salon in which the applicant has been employed 64357
certify to the board that the applicant has engaged in the 64358
practice of esthetics in a licensed esthetics salon or practice of 64359
cosmetology in a licensed beauty salon for at least one thousand 64360
eight hundred hours; 64361

(2) Has a school of cosmetology licensed in this state 64362
certify to the board that the applicant has successfully completed 64363
at least five hundred hours of board-approved esthetics instructor 64364
training as an apprentice instructor. 64365

(G) In the case of an applicant for an initial hair design 64366
instructor license, holds a current, valid advanced hair designer 64367
or advanced cosmetologist license and does either of the 64368
following: 64369

(1) Has the licensed advanced hair designer, licensed 64370
advanced cosmetologist, or owner of the licensed hair design salon 64371
or licensed beauty salon in which the applicant has been employed 64372
certify to the board that the applicant has engaged in the 64373
practice of hair design in a licensed hair design salon or 64374
practice of cosmetology in a licensed beauty salon for at least 64375
one thousand eight hundred hours; 64376

(2) Has a school of cosmetology licensed in this state 64377
certify to the board that the applicant has successfully completed 64378
at least eight hundred hours of board-approved hair design 64379
instructor's training as an apprentice instructor. 64380

(H) In the case of an applicant for an initial manicurist instructor license, holds a current, valid advanced manicurist or advanced cosmetologist license and does either of the following:

(1) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of the licensed nail salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of manicuring in a licensed nail salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least three hundred hours of board-approved manicurist instructor training as an apprentice instructor.

(I) In the case of an applicant for an initial natural hair style instructor license, holds a current, valid advanced natural hair stylist or advanced cosmetologist license and does either of the following:

(1) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair style salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least four hundred hours of board-approved natural hair style instructor training as an apprentice instructor.

(J) In the case of all applicants, passes an examination conducted under division (B) of section 4713.24 of the Revised

Code for the branch of cosmetology the applicant seeks to 64412
instruct. 64413

Sec. 4713.32. When determining the total hours of instruction 64414
received by an applicant for a license under section 4713.28, 64415
4713.30, or 4713.31 of the Revised Code, the state ~~board of~~ 64416
cosmetology and barber board shall not take into account more than 64417
ten hours of instruction per day. The board shall take into 64418
account instruction received more than five years prior to the 64419
date of application for the license in accordance with rules 64420
adopted under section 4713.08 of the Revised Code. 64421

Sec. 4713.34. The state ~~board of~~ cosmetology and barber board 64422
shall issue a license to practice a branch of cosmetology or 64423
instructor license to an applicant who is licensed or registered 64424
in another state or country to practice that branch of cosmetology 64425
or teach the theory and practice of that branch of cosmetology, as 64426
appropriate, if all of the following conditions are satisfied: 64427

(A) The applicant satisfies all of the following conditions: 64428

(1) Is not less than eighteen years of age; 64429

(2) Is of good moral character; 64430

(3) In the case of an applicant for a practicing license, 64431
passes an examination conducted under section 4713.24 of the 64432
Revised Code for the license the applicant seeks, unless the 64433
applicant satisfies conditions specified in rules adopted under 64434
section 4713.08 of the Revised Code for the board to issue the 64435
applicant a license without taking the examination; 64436

(4) Pays the applicable fee. 64437

(B) At the time the applicant obtained the license or 64438
registration in the other state or country, the requirements in 64439
this state for obtaining the license the applicant seeks were 64440

substantially equal to the other state or country's requirements. 64441

(C) The jurisdiction that issued the applicant's license or 64442
registration extends similar reciprocity to individuals holding a 64443
license issued by the board. 64444

Sec. 4713.35. An individual who holds a current, valid 64445
cosmetologist or advanced cosmetologist license issued by the 64446
state ~~board of~~ cosmetology and barber board may engage in the 64447
practice of one or more branches of cosmetology as the individual 64448
chooses in a licensed facility. 64449

An individual who holds a current, valid esthetician or 64450
advanced esthetician license issued by the board may engage in the 64451
practice of esthetics but no other branch of cosmetology in a 64452
licensed facility. 64453

An individual who holds a current, valid hair designer or 64454
advanced hair designer license issued by the board may engage in 64455
the practice of hair design but no other branch of cosmetology in 64456
a licensed facility. 64457

An individual who holds a current, valid manicurist or 64458
advanced manicurist license issued by the board may engage in the 64459
practice of manicuring but no other branch of cosmetology in a 64460
licensed facility. 64461

An individual who holds a current, valid natural hair stylist 64462
or advanced natural hair stylist license issued by the board may 64463
engage in the practice of natural hair styling but no other branch 64464
of cosmetology in a licensed facility. 64465

An individual who holds a current, valid cosmetology 64466
instructor license issued by the board may teach the theory and 64467
practice of one or more branches of cosmetology at a school of 64468
cosmetology as the individual chooses. 64469

An individual who holds a current, valid esthetics instructor 64470

license issued by the board may teach the theory and practice of 64471
esthetics, but no other branch of cosmetology, at a school of 64472
cosmetology. 64473

An individual who holds a current, valid hair design 64474
instructor license issued by the board may teach the theory and 64475
practice of hair design, but no other branch of cosmetology, at a 64476
school of cosmetology. 64477

An individual who holds a current, valid manicurist 64478
instructor license issued by the board may teach the theory and 64479
practice of manicuring, but no other branch of cosmetology, at a 64480
school of cosmetology. 64481

An individual who holds a current, valid natural hair style 64482
instructor license issued by the board may teach the theory and 64483
practice of natural hair styling, but no other branch of 64484
cosmetology, at a school of cosmetology. 64485

An individual who holds a current, valid boutique 64486
registration with the board may engage in the practice of boutique 64487
services but no other branch of cosmetology. 64488

Sec. 4713.37. (A) The state ~~board of~~ cosmetology and barber 64489
board may issue a temporary special occasion work permit to an 64490
individual who satisfies all of the following conditions: 64491

(1) Has been licensed or registered in another state or 64492
country to practice a branch of cosmetology or teach the theory 64493
and practice of a branch of cosmetology for at least five years; 64494

(2) Is a recognized expert in the practice or teaching of the 64495
branch of cosmetology the individual practices or teaches; 64496

(3) Is to practice that branch of cosmetology or teach the 64497
theory and practice of that branch of cosmetology in this state as 64498
part of a promotional or instructional program for not more than 64499
the amount of time a temporary special occasion work permit is 64500

effective; 64501

(4) Satisfies all other conditions for a temporary special 64502
occasion work permit established by rules adopted under section 64503
4713.08 of the Revised Code; 64504

(5) Pays the fee established by rules adopted under section 64505
4713.08 of the Revised Code. 64506

(B) An individual issued a temporary special occasion work 64507
permit may practice the branch of cosmetology the individual 64508
practices in another state or country, or teach the theory and 64509
practice of the branch of cosmetology the individual teaches in 64510
another state or country, until the expiration date of the permit. 64511
A temporary special occasion work permit is valid for the period 64512
of time specified in rules adopted under section 4713.08 of the 64513
Revised Code. 64514

Sec. 4713.39. The state ~~board of~~ cosmetology and barber board 64515
shall issue a license to engage in the practice of a branch of 64516
cosmetology as an independent contractor to an applicant who pays 64517
the applicable fee; holds a current, valid license for the type of 64518
salon in which the applicant will practice that branch of 64519
cosmetology; and satisfies the conditions for the license 64520
established by rules adopted under section 4713.08 of the Revised 64521
Code. 64522

Sec. 4713.41. The state ~~board of~~ cosmetology and barber board 64523
shall issue a license to operate a salon, including a boutique 64524
salon, to an applicant who pays the applicable fee and affirms 64525
that all of the following conditions will be met: 64526

(A)(1) An individual holding a current, valid cosmetologist 64527
license or boutique services registration pertaining to the branch 64528
of cosmetology services performed at the salon or boutique salon, 64529
shall have charge of and immediate supervision over the salon at 64530

all times when the salon is open for business except as permitted 64531
under division (A)(2) of this section. 64532

(2) A business establishment that is engaged primarily in 64533
retail sales but is also licensed as a salon shall have present an 64534
individual holding a current, valid license or registration to 64535
practice in that type of salon in charge of and in immediate 64536
supervision of the salon during posted or advertised service 64537
hours, if the practice of cosmetology is restricted to those 64538
posted or advertised service hours. 64539

(B) The salon is equipped to do all of the following: 64540

(1) Provide potable running hot and cold water and proper 64541
drainage; 64542

(2) Sanitize all instruments and supplies used in the branch 64543
of cosmetology provided at the salon; 64544

(3) If cosmetic therapy, massage therapy, or other 64545
professional service is provided at the salon under section 64546
4713.42 of the Revised Code, sanitize all instruments and supplies 64547
used in the cosmetic therapy, massage therapy, or other 64548
professional service. 64549

(C) Except as provided in sections 4713.42 and 4713.49 of the 64550
Revised Code, only the branch of cosmetology that the salon is 64551
licensed to provide is practiced at the salon. 64552

(D) The salon is kept in a clean and sanitary condition and 64553
properly ventilated. 64554

(E) No food is sold at the salon in a manner inconsistent 64555
with rules adopted under section 4713.08 of the Revised Code. 64556

(F) A notice that contains a toll-free number and online 64557
process for reporting alleged violations of this chapter, as 64558
prescribed by the board of cosmetology, is posted at the salon in 64559
a common area for all customers of salon services. 64560

Sec. 4713.44. (A) The state ~~board of~~ cosmetology and barber
board shall issue a license to operate a school of cosmetology to
an applicant who pays the applicable fee and satisfies all of the
following requirements:

(1) Maintains a course of practical training and technical
instruction for the branch or branches of cosmetology to be taught
at the school equal to the requirements for admission to an
examination under section 4713.24 of the Revised Code that an
individual must pass to obtain a license to practice that branch
or those branches of cosmetology;

(2) Possesses or makes available apparatus and equipment
sufficient for the ready and full teaching of all subjects of the
curriculum;

(3) Maintains individuals licensed under section 4713.31 or
4713.34 of the Revised Code to teach the theory and practice of
the branches of cosmetology;

(4) Notifies the board of the enrollment of each new student,
keeps a record devoted to the different practices, establishes
grades, and holds examinations in order to certify the students'
completion of the prescribed course of study before the issuance
of certificates of completion;

(5) In the case of a school of cosmetology that offers clock
hours for the purpose of satisfying minimum hours of training and
instruction, keeps a daily record of the attendance of each
student;

(6) On the date that an apprentice cosmetology instructor
begins cosmetology instructor training at the school, certifies
the name of the apprentice cosmetology instructor to the board
along with the date on which the apprentice's instructor training
began;

(7) Instructs not more than six apprentice cosmetology 64591
instructors at any one time; 64592

(8) Files with the board a good and sufficient surety bond 64593
executed by the individual, firm, or corporation operating the 64594
school of cosmetology as principal and by a surety company as 64595
surety in the amount of ten thousand dollars; provided, that this 64596
requirement does not apply to a vocational or career-technical 64597
school program conducted by a city, exempted village, local, or 64598
joint vocational school district. The bond shall be in the form 64599
prescribed by the board and be conditioned upon the school's 64600
continued instruction in the theory and practice of the branches 64601
of cosmetology. Every bond shall continue in effect until notice 64602
of its termination is given to the board by registered mail and 64603
every bond shall so provide. 64604

(9) Establishes and maintains an internal procedure for 64605
processing complaints filed against the school and for providing 64606
students with instructions on how to file a complaint directly 64607
with the board pursuant to section 4713.641 of the Revised Code. 64608

(B) A school of cosmetology holding a license issued under 64609
division (A) of this section is an educational institution and is 64610
authorized to offer educational programs beyond secondary 64611
education, advanced practice programs, or both in accordance with 64612
rules adopted by the board pursuant to section 4713.08 of the 64613
Revised Code. 64614

(C) A school of cosmetology holding a license to operate a 64615
school of cosmetology on September 29, 2013, shall establish and 64616
maintain an internal procedure for processing complaints filed 64617
against the school and shall provide each of the school's students 64618
with instructions on how to file a complaint directly with the 64619
board pursuant to section 4713.641 of the Revised Code. 64620

Sec. 4713.45. (A) A school of cosmetology may do the 64621

following: 64622

(1) In accordance with rules adopted under section 4713.08 of 64623
the Revised Code, a school of cosmetology operated by a public 64624
entity or a private person may offer clock hours, credit hours, or 64625
competency-based credits for the purpose of satisfying minimum 64626
hours of training and instruction; 64627

(2) Allow an apprentice cosmetology instructor the regular 64628
quota of students prescribed by the state ~~board of~~ cosmetology and 64629
barber board if a cosmetology instructor is present; 64630

(3) Compensate an apprentice cosmetology instructor; 64631

(4) Subject to division (B) of this section, employ an 64632
individual who does not hold a current, valid instructor license 64633
to teach subjects related to a branch of cosmetology. 64634

(B) A school of cosmetology shall have a licensed cosmetology 64635
instructor present when an individual employed pursuant to 64636
division (A)(4) of this section teaches at the school, unless the 64637
individual is one of the following: 64638

(1) An individual with a current, valid teacher's certificate 64639
or educator license issued by the state board of education; 64640

(2) An individual with a bachelor's degree in the subject the 64641
person teaches at the school; 64642

(3) An individual also employed by a university or college to 64643
teach the subject the person teaches at the school. 64644

(C) A school of cosmetology shall annually review the 64645
subjects and coursework required to receive an initial cosmetology 64646
license and advanced license and, in doing so, shall incorporate 64647
standards adopted by the state ~~board of~~ cosmetology and barber 64648
board pursuant to division (A)(13) of section 4713.08 of the 64649
Revised Code. 64650

Sec. 4713.48. (A) The state ~~board of~~ cosmetology and barber
board shall issue a permit to operate a tanning facility to an
applicant if all of the following conditions are satisfied:

(1) The applicant applies in accordance with the application
process adopted by rules adopted under section 4713.08 of the
Revised Code.

(2) The applicant pays to the treasurer of state the fee
established by those rules.

(3) An initial inspection of the premises indicates that the
tanning facility has been installed and will be operated in
accordance with those rules.

(B) A permit holder shall post the permit in a public and
conspicuous place on any premises where the tanning facility is
located. An individual shall obtain a separate permit for each of
the premises owned or operated by that individual at which the
individual seeks to operate a tanning facility.

(C) To continue operating, a permit holder shall biennially
renew the permit by the last day of January of each odd-numbered
year. The board shall renew the permit upon the holder's payment
to the treasurer of state of the biennial renewal fee.

Sec. 4713.50. (A) A tanning facility operator or employee
shall make reasonable efforts, in accordance with procedures
established under section 4713.08 of the Revised Code, to
determine whether an individual seeking to use the facility's sun
lamp tanning services is less than sixteen years of age, at least
sixteen but less than eighteen years of age, or eighteen years of
age or older.

(B)(1) A tanning facility operator or employee shall not
allow an individual who is eighteen years of age or older to use
the facility's sun lamp tanning services without first obtaining

the consent of the individual. The consent shall be evidenced by 64681
the individual's signature on the form developed by the state 64682
~~board of~~ cosmetology and barber board under section 4713.51 of the 64683
Revised Code. The consent is valid indefinitely. 64684

(2) A tanning facility operator or employee shall not allow 64685
an individual who is at least sixteen but less than eighteen years 64686
of age to use the facility's sun lamp tanning services without 64687
first obtaining the consent of a parent or legal guardian of the 64688
individual. The consent shall be evidenced by the signature of the 64689
parent or legal guardian on the form developed by the board under 64690
section 4713.51 of the Revised Code. The form must be signed in 64691
the presence of the operator or an employee of the tanning 64692
facility. The consent is valid for ninety days from the date the 64693
form is signed. A tanning facility operator or employee shall not 64694
allow an individual who is at least sixteen but less than eighteen 64695
years of age to use the facility's sun lamp tanning services for 64696
more than forty-five sessions during the ninety-day period covered 64697
by the consent. No such session may be longer than the maximum 64698
safe time of exposure specified in rules adopted under division 64699
(A)(17) of section 4713.08 of the Revised Code. 64700

(3) A tanning facility operator or employee shall not allow 64701
an individual who is less than sixteen years of age to use the 64702
facility's sun lamp tanning services unless both of the following 64703
apply: 64704

(a) The tanning facility operator or employee obtains the 64705
consent of a parent or legal guardian of the individual prior to 64706
each session of the use of the facility's sun lamp tanning 64707
services. The consent shall be evidenced by the signature of the 64708
parent or legal guardian on the form developed by the board under 64709
section 4713.51 of the Revised Code. The form must be signed in 64710
the presence of the operator or an employee of the tanning 64711
facility. 64712

(b) A parent or legal guardian of the individual is present 64713
at the tanning facility for the duration of each session of the 64714
use of the facility's sun lamp tanning services. 64715

(C) For purposes of division (B) of this section, an 64716
electronic signature may be used to provide and may be accepted as 64717
a signature evidencing consent. 64718

Sec. 4713.51. The state ~~board of~~ cosmetology and barber board 64719
shall develop a form for use by tanning facility operators and 64720
employees in complying with the consent requirements of division 64721
(B) of section 4713.50 of the Revised Code. The form must describe 64722
the potential health effects of radiation from sun lamps, 64723
including a description of the possible relationship of the 64724
radiation to skin cancer. In developing the form, the board shall 64725
consult with the department of health, dermatologists, and tanning 64726
facility operators. The board shall make the form available on the 64727
internet web site maintained by the board. 64728

Sec. 4713.55. Every license issued by the state ~~board of~~ 64729
cosmetology and barber board shall be signed by the chairperson 64730
and attested by the executive director of the board, with the seal 64731
of the board attached. 64732

The board shall specify on each practicing license that the 64733
board issues the branch of cosmetology that the license entitles 64734
the holder to practice. The board shall specify on each advanced 64735
license that the board issues the type of salon in which the 64736
license entitles the holder to work and the branch of cosmetology 64737
that the license entitles the holder to practice. The board shall 64738
specify on each instructor license that the board issues the 64739
branch of cosmetology that the license entitles the holder to 64740
teach. The board shall specify on each salon license that the 64741
board issues the branch of cosmetology that the license entitles 64742

the holder to offer. The board shall specify on each independent 64743
contractor license that the board issues the branch of cosmetology 64744
that the license entitles the holder to offer within a licensed 64745
salon. Such licenses are prima-facie evidence of the right of the 64746
holder to practice or teach the branch of cosmetology that the 64747
license specifies. 64748

Sec. 4713.56. Every holder of a practicing license, 64749
instructor license, independent contractor license, or boutique 64750
service registration issued by the state board of cosmetology 64751
shall maintain the board-issued, wallet-sized license or 64752
electronically generated license certification or registration and 64753
a current government-issued photo identification that can be 64754
produced upon inspection or request. 64755

Every holder of a license to operate a salon issued by the 64756
board shall display the license in a public and conspicuous place 64757
in the salon. 64758

Every holder of a license to operate a school of cosmetology 64759
issued by the board shall display the license in a public and 64760
conspicuous place in the school. 64761

Every individual who provides cosmetic therapy, massage 64762
therapy, or other professional service in a salon under section 64763
4713.42 of the Revised Code shall maintain the individual's 64764
professional license or certificate or electronically generated 64765
license certification or registration and a state of Ohio issued 64766
photo identification that can be produced upon inspection or 64767
request. 64768

Sec. 4713.57. A license or registration issued by the state 64769
~~board of cosmetology and barber board pursuant to this chapter~~ is 64770
valid until the last day of January of the odd-numbered year 64771
following its original issuance or renewal, unless the license is 64772

revoked or suspended prior to that date. Renewal shall be done in 64773
accordance with the standard renewal procedure of Chapter 4745. of 64774
the Revised Code. The board may refuse to renew a license if the 64775
individual holding the license has an outstanding unpaid fine 64776
levied under section 4713.64 of the Revised Code. 64777

Sec. 4713.58. (A) Except as provided in division (B) of this 64778
section, on payment of the renewal fee and submission of proof 64779
satisfactory to the state ~~board of~~ cosmetology and barber board 64780
that any applicable continuing education requirements have been 64781
completed, an individual currently licensed as: 64782

(1) A cosmetology instructor who has previously been licensed 64783
as a cosmetologist or an advanced cosmetologist, is entitled to 64784
the reissuance of a cosmetologist or advanced cosmetologist 64785
license; 64786

(2) An esthetics instructor who has previously been licensed 64787
as an esthetician or an advanced esthetician, is entitled to the 64788
reissuance of an esthetician or advanced esthetician license; 64789

(3) A hair design instructor who has previously been licensed 64790
as a hair designer or an advanced hair designer, is entitled to 64791
the reissuance of a hair designer or advanced hair designer 64792
license; 64793

(4) A manicurist instructor who has previously been licensed 64794
as a manicurist or an advanced manicurist, is entitled to the 64795
reissuance of a manicurist or advanced manicurist license; 64796

(5) A natural hair style instructor who has previously been 64797
licensed as a natural hair stylist or an advanced natural hair 64798
stylist, is entitled to the reissuance of a natural hair stylist 64799
or advanced natural hair stylist license. 64800

(B) No individual is entitled to the reissuance of a license 64801
under division (A) of this section if the license was revoked or 64802

suspended or the individual has an outstanding unpaid fine levied 64803
under section 4713.64 of the Revised Code. 64804

Sec. 4713.59. If the state ~~board of~~ cosmetology and barber 64805
board adopts rules under section 4713.09 of the Revised Code to 64806
establish a continuing education requirement as a condition of 64807
renewal for a practicing license, advanced license, or instructor 64808
license, the board shall inform each affected licensee of the 64809
continuing education requirement that applies to the next biennial 64810
licensing period by including that information in the renewal 64811
notification it sends the licensee. The notification shall state 64812
that the licensee must complete the continuing education 64813
requirement by the fifteenth day of January of the next 64814
odd-numbered year. 64815

Hours completed in excess of the continuing education 64816
requirement may not be applied to the next biennial licensing 64817
period. 64818

Sec. 4713.61. (A) If the state ~~board of~~ cosmetology and 64819
barber board adopts a continuing education requirement under 64820
section 4713.09 of the Revised Code, it may develop a procedure by 64821
which an individual who holds a license to practice a branch of 64822
cosmetology, advanced license, or instructor license and who is 64823
not currently engaged in the practice of the branch of cosmetology 64824
or teaching the theory and practice of the branch of cosmetology, 64825
but who desires to be so engaged in the future, may apply to the 64826
board to have the individual's license classified inactive. If the 64827
board develops such a procedure, an individual seeking to have the 64828
individual's license classified inactive shall apply to the board 64829
on a form provided by the board and pay the fee established by 64830
rules adopted under section 4713.08 of the Revised Code. 64831

(B) The board shall not restore an inactive license until the 64832

later of the following: 64833

(1) The date that the individual holding the license submits 64834
proof satisfactory to the board that the individual has completed 64835
the continuing education that a rule adopted under section 4713.08 64836
of the Revised Code requires; 64837

(2) The last day of January of the next odd-numbered year 64838
following the year the license is classified inactive. 64839

(C) An individual who holds an inactive license may engage in 64840
the practice of a branch of cosmetology if the individual holds a 64841
temporary work permit as specified in rules adopted by the board 64842
under section 4713.08 of the Revised Code. 64843

Sec. 4713.62. (A) An individual holding a practicing license, 64844
advanced license, instructor license, or boutique services 64845
registration may satisfy a continuing education requirement 64846
established by rules adopted under section 4713.09 of the Revised 64847
Code only by completing continuing education programs approved 64848
under division (B) of this section. 64849

(B) The state ~~board of~~ cosmetology and barber board shall 64850
approve a continuing education program if all of the following 64851
conditions are satisfied: 64852

(1) The person operating the program submits to the board a 64853
written application for approval. 64854

(2) The person operating the program pays to the board a fee 64855
established by rules adopted under section 4713.08 of the Revised 64856
Code. 64857

(3) The program is operated by an employee, officer, or 64858
director of a nonprofit professional association, college or 64859
university, proprietary continuing education institutions 64860
providing programs approved by the board, vocational school, 64861
postsecondary proprietary school of cosmetology licensed by the 64862

board, salon licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology. 64863
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(4) The program will do at least one of the following: 64865

(a) Enhance the professional competency of the affected licensees or registrants; 64866
64867

(b) Protect the public; 64868

(c) Educate the affected licensees or registrants in the application of the laws and rules regulating the practice of a branch of cosmetology. 64869
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(5) The person operating the program provides the board a tentative schedule of when the program will be available so that the board can make the schedule readily available to all licensees and registrants throughout the state. 64872
64873
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Sec. 4713.63. A practicing license, advanced license, or instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, or because the license holder has been given a waiver or extension under section 4713.60 of the Revised Code, is expired. An expired license may be restored if the individual who held the license meets all of the following applicable conditions: 64876
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64882

(A) Pays to the state ~~board of cosmetology and barber board~~ the restoration fee established under section 4713.10 of the Revised Code; 64883
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(B) In the case of a practicing license or advanced license that has been expired for more than two consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to sanitation and safety methods. 64886
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The board shall deposit all fees it receives under division 64893
(B) of this section into the general revenue fund. 64894

Sec. 4713.64. (A) The state ~~board of~~ cosmetology and barber 64895
board may take disciplinary action under this chapter for any of 64896
the following: 64897

(1) Failure to comply with the safety, sanitation, and 64898
licensing requirements of this chapter or rules adopted under it; 64899

(2) Continued practice by an individual knowingly having an 64900
infectious or contagious disease; 64901

(3) Habitual drunkenness or addiction to any habit-forming 64902
drug; 64903

(4) Willful false and fraudulent or deceptive advertising; 64904

(5) Falsification of any record or application required to be 64905
filed with the board; 64906

(6) Failure to pay a fine or abide by a suspension order 64907
issued by the board; 64908

(7) Failure to cooperate with an investigation or inspection; 64909

(8) Failure to respond to a subpoena; 64910

(9) Conviction of or plea of guilty to a violation of section 64911
2905.32 of the Revised Code; 64912

(10) In the case of a salon, any individual's conviction of 64913
or plea of guilty to a violation of section 2905.32 of the Revised 64914
Code for an activity that took place on the premises of the salon. 64915

(B) On determining that there is cause for disciplinary 64916
action, the board may do one or more of the following: 64917

(1) Deny, revoke, or suspend a license, permit, or 64918
registration issued by the board under this chapter; 64919

(2) Impose a fine; 64920

(3) Require the holder of a license, permit, or registration
issued under this chapter to take corrective action courses. 64921
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(C)(1) Except as provided in divisions (C)(2) and (3) of this 64923
section, the board shall take disciplinary action pursuant to an 64924
adjudication under Chapter 119. of the Revised Code. 64925

(2) The board may take disciplinary action without conducting 64926
an adjudication under Chapter 119. of the Revised Code against an 64927
individual or salon who violates division (A)(9) or (10) of this 64928
section. After the board takes such disciplinary action, the board 64929
shall give written notice to the subject of the disciplinary 64930
action of the right to request a hearing under Chapter 119. of the 64931
Revised Code. 64932

(3) In lieu of an adjudication, the board may enter into a 64933
consent agreement with the holder of a license, permit, or 64934
registration issued under this chapter. A consent agreement that 64935
is ratified by a majority vote of a quorum of the board members is 64936
considered to constitute the findings and orders of the board with 64937
respect to the matter addressed in the agreement. If the board 64938
does not ratify a consent agreement, the admissions and findings 64939
contained in the agreement are of no effect, and the case shall be 64940
scheduled for adjudication under Chapter 119. of the Revised Code. 64941

(D) The amount and content of corrective action courses and 64942
other relevant criteria shall be established by the board in rules 64943
adopted under section 4713.08 of the Revised Code. 64944

(E)(1) The board may impose a separate fine for each offense 64945
listed in division (A) of this section. The amount of the first 64946
fine issued for a violation as the result of an inspection shall 64947
be not more than two hundred fifty dollars if the violator has not 64948
previously been fined for that offense. Any fines issued for 64949
additional violations during such an inspection shall not be more 64950
than one hundred dollars for each additional violation. The fine 64951

shall be not more than five hundred dollars if the violator has 64952
been fined for the same offense once before. Any fines issued for 64953
additional violations during a second inspection shall not be more 64954
than two hundred dollars for each additional violation. The fine 64955
shall be not more than one thousand dollars if the violator has 64956
been fined for the same offense two or more times before. Any 64957
fines issued for additional violations during a third inspection 64958
shall not be more than three hundred dollars for each additional 64959
violation. 64960

(2) The board shall issue an order notifying a violator of a 64961
fine imposed under division (E)(1) of this section. The notice 64962
shall specify the date by which the fine is to be paid. The date 64963
shall be less than forty-five days after the board issues the 64964
order. 64965

(3) At the request of a violator who is temporarily unable to 64966
pay a fine, or upon its own motion, the board may extend the time 64967
period within which the violator shall pay the fine up to ninety 64968
days after the date the board issues the order. 64969

(4) If a violator fails to pay a fine by the date specified 64970
in the board's order and does not request an extension within ten 64971
days after the date the board issues the order, or if the violator 64972
fails to pay the fine within the extended time period as described 64973
in division (E)(3) of this section, the board shall add to the 64974
fine an additional penalty equal to ten per cent of the fine. 64975

(5) If a violator fails to pay a fine within ninety days 64976
after the board issues the order, the board shall add to the fine 64977
interest at a rate specified by the board in rules adopted under 64978
section 4713.08 of the Revised Code. 64979

(6) If the fine, including any interest or additional 64980
penalty, remains unpaid on the ninety-first day after the board 64981
issues an order under division (E)(2) of this section, the amount 64982

of the fine and any interest or additional penalty shall be 64983
certified to the attorney general for collection in the form and 64984
manner prescribed by the attorney general. The attorney general 64985
may assess the collection cost to the amount certified in such a 64986
manner and amount as prescribed by the attorney general. 64987

(F) In the case of an offense of failure to comply with 64988
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 64989
Code, the board shall impose a fine of five hundred dollars if the 64990
violator has not previously been fined for that offense. If the 64991
violator has previously been fined for the offense, the board may 64992
impose a fine in accordance with this division or take another 64993
action in accordance with division (B) of this section. 64994

(G) The board shall notify a licensee or registrant who is in 64995
violation of division (A) of this section and the owner of the 64996
salon in which the conditions constituting the violation were 64997
found. The individual receiving the notice of violation and the 64998
owner of the salon may request a hearing pursuant to section 64999
119.07 of the Revised Code. If the individual or owner fails to 65000
request a hearing or enter into a consent agreement thirty days 65001
after the date the board, in accordance with section 119.07 of the 65002
Revised Code and division (J) of this section, notifies the 65003
individual or owner of the board's intent to act against the 65004
individual or owner under division (A) of this section, the board 65005
by a majority vote of a quorum of the board members may take the 65006
action against the individual or owner without holding an 65007
adjudication hearing. 65008

(H) The board, after a hearing in accordance with Chapter 65009
119. of the Revised Code or pursuant to a consent agreement, may 65010
suspend a license, permit, or registration if the licensee, permit 65011
holder, or registrant fails to correct an unsafe condition that 65012
exists in violation of the board's rules or fails to cooperate in 65013
an inspection. If a violation of this chapter or rules adopted 65014

under it has resulted in a condition reasonably believed by an 65015
inspector to create an immediate danger to the health and safety 65016
of any individual using the facility, the inspector may suspend 65017
the license or permit of the facility or the individual 65018
responsible for the violation without a prior hearing until the 65019
condition is corrected or until a hearing in accordance with 65020
Chapter 119. of the Revised Code is held or a consent agreement is 65021
entered into and the board either upholds the suspension or 65022
reinstates the license, permit, or registration. 65023

(I) The board shall not take disciplinary action against an 65024
individual licensed to operate a salon or school of cosmetology 65025
for a violation of this chapter that was committed by an 65026
individual licensed to practice a branch of cosmetology, while 65027
practicing within the salon or school, when the individual's 65028
actions were beyond the control of the salon owner or school. 65029

(J) In addition to the methods of notification required under 65030
section 119.07 of the Revised Code, the board may send the notices 65031
required under divisions (C)(2), (E)(2), and (G) of this section 65032
by any delivery method that is traceable and requires that the 65033
delivery person obtain a signature to verify that the notice has 65034
been delivered. The board also may send the notices by electronic 65035
mail, provided that the electronic mail delivery system certifies 65036
that a notice has been received. 65037

Sec. 4713.641. Any student or former student of a school of 65038
cosmetology licensed under division (A) of section 4713.44 of the 65039
Revised Code may file a complaint with the state ~~board of~~ 65040
cosmetology and barber board alleging that the school has violated 65041
division (A) of section 4713.64 of the Revised Code. The complaint 65042
shall be in writing and signed by the individual bringing the 65043
complaint. Upon receiving a complaint, the board shall initiate a 65044
preliminary investigation to determine whether it is probable that 65045

a violation was committed. If the board determines after 65046
preliminary investigation that it is not probable that a violation 65047
was committed, the board shall notify the individual who filed the 65048
complaint of the board's findings and that the board will not 65049
issue a formal complaint in the matter. If the board determines 65050
after a preliminary investigation that it is probable that a 65051
violation was committed, the board shall proceed against the 65052
school pursuant to the board's authority under section 4713.64 of 65053
the Revised Code and in accordance with the hearing and notice 65054
requirements prescribed in Chapter 119. of the Revised Code. 65055

Sec. 4713.65. On receipt of a notice pursuant to section 65056
3123.43 of the Revised Code, the state ~~board of~~ cosmetology and 65057
barber board shall comply with sections 3123.41 to 3123.50 of the 65058
Revised Code and any applicable rules adopted under section 65059
3123.63 of the Revised Code with respect to a license issued 65060
pursuant to this chapter or licenses issued pursuant to Chapter 65061
4709. of the Revised Code. 65062

Sec. 4713.66. (A) The state ~~board of~~ cosmetology and barber 65063
board, on its own motion or on receipt of a written complaint, may 65064
investigate or inspect the activities or premises of an individual 65065
or entity who is alleged to have violated this chapter or rules 65066
adopted under it, regardless of whether the individual or entity 65067
holds a license or registration issued under this chapter. 65068

(B) If, based on its investigation, the board determines that 65069
there is reasonable cause to believe that an individual or entity 65070
has violated this chapter or rules adopted under it, the board 65071
shall afford the individual or entity an opportunity for a 65072
hearing. Notice shall be given and any hearing conducted in 65073
accordance with Chapter 119. of the Revised Code. 65074

(C) The board shall maintain a transcript of the hearing and 65075

issue a written opinion to all parties, citing its findings and 65076
ground for any action it takes. Any action shall be taken in 65077
accordance with section 4713.64 of the Revised Code. 65078

Sec. 4713.68. The state ~~board of~~ cosmetology and barber board 65079
shall comply with section 4776.20 of the Revised Code. 65080

Sec. 4713.69. (A) The state ~~board of~~ cosmetology and barber 65081
board shall issue a boutique services registration to an applicant 65082
who satisfies all of the following applicable conditions: 65083

(1) Is at least sixteen years of age; 65084

(2) Is of good moral character; 65085

(3) Has the equivalent of an Ohio public school tenth grade 65086
education; 65087

(4) Has submitted a written application on a form prescribed 65088
by the board containing all of the following: 65089

(a) The applicant's name and home address; 65090

(b) The applicant's home telephone number and cellular 65091
telephone number, if any; 65092

(c) The applicant's electronic mail address, if any; 65093

(d) The applicant's date of birth; 65094

(e) The address and telephone number where boutique services 65095
will be performed. The address shall not contain a post office box 65096
number. 65097

(f) Whether the applicant has an occupational license, 65098
certification, or registration to provide beauty services in 65099
another state, and if so, what type of license and in what state; 65100

(g) Whether the applicant has ever had an occupational 65101
license, certification, or registration suspended, revoked, or 65102
denied in any state; 65103

(h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services. 65104
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(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code. 65106
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(C) ~~Within six months of the effective date of this section,~~ The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code. 65110
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Sec. 4715.13. (A) Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious intravenous sedation permit shall pay to the secretary of the state dental board the following fees: 65114
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(1) For license to practice dentistry, two hundred ~~ten~~ sixty-seven dollars if issued in an odd-numbered year or ~~three~~ four hundred fifty-seven fifty-four dollars if issued in an even-numbered year; 65118
65119
65120
65121

(2) For duplicate license, to be granted upon proof of loss of the original, twenty dollars; 65122
65123

(3) For a general anesthesia permit, one hundred twenty-seven dollars; 65124
65125

(4) For a conscious intravenous sedation permit, one hundred twenty-seven dollars. 65126
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(B) Forty dollars of each fee collected under division (A)(1) of this section for a license issued in an even-numbered year and twenty dollars of each fee collected under division (A)(1) of this section in an odd-numbered year shall be paid to the dentist loan repayment fund established under section 3702.95 of the Revised Code. 65128
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(C) In the case of a person who applies for a license to practice dentistry by taking an examination administered by the state dental board, both of the following apply:

(1) The fee in division (A)(1) of this section may be refunded to an applicant who is unavoidably prevented from attending the examination, or the applicant may be examined at the next regular or special meeting of the board without an additional fee.

(2) An applicant who fails the first examination may be re-examined at the next regular or special meeting of the board without an additional fee.

Sec. 4715.14. (A)(1) Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as the board may consider necessary, and shall include payment of a biennial registration fee of ~~two~~ three hundred ~~forty five~~ twelve dollars. ~~Except as provided in division (E) of this section, this fee shall be paid to the treasurer of state.~~ Subject to division (C) of this section, a registration shall be in effect for the two-year period beginning on the first day of January of the even-numbered year and ending on the last day of December of the following odd-numbered year, and shall be renewed in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

(2)(a) Except as provided in division (A)(2)(b) of this section, in the case of a licensee seeking registration who prescribes or personally furnishes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised

Code, the licensee shall certify to the board whether the licensee
has been granted access to the drug database established and
maintained by the state board of pharmacy pursuant to section
4729.75 of the Revised Code.

(b) The requirement in division (A)(2)(a) of this section
does not apply if any of the following is the case:

(i) The state board of pharmacy notifies the state dental
board pursuant to section 4729.861 of the Revised Code that the
licensee has been restricted from obtaining further information
from the drug database.

(ii) The state board of pharmacy no longer maintains the drug
database.

(iii) The licensee does not practice dentistry in this state.

(3) If a licensee certifies to the state dental board that
the licensee has been granted access to the drug database and the
board finds through an audit or other means that the licensee has
not been granted access, the board may take action under section
4715.30 of the Revised Code.

(B) A licensed dentist who desires to temporarily retire from
practice and who has given the board notice in writing to that
effect shall be granted such a retirement, provided only that at
that time all previous registration fees and additional costs of
reinstatement have been paid.

(C) Not later than the thirty-first day of January of an
even-numbered year, the board shall send a notice by certified
mail to a dentist who fails to renew a license in accordance with
division (A) of this section. The notice shall state all of the
following:

(1) That the board has not received the registration form and
fee described in that division;

(2) That the license shall remain valid and in good standing 65195
until the first day of April following the last day of December of 65196
the odd-numbered year in which the dentist was scheduled to renew 65197
if the dentist remains in compliance with all other applicable 65198
provisions of this chapter and any rule adopted under it; 65199

(3) That the license may be renewed until the first day of 65200
April following the last day of December of the odd-numbered year 65201
in which the dentist was scheduled to renew by the payment of the 65202
biennial registration fee and an additional fee of one hundred 65203
twenty-seven dollars to cover the cost of late renewal; 65204

(4) That unless the board receives the registration form and 65205
fee before the first day of April following the last day of 65206
December of the odd-numbered year in which the dentist was 65207
scheduled to renew, the board may, on or after the relevant first 65208
day of April, initiate disciplinary action against the dentist 65209
pursuant to Chapter 119. of the Revised Code; 65210

(5) That a dentist whose license has been suspended as a 65211
result of disciplinary action initiated pursuant to division 65212
(C)(4) of this section may be reinstated by the payment of the 65213
biennial registration fee and an additional fee of three hundred 65214
eighty-one dollars to cover the cost of reinstatement. 65215

(D) Each dentist licensed to practice, whether a resident or 65216
not, shall notify the secretary in writing or electronically of 65217
any change in the dentist's office address or employment within 65218
ten days after such change has taken place. On the first day of 65219
July of every even-numbered year, the secretary shall issue a 65220
printed roster of the names and addresses so registered. 65221

(E) ~~Twenty~~ Forty dollars of each biennial registration fee 65222
shall be paid to the dentist loan repayment fund created under 65223
section 3702.95 of the Revised Code. 65224

Sec. 4715.16. (A) Upon payment of a fee of ~~ten~~ thirteen 65225
dollars, the state dental board may without examination issue a 65226
limited resident's license to any person who is a graduate of a 65227
dental college, is authorized to practice in another state or 65228
country or qualified to take the regular licensing examination in 65229
this state, and furnishes the board satisfactory proof of having 65230
been appointed a dental resident at an accredited dental college 65231
in this state or at an accredited program of a hospital in this 65232
state, but has not yet been licensed as a dentist by the board. 65233
Any person receiving a limited resident's license may practice 65234
dentistry only in connection with programs operated by the dental 65235
college or hospital at which the person is appointed as a resident 65236
as designated on the person's limited resident's license, and only 65237
under the direction of a licensed dentist who is a member of the 65238
dental staff of the college or hospital or a dentist holding a 65239
current limited teaching license issued under division (B) of this 65240
section, and only on bona fide patients of such programs. The 65241
holder of a limited resident's license may be disciplined by the 65242
board pursuant to section 4715.30 of the Revised Code. 65243

(B) Upon payment of one hundred ~~one~~ twenty-seven dollars and 65244
upon application endorsed by an accredited dental college in this 65245
state, the board may without examination issue a limited teaching 65246
license to a dentist who is a graduate of a dental college, is 65247
authorized to practice dentistry in another state or country, and 65248
has full-time appointment to the faculty of the endorsing dental 65249
college. A limited teaching license is subject to annual renewal 65250
in accordance with the standard renewal procedure of Chapter 4745. 65251
of the Revised Code, and automatically expires upon termination of 65252
the full-time faculty appointment. A person holding a limited 65253
teaching license may practice dentistry only in connection with 65254
programs operated by the endorsing dental college. The board may 65255
discipline the holder of a limited teaching license pursuant to 65256

section 4715.30 of the Revised Code. 65257

(C)(1) As used in this division: 65258

(a) "Continuing dental education practicum" or "practicum" 65259
means a course of instruction, approved by the American dental 65260
association, Ohio dental association, or academy of general 65261
dentistry, that is designed to improve the clinical skills of a 65262
dentist by requiring the dentist to participate in clinical 65263
exercises on patients. 65264

(b) "Director" means the person responsible for the operation 65265
of a practicum. 65266

(2) Upon payment of one hundred ~~one~~ twenty-seven dollars and 65267
application endorsed by the director of a continuing dental 65268
education practicum, the board shall, without examination, issue a 65269
temporary limited continuing education license to a resident of a 65270
state other than Ohio who is licensed to practice dentistry in 65271
such state and is in good standing, is a graduate of an accredited 65272
dental college, and is registered to participate in the endorsing 65273
practicum. The determination of whether a dentist is in good 65274
standing shall be made by the board. 65275

A dentist holding a temporary limited continuing education 65276
license may practice dentistry only on residents of the state in 65277
which the dentist is permanently licensed or on patients referred 65278
by a dentist licensed pursuant to section 4715.12 of the Revised 65279
Code to an instructing dentist licensed pursuant to that section, 65280
and only while participating in a required clinical exercise of 65281
the endorsing practicum on the premises of the facility where the 65282
practicum is being conducted. 65283

Practice under a temporary limited continuing education 65284
license shall be under the direct supervision and full 65285
professional responsibility of an instructing dentist licensed 65286
pursuant to section 4715.12 of the Revised Code, shall be limited 65287

to the performance of those procedures necessary to complete the 65288
endorsing practicum, and shall not exceed thirty days of actual 65289
patient treatment in any year. 65290

(3) A director of a continuing dental education practicum who 65291
endorses an application for a temporary limited continuing 65292
education license shall, prior to making the endorsement, notify 65293
the state dental board in writing of the identity of the sponsors 65294
and the faculty of the practicum and the dates and locations at 65295
which it will be offered. The notice shall also include a brief 65296
description of the course of instruction. The board may prohibit a 65297
continuing dental education practicum from endorsing applications 65298
for temporary limited continuing education licenses if the board 65299
determines that the practicum is engaged in activities that 65300
constitute a threat to public health and safety or do not 65301
constitute bona fide continuing dental education, or that the 65302
practicum permits activities which otherwise violate this chapter. 65303
Any continuing dental education practicum prohibited from 65304
endorsing applications may request an adjudication pursuant to 65305
Chapter 119. of the Revised Code. 65306

A temporary limited continuing education license shall be 65307
valid only when the dentist is participating in the endorsing 65308
continuing dental education practicum and shall expire at the end 65309
of one year. If the dentist fails to complete the endorsing 65310
practicum in one year, the board may, upon the dentist's 65311
application and payment of a fee of ~~seventy-five~~ ninety-four 65312
dollars, renew the temporary limited continuing education license 65313
for a consecutive one-year period. Only two renewals may be 65314
granted. The holder of a temporary limited continuing education 65315
license may be disciplined by the board pursuant to section 65316
4715.30 of the Revised Code. 65317

(D) The board shall act either to approve or to deny any 65318
application for a limited license pursuant to division (A), (B), 65319

or (C) of this section not later than sixty days of the date the board receives the application.

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Sec. 4715.21. Each person who desires to practice as a dental hygienist shall file with the secretary of the state dental board a written application for a license, under oath, upon the form prescribed. Such applicant shall furnish satisfactory proof of being at least eighteen years of age and of good moral character. An applicant shall present a diploma or certificate of graduation from an accredited dental hygiene school and shall pay the examination fee of ~~ninety-six~~ one hundred twenty dollars if the license is issued in an odd-numbered year or one hundred ~~forty-seven~~ eighty-four dollars if issued in an even-numbered year. Those passing such examination as the board prescribes relating to dental hygiene shall receive a certificate of registration entitling them to practice. If an applicant fails to pass the first examination the applicant may apply for a re-examination at the next regular or special examination meeting of the board.

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No applicant shall be admitted to more than two examinations without first presenting satisfactory proof that the applicant has successfully completed such refresher courses in an accredited dental hygiene school as the state dental board may prescribe.

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An accredited dental hygiene school shall be one accredited by the American dental association commission on dental accreditation or whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.

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Sec. 4715.24. (A) Each person who is licensed to practice as a dental hygienist in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental

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board, unless the person is temporarily retired pursuant to 65350
section 4715.241 of the Revised Code. The registration shall be 65351
made on a form prescribed by the board and furnished by the 65352
secretary, shall include the licensee's name, address, license 65353
number, and such other reasonable information as the board may 65354
consider necessary, and shall include payment of a biennial 65355
registration fee of one hundred ~~fifteen~~ forty-four dollars. This 65356
fee shall be paid to the treasurer of state. All such 65357
registrations shall be in effect for the two-year period beginning 65358
on the first day of January of each even-numbered year and ending 65359
on the last day of December of the following odd-numbered year, 65360
and shall be renewed in accordance with the standard renewal 65361
procedure of sections 4745.01 to 4745.03 of the Revised Code. The 65362
failure of a licensee to renew registration in accordance with 65363
this section shall result in the automatic suspension of the 65364
licensee's license to practice as a dental hygienist, unless the 65365
licensee is temporarily retired pursuant to section 4715.241 of 65366
the Revised Code. 65367

(B) Any dental hygienist whose license has been automatically 65368
suspended under this section may be reinstated on application to 65369
the board on a form prescribed by the board for licensure 65370
reinstatement and payment of the biennial registration fee and in 65371
addition thereto ~~thirty-one~~ thirty-nine dollars to cover the costs 65372
of reinstatement. 65373

(C) The license of a dental hygienist shall be exhibited in a 65374
conspicuous place in the room in which the dental hygienist 65375
practices. Each dental hygienist licensed to practice, whether a 65376
resident or not, shall notify the secretary in writing or 65377
electronically of any change in the dental hygienist's office 65378
address or employment within ten days after the change takes 65379
place. 65380

(D) Ten dollars of each biennial registration fee collected 65381

under division (A) or (B) of this section shall be paid to the 65382
dental hygienist loan repayment fund established under section 65383
3702.967 of the Revised Code. 65384

Sec. 4715.27. The state dental board may issue a license to 65385
an applicant who furnishes satisfactory proof of being at least 65386
eighteen years of age, of good moral character and who 65387
demonstrates, to the satisfaction of the board, knowledge of the 65388
laws, regulations, and rules governing the practice of a dental 65389
hygienist; who proves, to the satisfaction of the board, intent to 65390
practice as a dental hygienist in this state; who is a graduate 65391
from an accredited school of dental hygiene and who holds a 65392
license by examination from a similar dental board, and who passes 65393
an examination as prescribed by the board relating to dental 65394
hygiene. 65395

Upon payment of ~~fifty-eight~~ seventy-three dollars and upon 65396
application endorsed by an accredited dental hygiene school in 65397
this state, the state dental board may without examination issue a 65398
teacher's certificate to a dental hygienist, authorized to 65399
practice in another state or country. A teacher's certificate 65400
shall be subject to annual renewal in accordance with the standard 65401
renewal procedure of sections 4745.01 to 4745.03 of the Revised 65402
Code, and shall not be construed as authorizing anything other 65403
than teaching or demonstrating the skills of a dental hygienist in 65404
the educational programs of the accredited dental hygiene school 65405
which endorsed the application. 65406

Sec. 4715.362. A dentist who desires to participate in the 65407
oral health access supervision program shall apply to the state 65408
dental board for an oral health access supervision permit. The 65409
application shall be under oath, on a form prescribed by the board 65410
in rules adopted under section 4715.372 of the Revised Code, and 65411
accompanied by an application fee of ~~twenty~~ twenty-five dollars. 65412

To be eligible to receive the permit, an applicant shall meet the requirements established by the board in rules adopted under section 4715.372 of the Revised Code.

The state dental board shall issue an oral health access supervision permit to a dentist who is in good standing with the board and satisfies all of the requirements of this section.

Sec. 4715.363. (A) A dental hygienist who desires to participate in the oral health access supervision program shall apply to the state dental board for a permit to practice under the oral health access supervision of a dentist. The application shall be under oath, on a form prescribed by the board in rules adopted under section 4715.372 of the Revised Code, and accompanied by an application fee of ~~twenty~~ twenty-five dollars, which may be paid by ~~personal check or~~ credit card.

(B) The applicant shall provide evidence satisfactory to the board that the applicant has done all of the following:

(1) Completed at least one year and attained a minimum of one thousand five hundred hours of experience in the practice of dental hygiene;

(2) Completed at least twenty-four hours of continuing dental hygiene education during the two years prior to submission of the application;

(3) Completed a course pertaining to the practice of dental hygiene under the oral health access supervision of a dentist that meets standards established in rules adopted under section 4715.372 of the Revised Code;

(4) Completed, during the two years prior to submission of the application, a course pertaining to the identification and prevention of potential medical emergencies that is the same as the course described in division (C)(2) of section 4715.22 of the

Revised Code. 65443

(C) The state dental board shall issue a permit to practice 65444
under the oral health access supervision of a dentist to a dental 65445
hygienist who is in good standing with the board and meets all of 65446
the requirements of divisions (A) and (B) of this section. 65447

Sec. 4715.369. (A) An oral health access supervision permit 65448
issued under section 4715.362 of the Revised Code expires on the 65449
thirty-first day of December of the odd-numbered year that occurs 65450
after the permit's issuance. A dentist who desires to renew a 65451
permit shall apply, under oath, to the state dental board on a 65452
form prescribed by the board in rules adopted under section 65453
4715.372 of the Revised Code. At the time of application, the 65454
dentist shall pay a renewal fee of ~~twenty~~ twenty-five dollars. 65455

(B) The board shall renew an oral health access supervision 65456
permit for a two-year period if the dentist submitted a complete 65457
application, paid the renewal fee, is in good standing with the 65458
board, and verified with the board all of the following: 65459

(1) The locations at which dental hygienists have, under the 65460
dentist's authorization, provided services during the two years 65461
prior to submission of the renewal application; 65462

(2) The number of patients treated, during the two years 65463
prior to submission of the renewal application, by each dental 65464
hygienist providing dental hygiene services under the dentist's 65465
authorization; 65466

(3) For each number of patients provided under division 65467
(B)(2) of this section, the number of patients whom the dentist 65468
clinically evaluated following the provision of dental hygiene 65469
services by a dental hygienist. 65470

Sec. 4715.37. (A) A permit to practice under the oral health 65471
access supervision of a dentist issued under section 4715.363 of 65472

the Revised Code expires on the thirty-first day of December of 65473
the odd-numbered year that occurs after the permit's issuance. A 65474
dental hygienist who desires to renew a permit to practice under 65475
the oral health access supervision of a dentist shall apply, under 65476
oath, to the state dental board on a form prescribed by the board 65477
in rules adopted under section 4715.372 of the Revised Code. At 65478
the time of application, the dental hygienist shall pay a renewal 65479
fee of ~~twenty~~ twenty-five dollars. 65480

(B) The state dental board shall renew a permit for a 65481
two-year period if the dental hygienist submitted a complete 65482
application, paid the renewal fee, is in good standing with the 65483
board, and has verified with the board both of the following: 65484

(1) The locations at which the hygienist has provided dental 65485
hygiene services under a permit to practice under the oral health 65486
access supervision of a dentist; 65487

(2) The number of patients that the hygienist has treated 65488
under a permit during the two years prior to submission of the 65489
renewal application. 65490

Sec. 4715.53. (A) Each individual seeking a certificate to 65491
practice as a dental x-ray machine operator shall apply to the 65492
state dental board on a form the board shall prescribe and 65493
provide. The application shall be accompanied by an application 65494
fee of ~~twenty-five~~ thirty-two dollars. 65495

(B) The board shall review all applications received and 65496
issue a dental x-ray machine operator certificate to each 65497
applicant who submits evidence satisfactory to the board of one of 65498
the following: 65499

(1) The applicant holds certification from the dental 65500
assisting national board or the Ohio commission on dental 65501
assistant certification. 65502

(2) The applicant holds a license, certificate, permit, 65503
registration, or other credential issued by another state that the 65504
board determines uses standards for dental x-ray machine operators 65505
that are at least equal to those established under this chapter. 65506

(3) The applicant has successfully completed an educational 65507
program consisting of at least seven hours of instruction in 65508
dental x-ray machine operation that meets either of the following 65509
requirements: 65510

(a) Has been approved by the board in accordance with section 65511
4715.57 of the Revised Code; 65512

(b) Is conducted by an institution accredited by the American 65513
dental association commission on dental accreditation. 65514

(C) A certificate issued under this section expires two years 65515
after it is issued and may be renewed if the certificate holder 65516
does both of the following: 65517

(1) Certifies to the board that the certificate holder has 65518
completed at least two hours of instruction in dental x-ray 65519
machine operation approved by the board in accordance with section 65520
4715.57 of the Revised Code during the two-year period preceding 65521
the date the renewal application is received by the board. 65522

(2) Submits a renewal fee of ~~twenty-five~~ thirty-two dollars 65523
to the board. 65524

Renewals shall be made in accordance with the standard 65525
renewal procedure established under Chapter 4745. of the Revised 65526
Code. 65527

Sec. 4715.62. (A) Each individual seeking to register with 65528
the state dental board as an expanded function dental auxiliary 65529
shall file with the secretary of the board a written application 65530
for registration, under oath, on a form the board shall prescribe 65531
and provide. An applicant shall include with the completed 65532

application all of the following: 65533

(1) An application fee of ~~twenty~~ twenty-five dollars; 65534

(2) Proof satisfactory to the board that the applicant has 65535
successfully completed, at an educational institution accredited 65536
by the commission on dental accreditation of the American dental 65537
association or the higher learning commission of the north central 65538
association of colleges and schools, the education or training 65539
specified by the board in rules adopted under section 4715.66 of 65540
the Revised Code as the education or training that is necessary to 65541
obtain registration under this chapter to practice as an expanded 65542
function dental auxiliary, as evidenced by a diploma or other 65543
certificate of graduation or completion that has been signed by an 65544
appropriate official of the accredited institution that provided 65545
education or training; 65546

(3) Proof satisfactory to the board that the applicant has 65547
passed an examination that meets the standards established by the 65548
board in rules adopted under section 4715.66 of the Revised Code 65549
to be accepted by the board as an examination of competency to 65550
practice as an expanded function dental auxiliary; 65551

(4) Proof that the applicant holds current certification to 65552
perform basic life-support procedures, evidenced by documentation 65553
showing the successful completion of a basic life-support training 65554
course certified by the American red cross, the American heart 65555
association, or the American safety and health institute. 65556

(B) If an applicant complies with division (A) of this 65557
section, the board shall register the applicant as an expanded 65558
function dental auxiliary. 65559

Sec. 4715.63. (A) Registration under section 4715.62 of the 65560
Revised Code expires on the thirty-first day of December of the 65561
year following the year in which the registration occurs. An 65562

individual may renew a registration for subsequent two-year 65563
periods by submitting both of the following to the secretary of 65564
the state dental board each time the individual seeks to renew a 65565
registration: 65566

(1) A completed application for renewal, under oath, on a 65567
form the board shall prescribe and provide; 65568

(2) A renewal fee of ~~twenty~~ twenty-five dollars. 65569

(B) If an individual complies with division (A) of this 65570
section and is not in violation of any section of this chapter or 65571
rule adopted under it, the board shall renew the individual's 65572
registration for a two-year period that expires on the 65573
thirty-first day of December of the year following the year in 65574
which the registration was renewed. 65575

(C) Registration renewals shall be made in accordance with 65576
the standard renewal procedure established under Chapter 4745. of 65577
the Revised Code. 65578

Sec. 4715.70. Any person applying for issuance of or renewing 65579
a certificate, license, permit, or registration under this chapter 65580
shall pay, in addition to any fee associated with the certificate, 65581
license, permit, or registration, a five dollar financial services 65582
fee. 65583

Sec. 4717.01. As used in this chapter: 65584

(A) "Embalming" means the ~~preservation and disinfection, or 65585
attempted preservation and disinfection, process of chemically 65586
treating the dead human body by application any of chemicals 65587
externally, internally, or both the following to reduce the 65588
presence and growth of microorganisms, to temporarily slow organic 65589
decomposition, and to restore acceptable physical appearance: 65590~~

(1) Arterial injection; 65591

(2) Cavity treatment; 65592

(3) Hypodermic tissue injection. 65593

(B) "Funeral business" means a sole proprietorship, 65594
partnership, corporation, limited liability company, or other 65595
business entity that is engaged in funeral directing for profit or 65596
for free from one or more funeral homes licensed under this 65597
chapter. 65598

(C) "Funeral directing" means the business or profession of 65599
directing or supervising funerals for profit from one or more 65600
funeral homes licensed under this chapter, the arrangement or sale 65601
of funeral services, the filling out or execution of a funeral 65602
service contract, the business or profession of preparing dead 65603
human bodies for burial by means other than embalming, the 65604
disposition of dead human bodies, the provision or maintenance of 65605
a place for the preparation, the care, or disposition of dead 65606
human bodies, the use in connection with a business of the term 65607
"funeral director," "undertaker," "mortician," or any other term 65608
from which can be implied the business of funeral directing, or 65609
the holding out to the public that one is a funeral director or a 65610
disposer of dead human bodies. 65611

(D) "Funeral home" means a fixed place for the care, 65612
preparation for burial, or disposition of dead human bodies or the 65613
conducting of funerals. Each business location is a funeral home, 65614
regardless of common ownership or management. 65615

(E) "Embalmer" means a person who engages, in whole or in 65616
part, in embalming and who is licensed under this chapter. 65617

(F) "Funeral director" means a person who engages, in whole 65618
or in part, in funeral directing and who is licensed under this 65619
chapter. 65620

(G) "Final disposition" has the same meaning as in division 65621
(J) of section 3705.01 of the Revised Code. 65622

(H) "Supervision" means the operation of all phases of the business of funeral directing or embalming under the specific direction of a licensed funeral director or licensed embalmer.

(I) "Direct supervision" means the physical presence of a licensed funeral director or licensed embalmer while the specific functions of the funeral or embalming are being carried out.

(J) "Embalming facility" means a fixed location, separate from the funeral home, that is licensed under this chapter whose only function is the embalming and preparation of dead human bodies.

(K) "Crematory facility" means the physical location at which a cremation chamber is located and the cremation process takes place. "Crematory facility" does not include an infectious waste incineration facility for which a license is held under division (B) of section 3734.05 of the Revised Code, or a solid waste incineration facility for which a license is held under division (A) of that section that includes a notation pursuant to division (B)(3) of that section authorizing the facility to also treat infectious wastes, in connection with the incineration of body parts other than dead human bodies that were donated to science for purposes of medical education or research.

(L) "Crematory" means the building or portion of a building that houses the holding facility and the cremation chamber.

(M) "Cremation" means the technical process of using heat and flame to reduce human or animal remains to bone fragments or ashes or any combination thereof. "Cremation" includes processing and may include the pulverization of bone fragments.

(N) "Cremation chamber" means the enclosed space within which cremation takes place.

(O) "Cremated remains" means all human or animal remains recovered after the completion of the cremation process, which may

include the residue of any foreign matter such as casket material, 65654
dental work, or eyeglasses that were cremated with the human or 65655
animal remains. 65656

(P) "Lapsed license" means a license issued under this 65657
chapter that has become invalid because of the failure of the 65658
licensee to renew the license within the time limits prescribed 65659
under this chapter. 65660

(Q) "~~Operator of a crematory facility~~ Crematory operator" 65661
means the ~~sole proprietorship, partnership, corporation, limited~~ 65662
~~liability company, or other business entity responsible for the~~ 65663
~~overall operation of~~ person who engages, in whole or in part, in 65664
cremation from one or more crematories licensed under this chapter 65665
and who has been issued a crematory facility operator permit under 65666
this chapter. 65667

(R) "Processing" means the reduction of identifiable bone 65668
fragments to unidentifiable bone fragments through manual or 65669
mechanical means after the completion of the cremation process. 65670

(S) "Pulverization" means the reduction of identifiable bone 65671
fragments to granulated particles by manual or mechanical means 65672
after the completion of the cremation process. 65673

(T) "Preneed funeral contract" means a written agreement, 65674
contract, or series of contracts to sell or otherwise provide any 65675
funeral services, funeral goods, or any combination thereof to be 65676
used in connection with the funeral or final disposition of a dead 65677
human body, where payment for the goods or services is made either 65678
outright or on an installment basis, prior to the death of the 65679
person purchasing the goods or services or for whom the goods or 65680
services are purchased. "Preneed funeral contract" does not 65681
include any preneed cemetery merchandise and services contract or 65682
any agreement, contract, or series of contracts pertaining to the 65683
sale of any burial lot, burial or interment right, entombment 65684

right, or columbarium right with respect to which an endowment 65685
care fund is established or is exempt from establishment pursuant 65686
to section 1721.21 of the Revised Code. 65687

For the purposes of division (T) of this section, "funeral 65688
goods" includes caskets. 65689

(U) "Purchaser" means the individual who has purchased and 65690
financed a preneed funeral contract, and who may or may not be the 65691
contract beneficiary. 65692

(V) "Contract beneficiary" means the individual for whom 65693
funeral goods and funeral services are provided pursuant to a 65694
preneed funeral contract. 65695

(W) "Seller" means any person that enters into a preneed 65696
funeral contract with a purchaser for the provision of funeral 65697
goods, funeral services, or both. 65698

(X) "Felony" means a criminal act classified as a felony by 65699
this state, any other state, or federal law. 65700

Sec. 4717.02. (A) There is hereby created the board of 65701
embalmers and funeral directors consisting of seven members to be 65702
appointed by the governor with the advice and consent of the 65703
senate. Five members shall be licensed ~~embalmers and~~ practicing 65704
funeral directors, each with four of which shall also be licensed 65705
embalmers. Each of the funeral director members shall have at 65706
least ten consecutive years of experience in this state 65707
immediately preceding the date of the person's appointment+. In 65708
addition, one of these the funeral director members shall hold a 65709
crematory operator permit and be knowledgeable and experienced in 65710
operating a crematory. Two members shall represent the public; at 65711
least one of these members shall be at least sixty years of age. 65712

(B) Terms of office are for five years, commencing on the 65713
first day of July and ending on the last day of June. Each member 65714

shall hold office from the date of the member's appointment until 65715
the end of the term for which the member was appointed. Before 65716
entering upon the duties of the office, each member shall take and 65717
file with the secretary of state an oath of office as required by 65718
Section 7 of Article XV, Ohio Constitution. 65719

(C) The governor may remove a member of the board for neglect 65720
of duty, incompetency, or immoral conduct. Vacancies shall be 65721
filled in the manner provided for original appointments. Any 65722
member appointed to fill a vacancy occurring prior to the 65723
expiration date of the term for which the member's predecessor was 65724
appointed shall hold office as a member for the remainder of that 65725
term. A member shall continue in office subsequent to the 65726
expiration date of the member's term until the member's successor 65727
takes office, or until a period of sixty days has elapsed, 65728
whichever occurs first. 65729

(D) Each member of the board shall receive an amount fixed 65730
under division (J) of section 124.15 of the Revised Code for each 65731
day, not to exceed sixty days per year, employed in the discharge 65732
of the member's duties as a board member, together with any 65733
necessary expenses incurred in the performance of those duties. 65734

Sec. 4717.03. (A) Members of the board of embalmers and 65735
funeral directors shall annually in July, or within thirty days 65736
after the senate's confirmation of the new members appointed in 65737
that year, meet and organize by selecting from among its members a 65738
president, vice-president, and secretary-treasurer. The board may 65739
hold other meetings as it determines necessary. A quorum of the 65740
board consists of four members, of whom at least three shall be 65741
members who are embalmers and funeral directors. The concurrence 65742
of at least four members is necessary for the board to take any 65743
action. The president and secretary-treasurer shall sign all 65744
licenses issued under this chapter and affix the board's seal to 65745

each license. 65746

(B) The board may appoint an individual who is not a member 65747
of the board to serve as executive director of the board. The 65748
executive director serves at the pleasure of the board and shall 65749
do all of the following: 65750

(1) Serve as the board's chief administrative officer; 65751

(2) Act as custodian of the board's records; 65752

(3) Execute all of the board's orders; 65753

(4) Employ staff who are not members of the board and who 65754
serve at the pleasure of the executive director to provide any 65755
assistance that the board considers necessary. 65756

(C) In executing the board's orders as required by division 65757
(B)(3) of this section, the executive director may enter the 65758
premises, establishment, office, or place of business of any 65759
embalmer, funeral director, or ~~operator of a crematory facility~~ 65760
operator in this state. The executive director may serve and 65761
execute any process issued by any court under this chapter. 65762

(D) The executive director may employ necessary inspectors, 65763
who shall be licensed embalmers and funeral directors. An 65764
inspector employed by the executive director may enter the 65765
premises, establishment, office, or place of business of any 65766
embalmer, funeral director, or crematory operator of a, embalming 65767
facility, funeral home, or crematory facility in this state, for 65768
the purposes of inspecting the facility and premises; the license, 65769
permit, and registration of embalmers ~~and,~~ funeral directors, and 65770
crematory operators operating in the facility; and the license of 65771
the funeral home, embalming facility, or crematory facility and 65772
perform any other duties delegated to the inspector by the board 65773
or assigned to the inspector by the executive director. The 65774
executive director may enter the facility or premises of a funeral 65775
home, embalming facility, or crematory for the purpose of an 65776

inspection if accompanied by an inspector or, if an inspector is 65777
not available, when a situation presents a danger of immediate and 65778
serious harm to the public. 65779

(E) The president of the board shall designate three of the 65780
board's members to serve on the crematory review board, which is 65781
hereby created, for such time as the president finds appropriate 65782
to carry out the provisions of this chapter. Those members of the 65783
crematory review board designated by the president to serve and 65784
three members designated by the cemetery dispute resolution 65785
commission shall designate, by a majority vote, one person who 65786
holds a crematory operator permit, who is experienced in the 65787
operation of a crematory facility, and who is not affiliated with 65788
a cemetery or a funeral home to serve on the crematory review 65789
board for such time as the crematory review board finds 65790
appropriate. Members serving on the crematory review board shall 65791
not receive any additional compensation for serving on the board, 65792
but may be reimbursed for their actual and necessary expenses 65793
incurred in the performance of official duties as members of the 65794
board. Members of the crematory review board shall designate one 65795
from among its members to serve as a chairperson for such time as 65796
the board finds appropriate. Costs associated with conducting an 65797
adjudicatory hearing in accordance with division (F) of this 65798
section shall be paid from funds available to the board of 65799
embalmers and funeral directors. 65800

(F) Upon receiving written notice from the board of embalmers 65801
and funeral directors of any of the following, the crematory 65802
review board shall conduct an adjudicatory hearing on the matter 65803
in accordance with Chapter 119. of the Revised Code, except as 65804
otherwise provided in this section or division (C) of section 65805
4717.14 of the Revised Code: 65806

(1) Notice provided under division (I) of this section of an 65807
alleged violation of any provision of this chapter or any rules 65808

adopted under this chapter governing or in connection with 65809
crematory operators, crematory facilities, or cremation; 65810

(2) Notice provided under division (B) of section 4717.14 of 65811
the Revised Code that the board of embalmers and funeral directors 65812
proposes to refuse to grant or renew, or to suspend or revoke, a 65813
license to operate a crematory facility; 65814

(3) Notice provided under division (C) of section 4717.14 of 65815
the Revised Code that the board of embalmers and funeral directors 65816
has issued an order summarily suspending a crematory operator 65817
permit or a license to operate a crematory facility; 65818

(4) Notice provided under division (B) of section 4717.15 of 65819
the Revised Code that the board of embalmers and funeral directors 65820
proposes to issue a notice of violation and order requiring 65821
payment of a forfeiture for any violation described in divisions 65822
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 65823
connection with a crematory operator, crematory facility, or 65824
cremation. 65825

Nothing in division (F) of this section precludes the 65826
crematory review board from appointing an independent examiner in 65827
accordance with section 119.09 of the Revised Code to conduct any 65828
adjudication hearing required under division (F) of this section. 65829

The crematory review board shall submit a written report of 65830
findings and advisory recommendations, and a written transcript of 65831
its proceedings, to the board of embalmers and funeral directors. 65832
The board of embalmers and funeral directors shall serve a copy of 65833
the written report of the crematory review board's findings and 65834
advisory recommendations on the party to the adjudication or the 65835
party's attorney, by certified mail, within five days after 65836
receiving the report and advisory recommendations. A party may 65837
file objections to the written report with the board of embalmers 65838
and funeral directors within ten days after receiving the report. 65839

No written report is final or appealable until it is issued as a 65840
final order by the board of embalmers and funeral directors and 65841
entered on the record of the proceedings. The board of embalmers 65842
and funeral directors shall consider objections filed by the party 65843
prior to issuing a final order. After reviewing the findings and 65844
advisory recommendations of the crematory review board, the 65845
written transcript of the crematory review board's proceedings, 65846
and any objections filed by a party, the board of embalmers and 65847
funeral directors shall issue a final order in the matter. Any 65848
party may appeal the final order issued by the board of embalmers 65849
and funeral directors in a matter described in divisions (F)(1) to 65850
(4) of this section in accordance with section 119.12 of the 65851
Revised Code, except that the appeal may be made to the court of 65852
common pleas in the county in which is located the crematory 65853
facility to which the final order pertains, or in the county in 65854
which the party resides. 65855

(G) On its own initiative or on receiving a written complaint 65856
from any person whose identity is made known to the board of 65857
embalmers and funeral directors, the board shall investigate the 65858
acts or practices of any person holding or claiming to hold a 65859
license, permit, or registration under this chapter that, if 65860
proven to have occurred, would violate this chapter or any rules 65861
adopted under it. The board may compel witnesses by subpoena to 65862
appear and testify in relation to investigations conducted under 65863
this chapter and may require by subpoena duces tecum the 65864
production of any book, paper, or document pertaining to an 65865
investigation. If a person does not comply with a subpoena or 65866
subpoena duces tecum, the board may apply to the court of common 65867
pleas of any county in this state for an order compelling the 65868
person to comply with the subpoena or subpoena duces tecum, or for 65869
failure to do so, to be held in contempt of court. 65870

(H) If, as a result of its investigation conducted under 65871

division (G) of this section, the board of embalmers and funeral 65872
directors has reasonable cause to believe that the person 65873
investigated is violating any provision of this chapter or any 65874
rules adopted under this chapter governing or in connection with 65875
embalming, funeral directing, cremation, funeral homes, embalming 65876
facilities, or cremation facilities, or the operation of funeral 65877
homes ~~or~~, embalming facilities, or crematory facilities, it may, 65878
after providing the opportunity for an adjudicatory hearing, issue 65879
an order directing the person to cease the acts or practices that 65880
constitute the violation. The board shall conduct the adjudicatory 65881
hearing in accordance with Chapter 119. of the Revised Code except 65882
that, notwithstanding the provisions of that chapter, the 65883
following shall apply: 65884

(1) The board shall send the notice informing the person of 65885
the person's right to a hearing by certified mail. 65886

(2) The person is entitled to a hearing only if the person 65887
requests a hearing and if the board receives the request within 65888
thirty days after the mailing of the notice described in division 65889
(H)(1) of this section. 65890

(3) A stenographic record shall be taken, in the manner 65891
prescribed in section 119.09 of the Revised Code, at every 65892
adjudicatory hearing held under this section, regardless of 65893
whether the record may be the basis of an appeal to a court. 65894

(I) If, as a result of its investigation conducted under 65895
division (G) of this section, the board of embalmers and funeral 65896
directors has reasonable cause to believe that the person 65897
investigated is violating any provision of this chapter or any 65898
rules adopted under this chapter governing or in connection with 65899
crematory operators, crematory facilities, or cremation, the board 65900
shall send written notice of the alleged violation to the 65901
crematory review board. If, after the conclusion of the 65902
adjudicatory hearing in the matter conducted under division (F) of 65903

this section, the board of embalmers and funeral directors finds 65904
that a person is in violation of any provision of this chapter or 65905
any rules adopted under this chapter governing or in connection 65906
with crematory operators, crematory facilities, or cremation, the 65907
board may issue a final order under that division directing the 65908
person to cease the acts or practices that constitute the 65909
violation. 65910

(J) The board of embalmers and funeral directors may bring a 65911
civil action to enjoin any violation or threatened violation of 65912
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 65913
under any of those sections; division (A) or (B) of section 65914
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 65915
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 65916
division (D)(1) of section 4717.27; divisions (A) to (C) of 65917
section 4717.28, or division (D) or (E) of section 4717.31 of the 65918
Revised Code. The action shall be brought in the county where the 65919
violation occurred or the threatened violation is expected to 65920
occur. At the request of the board, the attorney general shall 65921
represent the board in any matter arising under this chapter. 65922

(K) The board of embalmers and funeral directors and the 65923
crematory review board may issue subpoenas for ~~funeral directors~~ 65924
~~and embalmers or persons holding themselves out as such, for~~ 65925
~~operators of crematory facilities~~ any person holding a license or 65926
permit under this chapter or persons holding themselves out as 65927
such, or for any other person whose testimony, in the opinion of 65928
either board, is necessary. The subpoena shall require the person 65929
to appear before the appropriate board or any designated member of 65930
either board, upon any hearing conducted under this chapter. The 65931
penalty for disobedience to the command of such a subpoena is the 65932
same as for refusal to answer such a process issued under 65933
authority of the court of common pleas. 65934

(L) ~~All~~ Except as provided in section 4717.41 of the Revised 65935

Code, all moneys received by the board of embalmers and funeral directors from any source shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.

(M) The board of embalmers and funeral directors shall submit a written report to the governor on or before the first Monday of July of each year. This report shall contain a detailed statement of the nature and amount of the board's receipts and the amount and manner of its expenditures.

Sec. 4717.04. (A) The board of embalmers and funeral directors shall adopt rules in accordance with Chapter 119. of the Revised Code for the government, transaction of the business, and the management of the affairs of the board of embalmers and funeral directors and the crematory review board, and for the administration and enforcement of this chapter. These rules shall include all of the following:

(1) The nature, scope, content, and form of the application that must be completed and license examination that must be passed in order to receive an embalmer's license or a funeral director's license under section 4717.05 of the Revised Code. The rules shall ensure both of the following:

(a) That the embalmer's license examination tests the applicant's knowledge through at least a comprehensive section and an Ohio laws section;

(b) That the funeral director's license examination tests the applicant's knowledge through at least a comprehensive section, an Ohio laws section, and a sanitation section.

(2) The minimum license examination score necessary to be licensed under section 4717.05 of the Revised Code as an embalmer or as a funeral director;

(3) Procedures for determining the dates of the embalmer's and funeral director's license examinations, which shall be administered at least once each year, the time and place of each examination, and the supervision required for each examination;	65966 65967 65968 65969
(4) Procedures for determining whether the board shall accept an applicant's compliance with the licensure, registration, or certification requirements of another state as grounds for granting the applicant a license under this chapter;	65970 65971 65972 65973
(5) A determination of whether completion of a nationally recognized embalmer's or funeral director's examination sufficiently meets the license requirements for the comprehensive section of either the embalmer's or the funeral director's license examination administered under this chapter;	65974 65975 65976 65977 65978
(6) Continuing education requirements for licensed embalmers and funeral directors;	65979 65980
(7) Requirements for the licensing and operation of funeral homes;	65981 65982
(8) Requirements for the licensing and operation of embalming facilities;	65983 65984
(9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:	65985 65986 65987 65988
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	65989 65990 65991
(b) Purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions	65992 65993 65994 65995

(H) to (K) of section 4717.26; division (D)(1) of section 4717.27; 65996
or divisions (A) to (C) of section 4717.28 of the Revised Code; 65997

(c) Committing unprofessional conduct; 65998

(d) Knowingly permitting an unlicensed person, other than a 65999
person serving an apprenticeship, to engage in the profession or 66000
business of embalming or funeral directing under the licensee's 66001
supervision; 66002

(e) Refusing to promptly submit the custody of a dead human 66003
body or cremated remains upon the express order of the person 66004
legally entitled to the body; 66005

(f) Transferring a license to operate a funeral home, 66006
embalming facility, or crematory facility from one owner or 66007
operator to another, or from one location to another, without 66008
notifying the board; 66009

(g) Misleading the public using false or deceptive 66010
advertising; 66011

(h) Failing to forward to the board on or before its due date 66012
the annual report of preneed funeral sales required by division 66013
(J) of section 4717.31 of the Revised Code. If the annual report 66014
is sent to the board by United States mail, it shall be postmarked 66015
on or before the due date for the submission of the annual report 66016
in order to be timely filed with the board. Mail that is not 66017
postmarked shall be considered filed on the date it is received by 66018
the board. 66019

Each instance of the commission of any of the types of 66020
conduct described in ~~divisions~~ division (A)(9)(a), ~~(b), (c), (d),~~ 66021
~~(e), (f), and (g)~~ of this section is a separate violation. The 66022
rules adopted under division (A)(9) of this section shall 66023
establish the amount of the forfeiture for a violation of each of 66024
those divisions. The forfeiture for a first violation shall not 66025
exceed five thousand dollars, and the forfeiture for a second or 66026

subsequent violation shall not exceed ten thousand dollars. The 66027
amount of the forfeiture may differ among the types of violations 66028
according to what the board considers the seriousness of each 66029
violation. 66030

(10) Requirements for the licensing and operation of 66031
crematory facilities; 66032

(11) Procedures for the board to take possession of and to 66033
arrange the lawful disposition of unclaimed cremated remains that 66034
were held or stored at a funeral home or crematory that has been 66035
closed; 66036

(12) Procedures for the issuance of duplicate licenses; 66037

~~(12)~~(13) Requirements for criminal records checks of 66038
applicants under section 4776.03 of the Revised Code; 66039

~~(13)~~(14) The amount and content of corrective action courses 66040
required by the board under section 4717.14 of the Revised Code. 66041

(B) The board may adopt rules governing the educational 66042
standards for licensure as an embalmer or funeral director, or 66043
obtaining a permit to be a crematory operator, and the standards 66044
of service and practice to be followed in embalming ~~and,~~ funeral 66045
directing, and cremation, and in the operation of funeral homes, 66046
embalming facilities, and crematory facilities in this state. 66047

(C) Nothing in this chapter authorizes the board of embalmers 66048
and funeral directors to regulate cemeteries, except that the 66049
board shall license and regulate ~~crematories~~ funeral homes, 66050
embalming facilities, and crematory facilities located at 66051
cemeteries in accordance with this chapter. 66052

Sec. 4717.05. (A) Any person who desires to be licensed as an 66053
embalmer shall apply to the board of embalmers and funeral 66054
directors on a form provided by the board. The applicant shall 66055
include with the application an initial license fee as set forth 66056

in section 4717.07 of the Revised Code and evidence, verified by 66057
oath and satisfactory to the board, that the applicant meets all 66058
of the following requirements: 66059

(1) The applicant is at least eighteen years of age and of 66060
good moral character. 66061

(2) If the applicant has pleaded guilty to, has been found by 66062
a judge or jury to be guilty of, or has had a judicial finding of 66063
eligibility for treatment in lieu of conviction entered against 66064
the applicant in this state for aggravated murder, murder, 66065
voluntary manslaughter, felonious assault, kidnapping, rape, 66066
sexual battery, gross sexual imposition, aggravated arson, 66067
aggravated robbery, or aggravated burglary, or has pleaded guilty 66068
to, has been found by a judge or jury to be guilty of, or has had 66069
a judicial finding of eligibility for treatment in lieu of 66070
conviction entered against the applicant in another jurisdiction 66071
for a substantially equivalent offense, at least five years has 66072
elapsed since the applicant was released from incarceration, a 66073
community control sanction, a post-release control sanction, 66074
parole, or treatment in connection with the offense. 66075

(3) The applicant holds at least a bachelor's degree from a 66076
college or university authorized to confer degrees by the ~~Ohio~~ 66077
~~board~~ department of regents higher education or the comparable 66078
legal agency of another state in which the college or university 66079
is located and submits an official transcript from that college or 66080
university with the application. 66081

(4) The applicant has satisfactorily completed at least 66082
twelve months of instruction in a prescribed course in mortuary 66083
science as approved by the board and has presented to the board a 66084
certificate showing successful completion of the course. The 66085
course of mortuary science college training may be completed 66086
either before or after the completion of the educational standard 66087
set forth in division (A)(3) of this section. 66088

(5) The applicant has registered with the board prior to 66089
beginning an embalmer apprenticeship. 66090

(6) The applicant has satisfactorily completed at least one 66091
year of apprenticeship under an embalmer licensed in this state 66092
and has ~~assisted that person~~ participated in embalming at least 66093
twenty-five dead human bodies. 66094

(7) The applicant, upon meeting the educational standards 66095
provided for in divisions (A)(3) and (4) of this section and 66096
completing the apprenticeship required in division (A)(6) of this 66097
section, has completed the examination for an embalmer's license 66098
required by the board. 66099

(B) Upon receiving satisfactory evidence verified by oath 66100
that the applicant meets all the requirements of division (A) of 66101
this section, the board shall issue the applicant an embalmer's 66102
license. 66103

(C) Any person who desires to be licensed as a funeral 66104
director shall apply to the board on a form ~~provided~~ prescribed by 66105
the board. The application shall include an initial license fee as 66106
set forth in section 4717.07 of the Revised Code and evidence, 66107
verified by oath and satisfactory to the board, that the applicant 66108
meets all of the following requirements: 66109

(1) Except as otherwise provided in division (D) of this 66110
section, the applicant has satisfactorily met all the requirements 66111
for an embalmer's license as described in divisions (A)(1) to (4) 66112
of this section. 66113

(2) The applicant has registered with the board prior to 66114
beginning a funeral director apprenticeship. 66115

(3) The applicant, following mortuary science college 66116
training described in division (A)(4) of this section, has 66117
satisfactorily completed a one-year apprenticeship under a 66118
licensed funeral director in this state and has ~~assisted that~~ 66119

~~person~~ participated in directing at least twenty-five funerals. 66120

(4) The applicant has satisfactorily completed the 66121
examination for a funeral director's license as required by the 66122
board. 66123

(D) In lieu of mortuary science college training required for 66124
a funeral director's license under division (C)(1) of this 66125
section, the applicant may substitute a satisfactorily completed 66126
two-year apprenticeship under a licensed funeral director in this 66127
state assisting that person in directing at least fifty funerals. 66128

(E) Upon receiving satisfactory evidence that the applicant 66129
meets all the requirements of division (C) of this section, the 66130
board shall issue to the applicant a funeral director's license. 66131

(F) A funeral director or embalmer may request the funeral 66132
director's or embalmer's license be placed on inactive status by 66133
submitting to the board a form prescribed by the board and such 66134
other information as the board may request. A funeral director or 66135
embalmer may not place the funeral director's or embalmer's 66136
license on inactive status unless the funeral director or embalmer 66137
is in good standing with the board and is in compliance with 66138
applicable continuing education requirements. A funeral director 66139
or embalmer who is granted inactive status is prohibited from 66140
participating in any activity for which a funeral director's or 66141
embalmer's license is required in this state. A funeral director 66142
or embalmer who has been granted inactive status is exempt from 66143
the continuing education requirements under section 4717.09 of the 66144
Revised Code during the period of the inactive status. 66145

(G) A funeral director or embalmer who has been granted 66146
inactive status may not return to active status for at least two 66147
years following the date that the inactive status was granted. 66148
Following a period of at least two years of inactive status, the 66149
funeral director or embalmer may apply to return to active status 66150

upon completion of all of the following conditions: 66151

(1) The funeral director or embalmer files with the board a 66152
form prescribed by the board seeking active status and provides 66153
any other information as the board may request; 66154

(2) The funeral director or embalmer takes and passes the 66155
Ohio laws examination for each license being activated; 66156

(3) The funeral director or embalmer pays a reactivation fee 66157
to the board in the amount of one hundred forty dollars for each 66158
license being reactivated. 66159

(H) As used in this section: 66160

(1) "Community control sanction" has the same meaning as in 66161
section 2929.01 of the Revised Code. 66162

(2) "Post-release control sanction" has the same meaning as 66163
in section 2967.01 of the Revised Code. 66164

Sec. 4717.051. (A) Any person who desires to obtain a permit 66165
as a crematory operator shall apply to the board of embalmers and 66166
funeral directors on a form prescribed by the board. The applicant 66167
shall include with the application the initial permit fee set 66168
forth in section 4717.07 of the Revised Code and evidence, 66169
verified under oath and satisfactory to the board, that the 66170
applicant satisfies all of the following requirements: 66171

(1) The applicant is at least eighteen years of age and of 66172
good moral character. 66173

(2) If the applicant has pleaded guilty to, or has been found 66174
by a judge or jury to be guilty of, or has had judicial finding of 66175
eligibility for treatment in lieu of conviction entered against 66176
the applicant in this state for aggravated murder, murder, 66177
voluntary manslaughter, felonious assault, kidnapping, rape, 66178
sexual battery, gross sexual imposition, aggravated arson, 66179
aggravated robbery, or aggravated burglary, or has pleaded guilty 66180

to, has been found by a judge or jury to be guilty of, or has had 66181
judicial finding of eligibility for treatment in lieu of 66182
conviction entered against the applicant in another jurisdiction 66183
for a substantially equivalent offense, at least five years has 66184
elapsed since the applicant was released from incarceration, a 66185
community control sanction, a post-release control sanction, 66186
parole, or treatment in connection with the offense. 66187

(3) The applicant has satisfactorily completed a crematory 66188
operation certification program approved by the board and has 66189
presented to the board a certificate showing completion of the 66190
program. 66191

(B) If the board of embalmers and funeral directors, upon 66192
receiving satisfactory evidence, determines that the applicant 66193
satisfies all of the requirements of division (A) of this section, 66194
the board shall issue to the applicant a permit as a crematory 66195
operator. 66196

(C) The board of embalmers and funeral directors may revoke 66197
or suspend a crematory operator permit or subject a crematory 66198
operator permit holder to discipline in accordance with the laws, 66199
rules, and procedures applicable to licensees under this chapter. 66200

Sec. 4717.06. (A)(1) Any person A licensed funeral director 66201
who desires to obtain a license to operate a funeral home, a 66202
licensed embalmer who desires to obtain a license to operate an 66203
embalming facility, or a holder of a crematory operator permit who 66204
desires to obtain a license to operate a crematory facility shall 66205
apply to the board of embalmers and funeral directors on a form 66206
provided prescribed by the board. The application shall include 66207
the initial license application fee set forth in section 4717.07 66208
of the Revised Code and proof satisfactory to the board that the 66209
funeral home, embalming facility, or crematory facility is in 66210
compliance with rules adopted by the board under section 4717.04 66211

of the Revised Code, rules adopted by the board of building 66212
standards under Chapter 3781. of the Revised Code, and all other 66213
federal, state, and local requirements relating to the safety of 66214
the premises. 66215

(2) If the funeral home, embalming facility, or crematory 66216
facility to which the license application pertains is owned by a 66217
corporation or limited liability company, the application shall 66218
include the name and address of the corporation's or limited 66219
liability company's statutory agent appointed under section 66220
1701.07 or 1705.06 of the Revised Code or, in the case of a 66221
foreign corporation, the corporation's designated agent appointed 66222
under section 1703.041 of the Revised Code. If the funeral home, 66223
embalming facility, or crematory facility to which the application 66224
pertains is owned by a partnership, the application shall include 66225
the name and address of each of the partners. If, at any time 66226
after the submission of a license application or issuance of a 66227
license, the statutory or designated agent of a corporation or 66228
limited liability company owning a funeral home, embalming 66229
facility, or crematory facility or the address of the statutory or 66230
designated agent changes or, in the case of a partnership, any of 66231
the partners of the funeral home, embalming facility, or crematory 66232
facility or the address of any of the partners changes, the 66233
applicant for or holder of the license to operate the funeral 66234
home, embalming facility, or crematory facility shall submit 66235
written notice to the board, within thirty days after the change, 66236
informing the board of the change and of any name or address of a 66237
statutory or designated agent or partner that has changed from 66238
that contained in the application for the license or the most 66239
recent notice submitted under division (A)(2) of this section. 66240

(B)(1) The board of embalmers and funeral directors shall 66241
issue a license to operate a funeral home only to a licensed 66242
funeral director who is named in the application as the funeral 66243

director actually in charge and ultimately responsible for the 66244
funeral home. The board shall issue the license only for the 66245
address at which the funeral home is physically located and 66246
operated. The funeral home license and licenses of the embalmers 66247
and funeral directors employed by the funeral home shall be 66248
displayed in a conspicuous place within the funeral home. The name 66249
of the funeral director to whom the funeral home license has been 66250
issued shall be conspicuously displayed immediately on the outside 66251
or the inside of the primary entrance to the funeral home that is 66252
used by the public. 66253

(2) The funeral home shall have on the premises one of the 66254
following: 66255

(a) If embalming will take place at the funeral home, an 66256
embalming room that is adequately equipped and maintained. The 66257
embalming room shall be kept in a clean and sanitary manner and 66258
used only for the embalming, preparation, or holding of dead human 66259
bodies. The embalming room shall contain only the articles, 66260
facilities, and instruments necessary for those purposes. 66261

(b) If embalming will not take place at the funeral home, a 66262
holding room that is adequately equipped and maintained. The 66263
holding room shall be kept in a clean and sanitary manner and used 66264
only for the preparation, other than embalming, and holding of 66265
dead human bodies. The holding room shall contain only the 66266
articles and facilities necessary for those purposes. 66267

(3) ~~Except as provided in division (B) of section 4717.11 of~~ 66268
~~the Revised Code, a funeral home shall be established and operated~~ 66269
~~only under the name of a holder of a funeral director's license~~ 66270
~~issued by the board who is actually in charge of and ultimately~~ 66271
~~responsible for the funeral home, and a funeral home license shall~~ 66272
~~not include directional or geographical references in the name of~~ 66273
~~the funeral home. The holder of the funeral home license shall be~~ 66274
~~a funeral director licensed under this chapter who is actually in~~ 66275

~~charge of and ultimately responsible for the funeral home. Nothing 66276
in division (B)(3) of this section prohibits the holder of a 66277
funeral home license from including directional or geographical 66278
references in promotional or advertising materials identifying the 66279
location of the funeral home. 66280~~

(4) Each funeral home shall be directly supervised by a 66281
funeral director licensed under this chapter, who may supervise 66282
more than one funeral home. 66283

(C)(1) The board shall issue a license to operate an 66284
embalming facility only to a licensed embalmer who is actually in 66285
charge of and ultimately responsible for the embalming facility. 66286
The board shall issue the license only for the address at which 66287
the embalming facility is physically located and operated. The 66288
license shall be displayed in a conspicuous place within the 66289
facility. The name of the embalmer to whom the embalming facility 66290
license has been issued shall be conspicuously displayed on the 66291
outside or inside of the primary entrance to the embalming 66292
facility. 66293

(2) The embalming facility shall be adequately equipped and 66294
maintained in a sanitary manner. The embalming room at such a 66295
facility shall contain only the articles, facilities, and 66296
instruments necessary for its stated purpose. The embalming room 66297
shall be kept in a clean and sanitary condition and used only for 66298
the care and preparation of dead human bodies. 66299

~~(3) An embalming facility license shall be issued only to an 66300
embalmer licensed under division (B) of section 4717.05 of the 66301
Revised Code, who is actually in charge of the facility. 66302~~

(D)(1) The board shall issue a license to operate a crematory 66303
facility only to a crematory operator who is actually in charge 66304
and ultimately responsible for the crematory facility. The board 66305
shall issue the license only for the address at which the 66306

crematory facility is physically located and operated. The license 66307
shall be displayed in a conspicuous place within the crematory 66308
facility. The name of the crematory operator to whom the crematory 66309
facility license has been issued shall be conspicuously displayed 66310
on the outside or inside of the primary entrance to the crematory 66311
facility. 66312

(2) The crematory facility shall be adequately equipped and 66313
maintained in a clean and sanitary manner. The crematory facility 66314
may be located in a funeral home, embalming facility, cemetery 66315
building, or other building in which the crematory facility may 66316
lawfully operate. If a crematory facility engages in the cremation 66317
of animals, the crematory facility shall cremate animals in a 66318
cremation chamber that also is not used to cremate dead human 66319
bodies or human body parts and shall not cremate animals in a 66320
cremation chamber used for the cremation of dead human bodies and 66321
human body parts. Cremation chambers that are used for the 66322
cremation of dead human bodies or human body parts and cremation 66323
chambers used for the cremation of animals may be located in the 66324
same area. Cremation chambers used for the cremation of animals 66325
shall have conspicuously displayed on the unit a notice that the 66326
unit is to be used for animals only. 66327

(3) A license to operate a crematory facility shall be issued 66328
to the person actually in charge of the crematory facility. This 66329
section does not require the individual who is actually in charge 66330
of the crematory facility to be an embalmer or funeral director 66331
licensed under this chapter. 66332

(4) Nothing in this section or rules adopted under section 66333
4717.04 of the Revised Code precludes the establishment and 66334
operation of a crematory facility on or adjacent to the property 66335
on which a cemetery, funeral home, or embalming facility is 66336
located. 66337

Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees:

(1) For ~~the~~ applying for an initial ~~issuance~~ or biennial renewal of an embalmer's or funeral director's license, one hundred fifty dollars;

(2) For ~~the issuance of~~ applying for an embalmer or funeral director registration, twenty-five dollars;

(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;

(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;

(5) For ~~the~~ applying for an initial ~~issuance of a~~ license to operate a funeral home, three hundred fifty dollars and biennial renewal of a license to operate a funeral home, three hundred fifty dollars;

(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(1) of this section plus fifty dollars for each month or portion of a month the license is lapsed, but not more than one thousand dollars;

(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;

(8) For ~~the initial issuance of~~ applying for a license to operate an embalming facility, three hundred fifty dollars and biennial renewal of a license to operate an embalming facility, three hundred fifty dollars;

(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(8) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;

(10) For ~~the initial issuance of~~ applying for a license to operate a crematory facility, three hundred fifty dollars and biennial renewal of a license to operate a crematory facility, three hundred fifty dollars;

(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(10) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than five hundred dollars;

(12) For applying for the initial or biennial renewal of a crematory operator permit, one hundred dollars;

(13) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A)(12) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars;

(14) For the issuance of a duplicate of a license issued under this chapter, ten dollars;

(15) For each preneed funeral contract sold in the state other than those funded by the assignment of an existing insurance policy, ten dollars.

(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.

(C) Subject to the approval of the controlling board, the

board of embalmers and funeral directors may establish fees in 66398
excess of the amounts set forth in this section, provided that 66399
these fees do not exceed the amounts set forth in this section by 66400
more than fifty per cent. 66401

Sec. 4717.08. (A) Every license and permit issued under this 66402
chapter expires on the last day of December of each even-numbered 66403
year and shall be renewed on or before that date according to the 66404
standard license renewal procedure set forth in Chapter 4745. of 66405
the Revised Code. Licenses and permits not renewed by the last day 66406
of December of each even-numbered year are lapsed. 66407

(B) A holder of a lapsed license to operate a funeral home, 66408
license to operate an embalming facility, or license to operate a 66409
crematory facility or a crematory operator permit may reinstate 66410
the license or permit with the board by paying the lapsed license 66411
fee established under section 4717.07 of the Revised Code. 66412

(C) A holder of a lapsed embalmer's or funeral director's 66413
license may reinstate the license with the board by paying the 66414
lapsed license fee established under section 4717.07 of the 66415
Revised Code, except that if the license is lapsed for more than 66416
one hundred eighty days after its expiration date, the holder also 66417
shall take and pass the Ohio laws examination for each license as 66418
a condition for reinstatement. 66419

Sec. 4717.09. (A) Every two years, licensed embalmers and 66420
funeral directors shall attend between twelve and thirty hours of 66421
educational programs as a condition for renewal of their licenses. 66422
The board of embalmers and funeral directors shall adopt rules 66423
governing the administration and enforcement of the continuing 66424
education requirements of this section. The board may contract 66425
with a professional organization or association or other third 66426
party to assist it in performing functions necessary to administer 66427

and enforce the continuing education requirements of this section. 66428
A professional organization or association or other third party 66429
with whom the board so contracts may charge a reasonable fee for 66430
performing these functions to licensees or to the persons who 66431
provide continuing education programs. 66432

(B) A person holding both an embalmer's license and a funeral 66433
director's license need meet only the continuing education 66434
requirements established by the board for one or the other of 66435
those licenses in order to satisfy the requirement of division (A) 66436
of this section. 66437

(C) A person holding a courtesy card permit issued under 66438
section 4717.10 of the Revised Code is not required to satisfy the 66439
continuing education requirements specified in division (A) of 66440
this section as a condition of renewal of the permit. 66441

(D) A crematory operator shall maintain an active 66442
certification from a crematory operator certification program as a 66443
condition for renewal of the permit. 66444

(E) The board shall not renew the license of a licensee who 66445
fails to meet the continuing education requirements of this 66446
section and who has not been granted a ~~waiver~~ or an exemption 66447
under division ~~(D)~~(F) or ~~(E)~~(G) of this section. 66448

~~(D)~~(F) Any licensee who fails to meet the continuing 66449
education requirements of this section because of undue hardship 66450
or disability, or who is not actively engaged in the practice of 66451
funeral directing or embalming in this state, may apply to the 66452
board for a ~~waiver~~ or an exemption. 66453

~~(E)~~ (G) Any licensee who has been an embalmer or a funeral 66454
director for not less than fifty years and who is not ~~actually~~ 66455
actively in charge of ~~an embalming facility or a manager or~~ 66456
~~actually in charge of~~ and ultimately responsible for a funeral 66457
home or embalming facility in this state may apply to the board 66458

for an exemption- 66459

~~(F) The board shall determine, by rule, the procedures for 66460
applying for a waiver or an exemption from the continuing 66461
education requirements ~~under~~ specified in division (A) of this 66462
section and under what conditions a waiver or an exemption may be 66463
granted. 66464~~

(H) The board shall not renew the crematory operator permit 66465
of an individual who fails to satisfy the certification 66466
requirement of division (D) of this section. 66467

Sec. 4717.10. (A) The board of embalmers and funeral 66468
directors may recognize licenses issued to embalmers and funeral 66469
directors by other states, and upon presentation of such licenses, 66470
may issue to the holder an embalmer's or funeral director's 66471
license under this chapter. The board shall charge the same fee as 66472
prescribed in section 4717.07 of the Revised Code to issue or 66473
renew such an embalmer's or funeral director's license. Such 66474
licenses shall be renewed biennially as provided in section 66475
4717.08 of the Revised Code. The board shall not issue a license 66476
to any person under division (A) of this section unless the 66477
applicant proves that the applicant, in the state in which the 66478
applicant is licensed, has complied with requirements 66479
substantially equal to those established in section 4717.05 of the 66480
Revised Code. 66481

(B) The board of embalmers and funeral directors may issue 66482
courtesy card permits. A courtesy card permit holder shall be 66483
authorized to undertake both the following acts in this state: 66484

(1) Prepare and complete those sections of a death 66485
certificate and other permits needed for disposition of deceased 66486
human remains in this state and sign and file such death 66487
certificates and permits; 66488

(2) Supervise and conduct funeral ceremonies, interments, and entombments in this state. 66489
66490

(C) The board of embalmers and funeral directors may 66491
determine under what conditions a courtesy card permit may be 66492
issued to funeral directors in bordering states after taking into 66493
account whether and under what conditions and fees such border 66494
states issue similar courtesy card permits to funeral directors 66495
licensed in this state. A courtesy card permit holder shall comply 66496
with all applicable laws and rules of this state while engaged in 66497
any acts of funeral directing in this state. The board may revoke 66498
or suspend a courtesy card permit or subject a courtesy card 66499
permit holder to discipline in accordance with the laws, rules, 66500
and procedures applicable to funeral ~~director-licensees~~ directors 66501
under this chapter. Applicants for courtesy card permits shall 66502
apply on forms prescribed by the board, pay a biennial fee set by 66503
the board for initial applications and renewals, and adhere to 66504
such other requirements imposed by the board on courtesy card 66505
permit holders. 66506

(D) No courtesy card permit holder shall be authorized to 66507
undertake any of the following activities in this state: 66508

(1) Arranging funerals or disposition services with members 66509
of the public in this state; 66510

(2) Be employed by or under contract to a funeral home 66511
licensed in this state to perform funeral services in this state; 66512

(3) Advertise funeral or disposition services in this state; 66513

(4) Enter into or execute funeral or disposition contracts in 66514
this state; 66515

(5) Prepare or embalm deceased human remains in this state; 66516

(6) Arrange for or carry out the disinterment of human 66517
remains in this state. 66518

(E) As used in this section, "courtesy card permit" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.

Sec. 4717.11. (A)~~(1)~~ A person who is licensed to operate a funeral home shall ~~obtain a new~~ surrender that person's license upon any to operate a funeral home within thirty days after a change in any of the following:

(a) The location of the funeral home ~~or any change in ownership of the funeral;~~

(b) The person who is actually in charge and ultimately responsible for the funeral home;

(c) Ownership of the funeral home business that owns the funeral home that results in a majority of the ownership of the funeral business being held by one or more persons who solely or in combination with others did not own a majority of the funeral business immediately prior to the change in ownership. ~~The person licensed to operate the funeral home shall surrender the current license to the board within~~

(2) Within thirty days after any such a change described in division (A)(1) of this section occurs. ~~If a funeral home is sold, the new funeral director who will be actually in charge and ultimately responsible for the funeral home after the change shall apply for a license within thirty days after the date of the closing of the purchase of the new funeral home license.~~ Upon the filing of an application for a funeral home license by a licensed funeral director, the funeral home may continue to operate until the board denies the funeral home's application.

~~(B) When the funeral director who is licensed to operate a funeral home ceases to operate the home because of death,~~

~~resignation, employment termination, sale of the funeral home, or 66549
any other reason, the funeral home may continue to operate under 66550
that person's name, provided that the name of the new person 66551
licensed to operate the funeral home is added to the license 66552
within twenty four months after the previous license holder dies 66553
or otherwise ceases to operate the funeral home. The new licensee 66554
shall meet the requirements of section 4717.06 of the Revised 66555
Code. 66556~~

~~(C) A person who is licensed to operate an embalming facility 66557
shall obtain a new license upon any change in (1) A person who is 66558
licensed to operate an embalming facility shall surrender that 66559
person's license to operate an embalming facility within thirty 66560
days after a change in any of the following: 66561~~

~~(a) The location of the embalming facility or any change in 66562
ownership; 66563~~

~~(b) The person who is actually in charge and ultimately 66564
responsible for the embalming facility; 66565~~

~~(c) Ownership of the business entity that owns the embalming 66566
facility that results in a majority of the ownership of the 66567
business entity being held by one or more persons who solely or in 66568
combination with others did not own a majority of the business 66569
entity immediately prior to the change in ownership. ~~The person 66570
licensed to operate the facility shall surrender the current 66571
license to the board within thirty days after any such change 66572
occurs.~~ 66573~~

~~(D) A person who is licensed to operate a crematory facility 66574
shall obtain a new license upon any change in location of the 66575
crematory facility or any change in ownership of the business 66576
entity operating the facility that results in a majority of the 66577
ownership of the business entity being held by one or more persons 66578
who solely or in combination with others did not own a majority of 66579~~

~~the business entity immediately prior to the change in ownership. 66580
The person licensed to operate the crematory facility shall 66581
surrender the current license to the board within thirty days 66582
after any such change occurs. 66583~~

(2) Within thirty days after a change described in division 66584
(B)(1) of this section occurs, the person who will be actually in 66585
charge and ultimately responsible for the embalming facility after 66586
the change shall apply for a new license to operate the embalming 66587
facility. Upon filing of an application for a license to operate 66588
an embalming facility by a licensed embalmer, the embalming 66589
facility may continue to operate until the board denies the 66590
embalming facility's application. 66591

(C)(1) A person who is licensed to operate a crematory 66592
facility shall surrender that person's license to operate a 66593
crematory facility within thirty days after a change in any of the 66594
following: 66595

(a) The location of the crematory facility; 66596

(b) The person who is actually in charge and ultimately 66597
responsible for the crematory facility; 66598

(c) Ownership of the business entity that owns the crematory 66599
facility that results in a majority of the ownership of the 66600
business entity being held by one or more persons who alone or in 66601
combination with others did not own a majority of the business 66602
entity immediately prior to the change in ownership. 66603

(2) Within thirty days after a change described in division 66604
(C)(1) of this section occurs, the person who will be actually in 66605
charge and ultimately responsible for the crematory facility after 66606
the change shall apply for a new license to operate the crematory 66607
facility. Upon the filing of an application for a license to 66608
operate a crematory facility by a person holding a crematory 66609
operator permit, the crematory facility may continue to operate 66610

until the board denies the crematory facility's application. 66611

(D)(1) The board of embalmers and funeral directors shall 66612
review applications for new licenses under section 4717.06 of the 66613
Revised Code. 66614

(2) If the board, upon receiving satisfactory evidence, 66615
determines that the applicant satisfies all of the requirements of 66616
division (A), (B), (C), or (D) of section 4717.06 of the Revised 66617
Code with respect to a particular funeral home, embalming 66618
facility, or crematory facility, the board shall issue to the 66619
applicant a new license to operate that funeral home, embalming 66620
facility, or crematory facility. 66621

Sec. 4717.13. (A) No person shall do any of the following: 66622

(1) Engage in the business or profession of funeral directing 66623
unless the person is licensed as a funeral director under this 66624
chapter, is certified as an apprentice funeral director in 66625
accordance with rules adopted under section 4717.04 of the Revised 66626
Code and ~~is assisting~~ under the supervision of a funeral director 66627
licensed under this chapter, or is a student in a college of 66628
mortuary sciences approved by the board of embalmers and funeral 66629
directors and is under the direct supervision of a funeral 66630
director licensed by the board; 66631

(2) Engage in embalming unless the person is licensed as an 66632
embalmer under this chapter, is certified as an apprentice 66633
embalmer in accordance with rules adopted under section 4717.04 of 66634
the Revised Code and is ~~assisting~~ under the supervision of an 66635
embalmer licensed under this chapter, or is a student in a college 66636
of mortuary science approved by the board and is under the direct 66637
supervision of an embalmer licensed by the board; 66638

(3) Advertise or otherwise offer to provide or convey the 66639
impression that the person provides funeral directing services 66640

unless the person is licensed as a funeral director under this 66641
chapter and is employed by or under contract to a licensed funeral 66642
home and performs funeral directing services for that funeral home 66643
in a manner consistent with the advertisement, offering, or 66644
conveyance; 66645

(4) Advertise or otherwise offer to provide or convey the 66646
impression that the person provides embalming services unless the 66647
person is licensed as an embalmer under this chapter and is 66648
employed by or under contract to a licensed funeral home or a 66649
licensed embalming facility and performs embalming services for 66650
the funeral home or embalming facility in a manner consistent with 66651
the advertisement, offering, or conveyance; 66652

(5) Operate a funeral home without a license to operate the 66653
funeral home issued by the board under this chapter; 66654

(6) Practice the business or profession of funeral directing 66655
from any place except from a funeral home that a person is 66656
licensed to operate under this chapter; 66657

(7) Practice embalming from any place except from a funeral 66658
home or embalming facility that a person is licensed to operate 66659
under this chapter; 66660

(8) Operate a crematory or perform cremation without a 66661
license to operate the crematory issued under this chapter; 66662

(9) Cremate animals in a cremation chamber in which dead 66663
human bodies or body parts are cremated or cremate dead human 66664
bodies or human body parts in a cremation chamber in which animals 66665
are cremated; 66666

(10) Hold a dead human body, before final disposition, for 66667
more than forty-eight hours after the time of death unless the 66668
dead human body is embalmed or placed into refrigeration and 66669
maintained at a constant temperature of less than forty degrees; 66670

(11) Knowingly refuse to promptly submit the custody of a 66671
dead human body or cremated remains upon the oral or written order 66672
of the person legally entitled to the body or cremated remains; 66673

(12) Except as ordered by the person holding the right of 66674
disposition under section 2108.70 or 2108.81 of the Revised Code, 66675
knowingly fail to carry out the final disposition of a dead human 66676
body within thirty days after taking custody of the body. 66677

(B) No funeral director or other person in charge of the 66678
final disposition of a dead human body shall fail to do one of the 66679
following prior to the interment of the body: 66680

(1) Affix to the ankle or wrist of the deceased a tag encased 66681
in a durable and long-lasting material that contains the name, 66682
date of birth, date of death, and social security number of the 66683
deceased; 66684

(2) Place in the casket a capsule containing a tag bearing 66685
the information described in division (B)(1) of this section; 66686

(3) If the body was cremated, place in the vessel containing 66687
the cremated remains a tag bearing the information described in 66688
division (B)(1) of this section. 66689

(C) No person who holds a funeral home license for a funeral 66690
home that is closed, or that is owned by a funeral business in 66691
which changes in the ownership of the funeral business result in a 66692
majority of the ownership of the funeral business being held by 66693
one or more persons who solely or in combination with others did 66694
not own a majority of the funeral business immediately prior to 66695
the change in ownership, shall fail to submit to the board within 66696
thirty days after the closing or such a change ~~in~~ of ownership of 66697
the funeral business owning the funeral home, a clearly enumerated 66698
account of all of the following from which the licensee, at the 66699
time of the closing or change ~~in~~ of ownership of the funeral 66700
business and in connection with the funeral home, was to receive 66701

payment for providing the funeral services, funeral goods, or any 66702
combination of those in connection with the funeral or final 66703
disposition of a dead human body: 66704

(1) Preneed funeral contracts governed by sections 4717.31 to 66705
4717.38 of the Revised Code; 66706

(2) Life insurance policies or annuities the benefits of 66707
which are payable to the provider of funeral or burial goods or 66708
services; 66709

(3) Accounts at banks or savings banks insured by the federal 66710
deposit insurance corporation, savings and loan associations 66711
insured by the federal savings and loan insurance corporation or 66712
the Ohio deposit guarantee fund, or credit unions insured by the 66713
national credit union administration or a credit union share 66714
guaranty corporation organized under Chapter 1761. of the Revised 66715
Code that are payable upon the death of the person for whose 66716
benefit deposits into the accounts were made. 66717

(D)(1) No person who holds a funeral home license for a 66718
funeral home that is closed shall negligently fail to send written 66719
notice to the purchaser of every preneed funeral contract to which 66720
the funeral business is a party via first class United States 66721
mail. Such notice shall be addressed to the purchaser's last known 66722
address and shall explain that the funeral business is being 66723
closed and the name of any funeral business that has been 66724
designated to assume the obligations of the preneed contract. 66725

(2) Within thirty days of the closing of a funeral home, no 66726
person who held the funeral home license for the closed funeral 66727
home shall negligently fail to transfer all preneed contracts to 66728
the funeral home or funeral homes that have been designated to 66729
assume the obligation of the preneed contracts. If the person who 66730
holds a funeral home license for a funeral home that is closed 66731
fails to designate a successor funeral home or funeral homes to 66732

assume the obligations of the preneed funeral contracts, the board 66733
shall make such designations and order the transfer of the preneed 66734
funeral contracts to the designated funeral home or funeral homes. 66735

Sec. 4717.14. (A) The board of embalmers and funeral 66736
directors may refuse to grant or renew, or may suspend or revoke, 66737
any license or permit issued under this chapter or may require the 66738
holder of a license or permit to take corrective action courses 66739
for any of the following reasons: 66740

(1) The holder of a license was or permit obtained the 66741
license or permit by fraud or misrepresentation either in the 66742
application or in passing the examination. 66743

(2) The applicant ~~or~~, licensee, or permit holder has been 66744
convicted of or has pleaded guilty to a felony or of any crime 66745
involving moral turpitude. 66746

(3) The applicant ~~or~~, licensee, or permit holder has 66747
purposely violated any provision of sections 4717.01 to 4717.15 or 66748
a rule adopted under any of those sections; division (A) or (B) of 66749
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 66750
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 66751
division (D)(1) of section 4717.27; or divisions (A) to (C) of 66752
section 4717.28 of the Revised Code; or any provisions of sections 66753
4717.31 to 4717.38 of the Revised Code; any rule or order of the 66754
department of health or a board of health of a health district 66755
governing the disposition of dead human bodies; or any other rule 66756
or order applicable to the applicant or licensee. 66757

(4) The applicant ~~or~~, licensee, or permit holder has 66758
committed immoral or unprofessional conduct. 66759

(5) The applicant or licensee knowingly permitted an 66760
unlicensed person, other than a person serving an apprenticeship, 66761
to engage in the profession or business of embalming or funeral 66762

directing under the applicant's or licensee's supervision. 66763

(6) The applicant ~~or~~, licensee, or permit holder has been 66764
habitually intoxicated, or is addicted to the use of morphine, 66765
cocaine, or other habit-forming or illegal drugs. 66766

(7) The applicant ~~or~~, licensee, or permit holder has refused 66767
to promptly submit the custody of a dead human body or cremated 66768
remains upon the express order of the person legally entitled to 66769
the body or cremated remains. 66770

(8) The licensee or permit holder loaned the licensee's own 66771
license or the permit holder's own permit, or the applicant ~~or~~, 66772
licensee, or permit holder borrowed or used the license or permit 66773
of another person, or knowingly aided or abetted the granting of 66774
an improper license or permit. 66775

(9) The applicant ~~or~~, licensee ~~transferred a license to~~ 66776
~~operate a funeral home, embalming facility, or crematory from one~~ 66777
~~owner or operator to another, or from one location to another,~~ 66778
~~without notifying the board.~~ 66779

~~(10) The applicant or licensee, or permit holder misled the~~ 66780
~~public by using false or deceptive advertising. As used in this~~ 66781
~~division, "false and deceptive advertising" includes, but is not~~ 66782
~~limited to, any of the following:~~ 66783

(a) Using the names of persons who are not licensed to 66784
practice funeral directing in a way that leads the public to 66785
believe that such persons are engaging in funeral directing; 66786

(b) Using any name for the funeral home other than the name 66787
under which the funeral home is licensed; 66788

(c) Using in the funeral home's name the surname of an 66789
individual who is not directly, actively, or presently associated 66790
with the funeral home, unless such surname has been previously and 66791
continuously used by the funeral home. 66792

(B)(1) The board of embalmers and funeral directors shall 66793
refuse to grant or renew, or shall suspend or revoke, ~~an~~ 66794
~~embalmer's, funeral director's, funeral home, or embalming~~ 66795
~~facility~~ a license or permit only in accordance with Chapter 119. 66796
of the Revised Code. 66797

(2) The board shall send to the crematory review board 66798
written notice that it proposes to refuse to issue or renew, or 66799
proposes to suspend or revoke, a license to operate a crematory 66800
facility. If, after the conclusion of the adjudicatory hearing on 66801
the matter conducted under division (F) of section 4717.03 of the 66802
Revised Code, the board of embalmers and funeral directors finds 66803
that any of the circumstances described in divisions (A)(1) to 66804
~~(10)~~(9) of this section apply to the person named in its proposed 66805
action, the board may issue a final order under division (F) of 66806
section 4717.03 of the Revised Code refusing to issue or renew, or 66807
suspending or revoking, the person's license to operate a 66808
crematory facility. 66809

(C) If the board of embalmers and funeral directors 66810
determines that there is clear and convincing evidence that any of 66811
the circumstances described in divisions (A)(1) to ~~(10)~~(9) of this 66812
section apply to the holder of a license or permit issued under 66813
this chapter and that the licensee's or permit holder's continued 66814
practice presents a danger of immediate and serious harm to the 66815
public, the board may suspend the licensee's license or permit 66816
holder's permit without a prior adjudicatory hearing. The 66817
executive director of the board shall prepare written allegations 66818
for consideration by the board. 66819

The board, after reviewing the written allegations, may 66820
suspend a license or permit without a prior hearing. 66821

The board shall issue a written order of suspension by a 66822
delivery system or in person in accordance with section 119.07 of 66823
the Revised Code. Such an order is not subject to suspension by 66824

the court during the pendency of any appeal filed under section 66825
119.12 of the Revised Code. If the licensee or permit holder of ~~an~~ 66826
~~embalmer's, funeral director's, funeral home, or embalming~~ 66827
~~facility~~ license requests an adjudicatory hearing by the board, 66828
the date set for the hearing shall be within fifteen days, but not 66829
earlier than seven days, after the licensee or permit holder has 66830
requested a hearing, unless the board and the licensee or permit 66831
holder agree to a different time for holding the hearing. 66832

Upon issuing a written order of suspension to the holder of a 66833
license to operate a crematory facility, the board of embalmers 66834
and funeral directors shall send written notice of the issuance of 66835
the order to the crematory review board. The crematory review 66836
board shall hold an adjudicatory hearing on the order under 66837
division (F) of section 4717.03 of the Revised Code within fifteen 66838
days, but not earlier than seven days, after the issuance of the 66839
order, unless the crematory review board and the licensee agree to 66840
a different time for holding the adjudicatory hearing. 66841

Any summary suspension imposed under this division shall 66842
remain in effect, unless reversed on appeal, until a final 66843
adjudicatory order issued by the board of embalmers and funeral 66844
directors pursuant to this division and Chapter 119. of the 66845
Revised Code, or division (F) of section 4717.03 of the Revised 66846
Code, as applicable, becomes effective. The board of embalmers and 66847
funeral directors shall issue its final adjudicatory order within 66848
sixty days after the completion of its hearing or, in the case of 66849
the summary suspension of a license to operate a crematory 66850
facility, within sixty days after completion of the adjudicatory 66851
hearing by the crematory review board. A failure to issue the 66852
order within that time results in the dissolution of the summary 66853
suspension order, but does not invalidate any subsequent final 66854
adjudicatory order. 66855

(D) If the board of embalmers and funeral directors suspends 66856

or revokes a funeral director's license held by a funeral director 66857
or a license to operate a funeral home for any reason identified 66858
in division (A) of this section, the board may file a complaint 66859
with the court of common pleas in the county where the violation 66860
occurred requesting appointment of a receiver and the 66861
sequestration of the assets of the funeral home that held the 66862
suspended or revoked license or the licensed funeral home that 66863
employs the funeral director that held the suspended or revoked 66864
license. If the court of common pleas is satisfied with the 66865
application for a receivership, the court may appoint a receiver. 66866

The board or a receiver may employ and procure whatever 66867
assistance or advice is necessary in the receivership or 66868
liquidation and distribution of the assets of the funeral home, 66869
and, for that purpose, may retain officers or employees of the 66870
funeral home as needed. All expenses of the receivership or 66871
liquidation shall be paid from the assets of the funeral home and 66872
shall be a lien on those assets, and that lien shall be a priority 66873
to any other lien. 66874

(E) Any holder of a license or permit issued under this 66875
chapter who has pleaded guilty to, has been found by a judge or 66876
jury to be guilty of, or has had a judicial finding of eligibility 66877
for treatment in lieu of conviction entered against the individual 66878
in this state for aggravated murder, murder, voluntary 66879
manslaughter, felonious assault, kidnapping, rape, sexual battery, 66880
gross sexual imposition, aggravated arson, aggravated robbery, or 66881
aggravated burglary, or who has pleaded guilty to, has been found 66882
by a judge or jury to be guilty of, or has had a judicial finding 66883
of eligibility for treatment in lieu of conviction entered against 66884
the individual in another jurisdiction for any substantially 66885
equivalent criminal offense, is hereby suspended from practice 66886
under this chapter by operation of law, and any license or permit 66887
issued to the individual under this chapter is hereby suspended by 66888

operation of law as of the date of the guilty plea, verdict or 66889
finding of guilt, or judicial finding of eligibility for treatment 66890
in lieu of conviction, regardless of whether the proceedings are 66891
brought in this state or another jurisdiction. The board shall 66892
notify the suspended individual of the suspension of the 66893
individual's license or permit by the operation of this division 66894
by a delivery system or in person in accordance with section 66895
119.07 of the Revised Code. If an individual whose license or 66896
permit is suspended under this division fails to make a timely 66897
request for an adjudicatory hearing, the board shall enter a final 66898
order revoking the license. 66899

(F) No person whose license or permit has been suspended or 66900
revoked under or by the operation of this section shall knowingly 66901
practice embalming ~~or~~, funeral directing, or cremation, or operate 66902
a funeral home, embalming facility, or crematory facility until 66903
the board has reinstated the person's license or permit. 66904

Sec. 4717.15. (A) The board of embalmers and funeral 66905
directors, without the necessity for conducting a prior 66906
adjudication hearing, may issue a notice of violation to the 66907
holder of an embalmer's, funeral director's, funeral home, or 66908
embalming facility, or crematory facility license, or a crematory 66909
operator permit or a courtesy card permit issued under this 66910
chapter who the board finds has committed any of the violations 66911
described in ~~divisions~~ division (A)(9)(a) ~~to (g)~~ of section 66912
4717.04 of the Revised Code. The notice shall set forth the 66913
specific violation committed by the licensee or permit holder and 66914
shall be sent by certified mail. The notice shall be accompanied 66915
by an order requiring the payment of the appropriate forfeiture 66916
prescribed in rules adopted under division (A)(9) of section 66917
4717.04 of the Revised Code and by a notice informing the licensee 66918
or permit holder that the licensee is entitled to an adjudicatory 66919
hearing on the notice of violation and order if the licensee or 66920

permit holder requests a hearing and if the board receives the 66921
request within thirty days after the mailing of the notice of 66922
violation and order. The board shall conduct any such adjudicatory 66923
hearing in accordance with Chapter 119. of the Revised Code, 66924
except as otherwise provided in this division. 66925

A licensee or permit holder who receives a notice of 66926
violation and order under this division shall pay to the executive 66927
director of the board the full amount of the forfeiture by 66928
certified check within thirty days after the notice of violation 66929
and order were mailed to the licensee or permit holder unless, 66930
within that time, the licensee or permit holder submits a request 66931
for an adjudicatory hearing on the notice of violation and order. 66932
If such a request for an adjudicatory hearing is timely filed, the 66933
licensee or permit holder need not pay the forfeiture to the 66934
executive director until after a final, nonappealable 66935
administrative or judicial decision is rendered on the order 66936
requiring payment of the forfeiture. If a final nonappealable 66937
administrative or judicial decision is rendered affirming the 66938
board's order, the licensee or permit holder shall pay to the 66939
executive director of the board the full amount of the forfeiture 66940
by certified check within thirty days after notice of the decision 66941
was sent to the licensee. A forfeiture is considered to be paid 66942
when the licensee's or permit holder's certified check is received 66943
by the executive director in Columbus. If the licensee or permit 66944
holder fails to so pay the full amount of the forfeiture to the 66945
executive director within that time, the board shall issue an 66946
order suspending or revoking the individual's license or permit, 66947
as the board considers appropriate. 66948

(B) The board shall send to the crematory review board 66949
written notice that it proposes to issue to the holder of a 66950
license to operate a crematory facility issued under this chapter 66951
a notice of violation and order requiring payment of a forfeiture 66952

specified in rules adopted under division (A)(9) of section 66953
4717.04 of the Revised Code. If, after the conclusion of the 66954
adjudicatory hearing on the matter conducted under division (F) of 66955
section 4717.03 of the Revised Code, the board of embalmers and 66956
funeral directors finds that the licensee has committed any of the 66957
violations described in ~~divisions~~ division (A)(9)(a) to (g) of 66958
section 4717.04 of the Revised Code in connection with the 66959
operation of a crematory facility or cremation, the board of 66960
embalmers and funeral directors may issue a final order under 66961
division (F) of section 4717.03 of the Revised Code requiring 66962
payment of the appropriate forfeiture specified in rules adopted 66963
under division (A)(9) of section 4717.04 of the Revised Code. A 66964
licensee who receives such an order shall pay the full amount of 66965
the forfeiture to the executive director by certified check within 66966
thirty days after the order was sent to the licensee unless, 66967
within that time, the licensee files a notice of appeal in 66968
accordance with division (F) of section 4717.03 and section 119.12 66969
of the Revised Code. If such a notice of appeal is timely filed, 66970
the licensee or permit holder need not pay the forfeiture to the 66971
executive director until after a final, nonappealable judicial 66972
decision is rendered in the appeal. If a final, nonappealable 66973
judicial decision is rendered affirming the board's order, the 66974
licensee or permit holder shall pay to the executive director the 66975
full amount of the forfeiture by certified check within thirty 66976
days after notice of the decision was sent to the licensee or 66977
permit holder. A forfeiture is considered paid when the licensee's 66978
or permit holder's certified check is received by the executive 66979
director in Columbus. If the licensee or permit holder fails to so 66980
pay the full amount of the forfeiture to the executive director 66981
within that time, the board shall issue an order suspending or 66982
revoking the individual's license, as the board considers 66983
appropriate. 66984

Sec. 4717.16. On receipt of a notice pursuant to section 66985
3123.43 of the Revised Code, the board of embalmers and funeral 66986
directors shall comply with sections 3123.41 to 3123.50 of the 66987
Revised Code and any applicable rules adopted under section 66988
3123.63 of the Revised Code with respect to a license or permit 66989
issued pursuant to this chapter. 66990

Sec. 4717.21. (A) Any person, on an antemortem basis, may 66991
serve as the person's own authorizing agent, authorize the 66992
person's own cremation, and specify the arrangements for the final 66993
disposition of the person's own cremated remains by executing an 66994
antemortem cremation authorization form. A guardian, custodian, or 66995
other personal representative who is authorized by law or contract 66996
to do so on behalf of a person, on an antemortem basis, may 66997
authorize the cremation of the person and specify the arrangements 66998
for the final disposition of the person's cremated remains by 66999
executing an antemortem cremation authorization form on the 67000
person's behalf. Any such antemortem cremation authorization form 67001
also shall be signed by one witness. The original copy of the 67002
executed authorization form shall be sent to the ~~operator of the~~ 67003
crematory facility being authorized to conduct the cremation, and 67004
a copy shall be retained by the person who executed the 67005
authorization form. The person who executed an antemortem 67006
cremation authorization form may revoke the authorization at any 67007
time by providing written notice of the revocation to ~~the operator~~ 67008
~~of~~ the crematory facility named in the authorization form. The 67009
person who executed the authorization form may transfer the 67010
authorization to another crematory facility by providing written 67011
notice to the ~~operator of the~~ crematory facility named in the 67012
original authorization of the revocation of the authorization and, 67013
in accordance with this division, executing a new antemortem 67014
cremation authorization form authorizing ~~the operator of~~ another 67015

crematory facility to conduct the cremation. 67016

(B)(1) Each antemortem cremation authorization form shall 67017
specify the final disposition that is to be made of the cremated 67018
remains. 67019

(2) Every antemortem cremation authorization form entered 67020
into on or after ~~the effective date of this amendment~~ October 12, 67021
2006, shall specify the final disposition that is to be made of 67022
the remains and shall include a provision in substantially the 67023
following form: 67024

NOTICE: Upon the death of the person who is the subject of 67025
this antemortem cremation authorization, the person holding the 67026
right of disposition under section 2108.70 or 2108.81 of the 67027
Revised Code may cancel the cremation arrangements, modify the 67028
arrangements for the final disposition of the cremated remains, or 67029
make alternative arrangements for the final disposition of the 67030
decedent's body. However, the person executing this antemortem 67031
cremation authorization is encouraged to state his or her 67032
preferences as to the manner of final disposition in a declaration 67033
of the right of disposition pursuant to section 2108.72 of the 67034
Revised Code, including that the arrangements set forth in this 67035
form shall be followed. 67036

(C)(1) Except as provided in division (C)(2) of this section, 67037
when the ~~operator of a~~ crematory facility is in possession of a 67038
cremation authorization form that has been executed on an 67039
antemortem basis in accordance with this section, the other 67040
conditions set forth in division (A) of section 4717.23 of the 67041
Revised Code have been met, the crematory facility has possession 67042
of the decedent to which the antemortem authorization pertains, 67043
and the crematory facility has received payment for the cremation 67044
of the decedent and the final disposition of the cremated remains 67045
of the decedent or is otherwise assured of payment for those 67046
services, the crematory facility shall cremate the decedent as 67047

directed and dispose of the cremated remains in accordance with 67048
the instructions contained in the antemortem cremation 67049
authorization form. 67050

(2) A person with the right of disposition for a decedent 67051
under section 2108.70 or 2108.81 of the Revised Code who is not 67052
disqualified under section 2108.75 of the Revised Code may cancel 67053
the arrangements for the decedent's cremation, modify the 67054
arrangements for the final disposition of the decedent's cremated 67055
remains, or make alternative arrangements for the final 67056
disposition of the decedent's body. If a person with the right 67057
takes any such action, the ~~operator~~ crematory facility shall 67058
disregard the instructions contained in the antemortem cremation 67059
authorization form and follow the instructions of the person with 67060
the right. 67061

(D) An antemortem cremation authorization form executed under 67062
division (A) of this section does not constitute a contract for 67063
conducting the cremation of the person named in the authorization 67064
form or for the final disposition of the person's cremated 67065
remains. Despite the existence of such an antemortem cremation 67066
authorization, a person with the right of disposition for a 67067
decedent under section 2108.70 or 2108.81 of the Revised Code may 67068
modify, in writing, the arrangements for the final disposition of 67069
the cremated remains of the decedent set forth in the 67070
authorization form or may cancel the cremation and claim the 67071
decedent's body for purposes of making alternative arrangements 67072
for the final disposition of the decedent's body. The revocation 67073
of an antemortem cremation authorization form executed under 67074
division (A) of this section, or the cancellation of the cremation 67075
of the person named in the antemortem authorization or 67076
modification of the arrangements for the final disposition of the 67077
person's cremated remains as authorized by this division, does not 67078
affect the validity or enforceability of any contract entered into 67079

for the cremation of the person named in the antemortem 67080
authorization or for the final disposition of the person's 67081
cremated remains. 67082

(E) Nothing in this section applies to any antemortem 67083
cremation authorization form executed prior to ~~the effective date~~ 67084
~~of this section~~ August 5, 1998. Any cemetery, funeral home, 67085
crematory facility, or other party may specify, with the written 67086
approval of the person who executed the antemortem authorization, 67087
that such an antemortem authorization is subject to sections 67088
4717.21 to 4717.30 of the Revised Code. 67089

Sec. 4717.23. (A) No crematory operator ~~of a~~ or crematory 67090
facility shall cremate or allow the cremation ~~at a crematory~~ 67091
~~facility the operator is licensed to operate under this chapter~~ of 67092
a dead human body, other than one that was donated to science for 67093
purposes of medical education or research, until all of the 67094
following have occurred: 67095

(1) A period of at least twenty-four hours has elapsed since 67096
the decedent's death as indicated on a complete, nonprovisional 67097
death certificate filed under section 3705.16 of the Revised Code 67098
or under the laws of another state that are substantially 67099
equivalent to that section, unless, if the decedent died from a 67100
virulent communicable disease, the department of health or board 67101
of health having territorial jurisdiction where the death of the 67102
decedent occurred requires by rule or order the cremation to occur 67103
prior to the end of that period; 67104

(2) The ~~operator~~ crematory facility has received a burial or 67105
burial-transit permit that authorizes the cremation of the 67106
decedent; 67107

(3) The ~~operator~~ crematory facility has received a completed 67108
cremation authorization form executed pursuant to section 4717.21 67109
or 4717.24 of the Revised Code, as applicable, that authorizes the 67110

cremation of the decedent. A blank cremation authorization form 67111
shall be provided by the ~~operator~~ crematory facility and shall 67112
comply with section 4717.24 of the Revised Code and, if 67113
applicable, section 4717.21 of the Revised Code. 67114

(4) The ~~operator~~ crematory facility has received any other 67115
documentation required by this state or a political subdivision of 67116
this state. 67117

(B) No crematory operator ~~of a~~ or crematory facility shall 67118
cremate or allow the cremation of any body parts, including, 67119
without limitation, dead human bodies that were donated to science 67120
for purposes of medical research or education, at a crematory 67121
facility ~~the operator is~~ licensed to operate in this state until 67122
both of the following have occurred: 67123

(1) The ~~operator~~ crematory facility has received a completed 67124
cremation authorization form executed pursuant to section 4717.25 67125
of the Revised Code or, if the decedent has executed an antemortem 67126
cremation authorization form in accordance with section 4717.21 of 67127
the Revised Code and has donated the decedent's body to science 67128
for purposes of medical education or research, such an antemortem 67129
cremation authorization form; 67130

(2) The ~~operator~~ crematory facility has received any other 67131
documentation required by this state or a political subdivision of 67132
this state. 67133

Sec. 4717.24. (A) A cremation authorization form authorizing 67134
the cremation of a dead human body, other than one that was 67135
donated to science for purposes of medical education or research, 67136
shall include at least all of the following information and 67137
statements: 67138

(1) A statement that the decedent has been identified in 67139
accordance with division (B) of this section; 67140

(2) The name of the funeral director or other individual who
obtained the burial or burial-transit permit authorizing the
cremation of the decedent;

(3) The name of the authorizing agent and the relationship of
the authorizing agent to the decedent;

(4) A statement that the authorizing agent in fact has the
right to authorize cremation of the decedent and that the
authorizing agent does not have actual knowledge of the existence
of any living person who has a superior priority right to act as
the authorizing agent under section 4717.22 of the Revised Code.
If the person executing the cremation authorization form knows of
another living person who has such a superior priority right, the
authorization form shall include a statement indicating that the
person executing the authorization form has made reasonable
efforts to contact the person having the superior priority right
and has been unable to do so and that the person executing the
authorization form has no reason to believe that the person having
the superior priority right would object to the cremation of the
decedent.

(5) A statement of whether the authorizing agent has actual
knowledge of the presence in the decedent of a pacemaker,
defibrillator, or any other mechanical or radioactive device or
implant that poses a hazard to the health or safety of personnel
performing the cremation;

(6) A statement indicating the crematory facility is to
cremate the casket or alternative container in which the decedent
was delivered to or accepted by the crematory facility;

(7) A statement of whether the crematory facility is
authorized to simultaneously cremate the decedent in the same
cremation chamber with one or more other decedents who were
related to the decedent named in the cremation authorization form

by consanguinity or affinity or who, at any time during the 67172
one-year period preceding the decedent's death, lived with the 67173
decedent in a common law marital relationship or otherwise 67174
cohabited with the decedent. A cremation authorization form 67175
executed under this section shall not authorize the simultaneous 67176
cremation of a decedent in the same cremation chamber with one or 67177
more other decedents except under the circumstances described in 67178
the immediately preceding sentence. 67179

(8) The names of any persons designated by the authorizing 67180
agent to be present in the holding facility or cremation room 67181
prior to or during the cremation of the decedent or during the 67182
removal of the cremated remains from the cremation chamber; 67183

(9) The authorization for the crematory facility to cremate 67184
the decedent and to process or pulverize the cremated remains as 67185
is the practice at the particular crematory facility; 67186

(10) A statement of whether it is the crematory facility's 67187
practice to return all of the residue removed from the cremation 67188
chamber following the cremation or to separate and remove foreign 67189
matter from the residue before returning the cremated remains to 67190
the authorizing agent or the person designated on the 67191
authorization form to receive the cremated remains pursuant to 67192
division (A)(11) of this section; 67193

(11) The name of the person who is to receive the cremated 67194
remains of the decedent from the crematory facility; 67195

(12) The manner in which the final disposition of the 67196
cremated remains of the decedent is to occur, if known. If the 67197
cremation authorization form does not specify the manner of the 67198
final disposition of the cremated remains, it shall indicate that 67199
the cremated remains will be held by the crematory facility for 67200
thirty days after the cremation, unless, prior to the end of that 67201
period, they are picked up from the crematory facility by the 67202

person designated on the cremation authorization form to receive 67203
them, the authorizing agent, or, if applicable, the funeral 67204
director who obtained the burial or burial-transit permit for the 67205
decedent, or are delivered or shipped by the ~~operator of the~~ 67206
crematory facility to one of those persons. The authorization form 67207
shall indicate that if no instructions for the final disposition 67208
are provided on the authorization form and that if no arrangements 67209
for final disposition have been made within the thirty-day period, 67210
the crematory facility may return the cremated remains to the 67211
authorizing agent. The authorization form shall further indicate 67212
that if no arrangements for the final disposition of the cremated 67213
remains have been made within sixty days after the completion of 67214
the cremation and if the authorizing agent has not picked them up 67215
or caused them to be picked up within that period, the crematory 67216
operator or crematory facility may dispose of them in accordance 67217
with division (C) of section 4717.27 of the Revised Code. 67218

(13) A listing of the items of value to be delivered to the 67219
crematory facility along with the dead human body, if any, and 67220
instructions regarding how those items are to be handled; 67221

(14) A statement of whether the authorizing agent has made 67222
arrangements for any type of viewing of the decedent or for a 67223
service with the decedent present prior to the cremation and, if 67224
so, the date, time, and place of the service; 67225

(15) A statement of whether the crematory facility may 67226
proceed with the cremation at any time after the conditions set 67227
forth in division (A) of section 4717.23 of the Revised Code have 67228
been met and the decedent has been received at the facility; 67229

(16) The certification of the authorizing agent to the effect 67230
that all of the information and statements contained in the 67231
authorization form are accurate; 67232

(17) The signature of the authorizing agent and the signature 67233

of at least one witness who observed the authorizing agent execute 67234
the cremation authorization form. 67235

(B) In making the identification of the decedent required by 67236
division (A)(1) of this section, the funeral home arranging the 67237
cremation shall require the authorizing agent or the agent's 67238
appointed representative to visually identify the decedent's 67239
remains or a photograph or other visual image of the remains. If 67240
identification is by photograph or other visual image, the 67241
authorizing agent or representative shall sign the photograph or 67242
other visual image. If visual identification is not feasible, 67243
other positive identification of the decedent may be used 67244
including, but not limited to, reliance upon an identification 67245
made through the coroner's office or identification of photographs 67246
or other visual images of scars, tattoos, or physical deformities 67247
taken from the decedent's remains. 67248

(C) An authorizing agent who is not available to execute a 67249
cremation authorization form in person may designate another 67250
individual to serve as the authorizing agent by providing to the 67251
~~operator of the crematory facility where the cremation is to occur~~ 67252
a written designation, acknowledged before a notary public or 67253
other person authorized to administer oaths, authorizing that 67254
other individual to serve as the authorizing agent, ~~or by sending~~ 67255
~~to the operator a facsimile transmission of the written~~ 67256
~~designation that has been so acknowledged.~~ Any such written 67257
designation shall contain the name of the decedent, the name and 67258
address of the authorizing agent, the relationship of the 67259
authorizing agent to the decedent, and the name and address of the 67260
individual who is being designated to serve as the authorizing 67261
agent. Upon receiving ~~such a written designation or a facsimile~~ 67262
~~transmission of~~ such a written designation, the operator shall 67263
permit the individual named in the written designation to serve as 67264
the authorizing agent and to execute the cremation authorization 67265

form authorizing the cremation of the decedent named in the 67266
written designation. 67267

(D) An authorizing agent who signs a cremation authorization 67268
form under this section is hereby deemed to warrant the accuracy 67269
of the information and statements contained in such authorization 67270
form, including the identification of the decedent and the agent's 67271
authority to authorize the cremation. A funeral home and its 67272
employees are not responsible for verifying the accuracy of any 67273
information or statements the authorizing agent made on the 67274
authorization form, unless the funeral home or its employees have 67275
actual knowledge to the contrary regarding any such information or 67276
statement. When delivering the decedent's remains to a crematory 67277
facility or in carrying out the disposition in its own facility, 67278
the funeral home is responsible for having the decedent identified 67279
pursuant to division (B) of this section and carrying out the 67280
obligations imposed on the funeral home by division (B) of section 67281
4717.29 of the Revised Code. 67282

(E) At any time after executing a cremation authorization 67283
form and prior to the beginning of the cremation process, the 67284
authorizing agent who executed the cremation authorization form 67285
under division (A) or (C) of this section may, in writing, modify 67286
the arrangements for the final disposition of the cremated remains 67287
of the decedent set forth in the authorization form or may, in 67288
writing, revoke the authorization, cancel the cremation, and claim 67289
the decedent's body for purposes of making alternative 67290
arrangements for the final disposition of the decedent's body. The 67291
~~operator of a~~ crematory facility shall cancel the cremation if the 67292
~~operator~~ crematory facility receives such a revocation before 67293
beginning the cremation. 67294

(F) A cremation authorization form executed under this 67295
section does not constitute a contract for conducting the 67296
cremation of the decedent named in the authorization form or for 67297

the final disposition of the cremated remains of the decedent. The 67298
revocation of a cremation authorization form or modification of 67299
the arrangements for the final disposition of the cremated remains 67300
of the decedent pursuant to division (E) of this section does not 67301
affect the validity or enforceability of any contract for the 67302
cremation of the decedent named in the authorization form or for 67303
the final disposition of the cremated remains of the decedent. 67304

Sec. 4717.25. (A) A cremation authorization form authorizing 67305
the cremation of any body parts, including, without limitation, 67306
dead human bodies that were donated to science for purposes of 67307
medical education or research shall include at least all of the 67308
following information and statements, as applicable: 67309

(1) The identity of the decedent whose body was donated to 67310
science for purposes of medical education or research or the 67311
identity of the living person or such a decedent from whom the 67312
body parts were removed; 67313

(2) The name of the authorizing agent and the relationship of 67314
the authorizing agent to the decedent or the living person from 67315
whom the body parts were removed; 67316

(3) A statement that the authorizing agent in fact has the 67317
right to authorize the cremation of the decedent or the body parts 67318
removed from the decedent or living person and a description of 67319
the basis of the person's right to execute the cremation 67320
authorization form; 67321

(4) A statement of whether the crematory facility is 67322
authorized to simultaneously cremate the decedent or body parts 67323
removed from the decedent or living person with one or more other 67324
decedents whose bodies were donated to science for purposes of 67325
medical education or research or with body parts removed from one 67326
or more other decedents or living persons; 67327

(5) The authorization for the crematory facility to cremate 67328
the decedent or body parts removed from the decedent or living 67329
person and to process or pulverize the cremated remains as is the 67330
practice at the particular crematory facility; 67331

(6) A statement of whether it is the crematory facility's 67332
practice to return all of the residue removed from the cremation 67333
chamber following the cremation or to separate and remove foreign 67334
matter from the residue before returning the cremated remains to 67335
the authorizing agent or the authorizing agent's designee; 67336

(7) The name of the person who is to receive the cremated 67337
remains from the crematory facility; 67338

(8) The manner in which the final disposition of the cremated 67339
remains is to occur, if known. If the cremation authorization form 67340
does not specify the manner of the final disposition of the 67341
cremated remains, it shall indicate that the cremated remains will 67342
be held by the crematory facility for thirty days after the 67343
cremation, unless, prior to the end of that period, they are 67344
picked up from the crematory facility by the person designated on 67345
the authorization form to receive them or by the authorizing 67346
agent, or are delivered or shipped by the ~~operator of the~~ 67347
crematory facility to one of those persons. The authorization form 67348
shall indicate that if no instructions for the final disposition 67349
of the cremated remains are provided on the authorization form and 67350
that if no arrangements for final disposition have been made 67351
within the thirty-day period, the crematory facility may return 67352
the cremated remains to the authorizing agent. The authorization 67353
form shall further indicate that if no arrangements for the final 67354
disposition of the cremated remains have been made within sixty 67355
days after the cremation and if the authorizing agent or person 67356
designated on the authorization form to receive the cremated 67357
remains has not picked them up or caused them to be picked up 67358
within that period, the crematory operator or the crematory 67359

facility may dispose of them in accordance with division (C)(1) or 67360
(2) of section 4717.27 of the Revised Code. 67361

(9) The certification of the authorizing agent to the effect 67362
that all of the information and statements contained in the 67363
authorization form are accurate. 67364

(B) An authorizing agent who signs a cremation authorization 67365
form under this section is hereby deemed to warrant the accuracy 67366
of the information and statements contained in the authorization 67367
form, including the person's authority to authorize the cremation. 67368

(C) At any time after executing a cremation authorization 67369
form and prior to the beginning of the cremation process, an 67370
authorizing agent who executed a cremation authorization form 67371
under this section may, in writing, revoke the authorization, 67372
cancel the cremation, and claim the decedent's body or the body 67373
parts for purposes of making alternative arrangements for the 67374
final disposition of the decedent's body or the body parts. The 67375
~~operator of a~~ crematory facility shall cancel the cremation if the 67376
~~operator~~ crematory facility receives such a revocation before 67377
beginning the cremation. 67378

(D) A cremation authorization form executed under this 67379
section does not constitute a contract for conducting the 67380
cremation of the decedent named in the authorization form or body 67381
parts removed from the decedent or living person named in the form 67382
or for the final disposition of the cremated remains of the 67383
decedent or body parts. The revocation of a cremation 67384
authorization form or modification of the arrangements for the 67385
final disposition of the cremated remains of the decedent or the 67386
body parts pursuant to division (C) of this section does not 67387
affect the validity or enforceability of any contract for the 67388
cremation of the decedent named in the authorization form, the 67389
cremation of body parts from the decedent or living person named 67390
in the authorization form, or the final disposition of the 67391

cremated remains of the decedent or body parts. 67392

Sec. 4717.26. (A) The ~~operator of a~~ crematory facility may 67393
schedule the time for the cremation of a dead human body to occur 67394
at the ~~operator's~~ crematory facility's own convenience at any time 67395
after the conditions set forth in division (A) or (B) of section 67396
4717.23 of the Revised Code, as applicable, have been met and the 67397
decedent or body parts have been delivered to the facility, 67398
unless, in the case of a dead human body, the ~~operator~~ crematory 67399
facility has received specific instructions to the contrary on the 67400
cremation authorization form authorizing the cremation of the 67401
decedent executed under section 4717.21, 4717.24, or 4717.25 of 67402
the Revised Code. The ~~operator of a~~ crematory facility becomes 67403
responsible for a dead human body or body parts when the body or 67404
body parts have been delivered to or accepted by the facility or 67405
an employee or agent of the facility. 67406

(B) No crematory operator ~~of a~~ or crematory facility shall 67407
fail to do either of the following: 67408

(1) Upon receipt at the crematory facility of any dead human 67409
body that has not been embalmed, and subject to the prohibition 67410
set forth in division (C)(1) of this section, place the body in a 67411
holding or refrigerated facility at the crematory facility and 67412
keep the body in the holding or refrigerated facility until near 67413
the time the cremation process commences or until the body is held 67414
at the facility for eight hours or longer. If the body is held for 67415
eight hours or longer, place the body in a refrigerated facility 67416
at the crematory facility and keep the body in the refrigerated 67417
facility until near the time the cremation process commences; 67418

(2) Upon receipt of any dead human body that has been 67419
embalmed, place the body in a holding facility at the crematory 67420
facility and keep the body in the holding facility until the 67421
cremation process commences. 67422

(C) No crematory operator ~~of a~~ or crematory facility shall do 67423
either of the following, unless the instructions contained in the 67424
cremation authorization form authorizing the cremation of the 67425
decedent executed under section 4717.21, 4717.24, or 4717.25 of 67426
the Revised Code specifically provide otherwise: 67427

(1) Remove any dead human body from the casket or alternative 67428
container in which the body was delivered to or accepted by the 67429
crematory facility; 67430

(2) Fail to cremate the casket or alternative container in 67431
which the body was delivered or accepted, in its entirety with the 67432
body. 67433

(D) No ~~operator of a~~ crematory facility shall simultaneously 67434
cremate more than one decedent or body parts removed from more 67435
than one decedent or living person in the same cremation chamber 67436
unless the cremation authorization forms executed under section 67437
4717.21, 4717.24, or 4717.25 of the Revised Code authorizing the 67438
cremation of each of the decedents or body parts removed from each 67439
decedent or living person specifically authorize such a 67440
simultaneous cremation. This division does not prohibit the use of 67441
cremation equipment that contains more than one cremation chamber. 67442

(E) No ~~operator of a~~ crematory facility shall permit any 67443
persons other than employees of the crematory facility, the 67444
authorizing agent for the cremation of the decedent who is to be, 67445
is being, or was cremated, persons designated to be present at the 67446
cremation of the decedent on the cremation authorization form 67447
executed under section 4717.21 or 4717.24 of the Revised Code, and 67448
persons authorized by the individual who is actually in charge of 67449
the crematory facility, to be present in the holding facility or 67450
cremation room while any dead human bodies or body parts are being 67451
held there prior to cremation or are being cremated or while any 67452
cremated remains are being removed from the cremation chamber. 67453

(F)(1) ~~No operator of a~~ crematory facility shall remove any 67454
dental gold, body parts, organs, or other items of value from a 67455
dead human body prior to the cremation or from the cremated 67456
remains after cremation unless the cremation authorization form 67457
authorizing the cremation of the decedent executed under section 67458
4717.21 or 4717.24 of the Revised Code specifically authorizes the 67459
removal thereof. 67460

(2) No ~~operator of a~~ crematory facility that removes any 67461
dental gold, body parts, organs, or other items from a dead human 67462
body or assists in such removal shall charge a fee for doing so 67463
that exceeds the actual cost to the crematory facility for 67464
performing or assisting in the removal. 67465

(G) Upon the completion of each cremation, the ~~operator of a~~ 67466
crematory facility shall remove from the cremation chamber all of 67467
the cremation residue that is practicably recoverable. If the 67468
cremation authorization form executed under section 4717.21, 67469
4717.24, or 4717.25 of the Revised Code specifies that the 67470
cremated remains are to be placed in an urn, the ~~operator~~ 67471
crematory facility shall place them in the type of urn specified 67472
on the authorization form. If the authorization form does not 67473
specify that the cremated remains are to be placed in an urn, the 67474
~~operator~~ crematory facility shall place them in a temporary 67475
container. If not all of the recovered cremated remains will fit 67476
in the urn selected or the temporary container, the ~~operator~~ 67477
crematory facility shall place the remainder in a separate 67478
temporary container, and the cremated remains placed in the 67479
separate temporary container shall be delivered, released, or 67480
disposed of along with those in the urn or other temporary 67481
container. Nothing in this section requires ~~an operator of a~~ 67482
crematory facility to recover any specified quantity or quality of 67483
cremated remains upon the completion of a cremation, but only 67484
requires ~~an operator~~ a crematory facility to recover from the 67485

cremation chamber all of the cremation residue that is ~~practically~~ 67486
practicably recoverable. 67487

(H) No ~~operator of a~~ crematory facility shall knowingly 67488
represent to an authorizing agent or a designee of an authorizing 67489
agent that an urn or temporary container contains the recovered 67490
cremated remains of a specific decedent or of body parts removed 67491
from a specific decedent or living person when it does not. This 67492
division does not prohibit the making of such a representation 67493
because of the presence in the recovered cremated remains of de 67494
minimus amounts of the cremated remains of another decedent or of 67495
body parts removed from another decedent or living person that 67496
were not practicably recoverable and that remained in the 67497
cremation chamber after the cremated remains from previous 67498
cremations were removed. 67499

(I) No ~~operator of a~~ crematory facility or funeral director 67500
shall ship or cause to be shipped any cremated remains by a class 67501
or method of mail, common carrier service, or delivery service 67502
that does not have an internal system for tracing the location of 67503
the cremated remains during shipment and that does not require a 67504
signed receipt from the person accepting delivery of the cremated 67505
remains. 67506

(J) No ~~operator of a~~ crematory facility shall fail to 67507
establish and maintain a system for accurately identifying each 67508
dead human body in the facility's possession, and for identifying 67509
each decedent or living person from which body parts in the 67510
facility's possession were removed, throughout all phases of the 67511
holding and cremation process. 67512

(K) No ~~operator of a~~ crematory facility shall knowingly use 67513
or allow the use of the same cremation chamber for the cremation 67514
of dead human bodies, or human body parts, and animals. 67515

Sec. 4717.27. (A) The authorizing agent who executed the 67516

cremation authorization form authorizing the cremation of a 67517
decedent under section 4717.24 of the Revised Code or the 67518
cremation of body parts under section 4717.25 of the Revised Code 67519
is ultimately responsible for the final disposition of the 67520
cremated remains of the decedent or body parts. 67521

(B) If the cremation authorization form does not contain 67522
instructions for the final disposition of the cremated remains of 67523
the decedent or body parts, if no arrangements for the disposition 67524
of the cremated remains are made within thirty days after the 67525
completion of the cremation, and if the cremated remains have not 67526
been picked up within that thirty-day period by the person 67527
designated to receive them on the authorization form or, in the 67528
absence of such a designated person, by the authorizing agent, the 67529
~~operator of the~~ crematory facility or the funeral home holding the 67530
unclaimed cremated remains, at the end of that thirty-day period, 67531
may release or deliver them in person to, or cause their delivery 67532
by a method described in division (I) of section 4717.26 of the 67533
Revised Code that is acceptable under that division to, the person 67534
designated to receive them on the cremation authorization form or, 67535
if no person has been so designated, to the authorizing agent. 67536

(C)(1) If the cremation authorization form does not contain 67537
instructions for the final disposition of the cremated remains of 67538
the decedent or body parts, if no arrangements for the final 67539
disposition of the cremated remains are made within sixty days 67540
after the completion of the cremation, and if the cremated remains 67541
have not been picked up by the person designated on the 67542
authorization form to receive them or, in the absence of such a 67543
designated person, by the authorizing agent, the ~~operator of the~~ 67544
crematory facility or the funeral home holding the unclaimed 67545
cremated remains may dispose of the cremated remains in a grave, 67546
crypt, or niche, by scattering them in any dignified manner, 67547
including in a memorial garden, at sea, by air, or at any 67548

scattering grounds described in section 1721.21 of the Revised 67549
Code, or in any other lawful manner, at any time after the end of 67550
that sixty-day period. 67551

(2) If the cremation authorization form specifies the manner 67552
of the final disposition of the cremated remains, or if within 67553
sixty days after the completion of the cremation the authorizing 67554
agent makes arrangements for the final disposition of the cremated 67555
remains, and if either the arrangements have not been carried out 67556
within that sixty-day period because of the inaction of a party 67557
other than the operator of the crematory facility or the funeral 67558
home holding the unclaimed cremated remains, or the authorizing 67559
agent fails to pick up the cremated remains within that sixty-day 67560
period, ~~the operator of the crematory facility or the funeral home~~ 67561
holding the unclaimed cremated remains may dispose of the cremated 67562
remains in a grave, crypt, or niche, by scattering them in any 67563
dignified manner, including in a memorial garden, at sea, by air, 67564
or at any scattering grounds described in section 1721.21 of the 67565
Revised Code, or in any other lawful manner, at any time after the 67566
end of that period. 67567

(3) If cremated remains of a decedent who was eighteen years 67568
or older at the time of death are unclaimed under divisions (C)(1) 67569
and (2) of this section, ~~the operator of the crematory facility or~~ 67570
the funeral home holding the cremated remains shall, before 67571
disposing of the unclaimed cremated remains, notify the secretary 67572
of the United States department of veterans affairs of the name 67573
of, and other identifying information related to, the decedent. 67574
If, within sixty days of the notification, the secretary of the 67575
department of veterans affairs notifies the crematory facility or 67576
funeral home that the decedent was a veteran who is eligible for 67577
burial in a national cemetery under the control of the national 67578
cemetery administration and that the secretary agrees to provide 67579
for the cost of the transportation and burial of the unclaimed 67580

cremated remains in a national cemetery, the crematory facility or 67581
funeral home shall follow the directions of the secretary and 67582
arrange for the burial of the unclaimed remains in the national 67583
cemetery at the secretary's expense. If the secretary does not 67584
assume the right to direct the burial of the unclaimed remains 67585
within sixty days of the notification by the crematory facility or 67586
funeral home, the crematory facility or funeral home may carry out 67587
the disposition of the unclaimed remains under divisions (C)(1) 67588
and (2) of this section. 67589

(4) When cremated remains are disposed of in accordance with 67590
division (C)(1) or (2) of this section, the authorizing agent who 67591
executed the cremation authorization form authorizing the 67592
cremation of the decedent or body parts under section 4717.24 or 67593
4717.25 of the Revised Code is liable to the ~~operator of the~~ 67594
crematory facility or the funeral home for the cost of the final 67595
disposition, which cost shall not exceed the reasonable cost for 67596
disposing of the cremated remains in a common grave or crypt in 67597
the county where the cremated remains were buried or placed in a 67598
grave, crypt or niche, or scattered. 67599

(D)(1) Except as provided in division (D)(2) of this section, 67600
no person shall do either of the following: 67601

(a) Dispose of the cremated remains of a dead human body or 67602
body parts in such a manner or in such a location that the 67603
cremated remains are commingled with those of another decedent or 67604
body parts removed from another decedent or living person; 67605

(b) Place the cremated remains of more than one decedent or 67606
of body parts removed from more than one decedent or living person 67607
in the same urn or temporary container. 67608

(2) Division (D)(1) of this section does not prohibit any of 67609
the following: 67610

(a) The scattering of cremated remains at sea or by air or in 67611

a dedicated area at a cemetery used exclusively for the scattering 67612
on the ground of the cremated remains of dead human bodies or body 67613
parts. 67614

(b) The commingling of the cremated remains of more than one 67615
decedent or of body parts removed from more than one decedent or 67616
living person or the placement in the same urn or temporary 67617
container of the cremated remains of more than one decedent or of 67618
body parts removed from more than one decedent or living person 67619
when each authorizing agent who executed the cremation 67620
authorization form authorizing the cremation of each of the 67621
decedents or body parts removed from each of the decedents or 67622
living persons under section 4717.21, 4717.24, or 4717.25 of the 67623
Revised Code authorized the commingling of the cremated remains or 67624
the placement of the cremated remains in the same urn or temporary 67625
container on the authorization form. 67626

(c) The commingling, by the individual designated on the 67627
cremation authorization form authorizing the cremation of the 67628
decedent or body parts to receive the cremated remains, other than 67629
a funeral director or employee of a cemetery, or by the 67630
authorizing agent who executed the cremation authorization form, 67631
after receipt of the cremated remains, of the cremated remains 67632
with those of another decedent or of body parts removed from 67633
another decedent or living person or the placing of them by any 67634
such person in the same urn or temporary container with those of 67635
another decedent or of body parts removed from another decedent or 67636
living person. 67637

Sec. 4717.28. (A) No ~~operator of a~~ crematory facility shall 67638
fail to ensure that a written receipt is provided to the person 67639
who delivers a dead human body or body parts to the facility for 67640
cremation. If the dead human body is other than one that was 67641
donated to science for purposes of medical education or research, 67642

the receipt shall be signed by both a representative of the 67643
crematory facility and the person who delivered the decedent to 67644
the crematory facility and shall indicate the name of the 67645
decedent; the date and time of delivery; the type of casket or 67646
alternative container in which the decedent was delivered to the 67647
facility; the name of the person who delivered the decedent to the 67648
facility; if applicable, the name of the funeral home or other 67649
establishment with whom the delivery person is affiliated; and the 67650
name of the person who received the decedent on behalf of the 67651
facility. If the dead human body was donated to science for 67652
purposes of medical education or research, the receipt shall 67653
consist of a copy of the cremation authorization form executed 67654
under section 4717.21, 4717.24, or 4717.25 of the Revised Code 67655
that authorizes the cremation of the decedent or body parts that 67656
has been signed by both a representative of the crematory facility 67657
and the person who delivered the decedent or body parts to the 67658
crematory facility and that indicates the date and time of the 67659
delivery. The operator may provide the copy of the receipt to the 67660
person who delivered the decedent or body parts to the facility 67661
either in person or by certified mail, return receipt requested. 67662

(B) No ~~operator of a~~ crematory facility shall fail to ensure 67663
at the time of releasing cremated remains that a written receipt 67664
signed by both a representative of the crematory facility and the 67665
person who received the cremated remains is provided to the person 67666
who received the cremated remains. Unless the cremated remains are 67667
those of a dead human body that was donated to science for 67668
purposes of medical education or research or are those of body 67669
parts, the receipt shall indicate the name of the decedent; the 67670
date and time of the release; the name of the person to whom the 67671
cremated remains were released; if applicable, the name of the 67672
funeral home, cemetery, or other entity to whom the cremated 67673
remains were released; and the name of the person who released the 67674
cremated remains on behalf of the crematory facility. If the 67675

cremated remains are those of a dead human body that was donated 67676
to science for purposes of medical education or research or are 67677
those of body parts, the receipt shall consist of a copy of the 67678
cremation authorization form executed under section 4717.21, 67679
4717.24, or 4717.25 of the Revised Code that authorizes the 67680
cremation of the decedent or body parts that has been signed by 67681
both a representative of the crematory facility and the person who 67682
received the cremated remains and that indicates the date and time 67683
of the release. If the cremated remains were delivered to the 67684
authorizing agent or other individual designated on the cremation 67685
authorization form by a method described in division (I) of 67686
section 4717.26 of the Revised Code that is acceptable under that 67687
division, the receipt required by this division shall accompany 67688
the cremated remains, and the signature of the authorizing agent 67689
or other designated individual on the delivery receipt meets the 67690
requirement of this division that the person receiving the 67691
cremated remains sign the receipt provided by the crematory 67692
facility. 67693

(C) No ~~operator of a~~ crematory facility shall fail to make or 67694
keep on file during the time that the ~~operator~~ crematory facility 67695
remains engaged in the business of cremating dead human bodies or 67696
body parts, all of the following records and documents: 67697

(1) A copy of each receipt issued upon acceptance by or 67698
delivery to the crematory facility of a dead human body under 67699
division (A) of this section; 67700

(2) A record of each cremation conducted at the facility, 67701
containing at least the name of the decedent or, in the case of 67702
body parts, the name of the decedent or living person from whom 67703
the body parts were removed, the date and time of the cremation, 67704
and the final disposition made of the cremated remains; 67705

(3) A copy of each delivery receipt issued under division (B) 67706
of this section; 67707

(4) A separate record of the cremated remains of each 67708
decedent or the body parts removed from each decedent or living 67709
person that were disposed of in accordance with division (C)(1) or 67710
(2) of section 4717.27 of the Revised Code, containing at least 67711
the name of the decedent, the date and time of the cremation, and 67712
the location, date, and manner of final disposition of the 67713
cremated remains. 67714

(D) All records required to be maintained under sections 67715
4717.21 to 4717.30 of the Revised Code are subject to inspection 67716
by the board of embalmers and funeral directors or an authorized 67717
representative of the board, upon reasonable notice, at any 67718
reasonable time. 67719

Sec. 4717.30. (A) ~~The~~ A crematory operator ~~of a~~ crematory 67720
facility ~~or a~~ funeral director, or funeral home is not liable in 67721
damages in a civil action for any of the following actions or 67722
omissions, unless the actions or omissions were made with 67723
malicious purpose, in bad faith, or in a wanton or reckless manner 67724
or unless any of the conditions set forth in divisions (B)(1) to 67725
(3) of this section apply: 67726

(1)(a) For having arranged or performed the cremation of the 67727
decedent, or having released or disposed of the cremated remains, 67728
in accordance with the instructions set forth in the cremation 67729
authorization form executed by the decedent on an antemortem basis 67730
under section 4717.21 of the Revised Code; 67731

(b) For having arranged or performed the cremation of the 67732
decedent or body parts removed from the decedent or living person 67733
or having released or disposed of the cremated remains in 67734
accordance with the instructions set forth in a cremation 67735
authorization form executed by the person authorized to serve as 67736
the authorizing agent for the cremation of the decedent or for the 67737
cremation of body parts of the decedent or living person, named in 67738

the cremation authorization form executed under section 4717.24 or 4717.25 of the Revised Code. 67739
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(2) For having arranged or performed the cremation of the decedent, or having released or disposed of the cremated remains, in accordance with the instructions set forth in the cremation authorization form executed by a designated agent under division (C) of section 4717.24 of the Revised Code. 67741
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(B) The crematory operator of a crematory facility, funeral director, or funeral home is not liable in damages in a civil action for refusing to accept a dead human body or body parts or to perform a cremation under any of the following circumstances, unless the refusal was made with malicious purpose, in bad faith, or in a wanton or reckless manner: 67746
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(1) The crematory operator, crematory facility, funeral director, or funeral home has actual knowledge that there is a dispute regarding the cremation of the decedent or body parts, until such time as the crematory operator, crematory facility, funeral director, or funeral home receives an order of the probate court having jurisdiction ordering the cremation of the decedent or body parts or until the crematory operator, crematory facility, funeral director, or funeral home receives from the parties to the dispute a copy of a written agreement resolving the dispute and authorizing the cremation to be performed. 67752
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(2) The crematory operator, crematory facility, funeral director, or funeral home has a reasonable basis for questioning the accuracy of any of the information or statements contained in a cremation authorization form executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, that authorizes the cremation of the decedent or body parts. 67762
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(3) The crematory operator, crematory facility, funeral director, or funeral home has any other lawful reason for refusing 67768
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to accept the dead human body or body parts or to perform the cremation. 67770
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(C) ~~The~~ A crematory operator ~~of a~~, crematory facility ~~or a~~, 67772
funeral director, or funeral home is not liable in damages in a 67773
civil action for refusing to release or dispose of the cremated 67774
remains of a decedent or body parts when the crematory operator 67775
~~or, crematory facility,~~ funeral director, or funeral home has 67776
actual knowledge that there is a dispute regarding the release or 67777
final disposition of the cremated remains in connection with any 67778
damages sustained, prior to the time the crematory operator, 67779
crematory facility, funeral home, or funeral director receives an 67780
order of the probate court having jurisdiction ordering the 67781
release or final disposition of the cremated remains, or prior to 67782
the time the crematory operator ~~or, crematory facility,~~ funeral 67783
director, or funeral home receives from the parties to the dispute 67784
a copy of a written agreement resolving the dispute and 67785
authorizing the cremation to be performed. 67786

(D) ~~The~~ A crematory operator ~~of a~~, crematory facility, 67787
funeral director, or funeral home is not liable in damages in a 67788
civil action in connection with the cremation of, or disposition 67789
of the cremated remains of, any dental gold, jewelry, or other 67790
items of value delivered to the crematory facility or funeral home 67791
with a dead human body or body parts, unless either or both of the 67792
following apply: 67793

(1) The cremation authorization form authorizing the 67794
cremation of the decedent or body parts executed under section 67795
4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 67796
contains specific instructions for the removal or recovery and 67797
disposition of any such dental gold, jewelry, or other items of 67798
value prior to the cremation, and the crematory operator, 67799
crematory facility, funeral director, or funeral home has failed 67800
to comply with the written instructions. 67801

(2) The actions or omissions of the crematory operator, 67802
crematory facility, funeral director, or funeral home were made 67803
with malicious purpose, in bad faith, or in a wanton or reckless 67804
manner. 67805

(E)(1) This section does not create a new cause of action 67806
against or substantive legal right against ~~the operator of a~~ 67807
crematory operator, crematory facility or a, funeral director, or 67808
funeral home. 67809

(2) This section does not affect any immunities from civil 67810
liability or defenses established by another section of the 67811
Revised Code or available at common law to which ~~the operator of a~~ 67812
crematory ~~or a~~ operator, crematory facility, funeral director, or 67813
funeral home may be entitled under circumstances not covered by 67814
this section. 67815

Sec. 4717.32. (A) Any preneed funeral contract that involves 67816
the payment of money or the purchase or assignment of an insurance 67817
policy or annuity shall be in writing and shall include all of the 67818
following information: 67819

(1) The name, address, and phone number of the seller and the 67820
name and address of the purchaser of the contract, and, if the 67821
contract beneficiary is someone other than the purchaser of the 67822
contract, the name and address of the contract beneficiary, and if 67823
the contract involves the payment of money but not the purchase or 67824
assignment of an insurance policy or annuity, the social security 67825
number of the purchaser of the contract or if the contract 67826
beneficiary is someone other than the purchaser, the social 67827
security number of the contract beneficiary; 67828

(2) A statement of the funeral goods and funeral services 67829
purchased, which disclosure may be made by attaching a copy of the 67830
completed statement of funeral goods and services selected to the 67831
preneed funeral contract; 67832

(3) A disclosure informing the purchaser whether the contract is either a guaranteed preneed funeral contract or a nonguaranteed preneed funeral contract, and, if the contract is guaranteed only in part, a disclosure specifying the funeral goods or funeral services included in the guarantee;

(4) If the preneed funeral contract is a guaranteed contract, a disclosure that the seller, in exchange for all of the proceeds of the trust, insurance policy, or annuity, shall provide the funeral goods and funeral services set forth in the preneed funeral contract without regard to the actual cost of such funeral goods and funeral services prevailing at the time of performance and that the seller may receive any excess funds remaining after all expenses for the funeral have been paid.

(5) If the preneed funeral contract is a nonguaranteed contract, a disclosure that the proceeds of the trust, insurance policy, or annuity shall be applied to the retail prices in effect at the time of the funeral for the funeral goods and funeral services set forth in the contract, that any excess funds remaining after all expenses for the funeral have been paid shall be paid to the estate of the decedent or the beneficiary named in the life insurance policy if the preneed funeral contract is funded by a life insurance policy, and that, in the event of an insufficiency in funds, the seller shall not be required to perform until payment arrangements satisfactory to the seller have been made.

(6) A disclosure that the purchaser has the right to make the contract irrevocable and that if the preneed funeral contract is irrevocable, the purchaser does not have a right to revoke the contract;

(7) A disclosure informing the purchaser of the initial right to cancel the preneed funeral contract within seven days as provided in division (A) of section 4717.34 of the Revised Code

and the right to revoke a revocable preneed funeral contract in 67865
accordance with section 4717.35 or division ~~(E)~~(G) of section 67866
4717.36 of the Revised Code, as applicable; 67867

(8) A disclosure that the seller may substitute funeral goods 67868
or funeral services of equal quality, value, and workmanship if 67869
those specified in the preneed funeral contract are unavailable at 67870
the time of need; 67871

(9) A disclosure that any purchaser of funeral goods and 67872
funeral services is entitled to receive price information prior to 67873
making that purchase in accordance with the federal trade 67874
commission's funeral industry practices revised rule, 16 C.F.R. 67875
part 453; 67876

(10) The following notice in boldface print and in 67877
substantially the following form: 67878

"NOTICE: Under Ohio law, the person holding the right of 67879
disposition of the remains of the individual contract beneficiary 67880
pursuant to section 2108.70 or 2108.81 of the Revised Code will 67881
have the right to make funeral arrangements inconsistent with the 67882
arrangements set forth in this contract. However, the individual 67883
contract beneficiary is encouraged to state his or her preferences 67884
as to funeral arrangements in a declaration of the right of 67885
disposition pursuant to section 2108.72 of the Revised Code, 67886
including that the arrangements set forth in this contract shall 67887
be followed." 67888

(11) The notice described in division (A) of section 4717.34 67889
of the Revised Code; 67890

(12) A disclosure that any purchaser of funeral goods or 67891
funeral services funded in whole or in part in advance of death 67892
under a preneed funeral contract sold by a licensee under this 67893
chapter may be eligible for reimbursement of financial loses 67894
suffered as a result of malfeasance, misfeasance, default, 67895

failure, or insolvency of the licensee. 67896

(B) If a preneed funeral contract is funded by any means 67897
other than an insurance policy or policies, or an annuity or 67898
annuities, the preneed funeral contract shall include all of the 67899
following information in addition to the information required to 67900
be included under division (A) of this section: 67901

(1) Disclosures ~~identifying that identify~~ the name and 67902
address of the trustee of the preneed funeral contract trust 67903
established pursuant to section 4717.36 of the Revised Code, 67904
~~indicating that direct that any payments made by the purchaser of~~ 67905
the preneed funeral contract shall be made directly to the trustee 67906
identified in the preneed funeral contract, that indicate whether 67907
fees, expenses, ~~or~~ and taxes will be deducted from the trust, and 67908
~~a statement of who~~ that identify whether the trust or the 67909
purchaser will be responsible for the taxes owed on the trust 67910
earnings; 67911

(2) A disclosure explaining the form in which the purchase 67912
price must be paid and, if the price is to be paid in 67913
installments, a disclosure to the purchaser regarding what 67914
constitutes a default under the preneed funeral contract and the 67915
consequences of the default; 67916

(3) The following notice in boldface print and in 67917
substantially the following form: 67918

"NOTICE: You, as the purchaser of this contract, will be 67919
notified in writing when the trustee of this contract has received 67920
a deposit of the funds you paid the seller under this contract. If 67921
you do not receive that notice within sixty days after the date 67922
you paid the funds to the seller, you should contact the trustee 67923
identified in the contract." 67924

(4) A disclosure that ~~a purchaser of~~ if a preneed funeral 67925
contract ~~that is irrevocable and that~~ stipulates a ~~firm or~~ fixed 67926

~~or firm or guaranteed price for the funeral goods and services and
goods to be provided under the preneed funeral contract may be
charged a whether the seller will charge any initial service fee
as permitted by division (B) of section 4717.36 and a cancellation
or transfer fee as ~~specified in division (F)~~ permitted by division
(G)(2), (H), or (J) of section 4717.36 of the Revised Code ~~if the~~
~~purchaser wishes to transfer the contract to another seller.~~~~

(C) If a preneed funeral contract is funded by the purchase
or assignment of one or more insurance policies or annuities, the
preneed funeral contract shall include all of the following
information in addition to the information required to be included
under division (A) of this section:

(1) The name and address of each applicable insurance company
and any right the purchaser has regarding canceling or
transferring the applicable insurance policies or annuities;

(2) A directive that any payment made by the purchaser of the
preneed funeral contract shall be made directly to the insurance
company and, if premiums are being paid in installments, a
description of the terms of payment for any remaining payments due
~~if the funding is to be paid in installments;~~

(3) A list of actions that constitute default under a preneed
funeral contract and the consequences of a default;

(4) The following notice in boldface print and in
substantially the following form:

"NOTICE: You, as the purchaser of this contract, will be
notified in writing by the insurance company identified in this
contract when the insurance policy or policies, or annuity or
annuities, that will fund this contract have been issued. If you
do not receive the notice within sixty days after the date you
paid the funds to the seller, you should contact the insurance
company identified in the contract."

(D) The seller of a preneed funeral contract that is funded 67958
by the purchase or assignment of one or more insurance policies or 67959
annuities does not need to include in the contract the information 67960
described in divisions (C)(2) and (3) of this section if those 67961
disclosures are provided in the application for a life insurance 67962
policy or annuity or in the life insurance policy or annuity. 67963

Sec. 4717.33. (A) If a preneed funeral contract is funded by 67964
any means other than an insurance policy or policies, or an 67965
annuity or annuities, the trustee of the trust created pursuant to 67966
section 4717.36 of the Revised Code shall notify the purchaser of 67967
the preneed funeral contract in writing, within fifteen days after 67968
the trustee receives any payment to be deposited into the trust, 67969
that the trustee has received payment. The notice shall include 67970
all of the following information: 67971

(1) The amount the trustee received; 67972

(2) The name and address of the institution described in 67973
division ~~(B)~~(D) of section 4717.36 of the Revised Code where the 67974
trust is being held; 67975

(3) The name of the beneficiary of that trust. 67976

(B) If a preneed funeral contract is funded by the purchase 67977
or assignment of one or more insurance policies or annuities, the 67978
insurance company shall notify the purchaser of the preneed 67979
funeral contract in writing within sixty days after the insurance 67980
company receives an initial premium payment applicable to that 67981
preneed funeral contract. The notice shall include all of the 67982
following information that is pertinent to that preneed funeral 67983
contract: 67984

(1) The amount the insurance company received; 67985

(2) The name and address of the insurance company; 67986

(3) The name of the insured; 67987

(4) The amount of the death benefit; 67988

(5) The policy or contract number of the insurance policy,
annuity, or contract. 67989
67990

(C) For purposes of division (B) of this section, delivery of 67991
an insurance policy, certificate, annuity, or contract to the 67992
purchaser shall satisfy the notice requirement specified in that 67993
division. 67994

Sec. 4717.35. If a preneed funeral contract contains a 67995
provision stating that the preneed funeral contract will be funded 67996
by the purchase of an insurance policy, the insurance agent who 67997
sold the policy that will fund that preneed funeral contract shall 67998
require that any payment made by the purchaser be made in the form 67999
of a check, cashier's check, money order, or debit or credit card, 68000
payable only to the insurance company. The insurance agent shall 68001
remit the application for insurance and the premium paid to the 68002
insurance company designated in the preneed funeral contract 68003
within the time period specified in division (B)(15) of section 68004
3905.14 of the Revised Code, unless the purchaser rescinds the 68005
preneed funeral contract in accordance with division (A) of 68006
section 4717.34 of the Revised Code. 68007

If the purchaser of a preneed funeral contract that is 68008
revocable and that is funded by an insurance policy or annuity 68009
elects to cancel the preneed funeral contract, the purchaser shall 68010
provide a written notice to the seller and the insurance company 68011
designated in the contract stating that the purchaser intends to 68012
cancel that contract. Fifteen days after the purchaser provides 68013
the notice to the seller of the contract and the insurance 68014
company, the purchaser may cancel the preneed funeral contract and 68015
change the beneficiary of the insurance policy or annuity or 68016
reassign the benefits under the policy or annuity. 68017

The purchaser of a preneed funeral contract that is 68018

irrevocable and that is funded by an insurance policy or annuity 68019
may transfer the preneed funeral contract to a successor seller by 68020
notifying the original seller of the designation of a successor 68021
seller. Within fifteen days after receiving the written notice of 68022
the designation of the successor seller from the purchaser, the 68023
original seller shall assign the seller's rights to the proceeds 68024
of the policy to the successor seller. The insurance company shall 68025
confirm the change of assignment by providing written notice to 68026
the policyholder. 68027

Sec. 4717.36. (A) This section applies only to preneed 68028
funeral contracts that are funded by any means other than an 68029
insurance policy or policies, or an annuity or annuities. 68030

~~One hundred per cent of all payments for funeral goods and 68031
funeral services made under a preneed funeral contract shall 68032
remain intact and held in trust in accordance with this section 68033
for the benefit of the contract beneficiary. No money in a preneed 68034
funeral contract trust shall be distributed from the trust except 68035
as provided in this section. Within thirty days after the provider 68036
of the funeral goods or funeral services receives any payment 68037
under a preneed funeral contract, the seller of the preneed 68038
funeral contract shall deliver the moneys received for that 68039
preneed funeral contract that have not been returned to the 68040
purchaser as provided in division (A) of section 4717.34 of the 68041
Revised Code to the trustee designated in the preneed funeral 68042
contract. No money in a preneed funeral contract trust shall be 68043
distributed from the trust except as provided in this section. 68044~~

(B) A seller of a preneed funeral contract that stipulates a 68045
fixed or firm or guaranteed price for the funeral services and 68046
goods to be provided under the preneed funeral contract may charge 68047
an initial service fee not to exceed ten per cent of the total 68048
amount of all payments to be made under the preneed funeral 68049

contract. If the amount to be paid by the purchaser is to be paid 68050
in installments, not more than one-half of any payment may be 68051
applied to the initial service fee. If the preneed funeral 68052
contract is revoked by the purchaser, any portion of the initial 68053
service fee that has not been paid under the preneed funeral 68054
contract is no longer due and payable to the seller. 68055

(C) All payments made by the purchaser of a preneed funeral 68056
contract, except for the initial service fee permitted by division 68057
(B) of this section and any applicable sales tax, shall be made in 68058
the form of a check, cashier's check, money order, or debit or 68059
credit card, payable only to the trustee of the preneed funeral 68060
contract trust. Within thirty days of the seller receiving any 68061
form of payment made payable to the trustee, the seller shall 68062
remit the payment to the trustee unless the purchaser rescinds the 68063
preneed funeral contract in accordance with division (A) of 68064
section 4717.34 of the Revised Code. The funds deposited with the 68065
trustee shall remain intact and held in trust for the contract 68066
beneficiary. 68067

(D) The seller shall establish a preneed funeral contract 68068
trust at one of the following types of institutions and shall 68069
designate that institution as the trustee of the preneed funeral 68070
contract trust: 68071

(1) A trust company licensed under Chapter 1111. of the 68072
Revised Code; 68073

(2) A national bank, federal savings bank, or federal savings 68074
association that pledges securities in accordance with section 68075
1111.04 of the Revised Code; 68076

(3) A credit union authorized to conduct business in this 68077
state pursuant to Chapter 1733. of the Revised Code. 68078

~~(C)~~(E) Moneys deposited in a preneed funeral contract trust 68079
fund shall be held and invested in the manner in which trust funds 68080

are permitted to be held and invested pursuant to Chapter 1111. of 68081
the Revised Code. 68082

~~(D)~~(F) The seller shall establish a separate preneed funeral 68083
contract trust for the moneys paid under each preneed funeral 68084
contract, unless the purchaser or purchasers of a preneed funeral 68085
contract or contracts authorize the seller to place the moneys 68086
paid for that contract or those contracts in a combined preneed 68087
funeral contract trust. The trustee of a combined preneed funeral 68088
contract trust shall keep exact records of the corpus, income, 68089
expenses, and disbursements with regard to each purchaser and 68090
contract beneficiary for whom moneys are held in the trust. The 68091
terms of a preneed funeral contract trust are governed by this 68092
section and the payments from that trust are governed by Chapter 68093
1111. of the Revised Code, except as otherwise provided in this 68094
section. 68095

A trustee of a preneed funeral contract trust may pay taxes 68096
and expenses for a preneed funeral contract trust and may charge a 68097
fee for managing a preneed funeral contract trust. The fee shall 68098
not exceed the amount regularly or usually charged for similar 68099
services rendered by the institutions described in division ~~(B)~~(D) 68100
of this section when serving as a trustee. ~~The taxes, expenses,~~ 68101
~~and fees shall be paid only from the accumulated income on that~~ 68102
~~trust.~~ 68103

~~(E)~~(G) If the purchaser of a preneed funeral contract that is 68104
revocable elects to cancel the contract, the purchaser shall 68105
provide a written notice to the seller of the contract and the 68106
trustee of the preneed funeral contract trust stating that the 68107
purchaser intends to cancel the contract. Fifteen days after the 68108
purchaser provides that notice to the seller and trustee, the 68109
purchaser may cancel the contract. Upon canceling a preneed 68110
funeral contract pursuant to this division, one of the following 68111
shall occur, as applicable: 68112

(1) If the preneed funeral contract does not stipulate a firm or fixed or guaranteed price for funeral goods and funeral services to be provided under the preneed funeral contract, the trustee shall give to the purchaser all of the assets of the trust that exist at the time of cancellation, less any fees charged, distributions paid, and expenses incurred by the trustee pursuant to division ~~(D)~~(F) of this section.

(2) If the preneed funeral contract does stipulate a firm or fixed or guaranteed price for funeral goods and funeral services to be provided under the contract, the purchaser may request and receive from the trustee all of the assets of the trust at the time of cancellation, less a cancellation fee that the original seller may collect from the trustee that is equal to or less than ten per cent of the value of the assets of the trust on the date the trust is cancelled, provided, however, that to the extent the original seller took an initial service fee as permitted by division (B) of this section, the aggregate amount of the cancellation fee and less the initial service fee may not exceed ten per cent of the value of those assets. In addition to any cancellation fee, there may also be deducted any fees charged, distributions paid, and expenses incurred by the trustee pursuant to division ~~(D)~~(F) of this section.

If more than one purchaser enters into the contract, all of those purchasers must request cancellation of the contract for it to be effective under this division, and the trustee shall refund to each purchaser only those funds that purchaser has paid under the contract and any income earned on those funds in an amount that is in direct proportion to the amount of funds that purchaser paid relative to the total amount of payments deposited in that trust, less any fees charged, distributions paid, and expenses incurred by the trustee pursuant to division ~~(D)~~(F) of this section, the amount of which are in direct proportion to the

amount of funds that purchaser paid relative to the total amount 68145
of payments deposited in that trust. 68146

~~(F)~~(H) The purchaser of a preneed funeral contract that is 68147
irrevocable may transfer the preneed funeral contract to a 68148
successor seller. A purchaser who elects to make such a transfer 68149
shall provide a written notice of the designation of a successor 68150
seller to the trustee and the original seller. Within fifteen days 68151
after receiving the written notice of the new designation from the 68152
purchaser, the trustee shall list the successor seller as the 68153
seller of the preneed funeral contract and the original seller 68154
shall relinquish and transfer all rights under the preneed funeral 68155
contract to the successor seller. The trustee shall confirm the 68156
transfer by providing written notice of the transfer to the 68157
original seller, the successor seller, and the purchaser. If the 68158
preneed funeral contract stipulates a firm or fixed or guaranteed 68159
price for the funeral goods and funeral services to be provided 68160
under the preneed funeral contract, the original seller may 68161
collect from the trustee a transfer fee from the trust that equals 68162
up to ten per cent of the value of the assets of the trust on the 68163
date the trust is transferred, provided, however, that to the 68164
extent the original seller took an initial service fee as 68165
permitted by division (B) of this section, the aggregate amount of 68166
the transfer fee and the initial service fee may not exceed ten 68167
per cent of the value of those assets. If the preneed funeral 68168
contract does not stipulate a firm or fixed or guaranteed price 68169
for funeral goods and funeral services to be provided under the 68170
preneed funeral contract, no transfer fee shall be collected by 68171
the original seller. 68172

~~(G)~~(I) If a seller of a preneed funeral contract elects to 68173
transfer a preneed funeral contract trust from an institution 68174
listed in divisions ~~(B)~~(D)(1) to (3) of this section to a 68175
different institution, the trustee of the original trust shall 68176

notify the purchaser of the preneed funeral contract of that 68177
transfer in writing within thirty days after the transfer occurred 68178
and shall provide the purchaser with the name of and the contact 68179
information for the institution where the new trust is maintained. 68180
Upon receipt of the trust, the trustee of the transferred trust 68181
shall notify the purchaser of the receipt of the trusts in 68182
accordance with division (A) of section 4717.33 of the Revised 68183
Code. 68184

~~(H)~~(J) If a seller receives a notice that the contract 68185
beneficiary has died and that funeral goods and funeral services 68186
have been provided by a provider other than the seller, except as 68187
otherwise specified in this section, the seller shall direct the 68188
trustee, within thirty days after receiving that notice, to pay to 68189
the provider that provided the funeral goods and services, if 68190
still unpaid, or the estate of the contract beneficiary all funds 68191
held by the trustee, less any fees charged, distributions paid, 68192
and expenses incurred by the trustee pursuant to division ~~(D)~~(F) 68193
of this section. In the event the preneed funeral contract 68194
stipulates a firm or fixed or guaranteed price for funeral goods 68195
and funeral services that were to be provided under the preneed 68196
funeral contract, the seller may collect from the trustee a 68197
cancellation fee not exceeding ten per cent of the value of the 68198
assets of the trust on the date the trust is transferred, 68199
provided, however, that to the extent the original seller took an 68200
initial service fee as permitted by division (B) of this section, 68201
the aggregate amount of the transfer fee and the initial service 68202
fee shall not exceed ten per cent of the value of those assets. If 68203
the preneed funeral trust does not stipulate a firm or fixed or 68204
guaranteed price for funeral goods and funeral services to be 68205
provided under the preneed funeral contract, no cancellation fees 68206
shall be collected by the original seller. 68207

~~(I)~~(K) A certified copy of the certificate of death or other 68208

evidence of death satisfactory to the trustee shall be furnished 68209
to the trustee as evidence of death, and the trustee shall 68210
promptly pay the accumulated payments and income, if any, 68211
according to the preneed funeral contract. Such payment of the 68212
accumulated payments and income pursuant to this section and, when 68213
applicable, the preneed funeral contract, relieves the trustee of 68214
any further liability on the accumulated payments and income. 68215

Sec. 4717.41. (A) There is hereby created the preneed 68216
recovery fund, which shall be in the custody of the treasurer of 68217
state but shall not be part of the state treasury. All fees 68218
collected under division (A)(15) of section 4717.07 of the Revised 68219
Code shall be deposited into the fund. The fund shall be used to 68220
reimburse purchasers of preneed funeral contracts who have 68221
suffered financial loss as a result of the malfeasance, 68222
misfeasance, default, failure, or insolvency in connection with 68223
the sale of a preneed funeral contract by any licensee under this 68224
chapter, regardless of whether the sale of such contract occurred 68225
before or after the establishment of the fund. The fund, and all 68226
investment earnings thereon, shall only be used for the purposes 68227
set forth in this section and shall not be used for any other 68228
purposes. The fund shall be administered by the board of embalmers 68229
and funeral directors. 68230

(B) All fees collected under division (A)(15) of section 68231
4717.07 of the Revised Code shall be deposited into the fund. 68232
Deposits to and disbursements from the fund account shall be 68233
subject to rules established by the board. 68234

(C) If at the end of any fiscal year for this state, the 68235
balance in the fund exceeds two million dollars, the fee required 68236
by division (A)(15) of section 4717.07 of the Revised Code for the 68237
upcoming fiscal year shall be reduced by fifty per cent. If the 68238
balance in the fund at the end of a fiscal year exceeds three 68239

million dollars, the payment of the fee required by division 68240
(A)(15) of section 4717.07 of the Revised Code shall be suspended 68241
for the upcoming fiscal year. 68242

(D) The board shall adopt rules governing management of the 68243
fund, the presentation and processing of applications for 68244
reimbursement, subrogation, or assignment of the rights of any 68245
reimbursed applicant. 68246

(E) The board may expend moneys in the fund for the following 68247
purposes: 68248

(1) To make reimbursements on approved applications; 68249

(2) To purchase insurance to cover losses as considered 68250
appropriate by the board and not inconsistent with the purposes of 68251
the fund; 68252

(3) To invest such portions of the fund as are not currently 68253
needed to reimburse losses and maintain adequate reserves, as are 68254
permitted to be made by fiduciaries under the laws of this state; 68255

(4) To pay the expenses of the board for administering the 68256
fund, including employment of local counsel to prosecute 68257
subrogation claims. 68258

(F) Reimbursements from the fund shall be made only to the 68259
extent to which those losses are not bonded or otherwise covered, 68260
protected, or reimbursed and only after the applicant has complied 68261
with all applicable rules of the board. 68262

(G) The board shall investigate all applications made and may 68263
reject or allow such claims in whole or in part to the extent that 68264
moneys are available in the fund. The board shall have complete 68265
discretion to determine the order and manner of payment of 68266
approved applications. All payments shall be a matter of privilege 68267
and not of right, and no person shall have any right in the fund 68268
as a third-party beneficiary or otherwise. No attorney may be 68269

compensated by the board for prosecuting an application for 68270
reimbursement. 68271

(H) If reimbursement is made to an applicant under this 68272
section, the board shall be subrogated in the reimbursement amount 68273
and may bring any action it considers advisable against any 68274
person. The board may enforce any claims it may have for 68275
restitution or otherwise and may employ and compensate 68276
consultants, agents, legal counsel, accountants, and other persons 68277
it considers appropriate. 68278

Sec. 4723.05. The board of nursing shall appoint an executive 68279
director, ~~who shall be a registered nurse of this state with at~~ 68280
~~least five years experience in the practice of nursing as a~~ 68281
~~registered nurse,~~ shall be a resident of this state during the 68282
term of appointment, and shall not be a member of the board at the 68283
time of appointment or during the term of appointment. The board 68284
shall meet at such times and places as it may direct and provide 68285
in its rules. The president may call special meetings, and the 68286
executive director shall call special meetings upon the written 68287
request of two or more board members. The board shall provide 68288
itself with a seal. The president and executive director may 68289
administer oaths. The executive director is the chief 68290
administrative officer of the board and shall serve as a full time 68291
employee of the board and shall be entitled to attend all meetings 68292
of the board except meetings concerning the appointment and terms 68293
of employment of the executive director. 68294

The term of the executive director shall be one year 68295
commencing on the first day of January. The executive director 68296
shall receive necessary expenses in addition to salary. The 68297
executive director shall give a surety bond to the state in such 68298
sum as the board requires, and conditioned upon the faithful 68299
performance of the duties of executive director. 68300

The executive director is an appointing authority as defined 68301
in section 124.01 of the Revised Code, and may appoint such 68302
nursing education consultants, nursing practice consultants, 68303
investigative personnel, and any additional employees for 68304
professional, clerical, and special work necessary to carry out 68305
the board's functions and with the board's approval, may establish 68306
standards for the conduct of employees. 68307

Sec. 4723.32. This chapter does not prohibit any of the 68308
following: 68309

(A) The practice of nursing by a student currently enrolled 68310
in and actively pursuing completion of a prelicensure nursing 68311
education program, if all of the following are the case: 68312

(1) The student is participating in a program located in this 68313
state and approved by the board of nursing or participating in 68314
this state in a component of a program located in another 68315
jurisdiction and approved by a board that is a member of the 68316
national council of state boards of nursing; 68317

(2) The student's practice is under the auspices of the 68318
program; 68319

(3) The student acts under the supervision of a registered 68320
nurse serving for the program as a faculty member or teaching 68321
assistant. 68322

(B) The rendering of medical assistance to a licensed 68323
physician, licensed dentist, or licensed podiatrist by a person 68324
under the direction, supervision, and control of such licensed 68325
physician, dentist, or podiatrist; 68326

(C) The activities of persons employed as nursing aides, 68327
attendants, orderlies, or other auxiliary workers in patient 68328
homes, nurseries, nursing homes, hospitals, home health agencies, 68329
or other similar institutions; 68330

(D) The provision of nursing services to family members or in emergency situations; 68331
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(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members; 68333
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(F) The practice of nursing as an advanced practice registered nurse by a student currently enrolled in and actively pursuing completion of a program of study leading to initial authorization by the board of nursing to practice nursing as an advanced practice registered nurse in a designated specialty, if all of the following are the case: 68336
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(1) The program qualifies the student to sit for the examination of a national certifying organization approved by the board under section 4723.46 of the Revised Code or the program prepares the student to receive a master's or doctoral degree in accordance with division (A)(2) of section 4723.41 of the Revised Code; 68342
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(2) The student's practice is under the auspices of the program; 68348
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(3) The student acts under the supervision of an advanced practice registered nurse serving for the program as a faculty member, teaching assistant, or preceptor. 68350
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(G) The activities of an individual who currently holds a license to practice nursing or equivalent authorization from another jurisdiction, if the individual's authority to practice has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case: 68353
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(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract 68360
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with the United States government or any agency thereof; 68362

(2) The individual is engaging in the practice of nursing as 68363
an employee of an individual, agency, or corporation located in 68364
the other jurisdiction in a position with employment 68365
responsibilities that include transporting patients into, out of, 68366
or through this state, as long as each trip in this state does not 68367
exceed seventy-two hours; 68368

(3) The individual is consulting with an individual licensed 68369
in this state to practice any health-related profession; 68370

(4) The individual is engaging in activities associated with 68371
teaching in this state as a guest lecturer at or for a nursing 68372
education program, continuing nursing education program, or 68373
in-service presentation; 68374

(5) The individual is conducting evaluations of nursing care 68375
that are undertaken on behalf of an accrediting organization, 68376
including the national league for nursing accrediting committee, 68377
the joint commission on accreditation of healthcare organizations, 68378
or any other nationally recognized accrediting organization; 68379

(6) The individual is providing nursing care to an individual 68380
who is in this state on a temporary basis, not to exceed six 68381
months in any one calendar year, if the nurse is directly employed 68382
by or under contract with the individual or a guardian or other 68383
person acting on the individual's behalf; 68384

(7) The individual is providing nursing care during any 68385
disaster, natural or otherwise, that has been officially declared 68386
to be a disaster by a public announcement issued by an appropriate 68387
federal, state, county, or municipal official; 68388

(8) The individual is providing nursing care at a 68389
free-of-charge camp accredited by the SeriousFun children's 68390
network that specializes in providing therapeutic recreation, as 68391
defined in section 2305.231 of the Revised Code, for individuals 68392

<u>with chronic diseases, if all of the following are the case:</u>	68393
<u>(a) The individual provides documentation to the medical director of the camp that the individual holds a current, valid license to practice nursing or equivalent authorization from another jurisdiction.</u>	68394 68395 68396 68397
<u>(b) The individual provides nursing care only at the camp or in connection with camp events or activities that occur off the grounds of the camp.</u>	68398 68399 68400
<u>(c) The individual is not compensated for the individual's services.</u>	68401 68402
<u>(d) The individual provides nursing care within this state for not more than thirty days per calendar year.</u>	68403 68404
<u>(e) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with Chapter 4731. of the Revised Code.</u>	68405 68406 68407
(H) The administration of medication by an individual who holds a valid medication aide certificate issued under this chapter, if the medication is administered to a resident of a nursing home, residential care facility, or ICF/IID authorized by section 4723.64 of the Revised Code to use a certified medication aide and the medication is administered in accordance with section 4723.67 of the Revised Code.	68408 68409 68410 68411 68412 68413 68414
Sec. 4723.50. (A) <u>As used in this section:</u>	68415
<u>(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u>	68416 68417
<u>(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.</u>	68418 68419
<u>(B) In accordance with Chapter 119. of the Revised Code, the board of nursing shall adopt rules as necessary to implement the</u>	68420 68421

provisions of this chapter pertaining to the authority of advanced 68422
practice registered nurses who are designated as clinical nurse 68423
specialists, certified nurse-midwives, and certified nurse 68424
practitioners to prescribe and furnish drugs and therapeutic 68425
devices. 68426

The board shall adopt rules that are consistent with a 68427
recommended exclusionary formulary the board receives from the 68428
committee on prescriptive governance pursuant to section 4723.492 68429
of the Revised Code. After reviewing a formulary submitted by the 68430
committee, the board may either adopt the formulary as a rule or 68431
ask the committee to reconsider and resubmit the formulary. The 68432
board shall not adopt any rule that does not conform to a 68433
formulary developed by the committee. 68434

The exclusionary formulary shall permit, in a manner 68435
consistent with section 4723.481 of the Revised Code, the 68436
prescribing of controlled substances, ~~as defined in section~~ 68437
~~3719.01 of the Revised Code, in a manner consistent with section~~ 68438
~~4723.481 of the Revised Code~~ including drugs that contain 68439
buprenorphine used in medication-assisted treatment and both oral 68440
and long-acting opioid antagonists. The formulary shall not permit 68441
the prescribing or furnishing of any of the following: 68442

(1) A drug or device to perform or induce an abortion; 68443

(2) A drug or device prohibited by federal or state law. 68444

~~(B)~~(C) In addition to the rules described in division ~~(A)~~(B) 68445
of this section, the board shall adopt rules under this section 68446
that do the following: 68447

(1) Establish standards for board approval of the course of 68448
study in advanced pharmacology and related topics required by 68449
section 4723.482 of the Revised Code; 68450

(2) Establish requirements for board approval of the two-hour 68451
course of instruction in the laws of this state as required under 68452

division (C)(1) of section 4723.482 of the Revised Code and 68453
division (B)(2) of section 4723.484 of the Revised Code; 68454

(3) Establish criteria for the components of the standard 68455
care arrangements described in section 4723.431 of the Revised 68456
Code that apply to the authority to prescribe, including the 68457
components that apply to the authority to prescribe schedule II 68458
controlled substances. The rules shall be consistent with that 68459
section and include all of the following: 68460

(a) Quality assurance standards; 68461

(b) Standards for periodic review by a collaborating 68462
physician or podiatrist of the records of patients treated by the 68463
clinical nurse specialist, certified nurse-midwife, or certified 68464
nurse practitioner; 68465

(c) Acceptable travel time between the location at which the 68466
clinical nurse specialist, certified nurse-midwife, or certified 68467
nurse practitioner is engaging in the prescribing components of 68468
the nurse's practice and the location of the nurse's collaborating 68469
physician or podiatrist; 68470

(d) Any other criteria recommended by the committee on 68471
prescriptive governance. 68472

Sec. 4723.51. (A) As used in this section: 68473

(1) "Controlled substance," "schedule III," "schedule IV," 68474
and "schedule V" have the same meanings as in section 3719.01 of 68475
the Revised Code. 68476

(2) "Medication-assisted treatment" has the same meaning as 68477
in section 340.01 of the Revised Code. 68478

(B) The board of nursing shall adopt rules establishing 68479
standards and procedures to be followed by advanced practice 68480
registered nurses in the use of all drugs approved by the United 68481
States food and drug administration for use in medication-assisted 68482

treatment, including controlled substances in schedule III, IV, or 68483
V. The rules shall address detoxification, relapse prevention, 68484
patient assessment, individual treatment planning, counseling and 68485
recovery supports, diversion control, and other topics selected by 68486
the board after considering best practices in medication-assisted 68487
treatment. 68488

The board may apply the rules to all circumstances in which 68489
an advanced practice registered nurse prescribes drugs for use in 68490
medication-assisted treatment or limit the application of the 68491
rules to prescriptions for medication-assisted treatment issued 68492
for patients being treated in office-based practices or other 68493
practice types or locations specified by the board. 68494

(C) All rules adopted under this section shall be adopted in 68495
accordance with Chapter 119. of the Revised Code. The rules shall 68496
be consistent with rules adopted under sections 4730.55 and 68497
4731.056 of the Revised Code. 68498

Sec. 4723.52. (A) As used in this section: 68499

(1) "Community addiction services provider" has the same 68500
meaning as in section 5119.01 of the Revised Code. 68501

(2) "Medication-assisted treatment" has the same meaning as 68502
in section 340.01 of the Revised Code. 68503

(B) An advanced practice registered nurse shall comply with 68504
section 3715.08 of the Revised Code and rules adopted under 68505
section 4723.51 of the Revised Code when treating a patient for 68506
addiction with medication-assisted treatment or proposing to 68507
initiate such treatment. 68508

(C) An advanced practice registered nurse who fails to comply 68509
with this section shall treat not more than thirty patients at any 68510
one time with medication-assisted treatment even if the facility 68511
or location at which the treatment is provided is either of the 68512

following: 68513

(1) Exempted by divisions (B)(2)(a) to (d) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification; 68514
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(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 68518
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Sec. 4729.01. As used in this chapter: 68522

(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted. 68523
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(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following: 68527
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(1) Interpreting prescriptions; 68532

(2) Dispensing drugs and drug therapy related devices; 68533

(3) Compounding drugs; 68534

(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances; 68535
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(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and 68540
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explaining the interactions of the drugs;	68542
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	68543 68544 68545 68546
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	68547 68548 68549
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	68550 68551 68552 68553
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	68554 68555
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	68556 68557
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	68558 68559 68560
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	68561 68562
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	68563 68564
(3) As an incident to research, teaching activities, or chemical analysis;	68565 68566
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	68567 68568 68569
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to	68570 68571

be used by the professional for the purpose of direct 68572
administration to patients in the course of the professional's 68573
practice, if all of the following apply: 68574

(a) At the time the request is made, the drug is not 68575
commercially available regardless of the reason that the drug is 68576
not available, including the absence of a manufacturer for the 68577
drug or the lack of a readily available supply of the drug from a 68578
manufacturer. 68579

(b) A limited quantity of the drug is compounded and provided 68580
to the professional. 68581

(c) The drug is compounded and provided to the professional 68582
as an occasional exception to the normal practice of dispensing 68583
drugs pursuant to patient-specific prescriptions. 68584

(D) "Consult agreement" means an agreement that has been 68585
entered into under section 4729.39 of the Revised Code. 68586

(E) "Drug" means: 68587

(1) Any article recognized in the United States pharmacopoeia 68588
and national formulary, or any supplement to them, intended for 68589
use in the diagnosis, cure, mitigation, treatment, or prevention 68590
of disease in humans or animals; 68591

(2) Any other article intended for use in the diagnosis, 68592
cure, mitigation, treatment, or prevention of disease in humans or 68593
animals; 68594

(3) Any article, other than food, intended to affect the 68595
structure or any function of the body of humans or animals; 68596

(4) Any article intended for use as a component of any 68597
article specified in division (E)(1), (2), or (3) of this section; 68598
but does not include devices or their components, parts, or 68599
accessories. 68600

(F) "Dangerous drug" means any of the following: 68601

(1) Any drug to which either of the following applies: 68602

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 68603
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 68604
required to bear a label containing the legend "Caution: Federal 68605
law prohibits dispensing without prescription" or "Caution: 68606
Federal law restricts this drug to use by or on the order of a 68607
licensed veterinarian" or any similar restrictive statement, or 68608
the drug may be dispensed only upon a prescription; 68609

(b) Under Chapter 3715. or 3719. of the Revised Code, the 68610
drug may be dispensed only upon a prescription. 68611

(2) Any drug that contains a schedule V controlled substance 68612
and that is exempt from Chapter 3719. of the Revised Code or to 68613
which that chapter does not apply; 68614

(3) Any drug intended for administration by injection into 68615
the human body other than through a natural orifice of the human 68616
body; 68617

(4) Any drug that is a biological product, as defined in 68618
section 3715.01 of the Revised Code. 68619

(G) "Federal drug abuse control laws" has the same meaning as 68620
in section 3719.01 of the Revised Code. 68621

(H) "Prescription" means all of the following: 68622

(1) A written, electronic, or oral order for drugs or 68623
combinations or mixtures of drugs to be used by a particular 68624
individual or for treating a particular animal, issued by a 68625
licensed health professional authorized to prescribe drugs; 68626

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 68627
4730.431, and 4731.94 of the Revised Code, a written, electronic, 68628
or oral order for naloxone issued to and in the name of a family 68629
member, friend, or other individual in a position to assist an 68630
individual who there is reason to believe is at risk of 68631

experiencing an opioid-related overdose. 68632

(3) For purposes of sections 4723.4810, 4729.282, 4730.432, 68633
and 4731.93 of the Revised Code, a written, electronic, or oral 68634
order for a drug to treat chlamydia, gonorrhea, or trichomoniasis 68635
issued to and in the name of a patient who is not the intended 68636
user of the drug but is the sexual partner of the intended user; 68637

(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 68638
3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 68639
5101.76 of the Revised Code, a written, electronic, or oral order 68640
for an epinephrine autoinjector issued to and in the name of a 68641
school, school district, or camp; 68642

(5) For purposes of Chapter 3728. and sections 4723.483, 68643
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 68644
electronic, or oral order for an epinephrine autoinjector issued 68645
to and in the name of a qualified entity, as defined in section 68646
3728.01 of the Revised Code. 68647

(I) "Licensed health professional authorized to prescribe 68648
drugs" or "prescriber" means an individual who is authorized by 68649
law to prescribe drugs or dangerous drugs or drug therapy related 68650
devices in the course of the individual's professional practice, 68651
including only the following: 68652

(1) A dentist licensed under Chapter 4715. of the Revised 68653
Code; 68654

(2) A clinical nurse specialist, certified nurse-midwife, or 68655
certified nurse practitioner who holds a current, valid license to 68656
practice nursing as an advanced practice registered nurse issued 68657
under Chapter 4723. of the Revised Code; 68658

(3) An optometrist licensed under Chapter 4725. of the 68659
Revised Code to practice optometry under a therapeutic 68660
pharmaceutical agents certificate; 68661

(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 68662
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(5) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority; 68665
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(6) A veterinarian licensed under Chapter 4741. of the Revised Code. 68670
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(J) "~~Sale and or sell include delivery, transfer, barter, exchange, or gift, or offer therefor, and each such~~ includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both. 68672
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(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser. 68679
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(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale. 68682
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(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility. 68684
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(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following: 68689
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- (1) The proprietary name of the drug product; 68692
- (2) The established (generic) name of the drug product; 68693
- (3) The strength of the drug product if the product contains 68694
a single active ingredient or if the drug product contains more 68695
than one active ingredient and a relevant strength can be 68696
associated with the product without indicating each active 68697
ingredient. The established name and quantity of each active 68698
ingredient are required if such a relevant strength cannot be so 68699
associated with a drug product containing more than one 68700
ingredient. 68701
- (4) The dosage form; 68702
- (5) The price charged for a specific quantity of the drug 68703
product. The stated price shall include all charges to the 68704
consumer, including, but not limited to, the cost of the drug 68705
product, professional fees, handling fees, if any, and a statement 68706
identifying professional services routinely furnished by the 68707
pharmacy. Any mailing fees and delivery fees may be stated 68708
separately without repetition. The information shall not be false 68709
or misleading. 68710
- (O) "Wholesale distributor of dangerous drugs" or "wholesale 68711
distributor" means a person engaged in the sale of dangerous drugs 68712
at wholesale and includes any agent or employee of such a person 68713
authorized by the person to engage in the sale of dangerous drugs 68714
at wholesale. 68715
- (P) "Manufacturer of dangerous drugs" or "manufacturer" means 68716
a person, other than a pharmacist or prescriber, who manufactures 68717
dangerous drugs and who is engaged in the sale of those dangerous 68718
drugs ~~within this state~~. 68719
- (Q) "Terminal distributor of dangerous drugs" or "terminal 68720
distributor" means a person who is engaged in the sale of 68721
dangerous drugs at retail, or any person, other than a 68722

manufacturer, repackager, outsourcing facility, third-party 68723
logistics provider, wholesale distributor, or a pharmacist, who 68724
has possession, custody, or control of dangerous drugs for any 68725
purpose other than for that person's own use and consumption, ~~and,~~ 68726
"Terminal distributor" includes pharmacies, hospitals, nursing 68727
homes, and laboratories and all other persons who procure 68728
dangerous drugs for sale or other distribution by or under the 68729
supervision of a pharmacist or licensed health professional 68730
authorized to prescribe drugs. 68731

(R) "Promote to the public" means disseminating a 68732
representation to the public in any manner or by any means, other 68733
than by labeling, for the purpose of inducing, or that is likely 68734
to induce, directly or indirectly, the purchase of a dangerous 68735
drug at retail. 68736

(S) "Person" includes any individual, partnership, 68737
association, limited liability company, or corporation, the state, 68738
any political subdivision of the state, and any district, 68739
department, or agency of the state or its political subdivisions. 68740

(T) "Animal shelter" means a facility operated by a humane 68741
society or any society organized under Chapter 1717. of the 68742
Revised Code or a dog pound operated pursuant to Chapter 955. of 68743
the Revised Code. 68744

(U) "Food" has the same meaning as in section 3715.01 of the 68745
Revised Code. 68746

(V) "Pain management clinic" has the same meaning as in 68747
section 4731.054 of the Revised Code. 68748

(W) "Investigational drug or product" means a drug or product 68749
that has successfully completed phase one of the United States 68750
food and drug administration clinical trials and remains under 68751
clinical trial, but has not been approved for general use by the 68752
United States food and drug administration. "Investigational drug 68753

or product" does not include controlled substances in schedule I, 68754
as established pursuant to section 3719.41 of the Revised Code, 68755
and as amended. 68756

(X) "Product," when used in reference to an investigational 68757
drug or product, means a biological product, other than a drug, 68758
that is made from a natural human, animal, or microorganism source 68759
and is intended to treat a disease or medical condition. 68760

(Y) "Third-party logistics provider" means a person that 68761
provides or coordinates warehousing or other logistics services 68762
pertaining to dangerous drugs including distribution, on behalf of 68763
a manufacturer, wholesale distributor, or terminal distributor of 68764
dangerous drugs, but does not take ownership of the drugs or have 68765
responsibility to direct the sale or disposition of the drugs. 68766

(Z) "Repackager of dangerous drugs" or "repackager" means a 68767
person that repacks and relabels dangerous drugs for sale or 68768
distribution. 68769

(AA) "Outsourcing facility" means a facility that is engaged 68770
in the compounding and sale of sterile drugs and is registered as 68771
an outsourcing facility with the United States food and drug 68772
administration. 68773

Sec. 4729.06. The state board of pharmacy shall keep a record 68774
of its proceedings and a register of all ~~identification cards,~~ 68775
licenses, and registrations that have been granted, together with 68776
each renewal and suspension or revocation of ~~an identification~~ 68777
~~card,~~ a license, or registration. The books and registers of the 68778
board shall be prima-facie evidence of the matters therein 68779
recorded. The books and registers may be in electronic format. 68780
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The president and executive director of the board may 68782
administer oaths. 68783

A statement signed by the executive director to which is 68784
affixed the official seal of the board to the effect that it 68785
appears from the records of the board that the board has not 68786
issued ~~an identification card~~, a license, or registration to the 68787
person specified in the statement, or that ~~an identification card~~, 68788
a license, or registration, if issued, has been revoked or 68789
suspended, or the holder has been subjected to disciplinary action 68790
by the board shall be received as prima-facie evidence of the 68791
record of the board in any court or before any officer of this 68792
state. 68793

Sec. 4729.08. Every applicant for examination and licensure 68794
as a pharmacist shall: 68795

(A) Be at least eighteen years of age; 68796

(B) Be of good moral character ~~and habits~~, as defined in 68797
rules adopted by the state board of pharmacy under section 4729.26 68798
of the Revised Code; 68799

(C) Have obtained a degree in pharmacy from a program that 68800
has been recognized and approved by the state board of pharmacy, 68801
except that graduates of schools or colleges of pharmacy that are 68802
located outside the United States and have not demonstrated that 68803
the standards of their programs are at least equivalent to 68804
programs recognized and approved by the board shall be required to 68805
pass an equivalency examination recognized and approved by the 68806
board and to establish written and oral proficiency in English. 68807

(D) Have satisfactorily completed at least the minimum 68808
requirements for pharmacy internship as outlined by the board. 68809

If the board is satisfied that the applicant meets the 68810
foregoing requirements and if the applicant passes the examination 68811
required under section 4729.07 of the Revised Code, the board 68812
shall issue to the applicant a license ~~and an identification card~~ 68813

authorizing the individual to practice pharmacy. 68814

Sec. 4729.09. The state board of pharmacy may license an 68815
individual as a pharmacist without examination ~~and issue an~~ 68816
~~identification card to the pharmacist~~ if the individual: 68817

(A) Holds a license in good standing to practice pharmacy 68818
under the laws of another state, has successfully completed an 68819
examination for licensure in the other state, and in the opinion 68820
of the board, the examination was at least as thorough as that 68821
required by the board at the time the individual took the 68822
examination; 68823

(B) Is of good moral character ~~and habit, as defined in rules~~ 68824
adopted by the board under section 4729.26 of the Revised Code; 68825

(C) Has filed with the licensing body of the other state at 68826
least the credentials or the equivalent that were required by this 68827
state at the time the other state licensed the individual ~~was~~ 68828
~~licensed as~~ a pharmacist. 68829

The board shall not issue ~~any identification card or a~~ 68830
license to practice pharmacy to an individual licensed in another 68831
state if the state in which the individual is licensed does not 68832
reciprocate by granting licenses to practice pharmacy to ~~persons~~ 68833
individuals holding valid licenses received through examination by 68834
the state board of pharmacy. 68835

Sec. 4729.11. The state board of pharmacy shall establish a 68836
pharmacy internship program for the purpose of providing the 68837
practical experience necessary to practice as a pharmacist. Any 68838
individual who desires to become a pharmacy intern shall apply for 68839
licensure to the board. An application filed under this section 68840
may not be withdrawn without the approval of the board. 68841

Each applicant shall be issued ~~an identification card and a~~ 68842
license as a pharmacy intern if ~~in the opinion of~~ the board 68843

~~determines that~~ the applicant is actively pursuing an educational 68844
program in preparation for licensure as a pharmacist and meets the 68845
other requirements as determined by the board. ~~An identification~~ 68846
~~card and~~ A license shall be valid until the next ~~annual~~ renewal 68847
date and shall be renewed only if the intern is meeting the 68848
requirements and rules of the board. 68849

~~The state board of pharmacy may appoint a director of~~ 68850
~~pharmacy internship who is a licensed pharmacist and who is not~~ 68851
~~directly or indirectly connected with a school or college of~~ 68852
~~pharmacy or department of pharmacy of a university. The director~~ 68853
~~of pharmacy internship shall be responsible to the board for the~~ 68854
~~operation and direction of the pharmacy internship program~~ 68855
~~established by the board under this section, and for such other~~ 68856
~~duties as the board may assign.~~ 68857

Sec. 4729.12. ~~An identification card~~ A license issued by the 68858
state board of pharmacy under section 4729.08 ~~or 4729.11~~ of the 68859
Revised Code entitles the individual to whom it is issued to 68860
practice as a pharmacist or as a pharmacy intern in this state 68861
until the next ~~annual~~ renewal date. 68862

~~Identification cards~~ Licenses shall be renewed ~~annually on~~ 68863
~~the fifteenth day of September,~~ according to the standard renewal 68864
procedure of Chapter 4745. of the Revised Code ~~and rules adopted~~ 68865
~~by the board under section 4729.26 of the Revised Code. Licenses~~ 68866
~~are valid for the period specified in the rules, unless earlier~~ 68867
~~revoked or suspended by the board. The period shall not exceed~~ 68868
~~twenty-four months unless the board extends the period in the~~ 68869
~~rules to adjust license renewal schedules.~~ 68870

~~Each pharmacist and pharmacy intern shall carry the~~ 68871
~~identification card or renewal identification card while engaged~~ 68872
~~in the practice of pharmacy. The license shall be conspicuously~~ 68873
~~exposed at the principal place where the pharmacist or pharmacy~~ 68874

~~intern practices pharmacy.~~ 68875

A pharmacist or pharmacy intern who desires to continue in 68876
the practice of pharmacy shall file with the board an application 68877
in such form and containing such data as the board may require for 68878
renewal of ~~an identification card~~ a license. In the case of a 68879
pharmacist who dispenses or plans to dispense controlled 68880
substances in this state, the pharmacist shall certify, as part of 68881
the application, that the pharmacist has been granted access to 68882
the drug database established and maintained by the board pursuant 68883
to section 4729.75 of the Revised Code, unless the board has 68884
restricted the pharmacist from obtaining further information from 68885
the database or the board no longer maintains the database. If the 68886
pharmacist certifies to the board that the applicant has been 68887
granted access to the drug database and the board finds through an 68888
audit or other means that the pharmacist has not been granted 68889
access, the board may take action under section 4729.16 of the 68890
Revised Code. 68891

An application filed under this section for renewal of ~~an~~ 68892
~~identification card~~ a license may not be withdrawn without the 68893
approval of the board. 68894

If the board finds that an applicant's ~~identification card~~ 68895
license has not been revoked or placed under suspension and that 68896
the applicant has paid the renewal fee, has continued pharmacy 68897
education in accordance with the rules of the board, and is 68898
entitled to continue in the practice of pharmacy, the board shall 68899
~~issue a renewal identification card to the applicant~~ renew the 68900
applicant's license. 68901

When ~~an identification card~~ a license has ~~lapsed for more~~ 68902
~~than sixty days~~ expired but an application is made within three 68903
years after the expiration of the ~~card~~ license, the ~~applicant~~ 68904
applicant's license shall be ~~issued a renewal identification card~~ 68905
renewed without further examination if the applicant meets the 68906

requirements of this section and pays the fee designated under 68907
division (A)(5) of section 4729.15 of the Revised Code. 68908

A pharmacist or pharmacy intern who fails to renew the 68909
pharmacist's or intern's license by the renewal date prescribed by 68910
the board shall not engage in the practice of pharmacy until a 68911
valid license is issued by the board. 68912

Sec. 4729.13. A pharmacist who fails to make application to 68913
the state board of pharmacy for a ~~renewal identification card~~ 68914
license renewal within a period of three years from the expiration 68915
of the ~~identification card~~ license must pass an examination for 68916
~~registration~~ licensure and comply with sections 4776.01 to 4776.04 68917
of the Revised Code; except that a pharmacist whose ~~registration~~ 68918
license has expired, but who has continually practiced pharmacy in 68919
another state under a license issued by the authority of that 68920
state, may obtain a ~~renewal identification card~~ renewed license 68921
upon payment to the executive director of the board the fee 68922
designated under division (A)(6) of section 4729.15 of the Revised 68923
Code. 68924

Sec. 4729.15. (A) Except as provided in division (B) of this 68925
section, the state board of pharmacy shall charge the following 68926
fees: 68927

(1) For applying for a license to practice as a pharmacist, 68928
an amount adequate to cover all ~~rentals, compensation for~~ 68929
~~proctors, and other~~ expenses of the board related to examination 68930
except the expenses of procuring and grading the examination, 68931
which fee shall not be returned if the applicant fails to pass the 68932
examination; 68933

(2) For the examination of an applicant for licensure as a 68934
pharmacist, an amount adequate to cover any expenses to the board 68935
of procuring and grading the examination or any part thereof, 68936

which fee shall not be returned if the applicant fails to pass the examination; 68937
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(3) For issuing a license ~~and an identification card~~ to an individual who passes the examination described in section 4729.07 of the Revised Code, an amount that is adequate to cover the expense; 68939
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(4) For a pharmacist applying for renewal of ~~an identification card within sixty days after a license before~~ the expiration date, ~~ninety-seven~~ two hundred fifty dollars ~~and fifty cents~~, which fee shall not be returned if the applicant fails to qualify for renewal; 68943
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(5) For a pharmacist applying for renewal of ~~an identification card~~ a license that has ~~lapsed~~ been expired for ~~more than sixty days, but for~~ less than three years, ~~one hundred thirty-five dollars~~ the renewal fee identified in division (A)(4) of this section plus a penalty of thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal; 68948
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(6) For a pharmacist applying for renewal of ~~an identification card~~ a license that has ~~lapsed~~ been expired for more than three years, three hundred thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal; 68955
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(7) For a pharmacist applying for a license ~~and identification card~~, on presentation of a pharmacist license granted by another state, three hundred thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for licensure. 68960
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(8) For a license ~~and identification card~~ to practice as a pharmacy intern, ~~twenty-two~~ forty-five dollars ~~and fifty cents~~, which fee shall not be returned if the applicant fails to qualify 68965
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for licensure;	68968
(9) For the renewal of a pharmacy intern identification card	68969
license , twenty-two <u>forty-five</u> dollars and fifty cents , which fee	68970
shall not be returned if the applicant fails to qualify for	68971
renewal;	68972
(10) For issuing a replacement license to a pharmacist,	68973
twenty-two dollars and fifty cents;	68974
(11) For issuing a replacement license to a pharmacy intern,	68975
seven dollars and fifty cents;	68976
(12) For issuing a replacement identification card to a	68977
pharmacist, thirty-seven dollars and fifty cents, or pharmacy	68978
intern, seven dollars and fifty cents;	68979
(13) For certifying licensure and grades for reciprocal	68980
licensure, ten <u>thirty-five</u> dollars;	68981
(14) <u>(11)</u> For making copies of any application, affidavit, or	68982
other document filed in the state board of pharmacy office, an	68983
amount fixed by the board that is adequate to cover the expense,	68984
except that for copies required by federal or state agencies or	68985
law enforcement officers for official purposes, no charge need be	68986
made;	68987
(15) <u>(12)</u> For certifying and affixing the seal of the board,	68988
an amount fixed by the board that is adequate to cover the	68989
expense, except that for certifying and affixing the seal of the	68990
board to a document required by federal or state agencies or law	68991
enforcement officers for official purposes, no charge need be	68992
made;	68993
(16) <u>(13)</u> For each copy of a book or pamphlet that includes	68994
laws administered by the state board of pharmacy, rules adopted by	68995
the board, and chapters of the Revised Code with which the board	68996
is required to comply, an amount fixed by the board that is	68997

adequate to cover the expense of publishing and furnishing the 68998
book or pamphlet. 68999

(B)(1) Subject to division (B)(2) of this section, the fees 69000
described in divisions (A)(1) to ~~(13)~~(10) of this section do not 69001
apply to an individual who is on active duty in the armed forces 69002
of the United States, as defined in section 5903.01 of the Revised 69003
Code, to the spouse of an individual who is on active duty in the 69004
armed forces of the United States, or to an individual who served 69005
in the armed forces of the United States and presents a valid copy 69006
of the individual's DD-214 form or an equivalent document issued 69007
by the United States department of defense indicating that the 69008
individual is an honorably discharged veteran documentation that 69009
the individual has been discharged under honorable conditions from 69010
the armed forces or has been transferred to the reserve with 69011
evidence of satisfactory service. 69012

(2) The state board of pharmacy may establish limits with 69013
respect to the individuals for whom fees are not applicable under 69014
division (B)(1) of this section. 69015

Sec. 4729.16. (A)(1) The state board of pharmacy, after 69016
notice and hearing in accordance with Chapter 119. of the Revised 69017
Code, may impose any one or more of the following sanctions on a 69018
pharmacist or pharmacy intern if the board finds the individual 69019
engaged in any of the conduct set forth in division (A)(2) of this 69020
section: 69021

(a) Revoke, suspend, restrict, limit, or refuse to grant or 69022
renew a license; 69023

(b) Reprimand or place the license holder on probation; 69024

(c) Impose a monetary penalty or forfeiture not to exceed in 69025
severity any fine designated under the Revised Code for a similar 69026
offense, or in the case of a violation of a section of the Revised 69027

Code that does not bear a penalty, a monetary penalty or 69028
forfeiture of not more than five hundred dollars. 69029

(2) The board may impose the sanctions listed in division 69030
(A)(1) of this section if the board finds a pharmacist or pharmacy 69031
intern: 69032

(a) Has been convicted of a felony, or a crime of moral 69033
turpitude, as defined in section 4776.10 of the Revised Code; 69034

(b) Engaged in dishonesty or unprofessional conduct in the 69035
practice of pharmacy; 69036

(c) Is addicted to or abusing alcohol or drugs or is impaired 69037
physically or mentally to such a degree as to render the 69038
pharmacist or pharmacy intern unfit to practice pharmacy; 69039

(d) Has been convicted of a misdemeanor related to, or 69040
committed in, the practice of pharmacy; 69041

(e) Violated, conspired to violate, attempted to violate, or 69042
aided and abetted the violation of any of the provisions of this 69043
chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 69044
2925. or 3719. of the Revised Code, or any rule adopted by the 69045
board under those provisions; 69046

(f) Permitted someone other than a pharmacist or pharmacy 69047
intern to practice pharmacy; 69048

(g) Knowingly lent the pharmacist's or pharmacy intern's name 69049
to an illegal practitioner of pharmacy or had a professional 69050
connection with an illegal practitioner of pharmacy; 69051

(h) Divided or agreed to divide remuneration made in the 69052
practice of pharmacy with any other individual, including, but not 69053
limited to, any licensed health professional authorized to 69054
prescribe drugs or any owner, manager, or employee of a health 69055
care facility, residential care facility, or nursing home; 69056

(i) Violated the terms of a consult agreement entered into 69057

pursuant to section 4729.39 of the Revised Code; 69058

(j) Committed fraud, misrepresentation, or deception in 69059
applying for or securing a license ~~or identification card~~ issued 69060
by the board under this chapter or under Chapter 3715. or 3719. of 69061
the Revised Code; 69062

(k) Failed to comply with an order of the board or a 69063
settlement agreement; 69064

(l) Engaged in any other conduct for which the board may 69065
impose discipline as set forth in rules adopted under section 69066
4729.26 of the Revised Code. 69067

(B) Any individual whose ~~identification card~~ or license is 69068
revoked, suspended, or refused, shall return the ~~identification~~ 69069
~~card~~ and license to the offices of the state board of pharmacy 69070
within ten days after receipt of notice of such action. 69071

(C) As used in this section: 69072

"Unprofessional conduct in the practice of pharmacy" includes 69073
any of the following: 69074

(1) Advertising or displaying signs that promote dangerous 69075
drugs to the public in a manner that is false or misleading; 69076

(2) Except as provided in section 4729.281 or 4729.44 of the 69077
Revised Code, the dispensing or sale of any drug for which a 69078
prescription is required, without having received a prescription 69079
for the drug; 69080

(3) Knowingly dispensing medication pursuant to false or 69081
forged prescriptions; 69082

(4) Knowingly failing to maintain complete and accurate 69083
records of all dangerous drugs received or dispensed in compliance 69084
with federal laws and regulations and state laws and rules; 69085

(5) Obtaining any remuneration by fraud, misrepresentation, 69086
or deception; 69087

(6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules adopted under section 4729.26 of the Revised Code.

(D) The board may suspend a license ~~or identification card~~ under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.

(E) For purposes of this division, an individual authorized to practice as a pharmacist or pharmacy intern accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license to practice as a pharmacist or pharmacy intern, an individual gives consent to submit to a mental or physical examination when ordered to do so by the board in writing and waives all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If the board has reasonable cause to believe that an individual who is a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the individual to submit to a physical or mental examination, or both. The expense of the examination is the responsibility of the individual required to be examined.

Failure of an individual who is a pharmacist or pharmacy intern to submit to a physical or mental examination ordered by the board, unless the failure is due to circumstances beyond the individual's control, constitutes an admission of the allegations and a suspension order shall be entered without the taking of

testimony or presentation of evidence. Any subsequent adjudication 69119
hearing under Chapter 119. of the Revised Code concerning failure 69120
to submit to an examination is limited to consideration of whether 69121
the failure was beyond the individual's control. 69122

If, based on the results of an examination ordered under this 69123
division, the board determines that the individual's ability to 69124
practice is impaired, the board shall suspend the individual's 69125
license or deny the individual's application and shall require the 69126
individual, as a condition for an initial, continued, reinstated, 69127
or renewed license to practice, to submit to a physical or mental 69128
examination and treatment. 69129

An order of suspension issued under this division shall not 69130
be subject to suspension by a court during pendency of any appeal 69131
filed under section 119.12 of the Revised Code. 69132

(F) If the board is required under Chapter 119. of the 69133
Revised Code to give notice of an opportunity for a hearing and 69134
the applicant or licensee does not make a timely request for a 69135
hearing in accordance with section 119.07 of the Revised Code, the 69136
board is not required to hold a hearing, but may adopt a final 69137
order that contains the board's findings. In the final order, the 69138
board may impose any of the sanctions listed in division (A) of 69139
this section. 69140

(G) Notwithstanding the provision of division (C)(2) of 69141
section 2953.32 of the Revised Code specifying that if records 69142
pertaining to a criminal case are sealed under that section the 69143
proceedings in the case must be deemed not to have occurred, 69144
sealing of the following records on which the board has based an 69145
action under this section shall have no effect on the board's 69146
action or any sanction imposed by the board under this section: 69147
records of any conviction, guilty plea, judicial finding of guilt 69148
resulting from a plea of no contest, or a judicial finding of 69149
eligibility for a pretrial diversion program or intervention in 69150

lieu of conviction. The board shall not be required to seal, 69151
destroy, redact, or otherwise modify its records to reflect the 69152
court's sealing of conviction records. 69153

(H) No pharmacist or pharmacy intern shall knowingly engage 69154
in any conduct described in divisions (A)(2)(b) or (A)(2)(e) to 69155
(1) of this section. 69156

Sec. 4729.23. (A) Except as provided in division (B) of this 69157
section, information received by the state board of pharmacy 69158
pursuant to an investigation is confidential and is not subject to 69159
discovery in any civil action. Any record that identifies a 69160
patient, confidential informant, or individual who files a 69161
complaint with the board or may reasonably lead to the 69162
identification of the patient, informant, or complainant is not a 69163
public record for purposes of section 149.43 of the Revised Code 69164
and is not subject to inspection or copying under section 1347.08 69165
of the Revised Code. 69166

(B) The board shall conduct all investigations or inspections 69167
and proceedings in a manner that protects the confidentiality of 69168
patients, confidential informants, and individuals who file 69169
complaints with the board. The board shall not make public the 69170
names or any other identifying information of patients, 69171
confidential informants, or complainants unless proper consent is 69172
given or, in the case of a patient, a waiver of the patient 69173
privilege exists under division (B) of section 2317.02 of the 69174
Revised Code. The consent or waiver is not required if the board 69175
possesses reliable and substantial evidence that no bona fide 69176
physician-patient relationship exists. 69177

On request, the board may share any information it receives 69178
pursuant to an investigation or inspection, including patient 69179
records and patient record information, with law enforcement 69180
agencies, other licensing boards, and other state or federal 69181

governmental agencies that are prosecuting, adjudicating, or 69182
investigating alleged violations of statutes or administrative 69183
rules. An agency or board that receives the information shall 69184
comply with the same requirements regarding confidentiality as 69185
those with which the state board of pharmacy must comply, 69186
notwithstanding any conflicting provision of the Revised Code or 69187
agency procedure that applies when the agency is dealing with 69188
other information in its possession. 69189

Any information the board receives from a state or federal 69190
agency is subject to the same confidentiality requirements as the 69191
agency from which it was received and shall not be released by the 69192
board without prior authorization from that agency. 69193

The board may, for good cause shown, disclose or authorize 69194
disclosure of information gathered pursuant to an investigation. 69195

(C) Any board activity that involves continued monitoring of 69196
an individual for treatment or recovery purposes as part of or 69197
following any disciplinary action taken under section 4729.16, 69198
4729.56, or 4729.57 of the Revised Code shall be conducted in a 69199
manner that maintains an individual's confidentiality with respect 69200
to the individual's treatment or recovery program. Information 69201
received or maintained by the board with respect to the board's 69202
monitoring activities is not subject to discovery in any civil 69203
action and is confidential, except that the board may disclose 69204
information to law enforcement officers and government entities 69205
for purposes of an investigation of a license or certificate 69206
holder. 69207

Sec. 4729.24. (A) Subject to division (B) of this section, in 69208
addition to the actions the state board of pharmacy may take under 69209
Chapter 119. of the Revised Code, the board may order the taking 69210
of depositions; examine and copy any books, accounts, papers, 69211
records, documents, and other tangible objects; issue subpoenas; 69212

and compel the attendance of witnesses and production of books, 69213
accounts, papers, records, documents, and other tangible objects. 69214

On failure of a person to comply with a subpoena issued by 69215
the board and after reasonable notice to that person, the board 69216
may apply to the court of common pleas of Franklin county for an 69217
order compelling the production of persons or records pursuant to 69218
the Ohio Rules of Civil Procedure. 69219

A subpoena issued by the board may be served by a sheriff, 69220
sheriff's deputy, or board employee designated by the board. 69221
Service of a subpoena may be made by delivering a copy of the 69222
subpoena to the person named in the subpoena or by leaving it at 69223
the person's usual place of residence. 69224

(B) A subpoena for patient record information may be issued 69225
only on approval by the board's executive director and the 69226
president or another board member designated by the president, in 69227
consultation with the office of the attorney general. Before 69228
issuing the subpoena, the executive director and the office of the 69229
attorney general shall determine whether probable cause exists to 69230
believe that the complaint filed alleges, or an investigation has 69231
revealed, a violation of this chapter or Chapters 2925., 3715., 69232
3719., or 3796. of the Revised Code or any rule adopted by the 69233
board, that the records sought are relevant to the alleged 69234
violation and material to the investigation, and that the records 69235
cover a reasonable period of time surrounding the alleged 69236
violation. 69237

(C) The board may adopt rules in accordance with Chapter 119. 69238
of the Revised Code establishing procedures to be followed in 69239
taking the actions authorized by this section, including 69240
procedures regarding payment for and service of subpoenas. 69241

Sec. 4729.51. (A) No person other than a ~~registered~~ licensed 69242

manufacturer of dangerous drugs, outsourcing facility, third-party 69243
logistics provider, repackager of dangerous drugs, or 69244
distributor of dangerous drugs shall possess for sale, sell, 69245
distribute, or deliver, at wholesale, dangerous drugs or 69246
investigational drugs or products, except as follows: 69247

(1) A licensed terminal distributor of dangerous drugs that 69248
is a pharmacy may make occasional sales of dangerous drugs or 69249
investigational drugs or products at wholesale. 69250

(2) A licensed terminal distributor of dangerous drugs having 69251
more than one licensed location may transfer or deliver dangerous 69252
drugs from one licensed location to another licensed location 69253
owned by the terminal distributor if the license issued for each 69254
location is in effect at the time of the transfer or delivery. 69255

(3) A licensed terminal distributor of dangerous drugs that 69256
is not a pharmacy may make occasional sales of naloxone at 69257
wholesale. 69258

(B) No ~~registered~~ licensed manufacturer, outsourcing 69259
facility, third-party logistics provider, repackager, or 69260
~~distributor of dangerous drugs~~ shall possess for sale, sell, or 69261
distribute, at wholesale, dangerous drugs or investigational drugs 69262
or products to any person other than the following: 69263

(1) Subject to division (D) of this section, a licensed 69264
terminal distributor of dangerous drugs; 69265

(2) Subject to division (C) of this section, any person 69266
exempt from licensure as a terminal distributor of dangerous drugs 69267
under section 4729.541 of the Revised Code; 69268

(3) A ~~registered~~ licensed manufacturer, outsourcing facility, 69269
third-party logistics provider, repackager, or 69270
~~distributor of dangerous drugs~~; 69271

(4) A terminal distributor, manufacturer, outsourcing 69272

~~facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs~~ that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business.

(C) No ~~registered~~ licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor ~~of dangerous drugs~~ shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following:

(1) A prescriber who is employed by either of the following:

(a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment but is not licensed as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(2) A business entity described in division (A)(2) or (3) of section 4729.541 of the Revised Code that is, or is operating, either of the following:

(a) A pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code;

(b) A facility, clinic, or other location that provides office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section.

(D) No ~~registered~~ licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor ~~of dangerous drugs~~ shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

~~(1) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A)(1) of section 4729.54 of the Revised Code;~~

~~(2)~~ In the case of a terminal distributor with a category II license, only dangerous drugs ~~described in category I and~~ category II, as defined in ~~divisions~~ division (A)(1) ~~and (2)~~ of section 4729.54 of the Revised Code;

~~(3)~~(2) In the case of a terminal distributor with a category III license, dangerous drugs ~~described in category I, category II,~~ and category III, as defined in divisions (A)(1), and (2), ~~and (3)~~ of section 4729.54 of the Revised Code;

~~(4)~~(3) In the case of a terminal distributor with a limited category ~~I, II,~~ or III license, only the dangerous drugs specified in the ~~certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code~~ license.

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:

- (a) Sell or distribute, at retail, dangerous drugs;
- (b) Possess for sale, at retail, dangerous drugs;
- (c) Possess dangerous drugs.

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following:

- (i) A licensed terminal distributor of dangerous drugs;
- (ii) A person who possesses, or possesses for sale or sells,

at retail, a dangerous drug in accordance with Chapters 3719., 69334
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 69335
Code; 69336

(iii) Any of the persons identified in divisions (A)(1) to 69337
(5) and (13) of section 4729.541 of the Revised Code, but only to 69338
the extent specified in that section. 69339

(b) Division (E)(1)(c) of this section does not apply to any 69340
of the following: 69341

(i) A ~~registered licensed manufacturer, outsourcing facility,~~ 69342
~~third-party logistics provider, repackager, or wholesale~~ 69343
~~distributor of dangerous drugs;~~ 69344

(ii) Any of the persons identified in divisions (A)(6) to 69345
(12) of section 4729.541 of the Revised Code, but only to the 69346
extent specified in that section. 69347

(F) No licensed terminal distributor of dangerous drugs or 69348
person that is exempt from licensure under section 4729.541 of the 69349
Revised Code shall purchase dangerous drugs or investigational 69350
drugs or products from any person other than a ~~registered licensed~~ 69351
~~manufacturer, outsourcing facility, third-party logistics~~ 69352
~~provider, repackager, or wholesale distributor of dangerous drugs,~~ 69353
except as follows: 69354

(1) A licensed terminal distributor of dangerous drugs or 69355
person that is exempt from licensure under section 4729.541 of the 69356
Revised Code may make occasional purchases of dangerous drugs or 69357
investigational drugs or products that are sold in accordance with 69358
division (A)(1) or (3) of this section. 69359

(2) A licensed terminal distributor of dangerous drugs having 69360
more than one licensed location may transfer or deliver dangerous 69361
drugs or investigational drugs or products from one licensed 69362
location to another licensed location if the license issued for 69363
each location is in effect at the time of the transfer or 69364

delivery. 69365

(G) No licensed terminal distributor of dangerous drugs shall 69366
engage in the retail sale or other distribution of dangerous drugs 69367
or investigational drugs or products or maintain possession, 69368
custody, or control of dangerous drugs or investigational drugs or 69369
products for any purpose other than the distributor's personal use 69370
or consumption, at any establishment or place other than that or 69371
those described in the license issued by the state board of 69372
pharmacy to such terminal distributor. 69373

(H) Nothing in this section shall be construed to interfere 69374
with the performance of official duties by any law enforcement 69375
official authorized by municipal, county, state, or federal law to 69376
collect samples of any drug, regardless of its nature or in whose 69377
possession it may be. 69378

(I) Notwithstanding anything to the contrary in this section, 69379
the board of education of a city, local, exempted village, or 69380
joint vocational school district may distribute epinephrine 69381
autoinjectors for use in accordance with section 3313.7110 of the 69382
Revised Code and may distribute inhalers for use in accordance 69383
with section 3313.7113 of the Revised Code. 69384

Sec. 4729.52. (A) As used in this section: 69385

(1) "Category II" means any dangerous drug that is not 69386
included in category III. 69387

(2) "Category III" means any controlled substance that is 69388
contained in schedule I, II, III, IV, or V. 69389

(3) "Schedule I, schedule II, schedule III, schedule IV, and 69390
schedule V" mean controlled substance schedules I, II, III, IV, 69391
and V, respectively, as established pursuant to section 3719.41 of 69392
the Revised Code and as amended. 69393

(B)(1)(a) The state board of pharmacy shall license the 69394

<u>following persons:</u>	69395
<u>(i) Wholesale distributors of dangerous drugs;</u>	69396
<u>(ii) Manufacturers of dangerous drugs;</u>	69397
<u>(iii) Outsourcing facilities;</u>	69398
<u>(iv) Third-party logistics providers;</u>	69399
<u>(v) Repackagers of dangerous drugs.</u>	69400
<u>(b) There shall be two categories for the licenses identified</u>	69401
<u>in division (B)(1)(a) of this section. The categories are as</u>	69402
<u>follows:</u>	69403
<u>(i) Category II license. A person who obtains this license</u>	69404
<u>may possess, have custody or control of, and distribute, only the</u>	69405
<u>dangerous drugs described in category II.</u>	69406
<u>(ii) Category III license. A person who obtains this license</u>	69407
<u>may possess, have custody or control of, and distribute, the</u>	69408
<u>dangerous drugs described in category II and category III.</u>	69409
<u>(c) The board may adopt rules under section 4729.26 of the</u>	69410
<u>Revised Code to create classification types of any license issued</u>	69411
<u>pursuant to this section. Persons who meet the definitions of the</u>	69412
<u>classification types shall comply with all requirements for the</u>	69413
<u>specific license classification specified in rule.</u>	69414
<u>(C) A person desiring to be registered as a wholesale</u>	69415
<u>distributor of dangerous drugs <u>seeking a license identified in</u></u>	69416
<u>division (B)(1)(a) of this section shall file with the executive</u>	69417
<u>director of the state board of pharmacy a verified application</u>	69418
<u>containing such information as the board requires of the applicant</u>	69419
<u>relative to the <u>licensure</u> qualifications to be registered as a</u>	69420
<u>wholesale distributor of dangerous drugs set forth in section</u>	69421
<u>4729.53 of the Revised Code and the rules adopted under that</u>	69422
<u>section. The</u>	69423
<u>The board shall register <u>license</u> as a <u>category II or category</u></u>	69424

III manufacturer, outsourcing facility, third-party logistics 69425
provider, repackager, or wholesale distributor of dangerous drugs 69426
each applicant who has paid the required ~~registration~~ license fee, 69427
if the board determines that the applicant meets the licensure 69428
qualifications to be registered as a wholesale distributor of 69429
dangerous drugs set forth in section 4729.53 of the Revised Code 69430
and the rules adopted under that section. 69431

~~(B)(D)~~ The board may ~~register and~~ issue to a person who does 69432
not reside in this state a ~~registration certificate as a wholesale~~ 69433
~~distributor of dangerous drugs~~ license identified in division 69434
(B)(1)(a) of this section if the person ~~possesses~~ pays the 69435
required licensure fee and meets either of the following: 69436

(1) Possesses a current and valid manufacturer, outsourcing 69437
facility, third-party logistics provider, repackager, or 69438
distributor of dangerous drugs registration certificate or 69439
license, or its equivalent, issued by another state that in which 69440
that person is physically located, but only if that state has 69441
qualifications for licensure or registration comparable to the 69442
registration licensure requirements in this state and pays the 69443
required registration fee; 69444

(2) Meets the requirements set forth by the board for 69445
issuance of a license identified in division (B)(1)(a) of this 69446
section, as verified by a state, federal, or other entity 69447
recognized by the board to perform such verification. 69448

~~(C)(E)~~ All ~~registration certificates~~ licenses issued or 69449
renewed pursuant to this section are effective for a period of 69450
twelve months from the first day of July of each year specified by 69451
the board in rules adopted under section 4729.26 of the Revised 69452
Code. The effective period for an initial or renewed license shall 69453
not exceed twenty-four months unless the board extends the period 69454
in rules to adjust license renewal schedules. A registration 69455
certificate license shall be renewed annually by the board for a 69456

~~like period,~~ pursuant to this section ~~and,~~ the standard renewal 69457
procedure of Chapter 4745. of the Revised Code, and rules adopted 69458
by the board under section 4729.26 of the Revised Code. A person 69459
~~desiring~~ seeking to renew a ~~registration certificate~~ license shall 69460
submit an application for renewal and pay the required renewal fee 69461
before the ~~first day of July each year~~ date specified in the rules 69462
adopted by the board. 69463

~~(D)(F)~~ Each ~~registration certificate and its application~~ 69464
license issued under this section shall describe not more than one 69465
establishment or place where the ~~registrant or applicant~~ license 69466
holder may engage in the ~~sale of dangerous drugs at wholesale~~ 69467
activities authorized by the license. No ~~registration certificate~~ 69468
license shall authorize or permit the ~~wholesale distributor of~~ 69469
~~dangerous drugs person~~ named therein to engage in the sale or 69470
distribution of drugs at wholesale or to maintain possession, 69471
custody, or control of dangerous drugs for any purpose other than 69472
for the ~~registrant's~~ licensee's own use and consumption at any 69473
establishment or place other than that described in the 69474
~~certificate~~ license. 69475

~~(E)(G)(1)(a)~~ The ~~registration category II license~~ fee is 69476
~~seven hundred fifty one thousand nine hundred~~ dollars and shall 69477
accompany each application for ~~registration~~ licensure. The 69478
~~registration~~ license renewal fee is ~~seven hundred fifty one~~ 69479
~~thousand nine hundred~~ dollars and shall accompany each renewal 69480
application. 69481

(b) The category III license fee is two thousand dollars and 69482
shall accompany each application for licensure. The license 69483
renewal fee is two thousand dollars and shall accompany each 69484
renewal application. 69485

~~A registration certificate~~ (c)(i) Subject to division 69486
(G)(1)(c)(ii) of this section, a license issued pursuant to this 69487
section that has not been renewed in any year by the first day of 69488

~~August~~ by the date specified in rules adopted by the board may be 69489
reinstated upon payment of the renewal fee and a penalty of ~~one~~ 69490
three hundred fifty dollars. 69491

(ii) If a complete application for renewal has not been 69492
submitted by the sixty-first day after the renewal date specified 69493
in rules adopted by the board, the license is considered void and 69494
cannot be renewed, but the license holder may reapply for 69495
licensure. 69496

(2) Renewal fees and penalties assessed under division 69497
~~(E)~~(G)(1) of this section shall not be returned if the applicant 69498
fails to qualify for renewal. 69499

(3) A person licensed pursuant to this section that fails to 69500
renew licensure in accordance with this section and rules adopted 69501
by the board is prohibited from engaging in manufacturing, 69502
repackaging, compounding, or distributing as a third-party 69503
logistics provider or wholesale distributor until a valid license 69504
is issued by the board. 69505

~~(F) The registration of any person as a wholesale distributor~~ 69506
~~of dangerous drugs~~ (H) Holding a license issued pursuant to this 69507
section subjects the ~~person holder~~ and the ~~person's holder's~~ 69508
agents and employees to the jurisdiction of the board and to the 69509
laws of this state for the purpose of the enforcement of this 69510
chapter and the rules of the board. However, the filing of an 69511
application for ~~registration as a wholesale distributor of~~ 69512
~~dangerous drugs~~ licensure under this section by, or on behalf of, 69513
any person, or the ~~registration~~ issuance of a license pursuant to 69514
this section to or on behalf of any person as a wholesale 69515
distributor of dangerous drugs, shall not, of itself, constitute 69516
evidence that the person is doing business within this state. 69517

(I) The board may enter into agreements with other states, 69518
federal agencies, and other entities to exchange information 69519

concerning licensing and inspection of any manufacturer, 69520
outsourcing facility, third-party logistics provider, repackager, 69521
or wholesale distributor located within or outside this state and 69522
to investigate alleged violations of the laws and rules governing 69523
distribution of drugs by such persons. Any information received 69524
pursuant to such an agreement is subject to the same 69525
confidentiality requirements applicable to the agency or entity 69526
from which it was received and shall not be released without prior 69527
authorization from that agency or entity. Any information received 69528
is also subject to section 4729.23 of the Revised Code. 69529

Sec. 4729.53. (A) The state board of pharmacy shall not 69530
register license any person as a manufacturer of dangerous drugs, 69531
outsourcing facility, third-party logistics provider, repackager 69532
of dangerous drugs, or wholesale distributor of dangerous drugs 69533
unless the applicant for ~~registration~~ licensure furnishes 69534
satisfactory proof to the board that the applicant meets all of 69535
the following: 69536

(1) If the applicant has ~~been convicted of a violation of~~ 69537
committed acts that the board finds violate any federal, state, or 69538
local law, regulation, or rule relating to drug samples, 69539
manufacturing, compounding, repackaging, wholesale or retail drug 69540
distribution, or distribution of dangerous drugs, including 69541
controlled substances, ~~or of~~ constitute a felony, or if a federal, 69542
state, or local governmental entity has suspended or revoked any 69543
current or prior license ~~or registration~~ of the applicant for the 69544
manufacture, compounding, repackaging, distribution, or sale of 69545
any dangerous drugs, including controlled substances, the 69546
applicant, to the satisfaction of the board, assures that the 69547
applicant has in place adequate safeguards to prevent the 69548
recurrence of any such violations. 69549

(2) The applicant's past experience in the manufacture, 69550

compounding, repackaging, or distribution of dangerous drugs, 69551
including controlled substances, is acceptable to the board. 69552

(3) The applicant is properly equipped as to land, buildings, 69553
equipment, and personnel to properly carry on ~~the~~ its business ~~of~~ 69554
~~a wholesale distributor of dangerous drugs,~~ including providing 69555
adequate security for and proper storage conditions and handling 69556
for dangerous drugs, and is complying with the requirements under 69557
this chapter and the rules adopted pursuant thereto for 69558
maintaining and making available records to properly identified 69559
board officials and federal, state, and local law enforcement 69560
agencies. 69561

(4) Personnel employed by the applicant have the appropriate 69562
education or experience, as determined by the board, to assume 69563
responsibility for positions related to compliance with this 69564
chapter and the rules adopted pursuant thereto. 69565

(5) The applicant has designated the name and address of a 69566
person to whom communications from the board may be directed and 69567
upon whom the notices and citations provided for in section 69568
4729.56 of the Revised Code may be served. 69569

(6) Adequate safeguards are assured to prevent the sale of 69570
dangerous drugs ~~to any person~~ other than ~~those named in division~~ 69571
~~(B) of~~ in accordance with section 4729.51 of the Revised Code. 69572

(7) Any other requirement or qualification the board, by rule 69573
adopted in accordance with Chapter 119. of the Revised Code, 69574
considers relevant to and consistent with the public safety and 69575
health. 69576

(B) In addition to the causes described in section 4729.56 of 69577
the Revised Code for refusing to grant or renew a ~~registration~~ 69578
~~certificate~~ license, the board may refuse to ~~register~~ grant or 69579
renew ~~the registration certificate of any person~~ a license if the 69580
board determines that the granting of the ~~registration certificate~~ 69581

license or its renewal is not in the public interest. 69582

Sec. 4729.54. (A) As used in this section: 69583

(1) ~~"Category I" means single dose injections of intravenous fluids, including saline, Ringer's lactate, five per cent dextrose and distilled water, and other intravenous fluids or parenteral solutions included in this category by rule of the state board of pharmacy, that have a volume of one hundred milliliters or more and that contain no added substances, or single dose injections of epinephrine to be administered pursuant to sections 4765.38 and 4765.39 of the Revised Code.~~ 69584
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~~(2)~~ "Category II" means any dangerous drug that is not included in category ~~I~~ or III. 69592
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~~(3)~~(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V. 69594
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~~(4)~~(3) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code. 69596
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~~(5)~~(4) "Person" includes an emergency medical service organization. 69598
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~~(6)~~(5) "Schedule I, schedule II, schedule III, schedule IV, and schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended. 69600
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(B)(1) A person ~~who desires~~ seeking to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the state board of pharmacy a verified application. After it is filed, the application may not be withdrawn without approval of the board. 69604
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(2) An application shall contain all the following that apply in the applicant's case: 69609
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(a) Information that the board requires relative to the 69611
qualifications of a terminal distributor of dangerous drugs set 69612
forth in section 4729.55 of the Revised Code; 69613

(b) A statement ~~that~~ as to whether the person ~~wishes is~~ 69614
seeking to be licensed as a ~~category I,~~ category II, category III, 69615
~~limited category I,~~ limited category II, or limited category III 69616
terminal distributor of dangerous drugs; 69617

(c) If the person ~~wishes is~~ seeking to be licensed as a 69618
~~limited category I,~~ limited category II, or limited category III 69619
terminal distributor of dangerous drugs, a ~~notarized~~ list of the 69620
dangerous drugs that the person ~~wishes is~~ seeking to possess, have 69621
custody or control of, and distribute, which list shall also 69622
specify the purpose for which those drugs will be used and their 69623
source; 69624

(d) If the person is an emergency medical service 69625
organization, the information that is specified in division (C)(1) 69626
of this section; 69627

(e) Except for an emergency medical service organization, the 69628
identity of the one establishment or place at which the person 69629
intends to engage in the sale or other distribution of dangerous 69630
drugs at retail, and maintain possession, custody, or control of 69631
dangerous drugs for purposes other than the person's own use or 69632
consumption; 69633

(f) If the application pertains to a pain management clinic, 69634
information that demonstrates, to the satisfaction of the board, 69635
compliance with division (A) of section 4729.552 of the Revised 69636
Code; 69637

(g) If the application pertains to a facility, clinic, or 69638
other location described in division (B) of section 4729.553 of 69639
the Revised Code that must hold a category III terminal 69640
distributor of dangerous drugs license with an office-based opioid 69641

treatment classification, information that demonstrates, to the 69642
satisfaction of the board, compliance with division (C) of that 69643
section. 69644

(C)(1) An emergency medical service organization ~~that wishes~~ 69645
seeking to be licensed as a terminal distributor of dangerous 69646
drugs shall list in its application for licensure the following 69647
additional information: 69648

(a) The units under its control that the organization 69649
determines will possess dangerous drugs for the purpose of 69650
administering emergency medical services in accordance with 69651
Chapter 4765. of the Revised Code; 69652

(b) With respect to each such unit, whether the dangerous 69653
drugs that the organization determines the unit will possess are 69654
in category ~~I~~, II, or III. 69655

(2) An emergency medical service organization that is 69656
licensed as a terminal distributor of dangerous drugs shall file a 69657
new application for such licensure if there is any change in the 69658
number, or location of, any of its units or any change in the 69659
category of the dangerous drugs that any unit will possess. 69660

(3) A unit listed in an application for licensure pursuant to 69661
division (C)(1) of this section may obtain the dangerous drugs it 69662
is authorized to possess from its emergency medical service 69663
organization or, on a replacement basis, from a hospital pharmacy. 69664
If units will obtain dangerous drugs from a hospital pharmacy, the 69665
organization shall file, and maintain in current form, the 69666
following items with the pharmacist who is responsible for the 69667
hospital's terminal distributor of dangerous drugs license: 69668

(a) A copy of its standing orders or protocol; 69669

(b) A list of the personnel employed or used by the 69670
organization to provide emergency medical services in accordance 69671
with Chapter 4765. of the Revised Code, who are authorized to 69672

possess the drugs, which list also shall indicate the personnel 69673
who are authorized to administer the drugs. 69674

(D) Each emergency medical service organization that applies 69675
for a terminal distributor of dangerous drugs license shall submit 69676
with its application the following: 69677

(1) A ~~notarized~~ copy of its standing orders or protocol, 69678
which orders or protocol shall be signed by a physician ~~and~~ 69679
~~specify;~~ 69680

(2) A list of the dangerous drugs that its units may carry, 69681
expressed in standard dose units, which shall be signed by a 69682
physician; 69683

~~(2)(3)~~ A list of the personnel employed or used by the 69684
organization to provide emergency medical services in accordance 69685
with Chapter 4765. of the Revised Code. 69686

~~An~~ In accordance with Chapter 119. of the Revised Code, the 69687
board shall adopt rules specifying when an emergency medical 69688
service organization that is licensed as a terminal distributor 69689
~~shall~~ must notify the board ~~immediately~~ of any changes in its 69690
~~standing orders or protocol~~ documentation submitted pursuant to 69691
division (D) of this section. 69692

(E) There shall be ~~six~~ four categories of terminal 69693
distributor of dangerous drugs licenses, ~~which.~~ The categories 69694
~~shall be~~ are as follows: 69695

(1) ~~Category I license. A person who obtains this license may~~ 69696
~~possess, have custody or control of, and distribute only the~~ 69697
~~dangerous drugs described in category I.~~ 69698

~~(2) Limited category I license. A person who obtains this~~ 69699
~~license may possess, have custody or control of, and distribute~~ 69700
~~only the dangerous drugs described in category I that were listed~~ 69701
~~in the application for licensure.~~ 69702

~~(3)~~ Category II license. A person who obtains this license 69703
may possess, have custody or control of, and distribute only the 69704
dangerous drugs described in ~~category I~~ and category II. 69705

~~(4)~~(2) Limited category II license. A person who obtains this 69706
license may possess, have custody or control of, and distribute 69707
only the dangerous drugs described in ~~category I~~ or category II 69708
that were listed in the application for licensure. 69709

~~(5)~~(3) Category III license, which may include a pain 69710
management clinic classification issued under section 4729.552 of 69711
the Revised Code. A person who obtains this license may possess, 69712
have custody or control of, and distribute the dangerous drugs 69713
described in ~~category I~~, category II, and category III. If the 69714
license includes a pain management clinic classification, the 69715
person may operate a pain management clinic. 69716

~~(6)~~(4) Limited category III license. A person who obtains 69717
this license may possess, have custody or control of, and 69718
distribute only the dangerous drugs described in ~~category I~~, 69719
category II, or category III that were listed in the application 69720
for licensure. 69721

(F) Except for an application made on behalf of an animal 69722
shelter, if an applicant for ~~licensure as a limited category I,~~ 69723
II, license or limited category III terminal distributor of 69724
~~dangerous drugs license~~ intends to administer dangerous drugs to a 69725
person or animal, the applicant shall submit, with the 69726
application, a ~~notarized~~ copy of its protocol or standing orders, 69727
~~which.~~ The protocol or orders shall be signed by a licensed health 69728
professional authorized to prescribe drugs, specify the dangerous 69729
drugs to be administered, and list personnel who are authorized to 69730
administer the dangerous drugs in accordance with federal law or 69731
the law of this state. An application made on behalf of an animal 69732
shelter shall include a ~~notarized~~ list of the dangerous drugs to 69733
be administered to animals and the personnel who are authorized to 69734

administer the drugs to animals in accordance with section 69735
4729.532 of the Revised Code. ~~After obtaining a terminal~~ 69736
~~distributor license,~~ 69737

In accordance with Chapter 119. of the Revised Code, the 69738
board shall adopt rules specifying when a licensee shall must 69739
notify the board ~~immediately~~ of any changes in its ~~protocol or~~ 69740
~~standing orders, or in such personnel~~ documentation submitted 69741
pursuant to this division. 69742

(G)(1) Except as provided in division (G)(2) of this section, 69743
each applicant for licensure as a terminal distributor of 69744
dangerous drugs shall submit, with the application, a license fee 69745
determined as follows: 69746

(a) ~~For a category I or limited category I license,~~ 69747
~~forty five dollars;~~ 69748

~~(b)~~ For a category II or limited category II license, ~~one the~~ 69749
fee is three hundred twelve twenty dollars and fifty cents; 69750

~~(c)~~(b) For a category III license, including a license with a 69751
pain management clinic classification issued under section 69752
4729.552 of the Revised Code, or a limited category III license, 69753
~~one four hundred fifty forty~~ dollars. 69754

(2)(a) Except as provided in division (G)(2)(b) of this 69755
section, for a person who is required to hold a license as a 69756
terminal distributor of dangerous drugs pursuant to division (D) 69757
of section 4729.541 of the Revised Code, the fee ~~shall be sixty is~~ 69758
one hundred twenty dollars. 69759

(b) For a professional association, corporation, partnership, 69760
or limited liability company organized for the purpose of 69761
practicing veterinary medicine, the fee ~~shall be forty is one~~ 69762
hundred twenty dollars. 69763

(3) Fees assessed under divisions (G)(1) and (2) of this 69764

section shall not be returned if the applicant fails to qualify 69765
for ~~registration~~ the license. 69766

(H)(1) The board shall issue a terminal distributor of 69767
dangerous drugs license to each person who submits an application 69768
for such licensure in accordance with this section, pays the 69769
required license fee, is determined by the board to meet the 69770
requirements set forth in section 4729.55 of the Revised Code, and 69771
satisfies any other applicable requirements of this section. 69772

(2) The license of a person other than an emergency medical 69773
service organization shall describe the one establishment or place 69774
at which the licensee may engage in the sale or other distribution 69775
of dangerous drugs at retail and maintain possession, custody, or 69776
control of dangerous drugs for purposes other than the licensee's 69777
own use or consumption. The one establishment or place shall be 69778
that which is ~~described~~ identified in the application for 69779
licensure. 69780

No such license shall authorize or permit the terminal 69781
distributor of dangerous drugs named in it to engage in the sale 69782
or other distribution of dangerous drugs at retail or to maintain 69783
possession, custody, or control of dangerous drugs for any purpose 69784
other than the distributor's own use or consumption, at any 69785
establishment or place other than that described in the license, 69786
except that an agent or employee of an animal shelter may possess 69787
and use dangerous drugs in the course of business as provided in 69788
division (D) of section 4729.532 of the Revised Code. 69789

(3) The license of an emergency medical service organization 69790
shall cover and describe all the units of the organization listed 69791
in its application for licensure. 69792

~~(4) The license of every terminal distributor of dangerous 69793
drugs shall indicate, on its face, the category of licensure. If 69794
the license is a limited category I, II, or III license, it shall 69795~~

~~specify, and shall authorize the licensee to possess, have custody
or control of, and distribute only, the dangerous drugs that were
listed in the application for licensure.~~

(I)(1) All licenses issued or renewed pursuant to this
section shall be effective for a period ~~of twelve months from the
first day of April of each year~~ specified by the board in rules
adopted under section 4729.26 of the Revised Code. The effective
period for an initial or renewed license shall not exceed
twenty-four months unless the board extends the period in rules to
adjust license renewal schedules. A license shall be renewed by
the board ~~for a like period, annually,~~ according to the provisions
of this section, ~~and the standard renewal procedure of Chapter
4745. of the Revised Code, and rules adopted by the board under
section 4729.26 of the Revised Code.~~ A person ~~who desires~~ seeking
to renew a license shall submit an application for renewal and pay
the required fee on or before the ~~thirty first day of March each
year~~ date specified in the rules adopted by the board. The fee
required for the renewal of a license shall be the same as the
license fee paid ~~for the license being renewed, and shall
accompany the application for renewal~~ under division (G) of this
section.

A (2)(a) Subject to division (I)(2)(b) of this section, a
license that has not been renewed during March in any year and by
the first day of May of the same year by the date specified in
rules adopted by the board may be reinstated only upon payment of
the required renewal fee and a penalty fee of ~~fifty five one
hundred ten~~ dollars.

(b) If an application for renewal has not been submitted by
the sixty-first day after the renewal date specified in rules
adopted by the board, the license is considered void and cannot be
renewed, but the license holder may reapply for licensure.

(3) A terminal distributor of dangerous drugs that fails to

renew licensure in accordance with this section and rules adopted 69828
by the board is prohibited from engaging in the retail sale, 69829
possession, or distribution of dangerous drugs until a valid 69830
license is issued by the board. 69831

(J)(1) No emergency medical service organization that is 69832
licensed as a terminal distributor of dangerous drugs shall fail 69833
to comply with division (C)(2) or (3) of this section. 69834

(2) No emergency medical service organization that is 69835
licensed as a terminal distributor of dangerous drugs shall fail 69836
to comply with division (D) of this section. 69837

(3) No licensed terminal distributor of dangerous drugs shall 69838
possess, have custody or control of, or distribute dangerous drugs 69839
that the terminal distributor is not entitled to possess, have 69840
custody or control of, or distribute by virtue of its category of 69841
licensure. 69842

(4) No licensee that is required by division (F) of this 69843
section to notify the board of changes in its protocol or standing 69844
orders, or in personnel, shall fail to comply with that division. 69845

(K) The board may enter into agreements with other states, 69846
federal agencies, and other entities to exchange information 69847
concerning licensing and inspection of terminal distributors of 69848
dangerous drugs located within or outside this state and to 69849
investigate alleged violations of the laws and rules governing 69850
distribution of drugs by terminal distributors. Any information 69851
received pursuant to such an agreement is subject to the same 69852
confidentiality requirements applicable to the agency or entity 69853
from which it was received and shall not be released without prior 69854
authorization from that agency or entity. 69855

Sec. 4729.552. (A) To be eligible to receive a license as a 69856
category III terminal distributor of dangerous drugs with a pain 69857

management clinic classification, an applicant shall submit 69858
evidence satisfactory to the state board of pharmacy that the 69859
applicant's pain management clinic will be operated in accordance 69860
with the requirements specified in division (B) of this section 69861
and that the applicant meets any other applicable requirements of 69862
this chapter. 69863

If the board determines that an applicant meets all of the 69864
requirements, the board shall issue to the applicant a license as 69865
a category III terminal distributor of dangerous drugs and specify 69866
on the license that the terminal distributor is classified as a 69867
pain management clinic. 69868

(B) The holder of a terminal distributor license with a pain 69869
management clinic classification shall do all of the following: 69870

(1) Be in control of a facility that is owned and operated 69871
solely by one or more physicians authorized under Chapter 4731. of 69872
the Revised Code to practice medicine and surgery or osteopathic 69873
medicine and surgery; 69874

(2) Comply with the requirements for the operation of a pain 69875
management clinic, as established by the state medical board in 69876
rules adopted under section 4731.054 of the Revised Code; 69877

(3) Ensure that any person employed by the facility complies 69878
with the requirements for the operation of a pain management 69879
clinic established by the state medical board in rules adopted 69880
under section 4731.054 of the Revised Code; 69881

(4) Require any person with ownership of the facility to 69882
submit to a criminal records check in accordance with section 69883
4776.02 of the Revised Code and send the results of the criminal 69884
records check directly to the state board of pharmacy for review 69885
and decision under section 4729.071 of the Revised Code; 69886

(5) Require all employees of the facility to submit to a 69887
criminal records check in accordance with section 4776.02 of the 69888

Revised Code and ensure that no person is employed who has 69889
previously been convicted of, or pleaded guilty to, either of the 69890
following: 69891

(a) A theft offense, described in division (K)(3) of section 69892
2913.01 of the Revised Code, that would constitute a felony under 69893
the laws of this state, any other state, or the United States; 69894

(b) A felony drug abuse offense, as defined in section 69895
2925.01 of the Revised Code. 69896

(6) Maintain a list of each person with ownership of the 69897
facility and notify the state board of pharmacy of any change to 69898
that list. 69899

(C) No person shall operate a facility that under this 69900
chapter is subject to licensure as a category III terminal 69901
distributor of dangerous drugs with a pain management clinic 69902
classification without obtaining and maintaining the license with 69903
the classification. 69904

No person who holds a category III license with a pain 69905
management clinic classification shall fail to remain in 69906
compliance with the requirements of division (B) of this section 69907
and any other applicable requirements of this chapter. 69908

(D) The state board of pharmacy may impose a fine of not more 69909
than five thousand dollars on a ~~terminal distributor of dangerous~~ 69910
~~drugs license holder~~ person who violates division (C) of this 69911
section. A separate fine may be imposed for each day the violation 69912
continues. In imposing the fine, the board's actions shall be 69913
taken in accordance with Chapter 119. of the Revised Code. 69914

(E) The state board of pharmacy shall adopt rules as it 69915
considers necessary to implement and administer this section. The 69916
rules shall be adopted in accordance with Chapter 119. of the 69917
Revised Code. 69918

Sec. 4729.56. (A) ~~In~~ (1) The state board of pharmacy, in 69919
accordance with Chapter 119. of the Revised Code, ~~the board of~~ 69920
~~pharmacy~~ may ~~suspend~~ impose any one or more of the following 69921
sanctions on a person licensed under division (B)(1)(a) of section 69922
4729.52 of the Revised Code for any of the causes set forth in 69923
division (A)(2) of this section: 69924

(a) Suspend, revoke, restrict, limit, or refuse to grant or 69925
renew any registration certificate issued to a wholesale 69926
distributor of dangerous drugs pursuant to section 4729.52 of the 69927
Revised Code or may impose a license; 69928

(b) Reprimand or place the license holder on probation; 69929

(c) Impose a monetary penalty or forfeiture not to exceed in 69930
severity any fine designated under the Revised Code for a similar 69931
offense or ~~one~~ two thousand five hundred dollars if the acts 69932
committed are not classified as an offense by the Revised Code ~~for~~ 69933
any of the following causes*; 69934

(2) The board may impose the sanctions set forth in division 69935
(A)(1) of this section for any of the following: 69936

~~(1)~~(a) Making any false material statements in an application 69937
for registration as a wholesale distributor of dangerous drugs 69938
licensure under section 4729.52 of the Revised Code; 69939

~~(2)~~(b) Violating any federal, state, or local drug law; any 69940
provision of this chapter or Chapter 2925., 3715., or 3719. of the 69941
Revised Code; or any rule of the board; 69942

~~(3)~~(c) A conviction of a felony; 69943

~~(4)~~(d) Failing to satisfy the qualifications for registration 69944
licensure under section 4729.53 of the Revised Code or the rules 69945
of the board or ceasing to satisfy the qualifications after the 69946
registration is granted or renewed; 69947

(e) Falsely or fraudulently promoting to the public a 69948

dangerous drug, except that nothing in this division prohibits a 69949
manufacturer, outsourcing facility, third-party logistics 69950
provider, repackager, or wholesale distributor of dangerous drugs 69951
from furnishing information concerning a dangerous drug to a 69952
health care provider or licensed terminal distributor; 69953

(f) Violating any provision of the "Federal Food, Drug, and 69954
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 69955
3715. of the Revised Code; 69956

(g) Any other cause for which the board may impose sanctions 69957
as set forth in rules adopted under section 4729.26 of the Revised 69958
Code. 69959

(B) Upon the suspension or revocation of ~~the registration~~ 69960
~~certificate of any wholesale distributor of dangerous drugs~~ any 69961
license identified in division (B)(1)(a) of section 4729.52 of the 69962
Revised Code, the ~~distributor~~ licensee shall immediately surrender 69963
the ~~distributor's registration certificate~~ license to the board. 69964
69965

(C) If the board suspends, revokes, or refuses to renew any 69966
~~registration certificate issued to a wholesale distributor of~~ 69967
~~dangerous drugs~~ license identified in division (B)(1)(a) of 69968
section 4729.52 of the Revised Code and determines that there is 69969
clear and convincing evidence of a danger of immediate and serious 69970
harm to any person, the board may place under seal all dangerous 69971
drugs owned by or in the possession, custody, or control of the 69972
affected ~~wholesale distributor of dangerous drugs~~ licensee. Except 69973
as provided in this division, the board shall not dispose of the 69974
dangerous drugs sealed under this division until the ~~wholesale~~ 69975
~~distributor of dangerous drugs~~ licensee exhausts all of the 69976
~~distributor's licensee's~~ appeal rights under Chapter 119. of the 69977
Revised Code. The court involved in such an appeal may order the 69978
board, during the pendency of the appeal, to sell sealed dangerous 69979
drugs that are perishable. The board shall deposit the proceeds of 69980

the sale with the court. 69981

(D) If the board is required under Chapter 119. of the 69982
Revised Code to give notice of an opportunity for a hearing and 69983
the license holder does not make a timely request for a hearing in 69984
accordance with section 119.07 of the Revised Code, the board is 69985
not required to hold a hearing, but may adopt a final order that 69986
contains the board's findings. In the final order, the board may 69987
impose any of the sanctions listed in division (A) of this 69988
section. 69989

(E) Notwithstanding division (C)(2) of section 2953.32 of the 69990
Revised Code specifying that if records pertaining to a criminal 69991
case are sealed under that section the proceedings in the case 69992
must be deemed not to have occurred, sealing of the following 69993
records on which the board has based an action under this section 69994
shall have no effect on the board's action or any sanction imposed 69995
by the board under this section: records of any conviction, guilty 69996
plea, judicial finding of guilt resulting from a plea of no 69997
contest, or a judicial finding of eligibility for a pretrial 69998
diversion program or intervention in lieu of conviction. The board 69999
is not required to seal, destroy, redact, or otherwise modify its 70000
records to reflect the court's sealing of conviction records. 70001

Sec. 4729.561. If the state board of pharmacy determines that 70002
there is clear and convincing evidence that the method used by a 70003
registered licensed manufacturer of dangerous drugs, outsourcing 70004
facility, third-party logistics provider, repackager of dangerous 70005
drugs, or wholesale distributor of dangerous drugs to possess or 70006
distribute dangerous drugs presents a danger of immediate and 70007
serious harm to others, the board may suspend without a hearing 70008
the ~~wholesaler distributor's registration certificate~~ license 70009
issued pursuant to section 4729.52 of the Revised Code. The board 70010
shall follow the procedure for suspension without a prior hearing 70011

in section 119.07 of the Revised Code. The suspension shall remain 70012
in effect, unless removed by the board, until the board's final 70013
adjudication order becomes effective, except that if the board 70014
does not issue its final adjudication order within ~~ninety one~~ 70015
hundred twenty days after the ~~hearing suspension~~, the suspension 70016
shall be void on the ~~ninety-first~~ one hundred twenty-first day 70017
after the suspension. 70018

Sec. 4729.57. (A) The state board of pharmacy may ~~suspend~~ 70019
after notice and a hearing in accordance with Chapter 119. of the 70020
Revised Code, impose any one or more of the following sanctions on 70021
a terminal distributor of dangerous drugs for any of the causes 70022
set forth in division (B) of this section: 70023

(1) Suspend, revoke, restrict, limit, or refuse to grant or 70024
renew any license ~~as a terminal distributor of dangerous drugs, or~~ 70025
~~may impose;~~ 70026

(2) Reprimand or place the license holder on probation; 70027

(3) Impose a monetary penalty or forfeiture not to exceed in 70028
severity any fine designated under the Revised Code for a similar 70029
offense or one thousand dollars if the acts committed have not 70030
been classified as an offense by the Revised Code, ~~for any of the~~ 70031
~~following causes:~~ 70032

(B) The board may impose the sanctions listed in division (A) 70033
of this section for any of the following: 70034

(1) Making any false material statements in an application 70035
for a license as a terminal distributor of dangerous drugs; 70036

(2) Violating any rule of the board; 70037

(3) Violating any provision of this chapter; 70038

(4) Except as provided in section 4729.89 of the Revised 70039
Code, violating any provision of the "Federal Food, Drug, and 70040

Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 70041
3715. of the Revised Code; 70042

(5) Violating any provision of the federal drug abuse control 70043
laws or Chapter 2925. or 3719. of the Revised Code; 70044

(6) Falsely or fraudulently promoting to the public a 70045
dangerous drug, except that nothing in this division prohibits a 70046
terminal distributor of dangerous drugs from furnishing 70047
information concerning a dangerous drug to a health care provider 70048
or another licensed terminal distributor; 70049

(7) Ceasing to satisfy the qualifications of a terminal 70050
distributor of dangerous drugs set forth in section 4729.55 of the 70051
Revised Code; 70052

(8) Except as provided in division ~~(B)~~(C) of this section: 70053

(a) Waiving the payment of all or any part of a deductible or 70054
copayment that an individual, pursuant to a health insurance or 70055
health care policy, contract, or plan that covers the services 70056
provided by a terminal distributor of dangerous drugs, would 70057
otherwise be required to pay for the services if the waiver is 70058
used as an enticement to a patient or group of patients to receive 70059
pharmacy services from that terminal distributor; 70060

(b) Advertising that the terminal distributor will waive the 70061
payment of all or any part of a deductible or copayment that an 70062
individual, pursuant to a health insurance or health care policy, 70063
contract, or plan that covers the pharmaceutical services, would 70064
otherwise be required to pay for the services. 70065

(9) Conviction of a felony; 70066

(10) Any other cause for which the board may impose 70067
discipline as set forth in rules adopted under section 4729.26 of 70068
the Revised Code. 70069

~~(B)~~(C) Sanctions shall not be imposed under division 70070

~~(A)~~(B)(8) of this section against any terminal distributor of dangerous drugs that waives deductibles and copayments as follows:

(1) In compliance with a health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board on request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

~~(C)~~(D)(1) Upon the suspension or revocation of a license issued to a terminal distributor of dangerous drugs or the refusal by the board to renew such a license, the distributor shall immediately surrender the license to the board.

(2)(a) The board may place under seal all dangerous drugs that are owned by or in the possession, custody, or control of a terminal distributor at the time the license is suspended or revoked or at the time the board refuses to renew the license. Except as otherwise provided in ~~this~~ division (D)(2)(b) of this section, dangerous drugs so sealed shall not be disposed of until appeal rights under Chapter 119. of the Revised Code have expired or an appeal filed pursuant to that chapter has been determined.

(b) The court involved in an appeal filed pursuant to Chapter 119. of the Revised Code may order the board, during the pendency of the appeal, to sell sealed dangerous drugs that are perishable. The proceeds of such a sale shall be deposited with that court.

(E) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that

contains the board's findings. In the final order, the board may 70102
impose any of the sanctions listed in division (A) of this 70103
section. 70104

(F) Notwithstanding division (C)(2) of section 2953.32 of the 70105
Revised Code specifying that if records pertaining to a criminal 70106
case are sealed under that section the proceedings in the case 70107
must be deemed not to have occurred, sealing of the following 70108
records on which the board has based an action under this section 70109
shall have no effect on the board's action or any sanction imposed 70110
by the board under this section: records of any conviction, guilty 70111
plea, judicial finding of guilt resulting from a plea of no 70112
contest, or a judicial finding of eligibility for a pretrial 70113
diversion program or intervention in lieu of conviction. The board 70114
is not required to seal, destroy, redact, or otherwise modify its 70115
records to reflect the court's sealing of conviction records. 70116

Sec. 4729.571. ~~If the~~ (A) The state board of pharmacy 70117
~~determines that there is clear and convincing evidence that the~~ 70118
~~method used by~~ may suspend without a hearing the license of a 70119
~~terminal distributor of dangerous drugs to distribute or prescribe~~ 70120
~~dangerous drugs presents~~ if the board determines that there is 70121
clear and convincing evidence of a danger of immediate and serious 70122
~~harm to others, the board may suspend the terminal distributor's~~ 70123
~~license without a hearing~~ due to either of the following: 70124

(1) The method used by the terminal distributor to possess or 70125
distribute dangerous drugs; 70126

(2) The method of prescribing dangerous drugs used by a 70127
licensed health professional authorized to prescribe drugs who 70128
holds a terminal distributor license or practices in the employ of 70129
or under contract with a terminal distributor. The 70130

(B) The board shall follow the procedure for suspension 70131
without a prior hearing in section 119.07 of the Revised Code. The 70132

suspension shall remain in effect, unless removed by the board, 70133
until the board's final adjudication order becomes effective, 70134
except that if the board does not issue its final adjudication 70135
order within ~~ninety~~ one hundred twenty days after the ~~hearing~~ 70136
suspension, the suspension shall be void on the ~~ninety-first~~ one 70137
hundred twenty-first day after the suspension. 70138

If the terminal distributor holds a license with a pain 70139
management clinic classification issued under section 4729.552 of 70140
the Revised Code or a license with an office-based opioid 70141
treatment classification issued under section 4729.553 of the 70142
Revised Code and the person holding the license also holds a 70143
certificate issued under Chapter 4731. of the Revised Code to 70144
practice medicine and surgery or osteopathic medicine and surgery, 70145
prior to suspending the license without a hearing, the board shall 70146
consult with the secretary of the state medical board or, if the 70147
secretary is unavailable, another physician member of the board. 70148

Sec. 4729.58. The state board of pharmacy, within thirty days 70149
after receipt of ~~an~~ a complete application filed in the form and 70150
manner set forth in section 4729.52 or 4729.54 of the Revised Code 70151
for the issuance of a ~~new~~ license ~~or registration certificate~~ or 70152
the renewal of a license ~~or registration certificate~~ ~~previously~~ 70153
~~issued~~, shall notify the applicant therefor whether or not such 70154
license ~~or registration certificate~~ will be issued or renewed. If 70155
the board determines that such license ~~or registration certificate~~ 70156
will not be issued or renewed, such notice to the applicant shall 70157
set forth, in a manner determined by the board, the reason or 70158
reasons that such license ~~or registration certificate~~ will not be 70159
issued or renewed. 70160

Sec. 4729.59. The executive director of the state board of 70161
pharmacy shall maintain a register of the names, addresses, and 70162
the date of ~~registration~~ licensure of those persons to whom a 70163

~~registration certificate has licenses have~~ been issued pursuant to 70164
~~section sections~~ 4729.52 of the Revised Code and those persons to 70165
~~whom a license has been issued pursuant to section and~~ 4729.54 of 70166
the Revised Code. The register shall be the property of the board 70167
and shall be open for public examination and inspection at all 70168
reasonable times, as the board may direct. 70169

The board shall ~~publish or~~ make available to registered 70170
~~wholesale distributors and licensed terminal distributors of~~ 70171
~~dangerous drugs, annually, and at such other times and in such~~ 70172
~~manner as the board shall prescribe,~~ a roster setting forth the 70173
names and addresses of those persons who have been registered by 70174
the board pursuant to section 4729.52 of the Revised Code and 70175
those persons who have been licensed pursuant to section 4729.54 70176
of the Revised Code~~,. The roster shall indicate~~ those persons 70177
whose licenses ~~or registration certificates~~ have been suspended, 70178
revoked, or surrendered, and those persons whose licenses ~~or~~ 70179
~~registration certificates~~ have not been renewed. 70180

A written statement signed and verified by the executive 70181
director of the board or the director's designee in which it is 70182
stated that after diligent search of the register no record or 70183
entry of the issuance of a license ~~or registration certificate~~ to 70184
a person is found is admissible in evidence and constitutes 70185
presumptive evidence of the fact that the person is not a licensed 70186
~~terminal distributor or is not a registered wholesale distributor~~ 70187
~~of dangerous drugs pursuant to section 4729.52 or 4729.54 of the~~ 70188
Revised Code. 70189

Sec. 4729.60. (A)(1) Before a registered wholesale 70190
~~distributor of dangerous drugs licensee identified in division~~ 70191
(B)(1)(a) of section 4729.52 of the Revised Code may sell or 70192
distribute dangerous drugs at wholesale to any person, except as 70193
provided in division (A)(2) of this section, the wholesale 70194

~~distributor licensee shall obtain from the purchaser and the purchaser shall furnish to the wholesale distributor a certificate indicating that query the roster established pursuant to section 4729.59 of the Revised Code to determine whether the purchaser is a licensed terminal distributor of dangerous drugs. The certificate shall be in the form that the state board of pharmacy shall prescribe, and shall set forth the name of the licensee, the number of the license, a description of the place or establishment or each place or establishment for which the license was issued, the category of licensure, and, if the license is a limited category I, II, or III license, the dangerous drugs that the licensee is authorized to possess, have custody or control of, and distribute.~~

If no ~~certificate is obtained or furnished~~ documented query is conducted before a sale is made, it shall be presumed that the sale of dangerous drugs by the ~~wholesale distributor licensee~~ is in violation of division (B) of section 4729.51 of the Revised Code and the purchase of dangerous drugs by the purchaser is in violation of division (E) of section 4729.51 of the Revised Code. If a ~~registered wholesale distributor of dangerous drugs obtains or is furnished a certificate from a terminal distributor of dangerous drugs~~ licensee conducts a documented query and relies on the ~~certificate~~ results of the query in selling or distributing dangerous drugs at wholesale to the terminal distributor of dangerous drugs, the ~~wholesale distributor of dangerous drugs licensee~~ shall be deemed not to have violated division (B) of section 4729.51 of the Revised Code in making the sale.

(2) Division (A)(1) of this section does not apply when a ~~wholesale distributor licensee~~ identified in division (B)(1)(a) of section 4729.52 of the Revised Code sells or distributes dangerous drugs at wholesale to any of the following:

(a) A person specified in division (B)(4) of section 4729.51 of the Revised Code; 70226
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(b) Any of the persons described in divisions (A)(1) to (13) of section 4729.541 of the Revised Code, but only if the purchaser is not required to obtain licensure as provided in divisions (B) to (D) of that section. 70228
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(B) Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall ~~obtain from the seller and the seller shall furnish to the terminal distributor the number of~~ query the roster established pursuant to section 4729.59 of the Revised Code to confirm the seller's registration certificate seller is licensed to engage in the sale or distribution of dangerous drugs at wholesale. 70232
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If no ~~registration number is obtained or furnished~~ documented query is conducted before a purchase is made, it shall be presumed that the purchase of dangerous drugs by the terminal distributor is in violation of division (F) of section 4729.51 of the Revised Code and the sale of dangerous drugs by the seller is in violation of division (A) of section 4729.51 of the Revised Code. If a licensed terminal distributor of dangerous drugs ~~obtains or is furnished a registration number from a wholesale distributor of dangerous drugs~~ conducts a documented query at least annually and relies on the ~~registration number~~ results of the query in purchasing dangerous drugs at wholesale ~~from the wholesale distributor of dangerous drugs~~, the terminal distributor shall be deemed not to have violated division (F) of section 4729.51 of the Revised Code in making the purchase. 70240
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Sec. 4729.61. ~~(A) No person shall make or cause to be made, or furnish or cause to be furnished to a wholesale distributor of dangerous drugs, a false certificate required to be furnished to a~~ 70254
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~~wholesale distributor of dangerous drugs by section 4729.60 of the Revised Code for the purchase of dangerous drugs at wholesale.~~ 70257
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~~(B) No person shall make or cause to be made a false registration certificate of a wholesale distributor of dangerous drugs or a false or fraudulent license of a terminal distributor of dangerous drugs or a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs.~~ 70259
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Sec. 4729.62. ~~If a wholesale distributor of dangerous drugs who has been registered ceases to engage in the sale of dangerous drugs at wholesale, or if a terminal distributor of dangerous drugs to whom a license has been issued ceases to engage in the sale of dangerous drugs at retail, such terminal or wholesale distributor of dangerous drugs~~ person licensed under section 4729.52 or 4729.54 of the Revised Code ceases to engage in the activities for which the license was issued, the person shall notify the state board of pharmacy of such fact and shall surrender such license or registration certificate to the board within a time frame specified by the board in rules adopted under section 4729.26 of the Revised Code; provided, that on dissolution of a partnership by death, the surviving partner may operate under a license or registration certificate issued to the partnership until expiration, revocation, or suspension of such license or registration certificate, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license or registration certificate issued to the persons succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy until expiration, revocation, or suspension of such license or registration certificate. 70265
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Sec. 4729.67. On receipt of a notice pursuant to section 70287

3123.43 of the Revised Code, the state board of pharmacy shall 70288
comply with sections 3123.41 to 3123.50 of the Revised Code and 70289
any applicable rules adopted under section 3123.63 of the Revised 70290
Code with respect to a license, ~~identification card~~, or 70291
certificate of registration issued pursuant to this chapter. 70292

Sec. 4729.75. The state board of pharmacy may establish and 70293
maintain a drug database. The board shall use the drug database to 70294
monitor the misuse and diversion of the following: controlled 70295
substances, as defined in section 3719.01 of the Revised Code; 70296
medical marijuana, as authorized under Chapter 3796. of the 70297
Revised Code; and other dangerous drugs the board includes in the 70298
database pursuant to rules adopted under section 4729.84 of the 70299
Revised Code. In establishing and maintaining the database, the 70300
board shall electronically collect information pursuant to 70301
sections 4729.77, 4729.771, 4729.772, 4729.78, and 4729.79 of the 70302
Revised Code and shall disseminate information as authorized or 70303
required by sections 4729.80 and 4729.81 of the Revised Code. The 70304
board's collection and dissemination of information shall be 70305
conducted in accordance with rules adopted under section 4729.84 70306
of the Revised Code. 70307

Sec. 4729.77. (A) If the state board of pharmacy establishes 70308
and maintains a drug database pursuant to section 4729.75 of the 70309
Revised Code, each pharmacy licensed as a terminal distributor of 70310
dangerous drugs that dispenses drugs to patients in this state and 70311
is included in the types of pharmacies specified in rules adopted 70312
under section 4729.84 of the Revised Code shall submit to the 70313
board the following prescription information: 70314

- (1) Terminal distributor identification; 70315
- (2) Patient identification; 70316
- (3) Prescriber identification; 70317

(4) Date prescription was issued by prescriber;	70318
(5) Date drug was dispensed;	70319
(6) Indication of whether the drug dispensed is new or a refill;	70320 70321
(7) Name, strength, and national drug code of the drug dispensed;	70322 70323
(8) Quantity of drug dispensed;	70324
(9) Number of days' supply of drug dispensed;	70325
(10) Serial or prescription number assigned by the terminal distributor;	70326 70327
(11) Source of payment for the drug dispensed;	70328
<u>(12) Any other data fields recognized by the American society for automation in pharmacy and specified in rules adopted under section 4729.84 of the Revised Code.</u>	70329 70330 70331
(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.	70332 70333 70334
(2) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the distributor to submit the information in another format.	70335 70336 70337 70338
(3) The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:	70339 70340 70341
(a) The distributor suffers a mechanical or electronic failure, or cannot meet the deadline for other reasons beyond the distributor's control.	70342 70343 70344
(b) The board is unable to receive electronic submissions.	70345
(C) This section does not apply to a prescriber personally	70346

furnishing or administering dangerous drugs to the prescriber's 70347
patient. 70348

Sec. 4729.772. (A) If the state board of pharmacy establishes 70349
and maintains a drug database pursuant to section 4729.75 of the 70350
Revised Code, in addition to the information required to be 70351
submitted under sections 4729.77, 4729.771, 4729.78, and 4729.79 70352
of the Revised Code, the board may accept information from other 70353
sources, including other state agencies, to the extent the 70354
information is related to monitoring the misuse and diversion of 70355
drugs as set forth in section 4729.75 of the Revised Code. 70356
70357

(B) Any information submitted pursuant to this section shall 70358
be transmitted as specified by the board in rules adopted under 70359
section 4729.84 of the Revised Code. 70360

Sec. 4729.78. (A) If the state board of pharmacy establishes 70361
and maintains a drug database pursuant to section 4729.75 of the 70362
Revised Code, each manufacturer of dangerous drugs, outsourcing 70363
facility, repackager of dangerous drugs, or wholesale distributor 70364
of dangerous drugs that delivers drugs ~~in this state~~ to 70365
prescribers or terminal distributors of dangerous drugs shall 70366
submit to the board the following purchase information: 70367

(1) Purchaser identification; 70368

(2) Identification of the drug sold; 70369

(3) Quantity of the drug sold; 70370

(4) Date of sale; 70371

(5) The ~~wholesale distributor's~~ license number issued by the 70372
board. 70373

(B)(1) The information shall be transmitted as specified by 70374
the board in rules adopted under section 4729.84 of the Revised 70375

Code. 70376

(2) The information shall be submitted electronically in the 70377
format specified by the board, except that the board may grant a 70378
waiver allowing ~~the distributor to submit~~ submission of the 70379
information in another format. 70380

(3) The information shall be submitted in accordance with any 70381
time limits specified by the board, except that the board may 70382
grant an extension if either of the following occurs: 70383

(a) The manufacturer, outsourcing facility, repackager, or 70384
wholesale distributor suffers a mechanical or electronic failure, 70385
or cannot meet the deadline for other reasons beyond the 70386
~~distributor's~~ person's control. 70387

(b) The board is unable to receive electronic submissions. 70388

Sec. 4729.80. (A) If the state board of pharmacy establishes 70389
and maintains a drug database pursuant to section 4729.75 of the 70390
Revised Code, the board is authorized or required to provide 70391
information from the database ~~in accordance with the following~~ 70392
only as follows: 70393

(1) On receipt of a request from a designated representative 70394
of a government entity responsible for the licensure, regulation, 70395
or discipline of health care professionals with authority to 70396
prescribe, administer, or dispense drugs, the board may provide to 70397
the representative information from the database relating to the 70398
professional who is the subject of an active investigation being 70399
conducted by the government entity or relating to a professional 70400
who is acting as an expert witness for the government entity in 70401
such an investigation. 70402

(2) On receipt of a request from a federal officer, or a 70403
state or local officer of this or any other state, whose duties 70404
include enforcing laws relating to drugs, the board shall provide 70405

to the officer information from the database relating to the 70406
person who is the subject of an active investigation of a drug 70407
abuse offense, as defined in section 2925.01 of the Revised Code, 70408
being conducted by the officer's employing government entity. 70409

(3) Pursuant to a subpoena issued by a grand jury, the board 70410
shall provide to the grand jury information from the database 70411
relating to the person who is the subject of an investigation 70412
being conducted by the grand jury. 70413

(4) Pursuant to a subpoena, search warrant, or court order in 70414
connection with the investigation or prosecution of a possible or 70415
alleged criminal offense, the board shall provide information from 70416
the database as necessary to comply with the subpoena, search 70417
warrant, or court order. 70418

(5) On receipt of a request from a prescriber or the 70419
prescriber's delegate approved by the board, the board shall 70420
provide to the prescriber a report of information from the 70421
database relating to a patient who is either a current patient of 70422
the prescriber or a potential patient of the prescriber based on a 70423
referral of the patient to the prescriber, if all of the following 70424
conditions are met: 70425

(a) The prescriber certifies in a form specified by the board 70426
that it is for the purpose of providing medical treatment to the 70427
patient who is the subject of the request; 70428

(b) The prescriber has not been denied access to the database 70429
by the board. 70430

(6) On receipt of a request from a pharmacist or the 70431
pharmacist's delegate approved by the board, the board shall 70432
provide to the pharmacist information from the database relating 70433
to a current patient of the pharmacist, if the pharmacist 70434
certifies in a form specified by the board that it is for the 70435
purpose of the pharmacist's practice of pharmacy involving the 70436

patient who is the subject of the request and the pharmacist has 70437
not been denied access to the database by the board. 70438

(7) On receipt of a request from an individual seeking the 70439
individual's own database information in accordance with the 70440
procedure established in rules adopted under section 4729.84 of 70441
the Revised Code, the board may provide to the individual the 70442
individual's own ~~database information~~ prescription history. 70443

(8) On receipt of a request from a medical director or a 70444
pharmacy director of a managed care organization that has entered 70445
into a contract with the department of medicaid under section 70446
5167.10 of the Revised Code and a data security agreement with the 70447
board required by section 5167.14 of the Revised Code, the board 70448
shall provide to the medical director or the pharmacy director 70449
information from the database relating to a medicaid recipient 70450
enrolled in the managed care organization, including information 70451
in the database related to prescriptions for the recipient that 70452
were not covered or reimbursed under a program administered by the 70453
department of medicaid. 70454

(9) On receipt of a request from the medicaid director, the 70455
board shall provide to the director information from the database 70456
relating to a recipient of a program administered by the 70457
department of medicaid, including information in the database 70458
related to prescriptions for the recipient that were not covered 70459
or paid by a program administered by the department. 70460

(10) On receipt of a request from a medical director of a 70461
managed care organization that has entered into a contract with 70462
the administrator of workers' compensation under division (B)(4) 70463
of section 4121.44 of the Revised Code and a data security 70464
agreement with the board required by section 4121.447 of the 70465
Revised Code, the board shall provide to the medical director 70466
information from the database relating to a claimant under Chapter 70467
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 70468

managed care organization, including information in the database 70469
related to prescriptions for the claimant that were not covered or 70470
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 70471
Revised Code, if the administrator of workers' compensation 70472
confirms, upon request from the board, that the claimant is 70473
assigned to the managed care organization. 70474

(11) On receipt of a request from the administrator of 70475
workers' compensation, the board shall provide to the 70476
administrator information from the database relating to a claimant 70477
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 70478
including information in the database related to prescriptions for 70479
the claimant that were not covered or reimbursed under Chapter 70480
4121., 4123., 4127., or 4131. of the Revised Code. 70481

(12) On receipt of a request from a prescriber or the 70482
prescriber's delegate approved by the board, the board shall 70483
provide to the prescriber information from the database relating 70484
to a patient's mother, if the prescriber certifies in a form 70485
specified by the board that it is for the purpose of providing 70486
medical treatment to a newborn or infant patient diagnosed as 70487
opioid dependent and the prescriber has not been denied access to 70488
the database by the board. 70489

(13) On receipt of a request from the director of health, the 70490
board shall provide to the director information from the database 70491
relating to the duties of the director or the department of health 70492
in implementing the Ohio violent death reporting system 70493
established under section 3701.93 of the Revised Code. 70494

(14) On receipt of a request from a requestor described in 70495
division (A)(1), (2), (5), or (6) of this section who is from or 70496
participating with another state's prescription monitoring 70497
program, the board may provide to the requestor information from 70498
the database, but only if there is a written agreement under which 70499
the information is to be used and disseminated according to the 70500

laws of this state. 70501

(15) On receipt of a request from a delegate of a retail 70502
dispensary licensed under Chapter 3796. of the Revised Code who is 70503
approved by the board to serve as the dispensary's delegate, the 70504
board shall provide to the delegate a report of information from 70505
the database pertaining only to a patient's use of medical 70506
marijuana, if both of the following conditions are met: 70507

(a) The delegate certifies in a form specified by the board 70508
that it is for the purpose of dispensing medical marijuana for use 70509
in accordance with Chapter 3796. of the Revised Code. 70510

(b) The retail dispensary or delegate has not been denied 70511
access to the database by the board. 70512

(16) On receipt of a request from a judge of a program 70513
certified by the Ohio supreme court as a specialized docket 70514
program for drugs, the board shall provide to the judge, or an 70515
employee of the program who is designated by the judge to receive 70516
the information, information from the database that relates 70517
specifically to a current or prospective program participant. 70518

(17) On receipt of a request from a coroner, deputy coroner, 70519
or coroner's delegate approved by the board, the board shall 70520
provide to the requestor information from the database relating to 70521
a deceased person about whom the coroner is conducting or has 70522
conducted an autopsy or investigation. 70523

(18) On receipt of a request from a prescriber, the board may 70524
provide to the prescriber a summary of the prescriber's 70525
prescribing record if such a record is created by the board. 70526
Information in the summary is subject to the confidentiality 70527
requirements of this chapter. 70528

(19)(a) On receipt of a request from a pharmacy's responsible 70529
person, the board may provide to the responsible person a summary 70530
of the pharmacy's dispensing record if such a record is created by 70531

the board. Information in the summary is subject to the 70532
confidentiality requirements of this chapter. 70533

(b) As used in division (A)(19)(a) of this section, 70534
"responsible person" has the same meaning as in rules adopted by 70535
the board under section 4729.26 of the Revised Code. 70536

(20) The board may provide information from the database 70537
without request to a prescriber or pharmacist who is authorized to 70538
use the database pursuant to this chapter. 70539

(21) On receipt of a request from a peer review committee, as 70540
defined in section 2305.25 of the Revised Code, the board shall 70541
provide to the committee information from the database relating to 70542
a health care professional who is subject to the committee's 70543
evaluation, supervision, or discipline if the information is to be 70544
used for one of those purposes. 70545

(22) Any personal health information submitted to the board 70546
pursuant to section 4729.772 of the Revised Code may be provided 70547
by the board only as authorized by the submitter of the 70548
information and in accordance with rules adopted under section 70549
4729.84 of the Revised Code. 70550

(B) The state board of pharmacy shall maintain a record of 70551
each individual or entity that requests information from the 70552
database pursuant to this section. In accordance with rules 70553
adopted under section 4729.84 of the Revised Code, the board may 70554
use the records to document and report statistics and law 70555
enforcement outcomes. 70556

The board may provide records of an individual's requests for 70557
database information only to the following: 70558

(1) A designated representative of a government entity that 70559
is responsible for the licensure, regulation, or discipline of 70560
health care professionals with authority to prescribe, administer, 70561
or dispense drugs who is involved in an active criminal or 70562

disciplinary investigation being conducted by the government 70563
entity of the individual who submitted the requests for database 70564
information; 70565

(2) A federal officer, or a state or local officer of this or 70566
any other state, whose duties include enforcing laws relating to 70567
drugs and who is involved in an active investigation being 70568
conducted by the officer's employing government entity of the 70569
individual who submitted the requests for database information; 70570

(3) A designated representative of the department of medicaid 70571
regarding a prescriber who is treating or has treated a recipient 70572
of a program administered by the department and who submitted the 70573
requests for database information. 70574

(C) Information contained in the database and any information 70575
obtained from it is confidential and is not a public record. 70576
Information contained in the records of requests for information 70577
from the database is confidential and is not a public record. 70578
Information contained in the database that does not identify a 70579
person, including any licensee or registrant of the board or other 70580
entity, may be released in summary, statistical, or aggregate 70581
form. 70582

~~(D) Information contained in the database may be provided 70583~~
~~only as expressly permitted in law, including any information 70584~~
~~contained in the database that relates to any person, including 70585~~
~~any licensee or registrant of the board or other entity. 70586~~

~~(E)~~ A pharmacist or prescriber shall not be held liable in 70587
damages to any person in any civil action for injury, death, or 70588
loss to person or property on the basis that the pharmacist or 70589
prescriber did or did not seek or obtain information from the 70590
database. 70591

Sec. 4729.82. (A) If the state board of pharmacy establishes 70592

a drug database pursuant to section 4729.75 of the Revised Code, 70593
the information collected for the database shall be retained in 70594
the database and accessible to persons listed in division (A) of 70595
section 4729.80 of the Revised Code for at least ~~three~~ five years. 70596
~~Any~~ 70597

(B) Except as provided in division (C) of this section, any 70598
information that identifies a patient shall be destroyed after it 70599
has been retained for ~~three~~ five years unless a law enforcement 70600
agency or a government entity responsible for the licensure, 70601
regulation, or discipline of licensed health professionals 70602
authorized to prescribe drugs has submitted a written request to 70603
the board for retention of the information in accordance with 70604
rules adopted by the board under section 4729.84 of the Revised 70605
Code. 70606

(C) The board may retain information that identifies a 70607
patient for a period in excess of five years if the board 70608
considers retention of the information necessary to serve an 70609
investigatory or public health purpose. 70610

Sec. 4729.83. (A) If the state board of pharmacy establishes 70611
and maintains a drug database pursuant to section 4729.75 of the 70612
Revised Code, the board may use, for the purpose of establishing 70613
or maintaining the database, any portion of the licensure or 70614
registration fees collected under ~~section 4729.15, 4729.52, or~~ 70615
~~4729.54 of the Revised Code for the licensing or registration of~~ 70616
~~pharmacists, pharmacy interns, wholesale distributors of dangerous~~ 70617
~~drugs, or terminal distributors of dangerous drugs~~ this chapter. 70618
The board shall not increase the amount of any of those fees 70619
solely for the purpose of establishing or maintaining the 70620
database. 70621

The board shall not impose any charge on a prescriber for the 70622
establishment or maintenance of the database. The board shall not 70623

charge any fees for the transmission of data to the database or 70624
for the receipt of information from the database, except that the 70625
board may charge a fee in accordance with rules adopted under 70626
section 4729.84 of the Revised Code to an individual who requests 70627
the individual's own database information under section 4729.80 of 70628
the Revised Code. 70629

(B) The board may accept grants, gifts, or donations for 70630
purposes of the drug database. Any money received shall be 70631
deposited into the state treasury to the credit of the drug 70632
database fund, which is hereby created. Money in the fund shall be 70633
used solely for purposes of the drug database. 70634

Sec. 4729.84. For purposes of establishing and maintaining a 70635
drug database pursuant to section 4729.75 of the Revised Code, the 70636
state board of pharmacy shall adopt rules in accordance with 70637
Chapter 119. of the Revised Code to carry out and enforce sections 70638
4729.75 to 4729.83 of the Revised Code. The rules shall specify 70639
all of the following: 70640

(A) A means of identifying each patient, each terminal 70641
distributor of dangerous drugs, each purchase at wholesale of 70642
dangerous drugs, and each retail dispensary licensed under Chapter 70643
3796. of the Revised Code about which information is entered into 70644
the drug database; 70645

(B) Requirements for the transmission of information from 70646
terminal distributors of dangerous drugs, manufacturers of 70647
dangerous drugs, outsourcing facilities, repackagers of dangerous 70648
drugs, wholesale distributors of dangerous drugs, prescribers, and 70649
retail dispensaries; 70650

(C) An electronic format for the submission of information 70651
from ~~terminal distributors, wholesale distributors, prescribers,~~ 70652
~~and retail dispensaries~~ persons identified in division (B) of this 70653
section; 70654

(D) A procedure whereby a ~~terminal distributor, wholesale distributor, prescriber, or retail dispensary~~ person unable to submit information electronically may obtain a waiver to submit information in another format; 70655
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70658

(E) A procedure whereby the board may grant a request from a law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs that information that has been stored for three years be retained when the information pertains to an open investigation being conducted by the agency or entity; 70659
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(F) A procedure whereby a ~~terminal distributor, wholesale distributor, prescriber, or retail dispensary~~ person identified in division (B) of this section may apply for an extension to the time by which information must be transmitted to the board; 70666
70667
70668
70669

(G) A procedure whereby a person or government entity to which the board is authorized to provide information may submit a request to the board for the information and the board may verify the identity of the requestor; 70670
70671
70672
70673

(H) A procedure whereby the board can use the database request records required by division (B) of section 4729.80 of the Revised Code to document and report statistics and law enforcement outcomes; 70674
70675
70676
70677

(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor; 70678
70679
70680

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code; 70681
70682
70683
70684

(K) The other specific dangerous drugs that, in addition to 70685

controlled substances, must be included in the database; 70686

(L) The types of pharmacies licensed as terminal distributors 70687
of dangerous drugs that are required to submit prescription 70688
information to the board pursuant to section 4729.77 of the 70689
Revised Code; 70690

(M) Additional data fields, recognized by the American 70691
society for automation in pharmacy, that licensed terminal 70692
distributors of dangerous drugs must submit to the board pursuant 70693
to section 4729.77 of the Revised Code; 70694

(N) The information regarding medical marijuana dispensed to 70695
a patient that a retail dispensary is required to submit to the 70696
board pursuant to section 4729.771 of the Revised Code; 70697

(O) Requirements for the transmission of information pursuant 70698
to section 4729.772 of the Revised Code and requirements for the 70699
release of such information by the board. 70700

Sec. 4729.86. If the state board of pharmacy establishes and 70701
maintains a drug database pursuant to section 4729.75 of the 70702
Revised Code, all of the following apply: 70703

(A)(1) No person identified in divisions (A)(1) to (13) ~~or~~ 70704
(15) to (22), or (B) of section 4729.80 of the Revised Code shall 70705
disseminate any written or electronic information the person 70706
receives from the drug database or otherwise provide another 70707
person access to the information that the person receives from the 70708
database, except as follows: 70709

(a) When necessary in the investigation or prosecution of a 70710
possible or alleged criminal offense; 70711

(b) When a person provides the information to the prescriber, 70712
pharmacist, or retail dispensary licensed under Chapter 3796. of 70713
the Revised Code for whom the person is approved by the board to 70714
serve as a delegate of the prescriber, pharmacist, or retail 70715

dispensary for purposes of requesting and receiving information 70716
from the drug database under division (A)(5), (6), or (15) of 70717
section 4729.80 of the Revised Code; 70718

(c) When a prescriber, pharmacist, or retail dispensary 70719
licensed under Chapter 3796. of the Revised Code provides the 70720
information to a person who is approved by the board to serve as 70721
such a delegate of the prescriber, pharmacist, or retail 70722
dispensary; 70723

(d) When a prescriber or pharmacist includes the information 70724
in a medical record, as defined in section 3701.74 of the Revised 70725
Code. 70726

(2) No person shall provide false information to the state 70727
board of pharmacy with the intent to obtain or alter information 70728
contained in the drug database. 70729

(3) No person shall obtain drug database information by any 70730
means except as provided under section 4729.80 or 4729.81 of the 70731
Revised Code. 70732

(B) A person shall not use information obtained pursuant to 70733
division (A) of section 4729.80 of the Revised Code as evidence in 70734
any civil or administrative proceeding. 70735

(C)(1) Except as provided in division (C)(2) of this section, 70736
after providing notice and affording an opportunity for a hearing 70737
in accordance with Chapter 119. of the Revised Code, the board may 70738
restrict a person from obtaining further information from the drug 70739
database if any of the following is the case: 70740

(a) The person violates division (A)(1), (2), or (3) of this 70741
section; 70742

(b) The person is a requestor identified in division (A)(14) 70743
of section 4729.80 of the Revised Code and the board determines 70744
that the person's actions in another state would have constituted 70745

a violation of division (A)(1), (2), or (3) of this section; 70746

(c) The person fails to comply with division (B) of this 70747
section, regardless of the jurisdiction in which the failure to 70748
comply occurred; 70749

(d) The person creates, by clear and convincing evidence, a 70750
threat to the security of information contained in the database. 70751

(2) If the board determines that allegations regarding a 70752
person's actions warrant restricting the person from obtaining 70753
further information from the drug database without a prior 70754
hearing, the board may summarily impose the restriction. A 70755
telephone conference call may be used for reviewing the 70756
allegations and taking a vote on the summary restriction. The 70757
summary restriction shall remain in effect, unless removed by the 70758
board, until the board's final adjudication order becomes 70759
effective. 70760

(3) The board shall determine the extent to which the person 70761
is restricted from obtaining further information from the 70762
database. 70763

Sec. 4730.05. (A) There is hereby created the physician 70764
assistant policy committee of the state medical board. The 70765
president of the board shall appoint the members of the committee. 70766
The committee shall consist of the seven members specified in 70767
divisions (A)(1) to (3) of this section. When the committee is 70768
developing or revising policy and procedures for 70769
physician-delegated prescriptive authority for physician 70770
assistants, the committee shall include the two additional members 70771
specified in division (A)(4) of this section. 70772

(1) Three members of the committee shall be physicians. Of 70773
the physician members, one shall be a member of the state medical 70774
board, one shall be appointed from a list of five physicians 70775

recommended by the Ohio state medical association, and one shall 70776
be appointed from a list of five physicians recommended by the 70777
Ohio osteopathic association. At all times, the physician 70778
membership of the committee shall include at least one physician 70779
who is a supervising physician of a physician assistant, 70780
preferably with at least two years' experience as a supervising 70781
physician. 70782

(2) Three members shall be physician assistants appointed 70783
from a list of five individuals recommended by the Ohio 70784
association of physician assistants. 70785

(3) One member, who is not affiliated with any health care 70786
profession, shall be appointed to represent the interests of 70787
consumers. 70788

(4) The two additional members, appointed to serve only when 70789
the committee is developing or revising policy and procedures for 70790
physician-delegated prescriptive authority for physician 70791
assistants, shall be pharmacists. Of these members, one shall be 70792
appointed from a list of five clinical pharmacists recommended by 70793
the Ohio pharmacists association and one shall be appointed from 70794
the pharmacist members of the state board of pharmacy, preferably 70795
from among the members who are clinical pharmacists. 70796

The pharmacist members shall have voting privileges only for 70797
purposes of developing or revising policy and procedures for 70798
physician-delegated prescriptive authority for physician 70799
assistants. Presence of the pharmacist members shall not be 70800
required for the transaction of any other business. 70801

(B) Terms of office shall be for two years, with each term 70802
ending on the same day of the same month as did the term that it 70803
succeeds. Each member shall hold office from the date of being 70804
appointed until the end of the term for which the member was 70805
appointed. Members may be reappointed, except that a member may 70806

not be appointed to serve more than three consecutive terms. As 70807
vacancies occur, a successor shall be appointed who has the 70808
qualifications the vacancy requires. A member appointed to fill a 70809
vacancy occurring prior to the expiration of the term for which a 70810
predecessor was appointed shall hold office as a member for the 70811
remainder of that term. A member shall continue in office 70812
subsequent to the expiration date of the member's term until a 70813
successor takes office or until a period of sixty days has 70814
elapsed, whichever occurs first. 70815

(C) Each member of the committee shall receive ~~an amount~~ 70816
~~fixed pursuant to division (J) of section 124.15 of the Revised~~ 70817
~~Code for each day employed in the discharge of official duties as~~ 70818
~~a member, and shall also receive~~ the member's necessary and actual 70819
expenses incurred in the performance of official duties as a 70820
member. 70821

(D) The committee members specified in divisions (A)(1) to 70822
(3) of this section by a majority vote shall elect a chairperson 70823
from among those members. The members may elect a new chairperson 70824
at any time. 70825

(E) The state medical board may appoint assistants, clerical 70826
staff, or other employees as necessary for the committee to 70827
perform its duties adequately. 70828

(F) The committee shall meet at least four times a year and 70829
at such other times as may be necessary to carry out its 70830
responsibilities. 70831

Sec. 4730.40. (A) ~~Subject to division (B)~~ As used in this 70832
section, "medication-assisted treatment" has the same meaning as 70833
in section 340.01 of the Revised Code. 70834

(B) Except as provided in divisions (C) and (D) of this 70835
section, the physician assistant formulary adopted by the state 70836

medical board under section 4730.39 of the Revised Code may 70837
include any or all of the following drugs: 70838

(1) Schedule II, III, IV, and V controlled substances; 70839

(2) Drugs that under state or federal law may be dispensed 70840
only pursuant to a prescription by a licensed health professional 70841
authorized to prescribe drugs, as defined in section 4729.01 of 70842
the Revised Code; 70843

(3) Any drug that is not a dangerous drug, as defined in 70844
section 4729.01 of the Revised Code. 70845

~~(B)~~(C) The formulary adopted by the board shall include both 70846
of the following for use in medication-assisted treatment: 70847

(1) Drugs that contain buprenorphine; 70848

(2) Opioid antagonists, including oral and long-acting forms. 70849

(D) The formulary adopted by the board shall not include, and 70850
shall specify that it does not include, any drug or device used to 70851
perform or induce an abortion. 70852

Sec. 4730.55. (A) As used in this section: 70853

(1) "Controlled substance," "schedule III," "schedule IV," 70854
and "schedule V" have the same meanings as in section 3719.01 of 70855
the Revised Code. 70856

(2) "Medication-assisted treatment" has the same meaning as 70857
in section 340.01 of the Revised Code. 70858

(B) The state medical board shall adopt rules that establish 70859
standards and procedures to be followed by physician assistants in 70860
the use of all drugs approved by the United States food and drug 70861
administration for use in medication-assisted treatment, including 70862
controlled substances in schedule III, IV, or V. The rules shall 70863
address detoxification, relapse prevention, patient assessment, 70864
individual treatment planning, counseling and recovery supports, 70865

diversion control, and other topics selected by the board after 70866
considering best practices in medication-assisted treatment. 70867

The board may apply the rules to all circumstances in which a 70868
physician assistant prescribes drugs for use in 70869
medication-assisted treatment or limit the application of the 70870
rules to prescriptions for medication-assisted treatment issued 70871
for patients being treated in office-based practices or other 70872
practice types or locations specified by the board. 70873

(C) All rules adopted under this section shall be adopted in 70874
accordance with Chapter 119. of the Revised Code. The rules shall 70875
be consistent with rules adopted under sections 4723.51 and 70876
4731.056 of the Revised Code. 70877

Sec. 4730.56. (A) As used in this section: 70878

(1) "Community addiction services provider" has the same 70879
meaning as in section 5119.01 of the Revised Code. 70880

(2) "Medication-assisted treatment" has the same meaning as 70881
in section 340.01 of the Revised Code. 70882

(B) A physician assistant shall comply with section 3715.08 70883
of the Revised Code and rules adopted under section 4730.55 of the 70884
Revised Code when treating a patient with medication-assisted 70885
treatment or proposing to initiate such treatment. 70886

(C) A physician assistant who fails to comply with this 70887
section shall treat not more than thirty patients at any one time 70888
with medication-assisted treatment even if the facility or 70889
location at which the treatment is provided is either of the 70890
following: 70891

(1) Exempted by divisions (B)(2)(a) to (d) of section 70892
4729.553 of the Revised Code from being required to possess a 70893
category III terminal distributor of dangerous drugs license with 70894
an office-based opioid treatment classification; 70895

(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 70896
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Sec. 4731.04. As used in this chapter: 70900

(A) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the state medical board for use in cosmetic therapy and may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders. 70901
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(B) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school. 70906
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(C) "Graduate medical education" means education received through any of the following: 70910
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(1) An internship or residency program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 70912
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(2) A clinical fellowship program conducted in the United States at an institution with a residency program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a clinical field the same as or related to the clinical field of the fellowship program; 70916
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(3) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada; 70922
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(4) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada. 70926
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(D) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices. 70929
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Sec. 4731.056. (A) As used in this section: 70937

(1) "Controlled substance," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 70938
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 70941
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(3) "Physician" means an individual authorized by this chapter to practice medicine and surgery or osteopathic medicine and surgery. 70943
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(B) The state medical board shall adopt rules ~~in accordance with Chapter 119. of the Revised Code~~ that establish standards and procedures to be followed by physicians in the use of all drugs approved by the United States food and drug administration for use in medication-assisted treatment, including controlled substances in schedule III, IV, or V to treat opioid dependence or addiction. 70946
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The rules shall address detoxification, relapse prevention, patient assessment, individual treatment planning, counseling and recovery supports, diversion control, and other topics selected by the board after considering best practices in medication-assisted 70952
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treatment. The 70956

The board may ~~limit the application of~~ apply the rules to 70957
~~treatment provided through an~~ all circumstances in which a 70958
physician prescribes drugs for use in medication-assisted 70959
treatment or limit the application of the rules to prescriptions 70960
for medication-assisted treatment for patients being treated in 70961
office-based ~~practice~~ practices or other practice ~~type~~ types or 70962
~~location~~ locations specified by the board. 70963

(C) All rules adopted under this section shall be adopted in 70964
accordance with Chapter 119. of the Revised Code. The rules shall 70965
be consistent with rules adopted under sections 4723.51 and 70966
4730.55 of the Revised Code. 70967

Sec. 4731.07. (A) The state medical board shall keep a record 70968
of its proceedings. The minutes of a meeting of the board shall, 70969
on approval by the board, constitute an official record of its 70970
proceedings. 70971

(B) The board shall keep a register of applicants for 70972
certificates ~~to practice~~ issued under this chapter and Chapters 70973
4760., 4762., and 4774. of the Revised Code and licenses issued 70974
under this chapter and Chapters 4730. and 4778. of the Revised 70975
Code. The register shall show the name of the applicant and 70976
whether the applicant was granted or refused a certificate or 70977
license. With respect to applicants to practice medicine and 70978
surgery or osteopathic medicine and surgery, the register shall 70979
show the name of the institution that granted the applicant the 70980
degree of doctor of medicine or osteopathic medicine. The books 70981
and records of the board shall be prima-facie evidence of matters 70982
therein contained. 70983

Sec. ~~4731.081~~ 4731.08. In addition to any other eligibility 70984
requirement set forth in this chapter, each applicant for a 70985

~~certificate license~~ to practice medicine and surgery or 70986
osteopathic medicine and surgery shall comply with sections 70987
4776.01 to 4776.04 of the Revised Code. The state medical board 70988
shall not grant to an applicant a ~~certificate license~~ to practice 70989
medicine and surgery or osteopathic medicine and surgery unless 70990
the board, in its discretion, decides that the results of the 70991
criminal records check do not make the applicant ineligible for a 70992
~~certificate license~~ issued pursuant to section 4731.14 of the 70993
Revised Code. 70994

~~Sec. 4731.091 4731.09.~~ (A) ~~As used in this section and in~~ 70995
~~section 4731.092 of the Revised Code:~~ 70996

~~(1) "Graduate medical education" means education received~~ 70997
~~through any of the following:~~ 70998

~~(a) An internship or residency program conducted in the~~ 70999
~~United States and accredited by either the accreditation council~~ 71000
~~for graduate medical education of the American medical association~~ 71001
~~or the American osteopathic association;~~ 71002

~~(b) A clinical fellowship program conducted in the United~~ 71003
~~States at an institution with a residency program accredited by~~ 71004
~~either the accreditation council for graduate medical education of~~ 71005
~~the American medical association or the American osteopathic~~ 71006
~~association that is in a clinical field the same as or related to~~ 71007
~~the clinical field of the fellowship program;~~ 71008

~~(c) An internship program conducted in Canada and accredited~~ 71009
~~by the committee on accreditation of preregistration physician~~ 71010
~~training programs of the federation of provincial medical~~ 71011
~~licensing authorities of Canada;~~ 71012

~~(d) A residency program conducted in Canada and accredited by~~ 71013
~~either the royal college of physicians and surgeons of Canada or~~ 71014
~~the college of family physicians of Canada.~~ 71015

~~(2) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school.~~ 71016
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~~(B) To be eligible for admission to the examination conducted by the state medical board under section 4731.13 of the Revised Code, an applicant must meet the medical education and graduate medical education requirements specified in any one of the following and any additional requirements of division (C) of this section~~ 71020
An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery must meet all of the following requirements: 71021
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(1) Be at least eighteen years of age and of good moral character; 71028
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(2) Possess a high school diploma or a certificate of high school equivalence or have obtained the equivalent of such education as determined by the state medical board; 71030
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(3) Have completed two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board; 71033
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(4) Meet one of the following medical education and graduate medical education requirements: 71036
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(a) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association and have successfully completed not less than ~~nine~~ twelve months of graduate medical education through the first-year level of graduate medical education or its equivalent as determined by the board; 71038
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~~(2)~~(b) Hold certification from the educational commission for 71046

foreign medical graduates and have successfully completed not less 71047
than ~~nine~~ twenty-four months of graduate medical education through 71048
the ~~first-year~~ second-year level of graduate medical education or 71049
its equivalent as determined by the board; 71050

~~(3)~~(c) Be a qualified graduate of a fifth pathway training 71051
program as recognized by the board under section ~~4731.092~~ 4731.091 71052
of the Revised Code and have successfully completed, subsequent to 71053
completing fifth pathway training, not less than ~~nine~~ twelve 71054
months of graduate medical education or its equivalent as 71055
determined by the board. 71056

(5) Have successfully passed an examination prescribed in 71057
rules adopted by the board to determine competency to practice 71058
medicine and surgery or osteopathic medicine and surgery; 71059

(6) Comply with section 4731.08 of the Revised Code; 71060

(7) Meet the requirements of section 4731.142 of the Revised 71061
Code if eligibility for the license applied for is based in part 71062
on certification from the educational commission for foreign 71063
medical graduates and the undergraduate education requirements 71064
established by this section were fulfilled at an institution 71065
outside of the United States. 71066

~~(C) If an applicant holding certification from the~~ 71067
~~educational commission for foreign medical graduates received the~~ 71068
~~core clinical instruction segment of the applicant's medical~~ 71069
~~education at an institution in the United States, the board may~~ 71070
~~require that to be eligible for admission to its examination, the~~ 71071
~~applicant must have received the instruction at either of the~~ 71072
~~following:~~ 71073

~~(1) An institution that, at the time of the instruction, was~~ 71074
~~a formal part of or had formal affiliation with a medical school~~ 71075
~~accredited by the liaison committee on medical education or an~~ 71076
~~osteopathic medical school accredited by the American osteopathic~~ 71077

association. 71078

~~(2) An institution with, at the time of the instruction, a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a field the same as or related to the core clinical instruction~~ (B) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall submit to the board an application in the form and manner prescribed by the board. The application must include all of the following: 71079
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(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the requirements of division (A) of this section; 71089
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(2) An affidavit from the applicant attesting to the accuracy and truthfulness of the information submitted under this section; 71092
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(3) Consent to the release of the applicant's information; 71094

(4) Any other information the board requires. 71095

(C) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall include with the application a fee of three hundred five dollars, no part of which may be returned. An application is not considered submitted until the board receives the fee. 71096
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(D) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant. 71101
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(E) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application 71105
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unless the applicant agrees in writing to an extension or the 71108
board determines that there is a substantial question of a 71109
violation of this chapter or the rules adopted under it and 71110
notifies the applicant in writing of the reasons for continuation 71111
of the investigation. If the board determines that the applicant 71112
is not in violation of this chapter or the rules adopted under it, 71113
the board shall issue a license not later than forty-five days 71114
after making that determination. 71115

Sec. ~~4731.092~~ 4731.091. To be recognized by the state medical 71116
board as a qualified graduate of a fifth pathway training program, 71117
an applicant shall submit evidence satisfactory to the board that 71118
~~he~~ the applicant has done all of the following: 71119

(A) Studied medicine in a foreign medical school acknowledged 71120
by the world health organization and verified by a member state of 71121
that organization as operating within the state's jurisdiction at 71122
the time ~~he~~ the applicant studied medicine; 71123

(B) Successfully completed all the formal requirements of the 71124
foreign medical school except internship or social service 71125
requirements; 71126

(C) Prior to entrance into the fifth pathway training 71127
program, attained on a screening examination acceptable to the 71128
board a score satisfactory to a medical school accredited by the 71129
liaison committee on medical education; 71130

(D) Successfully completed one academic year of fifth pathway 71131
training at a hospital affiliated with a medical school accredited 71132
by the liaison committee on medical education. 71133

Sec. 4731.10. Upon the request of a person who holds a 71134
license or certificate to practice in this state pursuant to 71135
~~Chapter 4731. of the Revised Code~~ issued under this chapter and is 71136
seeking licensure in another state, the state medical board shall 71137

provide verification of the person's license or certificate to 71138
practice the person's profession in this state. The fee for such 71139
verification ~~shall be~~ is fifty dollars. 71140

Sec. 4731.14. (A) ~~As used in this section, "graduate medical~~ 71141
~~education" has the same meaning as in section 4731.091 of the~~ 71142
~~Revised Code~~ The state medical board shall review all applications 71143
submitted under section 4731.09 or 4731.296 of the Revised Code 71144
and determine whether each applicant meets the requirements for a 71145
license to practice medicine and surgery or osteopathic medicine 71146
and surgery. An affirmative vote of not fewer than six members of 71147
the board is necessary for the board to determine that an 71148
applicant meets the requirements for a license. 71149

(B) ~~The state medical board shall issue its certificate to~~ 71150
~~practice medicine and surgery or osteopathic medicine and surgery~~ 71151
~~as follows:~~ 71152

(1) ~~The board shall issue its certificate to each individual~~ 71153
~~who was admitted to the board's examination by meeting the~~ 71154
~~educational requirements specified in division (B)(1) or (3) of~~ 71155
~~section 4731.091 of the Revised Code if the individual passes the~~ 71156
~~examination, pays a certificate issuance fee of three hundred~~ 71157
~~dollars, and submits evidence satisfactory to the board that the~~ 71158
~~individual has successfully completed not less than twelve months~~ 71159
~~of graduate medical education or its equivalent as determined by~~ 71160
~~the board.~~ 71161

(2) ~~Except as provided in section 4731.142 of the Revised~~ 71162
~~Code, the board shall issue its certificate to each individual who~~ 71163
~~was admitted to the board's examination by meeting the educational~~ 71164
~~requirements specified in division (B)(2) of section 4731.091 of~~ 71165
~~the Revised Code if the individual passes the examination, pays a~~ 71166
~~certificate issuance fee of three hundred dollars, submits~~ 71167
~~evidence satisfactory to the board that the individual has~~ 71168

~~successfully completed not less than twenty four months of 71169
graduate medical education through the second year level of 71170
graduate medical education or its equivalent as determined by the 71171
board, and, if the individual passed the examination prior to 71172
completing twenty four months of graduate medical education or its 71173
equivalent, the individual continues to meet the moral character 71174
requirements for admission to the board's examination. 71175~~

~~(C) If the board determines that the evidence submitted with 71176
an application is satisfactory and the applicant meets the 71177
requirements for a license, the board shall issue to the applicant 71178
a license to practice medicine and surgery or osteopathic medicine 71179
and surgery, as applicable. If the applicant holds a medical 71180
degree other than the degree of doctor of medicine or doctor of 71181
osteopathic medicine, the license shall indicate that the 71182
applicant is authorized to practice medicine and surgery pursuant 71183
to the laws of this state. Each certificate license issued by the 71184
board shall be signed by its president and secretary, and attested 71185
by its seal. The certificate shall be on a form prescribed by the 71186
board and shall indicate the medical degree held by the individual 71187
to whom the certificate is issued. If the individual holds the 71188
degree of doctor of medicine, the certificate shall state that the 71189
individual is authorized to practice medicine and surgery pursuant 71190
to the laws of this state. If the individual holds the degree of 71191
doctor of osteopathic medicine, the certificate shall state that 71192
the individual is authorized to practice osteopathic medicine and 71193
surgery pursuant to the laws of this state. If the individual 71194
holds a medical degree other than the degree of doctor of medicine 71195
or doctor of osteopathic medicine, the certificate shall indicate 71196
the diploma, degree, or other document issued by the medical 71197
school or institution the individual attended and shall state that 71198
the individual is authorized to practice medicine and surgery 71199
pursuant to the laws of this state. 71200~~

(C) The holder of a license to practice medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "M.D.," or "physician." The holder of a license to practice osteopathic medicine and surgery issued under this chapter may use the titles "Dr.," "doctor," "D.O.," or "physician." 71201
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~~(D) The certificate shall be prominently displayed in the certificate holder's office or place where a major portion of the certificate holder's practice is conducted and shall entitle the holder to practice either medicine and surgery or osteopathic medicine and surgery provided the certificate holder maintains current registration as required by section 4731.281 of the Revised Code and provided further that such certificate has not been revoked, suspended, or limited by action of the state medical board pursuant to this chapter~~ holder of a license issued under this section shall either provide verification of licensure status from the board's internet web site on request or prominently display a wall certificate in the license holder's office or place where the majority of the holder's practice is conducted. 71206
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~~(E) An affirmative vote of not less than six members of the board is required for the issuance of a certificate.~~ 71219
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Sec. 4731.142. (A) Except as provided in division (B) of this section, an individual must demonstrate proficiency in spoken English, by passing an examination specified by the state medical board, to receive a ~~certificate~~ license to practice issued under section 4731.14 of the Revised Code if the individual's eligibility for the ~~certificate~~ license is based in part on certification from the educational commission for foreign medical graduates and fulfillment of the undergraduate requirements established by section 4731.09 of the Revised Code at an institution outside the United States. The board shall adopt rules specifying an acceptable examination and establishing the minimum 71221
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score that demonstrates proficiency in spoken English. 71232

(B) An individual is not required to demonstrate proficiency 71233
in spoken English in accordance with division (A) of this section 71234
if any of the following apply: 71235

(1) The individual was required to demonstrate such 71236
proficiency as a condition of certification from the educational 71237
commission for foreign medical graduates; 71238

(2) For the five years immediately preceding the date on 71239
which the applicant submitted to the board an application as 71240
described in section 4731.09 of the Revised Code, the applicant 71241
held an unrestricted license issued by another state to practice 71242
medicine and surgery or osteopathic medicine and surgery and was 71243
actively engaged in such practice in the United States; 71244

(3) At the beginning of the five-year period preceding the 71245
date on which the applicant submitted to the board an application 71246
as described in section 4731.09 of the Revised Code, the applicant 71247
was receiving graduate medical education and, upon completion of 71248
that education, held an unrestricted license issued by another 71249
state to practice medicine and surgery or osteopathic medicine and 71250
surgery and was actively engaged in such practice in the United 71251
States. 71252

Sec. 4731.143. (A) Each person holding a valid ~~certificate~~ 71253
license issued under this chapter authorizing the ~~certificate~~ 71254
license holder to practice medicine and surgery, osteopathic 71255
medicine and surgery, or podiatric medicine and surgery, who is 71256
not covered by medical malpractice insurance shall provide a 71257
patient with written notice of the ~~certificate~~ license holder's 71258
lack of that insurance coverage prior to providing nonemergency 71259
professional services to the patient. The notice shall be provided 71260
alone on its own page. The notice shall provide space for the 71261
patient to acknowledge receipt of the notice, and shall be in the 71262

following form: 71263

"N O T I C E: 71264

Dr. (here state the full name of the 71265
~~certificate~~ license holder) is not covered by medical malpractice 71266
insurance. 71267

The undersigned acknowledges the receipt of this notice. 71268
..... 71269
(Patient's Signature) 71270
..... 71271
(Date)" 71272

The ~~certificate~~ license holder shall obtain the patient's 71273
signature, acknowledging the patient's receipt of the notice, 71274
prior to providing nonemergency professional services to the 71275
patient. The ~~certificate~~ license holder shall maintain the signed 71276
notice in the patient's ~~file~~ medical record. 71277

(B) This section does not apply to any officer or employee of 71278
the state, as those terms are defined in section 9.85 of the 71279
Revised Code, who is immune from civil liability under section 71280
9.86 of the Revised Code or is entitled to indemnification 71281
pursuant to section 9.87 of the Revised Code, to the extent that 71282
the person is acting within the scope of the person's employment 71283
or official responsibilities. 71284

This section does not apply to a person who complies with 71285
division (B)(2) of section 2305.234 of the Revised Code. 71286

(C) As used in this section, "medical malpractice insurance" 71287
means insurance coverage against the legal liability of the 71288
insured and against loss, damage, or expense incident to a claim 71289
arising out of the death, disease, or injury of any person as the 71290
result of negligence or malpractice in rendering professional 71291
service by any licensed physician, podiatrist, or hospital, as 71292

those terms are defined in section 2305.113 of the Revised Code. 71293

Sec. 4731.15. (A)~~(1)~~ The state medical board also shall 71294
regulate the following limited branches of medicine: massage 71295
therapy and cosmetic therapy, and to the extent specified in 71296
section 4731.151 of the Revised Code, naprapathy and 71297
mechanotherapy. The board shall adopt rules governing the limited 71298
branches of medicine under its jurisdiction. The rules shall be 71299
adopted in accordance with Chapter 119. of the Revised Code. 71300

~~(2) As used in this chapter:~~ 71301

~~(a) "Cosmetic therapy" means the permanent removal of hair 71302
from the human body through the use of electric modalities 71303
approved by the board for use in cosmetic therapy, and 71304
additionally may include the systematic friction, stroking, 71305
slapping, and kneading or tapping of the face, neck, scalp, or 71306
shoulders.~~ 71307

~~(b) "Massage therapy" means the treatment of disorders of the 71308
human body by the manipulation of soft tissue through the 71309
systematic external application of massage techniques including 71310
touch, stroking, friction, vibration, percussion, kneading, 71311
stretching, compression, and joint movements within the normal 71312
physiologic range of motion; and adjunctive thereto, the external 71313
application of water, heat, cold, topical preparations, and 71314
mechanical devices.~~ 71315

(B) A certificate to practice a limited branch of medicine 71316
issued by the state medical board is valid for a two-year period, 71317
except when an initial certificate is issued for a shorter period 71318
or when division (C)(2) of this section is applicable. The 71319
certificate may be renewed in accordance with division (C) of this 71320
section. 71321

(C)(1) Except as provided in division (C)(2) of this section, 71322

~~all~~ both of the following apply with respect to the renewal of
certificates to practice a limited branch of medicine:

(a) Each person seeking to renew a certificate to practice a
limited branch of medicine shall apply for biennial renewal with
the state medical board in a manner prescribed by the board. An
applicant for renewal shall pay a biennial renewal fee of one
hundred dollars.

(b) At least ~~six months~~ one month before a certificate
expires, the board shall provide a renewal notice to the
certificate holder.

~~(c) At least three months before a certificate expires, the
certificate holder shall submit the renewal application and
biennial renewal fee to the board.~~

(2) The board shall implement a staggered renewal system that
is substantially similar to the staggered renewal system the board
uses under division (A) of section 4731.281 of the Revised Code.

(D) All persons who hold a certificate to practice a limited
branch of medicine issued by the state medical board shall provide
the board notice of any change of address. The notice shall be
submitted to the board not later than thirty days after the change
of address.

(E) A certificate to practice a limited branch of medicine
shall be automatically suspended if the certificate holder fails
to renew the certificate in accordance with division (C) of this
section. Continued practice after the suspension of the
certificate to practice shall be considered as practicing in
violation of sections 4731.34 and 4731.41 of the Revised Code.

If a certificate to practice has been suspended pursuant to
this division for two years or less, it may be reinstated. The
board shall reinstate the certificate upon an applicant's
submission of a renewal application and payment of ~~the biennial~~

~~renewal a reinstatement fee and the applicable monetary penalty of~~ 71354
~~one hundred twenty-five dollars.~~ With regard to reinstatement of a 71355
certificate to practice cosmetic therapy, the applicant also shall 71356
submit with the application a certification that the number of 71357
hours of continuing education necessary to have a suspended 71358
certificate reinstated have been completed, as specified in rules 71359
the board shall adopt in accordance with Chapter 119. of the 71360
Revised Code. ~~The penalty for reinstatement shall be twenty five~~ 71361
~~dollars.~~ 71362

If a certificate has been suspended pursuant to this division 71363
for more than two years, it may be restored. Subject to section 71364
4731.222 of the Revised Code, the board may restore the 71365
certificate upon an applicant's submission of a restoration 71366
application, ~~the biennial renewal fee, and the applicable monetary~~ 71367
~~penalty~~ a restoration fee of one hundred fifty dollars and 71368
compliance with sections 4776.01 to 4776.04 of the Revised Code. 71369
The board shall not restore to an applicant a certificate to 71370
practice unless the board, in its discretion, decides that the 71371
results of the criminal records check do not make the applicant 71372
ineligible for a certificate issued pursuant to section 4731.17 of 71373
the Revised Code. ~~The penalty for restoration is fifty dollars.~~ 71374

Sec. 4731.22. (A) The state medical board, by an affirmative 71375
vote of not fewer than six of its members, may limit, revoke, or 71376
suspend ~~an individual's~~ a license or certificate to practice or 71377
certificate to recommend, refuse to grant a license or certificate 71378
~~to an individual,~~ refuse to renew a license or certificate, refuse 71379
to reinstate a license or certificate, or reprimand or place on 71380
probation the holder of a license or certificate if the individual 71381
applying for or holding the license or certificate ~~holder~~ is found 71382
by the board to have committed fraud during the administration of 71383
the examination for a license or certificate to practice or to 71384
have committed fraud, misrepresentation, or deception in applying 71385

for, renewing, or securing any license or certificate to practice 71386
or certificate to recommend issued by the board. 71387

(B) The board, by an affirmative vote of not fewer than six 71388
members, shall, to the extent permitted by law, limit, revoke, or 71389
suspend ~~an individual's~~ a license or certificate to practice or 71390
certificate to recommend, refuse to issue a license or certificate 71391
~~to an individual~~, refuse to renew a license or certificate, refuse 71392
to reinstate a license or certificate, or reprimand or place on 71393
probation the holder of a license or certificate for one or more 71394
of the following reasons: 71395

(1) Permitting one's name or one's license or certificate to 71396
practice to be used by a person, group, or corporation when the 71397
individual concerned is not actually directing the treatment 71398
given; 71399

(2) Failure to maintain minimal standards applicable to the 71400
selection or administration of drugs, or failure to employ 71401
acceptable scientific methods in the selection of drugs or other 71402
modalities for treatment of disease; 71403

(3) Except as provided in section 4731.97 of the Revised 71404
Code, selling, giving away, personally furnishing, prescribing, or 71405
administering drugs for other than legal and legitimate 71406
therapeutic purposes or a plea of guilty to, a judicial finding of 71407
guilt of, or a judicial finding of eligibility for intervention in 71408
lieu of conviction of, a violation of any federal or state law 71409
regulating the possession, distribution, or use of any drug; 71410

(4) Willfully betraying a professional confidence. 71411

For purposes of this division, "willfully betraying a 71412
professional confidence" does not include providing any 71413
information, documents, or reports under sections 307.621 to 71414
307.629 of the Revised Code to a child fatality review board; does 71415

not include providing any information, documents, or reports to 71416
the director of health pursuant to guidelines established under 71417
section 3701.70 of the Revised Code; does not include written 71418
notice to a mental health professional under section 4731.62 of 71419
the Revised Code; and does not include the making of a report of 71420
an employee's use of a drug of abuse, or a report of a condition 71421
of an employee other than one involving the use of a drug of 71422
abuse, to the employer of the employee as described in division 71423
(B) of section 2305.33 of the Revised Code. Nothing in this 71424
division affects the immunity from civil liability conferred by 71425
section 2305.33 or 4731.62 of the Revised Code upon a physician 71426
who makes a report in accordance with section 2305.33 or notifies 71427
a mental health professional in accordance with section 4731.62 of 71428
the Revised Code. As used in this division, "employee," 71429
"employer," and "physician" have the same meanings as in section 71430
2305.33 of the Revised Code. 71431

(5) Making a false, fraudulent, deceptive, or misleading 71432
statement in the solicitation of or advertising for patients; in 71433
relation to the practice of medicine and surgery, osteopathic 71434
medicine and surgery, podiatric medicine and surgery, or a limited 71435
branch of medicine; or in securing or attempting to secure any 71436
license or certificate to practice issued by the board. 71437

As used in this division, "false, fraudulent, deceptive, or 71438
misleading statement" means a statement that includes a 71439
misrepresentation of fact, is likely to mislead or deceive because 71440
of a failure to disclose material facts, is intended or is likely 71441
to create false or unjustified expectations of favorable results, 71442
or includes representations or implications that in reasonable 71443
probability will cause an ordinarily prudent person to 71444
misunderstand or be deceived. 71445

(6) A departure from, or the failure to conform to, minimal 71446
standards of care of similar practitioners under the same or 71447

similar circumstances, whether or not actual injury to a patient 71448
is established; 71449

(7) Representing, with the purpose of obtaining compensation 71450
or other advantage as personal gain or for any other person, that 71451
an incurable disease or injury, or other incurable condition, can 71452
be permanently cured; 71453

(8) The obtaining of, or attempting to obtain, money or 71454
anything of value by fraudulent misrepresentations in the course 71455
of practice; 71456

(9) A plea of guilty to, a judicial finding of guilt of, or a 71457
judicial finding of eligibility for intervention in lieu of 71458
conviction for, a felony; 71459

(10) Commission of an act that constitutes a felony in this 71460
state, regardless of the jurisdiction in which the act was 71461
committed; 71462

(11) A plea of guilty to, a judicial finding of guilt of, or 71463
a judicial finding of eligibility for intervention in lieu of 71464
conviction for, a misdemeanor committed in the course of practice; 71465

(12) Commission of an act in the course of practice that 71466
constitutes a misdemeanor in this state, regardless of the 71467
jurisdiction in which the act was committed; 71468

(13) A plea of guilty to, a judicial finding of guilt of, or 71469
a judicial finding of eligibility for intervention in lieu of 71470
conviction for, a misdemeanor involving moral turpitude; 71471

(14) Commission of an act involving moral turpitude that 71472
constitutes a misdemeanor in this state, regardless of the 71473
jurisdiction in which the act was committed; 71474

(15) Violation of the conditions of limitation placed by the 71475
board upon a license or certificate to practice; 71476

(16) Failure to pay license renewal fees specified in this 71477

chapter; 71478

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;

(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose license or certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or

perceptive skills. 71510

In enforcing this division, the board, upon a showing of a 71511
possible violation, may compel any individual authorized to 71512
practice by this chapter or who has submitted an application 71513
pursuant to this chapter to submit to a mental examination, 71514
physical examination, including an HIV test, or both a mental and 71515
a physical examination. The expense of the examination is the 71516
responsibility of the individual compelled to be examined. Failure 71517
to submit to a mental or physical examination or consent to an HIV 71518
test ordered by the board constitutes an admission of the 71519
allegations against the individual unless the failure is due to 71520
circumstances beyond the individual's control, and a default and 71521
final order may be entered without the taking of testimony or 71522
presentation of evidence. If the board finds an individual unable 71523
to practice because of the reasons set forth in this division, the 71524
board shall require the individual to submit to care, counseling, 71525
or treatment by physicians approved or designated by the board, as 71526
a condition for initial, continued, reinstated, or renewed 71527
authority to practice. An individual affected under this division 71528
shall be afforded an opportunity to demonstrate to the board the 71529
ability to resume practice in compliance with acceptable and 71530
prevailing standards under the provisions of the individual's 71531
license or certificate. For the purpose of this division, any 71532
individual who applies for or receives a license or certificate to 71533
practice under this chapter accepts the privilege of practicing in 71534
this state and, by so doing, shall be deemed to have given consent 71535
to submit to a mental or physical examination when directed to do 71536
so in writing by the board, and to have waived all objections to 71537
the admissibility of testimony or examination reports that 71538
constitute a privileged communication. 71539

(20) Except as provided in division (F)(1)(b) of section 71540
4731.282 of the Revised Code or when civil penalties are imposed 71541

under section 4731.225 ~~or 4731.282~~ of the Revised Code, and 71542
subject to section 4731.226 of the Revised Code, violating or 71543
attempting to violate, directly or indirectly, or assisting in or 71544
abetting the violation of, or conspiring to violate, any 71545
provisions of this chapter or any rule promulgated by the board. 71546

This division does not apply to a violation or attempted 71547
violation of, assisting in or abetting the violation of, or a 71548
conspiracy to violate, any provision of this chapter or any rule 71549
adopted by the board that would preclude the making of a report by 71550
a physician of an employee's use of a drug of abuse, or of a 71551
condition of an employee other than one involving the use of a 71552
drug of abuse, to the employer of the employee as described in 71553
division (B) of section 2305.33 of the Revised Code. Nothing in 71554
this division affects the immunity from civil liability conferred 71555
by that section upon a physician who makes either type of report 71556
in accordance with division (B) of that section. As used in this 71557
division, "employee," "employer," and "physician" have the same 71558
meanings as in section 2305.33 of the Revised Code. 71559

(21) The violation of section 3701.79 of the Revised Code or 71560
of any abortion rule adopted by the director of health pursuant to 71561
section 3701.341 of the Revised Code; 71562

(22) Any of the following actions taken by an agency 71563
responsible for authorizing, certifying, or regulating an 71564
individual to practice a health care occupation or provide health 71565
care services in this state or another jurisdiction, for any 71566
reason other than the nonpayment of fees: the limitation, 71567
revocation, or suspension of an individual's license to practice; 71568
acceptance of an individual's license surrender; denial of a 71569
license; refusal to renew or reinstate a license; imposition of 71570
probation; or issuance of an order of censure or other reprimand; 71571

(23) The violation of section 2919.12 of the Revised Code or 71572
the performance or inducement of an abortion upon a pregnant woman 71573

with actual knowledge that the conditions specified in division 71574
(B) of section 2317.56 of the Revised Code have not been satisfied 71575
or with a heedless indifference as to whether those conditions 71576
have been satisfied, unless an affirmative defense as specified in 71577
division (H)(2) of that section would apply in a civil action 71578
authorized by division (H)(1) of that section; 71579

(24) The revocation, suspension, restriction, reduction, or 71580
termination of clinical privileges by the United States department 71581
of defense or department of veterans affairs or the termination or 71582
suspension of a certificate of registration to prescribe drugs by 71583
the drug enforcement administration of the United States 71584
department of justice; 71585

(25) Termination or suspension from participation in the 71586
medicare or medicaid programs by the department of health and 71587
human services or other responsible agency for any act or acts 71588
that also would constitute a violation of division (B)(2), (3), 71589
(6), (8), or (19) of this section; 71590

(26) Impairment of ability to practice according to 71591
acceptable and prevailing standards of care because of habitual or 71592
excessive use or abuse of drugs, alcohol, or other substances that 71593
impair ability to practice. 71594

For the purposes of this division, any individual authorized 71595
to practice by this chapter accepts the privilege of practicing in 71596
this state subject to supervision by the board. By filing an 71597
application for or holding a license or certificate to practice 71598
under this chapter, an individual shall be deemed to have given 71599
consent to submit to a mental or physical examination when ordered 71600
to do so by the board in writing, and to have waived all 71601
objections to the admissibility of testimony or examination 71602
reports that constitute privileged communications. 71603

If it has reason to believe that any individual authorized to 71604

practice by this chapter or any applicant for licensure or 71605
certification to practice suffers such impairment, the board may 71606
compel the individual to submit to a mental or physical 71607
examination, or both. The expense of the examination is the 71608
responsibility of the individual compelled to be examined. Any 71609
mental or physical examination required under this division shall 71610
be undertaken by a treatment provider or physician who is 71611
qualified to conduct the examination and who is chosen by the 71612
board. 71613

Failure to submit to a mental or physical examination ordered 71614
by the board constitutes an admission of the allegations against 71615
the individual unless the failure is due to circumstances beyond 71616
the individual's control, and a default and final order may be 71617
entered without the taking of testimony or presentation of 71618
evidence. If the board determines that the individual's ability to 71619
practice is impaired, the board shall suspend the individual's 71620
license or certificate or deny the individual's application and 71621
shall require the individual, as a condition for initial, 71622
continued, reinstated, or renewed licensure or certification to 71623
practice, to submit to treatment. 71624

Before being eligible to apply for reinstatement of a license 71625
or certificate suspended under this division, the impaired 71626
practitioner shall demonstrate to the board the ability to resume 71627
practice in compliance with acceptable and prevailing standards of 71628
care under the provisions of the practitioner's license or 71629
certificate. The demonstration shall include, but shall not be 71630
limited to, the following: 71631

(a) Certification from a treatment provider approved under 71632
section 4731.25 of the Revised Code that the individual has 71633
successfully completed any required inpatient treatment; 71634

(b) Evidence of continuing full compliance with an aftercare 71635
contract or consent agreement; 71636

(c) Two written reports indicating that the individual's 71637
ability to practice has been assessed and that the individual has 71638
been found capable of practicing according to acceptable and 71639
prevailing standards of care. The reports shall be made by 71640
individuals or providers approved by the board for making the 71641
assessments and shall describe the basis for their determination. 71642

The board may reinstate a license or certificate suspended 71643
under this division after that demonstration and after the 71644
individual has entered into a written consent agreement. 71645

When the impaired practitioner resumes practice, the board 71646
shall require continued monitoring of the individual. The 71647
monitoring shall include, but not be limited to, compliance with 71648
the written consent agreement entered into before reinstatement or 71649
with conditions imposed by board order after a hearing, and, upon 71650
termination of the consent agreement, submission to the board for 71651
at least two years of annual written progress reports made under 71652
penalty of perjury stating whether the individual has maintained 71653
sobriety. 71654

(27) A second or subsequent violation of section 4731.66 or 71655
4731.69 of the Revised Code; 71656

(28) Except as provided in division (N) of this section: 71657

(a) Waiving the payment of all or any part of a deductible or 71658
copayment that a patient, pursuant to a health insurance or health 71659
care policy, contract, or plan that covers the individual's 71660
services, otherwise would be required to pay if the waiver is used 71661
as an enticement to a patient or group of patients to receive 71662
health care services from that individual; 71663

(b) Advertising that the individual will waive the payment of 71664
all or any part of a deductible or copayment that a patient, 71665
pursuant to a health insurance or health care policy, contract, or 71666
plan that covers the individual's services, otherwise would be 71667

required to pay. 71668

(29) Failure to use universal blood and body fluid 71669
precautions established by rules adopted under section 4731.051 of 71670
the Revised Code; 71671

(30) Failure to provide notice to, and receive acknowledgment 71672
of the notice from, a patient when required by section 4731.143 of 71673
the Revised Code prior to providing nonemergency professional 71674
services, or failure to maintain that notice in the patient's ~~file~~ 71675
medical record; 71676

(31) Failure of a physician supervising a physician assistant 71677
to maintain supervision in accordance with the requirements of 71678
Chapter 4730. of the Revised Code and the rules adopted under that 71679
chapter; 71680

(32) Failure of a physician or podiatrist to enter into a 71681
standard care arrangement with a clinical nurse specialist, 71682
certified nurse-midwife, or certified nurse practitioner with whom 71683
the physician or podiatrist is in collaboration pursuant to 71684
section 4731.27 of the Revised Code or failure to fulfill the 71685
responsibilities of collaboration after entering into a standard 71686
care arrangement; 71687

(33) Failure to comply with the terms of a consult agreement 71688
entered into with a pharmacist pursuant to section 4729.39 of the 71689
Revised Code; 71690

(34) Failure to cooperate in an investigation conducted by 71691
the board under division (F) of this section, including failure to 71692
comply with a subpoena or order issued by the board or failure to 71693
answer truthfully a question presented by the board in an 71694
investigative interview, an investigative office conference, at a 71695
deposition, or in written interrogatories, except that failure to 71696
cooperate with an investigation shall not constitute grounds for 71697
discipline under this section if a court of competent jurisdiction 71698

has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	71699 71700
(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	71701 71702 71703
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	71704 71705 71706
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	71707 71708
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	71709 71710
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	71711 71712 71713
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	71714 71715 71716
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	71717 71718 71719 71720
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	71721 71722 71723 71724
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	71725 71726 71727 71728

(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	71729 71730 71731 71732 71733
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	71734 71735 71736 71737 71738
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	71739 71740 71741 71742
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;	71743 71744 71745 71746 71747
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	71748 71749 71750 71751
(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	71752 71753 71754 71755
(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained	71756 71757 71758 71759

and maintains the license with the classification; 71760

(51) Owning a facility, clinic, or other location that is 71761
subject to licensure as a category III terminal distributor of 71762
dangerous drugs with an office-based opioid treatment 71763
classification unless that place is licensed with the 71764
classification. 71765

(C) Disciplinary actions taken by the board under divisions 71766
(A) and (B) of this section shall be taken pursuant to an 71767
adjudication under Chapter 119. of the Revised Code, except that 71768
in lieu of an adjudication, the board may enter into a consent 71769
agreement with an individual to resolve an allegation of a 71770
violation of this chapter or any rule adopted under it. A consent 71771
agreement, when ratified by an affirmative vote of not fewer than 71772
six members of the board, shall constitute the findings and order 71773
of the board with respect to the matter addressed in the 71774
agreement. If the board refuses to ratify a consent agreement, the 71775
admissions and findings contained in the consent agreement shall 71776
be of no force or effect. 71777

A telephone conference call may be utilized for ratification 71778
of a consent agreement that revokes or suspends an individual's 71779
license or certificate to practice or certificate to recommend. 71780
The telephone conference call shall be considered a special 71781
meeting under division (F) of section 121.22 of the Revised Code. 71782

If the board takes disciplinary action against an individual 71783
under division (B) of this section for a second or subsequent plea 71784
of guilty to, or judicial finding of guilt of, a violation of 71785
section 2919.123 of the Revised Code, the disciplinary action 71786
shall consist of a suspension of the individual's license or 71787
certificate to practice for a period of at least one year or, if 71788
determined appropriate by the board, a more serious sanction 71789
involving the individual's license or certificate to practice. Any 71790
consent agreement entered into under this division with an 71791

individual that pertains to a second or subsequent plea of guilty 71792
to, or judicial finding of guilt of, a violation of that section 71793
shall provide for a suspension of the individual's license or 71794
certificate to practice for a period of at least one year or, if 71795
determined appropriate by the board, a more serious sanction 71796
involving the individual's license or certificate to practice. 71797

(D) For purposes of divisions (B)(10), (12), and (14) of this 71798
section, the commission of the act may be established by a finding 71799
by the board, pursuant to an adjudication under Chapter 119. of 71800
the Revised Code, that the individual committed the act. The board 71801
does not have jurisdiction under those divisions if the trial 71802
court renders a final judgment in the individual's favor and that 71803
judgment is based upon an adjudication on the merits. The board 71804
has jurisdiction under those divisions if the trial court issues 71805
an order of dismissal upon technical or procedural grounds. 71806

(E) The sealing of conviction records by any court shall have 71807
no effect upon a prior board order entered under this section or 71808
upon the board's jurisdiction to take action under this section 71809
if, based upon a plea of guilty, a judicial finding of guilt, or a 71810
judicial finding of eligibility for intervention in lieu of 71811
conviction, the board issued a notice of opportunity for a hearing 71812
prior to the court's order to seal the records. The board shall 71813
not be required to seal, destroy, redact, or otherwise modify its 71814
records to reflect the court's sealing of conviction records. 71815

(F)(1) The board shall investigate evidence that appears to 71816
show that a person has violated any provision of this chapter or 71817
any rule adopted under it. Any person may report to the board in a 71818
signed writing any information that the person may have that 71819
appears to show a violation of any provision of this chapter or 71820
any rule adopted under it. In the absence of bad faith, any person 71821
who reports information of that nature or who testifies before the 71822
board in any adjudication conducted under Chapter 119. of the 71823

Revised Code shall not be liable in damages in a civil action as a 71824
result of the report or testimony. Each complaint or allegation of 71825
a violation received by the board shall be assigned a case number 71826
and shall be recorded by the board. 71827

(2) Investigations of alleged violations of this chapter or 71828
any rule adopted under it shall be supervised by the supervising 71829
member elected by the board in accordance with section 4731.02 of 71830
the Revised Code and by the secretary as provided in section 71831
4731.39 of the Revised Code. The president may designate another 71832
member of the board to supervise the investigation in place of the 71833
supervising member. No member of the board who supervises the 71834
investigation of a case shall participate in further adjudication 71835
of the case. 71836

(3) In investigating a possible violation of this chapter or 71837
any rule adopted under this chapter, or in conducting an 71838
inspection under division (E) of section 4731.054 of the Revised 71839
Code, the board may question witnesses, conduct interviews, 71840
administer oaths, order the taking of depositions, inspect and 71841
copy any books, accounts, papers, records, or documents, issue 71842
subpoenas, and compel the attendance of witnesses and production 71843
of books, accounts, papers, records, documents, and testimony, 71844
except that a subpoena for patient record information shall not be 71845
issued without consultation with the attorney general's office and 71846
approval of the secretary and supervising member of the board. 71847

(a) Before issuance of a subpoena for patient record 71848
information, the secretary and supervising member shall determine 71849
whether there is probable cause to believe that the complaint 71850
filed alleges a violation of this chapter or any rule adopted 71851
under it and that the records sought are relevant to the alleged 71852
violation and material to the investigation. The subpoena may 71853
apply only to records that cover a reasonable period of time 71854
surrounding the alleged violation. 71855

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and

proceedings in a manner that protects the confidentiality of 71887
patients and persons who file complaints with the board. The board 71888
shall not make public the names or any other identifying 71889
information about patients or complainants unless proper consent 71890
is given or, in the case of a patient, a waiver of the patient 71891
privilege exists under division (B) of section 2317.02 of the 71892
Revised Code, except that consent or a waiver of that nature is 71893
not required if the board possesses reliable and substantial 71894
evidence that no bona fide physician-patient relationship exists. 71895

The board may share any information it receives pursuant to 71896
an investigation or inspection, including patient records and 71897
patient record information, with law enforcement agencies, other 71898
licensing boards, and other governmental agencies that are 71899
prosecuting, adjudicating, or investigating alleged violations of 71900
statutes or administrative rules. An agency or board that receives 71901
the information shall comply with the same requirements regarding 71902
confidentiality as those with which the state medical board must 71903
comply, notwithstanding any conflicting provision of the Revised 71904
Code or procedure of the agency or board that applies when it is 71905
dealing with other information in its possession. In a judicial 71906
proceeding, the information may be admitted into evidence only in 71907
accordance with the Rules of Evidence, but the court shall require 71908
that appropriate measures are taken to ensure that confidentiality 71909
is maintained with respect to any part of the information that 71910
contains names or other identifying information about patients or 71911
complainants whose confidentiality was protected by the state 71912
medical board when the information was in the board's possession. 71913
Measures to ensure confidentiality that may be taken by the court 71914
include sealing its records or deleting specific information from 71915
its records. 71916

(6) On a quarterly basis, the board shall prepare a report 71917
that documents the disposition of all cases during the preceding 71918

three months. The report shall contain the following information 71919
for each case with which the board has completed its activities: 71920

(a) The case number assigned to the complaint or alleged 71921
violation; 71922

(b) The type of license or certificate to practice, if any, 71923
held by the individual against whom the complaint is directed; 71924

(c) A description of the allegations contained in the 71925
complaint; 71926

(d) The disposition of the case. 71927

The report shall state how many cases are still pending and 71928
shall be prepared in a manner that protects the identity of each 71929
person involved in each case. The report shall be a public record 71930
under section 149.43 of the Revised Code. 71931

(G) If the secretary and supervising member determine both of 71932
the following, they may recommend that the board suspend an 71933
individual's license or certificate to practice or certificate to 71934
recommend without a prior hearing: 71935

(1) That there is clear and convincing evidence that an 71936
individual has violated division (B) of this section; 71937

(2) That the individual's continued practice presents a 71938
danger of immediate and serious harm to the public. 71939

Written allegations shall be prepared for consideration by 71940
the board. The board, upon review of those allegations and by an 71941
affirmative vote of not fewer than six of its members, excluding 71942
the secretary and supervising member, may suspend a license or 71943
certificate without a prior hearing. A telephone conference call 71944
may be utilized for reviewing the allegations and taking the vote 71945
on the summary suspension. 71946

The board shall issue a written order of suspension by 71947
certified mail or in person in accordance with section 119.07 of 71948

the Revised Code. The order shall not be subject to suspension by 71949
the court during pendency of any appeal filed under section 119.12 71950
of the Revised Code. If the individual subject to the summary 71951
suspension requests an adjudicatory hearing by the board, the date 71952
set for the hearing shall be within fifteen days, but not earlier 71953
than seven days, after the individual requests the hearing, unless 71954
otherwise agreed to by both the board and the individual. 71955

Any summary suspension imposed under this division shall 71956
remain in effect, unless reversed on appeal, until a final 71957
adjudicative order issued by the board pursuant to this section 71958
and Chapter 119. of the Revised Code becomes effective. The board 71959
shall issue its final adjudicative order within seventy-five days 71960
after completion of its hearing. A failure to issue the order 71961
within seventy-five days shall result in dissolution of the 71962
summary suspension order but shall not invalidate any subsequent, 71963
final adjudicative order. 71964

(H) If the board takes action under division (B)(9), (11), or 71965
(13) of this section and the judicial finding of guilt, guilty 71966
plea, or judicial finding of eligibility for intervention in lieu 71967
of conviction is overturned on appeal, upon exhaustion of the 71968
criminal appeal, a petition for reconsideration of the order may 71969
be filed with the board along with appropriate court documents. 71970
Upon receipt of a petition of that nature and supporting court 71971
documents, the board shall reinstate the individual's license or 71972
certificate to practice. The board may then hold an adjudication 71973
under Chapter 119. of the Revised Code to determine whether the 71974
individual committed the act in question. Notice of an opportunity 71975
for a hearing shall be given in accordance with Chapter 119. of 71976
the Revised Code. If the board finds, pursuant to an adjudication 71977
held under this division, that the individual committed the act or 71978
if no hearing is requested, the board may order any of the 71979
sanctions identified under division (B) of this section. 71980

(I) The license or certificate to practice issued to an 71981
individual under this chapter and the individual's practice in 71982
this state are automatically suspended as of the date of the 71983
individual's second or subsequent plea of guilty to, or judicial 71984
finding of guilt of, a violation of section 2919.123 of the 71985
Revised Code. In addition, the license or certificate to practice 71986
or certificate to recommend issued to an individual under this 71987
chapter and the individual's practice in this state are 71988
automatically suspended as of the date the individual pleads 71989
guilty to, is found by a judge or jury to be guilty of, or is 71990
subject to a judicial finding of eligibility for intervention in 71991
lieu of conviction in this state or treatment or intervention in 71992
lieu of conviction in another jurisdiction for any of the 71993
following criminal offenses in this state or a substantially 71994
equivalent criminal offense in another jurisdiction: aggravated 71995
murder, murder, voluntary manslaughter, felonious assault, 71996
kidnapping, rape, sexual battery, gross sexual imposition, 71997
aggravated arson, aggravated robbery, or aggravated burglary. 71998
Continued practice after suspension shall be considered practicing 71999
without a license or certificate. 72000

The board shall notify the individual subject to the 72001
suspension by certified mail or in person in accordance with 72002
section 119.07 of the Revised Code. If an individual whose license 72003
or certificate is automatically suspended under this division 72004
fails to make a timely request for an adjudication under Chapter 72005
119. of the Revised Code, the board shall do whichever of the 72006
following is applicable: 72007

(1) If the automatic suspension under this division is for a 72008
second or subsequent plea of guilty to, or judicial finding of 72009
guilt of, a violation of section 2919.123 of the Revised Code, the 72010
board shall enter an order suspending the individual's license or 72011
certificate to practice for a period of at least one year or, if 72012

determined appropriate by the board, imposing a more serious 72013
sanction involving the individual's license or certificate to 72014
practice. 72015

(2) In all circumstances in which division (I)(1) of this 72016
section does not apply, enter a final order permanently revoking 72017
the individual's license or certificate to practice. 72018

(J) If the board is required by Chapter 119. of the Revised 72019
Code to give notice of an opportunity for a hearing and if the 72020
individual subject to the notice does not timely request a hearing 72021
in accordance with section 119.07 of the Revised Code, the board 72022
is not required to hold a hearing, but may adopt, by an 72023
affirmative vote of not fewer than six of its members, a final 72024
order that contains the board's findings. In that final order, the 72025
board may order any of the sanctions identified under division (A) 72026
or (B) of this section. 72027

(K) Any action taken by the board under division (B) of this 72028
section resulting in a suspension from practice shall be 72029
accompanied by a written statement of the conditions under which 72030
the individual's license or certificate to practice may be 72031
reinstated. The board shall adopt rules governing conditions to be 72032
imposed for reinstatement. Reinstatement of a license or 72033
certificate suspended pursuant to division (B) of this section 72034
requires an affirmative vote of not fewer than six members of the 72035
board. 72036

(L) When the board refuses to grant or issue a license or 72037
certificate to practice to an applicant, revokes an individual's 72038
license or certificate to practice, refuses to renew an 72039
individual's license or certificate to practice, or refuses to 72040
reinstate an individual's license or certificate to practice, the 72041
board may specify that its action is permanent. An individual 72042
subject to a permanent action taken by the board is forever 72043
thereafter ineligible to hold a license or certificate to practice 72044

and the board shall not accept an application for reinstatement of 72045
the license or certificate or for issuance of a new license or 72046
certificate. 72047

(M) Notwithstanding any other provision of the Revised Code, 72048
all of the following apply: 72049

(1) The surrender of a license or certificate issued under 72050
this chapter shall not be effective unless or until accepted by 72051
the board. A telephone conference call may be utilized for 72052
acceptance of the surrender of an individual's license or 72053
certificate to practice. The telephone conference call shall be 72054
considered a special meeting under division (F) of section 121.22 72055
of the Revised Code. Reinstatement of a license or certificate 72056
surrendered to the board requires an affirmative vote of not fewer 72057
than six members of the board. 72058

(2) An application for a license or certificate made under 72059
the provisions of this chapter may not be withdrawn without 72060
approval of the board. 72061

(3) Failure by an individual to renew a license or 72062
certificate to practice in accordance with this chapter or a 72063
certificate to recommend in accordance with rules adopted under 72064
section 4731.301 of the Revised Code shall not remove or limit the 72065
board's jurisdiction to take any disciplinary action under this 72066
section against the individual. 72067

(4) At the request of the board, a license or certificate 72068
holder shall immediately surrender to the board a license or 72069
certificate that the board has suspended, revoked, or permanently 72070
revoked. 72071

(N) Sanctions shall not be imposed under division (B)(28) of 72072
this section against any person who waives deductibles and 72073
copayments as follows: 72074

(1) In compliance with the health benefit plan that expressly 72075

allows such a practice. Waiver of the deductibles or copayments 72076
shall be made only with the full knowledge and consent of the plan 72077
purchaser, payer, and third-party administrator. Documentation of 72078
the consent shall be made available to the board upon request. 72079

(2) For professional services rendered to any other person 72080
authorized to practice pursuant to this chapter, to the extent 72081
allowed by this chapter and rules adopted by the board. 72082

(0) Under the board's investigative duties described in this 72083
section and subject to division (F) of this section, the board 72084
shall develop and implement a quality intervention program 72085
designed to improve through remedial education the clinical and 72086
communication skills of individuals authorized under this chapter 72087
to practice medicine and surgery, osteopathic medicine and 72088
surgery, and podiatric medicine and surgery. In developing and 72089
implementing the quality intervention program, the board may do 72090
all of the following: 72091

(1) Offer in appropriate cases as determined by the board an 72092
educational and assessment program pursuant to an investigation 72093
the board conducts under this section; 72094

(2) Select providers of educational and assessment services, 72095
including a quality intervention program panel of case reviewers; 72096

(3) Make referrals to educational and assessment service 72097
providers and approve individual educational programs recommended 72098
by those providers. The board shall monitor the progress of each 72099
individual undertaking a recommended individual educational 72100
program. 72101

(4) Determine what constitutes successful completion of an 72102
individual educational program and require further monitoring of 72103
the individual who completed the program or other action that the 72104
board determines to be appropriate; 72105

(5) Adopt rules in accordance with Chapter 119. of the 72106

Revised Code to further implement the quality intervention program. 72107
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An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 72109
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Sec. 4731.221. If the state medical board has reason to believe that any person who has been granted a license or certificate under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which such person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the board secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section. 72112
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If any person who has been granted a license or certificate under this chapter is adjudged by a probate court to be mentally ill or mentally incompetent, the person's license or certificate shall be automatically suspended until such person has filed with the state medical board a certified copy of an adjudication by a probate court of the person's subsequent restoration to competency or has submitted to such board proof, satisfactory to the board, that the person has been discharged as having a restoration to competency in the manner and form provided in section 5122.38 of the Revised Code. The judge of such court shall forthwith notify the state medical board of an adjudication of mental illness or mental incompetence, and shall note any suspension of a license or certificate in the margin of the court's record of such license or certificate. 72122
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Sec. 4731.222. (A) This section applies to both of the 72136

following:	72137
(1) An applicant seeking restoration of a <u>license or</u>	72138
certificate issued under this chapter that has been in a suspended	72139
or inactive state for any cause for more than two years;	72140
(2) An applicant seeking issuance of a <u>license or</u> certificate	72141
pursuant to section 4731.17, 4731.29 , <u>or</u> 4731.295, 4731.57 , or	72142
4731.571 of the Revised Code who for more than two years has not	72143
been engaged in the practice of medicine and surgery, osteopathic	72144
medicine and surgery, podiatric medicine and surgery , or a limited	72145
branch of medicine as any of the following:	72146
(a) An active practitioner;	72147
(b) A participant in a program of graduate medical education,	72148
as defined in section 4731.091 <u>4731.04</u> of the Revised Code;	72149
(c) A student in a college of podiatry determined by the	72150
state medical board to be in good standing;	72151
(d) A student in a school, college, or institution giving	72152
instruction in a limited branch of medicine determined by the	72153
board to be in good standing under section 4731.16 of the Revised	72154
Code.	72155
(B) Before restoring a <u>license or</u> certificate to good	72156
standing for or issuing a <u>license or</u> certificate to an applicant	72157
subject to this section, the state medical board may impose terms	72158
and conditions including any one or more of the following:	72159
(1) Requiring the applicant to pass an oral or written	72160
examination, or both, to determine the applicant's present fitness	72161
to resume practice;	72162
(2) Requiring the applicant to obtain additional training and	72163
to pass an examination upon completion of such training;	72164
(3) Requiring an assessment of the applicant's physical	72165
skills for purposes of determining whether the applicant's	72166

coordination, fine motor skills, and dexterity are sufficient for 72167
performing medical evaluations and procedures in a manner that 72168
meets the minimal standards of care; 72169

(4) Requiring an assessment of the applicant's skills in 72170
recognizing and understanding diseases and conditions; 72171

(5) Requiring the applicant to undergo a comprehensive 72172
physical examination, which may include an assessment of physical 72173
abilities, evaluation of sensory capabilities, or screening for 72174
the presence of neurological disorders; 72175

(6) Restricting or limiting the extent, scope, or type of 72176
practice of the applicant. 72177

The board shall consider the moral background and the 72178
activities of the applicant during the period of suspension or 72179
inactivity, in accordance with section ~~4731.08~~ 4731.09, 4731.19, 72180
or 4731.52 of the Revised Code. The board shall not restore a 72181
license or certificate under this section unless the applicant 72182
complies with sections 4776.01 to 4776.04 of the Revised Code. 72183

Sec. 4731.223. (A) As used in this section, "prosecutor" has 72184
the same meaning as in section 2935.01 of the Revised Code. 72185

(B) Whenever any person holding a valid license or 72186
certificate issued pursuant to this chapter pleads guilty to, is 72187
subject to a judicial finding of guilt of, or is subject to a 72188
judicial finding of eligibility for intervention in lieu of 72189
conviction for a violation of Chapter 2907., 2925., or 3719. of 72190
the Revised Code or of any substantively comparable ordinance of a 72191
municipal corporation in connection with the person's practice, or 72192
for a second or subsequent time pleads guilty to, or is subject to 72193
a judicial finding of guilt of, a violation of section 2919.123 of 72194
the Revised Code, the prosecutor in the case, on forms prescribed 72195
and provided by the state medical board, shall promptly notify the 72196

board of the conviction or guilty plea. Within thirty days of 72197
receipt of that information, the board shall initiate action in 72198
accordance with Chapter 119. of the Revised Code to determine 72199
whether to suspend or revoke the license or certificate under 72200
section 4731.22 of the Revised Code. 72201

(C) The prosecutor in any case against any person holding a 72202
valid license or certificate issued pursuant to this chapter, on 72203
forms prescribed and provided by the state medical board, shall 72204
notify the board of any of the following: 72205

(1) A plea of guilty to, a finding of guilt by a jury or 72206
court of, or judicial finding of eligibility for intervention in 72207
lieu of conviction for a felony, or a case in which the trial 72208
court issues an order of dismissal upon technical or procedural 72209
grounds of a felony charge; 72210

(2) A plea of guilty to, a finding of guilt by a jury or 72211
court of, or judicial finding of eligibility for intervention in 72212
lieu of conviction for a misdemeanor committed in the course of 72213
practice, or a case in which the trial court issues an order of 72214
dismissal upon technical or procedural grounds of a charge of a 72215
misdemeanor, if the alleged act was committed in the course of 72216
practice; 72217

(3) A plea of guilty to, a finding of guilt by a jury or 72218
court of, or judicial finding of eligibility for intervention in 72219
lieu of conviction for a misdemeanor involving moral turpitude, or 72220
a case in which the trial court issues an order of dismissal upon 72221
technical or procedural grounds of a charge of a misdemeanor 72222
involving moral turpitude. 72223

The report shall include the name and address of the license 72224
or certificate holder, the nature of the offense for which the 72225
action was taken, and the certified court documents recording the 72226
action. 72227

Sec. 4731.224. (A) Within sixty days after the imposition of 72228
any formal disciplinary action taken by any health care facility, 72229
including a hospital, health care facility operated by a health 72230
insuring corporation, ambulatory surgical center, or similar 72231
facility, against any individual holding a valid license or 72232
certificate to practice issued pursuant to this chapter, the chief 72233
administrator or executive officer of the facility shall report to 72234
the state medical board the name of the individual, the action 72235
taken by the facility, and a summary of the underlying facts 72236
leading to the action taken. Upon request, the board shall be 72237
provided certified copies of the patient records that were the 72238
basis for the facility's action. Prior to release to the board, 72239
the summary shall be approved by the peer review committee that 72240
reviewed the case or by the governing board of the facility. As 72241
used in this division, "formal disciplinary action" means any 72242
action resulting in the revocation, restriction, reduction, or 72243
termination of clinical privileges for violations of professional 72244
ethics, or for reasons of medical incompetence, medical 72245
malpractice, or drug or alcohol abuse. "Formal disciplinary 72246
action" includes a summary action, an action that takes effect 72247
notwithstanding any appeal rights that may exist, and an action 72248
that results in an individual surrendering clinical privileges 72249
while under investigation and during proceedings regarding the 72250
action being taken or in return for not being investigated or 72251
having proceedings held. "Formal disciplinary action" does not 72252
include any action taken for the sole reason of failure to 72253
maintain records on a timely basis or failure to attend staff or 72254
section meetings. 72255

The filing or nonfiling of a report with the board, 72256
investigation by the board, or any disciplinary action taken by 72257
the board, shall not preclude any action by a health care facility 72258
to suspend, restrict, or revoke the individual's clinical 72259

privileges. 72260

In the absence of fraud or bad faith, no individual or entity 72261
that provides patient records to the board shall be liable in 72262
damages to any person as a result of providing the records. 72263

(B) If any individual authorized to practice under this 72264
chapter or any professional association or society of such 72265
individuals believes that a violation of any provision of this 72266
chapter, Chapter 4730., 4760., 4762., 4774., or 4778. of the 72267
Revised Code, or any rule of the board has occurred, the 72268
individual, association, or society shall report to the board the 72269
information upon which the belief is based. This division does not 72270
require any treatment provider approved by the board under section 72271
4731.25 of the Revised Code or any employee, agent, or 72272
representative of such a provider to make reports with respect to 72273
an impaired practitioner participating in treatment or aftercare 72274
for substance abuse as long as the practitioner maintains 72275
participation in accordance with the requirements of section 72276
4731.25 of the Revised Code, and as long as the treatment provider 72277
or employee, agent, or representative of the provider has no 72278
reason to believe that the practitioner has violated any provision 72279
of this chapter or any rule adopted under it, other than the 72280
provisions of division (B)(26) of section 4731.22 of the Revised 72281
Code. This division does not require reporting by any member of an 72282
impaired practitioner committee established by a health care 72283
facility or by any representative or agent of a committee or 72284
program sponsored by a professional association or society of 72285
individuals authorized to practice under this chapter to provide 72286
peer assistance to practitioners with substance abuse problems 72287
with respect to a practitioner who has been referred for 72288
examination to a treatment program approved by the board under 72289
section 4731.25 of the Revised Code if the practitioner cooperates 72290
with the referral for examination and with any determination that 72291

the practitioner should enter treatment and as long as the 72292
committee member, representative, or agent has no reason to 72293
believe that the practitioner has ceased to participate in the 72294
treatment program in accordance with section 4731.25 of the 72295
Revised Code or has violated any provision of this chapter or any 72296
rule adopted under it, other than the provisions of division 72297
(B)(26) of section 4731.22 of the Revised Code. 72298

(C) Any professional association or society composed 72299
primarily of doctors of medicine and surgery, doctors of 72300
osteopathic medicine and surgery, doctors of podiatric medicine 72301
and surgery, or practitioners of limited branches of medicine that 72302
suspends or revokes an individual's membership for violations of 72303
professional ethics, or for reasons of professional incompetence 72304
or professional malpractice, within sixty days after a final 72305
decision shall report to the board, on forms prescribed and 72306
provided by the board, the name of the individual, the action 72307
taken by the professional organization, and a summary of the 72308
underlying facts leading to the action taken. 72309

The filing of a report with the board or decision not to file 72310
a report, investigation by the board, or any disciplinary action 72311
taken by the board, does not preclude a professional organization 72312
from taking disciplinary action against an individual. 72313

(D) Any insurer providing professional liability insurance to 72314
an individual authorized to practice under this chapter, or any 72315
other entity that seeks to indemnify the professional liability of 72316
such an individual, shall notify the board within thirty days 72317
after the final disposition of any written claim for damages where 72318
such disposition results in a payment exceeding twenty-five 72319
thousand dollars. The notice shall contain the following 72320
information: 72321

(1) The name and address of the person submitting the 72322
notification; 72323

(2) The name and address of the insured who is the subject of the claim; 72324
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(3) The name of the person filing the written claim; 72326

(4) The date of final disposition; 72327

(5) If applicable, the identity of the court in which the final disposition of the claim took place. 72328
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(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual. 72330
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(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order. 72340
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The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's clinical privileges. The board shall indicate whether or not the 72350
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information has been verified. Information transmitted by the 72355
board shall be subject to the same confidentiality provisions as 72356
when maintained by the board. 72357

(G) Except for reports filed by an individual pursuant to 72358
division (B) of this section, the board shall send a copy of any 72359
reports or summaries it receives pursuant to this section to the 72360
individual who is the subject of the reports or summaries. The 72361
individual shall have the right to file a statement with the board 72362
concerning the correctness or relevance of the information. The 72363
statement shall at all times accompany that part of the record in 72364
contention. 72365

(H) An individual or entity that, pursuant to this section, 72366
reports to the board or refers an impaired practitioner to a 72367
treatment provider approved by the board under section 4731.25 of 72368
the Revised Code shall not be subject to suit for civil damages as 72369
a result of the report, referral, or provision of the information. 72370

(I) In the absence of fraud or bad faith, no professional 72371
association or society of individuals authorized to practice under 72372
this chapter that sponsors a committee or program to provide peer 72373
assistance to practitioners with substance abuse problems, no 72374
representative or agent of such a committee or program, and no 72375
member of the state medical board shall be held liable in damages 72376
to any person by reason of actions taken to refer a practitioner 72377
to a treatment provider approved under section 4731.25 of the 72378
Revised Code for examination or treatment. 72379

Sec. 4731.225. (A) If the holder of a license or certificate 72380
issued under this chapter violates division (A), (B), or (C) of 72381
section 4731.66 or section 4731.69 of the Revised Code, or if any 72382
other person violates division (B) or (C) of section 4731.66 or 72383
section 4731.69 of the Revised Code, the state medical board, 72384
pursuant to an adjudication under Chapter 119. of the Revised Code 72385

and an affirmative vote of not fewer than six of its members, 72386
shall: 72387

(1) For a first violation, impose a civil penalty of not more 72388
than five thousand dollars; 72389

(2) For each subsequent violation, impose a civil penalty of 72390
not more than twenty thousand dollars and, if the violator is a 72391
license or certificate holder, proceed under division (B)(27) of 72392
section 4731.22 of the Revised Code. 72393

(B)(1) If the holder of a license or certificate issued under 72394
this chapter violates any section of this chapter other than 72395
section 4731.281 or 4731.282 of the Revised Code or the sections 72396
specified in division (A) of this section, or violates any rule 72397
adopted under this chapter, the board may, pursuant to an 72398
adjudication under Chapter 119. of the Revised Code and an 72399
affirmative vote of not fewer than six of its members, impose a 72400
civil penalty. The amount of the civil penalty shall be determined 72401
by the board in accordance with the guidelines adopted under 72402
division (B)(2) of this section. The civil penalty may be in 72403
addition to any other action the board may take under section 72404
4731.22 of the Revised Code. 72405

(2) The board shall adopt and may amend guidelines regarding 72406
the amounts of civil penalties to be imposed under this section. 72407
Adoption or amendment of the guidelines requires the approval of 72408
not fewer than six board members. 72409

Under the guidelines, no civil penalty amount shall exceed 72410
twenty thousand dollars. 72411

(C) Amounts received from payment of civil penalties imposed 72412
under this section shall be deposited by the board in accordance 72413
with section 4731.24 of the Revised Code. Amounts received from 72414
payment of civil penalties imposed for violations of division 72415
(B)(26) of section 4731.22 of the Revised Code shall be used by 72416

the board solely for investigations, enforcement, and compliance 72417
monitoring. 72418

Sec. 4731.23. (A)(1)(a) The state medical board shall 72419
designate one or more attorneys at law who have been admitted to 72420
the practice of law, and who are classified as either 72421
administrative law attorney examiners or as administrative law 72422
attorney examiner administrators under the state job 72423
classification plan adopted under section 124.14 of the Revised 72424
Code, as hearing examiners, subject to Chapter 119. of the Revised 72425
Code, to conduct any hearing which the medical board is empowered 72426
to hold or undertake pursuant to Chapter 119. of the Revised Code. 72427

(b) Notwithstanding the requirement of division (A)(1)(a) of 72428
this section that the board designate as a hearing examiner an 72429
attorney who is classified as either an administrative law 72430
attorney examiner or an administrative law attorney examiner 72431
administrator, the board may, subject to section 127.16 of the 72432
Revised Code, enter into a personal service contract with an 72433
attorney admitted to the practice of law in this state to serve on 72434
a temporary basis as a hearing examiner. 72435

(2) The hearing examiner shall hear and consider the oral and 72436
documented evidence introduced by the parties and issue in writing 72437
proposed findings of fact and conclusions of law to the board for 72438
their consideration within thirty days following the close of the 72439
hearing. 72440

(B) The board shall be given copies of the transcript of the 72441
record hearing and all exhibits and documents presented by the 72442
parties at the hearing. 72443

(C) The board shall, upon the favorable vote of three 72444
members, allow the parties or their counsel the opportunity to 72445
present oral arguments on the proposed findings of fact and 72446
conclusions of law of the hearing examiner prior to the board's 72447

final action. 72448

(D) The board shall render a decision and take action within 72449
sixty days following the receipt of the hearing examiner's 72450
proposed findings of fact and conclusions of law or within any 72451
longer period mutually agreed upon by the board and the license or 72452
certificate holder. 72453

(E) The final decision of the board in any hearing which the 72454
board is empowered to undertake shall be in writing and contain 72455
findings of fact and conclusions of law. Copies of the decision 72456
shall be delivered to the parties personally or by certified mail. 72457
The decision shall be final upon delivery or mailing, except that 72458
the license or certificate holder may appeal in the manner 72459
provided by Chapter 119. of the Revised Code. 72460

Sec. 4731.26. Upon application by the holder of a license or 72461
certificate to practice issued under this chapter, the state 72462
medical board shall issue a duplicate license or certificate to 72463
replace one missing or damaged, to reflect a name change, or for 72464
any other reasonable cause. The fee for a duplicate license or 72465
certificate to practice shall be thirty-five dollars. 72466

Sec. 4731.281. (A)(1) Each person holding a ~~certificate~~ 72467
license issued under this chapter to practice medicine and 72468
surgery, osteopathic medicine and surgery, or podiatric medicine 72469
and surgery wishing to renew that ~~certificate~~ license shall apply 72470
to the board for renewal. Applications shall be submitted to the 72471
board in a manner prescribed by the board. Each application shall 72472
be accompanied by a biennial renewal fee of three hundred five 72473
dollars. Applications shall be submitted according to the 72474
following schedule: 72475

(a) Persons whose last name begins with the letters "A" 72476
through "B," on or before ~~April 1, 2001,~~ and the first day of 72477

~~April~~ July of every odd-numbered year ~~thereafter~~; 72478

(b) Persons whose last name begins with the letters "C" 72479
through "D," on or before ~~January 1, 2001,~~ and the first day of 72480
~~January~~ April of every odd-numbered year ~~thereafter~~; 72481

(c) Persons whose last name begins with the letters "E" 72482
through "G," on or before ~~October 1, 2000,~~ and the first day of 72483
~~October~~ January of every ~~even-numbered~~ odd-numbered year 72484
~~thereafter~~; 72485

(d) Persons whose last name begins with the letters "H" 72486
through "K," on or before ~~July 1, 2000,~~ and the first day of ~~July~~ 72487
October of every even-numbered year ~~thereafter~~; 72488

(e) Persons whose last name begins with the letters "L" 72489
through "M," on or before ~~April 1, 2000,~~ and the first day of 72490
~~April~~ July of every even-numbered year ~~thereafter~~; 72491

(f) Persons whose last name begins with the letters "N" 72492
through "R," on or before ~~January 1, 2000,~~ and the first day of 72493
~~January~~ April of every even-numbered year ~~thereafter~~; 72494

(g) Persons whose last name begins with the letter "S," on or 72495
before ~~October 1, 1999,~~ and the first day of ~~October~~ January of 72496
every ~~odd-numbered~~ even-numbered year ~~thereafter~~; 72497

(h) Persons whose last name begins with the letters "T" 72498
through "Z," on or before ~~July 1, 1999,~~ and the first day of ~~July~~ 72499
October of every odd-numbered year ~~thereafter~~. 72500

The board shall deposit the fee in accordance with section 72501
4731.24 of the Revised Code, except that the board shall deposit 72502
twenty dollars of the fee into the state treasury to the credit of 72503
the physician loan repayment fund created by section 3702.78 of 72504
the Revised Code. 72505

(2) The board shall provide to every person holding a 72506
~~certificate~~ license to practice medicine and surgery, osteopathic 72507

medicine and surgery, or podiatric medicine and surgery, a renewal 72508
notice or may provide the notice to the person through the 72509
secretary of any recognized medical, osteopathic, or podiatric 72510
society, ~~according to the following schedule:~~ 72511

~~(a) To persons whose last name begins with the letters "A" 72512
through "B," on or before January 1, 2001, and the first day of 72513
January of every odd numbered year thereafter;~~ 72514

~~(b) To persons whose last name begins with the letters "C" 72515
through "D," on or before October 1, 2000, and the first day of 72516
October of every even numbered year thereafter;~~ 72517

~~(c) To persons whose last name begins with the letters "E" 72518
through "G," on or before July 1, 2000, and the first day of July 72519
of every even numbered year thereafter;~~ 72520

~~(d) To persons whose last name begins with the letters "H" 72521
through "K," on or before April 1, 2000, and the first day of 72522
April of every even numbered year thereafter;~~ 72523

~~(e) To persons whose last name begins with the letters "L" 72524
through "M," on or before January 1, 2000, and the first day of 72525
January of every even numbered year thereafter;~~ 72526

~~(f) To persons whose last name begins with the letters "N" 72527
through "R," on or before October 1, 1999, and the first day of 72528
October of every odd numbered year thereafter;~~ 72529

~~(g) To persons whose last name begins with the letter "S," on 72530
or before July 1, 1999, and the first day of July of every 72531
odd numbered year thereafter;~~ 72532

~~(h) To persons whose last name begins with the letters "T" 72533
through "Z," on or before April 1, 1999, and the first day of 72534
April of every odd numbered year thereafter. The notice shall be 72535
provided to the person at least one month prior to the date on 72536
which the person's license expires. 72537~~

(3) Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section.

(4) The board's notice shall inform the applicant of the renewal procedure. The board shall provide the application for renewal in a form determined by the board.

(5) The applicant shall provide in the application the applicant's full name; the applicant's residence address, business address, and electronic mail address; the number of the applicant's ~~certificate~~ license to practice; and any other information required by the board.

(6)(a) Except as provided in division (A)(6)(b) of this section, in the case of an applicant who prescribes or personally furnishes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify to the board whether the applicant has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(b) The requirement in division (A)(6)(a) of this section does not apply if any of the following is the case:

(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database.

(ii) The state board of pharmacy no longer maintains the drug database.

(iii) The applicant does not practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in this state.

(c) If an applicant certifies to the state medical board that

the applicant has been granted access to the drug database and the 72568
board finds through an audit or other means that the applicant has 72569
not been granted access, the board may take action under section 72570
4731.22 of the Revised Code. 72571

(7) The applicant shall ~~include with the application a list~~ 72572
~~of the names and addresses of~~ indicate whether the applicant 72573
currently collaborates, as that term is defined in section 4723.01 72574
of the Revised Code, with any clinical nurse specialists, 72575
certified nurse-midwives, or certified nurse practitioners ~~with~~ 72576
~~whom the applicant is currently collaborating, as defined in~~ 72577
~~section 4723.01 of the Revised Code.~~ 72578

(8) The applicant shall report any criminal offense to which 72579
the applicant has pleaded guilty, of which the applicant has been 72580
found guilty, or for which the applicant has been found eligible 72581
for intervention in lieu of conviction, since last ~~filing~~ 72582
submitting an application for a certificate license to practice or 72583
renewal of a ~~certificate~~ license. 72584

(9) The applicant shall execute and deliver the application 72585
to the board in a manner prescribed by the board. 72586

(B) The board shall renew a ~~certificate~~ license under this 72587
chapter to practice medicine and surgery, osteopathic medicine and 72588
surgery, or podiatric medicine and surgery upon application and 72589
qualification therefor in accordance with this section. A renewal 72590
shall be valid for a two-year period. 72591

(C) Failure of any ~~certificate~~ license holder to renew and 72592
comply with this section shall operate automatically to suspend 72593
the holder's ~~certificate~~ license to practice and if applicable, 72594
the holder's certificate to recommend issued under section 4731.30 72595
of the Revised Code. Continued practice after the suspension shall 72596
be considered as practicing in violation of section 4731.41, 72597
4731.43, or 4731.60 of the Revised Code. ~~if~~ 72598

~~If the certificate license has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate a certificate license to practice suspended for failure to renew upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement shall be one payment of a reinstatement fee of four hundred five dollars. ~~If~~~~

~~If the certificate license has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4731.222 of the Revised Code, the board may restore a certificate license to practice suspended for failure to renew upon an applicant's submission of a restoration application, the biennial renewal fee, and the applicable monetary penalty payment of a restoration fee of five hundred five dollars, and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a certificate license to practice unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate license issued pursuant to section 4731.14, or 4731.56, ~~or 4731.57~~ of the Revised Code. ~~The penalty for restoration shall be two hundred dollars. The board shall deposit the penalties in accordance with section 4731.24 of the Revised Code. Any renewal reinstatement or restoration of a certificate license to practice under this section shall operate automatically to renew the holder's certificate to recommend.~~~~

~~(D) ~~If an individual certifies completion of the number of hours and type of continuing medical education required to renew or reinstate a certificate to practice, and the board finds through the random samples it conducts under this section or through any other means that the individual did not complete the requisite continuing medical education, the board may impose a civil penalty of not more than five thousand dollars. The board's~~~~

~~finding shall be made pursuant to an adjudication under Chapter 72631
119. of the Revised Code and by an affirmative vote of not fewer 72632
than six members. 72633~~

~~A civil penalty imposed under this division may be in 72634
addition to or in lieu of any other action the board may take 72635
under section 4731.22 of the Revised Code. The board shall deposit 72636
civil penalties in accordance with section 4731.24 of the Revised 72637
Code. 72638~~

~~(E) The state medical board may obtain information not 72639
protected by statutory or common law privilege from courts and 72640
other sources concerning malpractice claims against any person 72641
holding a certificate license to practice under this chapter or 72642
practicing as provided in section 4731.36 of the Revised Code. 72643~~

~~(F)(E) Each mailing sent by the board under division (A)(2) 72644
of this section to a person holding a certificate license to 72645
practice medicine and surgery or osteopathic medicine and surgery 72646
shall inform the applicant of the reporting requirement 72647
established by division (H) of section 3701.79 of the Revised 72648
Code. At the discretion of the board, the information may be 72649
included on the application for renewal or on an accompanying 72650
page. 72651~~

~~(G)(F) Each person holding a certificate license to practice 72652
medicine and surgery, osteopathic medicine and surgery, or 72653
podiatric medicine and surgery shall give notice to the board of 72654
any of the following changes a change in the license holder's 72655
residence address, business address, or electronic mail address 72656
not later than thirty days after the change occurs. 72657~~

~~(1) A change in the certificate holder's residence address, 72658
business address, or electronic mail address. 72659~~

~~(2) A change in the list provided under division (B)(7) of 72660
this section of names and addresses of the nurses with whom the 72661~~

~~certificate holder is collaborating.~~ 72662

Sec. 4731.282. (A)(1) Except as provided in division (D) of 72663
this section, each person holding a ~~certificate~~ license to 72664
practice medicine and surgery, osteopathic medicine and surgery, 72665
or podiatric medicine and surgery issued by the state medical 72666
board shall complete biennially not less than one hundred hours of 72667
continuing medical education that has been approved by the board. 72668

(2) Each person holding a ~~certificate~~ license to practice 72669
shall be given sufficient choice of continuing education programs 72670
to ensure that the person has had a reasonable opportunity to 72671
participate in continuing education programs that are relevant to 72672
the person's medical practice in terms of subject matter and 72673
level. 72674

(B) In determining whether a course, program, or activity 72675
qualifies for credit as continuing medical education, the board 72676
shall approve all of the following: 72677

(1) Continuing medical education completed by holders of 72678
~~certificates~~ licenses to practice medicine and surgery that is 72679
certified by the Ohio state medical association; 72680

(2) Continuing medical education completed by holders of 72681
~~certificates~~ licenses to practice osteopathic medicine and surgery 72682
that is certified by the Ohio osteopathic association; 72683

(3) Continuing medical education completed by holders of 72684
~~certificates~~ licenses to practice podiatric medicine and surgery 72685
that is certified by the Ohio podiatric medical association. 72686

(C) The board shall approve one or more continuing medical 72687
education courses of study included within the programs certified 72688
by the Ohio state medical association and the Ohio osteopathic 72689
association under divisions (B)(1) and (2) of this section that 72690
assist doctors of medicine and doctors of osteopathic medicine in 72691

both of the following: 72692

(1) Recognizing the signs of domestic violence and its 72693
relationship to child abuse; 72694

(2) Diagnosing and treating chronic pain, as defined in 72695
section 4731.052 of the Revised Code. 72696

(D) The board shall adopt rules providing for pro rata 72697
reductions by month of the number of hours of continuing education 72698
that must be completed for ~~certificate~~ license holders who are in 72699
their first renewal period, have been disabled by illness or 72700
accident, or have been absent from the country. The board shall 72701
adopt the rules in accordance with Chapter 119. of the Revised 72702
Code. 72703

(E) The board may require a random sample of holders of 72704
~~certificates~~ licenses to practice medicine and surgery, 72705
osteopathic medicine and surgery, or podiatric medicine and 72706
surgery to submit materials documenting completion of the required 72707
number of hours of continuing medical education. This division 72708
does not limit the board's authority to conduct investigations 72709
pursuant to section 4731.22 of the Revised Code. 72710

(F) ~~The board may impose a civil penalty of not more than~~ 72711
~~five thousand dollars if~~ (1) If, through a random sample conducted 72712
under division (E) of this section or any other means, ~~it~~ the 72713
board finds that an individual ~~falsely~~ who certified ~~that the~~ 72714
~~individual completed~~ completion of the number of hours and type of 72715
continuing medical education required ~~for renewal of~~ to renew, 72716
reinstate, or restore a ~~certificate~~ license to practice. ~~If the~~ 72717
~~civil penalty is imposed in addition to any other action the board~~ 72718
~~takes~~ did not complete the requisite continuing medical education, 72719
the board may do either of the following: 72720

(a) Take disciplinary action against the individual under 72721
section 4731.22 of the Revised Code, ~~the,~~ impose a civil penalty, 72722

or both; 72723

(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty. 72724
72725

(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 72726
72727
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(3) A civil penalty imposed under this division may be in addition to or in lieu of any other action the board takes under section 4731.22 of the Revised Code. paid under division (F)(1)(b) of this section or imposed under division (F)(1)(a) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 72730
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Sec. 4731.291. (A) An individual seeking to pursue an internship, residency, or clinical fellowship program in this state, who does not hold a ~~certificate~~ license to practice medicine and surgery or osteopathic medicine or surgery issued under this chapter, shall apply to the state medical board for a training certificate. The application shall be made on forms that the board shall furnish and shall be accompanied by an application fee of seventy-five dollars. 72737
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An applicant for a training certificate shall furnish to the board ~~of~~ all of the following: 72745
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(1) Evidence satisfactory to the board that the applicant is at least eighteen years of age and is of good moral character. 72747
72748

(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following: 72749
72750
72751

(a) An internship or residency program accredited by either 72752

the accreditation council for graduate medical education of the 72753
American medical association or the American osteopathic 72754
association; 72755

(b) A clinical fellowship program at an institution with a 72756
residency program accredited by either the accreditation council 72757
for graduate medical education of the American medical association 72758
or the American osteopathic association that is in a clinical 72759
field the same as or related to the clinical field of the 72760
fellowship program; 72761

(3) Information identifying the beginning and ending dates of 72762
the period for which the applicant has been accepted or appointed 72763
to participate in the internship, residency, or clinical 72764
fellowship program; 72765

(4) Any other information that the board requires. 72766

(B) If no grounds for denying a license or certificate under 72767
section 4731.22 of the Revised Code apply, and the applicant meets 72768
the requirements of division (A) of this section, the board shall 72769
issue a training certificate to the applicant. The board shall not 72770
require an examination as a condition of receiving a training 72771
certificate. 72772

A training certificate issued pursuant to this section shall 72773
be valid only for the period of ~~one year~~ three years, but may in 72774
the discretion of the board and upon application duly made, be 72775
renewed annually ~~for a maximum of five~~ thereafter for up to two 72776
additional years. The fee for renewal of a training certificate 72777
shall be thirty-five dollars. 72778

The board shall maintain a register of all individuals who 72779
hold training certificates. 72780

(C) The holder of a valid training certificate shall be 72781
entitled to perform such acts as may be prescribed by or 72782
incidental to the holder's internship, residency, or clinical 72783

fellowship program, but the holder shall not be entitled otherwise 72784
to engage in the practice of medicine and surgery or osteopathic 72785
medicine and surgery in this state. The holder shall limit 72786
activities under the certificate to the programs of the hospitals 72787
or facilities for which the training certificate is issued. The 72788
holder shall train only under the supervision of the physicians 72789
responsible for supervision as part of the internship, residency, 72790
or clinical fellowship program. ~~A~~ 72791

A training certificate may be revoked by the board upon 72792
proof, satisfactory to the board, that the holder thereof has 72793
engaged in practice in this state outside the scope of the 72794
internship, residency, or clinical fellowship program for which 72795
the training certificate has been issued, or upon proof, 72796
satisfactory to the board, that the holder thereof has engaged in 72797
unethical conduct or that there are grounds for action against the 72798
holder under section 4731.22 of the Revised Code. 72799

(D) The board may adopt rules as the board finds necessary to 72800
effect the purpose of this section. 72801

Sec. 4731.292. The state medical board may register, without 72802
examination, persons who are not citizens of the United States, 72803
but who hold the degree of doctor of medicine or the degree of 72804
doctor of osteopathic medicine and surgery, for the purpose of 72805
permitting such persons to practice in hospitals operated by the 72806
state. Registration pursuant to this section permits practice of 72807
medicine or osteopathic medicine and surgery in state operated 72808
institutions under the supervision of the medical staff of such 72809
institution until the next scheduled examination ~~conducted~~ 72810
prescribed by the state medical board ~~under section 4731.13 of the~~ 72811
~~Revised Code~~ in its rules. 72812

An applicant for a limited certificate to practice medicine 72813
or osteopathic medicine and surgery shall furnish proof, 72814

satisfactory to the board, that: 72815

(A) ~~He~~ The applicant has filed an application for 72816
naturalization and that such application has not been rejected or 72817
withdrawn, or if not yet eligible to file an application for 72818
naturalization, ~~he~~ the applicant has filed a declaration of 72819
intention to become a citizen of the United States in an 72820
appropriate court of record. 72821

(B) ~~He~~ The applicant has successfully passed the educational 72822
council for foreign medical graduates test. 72823

(C) ~~He~~ The applicant is at least eighteen years of age and of 72824
good moral character. 72825

(D) ~~He~~ The applicant is a graduate of a medical or 72826
osteopathic school or college which is reputable and in good 72827
standing in the judgment of the board. 72828

(E) ~~He~~ The applicant will limit ~~his~~ the applicant's practice 72829
and training within the physical confines of the institution for 72830
which the limited certificate to practice is granted. 72831

(F) The medical staff of the institution for which the 72832
limited certificate to practice is granted has approved in writing 72833
~~his~~ the applicant's application for such certificate. 72834

(G) ~~He~~ The applicant will practice medicine or osteopathic 72835
medicine and surgery only under the supervision of the attending 72836
medical staff of the institution for which the limited certificate 72837
is granted. 72838

(H) ~~He~~ The applicant has made application to take the state 72839
medical board examination as provided by this section. 72840

Registration pursuant to this section shall be valid until 72841
such time as the applicant takes the state medical board 72842
examination. If the applicant passes the examination, ~~he~~ the 72843
applicant shall then be granted a limited certificate to practice 72844

medicine or osteopathic medicine and surgery. A holder of a 72845
limited certificate to practice, upon completion of the requisite 72846
training and upon receipt of ~~his~~ United States citizenship, shall 72847
be entitled to receive an unlimited ~~certificate~~ license to 72848
practice. 72849

A limited certificate to practice issued pursuant to this 72850
section shall be valid for a period of one year only, but may be 72851
renewed, in the discretion of the board and upon application duly 72852
made, annually, with the written approval of the medical staff of 72853
the institution for which the limited certificate to practice has 72854
been issued, but no limited certificate shall be renewed more than 72855
four times. The fee to be paid to the board for the issuances of 72856
the pre-examination registration permit to engage in limited 72857
practice shall be one hundred dollars; the fee to be paid for each 72858
renewal of a limited certificate shall be ten dollars. 72859

An applicant for a limited certificate to practice must take 72860
the an examination ~~conducted under section 4731.13 of the Revised~~ 72861
~~Code~~ prescribed by the board in its rules at the first reasonable 72862
opportunity. Failure to take the examination at the first 72863
reasonable opportunity authorizes the termination of the 72864
pre-examination registration permit to engage in a limited 72865
practice as defined in this section. 72866

The holder of a valid limited certificate to practice may 72867
engage in the practice of medicine and surgery or osteopathic 72868
medicine and surgery only under the supervision of a member of the 72869
medical staff of the institution for which the limited certificate 72870
to practice has been issued, and only within physical confines of 72871
the institution so named. A limited certificate to practice may be 72872
revoked by the board upon proof, satisfactory to the board, that 72873
the holder thereof has engaged in the practice of medicine and 72874
surgery or osteopathic medicine and surgery in this state outside 72875
the scope of ~~his~~ the holder's certificate, or upon proof that the 72876

holder thereof has engaged in unethical conduct or has violated 72877
section 4731.22 of the Revised Code. 72878

The board may promulgate such additional rules and 72879
regulations as the board finds necessary to effect the purpose of 72880
this section. 72881

Sec. 4731.293. (A) The state medical board may issue, without 72882
examination, a clinical research faculty certificate to practice 72883
medicine and surgery, osteopathic medicine and surgery, or 72884
podiatric medicine and surgery to any person who applies for the 72885
certificate and provides to the board all of the following: 72886

(1) Evidence satisfactory to the board of all of the 72887
following: 72888

(a) That the applicant holds a current, unrestricted license 72889
to practice medicine and surgery ~~or~~ osteopathic medicine and 72890
surgery, or podiatric medicine and surgery issued by another state 72891
or country; 72892

(b) That the applicant has been appointed to serve in this 72893
state on the academic staff of a medical school accredited by the 72894
liaison committee on medical education ~~or~~ an osteopathic medical 72895
school accredited by the American osteopathic association, or a 72896
college of podiatric medicine and surgery in good standing with 72897
the board; 72898

(c) That the applicant is an international medical graduate 72899
who holds a medical degree from an educational institution listed 72900
in the international medical education directory. 72901

(2) An affidavit and supporting documentation from the dean 72902
of the ~~medical~~ school or college, or the department director or 72903
chairperson of a teaching hospital affiliated with the school or 72904
college, that the applicant is qualified to perform teaching and 72905
research activities and will be permitted to work only under the 72906

authority of the department director or chairperson of a teaching 72907
hospital affiliated with the ~~medical~~ school or college where the 72908
applicant's teaching and research activities will occur; 72909

(3) A description from the ~~medical~~ school, college, or 72910
teaching hospital of the scope of practice in which the applicant 72911
will be involved, including the types of teaching, research, and 72912
procedures in which the applicant will be engaged; 72913

(4) A description from the ~~medical~~ school, college, or 72914
teaching hospital of the type and amount of patient contact that 72915
will occur in connection with the applicant's teaching and 72916
research activities. 72917

(B) An applicant for an initial clinical research faculty 72918
certificate shall pay a fee of three hundred seventy-five dollars. 72919

(C) The holder of a clinical research faculty certificate may 72920
~~practice~~ do one of the following, as applicable: 72921

(1) Practice medicine and surgery or osteopathic medicine and 72922
surgery only as is incidental to the certificate holder's teaching 72923
or research duties at the medical school or a teaching hospital 72924
affiliated with the school; 72925

(2) Practice podiatric medicine and surgery only as is 72926
incidental to the certificate holder's teaching or research duties 72927
at the college of podiatric medicine and surgery or a teaching 72928
hospital affiliated with the college. The 72929

(D) The board may revoke a certificate on receiving proof 72930
satisfactory to the board that the certificate holder has engaged 72931
in practice in this state outside the scope of the certificate or 72932
that there are grounds for action against the certificate holder 72933
under section 4731.22 of the Revised Code. 72934

~~(D)~~(E) A clinical research faculty certificate is valid for 72935
three years, except that the certificate ceases to be valid if the 72936

holder's academic staff appointment ~~to the academic staff of the~~ 72937
~~school~~ described in division (A)(1)(b) of this section is no 72938
longer valid or the certificate is revoked pursuant to division 72939
~~(C)(D)~~ of this section. 72940

~~(E)(F)(1) Three months before a clinical research faculty~~ 72941
~~certificate expires, the~~ The board shall ~~mail or cause to be~~ 72942
~~mailed~~ provide a renewal notice to the certificate holder ~~a notice~~ 72943
~~of renewal addressed to the certificate holder's last known~~ 72944
~~address at least one month before the certificate expires.~~ Failure 72945
of a certificate holder to receive a notice of renewal from the 72946
board shall not excuse the certificate holder from the 72947
requirements contained in this section. The notice shall inform 72948
the certificate holder of the renewal procedure. The notice also 72949
shall inform the certificate holder of the reporting requirement 72950
established by division (H) of section 3701.79 of the Revised 72951
Code. At the discretion of the board, the information may be 72952
included on the application for renewal or on an accompanying 72953
page. 72954

(2) A clinical research faculty certificate may be renewed 72955
for an additional three-year period. There is no limit on the 72956
number of times a certificate may be renewed. A person seeking 72957
renewal of a certificate shall apply to the board. The board shall 72958
provide the application for renewal in a form determined by the 72959
board. 72960

(3) An applicant is eligible for renewal if the applicant 72961
does all of the following: 72962

(a) Pays a renewal fee of three hundred seventy-five dollars; 72963

(b) Reports any criminal offense to which the applicant has 72964
pleaded guilty, of which the applicant has been found guilty, or 72965
for which the applicant has been found eligible for intervention 72966
in lieu of conviction, since last filing an application for a 72967

clinical research faculty certificate; 72968

(c) Provides to the board an affidavit and supporting 72969
documentation from the dean of the ~~medical~~ school or college, or 72970
the department director or chairperson of a teaching hospital 72971
affiliated with the school or college, that the applicant is in 72972
compliance with the applicant's current clinical research faculty 72973
certificate; 72974

(d) Provides evidence satisfactory to the board of all of the 72975
following: 72976

(i) That the applicant continues to maintain a current, 72977
unrestricted license to practice medicine and surgery ~~or~~, 72978
osteopathic medicine and surgery, or podiatric medicine and 72979
surgery issued by another state or country; 72980

(ii) That the applicant's initial appointment to serve in 72981
this state on the academic staff of a ~~medical~~ school or college is 72982
still valid or has been renewed; 72983

(iii) That the applicant has completed one hundred fifty 72984
hours of continuing medical education that meet the requirements 72985
set forth in section 4731.282 of the Revised Code. 72986

(4) Regardless of whether the certificate has expired, a 72987
person who was granted a visiting medical faculty certificate 72988
under this section as it existed immediately prior to June 6, 72989
2012, may apply for a clinical research faculty certificate as a 72990
renewal. The board may issue the clinical research faculty 72991
certificate if the applicant meets the requirements of division 72992
~~(E)~~(F)(3) of this section. The board may not issue a clinical 72993
research faculty certificate if the visiting medical faculty 72994
certificate was revoked. 72995

~~(F)~~(G) The board shall maintain a register of all persons who 72996
hold clinical research faculty certificates. 72997

~~(G)~~(H) The board may adopt any rules it considers necessary 72998
to implement this section. The rules shall be adopted in 72999
accordance with Chapter 119. of the Revised Code. 73000

Sec. 4731.294. (A) The state medical board may issue, without 73001
examination, a special activity certificate to any person seeking 73002
to practice medicine and surgery or osteopathic medicine and 73003
surgery in conjunction with a special activity, program, or event 73004
taking place in this state. 73005

(B) An applicant for a special activity certificate shall 73006
hold a telemedicine certificate issued under section 4731.296 of 73007
the Revised Code or submit evidence satisfactory to the board of 73008
all of the following: 73009

(1) The applicant holds a current, unrestricted license to 73010
practice medicine and surgery or osteopathic medicine and surgery 73011
issued by another state or country and that within the two-year 73012
period immediately preceding application, the applicant has done 73013
one of the following: 73014

(a) Actively practiced medicine and surgery or osteopathic 73015
medicine and surgery in the United States; 73016

(b) Participated in a graduate medical education program 73017
accredited by either the accreditation council for graduate 73018
medical education of the American medical association or the 73019
American osteopathic association; 73020

(c) Successfully passed the federation licensing examination 73021
established by the federation of state medical boards, a special 73022
examination established by the federation of state medical boards, 73023
or all parts of a standard medical licensing examination 73024
established for purposes of determining the competence of 73025
individuals to practice medicine and surgery or osteopathic 73026
medicine and surgery in the United States. 73027

(2) The applicant meets the same educational requirements 73028
that individuals must meet under sections 4731.09, ~~4731.091~~, and 73029
4731.14 of the Revised Code. 73030

(3) The applicant's practice in conjunction with the special 73031
activity, program, or event will be in the public interest. 73032

(C) The applicant shall pay a fee of one hundred twenty-five 73033
dollars unless the applicant holds a telemedicine certificate 73034
issued under section 4731.296 of the Revised Code. If the 73035
applicant holds a telemedicine certificate, the board shall not 73036
charge a fee for issuing a certificate under this section. The 73037
board shall maintain a register of all persons who hold a special 73038
activity certificate. 73039

(D) The holder of a special activity certificate may practice 73040
medicine and surgery or osteopathic medicine and surgery only in 73041
conjunction with the special activity, event, or program for which 73042
the certificate is issued. The board may revoke a certificate on 73043
receiving proof satisfactory to the board that the holder of the 73044
certificate has engaged in practice in this state outside the 73045
scope of the certificate or that there are grounds for action 73046
against the certificate holder under section 4731.22 of the 73047
Revised Code. 73048

(E) A special activity certificate is valid for the shorter 73049
of thirty days or the duration of the special activity, program, 73050
or event. The certificate may not be renewed. 73051

(F) The state medical board shall adopt rules in accordance 73052
with Chapter 119. of the Revised Code that specify how often an 73053
applicant may be granted a certificate under this section. 73054

Sec. 4731.295. (A)(1) As used in this section: 73055

(a) "Free clinic" has the same meaning as in section 3701.071 73056
of the Revised Code. 73057

(b) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license ~~or~~ ~~certificate~~ has expired with the person's intention of ceasing to practice medicine and surgery or osteopathic medicine and surgery for remuneration.

(B) The state medical board may issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide medical services to indigent and uninsured persons at any location, including a free clinic. The board shall deny issuance of a volunteer's certificate to a person who is not qualified under this section to hold a volunteer's certificate.

(C) An application for a volunteer's certificate shall include all of the following:

(1) A copy of the applicant's degree of medicine or osteopathic medicine.

(2) One of the following, as applicable:

(a) A copy of the applicant's most recent license ~~or~~ ~~certificate~~ authorizing the practice of medicine and surgery or osteopathic medicine and surgery issued by a jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.

(b) A copy of the applicant's most recent license equivalent to a license to practice medicine and surgery or osteopathic medicine and surgery in one or more branches of the United States armed services that the United States government issued.

(3) Evidence of one of the following, as applicable:

(a) That the applicant has maintained for at least ten years

prior to retirement full licensure in good standing in any 73088
jurisdiction in the United States that licenses persons to 73089
practice medicine and surgery or osteopathic medicine and surgery. 73090

(b) That the applicant has practiced for at least ten years 73091
prior to retirement in good standing as a doctor of medicine and 73092
surgery or osteopathic medicine and surgery in one or more of the 73093
branches of the United States armed services. 73094

(4) A notarized statement from the applicant, on a form 73095
prescribed by the board, that the applicant will not accept any 73096
form of remuneration for any medical services rendered while in 73097
possession of a volunteer's certificate. 73098

(D) The holder of a volunteer's certificate may provide 73099
medical services only to indigent and uninsured persons, but may 73100
do so at any location, including a free clinic. The holder shall 73101
not accept any form of remuneration for providing medical services 73102
while in possession of the certificate. Except in a medical 73103
emergency, the holder shall not perform any operation or deliver 73104
babies. The board may revoke a volunteer's certificate on 73105
receiving proof satisfactory to the board that the holder has 73106
engaged in practice in this state outside the scope of the 73107
certificate. 73108

(E)(1) A volunteer's certificate shall be valid for a period 73109
of three years, unless earlier revoked under division (D) of this 73110
section or pursuant to section 4731.22 of the Revised Code. A 73111
volunteer's certificate may be renewed upon the application of the 73112
holder. The board shall maintain a register of all persons who 73113
hold volunteer's certificates. The board shall not charge a fee 73114
for issuing or renewing a certificate pursuant to this section. 73115

(2) To be eligible for renewal of a volunteer's certificate 73116
the holder of the certificate shall certify to the board 73117
completion of one hundred fifty hours of continuing medical 73118

education that meets the requirements of section 4731.282 of the Revised Code regarding certification by private associations and approval by the board. The board may not renew a certificate if the holder has not complied with the continuing medical education requirements. Any entity for which the holder provides medical services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing medical education credits.

(3) The board shall issue a volunteer's certificate to each person who qualifies under this section for the certificate. The certificate shall state that the certificate holder is authorized to provide medical services pursuant to the laws of this state. The holder shall display the certificate prominently at the location where the holder primarily practices.

(4) The holder of a volunteer's certificate issued pursuant to this section is subject to the immunity provisions regarding the provision of services to indigent and uninsured persons in section 2305.234 of the Revised Code.

(F) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section.

Sec. 4731.296. (A) For the purposes of this section, "the practice of telemedicine" means the practice of medicine in this state through the use of any communication, including oral, written, or electronic communication, by a physician located outside this state.

(B) A person who wishes to practice telemedicine in this state shall file an application with the state medical board, together with a fee ~~in the amount of the fee described in division (D) of section 4731.29 of the Revised Code~~ three hundred five dollars and shall comply with sections 4776.01 to 4776.04 of the Revised Code. If the board, in its discretion, decides that the

results of the criminal records check do not make the person 73150
ineligible for a telemedicine certificate, the board may issue, 73151
without examination, a telemedicine certificate to a person who 73152
meets all of the following requirements: 73153

(1) The person holds a current, unrestricted license to 73154
practice medicine and surgery or osteopathic medicine and surgery 73155
issued by another state that requires license holders to complete 73156
at least fifty hours of continuing medical education every two 73157
years. 73158

(2) The person's principal place of practice is in that 73159
state. 73160

(3) The person does not hold a ~~certificate~~ license issued 73161
under this chapter authorizing the practice of medicine and 73162
surgery or osteopathic medicine and surgery in this state. 73163

(4) The person meets the same age, moral character, and 73164
educational requirements individuals must meet under sections 73165
~~4731.08,~~ 4731.09, ~~4731.091,~~ and 4731.14 of the Revised Code and, 73166
if applicable, demonstrates proficiency in spoken English in 73167
accordance with ~~division (E) of section 4731.29~~ 4731.142 of the 73168
Revised Code. 73169

(C) The holder of a telemedicine certificate may engage in 73170
the practice of telemedicine in this state. A person holding a 73171
telemedicine certificate shall not practice medicine in person in 73172
this state without obtaining a special activity certificate under 73173
section 4731.294 of the Revised Code. 73174

(D) The board may revoke a certificate issued under this 73175
section or take other disciplinary action against a certificate 73176
holder pursuant to section 4731.22 of the Revised Code on 73177
receiving proof satisfactory to the board that the certificate 73178
holder has engaged in practice in this state outside the scope of 73179
the certificate or that there are grounds for action against the 73180

holder under section 4731.22 of the Revised Code. 73181

(E) A telemedicine certificate shall be valid for a period 73182
specified by the board, and the initial renewal shall be in 73183
accordance with a schedule established by the board. Thereafter, 73184
the certificate shall be valid for two years. A certificate may be 73185
renewed on application of the holder. 73186

To be eligible for renewal, the holder of the certificate 73187
shall do both of the following: 73188

(1) Pay a fee in the amount of the fee described in division 73189
(A)(1) of section 4731.281 of the Revised Code; 73190

(2) Certify to the board compliance with the continuing 73191
medical education requirements of the state in which the holder's 73192
principal place of practice is located. 73193

The board may require a random sample of persons holding a 73194
telemedicine certificate to submit materials documenting 73195
completion of the continuing medical education requirements 73196
described in this division. 73197

(F) The board shall convert a telemedicine certificate to a 73198
~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the 73199
Revised Code on receipt of a written request from the certificate 73200
holder. Once the telemedicine certificate is converted, the holder 73201
is subject to all requirements and privileges attendant to a 73202
~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the 73203
Revised Code, including continuing medical education requirements. 73204

Sec. 4731.298. (A) The state medical board shall issue, 73205
without examination, to an applicant who meets the requirements of 73206
this section a visiting clinical professional development 73207
certificate authorizing the practice of medicine and surgery or 73208
osteopathic medicine and surgery as part of the applicant's 73209
participation in a clinical professional development program. 73210

(B) To be eligible for a visiting clinical professional development certificate, an applicant shall provide to the board both of the following:

(1) Documentation satisfactory to the board of all of the following:

(a) Verification from the school or hospital conducting the program that the applicant has sufficient financial resources to support the applicant and any dependents based on the cost of living in the geographic area of the school or hospital conducting the program, including room, board, transportation, and related living expenses;

(b) Valid health and evacuation insurance for the duration of the applicant's stay in the United States;

(c) Professional liability insurance provided by the program or the school or hospital conducting the program for the duration of the applicant's participation in the program;

(d) Proficiency in spoken English as demonstrated by passing the examination described in section 4731.142 of the Revised Code;

(e) A description from the school or hospital conducting the program of the scope of medical or surgical activities permitted during the applicant's participation in the program that includes all of the following:

(i) The type of practice in which the applicant will be involved;

(ii) The type of patient contact that will occur;

(iii) The type of supervision the applicant will experience;

(iv) A list of procedures the applicant will learn;

(v) A list of any patient-based research projects in which the applicant will be involved;

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(vi) Whether the applicant will act as a consultant to a person who holds a certificate <u>license</u> to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter;	73240 73241 73242 73243
(vii) Any other details of the applicant's participation in the program.	73244 73245
(f) A statement from the school or hospital conducting the program regarding why the applicant needs advanced training and the benefits to the applicant's home country of the applicant receiving the training.	73246 73247 73248 73249
(2) Evidence satisfactory to the board that the applicant meets all of the following requirements:	73250 73251
(a) Has been accepted for participation in a clinical professional development program of a medical school or osteopathic medical school in this state that is accredited by the liaison committee on medical education or the American osteopathic association or of a teaching hospital affiliated with such a medical school;	73252 73253 73254 73255 73256 73257
(b) Is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory;	73258 73259 73260
(c) Has practiced medicine and surgery or osteopathic medicine and surgery for at least five years after completing graduate medical education, including postgraduate residency and advanced training;	73261 73262 73263 73264
(d) Has credentials that are primary-source verified by the educational commission for foreign medical graduates or the federation credentials verification service;	73265 73266 73267
(e) Holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued in	73268 73269

another country; 73270

(f) Agrees to comply with all state and federal laws 73271
regarding health, health care, and patient privacy; 73272

(g) Agrees to return to the applicant's home state or country 73273
at the conclusion of the clinical professional development 73274
program. 73275

(C) The applicant shall pay a fee of three hundred 73276
seventy-five dollars. The board shall maintain a register of all 73277
persons who hold visiting clinical professional development 73278
certificates. 73279

(D) The holder of a visiting clinical professional 73280
development certificate may practice medicine and surgery or 73281
osteopathic medicine and surgery only as part of the clinical 73282
professional development program in which the certificate holder 73283
participates. The certificate holder's practice must be under the 73284
direct supervision of a qualified faculty member of the medical 73285
school, osteopathic medical school, or teaching hospital 73286
conducting the program who holds a ~~certificate~~ license to practice 73287
medicine and surgery or osteopathic medicine and surgery issued 73288
under this chapter. 73289

The program in which the certificate holder participates 73290
shall ensure that the certificate holder does not do any of the 73291
following: 73292

(1) Write orders or prescribe medication; 73293

(2) Bill for services performed; 73294

(3) Occupy a residency or fellowship position approved by the 73295
accreditation council for graduate medical education; 73296

(4) Attempt to have participation in a clinical professional 73297
development program pursuant to this section counted toward 73298
meeting the graduate medical education requirements specified in 73299

section ~~4731.091~~ 4731.09 of the Revised Code. 73300

(E) The board may revoke a certificate issued under this 73301
section on receiving proof satisfactory to the board that the 73302
certificate holder has engaged in practice in this state outside 73303
the scope of the certificate or that there are grounds for action 73304
against the certificate holder under section 4731.22 of the 73305
Revised Code. 73306

(F) A visiting clinical professional development certificate 73307
is valid for the shorter of one year or the duration of the 73308
program in which the holder is participating. The certificate 73309
ceases to be valid if the holder resigns or is otherwise 73310
terminated from the program. The certificate may not be extended. 73311

(G) The program in which a certificate holder participates 73312
shall obtain from each patient or patient's parent or legal 73313
guardian written consent to any medical or surgical procedure or 73314
course of procedures in which the certificate holder participates. 73315

(H) The board may adopt any rules it considers necessary to 73316
implement this section. The rules shall be adopted in accordance 73317
with Chapter 119. of the Revised Code. 73318

Sec. 4731.299. (A) The state medical board may issue, without 73319
examination, to an applicant who meets all of the requirements of 73320
this section an expedited ~~certificate~~ license to practice medicine 73321
and surgery or osteopathic medicine and surgery by endorsement. 73322
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(B) An individual who seeks an expedited ~~certificate to~~ 73324
~~practice medicine and surgery or osteopathic medicine and surgery~~ 73325
license by endorsement shall file with the board a written 73326
application on a form prescribed and supplied by the board. The 73327
application shall include all of the information the board 73328
considers necessary to process it. 73329

(C) To be eligible to receive an expedited ~~certificate~~ license by endorsement, an applicant shall do both of the following: 73330
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(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements: 73333
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(a) Has passed one of the following: 73335

(i) Steps one, two, and three of the United States medical licensing examination; 73336
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(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States; 73338
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(iii) Any other medical licensing examination recognized by the board. 73340
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(b) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province; 73342
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(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting; 73346
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(d) Is in compliance with the medical education and training requirements in sections ~~4731.091~~ 4731.09 and 4731.14 of the Revised Code. 73349
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(2) Certify to the board that all of the following are the case: 73352
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(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars. 73354
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(b) The applicant does not have a criminal record according to the criminal records check required by section ~~4731.081~~ 4731.08 73358
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of the Revised Code. 73360

(c) The applicant does not have a medical condition that 73361
could affect the applicant's ability to practice according to 73362
acceptable and prevailing standards of care. 73363

(d) No adverse action has been taken against the applicant by 73364
a health care institution. 73365

(e) To the applicant's knowledge, no federal agency, medical 73366
society, medical association, or branch of the United States 73367
military has investigated or taken action against the applicant. 73368

(f) No professional licensing or regulatory authority has 73369
filed a complaint against, investigated, or taken action against 73370
the applicant and the applicant has not withdrawn a professional 73371
license application. 73372

(g) The applicant has not been suspended or expelled from any 73373
institution of higher education or school, including a medical 73374
school. 73375

(D) An applicant for an expedited ~~certificate~~ license by 73376
endorsement shall comply with section ~~4731.081~~ 4731.08 of the 73377
Revised Code. 73378

(E) At the time of application, the applicant shall pay to 73379
the board a fee of one thousand dollars, no part of which shall be 73380
returned. No application shall be considered filed until the board 73381
receives the fee. 73382

(F) The secretary and supervising member of the board shall 73383
review all applications received under this section. 73384

If the secretary and supervising member determine that an 73385
applicant meets the requirements for an expedited ~~certificate to~~ 73386
~~practice medicine and surgery or osteopathic medicine and surgery~~ 73387
license by endorsement, the board shall issue the ~~certificate~~ 73388
license to the applicant. 73389

If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited ~~certificate to practice medicine and surgery or osteopathic medicine and surgery~~ license by endorsement, the application shall be treated as an application under section ~~4731.08~~ 4731.09 of the Revised Code.

(G) Each ~~certificate~~ license issued by the board under this section shall be signed by the president and secretary of the board and attested by the board's seal.

(H) Within sixty days after September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections ~~4731.091~~ 4731.09 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section.

Sec. 4731.341. (A) The practice of medicine in all of its branches or the treatment of human ailments without the use of drugs or medicines and without operative surgery by any person not at that time holding a valid and current license or certificate as provided by Chapter 4723., 4725., or 4731. of the Revised Code is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

(B) The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person who either directly or by complicity is in violation of division (A) of this section, may on or after January 1, 1969, in accord with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in the unlawful activity by applying for an injunction in the Franklin county court of common pleas or any other court of competent jurisdiction.

Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that this person is so engaged. Said person shall answer the secretary within thirty days showing either that the person is ~~either~~ properly licensed or certified for the stated activity or that the person is not in violation of Chapter 4723. or 4731. of the Revised Code. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section.

Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court.

Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in Chapters 4723. and 4731. of the Revised Code.

Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs.

Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following:

(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration of the United States or the United States public health service in the

discharge of the officer's or employee's professional duties; 73452

(2) A dentist authorized under Chapter 4715. of the Revised 73453
Code to practice dentistry when engaged exclusively in the 73454
practice of dentistry or when administering anesthetics in the 73455
practice of dentistry; 73456

(3) A physician or surgeon in another state or territory who 73457
is a legal practitioner of medicine or surgery therein when 73458
providing consultation to an individual holding a ~~certificate~~ 73459
license to practice issued under this chapter who is responsible 73460
for the examination, diagnosis, and treatment of the patient who 73461
is the subject of the consultation, if one of the following 73462
applies: 73463

(a) The physician or surgeon does not provide consultation in 73464
this state on a regular or frequent basis. 73465

(b) The physician or surgeon provides the consultation 73466
without compensation of any kind, direct or indirect, for the 73467
consultation. 73468

(c) The consultation is part of the curriculum of a medical 73469
school or osteopathic medical school of this state or a program 73470
described in division (A)(2) of section 4731.291 of the Revised 73471
Code. 73472

(4) A physician or surgeon in another state or territory who 73473
is a legal practitioner of medicine or surgery therein and 73474
provided services to a patient in that state or territory, when 73475
providing, not later than one year after the last date services 73476
were provided in another state or territory, follow-up services in 73477
person or through the use of any communication, including oral, 73478
written, or electronic communication, in this state to the patient 73479
for the same condition; 73480

(5) A physician or surgeon residing on the border of a 73481
contiguous state and authorized under the laws thereof to practice 73482

medicine and surgery therein, whose practice extends within the 73483
limits of this state. Such practitioner shall not either in person 73484
or through the use of any communication, including oral, written, 73485
or electronic communication, open an office or appoint a place to 73486
see patients or receive calls within the limits of this state. 73487

(6) A board, committee, or corporation engaged in the conduct 73488
described in division (A) of section 2305.251 of the Revised Code 73489
when acting within the scope of the functions of the board, 73490
committee, or corporation; 73491

(7) The conduct of an independent review organization 73492
accredited by the superintendent of insurance under section 73493
3922.13 of the Revised Code for the purpose of external reviews 73494
conducted under Chapter 3922. of the Revised Code. 73495

As used in division (A)(1) of this section, "armed forces of 73496
the United States" means the army, air force, navy, marine corps, 73497
coast guard, and any other military service branch that is 73498
designated by congress as a part of the armed forces of the United 73499
States. 73500

(B)(1) Subject to division (B)(2) of this section, this 73501
chapter does not apply to a person who holds a current, 73502
unrestricted license to practice medicine and surgery or 73503
osteopathic medicine and surgery in another state when the person, 73504
pursuant to a written agreement with an athletic team located in 73505
the state in which the person holds the license, provides medical 73506
services to any of the following while the team is traveling to or 73507
from or participating in a sporting event in this state: 73508

(a) A member of the athletic team; 73509

(b) A member of the athletic team's coaching, communications, 73510
equipment, or sports medicine staff; 73511

(c) A member of a band or cheerleading squad accompanying the 73512
athletic team; 73513

(d) The athletic team's mascot. 73514

(2) In providing medical services pursuant to division (B)(1) 73515
of this section, the person shall not provide medical services at 73516
a health care facility, including a hospital, an ambulatory 73517
surgical facility, or any other facility in which medical care, 73518
diagnosis, or treatment is provided on an inpatient or outpatient 73519
basis. 73520

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 73521
apply to any graduate of a podiatric school or college while 73522
performing those acts that may be prescribed by or incidental to 73523
participation in an accredited podiatric internship, residency, or 73524
fellowship program situated in this state approved by the state 73525
medical board. 73526

(D) This chapter does not apply to an oriental medicine 73527
practitioner or acupuncturist who complies with Chapter 4762. of 73528
the Revised Code. 73529

(E) This chapter does not prohibit the administration of 73530
drugs by any of the following: 73531

(1) An individual who is licensed or otherwise specifically 73532
authorized by the Revised Code to administer drugs; 73533

(2) An individual who is not licensed or otherwise 73534
specifically authorized by the Revised Code to administer drugs, 73535
but is acting pursuant to the rules for delegation of medical 73536
tasks adopted under section 4731.053 of the Revised Code; 73537

(3) An individual specifically authorized to administer drugs 73538
pursuant to a rule adopted under the Revised Code that is in 73539
effect on April 10, 2001, as long as the rule remains in effect, 73540
specifically authorizing an individual to administer drugs. 73541

(F) The exemptions described in divisions (A)(3), (4), and 73542
(5) of this section do not apply to a physician or surgeon whose 73543

~~certificate~~ license to practice issued under this chapter is under 73544
suspension or has been revoked or permanently revoked by action of 73545
the state medical board. 73546

Sec. 4731.41. (A) No person shall practice medicine and 73547
surgery, or any of its branches, without the appropriate license 73548
or certificate from the state medical board to engage in the 73549
practice. No person shall advertise or claim to the public to be a 73550
practitioner of medicine and surgery, or any of its branches, 73551
without a license or certificate from the board. No person shall 73552
open or conduct an office or other place for such practice without 73553
a license or certificate from the board. No person shall conduct 73554
an office in the name of some person who has a license or 73555
certificate to practice medicine and surgery, or any of its 73556
branches. No person shall practice medicine and surgery, or any of 73557
its branches, after the person's license or certificate has been 73558
revoked, or, if suspended, during the time of such suspension. 73559

A license or certificate signed by the secretary of the board 73560
to which is affixed the official seal of the board to the effect 73561
that it appears from the records of the board that no such license 73562
or certificate to practice medicine and surgery, or any of its 73563
branches, in this state has been issued to the person specified 73564
therein, or that a license or certificate to practice, if issued, 73565
has been revoked or suspended, shall be received as prima-facie 73566
evidence of the record of the board in any court or before any 73567
officer of the state. 73568

(B) No license or certificate from the state medical board is 73569
required by a physician who comes into this state to practice 73570
medicine at a free-of-charge camp accredited by the SeriousFun 73571
children's network that specializes in providing therapeutic 73572
recreation, as defined in section 2305.231 of the Revised Code, 73573
for individuals with chronic illnesses as long as all of the 73574

following apply: 73575

(1) The physician provides documentation to the medical 73576
director of the camp that the physician is licensed and in good 73577
standing to practice medicine in another state; 73578

(2) The physician provides services only at the camp or in 73579
connection with camp events or camp activities that occur off the 73580
grounds of the camp; 73581

(3) The physician receives no compensation for the services; 73582

(4) The physician provides those services within this state 73583
for not more than thirty days per calendar year; 73584

(5) The camp has a medical director who holds an unrestricted 73585
license to practice medicine issued in accordance with division 73586
(A) of this section. 73587

Sec. 4731.43. No person shall announce or advertise ~~himself~~ 73588
that person as an osteopathic physician and surgeon, or shall 73589
practice as such, without a ~~certificate~~ license from the state 73590
medical board or without complying with all the provisions of law 73591
relating to such practice, or shall practice after such 73592
~~certificate~~ license has been revoked, or if suspended, during the 73593
time of such suspension. 73594

A ~~certificate~~ license certified by the secretary, under the 73595
official seal of the said board to the effect that it appears from 73596
the records of the board that no ~~certificate~~ license to practice 73597
osteopathic medicine and surgery has been issued to any person 73598
specified therein, or that a ~~certificate~~ license, if issued, has 73599
been revoked or suspended shall be received as prima-facie 73600
evidence of the record in any court or before any officer of the 73601
state. 73602

Sec. 4731.51. The practice of podiatric medicine and surgery 73603

consists of the medical, mechanical, and surgical treatment of 73604
ailments of the foot, the muscles and tendons of the leg governing 73605
the functions of the foot; and superficial lesions of the hand 73606
other than those associated with trauma. Podiatrists are permitted 73607
the use of such preparations, medicines, and drugs as may be 73608
necessary for the treatment of such ailments. A podiatrist may 73609
treat the local manifestations of systemic diseases as they appear 73610
in the hand and foot, but the patient shall be concurrently 73611
referred to a doctor of medicine or a doctor of osteopathic 73612
medicine and surgery for the treatment of the systemic disease 73613
itself. General anaesthetics may be used under this section only 73614
in colleges of podiatric medicine and surgery ~~approved by~~ in good 73615
standing with the state medical board ~~pursuant to section 4731.53~~ 73616
~~of the Revised Code~~ and in hospitals approved by the joint 73617
commission or the American osteopathic association. 73618

Hyperbaric oxygen therapy may be ordered by a podiatrist to 73619
treat ailments within the scope of practice of podiatry as set 73620
forth in this section and, in accordance with section 4731.511 of 73621
the Revised Code, the podiatrist may supervise hyperbaric oxygen 73622
therapy for the treatment of such ailments. 73623

The use of x-ray or radium for therapeutic purposes is not 73624
permitted. 73625

Sec. 4731.52. ~~Each (A) A person who desires seeking a license~~ 73626
to practice podiatric medicine and surgery ~~and is not now~~ 73627
~~authorized to do so~~ shall file with the ~~secretary of the state~~ 73628
medical board ~~a written~~ an application, ~~under oath, on a form in~~ 73629
the form and manner prescribed by the board ~~and furnish~~ 73630
~~satisfactory proof that the applicant is more than eighteen years~~ 73631
~~of age and of good moral character.~~ The application must include 73632
all of the following: 73633

- (1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the following requirements: 73634
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- (a) Is at least eighteen years of age and of good moral character; 73636
73637
- (b) Possesses a high school diploma or a certificate of high school equivalence or has obtained the equivalent of such education as determined by the board; 73638
73639
73640
- (c) Has completed at least two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board; 73641
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- (d) Holds a degree from a college of podiatric medicine and surgery that was in good standing with the board at the time the degree was granted, as determined by the board; 73644
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73646
- (e) Has completed one year of postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the council on podiatric medicine or the American podiatric medical association; 73647
73648
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73650
- (f) Has successfully passed an examination prescribed in rules adopted by the board to determine competency to practice podiatric medicine and surgery; 73651
73652
73653
- (g) Has complied with section 4731.531 of the Revised Code. 73654
- (2) An affidavit signed by the applicant attesting to the accuracy and truthfulness of the information submitted under this section; 73655
73656
73657
- (3) Consent to the release of the applicant's information; 73658
- (4) Any other information the board requires. 73659
- (B) An applicant for a license to practice podiatric medicine and surgery shall include with the application a fee of three hundred five dollars, no part of which may be returned. An application is not considered submitted until the board receives 73660
73661
73662
73663

the fee. 73664

(C) The board may conduct an investigation related to the 73665
application materials received pursuant to this section and may 73666
contact any individual, agency, or organization for 73667
recommendations or other information about the applicant. 73668

(D) The board shall conclude any investigation of an 73669
applicant conducted under section 4731.22 of the Revised Code not 73670
later than ninety days after receipt of a complete application 73671
unless the applicant agrees in writing to an extension or the 73672
board determines that there is a substantial question of a 73673
violation of this chapter or the rules adopted under it and 73674
notifies the applicant in writing of the reasons for continuation 73675
of the investigation. If the board determines that the applicant 73676
is not in violation of this chapter or the rules adopted under it, 73677
the board shall issue a license not later than forty-five days 73678
after making that determination. 73679

Sec. 4731.531. In addition to any other eligibility 73680
requirement set forth in this chapter, each applicant for a 73681
~~certificate~~ license to practice podiatric medicine and surgery 73682
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 73683
The state medical board shall not grant to an applicant a 73684
~~certificate~~ license to practice podiatric medicine and surgery 73685
unless the board, in its discretion, decides that the results of 73686
the criminal records check do not make the applicant ineligible 73687
for a ~~certificate~~ license issued pursuant to section 4731.56 ~~or~~ 73688
~~4731.57~~ of the Revised Code. 73689

Sec. 4731.56. ~~(A) The state medical board shall issue its~~ 73690
~~certificate to practice podiatric medicine and surgery to each~~ 73691
~~applicant who passes the examination conducted under section~~ 73692
~~4731.55 of the Revised Code and has paid the treasurer of the~~ 73693

~~state medical board a certificate issuance fee of three hundred~~ 73694
~~dollars. Each certificate shall be signed by the board's president~~ 73695
~~and secretary and attested by its seal~~ review all applications 73696
received under section 4731.52 of the Revised Code. The board 73697
shall determine whether an applicant meets the requirements for a 73698
license to practice podiatric medicine and surgery. An affirmative 73699
vote of not ~~less~~ fewer than six members of the ~~state medical~~ board 73700
is required to determine that an applicant meets the requirements 73701
for ~~issuance of a certificate~~ license. 73702

(B) If the board determines that the applicant meets the 73703
requirements for a license and that the documentation provided is 73704
satisfactory to the board, the board shall issue to the applicant 73705
a license to practice podiatric medicine and surgery. Each license 73706
shall be signed by the president and secretary of the board and 73707
attested by its seal. 73708

(C) A certificate authorizing the person who holds a license 73709
to practice of podiatric medicine and surgery permits the holder 73710
the issued under this section may use of the title "Dr.," 73711
"doctor," "D.P.M.," "physician," or the use of the title "surgeon" 73712
when the title is qualified by letters or words showing that the 73713
holder of the certificate is a practitioner of podiatric medicine 73714
and surgery. The certificate "surgeon." 73715

(D) The holder of a license issued under this section shall 73716
be either provide verification of licensure status from the 73717
board's internet web site on request or prominently displayed 73718
display a wall certificate in the certificate license holder's 73719
office or the place where a major portion of the ~~certificate~~ 73720
license holder's practice is conducted. 73721

Sec. 4731.573. (A) An individual seeking to pursue an 73722
internship, residency, or clinical fellowship program in podiatric 73723

medicine and surgery in this state, who does not hold a 73724
eertificate license to practice podiatric medicine and surgery 73725
issued under this chapter, shall apply to the state medical board 73726
for a training certificate. The application shall be made on forms 73727
that the board shall furnish and shall be accompanied by an 73728
application fee of seventy-five dollars. 73729

An applicant for a training certificate shall furnish to the 73730
board all of the following: 73731

(1) Evidence satisfactory to the board that the applicant is 73732
at least eighteen years of age and is of good moral character; 73733

(2) Evidence satisfactory to the board that the applicant has 73734
been accepted or appointed to participate in this state in one of 73735
the following: 73736

(a) An internship or residency program accredited by either 73737
the council on podiatric medical education or the American 73738
podiatric medical association; 73739

(b) A clinical fellowship program at an institution with a 73740
residency program accredited by either the council on podiatric 73741
medical education or the American podiatric medical association 73742
that is in a clinical field the same as or related to the clinical 73743
field of the fellowship program. 73744

(3) Information identifying the beginning and ending dates of 73745
the period for which the applicant has been accepted or appointed 73746
to participate in the internship, residency, or clinical 73747
fellowship program; 73748

(4) Any other information that the board requires. 73749

(B) If no grounds for denying a license or certificate under 73750
section 4731.22 of the Revised Code apply and the applicant meets 73751
the requirements of division (A) of this section, the board shall 73752
issue a training certificate to the applicant. The board shall not 73753

require an examination as a condition of receiving a training certificate. 73754
73755

A training certificate issued pursuant to this section shall 73756
be valid only for the period of one year, but may in the 73757
discretion of the board and upon application duly made, be renewed 73758
annually for a maximum of five years. The fee for renewal of a 73759
training certificate shall be thirty-five dollars. 73760

The board shall maintain a register of all individuals who 73761
hold training certificates. 73762

(C) The holder of a valid training certificate shall be 73763
entitled to perform such acts as may be prescribed by or 73764
incidental to the holder's internship, residency, or clinical 73765
fellowship program, but the holder shall not be entitled otherwise 73766
to engage in the practice of podiatric medicine and surgery in 73767
this state. The holder shall limit activities under the 73768
certificate to the programs of the hospitals or facilities for 73769
which the training certificate is issued. The holder shall train 73770
only under the supervision of the podiatrists responsible for 73771
supervision as part of the internship, residency, or clinical 73772
fellowship program. A training certificate may be revoked by the 73773
board upon proof, satisfactory to the board, that the holder 73774
thereof has engaged in practice in this state outside the scope of 73775
the internship, residency, or clinical fellowship program for 73776
which the training certificate has been issued, or upon proof, 73777
satisfactory to the board, that the holder thereof has engaged in 73778
unethical conduct or that there are grounds for action against the 73779
holder under section 4731.22 of the Revised Code. 73780

(D) The board may adopt rules as the board finds necessary to 73781
effect the purpose of this section. 73782

Sec. 4731.60. (A)(1) No person shall engage in the practice 73783
of podiatric medicine and surgery without a ~~certificate from~~ 73784

current, valid license to practice podiatric medicine and surgery 73785
issued by the state medical board; ~~no.~~ 73786

(2) No person shall advertise or announce as a practitioner 73787
of claim to be authorized to practice podiatric medicine and 73788
surgery without unless the person holds a certificate from 73789
current, valid license to practice podiatric medicine and surgery 73790
issued by the board; ~~no person shall open or conduct an office or~~ 73791
~~other place for such practice without a certificate from the~~ 73792
~~board; no person shall conduct an office in the name of some~~ 73793
~~person who has a certificate to practice podiatric medicine and~~ 73794
~~surgery; and no~~ under this chapter. 73795

(3) No person shall practice podiatric medicine and surgery 73796
after a certificate the person's license has been revoked, or if 73797
suspended, during the time of such suspension. 73798

(B) A certificate document that is signed by the president 73799
and secretary to which is of the board and has affixed the 73800
official seal of the board to the effect that it appears from the 73801
records of the board that no such certificate a license to 73802
practice podiatric medicine and surgery, in the this state has not 73803
been issued to any such a particular person specified therein, or 73804
that a certificate license, if issued, has been revoked or 73805
suspended, shall be received as prima-facie evidence of the record 73806
of such the board in any court or before any officer of this 73807
state. 73808

Sec. 4731.61. ~~The certificate of a podiatrist may be revoked,~~ 73809
~~limited, or suspended; the holder of~~ state medical board, by an 73810
affirmative vote of not fewer than six members, may limit, 73811
suspend, or revoke a certificate may be placed license to practice 73812
podiatric medicine and surgery, refuse to issue a license to an 73813
applicant, refuse to reinstate a license, or reprimand or place on 73814

~~probation or reprimanded; or an applicant may be refused 73815~~
~~registration or reinstatement the holder of a license for 73816~~
violations of section 4731.22 or sections 4731.51 to 4731.60 of 73817
the Revised Code ~~by an affirmative vote of not less than six 73818~~
~~members of the state medical board. 73819~~

This section does not preclude the application to, or limit 73820
the operation or effect upon, podiatrists of other sections of 73821
~~Chapter 4731. of the Revised Code this chapter. 73822~~

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 73823
Revised Code: 73824

(A)(1) "Clinical laboratory services" means either of the 73825
following: 73826

(a) Any examination of materials derived from the human body 73827
for the purpose of providing information for the diagnosis, 73828
prevention, or treatment of any disease or impairment or for the 73829
assessment of health; 73830

(b) Procedures to determine, measure, or otherwise describe 73831
the presence or absence of various substances or organisms in the 73832
body. 73833

(2) "Clinical laboratory services" does not include the mere 73834
collection or preparation of specimens. 73835

(B) "Designated health services" means any of the following: 73836

(1) Clinical laboratory services; 73837

(2) Home health care services; 73838

(3) Outpatient prescription drugs. 73839

(C) "Fair market value" means the value in arms-length 73840
transactions, consistent with general market value and: 73841

(1) With respect to rentals or leases, the value of rental 73842
property for general commercial purposes, not taking into account 73843

its intended use; 73844

(2) With respect to a lease of space, not adjusted to reflect 73845
the additional value the prospective lessee or lessor would 73846
attribute to the proximity or convenience to the lessor if the 73847
lessor is a potential source of referrals to the lessee. 73848

(D) "Governmental health care program" means any program 73849
providing health care benefits that is administered by the federal 73850
government, this state, or a political subdivision of this state, 73851
including the medicare program, health care coverage for public 73852
employees, health care benefits administered by the bureau of 73853
workers' compensation, and the medicaid program. 73854

(E)(1) "Group practice" means a group of two or more holders 73855
of licenses or certificates under this chapter legally organized 73856
as a partnership, professional corporation or association, limited 73857
liability company, foundation, nonprofit corporation, faculty 73858
practice plan, or similar group practice entity, including an 73859
organization comprised of a nonprofit medical clinic that 73860
contracts with a professional corporation or association of 73861
physicians to provide medical services exclusively to patients of 73862
the clinic in order to comply with section 1701.03 of the Revised 73863
Code and including a corporation, limited liability company, 73864
partnership, or professional association described in division (B) 73865
of section 4731.226 of the Revised Code formed for the purpose of 73866
providing a combination of the professional services of 73867
optometrists who are licensed, certificated, or otherwise legally 73868
authorized to practice optometry under Chapter 4725. of the 73869
Revised Code, chiropractors who are licensed, certificated, or 73870
otherwise legally authorized to practice chiropractic or 73871
acupuncture under Chapter 4734. of the Revised Code, psychologists 73872
who are licensed, certificated, or otherwise legally authorized to 73873
practice psychology under Chapter 4732. of the Revised Code, 73874
registered or licensed practical nurses who are licensed, 73875

certificated, or otherwise legally authorized to practice nursing 73876
under Chapter 4723. of the Revised Code, pharmacists who are 73877
licensed, certificated, or otherwise legally authorized to 73878
practice pharmacy under Chapter 4729. of the Revised Code, 73879
physical therapists who are licensed, certificated, or otherwise 73880
legally authorized to practice physical therapy under sections 73881
4755.40 to 4755.56 of the Revised Code, occupational therapists 73882
who are licensed, certificated, or otherwise legally authorized to 73883
practice occupational therapy under sections 4755.04 to 4755.13 of 73884
the Revised Code, mechanotherapists who are licensed, 73885
certificated, or otherwise legally authorized to practice 73886
mechanotherapy under section 4731.151 of the Revised Code, and 73887
doctors of medicine and surgery, osteopathic medicine and surgery, 73888
or podiatric medicine and surgery who are licensed, certificated, 73889
or otherwise legally authorized for their respective practices 73890
under this chapter, and licensed professional clinical counselors, 73891
licensed professional counselors, independent social workers, 73892
social workers, independent marriage and family therapists, or 73893
marriage and family therapists who are licensed, certificated, or 73894
otherwise legally authorized for their respective practices under 73895
Chapter 4757. of the Revised Code to which all of the following 73896
apply: 73897

(a) Each physician who is a member of the group practice 73898
provides substantially the full range of services that the 73899
physician routinely provides, including medical care, 73900
consultation, diagnosis, or treatment, through the joint use of 73901
shared office space, facilities, equipment, and personnel. 73902

(b) Substantially all of the services of the members of the 73903
group are provided through the group and are billed in the name of 73904
the group and amounts so received are treated as receipts of the 73905
group. 73906

(c) The overhead expenses of and the income from the practice 73907

are distributed in accordance with methods previously determined 73908
by members of the group. 73909

(d) The group practice meets any other requirements that the 73910
state medical board applies in rules adopted under section 4731.70 73911
of the Revised Code. 73912

(2) In the case of a faculty practice plan associated with a 73913
hospital with a medical residency training program in which 73914
physician members may provide a variety of specialty services and 73915
provide professional services both within and outside the group, 73916
as well as perform other tasks such as research, the criteria in 73917
division (E)(1) of this section apply only with respect to 73918
services rendered within the faculty practice plan. 73919

(F) "Home health care services" and "immediate family" have 73920
the same meanings as in the rules adopted under section 4731.70 of 73921
the Revised Code. 73922

(G) "Hospital" has the same meaning as in section 3727.01 of 73923
the Revised Code. 73924

(H) A "referral" includes both of the following: 73925

(1) A request by a holder of a license or certificate under 73926
this chapter for an item or service, including a request for a 73927
consultation with another physician and any test or procedure 73928
ordered by or to be performed by or under the supervision of the 73929
other physician; 73930

(2) A request for or establishment of a plan of care by a 73931
license or certificate holder that includes the provision of 73932
designated health services. 73933

(I) "Third-party payer" has the same meaning as in section 73934
3901.38 of the Revised Code. 73935

Sec. 4731.66. (A) Except as provided in sections 4731.67 and 73936
4731.68 of the Revised Code, no holder of a ~~certificate~~ license 73937

under this chapter to practice medicine and surgery, osteopathic 73938
medicine and surgery, or podiatric medicine and surgery shall 73939
refer a patient to a person for a designated health service if the 73940
~~certificate~~ license holder, or a member of the ~~certificate~~ license 73941
holder's immediate family, has either of the following financial 73942
relationships with the person: 73943

(1) An ownership or investment interest in the person whether 73944
through debt, equity, or other means; 73945

(2) Any compensation arrangement involving any remuneration, 73946
directly or indirectly, overtly or covertly, in cash or in kind. 73947

(B) No person to which a ~~certificate~~ license holder has 73948
referred a patient in violation of division (A) of this section 73949
shall bill the patient, any third-party payer, any governmental 73950
health care program, or any other person or governmental entity 73951
for the designated health service rendered pursuant to the 73952
referral. 73953

(C) No person shall knowingly enter into an arrangement or 73954
scheme, including a cross-referral arrangement, that has a 73955
principal purpose of assuring referrals by a ~~certificate~~ license 73956
holder to a particular person that, if the ~~certificate~~ license 73957
holder directly made referrals to such person, would violate 73958
division (A) of this section. 73959

Sec. 4731.67. Section 4731.66 of the Revised Code does not 73960
apply to any of the following referrals by the holder of a 73961
~~certificate~~ license under this chapter: 73962

(A) Referrals for physicians' services that are performed by 73963
or under the personal supervision of a physician in the same group 73964
practice as the referring physician; 73965

(B) Referrals for clinical laboratory services by a 73966
~~certificate~~ license holder specializing in the practice of 73967

pathology if those services are provided by or under the 73968
supervision of the pathologist pursuant to a consultation 73969
requested by another physician; 73970

(C) Referrals for in-office ancillary services to which all 73971
of the following apply: 73972

(1) The services are furnished by the referring physician, a 73973
physician in the same group practice as the referring physician, 73974
or individuals who are employed by the referring physician or the 73975
group practice and who are supervised by the referring physician 73976
or a physician in the group practice, and are furnished either: 73977

(a) In a building in which the referring physician, or 73978
another physician in the same group practice as the referring 73979
physician, furnishes physicians' services unrelated to the 73980
furnishing of designated health services; 73981

(b) In another building used by the referring physician's 73982
group practice for the centralized provision of the group's 73983
designated health services. 73984

(2) The services are billed by the physician performing or 73985
supervising the services, the physician's group practice, or an 73986
entity wholly owned by the group practice. 73987

(3) The physician's ownership or investment interest in the 73988
services described in this division meets any other requirements 73989
that the state medical board applies in rules adopted under 73990
section 4731.70 of the Revised Code. 73991

(D) Referrals for in-office ancillary services if the 73992
third-party payer is aware of and has agreed in writing to 73993
reimburse the services notwithstanding the financial arrangement 73994
between the physician and the provider of such ancillary services. 73995

(E) Referrals for services furnished by a health insuring 73996
corporation to an enrollee of the corporation; 73997

(F) Referrals to a hospital for designated health services,	73998
if all of the following apply:	73999
(1) The financial arrangement between the referring physician	74000
or immediate family member and the hospital consists of an	74001
ownership or investment interest described in division (A)(1) of	74002
section 4731.66 of the Revised Code and not a compensation	74003
arrangement described in division (A)(2) of that section.	74004
(2) The referring physician is authorized to perform services	74005
at the hospital.	74006
(3) The ownership or investment interest is in the hospital	74007
itself and not merely in a subdivision of the hospital.	74008
(G) Referrals to a hospital with which the certificate	74009
<u>license</u> holder's or immediate family member's financial	74010
relationship does not relate to the provision of designated health	74011
services;	74012
(H) Referrals to a laboratory located in a rural area as	74013
defined in section 1886(d)(2)(D) of the "Social Security Act," 49	74014
Stat. 620 (1935), 42 U.S.C.A. 1395ww(d)(2)(D), as amended, if the	74015
financial relationship consists of an ownership or investment	74016
interest described in division (A)(1) of section 4731.66 of the	74017
Revised Code, and not a compensation arrangement described in	74018
division (A)(2) of that section;	74019
(I) Any other referrals in which the financial relationship	74020
between the certificate <u>license</u> holder or immediate family member	74021
and the person furnishing services has been specified in rules	74022
adopted by the state medical board under section 4731.70 of the	74023
Revised Code.	74024
Sec. 4731.68. (A) Ownership of investment securities in a	74025
corporation, including bonds, debentures, notes, other debt	74026
instruments, or shares, shall not be considered an ownership or	74027

investment interest described in division (A)(1) of section 74028
4731.66 of the Revised Code if all of the following apply: 74029

(1) The securities were purchased on terms generally 74030
available to the public. 74031

(2) The corporation is listed for trading on the New York 74032
stock exchange or the American stock exchange or is a national 74033
market system security traded under an automated interdealer 74034
quotation system operated by the national association of 74035
securities dealers. 74036

(3) The corporation had, at the end of its most recent fiscal 74037
year, total assets exceeding one hundred million dollars. 74038

(B) Payments for the rental or lease of office space shall 74039
not be considered a compensation arrangement described in division 74040
(A)(2) of section 4731.66 of the Revised Code if all of the 74041
following apply: 74042

(1) There is a written agreement signed by the parties for 74043
the rental or lease of the space that does all of the following: 74044

(a) Specifies the space covered by the agreement and 74045
dedicated for the use of the lessee; 74046

(b) Provides for a term of rental or lease of at least one 74047
year; 74048

(c) Provides for payment on a periodic basis of an amount 74049
that is consistent with fair market value; 74050

(d) Provides for an amount of aggregate payments that does 74051
not directly or indirectly vary based on the volume or value of 74052
any referrals of business between the parties; 74053

(e) Would be commercially reasonable even if no referrals 74054
were made between the parties. 74055

(2) In the case of a rental or lease arrangement between a 74056
holder of a ~~certificate~~ license under this chapter or member of 74057

the ~~certificate~~ license holder's immediate family and another 74058
person in which the ~~certificate~~ license holder or family member 74059
also has an ownership or investment interest described in division 74060
(A)(1) of section 4731.66 of the Revised Code, the office space is 74061
in the same building as the building in which the ~~certificate~~ 74062
license holder or the ~~certificate~~ license holder's group practice 74063
has a practice. 74064

(3) The arrangement meets any other requirements that the 74065
state medical board applies in rules adopted under section 4731.70 74066
of the Revised Code. 74067

(C) An arrangement between a hospital and a ~~certificate~~ 74068
license holder or a member of the ~~certificate~~ license holder's 74069
immediate family for the employment of the ~~certificate~~ license 74070
holder or family member or for the provision of administrative 74071
services shall not be considered a compensation arrangement 74072
described in division (A)(2) of section 4731.66 of the Revised 74073
Code if all of the following apply: 74074

(1) The arrangement is for identifiable services. 74075

(2) The amount of the remuneration under the arrangement is 74076
consistent with the fair market value of the services and is not 74077
determined in a manner that directly or indirectly takes into 74078
account the volume or value of any referrals by the ~~certificate~~ 74079
license holder. 74080

(3) The remuneration is provided pursuant to an agreement 74081
that would be commercially reasonable even if the ~~certificate~~ 74082
license holder made no referrals to the hospital. 74083

(4) The arrangement meets any other requirements that the 74084
state medical board applies in rules adopted under section 4731.70 74085
of the Revised Code. 74086

(D) Remuneration by a hospital of a ~~certificate~~ license 74087
holder to induce the ~~certificate~~ license holder to relocate to the 74088

geographic area served by the hospital in order to be a member of 74089
the hospital's medical staff shall not be considered a 74090
compensation arrangement described in division (A)(2) of section 74091
4731.66 of the Revised Code if all of the following apply: 74092

(1) The ~~certificate~~ license holder is not required to refer 74093
patients to the hospital. 74094

(2) The amount of the remuneration is not determined in a 74095
manner that directly or indirectly takes into account the volume 74096
or value of any referrals by the ~~certificate~~ license holder to the 74097
hospital. 74098

(3) The arrangement meets any other requirements that the 74099
state medical board applies in rules adopted under section 4731.70 74100
of the Revised Code. 74101

(E) Remuneration of a ~~certificate~~ license holder or member of 74102
the ~~certificate~~ license holder's immediate family by a person 74103
other than a hospital shall not be considered a compensation 74104
arrangement described in division (A)(2) of section 4731.66 of the 74105
Revised Code if all of the following apply: 74106

(1) The remuneration is for any of the following: 74107

(a) Specific, identifiable services as the medical director 74108
or a member of a medical advisory board of the person; 74109

(b) Specific, identifiable physicians' services furnished to 74110
an individual in a hospice if the physicians' services are payable 74111
by the individual's third-party payer only to the hospice; 74112

(c) Specific, identifiable physicians' services furnished to 74113
a nonprofit blood center; 74114

(d) Specific, identifiable administrative services other than 74115
direct patient care services in circumstances specified in rules 74116
adopted by the state medical board under section 4731.70 of the 74117
Revised Code. 74118

(2) The amount of the remuneration under the arrangement is 74119
consistent with the fair market value of the services and is not 74120
determined in a manner that directly or indirectly takes into 74121
account the volume or value of any referrals by the ~~certificate~~ 74122
license holder. 74123

(3) The remuneration is provided pursuant to an agreement 74124
that would be commercially reasonable even if the ~~certificate~~ 74125
license holder made no referrals to the person. 74126

(4) The arrangement meets any other requirements that the 74127
state medical board applies in rules adopted under section 4731.70 74128
of the Revised Code. 74129

(F) Isolated financial transactions, including a one-time 74130
sale of property, shall not be considered a compensation 74131
arrangement described in division (A)(2) of section 4731.66 of the 74132
Revised Code if all of the following apply: 74133

(1) The amount of the remuneration under the arrangement is 74134
consistent with fair market value and is not determined in a 74135
manner that directly or indirectly takes into account the volume 74136
or value of any referrals by the ~~certificate~~ license holder. 74137

(2) The remuneration is provided pursuant to an agreement 74138
that would be commercially reasonable even if the ~~certificate~~ 74139
license holder made no referrals to the other parties to the 74140
transaction. 74141

(3) The transaction meets any other requirements that the 74142
state medical board applies in rules adopted under section 4731.70 74143
of the Revised Code. 74144

(G) Payment of the salary of a ~~certificate~~ license holder by 74145
the ~~certificate~~ license holder's group practice shall not be 74146
considered a compensation arrangement described in division (A)(2) 74147
of section 4731.66 of the Revised Code. 74148

Sec. 4731.76. On receipt of a notice pursuant to section 74149
3123.43 of the Revised Code, the state medical board shall comply 74150
with sections 3123.41 to 3123.50 of the Revised Code and any 74151
applicable rules adopted under section 3123.63 of the Revised Code 74152
with respect to a license or certificate issued pursuant to this 74153
chapter. 74154

Sec. 4731.82. (A) As used in this section: 74155

(1) "Fetal death" has the same meaning as in section 3705.01 74156
of the Revised Code, except that it does not include either of the 74157
following: 74158

(a) The product of human conception of at least twenty weeks 74159
of gestation; 74160

(b) The purposeful termination of a pregnancy, as described 74161
in section 2919.11 of the Revised Code. 74162

(2) "Physician" means an individual holding a ~~certificate~~ 74163
license issued under this chapter to practice medicine and surgery 74164
or osteopathic medicine and surgery ~~pursuant to this chapter.~~ 74165

(B) If a woman in the process of experiencing a fetal death 74166
or with the product of human conception as a result of a fetal 74167
death presents herself to a physician and is not referred to a 74168
hospital, the attending physician shall provide the woman with all 74169
of the following: 74170

(1) A written statement, not longer than one page in length, 74171
that confirms that the woman was pregnant and that she 74172
subsequently suffered a miscarriage that resulted in a fetal 74173
death; 74174

(2) Notice of the right of the woman to apply for a fetal 74175
death certificate pursuant to section 3705.20 of the Revised Code; 74176

(3) A short, general description of the attending physician's 74177

procedures for disposing of the product of a fetal death. 74178

The attending physician may present the notice and 74179
description required by divisions (B)(2) and (B)(3) of this 74180
section through oral or written means. The physician shall 74181
document in the woman's medical record that all of the items 74182
required by this division were provided to the woman and shall 74183
place in the record a copy of the statement required by division 74184
(B)(1) of this section. 74185

(C) A physician is immune from civil or criminal liability or 74186
professional disciplinary action with regard to any action taken 74187
in good faith compliance with this section. 74188

Sec. 4731.83. (A) As used in this section: 74189

(1) "Medication-assisted treatment" has the same meaning as 74190
in section 340.01 of the Revised Code. 74191

(2) "Physician" means an individual authorized by this 74192
chapter to practice medicine and surgery or osteopathic medicine 74193
and surgery. 74194

(B) A physician shall comply with section 3715.08 of the 74195
Revised Code and rules adopted under section 4731.056 of the 74196
Revised Code when treating a patient with medication-assisted 74197
treatment or proposing to initiate such treatment. 74198

(C) A physician who fails to comply with this section shall 74199
treat not more than thirty patients at any one time with 74200
medication-assisted treatment even if the facility or location at 74201
which the treatment is provided is either of the following: 74202

(1) Exempted by divisions (B)(2)(a) to (d) of section 74203
4729.553 of the Revised Code from being required to possess a 74204
category III terminal distributor of dangerous drugs license with 74205
an office-based opioid treatment classification; 74206

(2) A community addiction services provider that provides 74207

alcohol and drug addiction services that are certified by the 74208
department of mental health and addiction services under section 74209
5119.36 of the Revised Code. 74210

Sec. 4731.85. The department of health shall establish a 74211
procedure to provide special recognition annually to one or more 74212
persons issued a ~~certificate~~ license under this chapter to 74213
practice medicine and surgery, osteopathic medicine and surgery, 74214
or podiatric medicine and surgery who volunteer medical services 74215
to medically underserved areas of this state or to charitable 74216
shelters or clinics. Any person may nominate a ~~certificate~~ license 74217
holder for consideration by the department. The department shall 74218
annually submit to newspapers of general circulation and other 74219
publications selected by the department a request for nominations. 74220
The request shall describe the required form and content of 74221
nominations and indicate a deadline for submitting nominations. 74222

The department may adopt criteria and guidelines for 74223
selecting nominees for recognition. The department shall publicize 74224
the names, professional accomplishments, and service contributions 74225
of the ~~certificate~~ license holders that it recognizes under this 74226
section. The department may purchase recognition awards and take 74227
other actions to honor such volunteers. 74228

Sec. 4735.01. As used in this chapter: 74229

(A) "Real estate broker" includes any person, partnership, 74230
association, limited liability company, limited liability 74231
partnership, or corporation, foreign or domestic, who for another, 74232
whether pursuant to a power of attorney or otherwise, and who for 74233
a fee, commission, or other valuable consideration, or with the 74234
intention, or in the expectation, or upon the promise of receiving 74235
or collecting a fee, commission, or other valuable consideration 74236
does any of the following: 74237

(1) Sells, exchanges, purchases, rents, or leases, or negotiates the sale, exchange, purchase, rental, or leasing of any real estate;	74238 74239 74240
(2) Offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of any real estate;	74241 74242
(3) Lists, or offers, attempts, or agrees to list, or auctions, or offers, attempts, or agrees to auction, any real estate;	74243 74244 74245
(4) Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate;	74246 74247
(5) Operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants;	74248 74249 74250 74251
(6) Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate;	74252 74253 74254
(7) Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate;	74255 74256 74257 74258
(8) Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby the broker undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both, except that this division does not apply to a publisher of listings or compilations of sales of real estate by their owners;	74259 74260 74261 74262 74263 74264 74265 74266 74267

(9) Collects rental information for purposes of referring prospective tenants to rental units or locations of such units and charges the prospective tenants a fee.

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(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery interment rights.

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(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise.

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(D) "Institution of higher education" includes all of the following:

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(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

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(2) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

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(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code.

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(4) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code that is approved to offer degree programs in accordance with section 3332.05 of the Revised Code.

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(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state.

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(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited

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liability partnership, or corporation, foreign or domestic, who 74298
for another, whether pursuant to a power of attorney or otherwise, 74299
and who for a fee, commission, or other valuable consideration, or 74300
with the intention, or in the expectation, or upon the promise of 74301
receiving or collecting a fee, commission, or other valuable 74302
consideration, does or deals in any act or transaction specified 74303
or comprehended in division (A) of this section with respect to 74304
foreign real estate. 74305

(G) "Foreign real estate salesperson" means any person 74306
associated with a licensed foreign real estate dealer to do or 74307
deal in any act or transaction specified or comprehended in 74308
division (A) of this section with respect to foreign real estate, 74309
for compensation or otherwise. 74310

(H) Any person, partnership, association, limited liability 74311
company, limited liability partnership, or corporation, who, for 74312
another, in consideration of compensation, by fee, commission, 74313
salary, or otherwise, or with the intention, in the expectation, 74314
or upon the promise of receiving or collecting a fee, does, or 74315
offers, attempts, or agrees to engage in, any single act or 74316
transaction contained in the definition of a real estate broker, 74317
whether an act is an incidental part of a transaction, or the 74318
entire transaction, shall be constituted a real estate broker or 74319
real estate salesperson under this chapter. 74320

(I)(1) The terms "real estate broker," "real estate 74321
salesperson," "foreign real estate dealer," and "foreign real 74322
estate salesperson" do not include a person, partnership, 74323
association, limited liability company, limited liability 74324
partnership, or corporation, or the regular employees thereof, who 74325
perform any of the acts or transactions specified or comprehended 74326
in division (A) of this section, whether or not for, or with the 74327
intention, in expectation, or upon the promise of receiving or 74328
collecting a fee, commission, or other valuable consideration: 74329

(a) With reference to real estate situated in this state 74330
owned by such person, partnership, association, limited liability 74331
company, limited liability partnership, or corporation, or 74332
acquired on its own account in the regular course of, or as an 74333
incident to the management of the property and the investment in 74334
it; 74335

(b) As receiver or trustee in bankruptcy, as guardian, 74336
executor, administrator, trustee, assignee, commissioner, or any 74337
person doing the things mentioned in this section, under authority 74338
or appointment of, or incident to a proceeding in, any court, or 74339
as a bona fide public officer, or as executor, trustee, or other 74340
bona fide fiduciary under any trust agreement, deed of trust, 74341
will, or other instrument that has been executed in good faith 74342
creating a like bona fide fiduciary obligation; 74343

(c) As a public officer while performing the officer's 74344
official duties; 74345

(d) As an attorney at law in the performance of the 74346
attorney's duties; 74347

(e) As a person who engages in the brokering of the sale of 74348
business assets, not including the sale, lease, exchange, or 74349
assignment of any interest in real estate; 74350

(f) As a person who engages in the sale of manufactured homes 74351
as defined in division (C)(4) of section 3781.06 of the Revised 74352
Code, or of mobile homes as defined in division (O) of section 74353
4501.01 of the Revised Code, provided the sale does not include 74354
the negotiation, sale, lease, exchange, or assignment of any 74355
interest in real estate; 74356

(g) As an oil and gas land professional when engaging in the 74357
activities set forth in the definition of oil and gas land 74358
professional in division (H)(H) of this section, provided the land 74359
professional is a member in good standing of a national or 74360

regional professional organization that has been in existence for 74361
at least three years and has, as part of its mission, developed a 74362
set of standards of performance and ethics for land professionals. 74363

(h) As a person who engages in the sale of commercial real 74364
estate pursuant to the requirements of section 4735.022 of the 74365
Revised Code. 74366

(2) A person, partnership, association, limited liability 74367
company, limited liability partnership, or corporation exempt 74368
under division (I)(1)(a) of this section shall be limited by the 74369
legal interest in the real estate held by that person or entity to 74370
performing any of the acts or transactions specified in or 74371
comprehended by division (A) of this section. 74372

(J) "Disabled licensee" means a person licensed pursuant to 74373
this chapter who is under a severe disability which is of such a 74374
nature as to prevent the person from being able to attend any 74375
instruction lasting at least three hours in duration. 74376

(K) "Division of real estate" may be used interchangeably 74377
with, and for all purposes has the same meaning as, "division of 74378
real estate and professional licensing." 74379

(L) "Superintendent" or "superintendent of real estate" means 74380
the superintendent of the division of real estate and professional 74381
licensing of this state. Whenever the division or superintendent 74382
of real estate is referred to or designated in any statute, rule, 74383
contract, or other document, the reference or designation shall be 74384
deemed to refer to the division or superintendent of real estate 74385
and professional licensing, as the case may be. 74386

(M) "Inactive license" means the license status in which a 74387
salesperson's license is in the possession of the division, 74388
renewed as required under this chapter or rules adopted under this 74389
chapter, and not associated with a real estate broker. 74390

(N) "Broker's license on deposit" means the license status in 74391

which a broker's license is in the possession of the division of 74392
real estate and professional licensing and renewed as required 74393
under this chapter or rules adopted under this chapter. 74394

(O) "Suspended license" means the license status that 74395
prohibits a licensee from providing services that require a 74396
license under this chapter for a specified interval of time. 74397

(P) "Reactivate" means the process prescribed by the 74398
superintendent of real estate and professional licensing to remove 74399
a license from an inactive, suspended, or broker's license on 74400
deposit status to allow a licensee to provide services that 74401
require a license under this chapter. 74402

(Q) "Revoked" means the license status in which the license 74403
is void and not eligible for reactivation. 74404

(R) "Commercial real estate" means any parcel of real estate 74405
in this state other than real estate containing one to four 74406
residential units. "Commercial real estate" does not include 74407
single-family residential units such as condominiums, townhouses, 74408
manufactured homes, or homes in a subdivision when sold, leased, 74409
or otherwise conveyed on a unit-by-unit basis, even when those 74410
units are a part of a larger building or parcel of real estate 74411
containing more than four residential units. 74412

(S) "Out-of-state commercial broker" includes any person, 74413
partnership, association, limited liability company, limited 74414
liability partnership, or corporation that is licensed to do 74415
business as a real estate broker in a jurisdiction other than 74416
Ohio. 74417

(T) "Out-of-state commercial salesperson" includes any person 74418
affiliated with an out-of-state commercial broker who is not 74419
licensed as a real estate salesperson in Ohio. 74420

(U) "Exclusive right to sell or lease listing agreement" 74421
means an agency agreement between a seller and broker that meets 74422

the requirements of section 4735.55 of the Revised Code and does 74423
both of the following: 74424

(1) Grants the broker the exclusive right to represent the 74425
seller in the sale or lease of the seller's property; 74426

(2) Provides the broker will be compensated if the broker, 74427
the seller, or any other person or entity produces a purchaser or 74428
tenant in accordance with the terms specified in the listing 74429
agreement or if the property is sold or leased during the term of 74430
the listing agreement to anyone other than to specifically 74431
exempted persons or entities. 74432

(V) "Exclusive agency agreement" means an agency agreement 74433
between a seller and broker that meets the requirements of section 74434
4735.55 of the Revised Code and does both of the following: 74435

(1) Grants the broker the exclusive right to represent the 74436
seller in the sale or lease of the seller's property; 74437

(2) Provides the broker will be compensated if the broker or 74438
any other person or entity produces a purchaser or tenant in 74439
accordance with the terms specified in the listing agreement or if 74440
the property is sold or leased during the term of the listing 74441
agreement, unless the property is sold or leased solely through 74442
the efforts of the seller or to the specifically exempted persons 74443
or entities. 74444

(W) "Exclusive purchaser agency agreement" means an agency 74445
agreement between a purchaser and broker that meets the 74446
requirements of section 4735.55 of the Revised Code and does both 74447
of the following: 74448

(1) Grants the broker the exclusive right to represent the 74449
purchaser in the purchase or lease of property; 74450

(2) Provides the broker will be compensated in accordance 74451
with the terms specified in the exclusive agency agreement or if a 74452

property is purchased or leased by the purchaser during the term 74453
of the agency agreement unless the property is specifically 74454
exempted in the agency agreement. 74455

The agreement may authorize the broker to receive 74456
compensation from the seller or the seller's agent and may provide 74457
that the purchaser is not obligated to compensate the broker if 74458
the property is purchased or leased solely through the efforts of 74459
the purchaser. 74460

(X) "Seller" means a party in a real estate transaction who 74461
is the potential transferor of property. "Seller" includes an 74462
owner of property who is seeking to sell the property and a 74463
landlord who is seeking to rent or lease property to another 74464
person. 74465

(Y) "Resigned" means the license status in which a license 74466
has been voluntarily and permanently surrendered to or is 74467
otherwise in the possession of the division of real estate and 74468
professional licensing, may not be renewed or reactivated in 74469
accordance with the requirements specified in this chapter or the 74470
rules adopted pursuant to it, and is not associated with a real 74471
estate broker. 74472

(Z) "Bona fide" means made in good faith or without purpose 74473
of circumventing license law. 74474

(AA) "Associate broker" means an individual licensed as a 74475
real estate broker under this chapter who does not function as the 74476
principal broker or a management level licensee. 74477

(BB) "Brokerage" means a corporation, partnership, limited 74478
partnership, association, limited liability company, limited 74479
liability partnership, or sole proprietorship, foreign or 74480
domestic, that has been issued a broker's license. "Brokerage" 74481
includes the affiliated licensees who have been assigned 74482
management duties that include supervision of licensees whose 74483

duties may conflict with those of other affiliated licensees. 74484

(CC) "Credit-eligible course" means a credit or 74485
noncredit-bearing course that is both of the following: 74486

(1) The course is offered by an institution of higher 74487
education. 74488

(2) The course is eligible for academic credit that may be 74489
applied toward the requirements for a degree at the institution of 74490
higher education. 74491

(DD) "Distance education" means courses required by divisions 74492
(B)(6) and (G) of section 4735.07, divisions (F)(6) and (J) of 74493
section 4735.09, and division (A) of section 4735.141 of the 74494
Revised Code in which instruction is accomplished through use of 74495
interactive, electronic media and where the teacher and student 74496
are separated by distance or time, or both. 74497

(EE) "Licensee" means any individual licensed as a real 74498
estate broker or salesperson by the Ohio real estate commission 74499
pursuant to this chapter. 74500

(FF) "Management level licensee" means a licensee who is 74501
employed by or affiliated with a real estate broker and who has 74502
supervisory responsibility over other licensees employed by or 74503
affiliated with that real estate broker. 74504

(GG) "Principal broker" means an individual licensed as a 74505
real estate broker under this chapter who oversees and directs the 74506
operations of the brokerage. 74507

(HH) "Oil and gas land professional" means a person who is 74508
engaged primarily, directly, and regularly in either of the 74509
following activities: 74510

(1) Negotiating the acquisition or divestiture of oil and gas 74511
mineral interests for the purpose of extracting oil or gas 74512
products, but shall not include the buying and selling of oil and 74513

<u>gas mineral interests by deed; or</u>	74514
<u>(2) The negotiation and preparation of agreements and other</u>	74515
<u>instruments associated with the exploration and development of oil</u>	74516
<u>and gas mineral interests.</u>	74517
Sec. 4736.01. As used in this chapter:	74518
(A) "Environmental health science" means the aspect of public	74519
health science that includes, but is not limited to, the following	74520
bodies of knowledge: air quality, food quality and protection,	74521
hazardous and toxic substances, consumer product safety, housing,	74522
institutional health and safety, community noise control,	74523
radiation protection, recreational facilities, solid and liquid	74524
waste management, vector control, drinking water quality, milk	74525
sanitation, and rabies control.	74526
(B) "Sanitarian" means a person who performs for compensation	74527
educational, investigational, technical, or administrative duties	74528
requiring specialized knowledge and skills in the field of	74529
environmental health science.	74530
(C) "Registered sanitarian" means a person who is registered	74531
as a sanitarian in accordance with this chapter.	74532
(D) "Sanitarian-in-training" means a person who is registered	74533
as a sanitarian-in-training in accordance with this chapter.	74534
(E) "Practice of environmental health" means consultation,	74535
instruction, investigation, inspection, or evaluation by an	74536
employee of a city health district, a general health district, the	74537
environmental protection agency, the department of health, or the	74538
department of agriculture requiring specialized knowledge,	74539
training, and experience in the field of environmental health	74540
science, with the primary purpose of improving or conducting	74541
administration or enforcement under any of the following:	74542
(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or	74543

3733. of the Revised Code; 74544

(2) Chapter 3734. of the Revised Code as it pertains to solid waste; 74545
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(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 3707.38 to 3707.99, or section 3715.21 of the Revised Code; 74547
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(4) Rules adopted under former section 3701.34 of the Revised Code pertaining to rabies control or swimming pools; 74549
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(5) Rules adopted under section 3701.935 of the Revised Code for school health and safety network inspections and rules adopted under section 3707.26 of the Revised Code for sanitary inspections. 74551
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"Practice of environmental health" does not include sampling, testing, controlling of vectors, reporting of observations, or other duties that do not require application of specialized knowledge and skills in environmental health science performed under the supervision of a registered sanitarian. 74555
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The ~~state board~~ director of ~~sanitarian registration~~ health may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the ~~board~~ director under Chapter 119. of the Revised Code. 74560
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Sec. 4736.02. ~~(A) There is hereby created the state board of~~ sanitarian registration. The board shall consist advisory board consisting of seven members appointed by the director of health or ~~his designated representative, the director of environmental protection or his designated representative, and five members~~ appointed by the governor with the advice and consent of the senate for terms established in accordance with rules adopted by the director under section 4736.03 of the Revised Code. The advisory board shall advise the director regarding the 74565
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registration of sanitarians-in-training and sanitarians, 74574
continuing education requirements for sanitarians, the 74575
administration of examinations prescribed by section 4736.09 of 74576
the Revised Code, the education criteria required under section 74577
4736.08 of the Revised Code, and any other matters as may be of 74578
assistance to the director in the regulation of sanitarians and 74579
sanitarians-in-training. Each 74580

Each member appointed by the ~~governor~~ director shall be a 74581
registered sanitarian; ~~however, the initial five members appointed~~ 74582
~~by the governor shall be persons~~ who ~~meet~~ meets the education and 74583
experience requirements of section 4736.08 of the Revised Code for 74584
registration as ~~sanitarians~~ a sanitarian. ~~Of the five members~~ 74585
~~appointed by the governor, at~~ At least one and not more than two 74586
of the members shall be employees of a general health district; at 74587
least one and not more than two shall be employees of a city 74588
health district; and at least one and not more than two shall be 74589
employed in private industry. Not more than one member may be 74590
employed by a university and not more than one member may be 74591
employed by an agency or department of the state. 74592

Within ninety days of the effective date of this ~~section~~ 74593
amendment, the ~~governor~~ director shall make initial appointments 74594
to the advisory board. ~~Of the initial appointments, two shall be~~ 74595
~~for terms ending one year after the effective date of this~~ 74596
~~section; two shall be for terms ending two years after that~~ 74597
~~effective date; and one shall be for a term ending three years~~ 74598
~~after that effective date. Thereafter, terms of office shall be~~ 74599
~~for three years, each term ending on the same day of the same~~ 74600
~~month of the year as did the term which it succeeds. Each member~~ 74601
~~shall hold office from the date of his appointment until the end~~ 74602
~~of the term for which he was appointed. Any member appointed to~~ 74603
~~fill a vacancy occurring prior to the expiration of the term for~~ 74604
~~which his the member's predecessor was appointed shall hold office~~ 74605

~~for the remainder of such term. Any member shall continue in office subsequent to the expiration date of his the member's term until his the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.~~

~~The governor may remove any member of the board for malfeasance, misfeasance, or nonfeasance after an adjudication hearing in accordance with Chapter 119. of the Revised Code.~~

Sec. 4736.03. ~~The state board of sanitarian registration shall organize within thirty days after its initial members have been appointed by the governor. The board shall annually elect a chairman and a vice chairman from its members and shall elect a secretary to serve at the pleasure of the board. The chairman and the secretary may administer oaths. A majority of the board constitutes a quorum. Members shall be compensated for their necessary expenses incurred in the performance of their official duties.~~

~~The board director of health shall adopt and may amend or rescind rules in accordance with Chapter 119. of the Revised Code governing the administration of the examinations prescribed by section 4736.09 of the Revised Code, prescribing the form for application, establishing criteria for determining what courses may be included toward fulfillment of the science course requirements of section 4736.08 of the Revised Code, determining the continuing education program requirements of section 4736.11 of the Revised Code, and for the administration and enforcement of this chapter.~~

~~The director shall adopt, in accordance with Chapter 119. of the Revised Code, rules establishing terms of office for members of the sanitarian advisory board created in section 4736.02 of the Revised Code.~~

Sec. 4736.05. The ~~state board director~~ of ~~sanitarian~~ registration ~~health~~ shall hold ~~at least one meeting annually to~~ review and evaluate applications for registration as sanitarians and sanitarians-in-training, conduct examinations, review and approve expenses, prepare and approve reports, and transact all other business as may be necessary to administer and enforce Chapter 4736. of the Revised Code. ~~Special meetings shall be called by the secretary upon written request of any three members of the board or upon the written request of ten registered sanitarians.~~

Sec. 4736.06. ~~(A)~~ All receipts of the ~~state board department~~ of ~~sanitarian registration health~~ that are associated with ~~sanitarian and sanitarian-in-training registration and renewal fees~~ shall be deposited in the state treasury to the credit of the ~~occupational licensing and regulatory general operations~~ fund created in section 3701.83 of the Revised Code.

~~All vouchers of the board shall be approved by the chairperson of the board or secretary, or both, as authorized by the board.~~

~~(B) The board may employ such persons as are necessary to administer and enforce this chapter.~~

Sec. 4736.07. The ~~state board director~~ of ~~sanitarian~~ registration ~~health~~ shall keep a record ~~of its proceedings and a record~~ of all applications for registration, which shall include:

- (A) The name and address of each applicant;
- (B) The name and address of the employer or business connection of each applicant;
- (C) The date of the application;
- (D) The educational and experience qualifications of each

applicant; 74665

(E) The date on which the ~~board~~ director reviewed and acted upon each application; 74666
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(F) The action taken by the ~~board~~ director on each application; 74668
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(G) A serial number of each certificate of registration issued by the ~~board~~ director. 74670
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The ~~board~~ director shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year. 74672
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Sec. 4736.08. An application for registration as a sanitarian shall be made to the ~~state-board~~ director of ~~sanitarian registration~~ health on a form prescribed by the ~~board~~ director and accompanied by the application fee prescribed in section 4736.12 of the Revised Code. The ~~board~~ director shall register an applicant if the applicant ~~meets the requirements of section 4736.16 of the Revised Code or~~ is of good moral character, passes an examination conducted by the ~~board~~ director in accordance with section 4736.09 of the Revised Code, and meets the education and experience requirements of division (A), (B), or (C) of this section: 74676
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(A) Graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the ~~board~~ director; and completed at least two years of full-time employment as a sanitarian; 74687
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(B) Graduated from an accredited college or university with at least a baccalaureate degree, completed a major in environmental health science which included an internship program 74692
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approved by the ~~board~~ director; and completed at least one year of 74695
full-time employment as a sanitarian; 74696

(C) Graduated from an accredited college or university with a 74697
degree higher than a baccalaureate degree, including at least 74698
forty-five quarter units or thirty semester units of science 74699
courses approved by the ~~board~~ director; and completed at least one 74700
year of full-time employment as a sanitarian. 74701

Sec. 4736.09. Examinations required by section 4736.08 of the 74702
Revised Code shall be conducted not less than once each calendar 74703
year at such times and places as the ~~state-board~~ director of 74704
~~sanitarian registration health~~ prescribes. Such examinations shall 74705
be written and shall include applicable subjects in the field of 74706
environmental health science and such other subjects as the ~~board~~ 74707
director may prescribe. The examination shall be objective and 74708
practical. Any examination papers shall not disclose the name of 74709
the applicant, but shall be identified by a number assigned by the 74710
~~secretary of the board~~ director. The preparation of the 74711
examination shall be the responsibility of the ~~board~~ director; 74712
however, the ~~board~~ director may use material prepared by 74713
recognized examination agencies. 74714

No person shall be registered if ~~he~~ the person fails to meet 74715
the minimum grade requirements for the examination specified by 74716
the ~~board~~ director. An applicant who fails to meet such minimum 74717
grade requirements in ~~his~~ the applicant's first examination may be 74718
reexamined at any time and place specified by the ~~board~~ director, 74719
upon resubmission of ~~his~~ an application and payment of the fee 74720
prescribed in section 4736.12 of the Revised Code. 74721

Sec. 4736.10. Any person who meets the educational 74722
qualifications of division (A), (B), or (C) of section 4736.08 of 74723
the Revised Code, but does not meet the experience requirement of 74724

such division may make application to the ~~state board~~ director of 74725
~~sanitarian registration health~~ on a form prescribed by the ~~board~~ 74726
director for registration as a sanitarian-in-training. The ~~board~~ 74727
director shall register such person as a sanitarian-in-training 74728
upon payment of the fee required by section 4736.12 of the Revised 74729
Code, if ~~he~~ the person passes any examination which the ~~board~~ 74730
director may require for registration as a sanitarian-in-training. 74731
Any such examination shall be conducted in the same manner as the 74732
examination required for registration as a sanitarian under 74733
section 4736.09 of the Revised Code. 74734

A sanitarian-in-training shall apply for registration as a 74735
sanitarian within three years ~~of his~~ after registration as a 74736
sanitarian-in-training. The ~~board~~ director may extend the 74737
registration of any sanitarian-in-training who furnishes, in 74738
writing, sufficient cause for not applying for registration as a 74739
sanitarian within the three-year period. 74740

Sec. 4736.11. The ~~state board~~ director of ~~sanitarian~~ 74741
~~registration health~~ shall issue a certificate of registration to 74742
any applicant whom it registers as a sanitarian or a 74743
sanitarian-in-training. Such certificate shall bear: 74744

(A) The name of the person; 74745

(B) The date of issue; 74746

(C) A serial number, designated by the ~~board~~ director; 74747

(D) The ~~seal of the board and~~ signature of the ~~chairperson of~~ 74748
~~the board~~ director; 74749

(E) The designation "registered sanitarian" or 74750
"sanitarian-in-training." 74751

Certificates of registration shall expire annually on the 74752
date fixed by the ~~board~~ director and become invalid on that date 74753
unless renewed pursuant to this section. All registered 74754

sanitarians shall be required annually to complete a continuing education program in subjects relating to practices of the profession as a sanitarian to the end that the utilization and application of new techniques, scientific advancements, and research findings will assure comprehensive service to the public. The ~~board~~ director shall prescribe by rule a continuing education program for registered sanitarians to meet this requirement. The length of study for this program shall be determined by the ~~board~~ director but shall be not less than six nor more than twenty-five hours during the calendar year. At least once annually the ~~board~~ director shall provide to each registered sanitarian a list of courses approved by the ~~board~~ director as satisfying the program prescribed by rule. Upon the request of a registered sanitarian, the ~~secretary~~ director shall supply a list of applicable courses that the ~~board~~ director has approved. A certificate may be renewed for a period of one year at any time prior to the date of expiration upon payment of the renewal fee prescribed by section 4736.12 of the Revised Code and upon showing proof of having complied with the continuing education requirements of this section. The ~~state board of sanitarian registration~~ director may waive the continuing education requirement in cases of certified illness or disability which prevents the attendance at any qualified educational seminars during the twelve months immediately preceding the annual certificate of registration renewal date. Certificates which expire may be reinstated under rules adopted by the ~~board~~ director.

Sec. 4736.12. (A) The ~~state board~~ director of ~~sanitarian registration~~ health shall charge the following fees:

(1) To apply as a sanitarian-in-training, ~~eighty~~ sixty dollars;

(2) For sanitarians-in-training to apply for registration as

sanitarians, ~~eighty~~ sixty dollars. The applicant shall pay this 74786
fee only once regardless of the number of times the applicant 74787
takes an examination required under section 4736.08 of the Revised 74788
Code. 74789

(3) For persons other than sanitarians-in-training to apply 74790
for registration as sanitarians, ~~including persons meeting the~~ 74791
~~requirements of section 4736.16 of the Revised Code,~~ one hundred 74792
~~sixty~~ twenty dollars. The applicant shall pay this fee only once 74793
regardless of the number of times the applicant takes an 74794
examination required under section 4736.08 of the Revised Code. 74795

(4) The renewal fee for registered sanitarians shall be 74796
~~ninety~~ sixty-seven dollars and fifty cents. 74797

(5) The renewal fee for sanitarians-in-training shall be 74798
~~ninety~~ sixty-seven dollars and fifty cents. 74799

(6) For late application for renewal, an additional 74800
~~seventy-five~~ fifty-six dollars and twenty-five cents. 74801

The ~~board of sanitarian registration~~ director, with the 74802
approval of the controlling board, may establish fees in excess of 74803
the amounts provided in this section, provided that such fees do 74804
not exceed the amounts permitted by this section by more than 74805
fifty per cent. 74806

(B) The ~~board of sanitarian registration~~ director shall 74807
charge separate fees for examinations as required by section 74808
4736.08 of the Revised Code, provided that the fees are not in 74809
excess of the actual cost to the ~~board~~ department of health of 74810
conducting the examinations. 74811

(C) The ~~board of sanitarian registration~~ director may adopt 74812
rules establishing fees for all of the following: 74813

(1) Application for the registration of a training agency 74814
approved under rules adopted by the ~~board~~ director pursuant to 74815

section 4736.11 of the Revised Code and for the annual 74816
registration renewal of an approved training agency; 74817

(2) Application for the review of continuing education hours 74818
submitted for the ~~board's~~ director's approval by approved training 74819
agencies or by registered sanitarians or sanitarians-in-training; 74820

(3) Additional copies of pocket identification cards and wall 74821
certificates. 74822

Sec. 4736.13. The ~~state board~~ director of ~~sanitarian~~ 74823
~~registration~~ health may deny, refuse to renew, revoke, or suspend 74824
a certificate of registration in accordance with Chapter 119. of 74825
the Revised Code for unprofessional conduct, the practice of fraud 74826
or deceit in obtaining a certificate of registration, dereliction 74827
of duty, incompetence in the practice of environmental health 74828
science, or for other good and sufficient cause. 74829

Sec. 4736.14. The ~~state board~~ director of ~~sanitarian~~ 74830
~~registration~~ health may, upon application and proof of valid 74831
registration, issue a certificate of registration to any person 74832
who is or has been registered as a sanitarian by any other state, 74833
if the requirements of that state at the time of such registration 74834
are determined by the ~~board~~ director to be at least equivalent to 74835
the requirements of this chapter. 74836

Sec. 4736.15. No person shall engage in, or offer to engage 74837
in, the practice of environmental health without being registered 74838
in accordance with sections 4736.01 to ~~4736.16~~ 4736.15 of the 74839
Revised Code. A sanitarian-in-training may engage in the practice 74840
of environmental health for a period not to exceed five years, 74841
provided ~~he~~ the sanitarian-in-training is supervised by a 74842
registered sanitarian. No person except a registered sanitarian 74843
shall use the title "registered sanitarian" or the abbreviation 74844
"R.S." after ~~his~~ the person's name, or represent ~~himself~~ self as a 74845

registered sanitarian. Whoever violates this section is guilty of 74846
a misdemeanor of the fourth degree. 74847

Sec. 4736.17. On receipt of a notice pursuant to section 74848
3123.43 of the Revised Code, the ~~state board~~ director of 74849
~~sanitarian registration~~ health shall comply with sections 3123.41 74850
to 3123.50 of the Revised Code and any applicable rules adopted 74851
under section 3123.63 of the Revised Code with respect to a 74852
certificate issued pursuant to this chapter. 74853

Sec. 4736.18. The ~~state board~~ director of ~~sanitarian~~ 74854
~~registration~~ health shall comply with section 4776.20 of the 74855
Revised Code. 74856

Sec. 4745.01. (A) "Standard renewal procedure," as used in 74857
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 74858
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 74859
3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~ 4169., 4561., 74860
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 74861
4728., 4729., 4731., 4733., 4734., ~~4735.~~ 4739., 4741., 4747., 74862
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 74863
4773., and 4775. of the Revised Code, means the license renewal 74864
procedures specified in this chapter. 74865

(B) "Licensing agency," as used in this chapter, means any 74866
department, division, board, section of a board, or other state 74867
governmental unit subject to the standard renewal procedure, as 74868
defined in this section, and authorized by the Revised Code to 74869
issue a license to engage in a specific profession, occupation, or 74870
occupational activity, or to have charge of and operate certain 74871
specified equipment, machinery, or premises. 74872

(C) "License," as used in this chapter, means a license, 74873
certificate, permit, card, or other authority issued or conferred 74874
by a licensing agency by authority of which the licensee has or 74875

claims the privilege to engage in the profession, occupation, or 74876
occupational activity, or to have control of and operate certain 74877
specific equipment, machinery, or premises, over which the 74878
licensing agency has jurisdiction. 74879

(D) "Licensee," as used in this chapter, means either the 74880
person to whom the license is issued or renewed by a licensing 74881
agency, or the person, partnership, or corporation at whose 74882
request the license is issued or renewed. 74883

(E) "Renewal" and "renewed," as used in this chapter and in 74884
the chapters of the Revised Code specified in division (A) of this 74885
section, includes the continuing licensing procedure provided in 74886
Chapter 3748. of the Revised Code and rules adopted under it and 74887
in sections 1321.05 and 3921.33 of the Revised Code, and as 74888
applied to those continuing licenses any reference in this chapter 74889
to the date of expiration of any license shall be construed to 74890
mean the due date of the annual or other fee for the continuing 74891
license. 74892

Sec. 4749.031. (A) The department of public safety shall be a 74893
participating public office for purposes of the retained applicant 74894
fingerprint database established under section 109.5721 of the 74895
Revised Code. The department shall elect to participate in the 74896
continuous record monitoring service for all persons licensed or 74897
registered under this chapter. When the superintendent of the 74898
bureau of criminal identification and investigation, under section 74899
109.57 of the Revised Code, indicates that an individual in the 74900
retained applicant fingerprint database has been arrested for, 74901
convicted of, or pleaded guilty to any offense, the superintendent 74902
promptly shall notify the department either electronically or by 74903
mail that additional arrest or conviction information is 74904
available. 74905

(B) In addition to any other fees charged by the department 74906

under this chapter, an applicant for a license under section 74907
4749.03 of the Revised Code, at the time of making an initial or 74908
renewal application, shall pay any initial or annual fee charged 74909
by the superintendent pursuant to rules adopted under division 74910
(~~F~~)(H) of section 109.5721 of the Revised Code. 74911

Sec. 4751.03. (A) There is hereby established in the 74912
department of aging a board of executives of long-term services 74913
and supports, which board shall be composed of the following 74914
eleven members: 74915

(1) Four members who are nursing home administrators, owners 74916
of nursing homes, or officers of corporations owning nursing 74917
homes, and who shall have an understanding of person-centered 74918
care, and experience with a range of long-term services and 74919
supports settings; 74920

(2)(a) Three members who work in long-term services and 74921
supports settings that are not nursing homes, and who shall have 74922
an understanding of person-centered care, and experience with a 74923
range of long-term services and supports settings; 74924

(b) At least one of the members described in division 74925
(A)(2)(a) of this section shall be a home health administrator, an 74926
owner of a home health agency, or an officer of a home health 74927
agency. 74928

(3) One member who is a member of the academic community; 74929

(4) One member who is a consumer of services offered in a 74930
long-term services and supports setting; 74931

(5) One nonvoting member who is a representative of the 74932
department of health, designated by the director of health, who is 74933
involved in the nursing home survey and certification process, who 74934
shall serve in an advisory capacity only; 74935

(6) One nonvoting member who is a representative of the 74936

office of the state long-term care ombudsman, designated by the 74937
state long-term care ombudsman, who shall serve in an advisory 74938
capacity only. 74939

All members of the board shall be citizens of the United 74940
States and residents of this state. No member of the board who is 74941
appointed under divisions (A)(3) to (6) of this section may have 74942
or acquire any direct financial interest in a nursing home or 74943
long-term services and supports settings. 74944

(B) The term of office for each appointed member of the board 74945
shall be for three years, commencing on the twenty-eighth day of 74946
May and ending on the twenty-seventh day of May. Each member shall 74947
serve from the date of appointment until the end of the term for 74948
which appointed. No member shall serve more than two consecutive 74949
full terms. 74950

(C) Appointments to the board shall be made by the governor. 74951
Any member appointed to fill a vacancy occurring prior to the 74952
expiration of the term for which the member's predecessor was 74953
appointed shall hold office for the remainder of such term. Any 74954
appointed member shall continue in office subsequent to the 74955
expiration date of the member's term until the member's successor 74956
takes office, or until a period of sixty days has elapsed, 74957
whichever occurs first. 74958

(D) The governor may remove any member of the board for 74959
misconduct, incapacity, incompetence, or neglect of duty after the 74960
member so charged has been served with a written statement of 74961
charges and has been given an opportunity to be heard. 74962

(E) Each member of the board, except the member designated by 74963
the director of health and the member designated by the ombudsman, 74964
shall be paid in accordance with section 124.15 of the Revised 74965
Code and each member shall be reimbursed for the member's actual 74966
and necessary expenses incurred in the discharge of such duties. 74967

(F) The board shall elect annually from its membership a chairperson and a vice-chairperson. 74968
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(G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the voting members of the board shall constitute a quorum. The affirmative vote of a majority of the voting members of the board is necessary for the board to act. 74970
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(H) The board shall appoint a secretary who has no financial interest in a long-term services and supports setting, and may employ and prescribe the powers and duties of such employees and consultants as are necessary to carry out this chapter and the rules adopted under it. 74975
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Sec. 4751.04. (A) The board of executives of long-term services and supports shall: 74980
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(1) Develop, adopt, impose, and enforce regulations prescribing standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators are of good character and are otherwise suitable, and who, by training and experience, are qualified to serve as nursing home administrators; 74982
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(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards; 74989
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(3) Issue licenses and registrations to individuals determined, after application of such techniques, to meet such standards, ~~and revoke;~~ 74992
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(4) Revoke or suspend licenses or registrations previously issued by the board or impose a civil penalty, fine, or any other sanction authorized by the board on an individual holding a 74995
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license or registration, in any case where the individual ~~holding~~ 74998
~~such license or registration~~ is determined to have failed 74999
substantially to conform to the requirements of such standards; 75000

~~(4)~~(5) Develop, adopt, impose, and enforce regulations and 75001
procedures designed to ensure that individuals holding a temporary 75002
license, or licensed as nursing home administrators will, during 75003
any period that they serve as such, comply with Chapter 4751. of 75004
the Revised Code and the regulations adopted thereunder; 75005

~~(5)~~(6) Receive, investigate, and take appropriate action with 75006
respect to any charge or complaint filed with the board to the 75007
effect that any individual licensed as a nursing home 75008
administrator has failed to comply with Chapter 4751. of the 75009
Revised Code and the regulations adopted thereunder; 75010

~~(6)~~(7) Take such other actions as may be necessary to enable 75011
the state to meet the requirements set forth in the "Social 75012
Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 75013
g; 75014

~~(7)~~(8) Pay all license and registration fees, civil 75015
penalties, and fines collected under Chapter 4751. of the Revised 75016
Code into the board of executives of long-term services and 75017
supports fund created by section 4751.14 of the Revised Code to be 75018
used in administering and enforcing this chapter and the rules 75019
adopted under it; 75020

~~(8)~~(9) Administer, or contract with a government or private 75021
entity to administer, examinations for licensure as a nursing home 75022
administrator. If the board contracts with a government or private 75023
entity to administer the examinations, the contract may authorize 75024
the entity to collect and keep, as all or part of the entity's 75025
compensation under the contract, any fee an applicant for 75026
licensure pays to take an examination. The entity is not required 75027
to deposit the fee into the state treasury; 75028

~~(9)~~(10) Enter into a contract with the department of aging as required under section 4751.042 of the Revised Code; 75029
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~~(10)~~(11) Create opportunities for the education, training, and credentialing of nursing home administrators ~~and others,~~ persons in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings, and persons interested in serving in those roles. 75031
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In carrying out this function, the board shall do the following: 75036

(a) Identify core competencies and areas of knowledge that are appropriate for nursing home administrators, credentialed individuals, and others working within the long-term services and supports settings system, with an emphasis on all of the following: 75037
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(i) Leadership; 75042

(ii) Person-centered care; 75043

(iii) Principles of management within both the business and regulatory environments; 75044
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(iv) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings. 75046
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(b) Assist in the development of a strong, competitive market in Ohio for training, continuing education, and degree programs in long-term services and supports settings administration. 75048
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(B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the board is subject to Chapter 119. of the Revised Code and sections 4743.01 and 4743.02 of the Revised Code except that a notice of appeal of an order of the board adopting, amending, or rescinding a rule or regulation does not operate as a stay of the effective date of such order as provided in section 119.11 of the Revised Code. The court, at its discretion, may grant a stay of any 75051
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regulation in its application against the person filing the notice 75059
of appeal. 75060

Sec. 4751.043. (A) Training and education programs developed 75061
by the board of executives of long-term services and supports 75062
pursuant to division (A)(10) of section 4751.04 of the Revised 75063
Code may be conducted in person or through electronic media. The 75064
board may establish and charge a fee for the education and 75065
training programs. 75066

(B) The board may enter into a contract with a government or 75067
private entity to perform the board's duties under division 75068
(A)(10) of section 4751.04 of the Revised Code to develop and 75069
conduct education and training programs. If the board enters into 75070
such a contract, the contract may authorize the entity to pay any 75071
or all costs associated with the education or training programs 75072
and to collect and keep, as all or part of the entity's 75073
compensation under the contract, any fee an applicant for 75074
education or training pays to enroll in the education or training 75075
program. 75076

Sec. 4751.044. The board of executives of long-term services 75077
and supports shall approve continuing education courses for 75078
nursing home administrators. The board may establish a fee for 75079
approval of such courses that is adequate to cover any expense the 75080
board incurs in the approval process. 75081

Sec. 4751.10. The license or registration, or both, or the 75082
temporary license of any person practicing or offering to practice 75083
nursing home administration, shall be revoked or suspended by the 75084
board of executives of long-term services and supports if such 75085
licensee or temporary licensee: 75086

(A) Is unfit or incompetent by reason of negligence, habits, 75087
or other causes; 75088

(B) Has willfully or repeatedly violated any of the 75089
provisions of Chapter 4751. of the Revised Code or the regulations 75090
adopted thereunder; or willfully or repeatedly acted in a manner 75091
inconsistent with the health and safety of the patients of the 75092
nursing home in which the licensee or temporary licensee is the 75093
administrator; 75094

(C) Is guilty of fraud or deceit in the practice of nursing 75095
home administration or in the licensee's or temporary licensee's 75096
admission to such practice; 75097

(D) Has been convicted in a court of competent jurisdiction, 75098
either within or without this state, of a felony. 75099

~~Proceedings under this section shall be instituted by the 75100
board or shall be begun by filing with the board charges in 75101
writing and under oath. 75102~~

Sec. 4751.14. There is hereby created in the state treasury 75103
the board of executives of long-term services and supports fund. 75104
The fund shall consist of the amounts the board collects under 75105
this chapter as license and registration fees ~~collected under this~~ 75106
~~chapter, other fees, civil penalties, and fines.~~ Money in the fund 75107
shall be used by the board of executives of long-term services and 75108
supports to administer and enforce this chapter and the rules 75109
adopted under it. Investment earnings of the fund shall be 75110
credited to the fund. 75111

Sec. 4751.99. Whoever violates section 4751.02 or 4751.09 of 75112
the Revised Code ~~shall~~ may be fined not ~~less than fifty nor~~ more 75113
than five hundred dollars for the first offense; for each 75114
subsequent offense such person ~~shall~~ may be fined not ~~less than~~ 75115
~~one hundred nor~~ more than five hundred dollars or imprisoned for 75116
not more than ninety days, or both. 75117

The imposition of fines pursuant to this section does not 75118

preclude the imposition of any civil penalties or fines authorized 75119
under section 4751.04 or any other section of the Revised Code. 75120

Sec. 4762.14. (A) The state medical board shall investigate 75121
evidence that appears to show that any person has violated this 75122
chapter or the rules adopted under it. Any person may report to 75123
the board in a signed writing any information the person has that 75124
appears to show a violation of any provision of this chapter or 75125
the rules adopted under it. In the absence of bad faith, a person 75126
who reports such information or testifies before the board in an 75127
adjudication conducted under Chapter 119. of the Revised Code 75128
shall not be liable for civil damages as a result of reporting the 75129
information or providing testimony. Each complaint or allegation 75130
of a violation received by the board shall be assigned a case 75131
number and be recorded by the board. 75132

(B) Investigations of alleged violations of this chapter or 75133
rules adopted under it shall be supervised by the supervising 75134
member elected by the board in accordance with section 4731.02 of 75135
the Revised Code and by the secretary as provided in section 75136
~~4762.15~~ 4762.17 of the Revised Code. The board's president may 75137
designate another member of the board to supervise the 75138
investigation in place of the supervising member. A member of the 75139
board who supervises the investigation of a case shall not 75140
participate in further adjudication of the case. 75141

(C) In investigating a possible violation of this chapter or 75142
the rules adopted under it, the board may administer oaths, order 75143
the taking of depositions, issue subpoenas, and compel the 75144
attendance of witnesses and production of books, accounts, papers, 75145
records, documents, and testimony, except that a subpoena for 75146
patient record information shall not be issued without 75147
consultation with the attorney general's office and approval of 75148
the secretary and supervising member of the board. Before issuance 75149

of a subpoena for patient record information, the secretary and 75150
supervising member shall determine whether there is probable cause 75151
to believe that the complaint filed alleges a violation of this 75152
chapter or the rules adopted under it and that the records sought 75153
are relevant to the alleged violation and material to the 75154
investigation. The subpoena may apply only to records that cover a 75155
reasonable period of time surrounding the alleged violation. 75156

On failure to comply with any subpoena issued by the board 75157
and after reasonable notice to the person being subpoenaed, the 75158
board may move for an order compelling the production of persons 75159
or records pursuant to the Rules of Civil Procedure. 75160

A subpoena issued by the board may be served by a sheriff, 75161
the sheriff's deputy, or a board employee designated by the board. 75162
Service of a subpoena issued by the board may be made by 75163
delivering a copy of the subpoena to the person named therein, 75164
reading it to the person, or leaving it at the person's usual 75165
place of residence. When the person being served is an oriental 75166
medicine practitioner or acupuncturist, service of the subpoena 75167
may be made by certified mail, restricted delivery, return receipt 75168
requested, and the subpoena shall be deemed served on the date 75169
delivery is made or the date the person refuses to accept 75170
delivery. 75171

A sheriff's deputy who serves a subpoena shall receive the 75172
same fees as a sheriff. Each witness who appears before the board 75173
in obedience to a subpoena shall receive the fees and mileage 75174
provided for under section 119.094 of the Revised Code. 75175

(D) All hearings and investigations of the board shall be 75176
considered civil actions for the purposes of section 2305.252 of 75177
the Revised Code. 75178

(E) Information received by the board pursuant to an 75179
investigation is confidential and not subject to discovery in any 75180

civil action. 75181

The board shall conduct all investigations and proceedings in 75182
a manner that protects the confidentiality of patients and persons 75183
who file complaints with the board. The board shall not make 75184
public the names or any other identifying information about 75185
patients or complainants unless proper consent is given. 75186

The board may share any information it receives pursuant to 75187
an investigation, including patient records and patient record 75188
information, with law enforcement agencies, other licensing 75189
boards, and other governmental agencies that are prosecuting, 75190
adjudicating, or investigating alleged violations of statutes or 75191
administrative rules. An agency or board that receives the 75192
information shall comply with the same requirements regarding 75193
confidentiality as those with which the state medical board must 75194
comply, notwithstanding any conflicting provision of the Revised 75195
Code or procedure of the agency or board that applies when it is 75196
dealing with other information in its possession. In a judicial 75197
proceeding, the information may be admitted into evidence only in 75198
accordance with the Rules of Evidence, but the court shall require 75199
that appropriate measures are taken to ensure that confidentiality 75200
is maintained with respect to any part of the information that 75201
contains names or other identifying information about patients or 75202
complainants whose confidentiality was protected by the state 75203
medical board when the information was in the board's possession. 75204
Measures to ensure confidentiality that may be taken by the court 75205
include sealing its records or deleting specific information from 75206
its records. 75207

(F) The state medical board shall develop requirements for 75208
and provide appropriate initial training and continuing education 75209
for investigators employed by the board to carry out its duties 75210
under this chapter. The training and continuing education may 75211
include enrollment in courses operated or approved by the Ohio 75212

peace officer training council that the board considers 75213
appropriate under conditions set forth in section 109.79 of the 75214
Revised Code. 75215

(G) On a quarterly basis, the board shall prepare a report 75216
that documents the disposition of all cases during the preceding 75217
three months. The report shall contain the following information 75218
for each case with which the board has completed its activities: 75219

(1) The case number assigned to the complaint or alleged 75220
violation; 75221

(2) The type of certificate to practice, if any, held by the 75222
individual against whom the complaint is directed; 75223

(3) A description of the allegations contained in the 75224
complaint; 75225

(4) The disposition of the case. 75226

The report shall state how many cases are still pending, and 75227
shall be prepared in a manner that protects the identity of each 75228
person involved in each case. The report is a public record for 75229
purposes of section 149.43 of the Revised Code. 75230

Sec. 4765.01. As used in this chapter: 75231

(A) "First responder" means an individual who holds a 75232
current, valid certificate issued under section 4765.30 of the 75233
Revised Code to practice as a first responder. 75234

(B) "Emergency medical technician-basic" or "EMT-basic" means 75235
an individual who holds a current, valid certificate issued under 75236
section 4765.30 of the Revised Code to practice as an emergency 75237
medical technician-basic. 75238

(C) "Emergency medical technician-intermediate" or "EMT-I" 75239
means an individual who holds a current, valid certificate issued 75240
under section 4765.30 of the Revised Code to practice as an 75241

emergency medical technician-intermediate. 75242

(D) "Emergency medical technician-paramedic" or "paramedic" 75243
means an individual who holds a current, valid certificate issued 75244
under section 4765.30 of the Revised Code to practice as an 75245
emergency medical technician-paramedic. 75246

(E) "Ambulance" means any motor vehicle that is used, or is 75247
intended to be used, for the purpose of responding to emergency 75248
medical situations, transporting emergency patients, and 75249
administering emergency medical service to patients before, 75250
during, or after transportation. 75251

(F) "Cardiac monitoring" means a procedure used for the 75252
purpose of observing and documenting the rate and rhythm of a 75253
patient's heart by attaching electrical leads from an 75254
electrocardiograph monitor to certain points on the patient's body 75255
surface. 75256

(G) "Emergency medical service" means any of the services 75257
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 75258
the Revised Code that are performed by first responders, emergency 75259
medical technicians-basic, emergency medical 75260
technicians-intermediate, and paramedics. "Emergency medical 75261
service" includes such services performed before or during any 75262
transport of a patient, including transports between hospitals and 75263
transports to and from helicopters. 75264

(H) "Emergency medical service organization" means a public 75265
or private organization using first responders, EMTs-basic, 75266
EMTs-I, or paramedics, or a combination of first responders, 75267
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 75268
services. 75269

(I) "Physician" means an individual who holds a current, 75270
valid ~~certificate~~ license issued under Chapter 4731. of the 75271
Revised Code authorizing the practice of medicine and surgery or 75272

osteopathic medicine and surgery.	75273
(J) "Registered nurse" means an individual who holds a	75274
current, valid license issued under Chapter 4723. of the Revised	75275
Code authorizing the practice of nursing as a registered nurse.	75276
(K) "Volunteer" means a person who provides services either	75277
for no compensation or for compensation that does not exceed the	75278
actual expenses incurred in providing the services or in training	75279
to provide the services.	75280
(L) "Emergency medical service personnel" means first	75281
responders, emergency medical technicians-basic, emergency medical	75282
technicians-intermediate, emergency medical technicians-paramedic,	75283
and persons who provide medical direction to such persons.	75284
(M) "Hospital" has the same meaning as in section 3727.01 of	75285
the Revised Code.	75286
(N) "Trauma" or "traumatic injury" means severe damage to or	75287
destruction of tissue that satisfies both of the following	75288
conditions:	75289
(1) It creates a significant risk of any of the following:	75290
(a) Loss of life;	75291
(b) Loss of a limb;	75292
(c) Significant, permanent disfigurement;	75293
(d) Significant, permanent disability.	75294
(2) It is caused by any of the following:	75295
(a) Blunt or penetrating injury;	75296
(b) Exposure to electromagnetic, chemical, or radioactive	75297
energy;	75298
(c) Drowning, suffocation, or strangulation;	75299
(d) A deficit or excess of heat.	75300

(O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury. 75301
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(P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction. 75303
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(Q) "Trauma center" means all of the following: 75310

(1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center; 75311
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(2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code; 75313
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(3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code; 75316
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(4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient. 75319
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(R) "Pediatric" means involving a patient who is less than sixteen years of age. 75323
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(S) "Adult" means involving a patient who is not a pediatric patient. 75325
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(T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging. 75327
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(U) "Air medical organization" means an organization that 75330

provides emergency medical services, or transports emergency 75331
victims, by means of fixed or rotary wing aircraft. 75332

(V) "Emergency care" and "emergency facility" have the same 75333
meanings as in section 3727.01 of the Revised Code. 75334

(W) "Stabilize," except as it is used in division (B) of 75335
section 4765.35 of the Revised Code with respect to the manual 75336
stabilization of fractures, has the same meaning as in section 75337
1753.28 of the Revised Code. 75338

(X) "Transfer" has the same meaning as in section 1753.28 of 75339
the Revised Code. 75340

(Y) "Firefighter" means any member of a fire department as 75341
defined in section 742.01 of the Revised Code. 75342

(Z) "Volunteer firefighter" has the same meaning as in 75343
section 146.01 of the Revised Code. 75344

(AA) "Part-time paid firefighter" means a person who provides 75345
firefighting services on less than a full-time basis, is routinely 75346
scheduled to be present on site at a fire station or other 75347
designated location for purposes of responding to a fire or other 75348
emergency, and receives more than nominal compensation for the 75349
provision of firefighting services. 75350

(BB) "Physician assistant" means an individual who holds a 75351
valid license to practice as a physician assistant issued under 75352
Chapter 4730. of the Revised Code. 75353

Sec. 4765.02. (A)(1) There is hereby created the state board 75354
of emergency medical, fire, and transportation services within the 75355
division of emergency medical services of the department of public 75356
safety. The board shall consist of the members specified in this 75357
section who are residents of this state. The governor, with the 75358
advice and consent of the senate, shall appoint all members of the 75359
board, except the employee of the department of public safety 75360

designated by the director of public safety under this section to 75361
be a member of the board. In making the appointments, the governor 75362
shall appoint only members with background or experience in 75363
emergency medical services or trauma care and shall attempt to 75364
include members representing urban and rural areas, various 75365
geographical regions of the state, and various schools of 75366
training. 75367

(2) One member of the board shall be a physician certified by 75368
the American board of emergency medicine or the American 75369
osteopathic board of emergency medicine who is active in the 75370
practice of emergency medicine and is actively involved with an 75371
emergency medical service organization. The governor shall appoint 75372
this member from among three persons nominated by the Ohio chapter 75373
of the American college of emergency physicians and three persons 75374
nominated by the Ohio osteopathic association. One member shall be 75375
a physician certified by the American board of surgery or the 75376
American osteopathic board of surgery who is active in the 75377
practice of trauma surgery and is actively involved with emergency 75378
medical services. The governor shall appoint this member from 75379
among three persons nominated by the Ohio chapter of the American 75380
college of surgeons and three persons nominated by the Ohio 75381
osteopathic association. One member shall be a physician certified 75382
by the American academy of pediatrics or American osteopathic 75383
board of pediatrics who is active in the practice of pediatric 75384
emergency medicine and actively involved with an emergency medical 75385
service organization. The governor shall appoint this member from 75386
among three persons nominated by the Ohio chapter of the American 75387
academy of pediatrics and three persons nominated by the Ohio 75388
osteopathic association. One member shall be the administrator of 75389
a hospital located in this state. The governor shall appoint this 75390
member from among three persons nominated by OHA: the association 75391
for hospitals and health systems, three persons nominated by the 75392
Ohio osteopathic association, and three persons nominated by the 75393

association of Ohio children's hospitals. One member shall be an 75394
adult or pediatric trauma program manager or trauma program 75395
director who is involved in the daily management of a verified 75396
trauma center. The governor shall appoint this member from among 75397
three persons nominated by the Ohio nurses association, three 75398
persons nominated by the Ohio society of trauma nurse leaders, and 75399
three persons nominated by the Ohio state council of the emergency 75400
nurses association. One member shall be the chief of a fire 75401
department that is also an emergency medical service organization 75402
in which more than fifty per cent of the persons who provide 75403
emergency medical services are full-time paid employees. The 75404
governor shall appoint this member from among three persons 75405
nominated by the Ohio fire chiefs' association. One member shall 75406
be the chief of a fire department that is also an emergency 75407
medical service organization in which more than fifty per cent of 75408
the persons who provide emergency medical services are volunteers. 75409
The governor shall appoint this member from among three persons 75410
nominated by the Ohio fire chiefs' association. One member shall 75411
be a person who is certified to teach under section 4765.23 of the 75412
Revised Code and holds a valid certificate to practice as an EMT, 75413
AEMT, or paramedic. The governor shall appoint this member from 75414
among three persons nominated by the Ohio emergency medical 75415
technician instructors association and the Ohio 75416
instructor/coordinators' society. One member shall be an EMT, 75417
AEMT, or paramedic, and one member shall be a paramedic. The 75418
governor shall appoint these members from among three EMTs or 75419
AEMTs and three paramedics nominated by the Ohio association of 75420
professional fire fighters and three EMTs, three AEMTs, and three 75421
paramedics nominated by the northern Ohio fire fighters. One 75422
member shall be an EMT, AEMT, or paramedic, and one member shall 75423
be a paramedic. The governor shall appoint these members from 75424
among three EMTs or AEMTs and three paramedics nominated by the 75425
Ohio state firefighter's association. One member shall be a person 75426

whom the governor shall appoint from among an EMT, AEMT, or a paramedic nominated by the Ohio association of emergency medical services or the Ohio ambulance and medical transportation association. One member shall be an EMT, AEMT, or a paramedic, whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association. One member shall be a paramedic, whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association. One member shall be the owner or operator of a private emergency medical service organization whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association. One member shall be a member of a third-service emergency medical service agency or organization whom the governor shall appoint from among three persons nominated by the Ohio EMS chiefs association. One member shall be a provider of mobile intensive care unit transportation in this state whom the governor shall appoint from among three persons nominated by the Ohio association of critical care transport. One member shall be a provider of air-medical transportation in this state whom the governor shall appoint from among three persons nominated by the Ohio association of critical care transport. One member shall be the owner or operator of a nonemergency medical service organization in this state that provides ambulance services whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association.

The governor may refuse to appoint any of the persons nominated by one or more organizations under division (A)(2) of this section, except the employee of the department of public safety designated by the director of public safety under this section to be a member of the board. In that event, the organization or organizations shall continue to nominate the required number of persons until the governor appoints to the

board one or more of the persons nominated by the organization or 75460
organizations. 75461

The director of public safety shall designate an employee of 75462
the department of public safety to serve as a member of the board 75463
at the director's pleasure. This member shall serve as a liaison 75464
between the department and the division of emergency medical 75465
services in cooperation with the executive director of the board. 75466

(B) Terms of office of all members appointed by the governor 75467
shall be for three years, each term ending on the same day of the 75468
same month as did the term it succeeds. Each member shall hold 75469
office from the date of appointment until the end of the term for 75470
which the member was appointed. A member shall continue in office 75471
subsequent to the expiration date of the member's term until the 75472
member's successor takes office, or until a period of sixty days 75473
has elapsed, whichever occurs first. 75474

Each vacancy shall be filled in the same manner as the 75475
original appointment. A member appointed to fill a vacancy 75476
occurring prior to the expiration of the term for which the 75477
member's predecessor was appointed shall hold office for the 75478
remainder of the unexpired term. 75479

The term of a member shall expire if the member ceases to 75480
meet any of the requirements to be appointed as that member. The 75481
governor may remove any member from office for neglect of duty, 75482
malfeasance, misfeasance, or nonfeasance, after an adjudication 75483
hearing held in accordance with Chapter 119. of the Revised Code. 75484

(C) The members of the board shall serve without compensation 75485
but shall be reimbursed for their actual and necessary expenses 75486
incurred in carrying out their duties as board members. 75487

(D) The board shall organize by annually selecting a chair 75488
and vice-chair from among its members. The board may adopt bylaws 75489
to regulate its affairs. A majority of all members of the board 75490

shall constitute a quorum. No action shall be taken without the
concurrence of a majority of all members of the board. The board
shall meet at least four times annually and at the call of the
chair. The chair shall call a meeting on the request of the
executive director or the medical director of the board or on the
written request of five members. The board shall maintain written
or electronic records of its meetings.

(E) Upon twenty-four hours' notice from a member of the
board, the member's employer shall release the member from the
member's employment duties to attend meetings of the full board.
Nothing in this division requires the employer of a member of the
board to compensate the member for time the member is released
from employment duties under this paragraph, but any civil
immunity, workers' compensation, disability, or similar coverage
that applies to a member of the board as a result of the member's
employment shall continue to apply while the member is released
from employment duties under this paragraph.

Sec. 4776.01. As used in this chapter:

(A) "License" means an authorization evidenced by a license,
certificate, registration, permit, card, or other authority that
is issued or conferred by a licensing agency to a licensee or to
an applicant for an initial license by which the licensee or
initial license applicant has or claims the privilege to engage in
a profession, occupation, or occupational activity, or, except in
the case of the state dental board, to have control of and operate
certain specific equipment, machinery, or premises, over which the
licensing agency has jurisdiction.

(B) Except as provided in section 4776.20 of the Revised
Code, "licensee" means the person to whom the license is issued by
a licensing agency.

(C) Except as provided in section 4776.20 of the Revised

Code, "licensing agency" means any of the following: 75522

(1) The board authorized by Chapters 4701., 4717., 4725., 75523
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 75524
4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the 75525
Revised Code to issue a license to engage in a specific 75526
profession, occupation, or occupational activity, or to have 75527
charge of and operate certain ~~specified~~ specific equipment, 75528
machinery, or premises. 75529

(2) The state dental board, relative to its authority to 75530
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 75531
4715.27 of the Revised Code; 75532

(3) The department of commerce or state board of pharmacy, 75533
relative to its authority to issue a license to a person or entity 75534
pursuant to Chapter 3796. of the Revised Code or any rules adopted 75535
under that chapter. 75536

(D) "Applicant for an initial license" includes persons 75537
seeking a license for the first time and persons seeking a license 75538
by reciprocity, endorsement, or similar manner of a license issued 75539
in another state. 75540

(E) "Applicant for a restored license" includes persons 75541
seeking restoration of a certificate under section 4730.14, 75542
4731.281, 4760.06, or 4762.06 of the Revised Code. 75543

(F) "Criminal records check" has the same meaning as in 75544
section 109.572 of the Revised Code. 75545

Sec. 4776.02. (A) An applicant for an initial license or 75546
restored license from a licensing agency, a person seeking to 75547
satisfy the requirements to be an employee of a pain management 75548
clinic as specified in section 4729.552 of the Revised Code, a 75549
person seeking to satisfy the requirements to be an employee of a 75550
facility, clinic, or other location that is subject to licensure 75551

as a category III terminal distributor of dangerous drugs with an 75552
office-based opioid treatment classification under section 75553
4729.553 of the Revised Code, or a person seeking employment with 75554
an entity holding a license issued under Chapter 3796. of the 75555
Revised Code shall submit a request to the bureau of criminal 75556
identification and investigation for a criminal records check of 75557
the applicant or person. The request shall be accompanied by a 75558
completed copy of the form prescribed under division (C)(1) of 75559
section 109.572 of the Revised Code, a set of fingerprint 75560
impressions obtained as described in division (C)(2) of that 75561
section, and the fee prescribed under division (C)(3) of that 75562
section. The applicant or person shall ask the superintendent of 75563
the bureau of criminal identification and investigation in the 75564
request to obtain from the federal bureau of investigation any 75565
information it has pertaining to the applicant or person. 75566

An applicant or person requesting a criminal records check 75567
shall provide the bureau of criminal identification and 75568
investigation with the applicant's or person's name and address 75569
and, regarding an applicant, with the licensing agency's name and 75570
address. ~~If the person requesting the criminal records check is a 75571
person seeking employment with an entity holding a license under 75572
Chapter 3796. of the Revised Code, the person also shall provide 75573
the bureau with the name and address of the entity holding the 75574
license.~~ 75575

(B) Upon receipt of the completed form, the set of 75576
fingerprint impressions, and the fee provided for in division (A) 75577
of this section, the superintendent of the bureau of criminal 75578
identification and investigation shall conduct a criminal records 75579
check of the applicant or person under division (B) of section 75580
109.572 of the Revised Code. Upon completion of the criminal 75581
records check, the superintendent shall do whichever of the 75582
following is applicable: 75583

(1) If the request was submitted by an applicant for an initial license or restored license, report the results of the criminal records check and any information the federal bureau of investigation provides to the licensing agency identified in the request for a criminal records check;

(2) If the request was submitted by a person seeking to satisfy the requirements to be an employee of a pain management clinic or a person seeking to satisfy the requirements to be an employee of a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification, do both of the following:

(a) Report the results of the criminal records check and any information the federal bureau of investigation provides to the person who submitted the request;

(b) Report the results of the portion of the criminal records check performed by the bureau of criminal identification and investigation under division (B)(1) of section 109.572 of the Revised Code to the employer or potential employer specified in the request of the person who submitted the request and send a letter to that employer or potential employer regarding the information provided by the federal bureau of investigation that states whichever of the following is applicable:

(i) That based on that information there is no record of any conviction;

(ii) That based on that information the person who submitted the request may not meet the criteria that are specified in section 4729.552 or 4729.553 of the Revised Code, whichever is applicable.

~~(3) If the request was submitted by a person seeking employment with an entity holding a license issued under Chapter~~

~~3796. of the Revised Code, report the results of the criminal 75615
records check, including any information the federal bureau of 75616
investigation provides as part of the criminal records check, to 75617
both of the following: 75618~~

~~(a) The person who submitted the request; 75619~~

~~(b) The entity holding a license issued under Chapter 3796. 75620
of the Revised Code from which the person who submitted the 75621
request is seeking employment. 75622~~

Sec. 4776.04. The results of any criminal records check 75623
conducted pursuant to a request made under this chapter and any 75624
report containing those results, including any information the 75625
federal bureau of investigation provides, are not public records 75626
for purposes of section 149.43 of the Revised Code and shall not 75627
be made available to any person or for any purpose other than as 75628
follows: 75629

(A) If the request for the criminal records check was 75630
submitted by an applicant for an initial license or restored 75631
license, as follows: 75632

(1) The superintendent of the bureau of criminal 75633
identification and investigation shall make the results available 75634
to the licensing agency for use in determining, under the agency's 75635
authorizing chapter of the Revised Code, whether the applicant who 75636
is the subject of the criminal records check should be granted a 75637
license under that chapter. 75638

(2) The licensing agency shall make the results available to 75639
the applicant who is the subject of the criminal records check. 75640

(B) If the request for the criminal records check was 75641
submitted by a person seeking to satisfy the requirements to be an 75642
employee of a pain management clinic as specified in section 75643
4729.552 of the Revised Code or a person seeking to satisfy the 75644

requirements to be an employee of a facility, clinic, or other 75645
location that is subject to licensure as a category III terminal 75646
distributor of dangerous drugs with an office-based opioid 75647
treatment classification, the superintendent of the bureau of 75648
criminal identification and investigation shall make the results 75649
available in accordance with the following: 75650

(1) The superintendent shall make the results of the criminal 75651
records check, including any information the federal bureau of 75652
investigation provides, available to the person who submitted the 75653
request and is the subject of the criminal records check. 75654

(2) The superintendent shall make the results of the portion 75655
of the criminal records check performed by the bureau of criminal 75656
identification and investigation under division (B)(1) of section 75657
109.572 of the Revised Code available to the employer or potential 75658
employer specified in the request of the person who submitted the 75659
request and shall send a letter of the type described in division 75660
(B)(2) of section 4776.02 of the Revised Code to that employer or 75661
potential employer regarding the information provided by the 75662
federal bureau of investigation that contains one of the types of 75663
statements described in that division. 75664

(C) If the request for the criminal records check was 75665
submitted by an applicant for a trainee license under section 75666
4776.021 of the Revised Code, as follows: 75667

(1) The superintendent of the bureau of criminal 75668
identification and investigation shall make the results available 75669
to the licensing agency or other agency identified in division (B) 75670
of section 4776.021 of the Revised Code for use in determining, 75671
under the agency's authorizing chapter of the Revised Code and 75672
division (D) of section 4776.021 of the Revised Code, whether the 75673
applicant who is the subject of the criminal records check should 75674
be granted a trainee license under that chapter and that division. 75675

(2) The licensing agency or other agency identified in 75676
division (B) of section 4776.021 of the Revised Code shall make 75677
the results available to the applicant who is the subject of the 75678
criminal records check. 75679

~~(D) If the request for the criminal records check was 75680
submitted by a person seeking employment with an entity holding a 75681
license issued under Chapter 3796. of the Revised Code, the 75682
superintendent shall make the results available in accordance with 75683
division (B)(3) of section 4776.02 of the Revised Code. 75684~~

Sec. 4776.20. (A) As used in this section: 75685

(1) "Licensing agency" means, in addition to each board 75686
identified in division (C) of section 4776.01 of the Revised Code, 75687
the board or other government entity authorized to issue a license 75688
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 75689
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 75690
4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 75691
4766., 4771., 4773., ~~4774., 4778.,~~ and 4781. of the Revised Code. 75692
"Licensing agency" includes an administrative officer that has 75693
authority to issue a license. 75694

(2) "Licensee" means, in addition to a licensee as described 75695
in division (B) of section 4776.01 of the Revised Code, the person 75696
to whom a license is issued by the board or other government 75697
entity authorized to issue a license under Chapters 4703., 4707., 75698
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 75699
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 75700
4753., 4758., 4759., 4763., 4765., 4766., 4771., 4773., ~~4774.,~~ 75701
~~4778.,~~ and 4781. of the Revised Code. 75702

(3) "Prosecutor" has the same meaning as in section 2935.01 75703
of the Revised Code. 75704

(B) On a licensee's conviction of, plea of guilty to, 75705

judicial finding of guilt of, or judicial finding of guilt 75706
resulting from a plea of no contest to the offense of trafficking 75707
in persons in violation of section 2905.32 of the Revised Code, 75708
the prosecutor in the case shall promptly notify the licensing 75709
agency of the conviction, plea, or finding and provide the 75710
licensee's name and residential address. On receipt of this 75711
notification, the licensing agency shall immediately suspend the 75712
licensee's license. 75713

(C) If there is a conviction of, plea of guilty to, judicial 75714
finding of guilt of, or judicial finding of guilt resulting from a 75715
plea of no contest to the offense of trafficking in persons in 75716
violation of section 2905.32 of the Revised Code and all or part 75717
of the violation occurred on the premises of a facility that is 75718
licensed by a licensing agency, the prosecutor in the case shall 75719
promptly notify the licensing agency of the conviction, plea, or 75720
finding and provide the facility's name and address and the 75721
offender's name and residential address. On receipt of this 75722
notification, the licensing agency shall immediately suspend the 75723
facility's license. 75724

(D) Notwithstanding any provision of the Revised Code to the 75725
contrary, the suspension of a license under division (B) or (C) of 75726
this section shall be implemented by a licensing agency without a 75727
prior hearing. After the suspension, the licensing agency shall 75728
give written notice to the subject of the suspension of the right 75729
to request a hearing under Chapter 119. of the Revised Code. After 75730
a hearing is held, the licensing agency shall either revoke or 75731
permanently revoke the ~~license~~ license of the subject of the 75732
suspension, unless it determines that the license holder has not 75733
been convicted of, pleaded guilty to, been found guilty of, or 75734
been found guilty based on a plea of no contest to the offense of 75735
trafficking in persons in violation of section 2905.32 of the 75736
Revised Code. 75737

Sec. 4781.04. (A) The manufactured homes commission shall 75738
adopt rules pursuant to Chapter 119. of the Revised Code to do all 75739
of the following: 75740

(1) Establish uniform standards that govern the installation 75741
of manufactured housing. ~~Not later than one hundred eighty days~~ 75742
~~after the secretary of the United States department of housing and~~ 75743
~~urban development adopts model standards for the installation of~~ 75744
~~manufactured housing or amends those standards, the commission~~ 75745
~~shall amend its standards as necessary to be that are consistent~~ 75746
with, and not less stringent than, the model standards for the 75747
design and installation of manufactured housing the secretary of 75748
the United States department of housing and urban development 75749
adopts ~~or any manufacturers' standards that the secretary~~ 75750
~~determines are equal to or not less stringent than the model~~ 75751
~~standards.~~*i* 75752

(2) Govern the inspection of the installation of manufactured 75753
housing. The rules shall specify that the commission, any building 75754
department or personnel of any department, or any private third 75755
party, certified pursuant to section 4781.07 of the Revised Code 75756
shall conduct all inspections of the installation of manufactured 75757
housing located in manufactured home parks to determine compliance 75758
with the uniform installation standards the commission establishes 75759
pursuant to this section. 75760

(3) Govern the design, construction, installation, approval, 75761
and inspection of foundations and the base support systems for 75762
manufactured housing. The rules shall specify that the commission, 75763
any building department or personnel of any department, or any 75764
private third party, certified pursuant to section 4781.07 of the 75765
Revised Code shall conduct all inspections of the installation, 75766
foundations, and base support systems of manufactured housing 75767
located in manufactured home parks to determine compliance with 75768

the uniform installation standards and foundation and base support system design the commission establishes pursuant to this section. 75769
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(4) Govern the training, experience, and education requirements for manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons; 75771
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(5) Establish a code of ethics for manufactured housing installers; 75775
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(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers; 75777
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(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the commission's expenses incurred in implementing this chapter; 75779
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(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities; 75783
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(9) Govern the investigation of complaints concerning any violation of this chapter or the rules adopted pursuant to it or complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license, licensed manufactured housing dealer, licensed manufactured housing broker, or manufactured housing salesperson; 75785
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(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of 75791
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installation of the home. The rules also shall provide that 75800
decisions made regarding the dispute under the program are not 75801
binding upon the purchaser of the home or the other parties 75802
involved in the dispute unless the purchaser so agrees in a 75803
written acknowledgement that the purchaser signs and delivers to 75804
the program within ten business days after the decision is issued. 75805

(11) Establish the requirements and procedures for the 75806
certification of building departments and building department 75807
personnel pursuant to section 4781.07 of the Revised Code; 75808

(12) Establish fees to be charged to building departments and 75809
building department personnel applying for certification and 75810
renewal of certification pursuant to section 4781.07 of the 75811
Revised Code; 75812

(13) Develop a policy regarding the maintenance of records 75813
for any inspection authorized or conducted pursuant to this 75814
chapter. Any record maintained under division (A)(13) of this 75815
section shall be a public record under section 149.43 of the 75816
Revised Code. 75817

(14) Carry out any other provision of this chapter. 75818

(B) The manufactured homes commission shall do all of the 75819
following: 75820

(1) Prepare and administer a licensure examination to 75821
determine an applicant's knowledge of manufactured housing 75822
installation and other aspects of installation the commission 75823
determines appropriate; 75824

(2) Select, provide, or procure appropriate examination 75825
questions and answers for the licensure examination and establish 75826
the criteria for successful completion of the examination; 75827

(3) Prepare and distribute any application form this chapter 75828
requires; 75829

(4) Receive applications for licenses and renewal of licenses	75830
and issue licenses to qualified applicants;	75831
(5) Establish procedures for processing, approving, and	75832
disapproving applications for licensure;	75833
(6) Retain records of applications for licensure, including	75834
all application materials submitted and a written record of the	75835
action taken on each application;	75836
(7) Review the design and plans for manufactured housing	75837
installations, foundations, and support systems;	75838
(8) Inspect a sample of homes at a percentage the commission	75839
determines to evaluate the construction and installation of	75840
manufactured housing installations, foundations, and support	75841
systems to determine compliance with the standards the commission	75842
adopts;	75843
(9) Investigate complaints concerning violations of this	75844
chapter or the rules adopted pursuant to it, or the conduct of any	75845
manufactured housing installer, manufactured housing dealer,	75846
manufactured housing broker, or manufactured housing salesperson;	75847
(10) Determine appropriate disciplinary actions for	75848
violations of this chapter;	75849
(11) Conduct audits and inquiries of manufactured housing	75850
installers, manufactured housing dealers, and manufactured housing	75851
brokers as appropriate for the enforcement of this chapter. The	75852
commission, or any person the commission employs for the purpose,	75853
may review and audit the business records of any manufactured	75854
housing installer, dealer, or broker during normal business hours.	75855
(12) Approve an installation training course, which may be	75856
offered by the Ohio manufactured homes association or other	75857
entity;	75858
(13) Perform any function or duty necessary to administer	75859

this chapter and the rules adopted pursuant to it. 75860

(C) Nothing in this section, or in any rule adopted by the 75861
manufactured homes commission, shall be construed to limit the 75862
authority of a board of health to enforce section 3701.344 or 75863
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 75864
authority of the department of administrative services to lease 75865
space for the use of a state agency and to group together state 75866
offices in any city in the state as provided in section 123.01 of 75867
the Revised Code. 75868

Sec. 4781.07. (A) Pursuant to rules the manufactured homes 75869
commission adopts, the commission may certify municipal, township, 75870
and county building departments and the personnel of those 75871
departments, or any private third party, to exercise the 75872
commission's enforcement authority, accept and approve plans and 75873
specifications for foundations, support systems and installations, 75874
and inspect manufactured housing foundations, support systems, and 75875
manufactured housing installations. Any certification is effective 75876
for three years. 75877

(B) Following an investigation and finding of facts that 75878
support its action, the commission may revoke or suspend 75879
certification. The commission may initiate an investigation on its 75880
own motion or the petition of a person affected by the enforcement 75881
or approval of plans. 75882

(C)(1) If a township, municipal corporation, or county does 75883
not have a building department that is certified pursuant to this 75884
section, it may designate by resolution or ordinance another 75885
building department that has been certified pursuant to this 75886
section to exercise the commission's enforcement authority, accept 75887
and approve plans and specifications for foundations, support 75888
systems and installations, and inspect manufactured housing 75889
foundations, support systems, and manufactured housing 75890

installations. The designation is effective upon acceptance by the 75891
designee. 75892

(2) An owner of a manufactured home or an operator of a 75893
manufactured home park may request an inspection and obtain an 75894
approval described in division (C)(1) of this section from any 75895
building department certified pursuant to this section designated 75896
by the township, municipal corporation, or county in which the 75897
owner's manufactured home or operator's manufactured home park is 75898
located. 75899

Sec. 4781.121. (A) The manufactured homes commission, 75900
pursuant to section 4781.04 of the Revised Code, may investigate 75901
any person who allegedly has committed a violation. If, after an 75902
investigation the commission determines that reasonable evidence 75903
exists that a person has committed a violation, within seven days 75904
after that determination, the commission shall send a written 75905
notice to that person in the same manner as prescribed in section 75906
119.07 of the Revised Code for licensees, except that the notice 75907
shall specify that a hearing will be held and specify the date, 75908
time, and place of the hearing. 75909

(B) The commission shall hold a hearing regarding the alleged 75910
violation in the same manner prescribed for an adjudication 75911
hearing under section 119.09 of the Revised Code. If the 75912
commission, after the hearing, determines that a violation has 75913
occurred, the commission, upon an affirmative vote of five of its 75914
members, may impose a fine not exceeding one thousand dollars per 75915
violation per day. The commission's determination is an order that 75916
the person may appeal in accordance with section 119.12 of the 75917
Revised Code. 75918

(C) If the person who allegedly committed a violation fails 75919
to appear for a hearing, the commission may request the court of 75920
common pleas of the county where the alleged violation occurred to 75921

compel the person to appear before the commission for a hearing. 75922

(D) If the commission assesses a person a civil penalty for a 75923
violation and the person fails to pay that civil penalty within 75924
the time period prescribed by the commission pursuant to section 75925
131.02 of the Revised Code, the commission shall forward to the 75926
attorney general the name of the person and the amount of the 75927
civil penalty for the purpose of collecting that civil penalty. In 75928
addition to the civil penalty assessed pursuant to this section, 75929
the person also shall pay any fee assessed by the attorney general 75930
for collection of the civil penalty. 75931

(E) The authority provided to the commission pursuant to this 75932
section, and any fine imposed under this section, shall be in 75933
addition to, and not in lieu of, all penalties and other remedies 75934
provided in this chapter. Any fines collected pursuant to this 75935
section shall be used solely to administer and enforce this 75936
chapter and rules adopted under it. Any fees collected pursuant to 75937
this section shall be transmitted to the treasurer of state and 75938
shall be credited to the manufactured homes commission regulatory 75939
fund created in section 4781.54 of the Revised Code and the rules 75940
adopted thereunder. The fees shall be used only for the purpose of 75941
administering and enforcing sections 4781.26 to 4781.35 of the 75942
Revised Code and the rules adopted thereunder. 75943

(F) As used in this section, "violation" means a violation of 75944
section 4781.11, 4781.16, ~~or~~ 4781.27, or 4781.57 or any rule 75945
adopted pursuant to section 4781.04₇ of the Revised Code. 75946

Sec. 4781.281. (A) The manufactured homes commission may 75947
charge a fee for inspector certification. The fees shall include 75948
all of the following: 75949

(1) The nonrefundable certification fee for inspectors shall 75950
not be greater than fifty dollars for each three-year 75951
certification period. 75952

(2) The nonrefundable certification renewal fee for 75953
inspectors shall not be greater than fifty dollars. 75954

(3) The nonrefundable late fee for certification renewal 75955
shall not be greater than twenty-five dollars in addition to the 75956
renewal fee. 75957

(B) The commission may adopt rules pursuant to Chapter 119. 75958
of the Revised Code establishing fees less than those described in 75959
division (A) of this section. 75960

Sec. 4781.56. (A) The manufactured homes commission may 75961
contract with the board of health of a city or general health 75962
district to permit the commission to abate and remove, in 75963
accordance with sections 3707.01 to 3707.021 of the Revised Code, 75964
any abandoned or unoccupied manufactured home, mobile home, or 75965
recreational vehicle that constitutes a nuisance and that is 75966
located in a manufactured home park within the board of health's 75967
jurisdiction. Under the contract, the commission may receive 75968
complaints of abandoned or unoccupied manufactured homes, mobile 75969
homes, or recreational vehicles that constitute a nuisance and 75970
may, by order, compel the park operator to abate and remove the 75971
nuisance. The park operator shall pay any costs for the removal. 75972

(B) The sheriff, police officer, constable, or bailiff shall 75973
not be liable pursuant to the abatement or removal of any 75974
abandoned or unoccupied manufactured home, mobile home, or 75975
recreational vehicle pursuant to this section. 75976

Sec. 4781.57. The park operator of a manufactured home park 75977
shall ensure that all manufactured home park buildings, lots, 75978
streets, walkways, manufactured homes, mobile homes, and other 75979
facilities located in the manufactured home park shall be 75980
maintained in a condition satisfactory to the commission at all 75981
times. 75982

Sec. 4901.041. The chairperson of the public utilities 75983
commission shall not be a member of the governor's cabinet. 75984

Sec. 4905.02. (A) As used in this chapter, "public utility" 75985
includes every corporation, company, copartnership, person, or 75986
association, the lessees, trustees, or receivers of the foregoing, 75987
defined in section 4905.03 of the Revised Code, including any 75988
public utility that operates its utility not for profit, except 75989
the following: 75990

(1) An electric light company that operates its utility not 75991
for profit; 75992

(2) A public utility, other than a telephone company, that is 75993
owned and operated exclusively by and solely for the utility's 75994
customers, including any consumer or group of consumers 75995
purchasing, delivering, storing, or transporting, or seeking to 75996
purchase, deliver, store, or transport, natural gas exclusively by 75997
and solely for the consumer's or consumers' own intended use as 75998
the end user or end users and not for profit; 75999

(3) A public utility that is owned or operated by any 76000
municipal corporation; 76001

(4) A railroad as defined in sections 4907.02 and 4907.03 of 76002
the Revised Code; 76003

(5) Any provider, including a telephone company, with respect 76004
to its provision of any of the following: 76005

(a) Advanced services as defined in 47 C.F.R. 51.5; 76006

(b) Broadband service, however defined or classified by the 76007
federal communications commission; 76008

(c) Information service as defined in the "Telecommunications 76009
Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20); 76010

(d) Subject to division (A) of section 4927.03 of the Revised 76011

Code, internet protocol-enabled services as defined in section 76012
4927.01 of the Revised Code; 76013

(e) Subject to division (A) of section 4927.03 of the Revised 76014
Code, any telecommunications service as defined in section 4927.01 76015
of the Revised Code to which both of the following apply: 76016

(i) The service was not commercially available on September 76017
13, 2010, the effective date of the amendment of this section by 76018
S.B. 162 of the 128th general assembly. 76019

(ii) The service employs technology that became available for 76020
commercial use only after September 13, 2010, the effective date 76021
of the amendment of this section by S.B. 162 of the 128th general 76022
assembly. 76023

(B)(1) "Public utility" includes a for-hire motor carrier 76024
even if the carrier is operated in connection with an entity 76025
described in division (A)(1), (2), (4), or (5) of this section. 76026

(2) Division (A) of this section shall not be construed to 76027
relieve a private motor carrier, operated in connection with an 76028
entity described in division (A)(1), (2), (4), or (5) of this 76029
section, from compliance with ~~any~~ either of the following: 76030

(a) Chapter 4923. of the Revised Code; 76031

(b) ~~Hazardous material regulation under section 4921.15 of~~ 76032
~~the Revised Code and division (H) of section 4921.19 of the~~ 76033
~~Revised Code, or rules adopted thereunder;~~ 76034

~~(c)~~ Rules governing unified carrier registration adopted 76035
under section 4921.11 of the Revised Code. 76036

Sec. 4906.01. As used in Chapter 4906. of the Revised Code: 76037

(A) "Person" means an individual, corporation, business 76038
trust, association, estate, trust, or partnership or any officer, 76039
board, commission, department, division, or bureau of the state or 76040

a political subdivision of the state, or any other entity. 76041

(B)(1) "Major utility facility" means: 76042

(a) Electric generating plant and associated facilities 76043
designed for, or capable of, operation at a capacity of fifty 76044
megawatts or more; 76045

(b) An electric transmission line and associated facilities 76046
of a design capacity of one hundred ~~twenty-five~~ kilovolts or more; 76047

(c) A gas pipeline that is greater than five hundred feet in 76048
length, and its associated facilities, is more than nine inches in 76049
outside diameter and is designed for transporting gas at a maximum 76050
allowable operating pressure in excess of one hundred twenty-five 76051
pounds per square inch. 76052

(2) "Major utility facility" does not include any of the 76053
following: 76054

(a) Gas transmission lines over which an agency of the United 76055
States has exclusive jurisdiction; 76056

(b) Any solid waste facilities as defined in section 6123.01 76057
of the Revised Code; 76058

(c) Electric distributing lines and associated facilities as 76059
defined by the power siting board; 76060

(d) Any manufacturing facility that creates byproducts that 76061
may be used in the generation of electricity as defined by the 76062
power siting board; 76063

(e) Gathering lines, gas gathering pipelines, and processing 76064
plant gas stub pipelines as those terms are defined in section 76065
4905.90 of the Revised Code and associated facilities; 76066

(f) Any gas processing plant as defined in section 4905.90 of 76067
the Revised Code; 76068

(g) Natural gas liquids finished product pipelines; 76069

(h) Pipelines from a gas processing plant as defined in section 4905.90 of the Revised Code to a natural gas liquids fractionation plant, including a raw natural gas liquids pipeline, or to an interstate or intrastate gas pipeline; 76070
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(i) Any natural gas liquids fractionation plant; 76074

(j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines; 76075
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76077

(k) Any compressor stations used by the following: 76078

(i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code; 76079
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(ii) A natural gas liquids finished product pipeline, a natural gas liquids fractionation plant, or any pipeline upstream of a natural gas liquids fractionation plant; or 76082
76083
76084

(iii) A production operation as defined in section 1509.01 of the Revised Code. 76085
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(C) "Commence to construct" means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route of a major utility facility, but does not include surveying changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions. 76087
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(D) "Certificate" means a certificate of environmental compatibility and public need issued by the power siting board under section 4906.10 of the Revised Code or a construction certificate issued by the board under rules adopted under division (E) or (F) of section 4906.03 of the Revised Code. 76094
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(E) "Gas" means natural gas, flammable gas, or gas that is 76099

toxic or corrosive. 76100

(F) "Natural gas liquids finished product pipeline" means a 76101
pipeline that carries finished product natural gas liquids to the 76102
inlet of an interstate or intrastate finished product natural gas 76103
liquid transmission pipeline, rail loading facility, or other 76104
petrochemical or refinery facility. 76105

(G) "Natural gas liquids fractionation plant" means a 76106
facility that takes a feed of raw natural gas liquids and produces 76107
finished product natural gas liquids. 76108

(H) "Raw natural gas" means hydrocarbons that are produced in 76109
a gaseous state from gas wells and that generally include methane, 76110
ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, 76111
nonanes, and decanes, plus other naturally occurring impurities 76112
like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, 76113
and helium. 76114

(I) "Raw natural gas liquids" means naturally occurring 76115
hydrocarbons contained in raw natural gas that are extracted in a 76116
gas processing plant and liquefied and generally include mixtures 76117
of ethane, propane, butanes, and natural gasoline. 76118

(J) "Finished product natural gas liquids" means an 76119
individual finished product produced by a natural gas liquids 76120
fractionation plant as a liquid that meets the specifications for 76121
commercial products as defined by the gas processors association. 76122
Those products include ethane, propane, iso-butane, normal butane, 76123
and natural gasoline. 76124

Sec. 4906.10. (A) The power siting board shall render a 76125
decision upon the record either granting or denying the 76126
application as filed, or granting it upon such terms, conditions, 76127
or modifications of the construction, operation, or maintenance of 76128
the major utility facility as the board considers appropriate. The 76129

certificate shall be conditioned upon the facility being in 76130
compliance with standards and rules adopted under sections 76131
1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. 76132
of the Revised Code. An applicant may withdraw an application if 76133
the board grants a certificate on terms, conditions, or 76134
modifications other than those proposed by the applicant in the 76135
application. ~~The period of initial operation under a certificate 76136
shall expire two years after the date on which electric power is 76137
first generated by the facility. During the period of initial 76138
operation, the facility shall be subject to the enforcement and 76139
monitoring powers of the director of environmental protection 76140
under Chapters 3704., 3734., and 6111. of the Revised Code and to 76141
the emergency provisions under those chapters. If a major utility 76142
facility constructed in accordance with the terms and conditions 76143
of its certificate is unable to operate in compliance with all 76144
applicable requirements of state laws, rules, and standards 76145
pertaining to air pollution, the facility may apply to the 76146
director of environmental protection for a conditional operating 76147
permit under division (G) of section 3704.03 of the Revised Code 76148
and the rules adopted thereunder. The operation of a major utility 76149
facility in compliance with a conditional operating permit is not 76150
in violation of its certificate. After the expiration of the 76151
period of initial operation of a major utility facility, the 76152
facility shall be under the jurisdiction of the environmental 76153
protection agency and shall comply with all laws, rules, and 76154
standards pertaining to air pollution, water pollution, and solid 76155
and hazardous waste disposal.~~ 76156

The board shall not grant a certificate for the construction, 76157
operation, and maintenance of a major utility facility, either as 76158
proposed or as modified by the board, unless it finds and 76159
determines all of the following: 76160

(1) The basis of the need for the facility if the facility is 76161

an electric transmission line or gas pipeline; 76162

(2) The nature of the probable environmental impact; 76163

(3) That the facility represents the minimum adverse 76164
environmental impact, considering the state of available 76165
technology and the nature and economics of the various 76166
alternatives, and other pertinent considerations; 76167

(4) In the case of an electric transmission line or 76168
generating facility, that the facility is consistent with regional 76169
plans for expansion of the electric power grid of the electric 76170
systems serving this state and interconnected utility systems and 76171
that the facility will serve the interests of electric system 76172
economy and reliability; 76173

(5) That the facility will comply with Chapters 3704., 3734., 76174
and 6111. of the Revised Code and all rules and standards adopted 76175
under those chapters and under sections 1501.33, 1501.34, and 76176
4561.32 of the Revised Code. In determining whether the facility 76177
will comply with all rules and standards adopted under section 76178
4561.32 of the Revised Code, the board shall consult with the 76179
office of aviation of the division of multi-modal planning and 76180
programs of the department of transportation under section 76181
4561.341 of the Revised Code. 76182

(6) That the facility will serve the public interest, 76183
convenience, and necessity; 76184

(7) In addition to the provisions contained in divisions 76185
(A)(1) to (6) of this section and rules adopted under those 76186
divisions, what its impact will be on the viability as 76187
agricultural land of any land in an existing agricultural district 76188
established under Chapter 929. of the Revised Code that is located 76189
within the site and alternative site of the proposed major utility 76190
facility. Rules adopted to evaluate impact under division (A)(7) 76191
of this section shall not require the compilation, creation, 76192

submission, or production of any information, document, or other 76193
data pertaining to land not located within the site and 76194
alternative site. 76195

(8) That the facility incorporates maximum feasible water 76196
conservation practices as determined by the board, considering 76197
available technology and the nature and economics of the various 76198
alternatives. 76199

(B) If the board determines that the location of all or a 76200
part of the proposed facility should be modified, it may condition 76201
its certificate upon that modification, provided that the 76202
municipal corporations and counties, and persons residing therein, 76203
affected by the modification shall have been given reasonable 76204
notice thereof. 76205

(C) A copy of the decision and any opinion issued therewith 76206
shall be served upon each party. 76207

Sec. 4906.13. (A) As used in this section and sections 76208
4906.20 and 4906.98 of the Revised Code, "economically significant 76209
wind farm" means wind turbines and associated facilities with a 76210
single interconnection to the electrical grid and designed for, or 76211
capable of, operation at an aggregate capacity of five or more 76212
megawatts but less than fifty megawatts. The term excludes any 76213
such wind farm in operation on ~~the effective date of this section~~ 76214
June 24, 2008. 76215

(B) No public agency or political subdivision of this state 76216
may require any approval, consent, permit, certificate, or other 76217
condition for the construction or ~~initial~~ operation of a major 76218
utility facility or economically significant wind farm authorized 76219
by a certificate issued pursuant to Chapter 4906. of the Revised 76220
Code. Nothing herein shall prevent the application of state laws 76221
for the protection of employees engaged in the construction of 76222
such facility or wind farm nor of municipal regulations that do 76223

not pertain to the location or design of, or pollution control and 76224
abatement standards for, a major utility facility or economically 76225
significant wind farm for which a certificate has been granted 76226
under this chapter. 76227

Sec. 4911.021. The consumers' counsel shall not operate a 76228
telephone call center for consumer complaints. ~~Any~~ However, for 76229
any calls received by the consumers' counsel concerning consumer 76230
complaints ~~shall be forwarded,~~ the consumers' counsel may assist 76231
consumers with their complaints or forward the calls to the public 76232
utilities commission's call center. 76233

Sec. 4921.01. As used in this chapter: 76234

(A) "Ambulance" has the same meaning as in section 4766.01 of 76235
the Revised Code. 76236

(B) "For-hire motor carrier" means a person engaged in the 76237
business of transporting persons or property by motor vehicle for 76238
compensation, except when engaged in any of the following in 76239
intrastate commerce: 76240

(1) The transportation of persons in taxicabs in the usual 76241
taxicab service; 76242

(2) The transportation of pupils in school ~~busses~~ buses 76243
operating to or from school sessions or school events; 76244

(3) The transportation of farm supplies to the farm or farm 76245
products from farm to market or to food fabricating plants; 76246

(4) The distribution of newspapers; 76247

(5) The transportation of crude petroleum incidental to 76248
gathering from wells and delivery to destination by ~~pipe line~~ 76249
pipeline; 76250

(6) The transportation of injured, ill, or deceased persons 76251
by hearse or ambulance; 76252

(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch; 76253
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(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose; 76255
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(9) The operation of motor vehicles for contractors on public road work. 76259
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"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories. 76261
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Divisions (B)(1) to (9) of this section shall not be construed to relieve a person from compliance with ~~hazardous material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder, or from compliance with~~ rules governing unified carrier registration adopted under section 4921.11 of the Revised Code. 76266
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(C) "Household goods" means personal effects and property used or to be used in a dwelling, excluding property moving from a factory or store. 76273
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(D) "Interstate commerce" means trade, traffic, or transportation in the United States that is any of the following: 76276
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(1) Between a place in a state and a place outside of that state (including a place outside of the United States); 76278
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(2) Between two places in a state through another state or a place outside of the United States; 76280
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(3) Between two places in a state as part of trade, traffic, 76282

or transportation originating or terminating outside the state or 76283
the United States. 76284

(E) "Intrastate commerce" means any trade, traffic, or 76285
transportation in any state which is not described in the term 76286
"interstate commerce." 76287

(F) "Motor vehicle" means any vehicle, machine, tractor, 76288
trailer, or semitrailer propelled or drawn by mechanical power and 76289
used upon the highways in the transportation of persons or 76290
property, or any combination thereof, but does not include any 76291
vehicle, locomotive, or car operated exclusively on a rail or 76292
rails, or a trolley bus operated by electric power derived from a 76293
fixed overhead wire, furnishing local passenger transportation 76294
similar to street-railway service. 76295

(G) "Public highway" means any public street, road, or 76296
highway in this state, whether within or without the corporate 76297
limits of a municipal corporation. 76298

(H) "Ridesharing arrangement" means the transportation of 76299
persons in a motor vehicle where such transportation is incidental 76300
to another purpose of a volunteer driver, and includes ridesharing 76301
arrangements known as carpools, vanpools, and buspools. 76302

(I) "School bus" has the same meaning as in section 4511.01 76303
of the Revised Code. 76304

(J) "Trailer" means any vehicle without motive power designed 76305
or used for carrying persons or property and for being drawn by a 76306
separate motor vehicle, including any vehicle of the trailer type, 76307
whether designed or used for carrying persons or property wholly 76308
on its own structure, or so designed or used that a part of its 76309
own weight or the weight of its load rests upon and is carried by 76310
such motor vehicle. 76311

Sec. 4921.19. (A) Every for-hire motor carrier operating in 76312

this state shall, at the time of the issuance of a certificate of public convenience and necessity under section 4921.03 of the Revised Code, pay to the public utilities commission, for and on behalf of the treasurer of state, the following taxes:

(1) For each motor vehicle used for transporting persons, thirty dollars;

(2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;

(3) For each other motor vehicle transporting property, twenty dollars.

(B) Every for-hire motor carrier operating in this state solely in intrastate commerce shall, annually between the first day of May and the thirtieth day of June, pay to the commission, for and on behalf of the treasurer of state, the following taxes:

(1) For each motor vehicle used for transporting persons, thirty dollars;

(2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;

(3) For each other motor vehicle transporting property, twenty dollars.

(C) After a for-hire motor carrier has paid the applicable taxes under division (A) or (B) of this section and met all applicable requirements under section 4921.03 or division (C) of section 4921.13 of the Revised Code, the commission shall issue the carrier a tax receipt for each motor vehicle for which a tax has been paid under this section. The carrier shall keep the appropriate tax receipt in each motor vehicle operated by the carrier. The carrier shall maintain tax receipt records that

specify to which motor vehicle each tax receipt is assigned. 76343

(D) A trailer used by a for-hire motor carrier shall not be 76344
taxed under this section. 76345

(E) The annual tax levied by division (B) of this section 76346
does not apply in those cases where the commission finds that the 76347
movement of agricultural commodities or foodstuffs produced 76348
therefrom requires a temporary and seasonal use of vehicular 76349
equipment for a period of not more than ninety days. In such 76350
event, the tax on the vehicular equipment shall be twenty-five per 76351
cent of the annual tax levied by division (B) of this section. If 76352
any vehicular equipment is used in excess of the ninety-day 76353
period, the annual tax levied by this section shall be paid. 76354

(F) All taxes levied by division (B) of this section shall be 76355
reckoned as from the beginning of the quarter in which the tax 76356
receipt is issued or as from when the use of equipment under any 76357
existing tax receipt began. 76358

(G) The fees for unified carrier registration pursuant to 76359
section 4921.11 of the Revised Code shall be identical to those 76360
established by the unified carrier registration act board as 76361
approved by the federal motor carrier safety administration for 76362
each year. 76363

~~(H)(1) The fees for uniform registration and a uniform permit 76364
as a carrier of hazardous materials pursuant to section 4921.15 of 76365
the Revised Code shall consist of the following: 76366~~

~~(a) A processing fee of fifty dollars; 76367~~

~~(b) An apportioned per truck registration fee, which shall be 76368
calculated by multiplying the percentage of a registrant's 76369
activity in this state times the percentage of the registrant's 76370
business that is hazardous materials related, times the number of 76371
vehicles owned or operated by the registrant, times a per truck 76372
fee determined by order of the commission following public notice 76373~~

~~and an opportunity for comment.~~ 76374

~~(i) The percentage of a registrant's activity in this state shall be calculated by dividing the number of miles that the registrant travels in this state under the international registration plan, pursuant to section 4503.61 of the Revised Code, by the number of miles that the registrant travels nationwide under the international registration plan. Registrants that operate solely within this state shall use one hundred percent as their percentage of activity. Registrants that do not register their vehicles through the international registration plan shall calculate activity in the state in the same manner as that required by the international registration plan.~~ 76375
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~~(ii) The percentage of a registrant's business that is hazardous materials related shall be calculated, for less than truckload shipments, by dividing the weight of all the registrant's hazardous materials shipments by the total weight of all shipments in the previous year. The percentage of a registrant's business that is hazardous materials related shall be calculated, for truckload shipments, by dividing the number of shipments for which placarding, marking of the vehicle, or manifesting, as appropriate, was required by regulations adopted under sections 4 to 6 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804, by the total number of the registrant's shipments that transported any kind of goods in the previous year. A registrant that transports both less than truckload and truckload shipments of hazardous materials shall calculate the percentage of business that is hazardous materials related on a proportional basis.~~ 76386
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~~(iii) A registrant may utilize fiscal year, or calendar year, or other current company accounting data, or other publicly available information, in calculating the percentages required by divisions (H)(1)(b)(i) and (ii) of this section.~~ 76402
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~~(2) The commission, after notice and opportunity for a hearing, may assess each carrier a fee for any background investigation required for the issuance, for the purpose of section 3734.15 of the Revised Code, of a uniform permit as a carrier of hazardous wastes and fees related to investigations and proceedings for the denial, suspension, or revocation of a uniform permit as a carrier of hazardous materials. The fees shall not exceed the reasonable costs of the investigations and proceedings. The fee for a background investigation for a uniform permit as a carrier of hazardous wastes shall be six hundred dollars plus the costs of obtaining any necessary information not included in the permit application, to be calculated at the rate of thirty dollars per hour, not exceeding six hundred dollars, plus any fees payable to obtain necessary information.~~

~~(I) The application fee for a certificate for the transportation of household goods issued pursuant to sections 4921.30 to 4921.38 of the Revised Code shall be based on the certificate holder's gross revenue, in the prior year, for the intrastate transportation of household goods. The commission shall establish, by order, ranges of gross revenue and the fee for each range. The fees shall be set in amounts sufficient to carry out the purposes of sections 4921.30 to 4921.38 and 4923.99 of the Revised Code and, to the extent necessary, the commission shall make changes to the fee structure to ensure that neither over nor under collection of the fees occurs. The fees shall also take into consideration the revenue generated from the assessment of forfeitures under section 4923.99 of the Revised Code regarding the consumer protection provisions applicable to for hire motor carriers engaged in the transportation of household goods.~~

~~(J)(I) The fees and taxes provided under this section shall be in addition to taxes, fees, and charges fixed and exacted by other sections of the Revised Code, except the assessments~~

required by section 4905.10 of the Revised Code, but all fees, 76438
license fees, annual payments, license taxes, or taxes or other 76439
money exactions, except the general property tax, assessed, 76440
charged, fixed, or exacted by local authorities such as municipal 76441
corporations, townships, counties, or other local boards, or the 76442
officers of such subdivisions are illegal and, are superseded by 76443
sections 4503.04 and 4905.03 and Chapter 4921. of the Revised 76444
Code. On compliance with sections 4503.04 and 4905.03 and Chapter 76445
4921. of the Revised Code, all local ordinances, resolutions, 76446
bylaws, and rules in force shall cease to be operative as to the 76447
persons in compliance, except that such local subdivisions may 76448
make reasonable local police regulations within their respective 76449
boundaries not inconsistent with sections 4503.04 and 4905.03 and 76450
Chapter 4921. of the Revised Code. 76451

Sec. 4921.21. (A) As used in this section, "adjusted credit 76452
amount" means the aggregate amount credited to the public 76453
utilities transportation safety fund, less the sum of ~~all~~ both of 76454
the following: 76455

(1) The fees collected by the public utilities commission, in 76456
accordance with the unified carrier registration plan under 76457
section 4921.11 of the Revised Code, that exceed the federal 76458
certification of revenue for each year of the plan; 76459

~~(2) The fees collected by the commission on behalf of other 76460
states under division (C) of section 4921.15 of the Revised Code;~~ 76461

~~(3) The forfeitures collected by the commission under section 76462
4923.99 of the Revised Code for violations of rules adopted under 76463
division (A)(2) of section 4923.04 of the Revised Code. 76464~~

(B)(1) There is hereby created in the state treasury the 76465
public utilities transportation safety fund. The fees collected in 76466
accordance with the unified carrier registration plan under 76467
section 4921.11 of the Revised Code, ~~the fees collected under~~ 76468

~~section 4921.15 of the Revised Code,~~ the taxes and fees remitted 76469
under section 4921.19 of the Revised Code, the forfeitures imposed 76470
under section 4923.99 of the Revised Code, except as provided in 76471
division (B)(2) of this section, and the fines collected under 76472
section 4163.07 of the Revised Code shall be deposited into the 76473
state treasury to the credit of the public utilities 76474
transportation safety fund, until the adjusted credit amount in a 76475
fiscal year is equal to the total amount appropriated from the 76476
fund for the fiscal year. Once this point of parity is reached, 76477
any additional fees, taxes, forfeitures, or fines received during 76478
the fiscal year shall be credited to the general revenue fund, 76479
except as provided in division (B)(2) of this section, and except 76480
for ~~both of the following:~~ 76481

~~(a) The fees collected in accordance with the unified carrier 76482
registration plan under section 4921.11 of the Revised Code, that 76483
exceed the federal certification of revenue for each year of the 76484
plan;~~ 76485

~~(b) The fees collected on behalf of other states under 76486
division (C) of section 4921.15 of the Revised Code.~~ 76487

(2) The first eight hundred thousand dollars of forfeitures 76488
collected under section 4923.99 of the Revised Code, for 76489
violations of rules adopted under division (A)(2) of section 76490
4923.04 of the Revised Code, during each fiscal year shall be 76491
credited to the public utilities transportation safety fund. Any 76492
forfeitures in excess of that amount shall be deposited into the 76493
general revenue fund. In each fiscal year, the commission shall 76494
distribute moneys from these forfeitures credited to the public 76495
utilities transportation safety fund for the purposes of emergency 76496
response planning and the training of safety, enforcement, and 76497
emergency services personnel in proper techniques for the 76498
management of hazardous materials releases that occur during 76499
transportation or otherwise. For these purposes, fifty per cent of 76500

all such moneys credited to the public utilities transportation 76501
safety fund shall be distributed to Cleveland state university, 76502
forty-five per cent shall be distributed to other educational 76503
institutions, state agencies, regional planning commissions, and 76504
political subdivisions, and five per cent shall be retained by the 76505
commission for the administration of this section and for training 76506
employees. However, if, in any such period, moneys from these 76507
forfeitures credited to the public utilities transportation safety 76508
fund equal an amount less than four hundred thousand dollars, the 76509
commission shall distribute, to the extent of the aggregate amount 76510
of those moneys, two hundred thousand dollars to Cleveland state 76511
university and the remainder to other educational institutions, 76512
state agencies, regional planning commissions, and political 76513
subdivisions. 76514

(C) The purpose of the public utilities transportation safety 76515
fund shall be for defraying all expenses incident to maintaining 76516
the nonrailroad transportation activities of the commission. 76517

(D) There is hereby created in the state treasury the federal 76518
commercial vehicle transportation systems fund. The fund shall 76519
consist of money received from the United States department of 76520
transportation's commercial vehicle intelligent transportation 76521
systems infrastructure deployment program. The public utilities 76522
commission shall use the fund to deploy the Ohio commercial 76523
vehicle information systems networks project and to improve safety 76524
of motor carrier operations through electronic exchange of data. 76525

(E) There is hereby created in the state treasury the motor 76526
carrier safety fund. The fund shall consist of money received from 76527
the United States department of transportation for motor carrier 76528
safety. The commission shall use the fund to administer the 76529
state's motor carrier safety assistance program and associated 76530
grants, including the motor carrier safety assistance program 76531
basic grant, the incentive grant, the high priority grants, the 76532

new entrant safety assurance grant, the safety data improvement grant, or their equivalents. 76533
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(F) If the director of budget and management determines there is not sufficient money in the public utilities transportation safety fund, the director shall transfer money from the general revenue fund to the public utilities transportation safety fund in an amount up to the difference between the balance of the public utilities transportation safety fund and the appropriations from that fund. If the director subsequently determines during the fiscal year that the balance of the public utilities transportation safety fund exceeds the amount needed to support the appropriations from the fund, the director shall transfer the excess money, up to the amount of the original transfer, to the general revenue fund. 76535
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Sec. 4923.02. (A) As used in this chapter, "private motor carrier" does not include a person when engaged in any of the following in intrastate commerce: 76547
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(1) The transportation of persons in taxicabs in the usual taxicab service; 76550
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(2) The transportation of pupils in school busses operating to or from school sessions or school events; 76552
76553

(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants; 76554
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(4) The distribution of newspapers; 76556

(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line; 76557
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(6) The transportation of injured, ill, or deceased persons by hearse or ambulance; 76559
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(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch; 76561
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(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose; 76563
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(9) The operation of motor vehicles for contractors on public road work. 76567
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(B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies: 76569
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(1) The governor of this state has declared an emergency. 76573

(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency. 76574
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(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section. 76576
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(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with the following: 76581
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(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code; 76583
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(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code; 76587
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~~(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code.~~ 76589
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Sec. 4923.99. (A)(1) Whoever violates Chapter 4921. or 4923. 76593
of the Revised Code, or rules adopted thereunder, is liable to the 76594
state for a forfeiture of not more than twenty-five thousand 76595
dollars for each day of each violation. The public utilities 76596
commission, after providing reasonable notice and the opportunity 76597
for a hearing in accordance with the procedural rules adopted 76598
under section 4901.13 of the Revised Code, shall assess, by order, 76599
a forfeiture upon a person whom the commission determines, by a 76600
preponderance of the evidence, committed the violation. In 76601
determining the amount of the forfeiture for a violation 76602
discovered during a driver or motor-vehicle inspection under 76603
section 4923.06 of the Revised Code, or discovered during a 76604
compliance review under section 4923.07 of the Revised Code, the 76605
commission shall, ~~to the extent practicable~~, not act in a manner 76606
incompatible with the applicable requirements of the United States 76607
department of transportation, ~~and, to the extent practicable~~, 76608
~~shall utilize a system comparable to the recommended civil penalty~~ 76609
~~procedure adopted by the commercial vehicle safety alliance. In~~ 76610
~~determining the amount of the forfeiture for a violation~~ 76611
~~discovered during a compliance review of a motor carrier under~~ 76612
~~section 4923.07 of the Revised Code, the commission shall, to the~~ 76613
~~extent practicable, not act in a manner incompatible with the~~ 76614
~~civil penalty guidelines of the United States department of~~ 76615
~~transportation.~~ 76616

The attorney general, upon the written request of the 76617
commission, shall bring a civil action in the court of common 76618
pleas of Franklin county to collect a forfeiture assessed under 76619
this section. The commission shall account for the forfeitures 76620
collected under this section and pay them to the treasurer of 76621
state under section 4921.21 of the Revised Code. 76622

(2) The attorney general, upon the written request of the 76623
commission, shall bring an action for injunctive relief in the 76624

court of common pleas of Franklin county against any person who 76625
has violated or is violating any order issued by the commission to 76626
secure compliance with any provision of Chapter 4921. or 4923. of 76627
the Revised Code. The court of common pleas of Franklin county has 76628
jurisdiction to and may grant preliminary and permanent injunctive 76629
relief upon a showing that the person against whom the action is 76630
brought has violated or is violating any such order. The court 76631
shall give precedence to such an action over all other cases. 76632

(B) The amount of any forfeiture may be compromised at any 76633
time prior to collection of the forfeiture. The commission shall 76634
adopt rules governing the manner in which the amount of a 76635
forfeiture may be established by agreement prior to the hearing on 76636
the forfeiture before the commission. 76637

(C) The proceedings of the commission specified in division 76638
(A) of this section are subject to and governed by Chapter 4903. 76639
of the Revised Code, except as otherwise specifically provided in 76640
this section. The court of appeals of Franklin county has 76641
exclusive, original jurisdiction to review, modify, or vacate an 76642
order of the commission issued to secure compliance with any 76643
provision of Chapter 4921. or 4923. of the Revised Code. The court 76644
of appeals shall hear and determine those appeals in the same 76645
manner, and under the same standards, as the supreme court hears 76646
and determines appeals under Chapter 4903. of the Revised Code. 76647
The judgment of the court of appeals is final and conclusive 76648
unless reversed, vacated, or modified on appeal. Such appeals may 76649
be taken either by the commission or the person to whom the 76650
compliance order or forfeiture assessment was issued and shall 76651
proceed as in the case of appeals in civil actions as provided in 76652
the rules of appellate procedure and Chapter 2505. of the Revised 76653
Code. 76654

(D) Section 4903.11 of the Revised Code does not apply to an 76655
appeal of an order issued to secure compliance with Chapter 4921. 76656

or 4923. of the Revised Code or an order issued under division 76657
(A)(1) of this section assessing a forfeiture. Any person to whom 76658
any such order is issued who wishes to contest a compliance order, 76659
the fact of the violation, or the amount of the forfeiture shall 76660
file a notice of appeal, setting forth the order appealed from and 76661
the errors complained of, within sixty days after the entry of the 76662
order upon the journal of the commission. The notice of appeal 76663
shall be served, unless waived, upon the chairperson of the 76664
commission or, in the event of the chairperson's absence, upon any 76665
public utilities commissioner, or by leaving a copy at the office 76666
of the commission at Columbus. An order issued by the commission 76667
to secure compliance with Chapter 4921. or 4923. of the Revised 76668
Code or an order issued under division (A)(1) of this section 76669
assessing a forfeiture shall be reversed, vacated, or modified on 76670
appeal if, upon consideration of the record, the court is of the 76671
opinion that the order was unlawful or unreasonable. 76672

(E) Only for such violations that constitute violations of 76673
the "Hazardous Materials Transportation Uniform Safety Act of 76674
1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or 76675
regulations adopted under the act, the commission, in determining 76676
liability, shall use the same standard of culpability for civil 76677
forfeitures under this section as that set forth for civil 76678
penalties under section 12 of the "Hazardous Materials 76679
Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 76680
U.S.C.A. App. 1809. The commission shall consider the assessment 76681
considerations for civil penalties specified in regulations 76682
adopted under the "Hazardous Materials Transportation Act," 88 76683
Stat. 2156 (1975), 49 U.S.C. 1801. 76684

Sec. 4927.13. (A) An incumbent local exchange carrier that is 76685
an eligible telecommunications carrier under 47 C.F.R. 54.201 76686
shall implement lifeline service throughout the carrier's 76687
traditional service area for its eligible residential customers. 76688

(1) Lifeline service shall consist of all of the following: 76689

(a) ~~Flat rate, monthly, primary~~ Monthly access line service 76690
~~with touch-tone service,~~ at a recurring discount to the monthly 76691
basic local exchange service rate that provides for the maximum 76692
contribution of federally available assistance; 76693

(b) Not more than once per customer at a single address in a 76694
twelve-month period, a waiver of all nonrecurring service order 76695
charges for establishing service; 76696

(c) Free blocking of toll service, 900 service, and 976 76697
service. 76698

The carrier may offer to lifeline service customers any other 76699
services and bundles or packages of services at the prevailing 76700
prices, less the lifeline discount. 76701

(2) The carrier also shall offer special payment arrangements 76702
to lifeline service customers that have past due bills for 76703
regulated local service charges, with the initial payment not to 76704
exceed twenty-five dollars before service is installed, and the 76705
balance for regulated local service charges to be paid over six, 76706
equal, monthly payments. Lifeline service customers with past due 76707
bills for toll service charges shall have toll restricted service 76708
until the past due toll service charges have been paid or until 76709
the customer establishes service with another toll service 76710
provider. 76711

(3)(a) Every incumbent local exchange carrier required to 76712
implement lifeline service under division (A) of this section 76713
shall establish an annual marketing budget for promoting lifeline 76714
service and performing outreach regarding lifeline service. All 76715
funds allocated to this budget shall be spent for the promotion 76716
and marketing of lifeline service and outreach regarding lifeline 76717
service and only for those purposes and not for any administrative 76718
costs of implementing lifeline service. All activities relating to 76719

the promotion of, marketing of, and outreach regarding lifeline 76720
service shall be coordinated through a single advisory board 76721
composed of staff of the public utilities commission, the office 76722
of the consumers' counsel, consumer groups representing low-income 76723
constituents, two representatives from the Ohio association of 76724
community action agencies, and, except as provided in division 76725
(A)(3)(b) of this section, every incumbent local exchange carrier 76726
required to implement lifeline service under division (A) of this 76727
section. The public utilities commission may review and approve 76728
decisions of the advisory board in accordance with commission 76729
rules, including decisions on how the lifeline marketing, 76730
promotion, and outreach activities are implemented. 76731

(b) Division (A)(3)(a) of this section does not apply to an 76732
incumbent local exchange carrier with fewer than fifty thousand 76733
access lines. 76734

(4) All other aspects of the carrier's state-specific 76735
lifeline service shall be consistent with federal requirements. 76736

(B) The rates, terms, and conditions for the carrier's 76737
lifeline service shall be tariffed in the manner prescribed by 76738
rule adopted by the public utilities commission. 76739

(C)(1) Eligibility for lifeline service under division (A) of 76740
this section shall be based on either of the following criteria: 76741

(a) An individual's verifiable participation in any federal 76742
or state low-income assistance program, specified in rules adopted 76743
by the commission, that limits assistance based on household 76744
income; 76745

(b) Other verification that an individual's household income 76746
is ~~at or below one hundred fifty per cent of the federal poverty~~ 76747
~~level~~ consistent with the income eligibility threshold in 47 76748
C.F.R. 54.409(a)(1). 76749

The public utilities commission shall adopt rules 76750

establishing requirements for the implementation of automatic 76751
enrollment of eligible individuals for lifeline assistance. The 76752
public utilities commission shall work with the appropriate state 76753
agencies that administer federal or state low-income assistance 76754
programs and with carriers to negotiate and acquire information 76755
necessary to verify an individual's eligibility and the data 76756
necessary to automatically enroll eligible individuals for 76757
lifeline service. Every incumbent local exchange carrier required 76758
to implement lifeline service under division (A) of this section 76759
shall implement automatic enrollment in accordance with the 76760
applicable rules of the public utilities commission and to the 76761
extent that appropriate state agencies are able to accommodate the 76762
automatic enrollment. 76763

(2) The carrier shall provide written notification if the 76764
carrier determines that an individual is not eligible for lifeline 76765
service and shall provide the individual an additional thirty days 76766
to prove eligibility. 76767

(3) The carrier shall provide written customer notification 76768
if a customer's lifeline service is to be terminated due to 76769
failure to submit acceptable documentation for continued 76770
eligibility for that assistance and shall provide the customer an 76771
additional ~~sixty~~ thirty days to submit acceptable documentation of 76772
continued eligibility or dispute the carrier's findings regarding 76773
termination of the lifeline service. 76774

(D) An incumbent local exchange carrier required to implement 76775
lifeline service under division (A) of this section may recover 76776
from end users of the carrier's telecommunications service other 76777
than lifeline service customers, by a method approved by the 76778
public utilities commission, any lifeline service discounts and 76779
any other lifeline service expenses that the public utilities 76780
commission prescribes by rule and that are not recovered through 76781
federal or state funding, except for expenses incurred under 76782

division (A)(3)(a) of this section. A carrier seeking recovery of 76783
discounts or expenses shall, in accordance with rules adopted by 76784
the public utilities commission, apply to the public utilities 76785
commission for approval of the method of recovery. If the method 76786
of recovery includes a customer billing surcharge, the public 76787
utilities commission shall prescribe by rule how the surcharge is 76788
to be identified on customer bills. 76789

(E) Every incumbent local exchange carrier required to 76790
implement lifeline service under division (A) of this section 76791
shall annually file with the public utilities commission a report 76792
that identifies the number of its customers who receive, at the 76793
time of the filing of the report, lifeline service. 76794

Sec. 5101.074. If the department of job and family services 76795
receives money from a refund or reconciliation related to the 76796
medicaid program, the department shall transfer the money to the 76797
department of medicaid for deposit into the refunds and 76798
reconciliation fund created under section 5162.65 of the Revised 76799
Code. 76800

Sec. 5101.09. (A) When the director of job and family 76801
services is authorized by the Revised Code to adopt a rule, the 76802
director shall adopt the rule in accordance with the following: 76803

(1) Chapter 119. of the Revised Code if any of the following 76804
apply: 76805

(a) The rule concerns the administration or enforcement of 76806
Chapter 4141. of the Revised Code; 76807

(b) The rule concerns a program administered by the 76808
department of job and family services, unless the statute 76809
authorizing the rule requires that it be adopted in accordance 76810
with section 111.15 of the Revised Code; 76811

(c) The statute authorizing the rule requires that the rule 76812

be adopted in accordance with Chapter 119. of the Revised Code. 76813

(2) Section 111.15 of the Revised Code, excluding division 76814
(D) of that section, if either of the following apply: 76815

(a) The rule concerns the day-to-day staff procedures and 76816
operations of the department or financial and operational matters 76817
between the department and another government entity or a private 76818
entity receiving a grant from the department, unless the statute 76819
authorizing the rule requires that it be adopted in accordance 76820
with Chapter 119. of the Revised Code; 76821

(b) The statute authorizing the rule requires that the rule 76822
be adopted in accordance with section 111.15 of the Revised Code 76823
and, by the terms of division (D) of that section, division (D) of 76824
that section does not apply to the rule. 76825

(3) Section 111.15 of the Revised Code, including division 76826
(D) of that section, if the statute authorizing the rule requires 76827
that the rule be adopted in accordance with that section and the 76828
rule is not exempt from the application of division (D) of that 76829
section. 76830

(B) Except as otherwise required by the Revised Code, the 76831
adoption of a rule in accordance with Chapter 119. of the Revised 76832
Code does not make the department of job and family services, a 76833
county family services agency, or a ~~workforce development agency~~ 76834
local board subject to the notice, hearing, or other requirements 76835
of sections 119.06 to 119.13 of the Revised Code. As used in this 76836
division, "~~workforce development agency~~ local board" has the same 76837
meaning as in section 6301.01 of the Revised Code. 76838

Sec. 5101.16. (A) As used in this section and sections 76839
5101.161 and 5101.162 of the Revised Code: 76840

(1) "Disability financial assistance" means the financial 76841
assistance program established under former Chapter 5115. of the 76842

Revised Code.	76843
(2) "Supplemental nutrition assistance program" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.	76844 76845 76846
(3) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.	76847 76848
(4) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.	76849 76850
(5) "Public assistance expenditures" means expenditures for all of the following:	76851 76852
(a) Ohio works first;	76853
(b) County administration of Ohio works first;	76854
(c) Prevention, retention, and contingency;	76855
(d) County administration of prevention, retention, and contingency;	76856 76857
(e) Disability financial assistance;	76858
(f) County administration of disability financial assistance;	76859
(g) County administration of the supplemental nutrition assistance program;	76860 76861
(h) County administration of medicaid, excluding administrative expenditures for transportation services covered by the medicaid program.	76862 76863 76864
(7) (6) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	76865 76866
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal	76867 76868 76869 76870 76871

year 1998 and each state fiscal year thereafter: 76872

(1) The amount that is twenty-five per cent of the county's 76873
total expenditures for disability financial assistance and county 76874
administration of that program during the state fiscal year ending 76875
in the previous calendar year that the department of job and 76876
family services determines are allowable. 76877

(2) The amount that is ten per cent, or other percentage 76878
determined under division (D) of this section, of the county's 76879
total expenditures for county administration of the supplemental 76880
nutrition assistance program and medicaid (excluding 76881
administrative expenditures for transportation services covered by 76882
the medicaid program) during the state fiscal year ending in the 76883
previous calendar year that the department determines are 76884
allowable, less the amount of federal reimbursement credited to 76885
the county under division (E) of this section for the state fiscal 76886
year ending in the previous calendar year; 76887

(3) A percentage of the actual amount of the county share of 76888
program and administrative expenditures during federal fiscal year 76889
1994 for assistance and services, other than child care, provided 76890
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 76891
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 76892
enactment of the "Personal Responsibility and Work Opportunity 76893
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 76894
and family services shall determine the actual amount of the 76895
county share from expenditure reports submitted to the United 76896
States department of health and human services. The percentage 76897
shall be the percentage established in rules adopted under 76898
division (F) of this section. 76899

(C)(1) If a county's share of public assistance expenditures 76900
determined under division (B) of this section for a state fiscal 76901
year exceeds one hundred five per cent of the county's share for 76902
those expenditures for the immediately preceding state fiscal 76903

year, the department of job and family services shall reduce the 76904
county's share for expenditures under divisions (B)(1) and (2) of 76905
this section so that the total of the county's share for 76906
expenditures under division (B) of this section equals one hundred 76907
five per cent of the county's share of those expenditures for the 76908
immediately preceding state fiscal year. 76909

(2) A county's share of public assistance expenditures 76910
determined under division (B) of this section may be increased 76911
pursuant to section 5101.163 of the Revised Code and a sanction 76912
under section 5101.24 of the Revised Code. An increase made 76913
pursuant to section 5101.163 of the Revised Code may cause the 76914
county's share to exceed the limit established by division (C)(1) 76915
of this section. 76916

(D)(1) If the per capita tax duplicate of a county is less 76917
than the per capita tax duplicate of the state as a whole and 76918
division (D)(2) of this section does not apply to the county, the 76919
percentage to be used for the purpose of division (B)(2) of this 76920
section is the product of ten multiplied by a fraction of which 76921
the numerator is the per capita tax duplicate of the county and 76922
the denominator is the per capita tax duplicate of the state as a 76923
whole. The department of job and family services shall compute the 76924
per capita tax duplicate for the state and for each county by 76925
dividing the tax duplicate for the most recent available year by 76926
the current estimate of population prepared by the development 76927
services agency. 76928

(2) If the percentage of families in a county with an annual 76929
income of less than three thousand dollars is greater than the 76930
percentage of such families in the state and division (D)(1) of 76931
this section does not apply to the county, the percentage to be 76932
used for the purpose of division (B)(2) of this section is the 76933
product of ten multiplied by a fraction of which the numerator is 76934
the percentage of families in the state with an annual income of 76935

less than three thousand dollars a year and the denominator is the percentage of such families in the county. The department of job and family services shall compute the percentage of families with an annual income of less than three thousand dollars for the state and for each county by multiplying the most recent estimate of such families published by the development services agency, by a fraction, the numerator of which is the estimate of average annual personal income published by the bureau of economic analysis of the United States department of commerce for the year on which the census estimate is based and the denominator of which is the most recent such estimate published by the bureau.

(3) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and the percentage of families in the county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state, the percentage to be used for the purpose of division (B)(2) of this section shall be determined as follows:

(a) Multiply ten by the fraction determined under division (D)(1) of this section;

(b) Multiply the product determined under division (D)(3)(a) of this section by the fraction determined under division (D)(2) of this section.

(4) The department of job and family services shall determine, for each county, the percentage to be used for the purpose of division (B)(2) of this section not later than the first day of July of the year preceding the state fiscal year for which the percentage is used.

(E) The department of job and family services shall credit to a county the amount of federal reimbursement the department receives from the United States departments of agriculture and health and human services for the county's expenditures for

administration of the supplemental nutrition assistance program 76967
and medicaid (excluding administrative expenditures for 76968
transportation services covered by the medicaid program) that the 76969
department determines are allowable administrative expenditures. 76970

(F)(1) The director of job and family services shall adopt 76971
rules in accordance with section 111.15 of the Revised Code to 76972
establish all of the following: 76973

(a) The method the department is to use to change a county's 76974
share of public assistance expenditures determined under division 76975
(B) of this section as provided in division (C) of this section; 76976

(b) The allocation methodology and formula the department 76977
will use to determine the amount of funds to credit to a county 76978
under this section; 76979

(c) The method the department will use to change the payment 76980
of the county share of public assistance expenditures from a 76981
calendar-year basis to a state fiscal year basis; 76982

(d) The percentage to be used for the purpose of division 76983
(B)(3) of this section, which shall, except as provided in section 76984
5101.163 of the Revised Code, meet both of the following 76985
requirements: 76986

(i) The percentage shall not be less than seventy-five per 76987
cent nor more than eighty-two per cent; 76988

(ii) The percentage shall not exceed the percentage that the 76989
state's qualified state expenditures is of the state's historic 76990
state expenditures as those terms are defined in 42 U.S.C. 76991
609(a)(7). 76992

(e) Other procedures and requirements necessary to implement 76993
this section. 76994

(2) The director of job and family services may amend the 76995
rule adopted under division (F)(1)(d) of this section to modify 76996

the percentage on determination that the amount the general 76997
assembly appropriates for Title IV-A programs makes the 76998
modification necessary. The rule shall be adopted and amended as 76999
if an internal management rule and in consultation with the 77000
director of budget and management. 77001

Sec. 5101.17. In determining the need of any person under 77002
Chapter 5107. ~~or 5115.~~ of the Revised Code, the first eighty-five 77003
dollars plus one-half of the excess over eighty-five dollars of 77004
payments made to or in behalf of any person for or with respect to 77005
any month under Title I or II of the "Economic Opportunity Act of 77006
1964," 78 Stat. 508, 42 U.S.C.A. 2701, as amended, shall not be 77007
regarded as income or resources. No payments made under such 77008
titles shall be regarded as income or resources of another 77009
individual except to the extent that they are made available to 77010
the other individual. No grant made to any family under Title III 77011
of such act shall be regarded as income or resources in 77012
determining the need of any member of such family under Chapter 77013
5107. ~~or 5115.~~ of the Revised Code. 77014

Sec. 5101.18. When the director of job and family services 77015
adopts rules under section 5107.05 of the Revised Code regarding 77016
income requirements for the Ohio works first program ~~and under~~ 77017
~~section 5115.03 of the Revised Code regarding income and resource~~ 77018
~~requirements for the disability financial assistance program,~~ the 77019
director shall determine what payments shall be regarded or 77020
disregarded. In making this determination, the director shall 77021
consider: 77022

- (A) The source of the payment; 77023
- (B) The amount of the payment; 77024
- (C) The purpose for which the payment was made; 77025
- (D) Whether regarding the payment as income would be in the 77026

public interest; 77027

(E) Whether treating the payment as income would be 77028
detrimental to any of the programs administered in whole or in 77029
part by the department of job and family services and whether such 77030
determination would jeopardize the receipt of any federal grant or 77031
payment by the state or any receipt of aid under Chapter 5107. of 77032
the Revised Code. 77033

Sec. 5101.181. (A) As used in this section and section 77034
5101.182 of the Revised Code, "public assistance" means any or all 77035
of the following: 77036

(1) Ohio works first; 77037

(2) Prevention, retention, and contingency; 77038

(3) Disability financial assistance provided prior to 77039
December 31, 2017, under former Chapter 5115. of the Revised Code; 77040

(4) General assistance provided prior to July 17, 1995, under 77041
former Chapter 5113. of the Revised Code. 77042

(B) As part of the procedure for the determination of 77043
overpayment to a recipient of public assistance under Chapter 77044
5107. or 5108., or former Chapter 5115. of the Revised Code, the 77045
director of job and family services may furnish quarterly the name 77046
and social security number of each individual who receives public 77047
assistance to the director of administrative services, the 77048
administrator of the bureau of workers' compensation, and each of 77049
the state's retirement boards. Within fourteen days after 77050
receiving the name and social security number of an individual who 77051
receives public assistance, the director of administrative 77052
services, administrator, or board shall inform the auditor of 77053
state as to whether such individual is receiving wages or 77054
benefits, the amount of any wages or benefits being received, the 77055
social security number, and the address of the individual. The 77056

director of administrative services, administrator, boards, and 77057
any agent or employee of those officials and boards shall comply 77058
with the rules of the director of job and family services 77059
restricting the disclosure of information regarding recipients of 77060
public assistance. Any person who violates this provision shall 77061
thereafter be disqualified from acting as an agent or employee or 77062
in any other capacity under appointment or employment of any state 77063
board, commission, or agency. 77064

(C) The auditor of state may enter into a reciprocal 77065
agreement with the director of job and family services or 77066
comparable officer of any other state for the exchange of names, 77067
current or most recent addresses, or social security numbers of 77068
persons receiving public assistance under Title IV-A of the 77069
"Social Security Act," 42 U.S.C. 601 et seq. 77070

(D) The auditor of state shall retain, for not less than two 77071
years, at least one copy of all information received under this 77072
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 77073
5101.182, and 5505.04 of the Revised Code. 77074

(E) The auditor shall review the information described in 77075
division (D) of this section to determine whether overpayments 77076
were made to recipients of public assistance under Chapters 5107.7 77077
or 5108.7 and former Chapter 5115. of the Revised Code. The 77078
auditor of state shall initiate action leading to prosecution, 77079
where warranted, of recipients who received overpayments by 77080
forwarding the name of each recipient who received overpayment, 77081
together with other pertinent information, to the director of job 77082
and family services, the attorney general, and the county director 77083
of job and family services and county prosecutor of the county 77084
through which public assistance was received. 77085

(F) The auditor of state and the attorney general or their 77086
designees may examine any records, whether in computer or printed 77087
format, in the possession of the director of job and family 77088

services or any county director of job and family services. They 77089
shall provide safeguards which restrict access to such records to 77090
purposes directly connected with an audit or investigation, 77091
prosecution, or criminal or civil proceeding conducted in 77092
connection with the administration of the programs and shall 77093
comply with section 5101.27 of the Revised Code and rules adopted 77094
by the director of job and family services restricting the 77095
disclosure of information regarding recipients of public 77096
assistance. Any person who violates this provision shall 77097
thereafter be disqualified from acting as an agent or employee or 77098
in any other capacity under appointment or employment of any state 77099
board, commission, or agency. 77100

(G) Costs incurred by the auditor of state in carrying out 77101
the auditor of state's duties under this section shall be borne by 77102
the auditor of state. 77103

Sec. 5101.184. (A) The director of job and family services 77104
shall work with the tax commissioner to collect overpayments of 77105
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 77106
Chapter 5113., or section 5101.54 of the Revised Code from refunds 77107
of state income taxes for taxable year 1992 and thereafter that 77108
are payable to the recipients of such overpayments. 77109

Any overpayment of assistance, whether obtained by fraud or 77110
misrepresentation, as the result of an error by the recipient or 77111
by the agency making the payment, or in any other manner, may be 77112
collected under this section. Any reduction under section 5747.12 77113
or 5747.121 of the Revised Code to an income tax refund shall be 77114
made before a reduction under this section. No reduction shall be 77115
made under this section if the amount of the refund is less than 77116
twenty-five dollars after any reduction under section 5747.12 of 77117
the Revised Code. A reduction under this section shall be made 77118
before any part of the refund is contributed under section 77119

5747.113 of the Revised Code, or is credited under section 5747.12 77120
of the Revised Code against tax due in any subsequent year. 77121

The director and the tax commissioner, by rules adopted in 77122
accordance with Chapter 119. of the Revised Code, shall establish 77123
procedures to implement this division. The procedures shall 77124
provide for notice to a recipient of assistance and an opportunity 77125
for the recipient to be heard before the recipient's income tax 77126
refund is reduced. 77127

(B) The director of job and family services may enter into 77128
agreements with the federal government to collect overpayments of 77129
assistance from refunds of federal income taxes that are payable 77130
to recipients of the overpayments. 77131

Sec. 5101.20. (A) As used in this section of the Revised 77132
Code: 77133

(1) "Local area" has the same meaning as in section ~~101 of~~ 77134
~~the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 77135
~~2801, as amended, and division (A) of section~~ 6301.01 of the 77136
Revised Code~~+~~. 77137

(2) "Chief elected official" has the same meaning as ~~in~~ 77138
~~section 101 of the "Workforce Investment Act of 1998," 112 Stat.~~ 77139
~~936, 29 U.S.C. 2801, as amended, and division (F) of~~ "chief 77140
elected official or officials" as defined in section 6301.01 of 77141
the Revised Code~~+~~. 77142

(3) "Grantee" means the chief elected officials of a local 77143
area. 77144

(4) "Local board" has the same meaning as in section 6301.01 77145
of the Revised Code. 77146

(5) "Planning region" has the same meaning as in section 77147
6301.01 of the Revised Code. 77148

(B) The director of job and family services shall enter into 77149

one or more written grant agreements with each local area under 77150
which ~~financial assistance is allocated~~ funds are awarded for 77151
workforce development activities included in the agreements. A 77152
grant agreement shall establish the terms and conditions governing 77153
the accountability for and use of grants provided by the 77154
department of job and family services to the grantee for the 77155
administration of workforce development activities funded under 77156
the "~~Workforce Investment Act of 1998,~~" 112 Stat. 936, 29 U.S.C. 77157
~~2801, as amended~~ "Workforce Innovation and Opportunity Act," 29 77158
U.S.C. 3101 et seq. 77159

(C) The director may award grants to local areas only through 77160
grant agreements entered into under this section. 77161

(D) In the case of a local area comprised of multiple 77162
political subdivisions, nothing in this section shall preclude the 77163
chief elected officials of a local area from entering into an 77164
agreement among themselves to distribute any liability for 77165
activities of the local area, but such an agreement shall not be 77166
binding on the department of job and family services. 77167

~~(D)~~(E) The written grant agreement entered into under 77168
division (B) of this section shall comply with all applicable 77169
federal and state laws governing workforce development activities 77170
and related funding. ~~All~~ Each local area is subject to all federal 77171
conditions and restrictions that apply to the use of ~~grants~~ 77172
~~received by~~ funds allotted to the department of job and family 77173
services ~~shall apply to the use of the grants received by the~~ and 77174
allocated to local areas ~~from the department for workforce~~ 77175
development activities. 77176

~~(E)~~(F) A written grant agreement entered into under division 77177
(B) of this section shall: 77178

(1) Identify as parties to the agreement the ~~chief elected~~ 77179
~~officials~~ representatives for the local area, including the chief 77180

elected official or officials, the local board, and the fiscal agent; 77181
77182

(2) Provide for the incorporation of the planning region and 77183
local workforce development plan; 77184

(3) Include the chief elected official's or officials' 77185
assurance that the local area and any subgrantee or contractor of 77186
the local area will do all of the following: 77187

(a) Ensure that the ~~financial assistance awarded funds~~ 77188
allocated under the grant agreement ~~is~~ are used, and the workforce 77189
development duties included in the agreement are performed, in 77190
accordance with ~~requirements established by the department or any~~ 77191
~~of the following:~~ federal ~~or~~ and state law, the state plan for 77192
receipt of federal financial participation, grant agreements 77193
between the department and a federal agency, ~~or~~ executive orders, ~~and~~ 77194
and policies and guidance issued by the department; 77195

(b) Ensure ~~that the chief elected officials and any~~ 77196
~~subgrantee or contractor of the local area utilize~~ that the 77197
implementation and use of a financial management system and other 77198
accountability mechanisms ~~that~~ meet the requirements of federal 77199
and state law and are in accordance with the policies and 77200
procedures that the department establishes; 77201

(c) Require the chief elected officials and any subgrantee or 77202
contractor of the local area to do both of the following: 77203

(i) Monitor all private and government entities that receive 77204
~~a payment from financial assistance awarded funds allocated~~ under 77205
the grant agreement to ensure that ~~each entity uses the payment~~ 77206
funds are utilized in accordance with ~~requirements for the~~ 77207
~~workforce development duties included in the~~ all applicable 77208
federal and state laws, policies, and guidance, and with the terms 77209
and conditions of the grant agreement; 77210

(ii) Take action to recover ~~payments that are not used in~~ 77211

~~accordance with the requirements for the workforce development~~ 77212
~~duties that are included in the funds for expenditures that are~~ 77213
~~unallowable under federal or state law or under the terms of the~~ 77214
~~grant agreement.~~ 77215

~~(d) Require the chief elected officials of a local area to~~ 77216
~~promptly reimburse the department the amount that represents the~~ 77217
~~amount a local area is responsible for of funds the department~~ 77218
~~pays to any entity Promptly remit funds to the department that are~~ 77219
~~payable to the state or federal government because of an adverse~~ 77220
~~audit finding, adverse quality control finding, final disallowance~~ 77221
~~of federal financial participation, or other sanction or penalty;~~ 77222

~~(e) Require chief elected officials of a local area to take~~ 77223
~~Take prompt corrective action if the department, auditor of state,~~ 77224
~~federal agency, or other entity authorized by federal or state law~~ 77225
~~to determine compliance with requirements for a workforce~~ 77226
~~development duty included in the agreement state or a federal~~ 77227
~~agency determines ~~compliance has not been achieved;~~ noncompliance~~ 77228
~~with state or federal law.~~ 77229

~~(4) Provide that the award of financial assistance allocation~~ 77230
~~is subject to the availability of federal funds and appropriations~~ 77231
~~made by the general assembly;~~ 77232

~~(5) Provide for annual financial, administrative, or other~~ 77233
~~incentive awards, if any, to be provided in accordance with~~ 77234
~~section 5101.23 of the Revised Code.~~ 77235

~~(6) Establish the ~~method of~~ terms and conditions for amending~~ 77236
~~or terminating the grant agreement and an expedited process for~~ 77237
~~correcting terms or conditions of the agreement that the director~~ 77238
~~and the chief elected officials agree are erroneous.~~ 77239

~~(7) ~~Provide for~~ Permit the department of job and family~~ 77240
~~services to ~~award financial assistance~~ allocate funds for the~~ 77241
~~workforce development duties included in the agreement in~~ 77242

accordance with a methodology for determining the amount of the 77243
award established by rules adopted under division ~~(F)~~(G) of this 77244
section. 77245

(8) Determine the dates that the grant agreement begins and 77246
ends. 77247

~~(F)~~(G)(1) The director shall adopt rules in accordance with 77248
section 111.15 of the Revised Code governing grant agreements. The 77249
director shall adopt the rules as if they were internal management 77250
rules. The rules shall establish methodologies to be used to 77251
determine the amount of ~~financial assistance~~ funds to be awarded 77252
under the agreements and may do any of the following: 77253

(a) Govern the establishment of consolidated funding 77254
allocations and other allocations; 77255

(b) Specify allowable uses of ~~financial assistance awarded~~ 77256
funds allocated under the agreements; 77257

(c) Establish reporting, cash management, audit, and other 77258
requirements the director determines are necessary to provide 77259
accountability for the use of ~~financial assistance awarded~~ funds 77260
allocated under the agreements and determine compliance with 77261
requirements established by the department or any of the 77262
following: a federal or state law, state plan for receipt of 77263
federal financial participation, grant agreement between the 77264
department and a federal entity, or executive order. 77265

(2) A requirement of a grant agreement established by a rule 77266
adopted under this division is applicable to a grant agreement 77267
without having to be restated in the grant agreement. 77268

Sec. 5101.201. ~~The~~ As the director of the state agency for 77269
the implementation of several workforce programs, the director of 77270
job and family services may enter into agreements with ~~one-step~~ 77271
~~operators~~ local boards, as defined in section 6301.01 of the 77272

Revised Code, and ~~one-stop~~ other OhioMeansJobs center partners for 77273
the purpose of implementing the requirements of section 121 of the 77274
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801~~ 77275
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3151. 77276

Sec. 5101.214. The director of job and family services may 77277
enter into a written agreement with one or more state agencies, as 77278
defined in section 117.01 of the Revised Code, and state 77279
universities and colleges to assist in the coordination, 77280
provision, or enhancement of the family services duties of a 77281
county family services agency or the workforce development 77282
activities of a ~~workforce development agency~~ local board, as 77283
defined in section 6301.01 of the Revised Code. The director also 77284
may enter into written agreements or contracts with, or issue 77285
grants to, private and government entities under which funds are 77286
provided for the enhancement or innovation of family services 77287
duties or workforce development activities on the state or local 77288
level. 77289

The director may adopt internal management rules in 77290
accordance with section 111.15 of the Revised Code to implement 77291
this section. 77292

Sec. 5101.23. Subject to the availability of funds, the 77293
department of job and family services may provide annual 77294
financial, administrative, or other incentive awards to county 77295
family services agencies and ~~workforce development agencies~~ local 77296
areas as defined in section 6301.01 of the Revised Code. A county 77297
family services agency or ~~workforce development agency~~ local area 77298
may spend ~~funds provided as a financial~~ an incentive award awarded 77299
under this section only for the purpose for which the funds are 77300
appropriated. The department may adopt internal management rules 77301
in accordance with section 111.15 of the Revised Code to establish 77302

the amounts of awards, methodology for distributing the awards, 77303
types of awards, and standards for administration ~~by the~~ 77304
~~department.~~ 77305

There is hereby created in the state treasury the social 77306
services incentive fund. The director of job and family services 77307
may request that the director of budget and management transfer 77308
funds in the Title IV-A reserve fund created under section 5101.82 77309
of the Revised Code and other funds appropriated for family 77310
services duties or workforce investment activities into the fund. 77311
If the director of budget and management determines that the funds 77312
identified by the director of job and family services are 77313
available and appropriate for transfer, the director of budget and 77314
management shall make the transfer. Money in the fund shall be 77315
used to provide incentive awards under this section. 77316

Sec. 5101.241. (A) As used in this section: 77317

(1) "Local area" and "chief elected official" have the same 77318
meaning as in section 5101.20 of the Revised Code. 77319

(2) "Responsible entity" means the chief elected officials of 77320
a local area. 77321

(B) The department of job and family services may take action 77322
under division (C) of this section against the responsible entity, 77323
regardless of who performs the workforce development activity, if 77324
the department determines any of the following are the case: 77325

(1) ~~A requirement~~ An entity has failed to comply with the 77326
terms and conditions of a grant agreement ~~entered into~~ executed 77327
between the department and a local area under section 5101.20 of 77328
the Revised Code ~~that includes the workforce development activity,~~ 77329
~~including a requirement for grant agreements established by rules~~ 77330
~~adopted under that section, is not complied with.~~ 77331

(2) A performance standard for the workforce development 77332

activity established by the federal government or the department 77333
is not met⁺. 77334

(3) ~~A An entity has failed to comply with a workforce~~ 77335
~~development activity requirement for the workforce development~~ 77336
~~activity~~ established by the department ~~or any of the following is~~ 77337
~~not complied with⁺~~, a federal or state law, a state plan for 77338
receipt of federal financial participation, a grant agreement 77339
between the department and a federal agency, or an executive 77340
order⁺. 77341

(4) The responsible entity is solely or partially 77342
responsible, as determined by the director of job and family 77343
services, for an adverse audit finding, adverse quality control 77344
finding, final disallowance of federal financial participation, or 77345
other sanction or penalty regarding the workforce development 77346
activity. 77347

(C) The department may take one or more of the following 77348
actions against the responsible entity when authorized by division 77349
(B)(1), (2), (3), or (4) of this section: 77350

(1) Require the responsible entity to submit to and comply 77351
with a corrective action plan, established or approved by the 77352
department, pursuant to a time schedule specified by the 77353
department; 77354

(2) Require the responsible entity to do one of the 77355
following: 77356

(a) Share with the department a final disallowance of federal 77357
financial participation or other sanction or penalty; 77358

(b) Reimburse the department the amount the department pays 77359
to the federal government or another entity that represents the 77360
amount the responsible entity is responsible for of an adverse 77361
audit finding, adverse quality control finding, final disallowance 77362
of federal financial participation, or other sanction or penalty 77363

issued by the federal government, auditor of state, or other 77364
entity; 77365

(c) Pay the federal government or another entity the amount 77366
that represents the amount the responsible entity is responsible 77367
for of an adverse audit finding, adverse quality control finding, 77368
final disallowance of federal financial participation, or other 77369
sanction or penalty issued by the federal government, auditor of 77370
state, or other entity; 77371

(d) Pay the department the amount that represents the amount 77372
the responsible entity is responsible for of an adverse audit 77373
finding, adverse quality control finding, or other sanction or 77374
penalty issued by the department. 77375

(3) Impose a financial or administrative sanction or adverse 77376
audit finding issued by the department against the responsible 77377
entity, which may be increased with each subsequent action taken 77378
against the responsible entity; 77379

(4) Perform or contract with a government or private entity 77380
for the entity to perform the workforce development activity until 77381
the department is satisfied that the responsible entity ensures 77382
that the activity will be performed to the department's 77383
satisfaction. If the department performs or contracts with an 77384
entity to perform the workforce development activity under 77385
division (C)(4) of this section, the department may withhold funds 77386
allocated to or reimbursements due to the responsible entity for 77387
the activity and use those funds to implement division (C)(4) of 77388
this section. 77389

(5) Request the attorney general to bring mandamus 77390
proceedings to compel the responsible entity to take or cease the 77391
actions listed in division (B) of this section. The attorney 77392
general shall bring any mandamus proceedings in the Franklin 77393
county court of appeals at the department's request. 77394

(6) If the department takes action under this division 77395
because of division (B)(3) of this section, withhold funds 77396
allocated or reimbursement due to the responsible entity until the 77397
department determines that the responsible entity is in compliance 77398
with the requirement. The department shall release the funds when 77399
the department determines that compliance has been achieved. 77400

(7) Issue a notice of intent to revoke approval of all or 77401
part of the local plan effected that conflicts with state or 77402
federal law and effectuate the revocation. 77403

(D) The department shall notify the responsible entity and 77404
the appropriate county auditor ~~when the department proposes to~~ 77405
~~take~~ before taking action under division (C) of this section. The 77406
notice shall be in writing and specify the proposed action ~~the~~ 77407
~~department proposes to take~~. The department shall send the notice 77408
by regular United States mail. Except as provided in division (E) 77409
of this section, the responsible entity may request an 77410
administrative review of a proposed action in accordance with 77411
administrative review procedures the department shall establish. 77412
The administrative review procedures shall comply with all of the 77413
following: 77414

(1) A request for an administrative review shall state 77415
specifically all of the following: 77416

(a) The proposed action specified in the notice from the 77417
department for which the review is requested; 77418

(b) The reason why the responsible entity believes the 77419
proposed action is inappropriate; 77420

(c) All facts and legal arguments that the responsible entity 77421
wants the department to consider; 77422

(d) The name of the person who will serve as the responsible 77423
entity's representative in the review. 77424

(2) If the department's notice specifies more than one 77425
proposed action and the responsible entity does not specify all of 77426
the proposed actions in its request pursuant to division (D)(1)(a) 77427
of this section, the proposed actions not specified in the request 77428
shall not be subject to administrative review and the parts of the 77429
notice regarding those proposed actions shall be final and binding 77430
on the responsible entity. 77431

(3) The responsible entity shall have fifteen calendar days 77432
after the department mails the notice to the responsible entity to 77433
send a written request to the department for an administrative 77434
review. The responsible entity and the department shall attempt to 77435
resolve informally any dispute and may develop a written 77436
resolution to the dispute at any time prior to submitting the 77437
written report described in division (D)(7) of this section to the 77438
director. 77439

(4) In the case of a proposed action under division (C)(2) of 77440
this section, the responsible entity may not include in its 77441
request disputes over a finding, final disallowance of federal 77442
financial participation, or other sanction or penalty issued by 77443
the federal government, auditor of state, or other entity other 77444
than the department. 77445

(5) If the responsible entity fails to request an 77446
administrative review within the required time, the responsible 77447
entity loses the right to request an administrative review of the 77448
proposed actions specified in the notice and the notice becomes 77449
final and binding on the responsible entity. 77450

(6) The director of job and family services shall appoint an 77451
administrative review panel to conduct the administrative review. 77452
The review panel shall consist of department employees who are not 77453
involved in the department's proposal to take action against the 77454
responsible entity. The review panel shall review the responsible 77455
entity's request. The review panel may require that the department 77456

or responsible entity submit additional information and schedule 77457
and conduct an informal hearing to obtain testimony or additional 77458
evidence. A review of a proposal to take action under division 77459
(C)(2) of this section shall be limited solely to the issue of the 77460
amount the responsible entity shall share with the department, 77461
reimburse the department, or pay to the federal government, 77462
department, or other entity under division (C)(2) of this section. 77463
The review panel is not required to make a stenographic record of 77464
its hearing or other proceedings. 77465

(7) After finishing an administrative review, an 77466
administrative review panel appointed under division (D)(6) of 77467
this section shall submit a written report to the director setting 77468
forth its findings of fact, conclusions of law, and 77469
recommendations for action. The director may approve, modify, or 77470
disapprove the recommendations. 77471

(8) The director's approval, modification, or disapproval 77472
under division (D)(7) of this section shall be final and binding 77473
on the responsible entity and shall not be subject to further 77474
review. 77475

(E) The responsible entity is not entitled to an 77476
administrative review under division (D) of this section for any 77477
of the following: 77478

(1) An action taken under division (C)(5) or (6) of this 77479
section; 77480

(2) An action taken under section 5101.242 of the Revised 77481
Code; 77482

(3) An action taken under division (C)(2) of this section if 77483
the federal government, auditor of state, or entity other than the 77484
department has identified the responsible entity as being solely 77485
or partially responsible for an adverse audit finding, adverse 77486
quality control finding, final disallowance of federal financial 77487

participation, or other sanction or penalty; 77488

(4) An adjustment to an allocation, cash draw, advance, or 77489
reimbursement to the responsible entity's local area that the 77490
department determines necessary for budgetary reasons; 77491

(5) Withholding of a cash draw or reimbursement due to 77492
noncompliance with a reporting requirement established in rules 77493
adopted under section 5101.243 of the Revised Code. 77494

(F) This section does not apply to other actions the 77495
department takes against the responsible entity pursuant to 77496
authority granted by another state law unless the other state law 77497
requires the department to take the action in accordance with this 77498
section. 77499

(G) The director of job and family services may adopt rules 77500
in accordance with Chapter 119. of the Revised Code as necessary 77501
to implement this section. 77502

(H) The governor may decertify a local ~~workforce development~~ 77503
board for any of the following reasons in accordance with 77504
~~subsection (e) of section 117 of the "Workforce Investment Act of~~ 77505
~~1998" 112 Stat. 936, 29 U.S.C. 2801, as amended (c)(3) of section~~ 77506
107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 77507
3122: 77508

(1) Fraud or abuse; 77509

(2) Failure to carry out the requirements of the federal 77510
~~"Workforce Investment Act," 112 Stat. 936, 29 U.S.C. 2801, as~~ 77511
~~amended, including failure to meet performance standards~~ 77512
~~established by the federal government for two consecutive years~~ 77513
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 77514
seq.; 77515

(3) Failure to meet local performance accountability measures 77516
for the local area for two consecutive program years, as specified 77517

in subsection (c)(3)(B) of section 107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122. 77518
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~~(I)(1) If the governor finds that access to basic "Workforce Investment Act" services is not being provided in a local area, the governor may declare an emergency and, in consultation with the chief elected officials of the local area affected, arrange for provision of these services through an alternative entity during the time period in which resolution of the problem preventing service delivery in the local area is pending determines that there has been a substantial violation of a specific provision of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., and that corrective action has not been taken, the governor shall take one of the following actions:~~ 77520
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~~(a) Issue a notice of intent to revoke approval of all or part of a local plan affected by the violation;~~ 77531
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~~(b) Impose a reorganization plan.~~ 77533

~~(2) A reorganization plan imposed under division (I)(1) of this section may include any of the following:~~ 77534
77535

~~(a) Decertifying the local board involved in the violation;~~ 77536

~~(b) Prohibiting the use of eligible providers;~~ 77537

~~(c) Selecting an alternate entity to administer the program for the local area involved in the violation;~~ 77538
77539

~~(d) Merging the local area with one or more other local areas;~~ 77540
77541

~~(e) Making other changes that the governor determines to be necessary to secure compliance with the specific provision. An~~ 77542
77543

~~An action taken by the governor pursuant to this section is not subject to appeal under this section may be appealed and shall not become effective until the time for appeal has expired or a final decision has been issued on the appeal.~~ 77544
77545
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77547

Sec. 5101.26. As used in this section and in sections 5101.27 77548
to 5101.30 of the Revised Code: 77549

(A) "County agency" means a county department of job and 77550
family services or a public children services agency. 77551

(B) "Fugitive felon" means an individual who is fleeing to 77552
avoid prosecution, or custody or confinement after conviction, 77553
under the laws of the place from which the individual is fleeing, 77554
for a crime or an attempt to commit a crime that is a felony under 77555
the laws of the place from which the individual is fleeing or, in 77556
the case of New Jersey, a high misdemeanor, regardless of whether 77557
the individual has departed from the individual's usual place of 77558
residence. 77559

(C) "Information" means records as defined in section 149.011 77560
of the Revised Code, any other documents in any format, and data 77561
derived from records and documents that are generated, acquired, 77562
or maintained by the department of job and family services, a 77563
county agency, or an entity performing duties on behalf of the 77564
department or a county agency. 77565

(D) "Law enforcement agency" means the state highway patrol, 77566
an agency that employs peace officers as defined in section 109.71 77567
of the Revised Code, the adult parole authority, a county 77568
department of probation, a prosecuting attorney, the attorney 77569
general, similar agencies of other states, federal law enforcement 77570
agencies, and postal inspectors. "Law enforcement agency" includes 77571
the peace officers and other law enforcement officers employed by 77572
the agency. 77573

(E) "Public assistance" means financial assistance or social 77574
services that are provided under a program administered by the 77575
department of job and family services or a county agency pursuant 77576
to Chapter 329., 5101., 5104., 5107., or 5108., ~~or 5115.~~ of the 77577
Revised Code or an executive order issued under section 107.17 of 77578

the Revised Code. "Public assistance" does not mean medical 77579
assistance provided under a medical assistance program, as defined 77580
in section 5160.01 of the Revised Code. 77581

(F) "Public assistance recipient" means an applicant for or 77582
recipient or former recipient of public assistance. 77583

Sec. 5101.27. (A) Except as permitted by this section, 77584
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 77585
rules adopted under section 5101.30 of the Revised Code, or when 77586
required by federal law, no person or government entity shall 77587
solicit, disclose, receive, use, or knowingly permit, or 77588
participate in the use of any information regarding a public 77589
assistance recipient for any purpose not directly connected with 77590
the administration of a public assistance program. 77591

(B) To the extent permitted by federal law, the department of 77592
job and family services and county agencies shall do all of the 77593
following: 77594

(1) Release information regarding a public assistance 77595
recipient for purposes directly connected to the administration of 77596
the program to a government entity responsible for administering 77597
that public assistance program; 77598

(2) Provide information regarding a public assistance 77599
recipient to a law enforcement agency for the purpose of any 77600
investigation, prosecution, or criminal or civil proceeding 77601
relating to the administration of that public assistance program; 77602

(3) Provide, for purposes directly connected to the 77603
administration of a program that assists needy individuals with 77604
the costs of public utility services, information regarding a 77605
recipient of financial assistance provided under a program 77606
administered by the department or a county agency pursuant to 77607
Chapter 5107. or 5108. of the Revised Code ~~or sections 5115.01 to~~ 77608

~~5115.07 of the Revised Code~~ to an entity administering the public utility services program. 77609
77610

(C) To the extent permitted by federal law and section 77611
1347.08 of the Revised Code, the department and county agencies 77612
shall provide access to information regarding a public assistance 77613
recipient to all of the following: 77614

(1) The recipient; 77615

(2) The authorized representative; 77616

(3) The legal guardian of the recipient; 77617

(4) The attorney of the recipient, if the attorney has 77618
written authorization that complies with section 5101.272 of the 77619
Revised Code from the recipient. 77620

(D) To the extent permitted by federal law and subject to 77621
division (E) of this section, the department and county agencies 77622
may do both of the following: 77623

(1) Release information about a public assistance recipient 77624
if the recipient gives voluntary, written authorization that 77625
complies with section 5101.272 of the Revised Code; 77626

(2) Release information regarding a public assistance 77627
recipient to a state, federal, or federally assisted program that 77628
provides cash or in-kind assistance or services directly to 77629
individuals based on need or for the purpose of protecting 77630
children to a government entity responsible for administering a 77631
children's protective services program. 77632

(E) Except when the release is required by division (B), (C), 77633
or (D)(2) of this section, the department or county agency shall 77634
release the information only in accordance with the authorization. 77635
The department or county agency shall provide, at no cost, a copy 77636
of each written authorization to the individual who signed it. 77637

(F) The department of job and family services may adopt rules 77638

defining "authorized representative" for purposes of division 77639
(C)(2) of this section. 77640

Sec. 5101.28. (A)(1) On request of the department of job and 77641
family services or a county agency, a law enforcement agency shall 77642
provide information regarding public assistance recipients to 77643
enable the department or county agency to determine, for 77644
eligibility purposes, whether a recipient or a member of a 77645
recipient's assistance group is a fugitive felon or violating a 77646
condition of probation, a community control sanction, parole, or a 77647
post-release control sanction imposed under state or federal law. 77648

(2) A county agency may enter into a written agreement with a 77649
local law enforcement agency establishing procedures concerning 77650
access to information and providing for compliance with division 77651
(F) of this section. 77652

(B) To the extent permitted by federal law, the department 77653
and county agencies shall provide information regarding recipients 77654
of public assistance under a program administered by the state 77655
department or a county agency pursuant to Chapter 5107.7 or 5108.7 77656
~~or 5115.~~ of the Revised Code to law enforcement agencies on 77657
request for the purposes of investigations, prosecutions, and 77658
criminal and civil proceedings that are within the scope of the 77659
law enforcement agencies' official duties. 77660

(C) Information about a public assistance recipient shall be 77661
exchanged, obtained, or shared only if the department, county 77662
agency, or law enforcement agency requesting the information gives 77663
sufficient information to specifically identify the recipient. In 77664
addition to the recipient's name, identifying information may 77665
include the recipient's current or last known address, social 77666
security number, other identifying number, age, gender, physical 77667
characteristics, any information specified in an agreement entered 77668
into under division (A) of this section, or any information 77669

considered appropriate by the department or agency. 77670

(D)(1) The department and its officers and employees are not 77671
liable in damages in a civil action for any injury, death, or loss 77672
to person or property that allegedly arises from the release of 77673
information in accordance with divisions (A), (B), and (C) of this 77674
section. This section does not affect any immunity or defense that 77675
the department and its officers and employees may be entitled to 77676
under another section of the Revised Code or the common law of 77677
this state, including section 9.86 of the Revised Code. 77678

(2) The county agencies and their employees are not liable in 77679
damages in a civil action for any injury, death, or loss to person 77680
or property that allegedly arises from the release of information 77681
in accordance with divisions (A), (B), and (C) of this section. 77682
"Employee" has the same meaning as in division (B) of section 77683
2744.01 of the Revised Code. This section does not affect any 77684
immunity or defense that the county agencies and their employees 77685
may be entitled to under another section of the Revised Code or 77686
the common law of this state, including section 2744.02 and 77687
division (A)(6) of section 2744.03 of the Revised Code. 77688

(E) To the extent permitted by federal law, the department 77689
and county agencies shall provide access to information to the 77690
auditor of state acting pursuant to Chapter 117. or sections 77691
5101.181 and 5101.182 of the Revised Code and to any other 77692
government entity authorized by federal law to conduct an audit 77693
of, or similar activity involving, a public assistance program. 77694

(F) The auditor of state shall prepare an annual report on 77695
the outcome of the agreements required under division (A) of this 77696
section. The report shall include the number of fugitive felons, 77697
probation and parole violators, and violators of community control 77698
sanctions and post-release control sanctions apprehended during 77699
the immediately preceding year as a result of the exchange of 77700
information pursuant to that division. The auditor of state shall 77701

file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The state department, county agencies, and law enforcement agencies shall cooperate with the auditor of state's office in gathering the information required under this division.

(G) To the extent permitted by federal law, the department of job and family services, county departments of job and family services, and employees of the departments may report to a public children services agency or other appropriate agency information on known or suspected physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment, of a child receiving public assistance, if circumstances indicate that the child's health or welfare is threatened.

(H) As used in this section:

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

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

Sec. 5101.32. (A) The department of job and family services shall work with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division ~~(C)~~(D) of section 109.5721 of the Revised Code in a format that is acceptable for use by the department. The department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, necessary for such collaboration.

(B) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code necessary for

utilizing the information received pursuant to section 109.5721 of 77732
the Revised Code, with a final effective date that is not later 77733
than December 31, 2008. 77734

Sec. 5101.33. (A) As used in this section, "benefits" means 77735
any of the following: 77736

(1) Cash assistance paid under Chapter 5107. ~~or 5115.~~ of the 77737
Revised Code; 77738

(2) Supplemental nutrition assistance program benefits 77739
provided under section 5101.54 of the Revised Code; 77740

(3) Any other program administered by the department of job 77741
and family services under which assistance is provided or service 77742
rendered; 77743

(4) Any other program, service, or assistance administered by 77744
a person or government entity that the department determines may 77745
be delivered through the medium of electronic benefit transfer. 77746

(B) The department of job and family services may make any 77747
payment or delivery of benefits to eligible individuals through 77748
the medium of electronic benefit transfer by doing all of the 77749
following: 77750

(1) Contracting with an agent to supply debit cards to the 77751
department of job and family services for use by such individuals 77752
in accessing their benefits and to credit such cards 77753
electronically with the amounts specified by the director of job 77754
and family services pursuant to law; 77755

(2) Informing such individuals about the use of the 77756
electronic benefit transfer system and furnishing them with debit 77757
cards and information that will enable them to access their 77758
benefits through the system; 77759

(3) Arranging with specific financial institutions or 77760
vendors, county departments of job and family services, or persons 77761

or government entities for individuals to have their cards 77762
credited electronically with the proper amounts at their 77763
facilities; 77764

(4) Periodically preparing vouchers for the payment of such 77765
benefits by electronic benefit transfer; 77766

(5) Satisfying any applicable requirements of federal and 77767
state law. 77768

(C) The department may enter into a written agreement with 77769
any person or government entity to provide benefits administered 77770
by that person or entity through the medium of electronic benefit 77771
transfer. A written agreement may require the person or government 77772
entity to pay to the department either or both of the following: 77773

(1) A charge that reimburses the department for all costs the 77774
department incurs in having the benefits administered by the 77775
person or entity provided through the electronic benefit transfer 77776
system; 77777

(2) A fee for having the benefits provided through the 77778
electronic benefit transfer system. 77779

(D) The department may designate which counties will 77780
participate in the medium of electronic benefit transfer, specify 77781
the date a designated county will begin participation, and specify 77782
which benefits will be provided through the medium of electronic 77783
benefit transfer in a designated county. 77784

(E) The department may adopt rules in accordance with Chapter 77785
119. of the Revised Code for the efficient administration of this 77786
section. 77787

Sec. 5101.35. (A) As used in this section: 77788

(1)(a) "Agency" means the following entities that administer 77789
a family services program: 77790

(i) The department of job and family services;	77791
(ii) A county department of job and family services;	77792
(iii) A public children services agency;	77793
(iv) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency.	77794 77795 77796 77797
(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "agency" includes the department of medicaid.	77798 77799 77800 77801
(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.	77802 77803 77804 77805 77806
(3)(a) "Family services program" means all of the following:	77807
(i) A Title IV-A program as defined in section 5101.80 of the Revised Code;	77808 77809
(ii) Programs that provide assistance under Chapter 5104. or 5115. of the Revised Code;	77810 77811
(iii) Programs that provide assistance under section 5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the Revised Code;	77812 77813 77814
(iv) Title XX social services provided under section 5101.46 of the Revised Code, other than such services provided by the department of mental health and addiction services, the department of developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of developmental disabilities.	77815 77816 77817 77818 77819 77820

(b) If the department of medicaid contracts with the 77821
department of job and family services to hear appeals authorized 77822
by section 5160.31 of the Revised Code regarding medical 77823
assistance programs, "family services program" includes medical 77824
assistance programs. 77825

(4) "Medical assistance program" has the same meaning as in 77826
section 5160.01 of the Revised Code. 77827

(B) Except as provided by divisions (G) and (H) of this 77828
section, an appellant who appeals under federal or state law a 77829
decision or order of an agency administering a family services 77830
program shall, at the appellant's request, be granted a state 77831
hearing by the department of job and family services. This state 77832
hearing shall be conducted in accordance with rules adopted under 77833
this section. The state hearing shall be recorded, but neither the 77834
recording nor a transcript of the recording shall be part of the 77835
official record of the proceeding. Except as provided in section 77836
5160.31 of the Revised Code, a state hearing decision is binding 77837
upon the agency and department, unless it is reversed or modified 77838
on appeal to the director of job and family services or a court of 77839
common pleas. 77840

(C) Except as provided by division (G) of this section, an 77841
appellant who disagrees with a state hearing decision may make an 77842
administrative appeal to the director of job and family services 77843
in accordance with rules adopted under this section. This 77844
administrative appeal does not require a hearing, but the director 77845
or the director's designee shall review the state hearing decision 77846
and previous administrative action and may affirm, modify, remand, 77847
or reverse the state hearing decision. An administrative appeal 77848
decision is the final decision of the department and, except as 77849
provided in section 5160.31 of the Revised Code, is binding upon 77850
the department and agency, unless it is reversed or modified on 77851
appeal to the court of common pleas. 77852

(D) An agency shall comply with a decision issued pursuant to 77853
division (B) or (C) of this section within the time limits 77854
established by rules adopted under this section. If a county 77855
department of job and family services or a public children 77856
services agency fails to comply within these time limits, the 77857
department may take action pursuant to section 5101.24 of the 77858
Revised Code. If another agency, other than the department of 77859
medicaid, fails to comply within the time limits, the department 77860
may force compliance by withholding funds due the agency or 77861
imposing another sanction established by rules adopted under this 77862
section. 77863

(E) An appellant who disagrees with an administrative appeal 77864
decision of the director of job and family services or the 77865
director's designee issued under division (C) of this section may 77866
appeal from the decision to the court of common pleas pursuant to 77867
section 119.12 of the Revised Code. The appeal shall be governed 77868
by section 119.12 of the Revised Code except that: 77869

(1) The person may appeal to the court of common pleas of the 77870
county in which the person resides, or to the court of common 77871
pleas of Franklin county if the person does not reside in this 77872
state. 77873

(2) The person may apply to the court for designation as an 77874
indigent and, if the court grants this application, the appellant 77875
shall not be required to furnish the costs of the appeal. 77876

(3) The appellant shall mail the notice of appeal to the 77877
department of job and family services and file notice of appeal 77878
with the court within thirty days after the department mails the 77879
administrative appeal decision to the appellant. For good cause 77880
shown, the court may extend the time for mailing and filing notice 77881
of appeal, but such time shall not exceed six months from the date 77882
the department mails the administrative appeal decision. Filing 77883
notice of appeal with the court shall be the only act necessary to 77884

vest jurisdiction in the court. 77885

(4) The department shall be required to file a transcript of 77886
the testimony of the state hearing with the court only if the 77887
court orders the department to file the transcript. The court 77888
shall make such an order only if it finds that the department and 77889
the appellant are unable to stipulate to the facts of the case and 77890
that the transcript is essential to a determination of the appeal. 77891
The department shall file the transcript not later than thirty 77892
days after the day such an order is issued. 77893

(F) The department of job and family services shall adopt 77894
rules in accordance with Chapter 119. of the Revised Code to 77895
implement this section, including rules governing the following: 77896

(1) State hearings under division (B) of this section. The 77897
rules shall include provisions regarding notice of eligibility 77898
termination and the opportunity of an appellant appealing a 77899
decision or order of a county department of job and family 77900
services to request a county conference with the county department 77901
before the state hearing is held. 77902

(2) Administrative appeals under division (C) of this 77903
section; 77904

(3) Time limits for complying with a decision issued under 77905
division (B) or (C) of this section; 77906

(4) Sanctions that may be applied against an agency under 77907
division (D) of this section. 77908

(G) The department of job and family services may adopt rules 77909
in accordance with Chapter 119. of the Revised Code establishing 77910
an appeals process for an appellant who appeals a decision or 77911
order regarding a Title IV-A program identified under division 77912
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 77913
Code that is different from the appeals process established by 77914
this section. The different appeals process may include having a 77915

state agency that administers the Title IV-A program pursuant to 77916
an interagency agreement entered into under section 5101.801 of 77917
the Revised Code administer the appeals process. 77918

(H) If an appellant receiving medicaid through a health 77919
insuring corporation that holds a certificate of authority under 77920
Chapter 1751. of the Revised Code is appealing a denial of 77921
medicaid services based on lack of medical necessity or other 77922
clinical issues regarding coverage by the health insuring 77923
corporation, the person hearing the appeal may order an 77924
independent medical review if that person determines that a review 77925
is necessary. The review shall be performed by a health care 77926
professional with appropriate clinical expertise in treating the 77927
recipient's condition or disease. The department shall pay the 77928
costs associated with the review. 77929

A review ordered under this division shall be part of the 77930
record of the hearing and shall be given appropriate evidentiary 77931
consideration by the person hearing the appeal. 77932

(I) The requirements of Chapter 119. of the Revised Code 77933
apply to a state hearing or administrative appeal under this 77934
section only to the extent, if any, specifically provided by rules 77935
adopted under this section. 77936

Sec. 5101.36. Any application for public assistance gives a 77937
right of subrogation to the department of job and family services 77938
for any workers' compensation benefits payable to a person who is 77939
subject to a support order, as defined in section 3119.01 of the 77940
Revised Code, on behalf of the applicant, to the extent of any 77941
public assistance payments made on the applicant's behalf. If the 77942
director of job and family services, in consultation with a child 77943
support enforcement agency and the administrator of the bureau of 77944
workers' compensation, determines that a person responsible for 77945
support payments to a recipient of public assistance is receiving 77946

workers' compensation, the director shall notify the administrator 77947
of the amount of the benefit to be paid to the department of job 77948
and family services. 77949

For purposes of this section, "public assistance" means Ohio 77950
works first provided under Chapter 5107. of the Revised Code; or 77951
prevention, retention, and contingency benefits and services 77952
provided under Chapter 5108. of the Revised Code; ~~or disability~~ 77953
~~financial assistance provided under Chapter 5115. of the Revised~~ 77954
~~Code.~~ 77955

Sec. 5101.61. (A) As used in this section: 77956

(1) "Senior service provider" means any person who provides 77957
care or services to a person who is an adult as defined in 77958
division (B) of section 5101.60 of the Revised Code. 77959

(2) "Ambulatory health facility" means a nonprofit, public or 77960
proprietary freestanding organization or a unit of such an agency 77961
or organization that: 77962

(a) Provides preventive, diagnostic, therapeutic, 77963
rehabilitative, or palliative items or services furnished to an 77964
outpatient or ambulatory patient, by or under the direction of a 77965
physician or dentist in a facility which is not a part of a 77966
hospital, but which is organized and operated to provide medical 77967
care to outpatients; 77968

(b) Has health and medical care policies which are developed 77969
with the advice of, and with the provision of review of such 77970
policies, an advisory committee of professional personnel, 77971
including one or more physicians, one or more dentists, if dental 77972
care is provided, and one or more registered nurses; 77973

(c) Has a medical director, a dental director, if dental care 77974
is provided, and a nursing director responsible for the execution 77975
of such policies, and has physicians, dentists, nursing, and 77976

ancillary staff appropriate to the scope of services provided; 77977

(d) Requires that the health care and medical care of every 77978
patient be under the supervision of a physician, provides for 77979
medical care in a case of emergency, has in effect a written 77980
agreement with one or more hospitals and other centers or clinics, 77981
and has an established patient referral system to other resources, 77982
and a utilization review plan and program; 77983

(e) Maintains clinical records on all patients; 77984

(f) Provides nursing services and other therapeutic services 77985
in accordance with programs and policies, with such services 77986
supervised by a registered professional nurse, and has a 77987
registered professional nurse on duty at all times of clinical 77988
operations; 77989

(g) Provides approved methods and procedures for the 77990
dispensing and administration of drugs and biologicals; 77991

(h) Has established an accounting and record keeping system 77992
to determine reasonable and allowable costs; 77993

(i) "Ambulatory health facilities" also includes an 77994
alcoholism treatment facility approved by the joint commission on 77995
accreditation of healthcare organizations as an alcoholism 77996
treatment facility or certified by the department of mental health 77997
and addiction services, and such facility shall comply with other 77998
provisions of this division not inconsistent with such 77999
accreditation or certification. 78000

(3) "Community mental health facility" means a facility which 78001
provides community mental health services and is included in the 78002
comprehensive mental health plan for the alcohol, drug addiction, 78003
and mental health service district in which it is located. 78004

(4) "Community mental health service" means services, other 78005
than inpatient services, provided by a community mental health 78006

facility. 78007

(5) "Home health agency" means an institution or a distinct 78008
part of an institution operated in this state which: 78009

(a) Is primarily engaged in providing home health services; 78010

(b) Has home health policies which are established by a group 78011
of professional personnel, including one or more duly licensed 78012
doctors of medicine or osteopathy and one or more registered 78013
professional nurses, to govern the home health services it 78014
provides and which includes a requirement that every patient must 78015
be under the care of a duly licensed doctor of medicine or 78016
osteopathy; 78017

(c) Is under the supervision of a duly licensed doctor of 78018
medicine or doctor of osteopathy or a registered professional 78019
nurse who is responsible for the execution of such home health 78020
policies; 78021

(d) Maintains comprehensive records on all patients; 78022

(e) Is operated by the state, a political subdivision, or an 78023
agency of either, or is operated not for profit in this state and 78024
is licensed or registered, if required, pursuant to law by the 78025
appropriate department of the state, county, or municipality in 78026
which it furnishes services; or is operated for profit in this 78027
state, meets all the requirements specified in divisions (A)(5)(a) 78028
to (d) of this section, and is certified under Title XVIII of the 78029
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 78030
amended. 78031

(6) "Home health service" means the following items and 78032
services, provided, except as provided in division (A)(6)(g) of 78033
this section, on a visiting basis in a place of residence used as 78034
the patient's home: 78035

(a) Nursing care provided by or under the supervision of a 78036

registered professional nurse;	78037
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	78038 78039
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	78040 78041 78042
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	78043 78044 78045
(e) Medical supplies and the use of medical appliances;	78046
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	78047 78048 78049 78050
(g) Any of the foregoing items and services which:	78051
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	78052 78053 78054
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	78055 78056 78057 78058 78059
<u>(7) "Representative of the office of the state long-term care program" has the same meaning as in section 173.14 of the Revised Code.</u>	78060 78061 78062
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory	78063 78064 78065 78066

health facility, any employee of a home health agency, any 78067
employee of a residential facility licensed under section 5119.34 78068
of the Revised Code that provides accommodations, supervision, and 78069
personal care services for three to sixteen unrelated adults, any 78070
employee of a nursing home, residential care facility, or home for 78071
the aging, as defined in section 3721.01 of the Revised Code, any 78072
senior service provider other than a representative of the office 78073
of the state long-term care program, any peace officer, coroner, 78074
member of the clergy, any employee of a community mental health 78075
facility, and any person engaged in professional counseling, 78076
social work, or marriage and family therapy having reasonable 78077
cause to believe that an adult is being abused, neglected, or 78078
exploited, or is in a condition which is the result of abuse, 78079
neglect, or exploitation shall immediately report such belief to 78080
the county department of job and family services. ~~This~~ 78081

This section does not apply to employees of any hospital or 78082
public hospital as defined in section 5122.01 of the Revised Code. 78083

(B) Any person having reasonable cause to believe that an 78084
adult has suffered abuse, neglect, or exploitation may report, or 78085
cause reports to be made of such belief to the department. 78086

This division applies to a representative of the office of 78087
the state long-term care program only to the extent permitted by 78088
federal law. 78089

(C) The reports made under this section shall be made orally 78090
or in writing except that oral reports shall be followed by a 78091
written report if a written report is requested by the department. 78092
Written reports shall include: 78093

(1) The name, address, and approximate age of the adult who 78094
is the subject of the report; 78095

(2) The name and address of the individual responsible for 78096
the adult's care, if any individual is, and if the individual is 78097

known; 78098

(3) The nature and extent of the alleged abuse, neglect, or 78099
exploitation of the adult; 78100

(4) The basis of the reporter's belief that the adult has 78101
been abused, neglected, or exploited. 78102

(D) Any person with reasonable cause to believe that an adult 78103
is suffering abuse, neglect, or exploitation who makes a report 78104
pursuant to this section or who testifies in any administrative or 78105
judicial proceeding arising from such a report, or any employee of 78106
the state or any of its subdivisions who is discharging 78107
responsibilities under section 5101.62 of the Revised Code shall 78108
be immune from civil or criminal liability on account of such 78109
investigation, report, or testimony, except liability for perjury, 78110
unless the person has acted in bad faith or with malicious 78111
purpose. 78112

(E) No employer or any other person with the authority to do 78113
so shall discharge, demote, transfer, prepare a negative work 78114
performance evaluation, or reduce benefits, pay, or work 78115
privileges, or take any other action detrimental to an employee or 78116
in any way retaliate against an employee as a result of the 78117
employee's having filed a report under this section. 78118

(F) The written or oral report provided for in this section 78119
and the investigatory report provided for in section 5101.62 of 78120
the Revised Code are confidential and are not public records, as 78121
defined in section 149.43 of the Revised Code. In accordance with 78122
rules adopted by the department of job and family services, 78123
information contained in the report shall upon request be made 78124
available to the adult who is the subject of the report and to 78125
legal counsel for the adult. 78126

(G) The county department of job and family services shall be 78127
available to receive the written or oral report provided for in 78128

this section twenty-four hours a day and seven days a week. 78129

Sec. 5101.802. (A) As used in this section: 78130

(1) "Custodian," "guardian," and "minor child" have the same 78131
meanings as in section 5107.02 of the Revised Code. 78132

(2) "Federal poverty guidelines" has the same meaning as in 78133
section 5101.46 of the Revised Code. 78134

(3) "Kinship caregiver" has the same meaning as in section 78135
5101.85 of the Revised Code. 78136

(B) Subject to division (E) of section 5101.801 of the 78137
Revised Code, there is hereby created the kinship permanency 78138
incentive program to promote permanency for a minor child in the 78139
legal and physical custody of a kinship caregiver. The program 78140
shall provide an initial one-time incentive payment to the kinship 78141
caregiver to defray the costs of initial placement of the minor 78142
child in the kinship caregiver's home. The program may provide 78143
additional permanency incentive payments for the minor child at 78144
six month intervals ~~for a total period not to exceed forty eight~~ 78145
~~months~~, based on the availability of funds. An eligible caregiver 78146
may receive a maximum of eight incentive payments per minor child. 78147

(C) A kinship caregiver may participate in the program if all 78148
of the following requirements are met: 78149

(1) The kinship caregiver applies to a public children 78150
services agency in accordance with the application process 78151
established in rules authorized by division (E) of this section; 78152

(2) Not earlier than July 1, 2005, a juvenile court issues an 78153
order granting legal custody to the kinship caregiver, or a 78154
probate court grants guardianship to the kinship caregiver, except 78155
that a temporary court order is not sufficient to meet this 78156
requirement; 78157

(3) The kinship caregiver is either the minor child's 78158

custodian or guardian;	78159
(4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;	78160 78161 78162
(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not exceed three hundred per cent of the federal poverty guidelines.	78163 78164 78165 78166
(D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency incentive program in accordance with rules authorized by division (E) of this section. The director of job and family services shall supervise public children services agencies' duties under this section.	78167 78168 78169 78170 78171 78172
(E) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:	78173 78174 78175 78176
(1) The application process for the program;	78177
(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;	78178 78179 78180
(3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;	78181 78182
(4) The amount of the incentive payments provided under the program;	78183 78184
(5) The method by which the incentive payments are provided to a kinship caregiver.	78185 78186
(F) The amendments made to this section by Am. Sub. H.B. 119 of the 127th general assembly shall not affect the eligibility of	78187 78188

any kinship caregiver whose eligibility was established before 78189
June 30, 2007. 78190

Sec. 5107.05. The director of job and family services shall 78191
adopt rules to implement this chapter. The rules shall be 78192
consistent with Title IV-A, Title IV-D, federal regulations, state 78193
law, the Title IV-A state plan submitted to the United States 78194
secretary of health and human services under section 5101.80 of 78195
the Revised Code, amendments to the plan, and waivers granted by 78196
the United States secretary. Rules governing eligibility, program 78197
participation, and other applicant and participant requirements 78198
shall be adopted in accordance with Chapter 119. of the Revised 78199
Code. Rules governing financial and other administrative 78200
requirements applicable to the department of job and family 78201
services and county departments of job and family services shall 78202
be adopted in accordance with section 111.15 of the Revised Code. 78203

(A) The rules shall specify, establish, or govern all of the 78204
following: 78205

(1) A payment standard for Ohio works first based on federal 78206
and state appropriations that is increased in accordance with 78207
section 5107.04 of the Revised Code; 78208

(2) For the purpose of section 5107.04 of the Revised Code, 78209
the method of determining the amount of cash assistance an 78210
assistance group receives under Ohio works first; 78211

(3) Requirements for initial and continued eligibility for 78212
Ohio works first, including requirements regarding income, 78213
citizenship, age, residence, and assistance group composition; 78214

(4) For the purpose of section 5107.12 of the Revised Code, 78215
application and verification procedures, including the minimum 78216
information an application must contain; 78217

(5) The extent to which a participant of Ohio works first 78218

must notify, pursuant to section 5107.12 of the Revised Code, a 78219
county department of job and family services of additional income 78220
not previously reported to the county department; 78221

(6) For the purpose of section 5107.16 of the Revised Code, 78222
both of the following: 78223

(a) Standards for the determination of good cause for failure 78224
or refusal to comply in full with a provision of a 78225
self-sufficiency contract; 78226

(b) The compliance activities a member of an assistance group 78227
must complete for the member to be considered to have ceased to 78228
fail or refuse to comply in full with a provision of a 78229
self-sufficiency contract. 78230

(7) The department of job and family services providing 78231
written notice of a sanction under section 5107.161 of the Revised 78232
Code; 78233

(8) For the purpose of division (B) of section 5107.17 of the 78234
Revised Code, the circumstances under which the adult member of an 78235
assistance group or an assistance group's minor head of household 78236
whose failure or refusal, without good cause, to comply in full 78237
with a provision of a self-sufficiency contract causes a sanction 78238
under section 5107.16 of the Revised Code must enter into a new, 78239
or amend an existing, self-sufficiency contract before the 78240
assistance group may resume participation in Ohio works first 78241
following the sanction; 78242

(9) Requirements for the collection and distribution of 78243
support payments owed participants of Ohio works first pursuant to 78244
section 5107.20 of the Revised Code; 78245

(10) For the purpose of section 5107.22 of the Revised Code, 78246
what constitutes cooperating in establishing a minor child's 78247
paternity or establishing, modifying, or enforcing a child support 78248
order and good cause for failure or refusal to cooperate; 78249

- (11) The requirements governing the LEAP program, including 78250
the definitions of "equivalent of a high school diploma" and "good 78251
cause," and the incentives provided under the LEAP program; 78252
- (12) If the director implements section 5107.301 of the 78253
Revised Code, the requirements governing the award provided under 78254
that section, including the form that the award is to take and 78255
requirements an individual must satisfy to receive the award; 78256
- (13) Circumstances under which a county department of job and 78257
family services may exempt a minor head of household or adult from 78258
participating in a work activity or developmental activity for all 78259
or some of the weekly hours otherwise required by section 5107.43 78260
of the Revised Code. 78261
- (14) The maximum amount of time the department will subsidize 78262
positions created by state agencies and political subdivisions 78263
under division (C) of section 5107.52 of the Revised Code; 78264
- (15) The implementation of sections 5107.71 to 5107.717 of 78265
the Revised Code by county departments of job and family services; 78266
- (16) A domestic violence screening process to be used for the 78267
purpose of division (A) of section 5107.71 of the Revised Code; 78268
- (17) The minimum frequency with which county departments of 78269
job and family services must redetermine a member of an assistance 78270
group's need for a waiver issued under section 5107.714 of the 78271
Revised Code; 78272
- (18) Requirements for work activities, developmental 78273
activities, and alternative work activities for Ohio works first 78274
participants. 78275
- (B) The rules adopted under division (A)(3) of this section 78276
regarding income shall specify what is countable income, gross 78277
earned income, and gross unearned income for the purpose of 78278
section 5107.10 of the Revised Code. The rules also shall specify 78279

the amount of an assistance group's gross earned income that is to 78280
be disregarded for the purpose of division (D)(3) of section 78281
5107.10 of the Revised Code. 78282

The rules adopted under division (A)(10) of this section 78283
shall be consistent with 42 U.S.C. 654(29). 78284

The rules adopted under division (A)(13) of this section 78285
shall specify that the circumstances include that a school or 78286
place of work is closed due to a holiday or weather or other 78287
emergency and that an employer grants the minor head of household 78288
or adult leave for illness or earned vacation. 78289

(C) The rules may provide that a county department of job and 78290
family services is not required to take action under section 78291
5107.76 of the Revised Code to recover an erroneous payment under 78292
circumstances the rules specify. 78293

Sec. 5107.10. (A) As used in this section: 78294

(1) "Countable income," "gross earned income," and "gross 78295
unearned income" have the meanings established in rules adopted 78296
under section 5107.05 of the Revised Code. 78297

(2) "Federal poverty guidelines" has the same meaning as in 78298
section 5101.46 of the Revised Code, except that references to a 78299
person's family in the definition shall be deemed to be references 78300
to the person's assistance group. 78301

(3) "Gross income" means gross earned income and gross 78302
unearned income. 78303

(4) "Strike" means continuous concerted action in failing to 78304
report to duty; willful absence from one's position; or stoppage 78305
of work in whole from the full, faithful, and proper performance 78306
of the duties of employment, for the purpose of inducing, 78307
influencing, or coercing a change in wages, hours, terms, and 78308
other conditions of employment. "Strike" does not include a 78309

stoppage of work by employees in good faith because of dangerous 78310
or unhealthful working conditions at the place of employment that 78311
are abnormal to the place of employment. 78312

(B) Under the Ohio works first program, an assistance group 78313
shall receive, except as otherwise provided by this chapter, 78314
time-limited cash assistance. In the case of an assistance group 78315
that includes a minor head of household or adult, assistance shall 78316
be provided in accordance with the self-sufficiency contract 78317
entered into under section 5107.14 of the Revised Code. 78318

(C)(1) To be eligible to participate in Ohio works first, an 78319
assistance group must meet all of the following requirements: 78320

~~(1)~~(a) The assistance group, except as provided in division 78321
(E) of this section, must include at least one of the following: 78322

~~(a)~~(i) A minor child who, except as provided in section 78323
5107.24 of the Revised Code, resides with a parent, or specified 78324
relative caring for the child, or, to the extent permitted by 78325
Title IV-A and federal regulations adopted until Title IV-A, 78326
resides with a guardian or custodian caring for the child; 78327

~~(b)~~(ii) A parent residing with and caring for the parent's 78328
minor child who receives supplemental security income under Title 78329
XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 78330
U.S.C.A. 1383, as amended, or federal, state, or local adoption 78331
assistance; 78332

~~(c)~~(iii) A specified relative residing with and caring for a 78333
minor child who is related to the specified relative in a manner 78334
that makes the specified relative a specified relative and 78335
receives supplemental security income or federal, state, or local 78336
foster care or adoption assistance; 78337

~~(d)~~(iv) A woman at least six months pregnant. 78338

~~(2)~~(b) The assistance group must meet the income requirements 78339

established by division (D) of this section. 78340

~~(3)(c)~~ No member of the assistance group may be involved in a 78341
strike. 78342

~~(4)(d)~~ The assistance group must satisfy the requirements for 78343
Ohio works first established by this chapter and section 5101.83 78344
of the Revised Code. 78345

~~(5)(e)~~ The assistance group must meet requirements for Ohio 78346
works first established by rules adopted under section 5107.05 of 78347
the Revised Code. 78348

(2) In addition to meeting the requirements specified in 78349
division (C)(1) of this section, a member of an assistance group 78350
who is required by section 5116.10 of the Revised Code to 78351
participate in the comprehensive case management and employment 78352
program must participate in that program to be eligible to 78353
participate in Ohio works first. 78354

(D)(1) Except as provided in division (D)(4) of this section, 78355
to determine whether an assistance group is initially eligible to 78356
participate in Ohio works first, a county department of job and 78357
family services shall do the following: 78358

(a) Determine whether the assistance group's gross income 78359
exceeds fifty per cent of the federal poverty guidelines. In 78360
making this determination, the county department shall disregard 78361
amounts that federal statutes or regulations and sections 5101.17 78362
and 5117.10 of the Revised Code require be disregarded. The 78363
assistance group is ineligible to participate in Ohio works first 78364
if the assistance group's gross income, less the amounts 78365
disregarded, exceeds fifty per cent of the federal poverty 78366
guidelines. 78367

(b) If the assistance group's gross income, less the amounts 78368
disregarded pursuant to division (D)(1)(a) of this section, does 78369
not exceed fifty per cent of the federal poverty guidelines, 78370

determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) For the purpose of determining whether an assistance group meets the income requirement established by division (D)(1)(a) of this section, the annual revision that the United States department of health and human services makes to the federal poverty guidelines shall go into effect on the first day of July of the year for which the revision is made.

(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard ~~the first two hundred fifty dollars~~ an amount specified in rules adopted under section 5107.05 of the Revised Code and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D)(3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency

removes the assistance group's minor children from the assistance 78403
group's home due to abuse, neglect, or dependency if the agency 78404
does both of the following: 78405

(a) Notifies the county department of job and family services 78406
at the time the agency removes the children that it believes the 78407
children will be able to return to the assistance group within six 78408
months; 78409

(b) Informs the county department at the end of each of the 78410
first five months after the agency removes the children that the 78411
parent, guardian, custodian, or specified relative of the children 78412
is cooperating with the case plans prepared for the children under 78413
section 2151.412 of the Revised Code and that the agency is making 78414
reasonable efforts to return the children to the assistance group. 78415

(2) An assistance group may continue to participate in Ohio 78416
works first pursuant to division (E)(1) of this section for not 78417
more than six payment months. This division does not affect the 78418
eligibility of an assistance group that includes a woman at least 78419
six months pregnant. 78420

Sec. 5108.01. As used in this chapter: 78421

(A) "County family services planning committee" means the 78422
county family services planning committee established under 78423
section 329.06 of the Revised Code ~~or the board created by~~ 78424
~~consolidation under division (C) of section 6301.06 of the Revised~~ 78425
~~Code.~~ 78426

(B) "Prevention, retention, and contingency program" means 78427
the program established by this chapter and funded in part with 78428
federal funds provided under Title IV-A. 78429

(C) "Title IV-A" means Title IV-A of the "Social Security 78430
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 78431

<u>Sec. 5116.01. As used in this chapter:</u>	78432
<u>(A) "Certificate of high school equivalence" has the same meaning as in section 5107.40 of the Revised Code.</u>	78433 78434
<u>(B) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year.</u>	78435 78436 78437
<u>(C) "In-school youth" has the same meaning as in section 129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(C).</u>	78438 78439 78440
<u>(D) "Lead agency" means the local participating agency designated under section 5116.22 of the Revised Code to serve for a fiscal biennial period, or part thereof, as a county's lead agency for the purpose of the comprehensive case management and employment program.</u>	78441 78442 78443 78444 78445
<u>(E) "Local participating agencies" means the county department of job and family services and workforce development agency that serve the same county.</u>	78446 78447 78448
<u>(F) "Local workforce development board" means a local workforce development board established under section 107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3122.</u>	78449 78450 78451
<u>(G) "Ohio works first" has the same meaning as in section 5107.02 of the Revised Code.</u>	78452 78453
<u>(H) "Out-of-school youth" has the same meaning as in section 129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(B).</u>	78454 78455 78456
<u>(I) "Prevention, retention, and contingency program" has the same meaning as in section 5108.01 of the Revised Code.</u>	78457 78458
<u>(J) "Subcontractor" means an entity with which a local participating agency contracts to perform, on behalf of the local</u>	78459 78460

participating agency, one or more of the local participating 78461
agency's duties regarding the comprehensive case management and 78462
employment program. 78463

(K) "TANF block grant" means the temporary assistance for 78464
needy families block grant established by Title IV-A of the 78465
"Social Security Act," 42 U.S.C. 601 et seq. 78466

(L) "Work-eligible individual" has the same meaning as in 45 78467
C.F.R. 261.2(n). 78468

(M) "Workforce development activity" has the same meaning as 78469
in section 6301.01 of the Revised Code. 78470

(N) "Workforce development agency" means a public or private 78471
entity designated or certified by a local workforce development 78472
board to coordinate the delivery of workforce services for a 78473
county. 78474

(O) "Workforce Innovation and Opportunity Act" means Public 78475
Law 113-128, 29 U.S.C. 3101 et seq. 78476

(P) "Youth workforce investment activity funds" means funds 78477
allocated or granted under Title I, Subtitle B, Chapter 2 of the 78478
"Workforce Innovation and Opportunity Act," 29 U.S.C. 1361 et 78479
seq., for youth workforce investment activities. 78480

Sec. 5116.02. There is hereby established the comprehensive 78481
case management and employment program. The department of job and 78482
family services shall coordinate and supervise the administration 78483
of the program to the extent funds are available for this purpose 78484
under the TANF block grant or the Workforce Innovation and 78485
Opportunity Act. 78486

Sec. 5116.03. The comprehensive case management and 78487
employment program is all of the following: 78488

(A) A Title IV-A program for the purpose of division 78489

(A)(4)(c) of section 5101.80 of the Revised Code and, therefore, subject to all statutes applicable to such a program, including sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code; 78490
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(B) A workforce development activity and, therefore, subject to all statutes applicable to workforce development activities, including sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised Code and Chapter 6301. of the Revised Code; 78494
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(C) A family services duty, notwithstanding the second sentence of division (A)(1)(b) of section 307.981 of the Revised Code, and, therefore, subject to all statutes applicable to family services duties, including sections 5101.183, 5101.21, 5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and 5101.243 of the Revised Code. 78498
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Sec. 5116.06. (A) The director of job and family services shall adopt rules that are necessary to implement the comprehensive case management and employment program, including rules that do all of the following: 78504
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(1) Provide for the program to do both of the following: 78508

(a) Help a work-eligible individual satisfy the work requirements of section 407 of the "Social Security Act," 42 U.S.C. 607; 78509
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(b) Help an Ohio works first participant who participates in the program do both of the following: 78512
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(i) Satisfy other Ohio works first requirements, including requirements included in the participant's self-sufficiency contract entered into under section 5107.14 of the Revised Code; 78514
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(ii) Obtain assistance or services the participant needs according to an assessment conducted under section 5107.70 of the Revised Code. 78517
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<u>(2) For the purpose of section 5116.11 of the Revised Code,</u>	78520
<u>establish procedures for both of the following:</u>	78521
<u>(a) Assessing the employment and training needs of</u>	78522
<u>individuals participating in the comprehensive case management and</u>	78523
<u>employment program;</u>	78524
<u>(b) Creating, reviewing, revising, and terminating individual</u>	78525
<u>opportunity plans.</u>	78526
<u>(3) For the purpose of section 5116.20 of the Revised Code,</u>	78527
<u>establish procedures, including procedures regarding timing, for a</u>	78528
<u>local workforce development board to decide whether to authorize</u>	78529
<u>the use of its youth workforce investment activity funds for the</u>	78530
<u>comprehensive case management and employment program;</u>	78531
<u>(4) Establish requirements for the plans required by division</u>	78532
<u>(A)(1) of section 5116.23 of the Revised Code;</u>	78533
<u>(5) For the purpose of division (A)(3) of section 5116.23 of</u>	78534
<u>the Revised Code, establish procedures for a lead agency to</u>	78535
<u>partner with the other local participating agency and</u>	78536
<u>subcontractors.</u>	78537
<u>(B) For the purposes of divisions (C) and (F) of section</u>	78538
<u>5116.10 of the Revised Code, the rules adopted under this section</u>	78539
<u>may do either or both of the following:</u>	78540
<u>(1) Specify one or more additional mandatory participation</u>	78541
<u>groups that are required to participate in the comprehensive case</u>	78542
<u>management and employment program;</u>	78543
<u>(2) Specify one or more additional voluntary participation</u>	78544
<u>groups that may volunteer to participate in the program.</u>	78545
<u>(C) The rules adopted under this section shall be consistent</u>	78546
<u>with all of the following:</u>	78547
<u>(1) The Title IV-A state plan prepared under section 5101.80</u>	78548
<u>of the Revised Code, amendments to the plan, and any waivers</u>	78549

regarding the plan granted by the United States secretary of 78550
health and human services; 78551

(2) The combined state plan authorized by section 103 of the 78552
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3113, 78553
amendments to the plan, and any waivers regarding the plan granted 78554
by the United States secretary of labor. 78555

(D) The rules adopted under division (A)(1)(a) of this 78556
section may deviate from Chapter 5107. of the Revised Code. 78557

Sec. 5116.10. (A) Each work-eligible individual shall 78558
participate in the comprehensive case management and employment 78559
program as a condition of participating in Ohio works first if the 78560
individual is at least fourteen but not more than twenty-four 78561
years of age. 78562

(B) Each individual who is an in-school youth or 78563
out-of-school youth shall participate in the comprehensive case 78564
management and employment program as a condition of enrollment in 78565
workforce development activities funded by the Workforce 78566
Innovation and Opportunity Act. 78567

(C) Each individual who is a member of a group, if any, 78568
specified in rules adopted under section 5116.06 of the Revised 78569
Code as an additional mandatory participation group shall 78570
participate in the comprehensive case management and employment 78571
program if funds are available for the group under the TANF block 78572
grant or the Workforce Innovation and Opportunity Act. 78573

(D) Any Ohio works first participant who is not a 78574
work-eligible individual may volunteer to participate in the 78575
comprehensive case management and employment program if the 78576
participant is at least fourteen but not more than twenty-four 78577
years of age. 78578

(E) Any individual receiving benefits and services under the 78579

prevention, retention, and contingency program may volunteer to 78580
participate in the comprehensive case management and employment 78581
program if the individual is at least fourteen but not more than 78582
twenty-four years of age. 78583

(F) Any individual who is a member of a group, if any, 78584
specified in rules adopted under section 5116.06 of the Revised 78585
Code as a voluntary participation group may volunteer to 78586
participate in the comprehensive case management and employment 78587
program if funds are available for the group under the TANF block 78588
grant or the Workforce Innovation and Opportunity Act. 78589

Sec. 5116.11. In accordance with rules adopted under section 78590
5116.06 of the Revised Code, a lead agency shall provide for all 78591
of the following to occur: 78592

(A) An individual participating in the comprehensive case 78593
management and employment program undergoing an assessment of the 78594
individual's employment and training needs; 78595

(B) An individual opportunity plan being created for the 78596
individual as part of the assessment; 78597

(C) The individual opportunity plan being reviewed, revised, 78598
and terminated as appropriate. 78599

Sec. 5116.12. (A) An individual opportunity plan created 78600
under section 5116.11 of the Revised Code shall specify which of 78601
the following services, if any, an individual participating in the 78602
comprehensive case management and employment program needs: 78603

(1) Support for the individual to obtain a high school 78604
diploma or a certificate of high school equivalence; 78605

(2) Job placement; 78606

(3) Job retention support; 78607

(4) Other services that aid the individual in achieving the 78608

plan's goals. 78609

(B) The services an individual receives in accordance with an individual opportunity plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes. 78610
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Sec. 5116.20. In accordance with rules adopted under section 5116.06 of the Revised Code, each local workforce development board shall decide whether to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program. The decision shall be made for each fiscal biennial period. A board's decision applies to all of the counties the board serves. 78614
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Sec. 5116.21. If a local workforce development board decides under section 5116.20 of the Revised Code not to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program for a fiscal biennial period, all of the following shall apply to that fiscal biennial period: 78621
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(A) The board shall use its youth workforce investment activity funds in accordance with Section 129 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164. 78627
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(B) No TANF block grant funds shall be made available to the board or any county the board serves for the comprehensive case management and employment program. 78630
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(C) The department of job and family services shall use available TANF block grant funds to administer, or to contract with a government or private entity to administer, the comprehensive case management and employment program in the counties the board serves. 78633
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Sec. 5116.22. (A) If a local workforce development board 78638
decides under section 5116.20 of the Revised Code to authorize the 78639
use of its youth workforce investment activity funds for the 78640
comprehensive case management and employment program for a fiscal 78641
biennial period, all of the following shall apply to that fiscal 78642
biennial period: 78643

(1) Before the beginning of the fiscal biennial period, the 78644
board shall enter into a written agreement with department of job 78645
and family services that, to the extent permitted by federal law, 78646
requires the board and the counties the board serves to operate 78647
the comprehensive case management and employment program in 78648
accordance with the program's requirements, including the 78649
requirements established by this chapter, rules adopted under 78650
section 5116.06 of the Revised Code, and any other rules 78651
applicable to the program. 78652

(2) Before the beginning of the fiscal biennial period, the 78653
board of county commissioners of each of the counties the local 78654
workforce development board serves shall designate either of the 78655
local participating agencies to serve as the county's lead agency 78656
for the purpose of the comprehensive case management and 78657
employment program. 78658

(B) After a board of county commissioners designates a local 78659
participating agency to serve as the county's lead agency for a 78660
fiscal biennial period, the board may designate the other local 78661
participating agency to take over as the county's lead agency for 78662
the remainder of the fiscal biennial period. 78663

(C) A board of county commissioners shall inform the 78664
department of job and family services of its designation of the 78665
lead agency under division (A)(2) of this section before the 78666
beginning of the fiscal biennial period for which the designation 78667
is made. A board shall notify the department of any redesignation 78668

of a lead agency under division (B) of this section not later than 78669
sixty days after the redesignation takes effect. 78670

Sec. 5116.23. (A) Each lead agency, in consultation with the 78671
local workforce development board that serves the same county for 78672
which the lead agency has been designated to serve as lead agency, 78673
shall, in accordance with rules adopted under section 5116.06 of 78674
the Revised Code, do all of the following for the fiscal biennial 78675
period, or part thereof, for which it is so designated: 78676

(1) Prepare and submit to the department of job and family 78677
services a plan containing standing procedures for determining and 78678
maintaining individuals' eligibility to participate in the 78679
comprehensive case management and employment program; 78680

(2) Administer the program in the county for which it is 78681
designated to serve as lead agency; 78682

(3) Partner with the other local participating agency and 78683
subcontractors to do both of the following: 78684

(a) Actively coordinate activities regarding the program with 78685
the other local participating agency and any subcontractors; 78686

(b) Help both local participating agencies and any 78687
subcontractors to use their expertise in administering the 78688
program. 78689

(B) If a board of county commissioners redesignates the lead 78690
agency under division (B) of section 5116.22 of the Revised Code 78691
during a fiscal biennial period, the new lead agency shall prepare 78692
and submit to the department of job and family services a new plan 78693
under division (A)(1) of this section not later than sixty days 78694
after the redesignation takes effect. 78695

(C) Each local workforce development board shall ensure that 78696
the plans prepared under division (A)(1) of this section by the 78697
lead agencies serving the same counties the board serves are 78698

included in the board's workforce development plan prepared under 78699
section 6301.07 of the Revised Code. 78700

Sec. 5116.24. A lead agency is responsible for all of the 78701
funds received for the comprehensive case management and 78702
employment program by the county for which the lead agency is 78703
designated to be the lead agency and shall use the funds in a 78704
manner consistent with federal and state law. The lead agency 78705
shall coordinate this responsibility with any entity that has been 78706
designated to serve as a local grant subrecipient or a local 78707
fiscal agent under section 107(d)(12)(B)(i)(II) of the "Workforce 78708
Innovation and Opportunity Act," 29 U.S.C. 3122(d)(12)(B)(i)(II). 78709

Sec. 5116.25. If a lead agency fails to enroll in the 78710
comprehensive case management and employment program an individual 78711
who is required by section 5116.10 of the Revised Code to 78712
participate in the program and to take corrective action that the 78713
department of job and family services requires the lead agency to 78714
take as a consequence of that failure, the department may take the 78715
action authorized by division (C)(5) of section 5101.24 of the 78716
Revised Code, including withholding and spending TANF block grant 78717
funds. 78718

Sec. 5117.10. (A) On or before the fifteenth day of January, 78719
the director of development services shall pay each applicant 78720
determined eligible for a payment under divisions (A) and (B) of 78721
section 5117.07 of the Revised Code one hundred twenty-five 78722
dollars. 78723

(B) The director may withhold from any payment to which a 78724
person would otherwise be entitled under division (A) of this 78725
section any amount that the director determines was erroneously 78726
received by such person in a preceding year under this or the 78727
program established under Am. Sub. H.B. 230, as amended by Am. 78728

H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 523 of the 112th general assembly, provided the director has employed all other legal methods reasonably available to obtain reimbursement for the erroneous payment or credit prior to the commencement of the current program year.

(C) Payments made under this section and credits granted under section 5117.09 of the Revised Code shall not be considered income for the purpose of determining eligibility or the level of benefits or assistance under section 329.042 or ~~Chapters~~ Chapter 5107. ~~and 5115.~~ of the Revised Code; the medicaid program; supplemental security income payments under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended; or any other program under which eligibility or the level of benefits or assistance is based upon need measured by income.

Sec. 5119.01. (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons

who abuse drugs of abuse and for the prevention of alcoholism and 78760
drug addiction. 78761

(4) "Alcoholic" means a person suffering from alcoholism. 78762

(5) "Alcoholism" means the chronic and habitual use of 78763
alcoholic beverages by an individual to the extent that the 78764
individual no longer can control the individual's use of alcohol 78765
or endangers the health, safety, or welfare of the individual or 78766
others. 78767

(6) "Certifiable services and supports" means all of the 78768
following: 78769

(a) Alcohol and drug addiction services; 78770

(b) Mental health services; 78771

(c) The types of recovery supports that are specified in 78772
rules adopted under section 5119.36 of the Revised Code as 78773
requiring certification under that section. 78774

(7) "Community addiction services provider" means an agency, 78775
association, corporation, individual, or program that provides one 78776
or more of the following: 78777

(a) Alcohol and drug addiction services that are certified by 78778
the department of mental health and addiction services under 78779
section 5119.36 of the Revised Code; 78780

(b) Gambling addiction services; 78781

(c) Recovery supports that are related to alcohol and drug 78782
addiction services or gambling addiction services and paid for 78783
with federal, state, or local funds administered by the department 78784
of mental health and addiction services or a board of alcohol, 78785
drug addiction, and mental health services. 78786

(8) "Community mental health services provider" means an 78787
agency, association, corporation, individual, or program that 78788
provides either of the following: 78789

(a) Mental health services that are certified by the 78790
department of mental health and addiction services under section 78791
5119.36 of the Revised Code; 78792

(b) Recovery supports that are related to mental health 78793
services and paid for with federal, state, or local funds 78794
administered by the department of mental health and addiction 78795
services or a board of alcohol, drug addiction, and mental health 78796
services. 78797

(9) "Drug addiction" means the use of a drug of abuse, as 78798
defined in section 3719.011 of the Revised Code, by an individual 78799
to the extent that the individual becomes physically or 78800
psychologically dependent on the drug or endangers the health, 78801
safety, or welfare of the individual or others. 78802

(10) "Gambling addiction" means the use of gambling by an 78803
individual to the extent that it causes psychological, financial, 78804
emotional, marital, legal, or other difficulties endangering the 78805
health, safety, or welfare of the individual or others. 78806

(11) "Gambling addiction services" means services for the 78807
treatment of persons who have a gambling addiction and for the 78808
prevention of gambling addiction. 78809

(12) "Hospital" means a hospital or inpatient unit licensed 78810
by the department of mental health and addiction services under 78811
section 5119.33 of the Revised Code, and any institution, 78812
hospital, or other place established, controlled, or supervised by 78813
the department under Chapter 5119. of the Revised Code. 78814

(13) "Included opioid and co-occurring drug addiction 78815
services and recovery supports" means the addiction services and 78816
recovery supports that, pursuant to section 340.033 of the Revised 78817
Code, are included in the array of services and recovery supports 78818
for all levels of opioid and co-occurring drug addiction required, 78819
~~except as otherwise authorized by a time limited waiver issued~~ 78820

~~under division (A)(1) of section 5119.221 of the Revised Code, to~~ 78821
be included in the community-based continuum of care established 78822
under section 340.032 of the Revised Code. 78823

(14) "Mental illness" means a substantial disorder of 78824
thought, mood, perception, orientation, or memory that grossly 78825
impairs judgment, behavior, capacity to recognize reality, or 78826
ability to meet the ordinary demands of life. 78827

(15) "Mental health services" means services for the 78828
assessment, care, or treatment of persons who have a mental 78829
illness and for the prevention of mental illness. 78830

(16) "Recovery supports" means assistance that is intended to 78831
help an individual who is an alcoholic or has a drug addiction or 78832
mental illness, or a member of such an individual's family, 78833
initiate and sustain the individual's recovery from alcoholism, 78834
drug addiction, or mental illness. "Recovery supports" does not 78835
mean alcohol and drug addiction services or mental health 78836
services. 78837

(17)(a) "Residence" means a person's physical presence in a 78838
county with intent to remain there, except in either of the 78839
following circumstances: 78840

(i) If a person is receiving a mental health treatment 78841
service at a facility that includes nighttime sleeping 78842
accommodations, "residence" means that county in which the person 78843
maintained the person's primary place of residence at the time the 78844
person entered the facility; 78845

(ii) If a person is committed pursuant to section 2945.38, 78846
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 78847
"residence" means the county where the criminal charges were 78848
filed. 78849

(b) When the residence of a person is disputed, the matter of 78850
residence shall be referred to the department of mental health and 78851

addiction services for investigation and determination. Residence 78852
shall not be a basis for a board of alcohol, drug addiction, and 78853
mental health services to deny services to any person present in 78854
the board's service district, and the board shall provide services 78855
for a person whose residence is in dispute while residence is 78856
being determined and for a person in an emergency situation. 78857

(B) Any reference in this chapter to a board of alcohol, drug 78858
addiction, and mental health services also refers to an alcohol 78859
and drug addiction services board or a community mental health 78860
board in a service district in which an alcohol and drug addiction 78861
services board or a community mental health board has been 78862
established under section 340.021 or former section 340.02 of the 78863
Revised Code. 78864

Sec. 5119.011. (A) Whenever the term "department of mental 78865
health," the term "Ohio department of mental health," the term 78866
"department of alcohol and drug addiction services," or the term 78867
"Ohio department of alcohol and drug addiction services" is used, 78868
referred to, or designated in any statute, rule, contract, grant, 78869
or other document, the use, reference, or designation shall be 78870
construed to mean the department of mental health and addiction 78871
services. 78872

(B) Whenever the term "director of mental health" or the term 78873
"director of alcohol and drug addiction services" is used, 78874
referred to, or designated in any statute, rule, contract, grant, 78875
or other document, the use, reference, or designation shall be 78876
construed to mean the director of mental health and addiction 78877
services. 78878

Sec. 5119.19. (A)(1) As used in this section, "psychotropic 78879
drug" means, except as provided in division (A)(2) of this 78880
section, a drug that has the capability of changing or controlling 78881

mental functioning or behavior through direct pharmacological 78882
action. "Psychotropic drug" includes all of the following: 78883

(a) A first generation atypical antipsychotic; 78884

(b) A first generation typical antipsychotic; 78885

(c) A second generation atypical antipsychotic; 78886

(d) A second generation typical antipsychotic; 78887

(e) An antidepressant, including any selective serotonin 78888
re-uptake inhibitor; 78889

(f) An anti-anxiety drug; 78890

(g) A mood stabilizer. 78891

(2) "Psychotropic drug" excludes a stimulant prescribed for 78892
the treatment of attention deficit hyperactivity disorder. 78893

(B) There is hereby created the psychotropic drug 78894
reimbursement program. The program shall be administered by the 78895
department of mental health and addiction services. The purpose of 78896
the program is to provide state reimbursement to counties for the 78897
cost of psychotropic drugs that are dispensed to inmates of county 78898
jails in this state. 78899

(C) Not later than the thirty-first day of January and the 78900
thirty-first day of July of each year beginning July 31, 2017, 78901
each sheriff shall submit to the board of alcohol, drug addiction, 78902
and mental health services serving the county in which the sheriff 78903
is employed an itemized list of psychotropic drugs dispensed to 78904
inmates of the relevant county jail during the immediately 78905
preceding six-month period beginning the first day of January and 78906
the first day of July. The list shall specify each drug's national 78907
drug code and the total cost the county spent on procuring the 78908
drug through a terminal distributor of dangerous drugs, as defined 78909
in section 4729.01 of the Revised Code. The list shall be a public 78910

record under section 149.43 of the Revised Code, but information 78911
used to compile the list that could be used to identify an 78912
individual inmate is not a public record and shall not be 78913
disclosed to any person or government entity. A list submitted 78914
under this division shall constitute the sheriff's request for 78915
reimbursement from the psychotropic drug reimbursement program. 78916

(D) Not later than the fifteenth day of February and the 78917
fifteenth day of August of each year beginning August 15, 2017, 78918
each board of alcohol, drug addiction, and mental health services 78919
shall submit to the department of mental health and addiction 78920
services each request for reimbursement received under division 78921
(B) of this section. 78922

(E) Not later than the fifteenth day of March and the 78923
fifteenth day of September of each year beginning September 15, 78924
2017, the department of mental health and addiction services shall 78925
transfer to each county treasurer the amount of funds necessary to 78926
provide full reimbursement for each request for reimbursement 78927
submitted under division (B) of this section. The county treasurer 78928
shall deposit the funds received in the county's general fund. 78929

Sec. 5119.22. The director of mental health and addiction 78930
services, with respect to all mental health and addiction 78931
facilities, addiction services, mental health services, and 78932
recovery supports established and operated or provided under 78933
Chapter 340. of the Revised Code, shall do all of the following: 78934

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 78935
that may be necessary to carry out the purposes of this chapter 78936
and Chapters 340. and 5122. of the Revised Code. 78937

(B) Review and evaluate the community-based continuum of care 78938
required by section 340.032 of the Revised Code to be established 78939
in each service district, taking into account the findings and 78940
recommendations of the board of alcohol, drug addiction, and 78941

mental health services of the district submitted under division 78942
(A)(4) of section 340.03 of the Revised Code and the priorities 78943
and plans of the department of mental health and addiction 78944
services, including the needs of residents of the district 78945
currently receiving services in state-operated hospitals, and make 78946
recommendations for needed improvements to boards of alcohol, drug 78947
addiction, and mental health services; 78948

(C) At the director's discretion, provide to boards of 78949
alcohol, drug addiction, and mental health services state or 78950
federal funds, in addition to those allocated under section 78951
5119.23 of the Revised Code, for special programs or projects the 78952
director considers necessary but for which local funds are not 78953
available; 78954

(D) Establish criteria by which each board of alcohol, drug 78955
addiction, and mental health services reviews and evaluates the 78956
quality, effectiveness, and efficiency of the facility services, 78957
addiction services, mental health services, and recovery supports 78958
for which it contracts under section 340.036 of the Revised Code. 78959
The criteria shall include requirements ensuring appropriate 78960
utilization of the services and supports. The department shall 78961
assess each board's evaluation of the services and supports and 78962
the compliance of each board with this section, Chapter 340. of 78963
the Revised Code, and other state or federal law and regulations. 78964
The department, in cooperation with the board, periodically shall 78965
review and evaluate the quality, effectiveness, and efficiency of 78966
the facility services, addiction services, mental health services, 78967
and recovery supports for which each board contracts under section 78968
340.036 of the Revised Code and the facilities, addiction 78969
services, and mental health services that each board operates or 78970
provides under section 340.037 of the Revised Code. The department 78971
shall collect information that is necessary to perform these 78972
functions. 78973

(E) To the extent the director determines necessary and after consulting with boards of alcohol, drug addiction, and mental health services, community addiction services providers, and community mental health services providers, develop and operate, or contract for the operation of, a community behavioral health information system or systems. The department shall specify the information that must be provided by the boards and providers for inclusion in the system or systems.

Boards of alcohol, drug addiction, and mental health services, community addiction services providers, and community mental health services providers shall submit information requested by the department in the form and manner and in accordance with time frames prescribed by the department. Information collected by the department may include all of the following:

(1) Information on addiction services, mental health services, and recovery supports provided;

(2) Financial information regarding expenditures of federal, state, or local funds;

(3) Information about persons served.

The department shall not collect any personal information from the boards or providers except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight.

(F) In consultation with representatives of boards of alcohol, drug addiction, and mental health services and after consideration of recommendations made by the medical director appointed under section 5119.11 of the Revised Code, establish all of the following:

(1) Guidelines, including a timetable, for the boards'

development and submission of proposed community addiction and 79005
mental health plans, budgets, and lists of addiction services, 79006
mental health services, and recovery supports under sections 79007
340.03 and 340.08 of the Revised Code; 79008

(2) Procedures, including a timetable, for the director's 79009
review and approval or disapproval of the plans, budgets, and 79010
lists; 79011

(3) Procedures for corrective action regarding the plans, 79012
budgets, and lists, including submission of revised or new plans, 79013
budgets, and lists; 79014

(4) Procedures for the director to follow in offering 79015
technical assistance to boards to assist them in making the plans, 79016
budgets, and lists acceptable or in making proposed amendments to 79017
approved plans, budgets, and lists meet criteria for approval; 79018

(5) Procedures for issuing time-limited waivers under 79019
~~division (A)(1) of section 5119.221 of the Revised Code and~~ 79020
~~wavers under division (A)(2) of that section.~~ 79021

(G) Review each board's proposed community addiction and 79022
mental health plan, budget, and list of addiction services, mental 79023
health services, and recovery supports submitted pursuant to 79024
sections 340.03 and 340.08 of the Revised Code and approve or 79025
disapprove the plan, the budget, and the list in whole or in part. 79026
~~Except as otherwise authorized by a time limited waiver issued~~ 79027
~~under division (A)(1) of section 5119.221 of the Revised Code, the~~ 79028
The director shall disapprove a board's proposed budget in whole 79029
or in part if the proposed budget would not make available in the 79030
board's service district the essential elements of the 79031
community-based continuum of care required by section 340.032 of 79032
the Revised Code, including, except as otherwise authorized by a 79033
time-limited waiver issued under section 5119.221 of the Revised 79034
Code, an array of addiction services and recovery supports for all 79035

levels of opioid and co-occurring drug addiction. 79036

Prior to a final decision to disapprove a plan, budget, or 79037
list in whole or in part, a representative of the director shall 79038
meet with the board and discuss the reason for the action the 79039
director proposes to take and any corrective action that should be 79040
taken to make the plan, budget, or list acceptable to the 79041
director. In addition, the director shall offer technical 79042
assistance to the board to assist it to make the plan, budget, or 79043
list acceptable. The director shall give the board a reasonable 79044
time in which to revise the plan, budget, or list. The board 79045
thereafter shall submit a revised plan, budget, or list or a new 79046
plan, budget, or list. 79047

(H) Approve or disapprove all or part of proposed amendments 79048
that a board of alcohol, drug addiction, or mental health services 79049
submits under section 340.03 or 340.08 of the Revised Code to an 79050
approved community addiction and mental health plan, budget, or 79051
list of addiction services, mental health services, and recovery 79052
supports. 79053

If the director disapproves of all or part of any proposed 79054
amendment, the director shall provide the board an opportunity to 79055
present its position. The director shall inform the board of the 79056
reasons for the disapproval and of the criteria that must be met 79057
before the proposed amendment may be approved. The director shall 79058
give the board a reasonable time within which to meet the criteria 79059
and shall offer technical assistance to the board to help it meet 79060
the criteria. 79061

Sec. 5119.221. (A) The director of mental health and 79062
addiction services, in accordance with procedures established 79063
under division (F)(5) of section 5119.22 of the Revised Code, may 79064
~~do either or both of the following:~~ 79065

~~(1) Subject to division (B) of this section, issue to a board~~ 79066

of alcohol, drug addiction, and mental health services a 79067
time-limited waiver of the requirement of section 340.032 of the 79068
~~Revised Code that a community based continuum of care include all~~ 79069
~~of the essential elements specified in that section;~~ 79070

~~(2) Subject to division (C) of this section, issue to a board 79071
a waiver of the requirement of section 340.033 of the Revised Code 79072
that ambulatory detoxification and medication-assisted treatment 79073
be included in the array of addiction services and recovery 79074
supports for all levels of opioid and co-occurring drug addiction.~~ 79075

~~(B) The director may not issue a time limited waiver under 79076
division (A)(1) of this section unless the director determines 79077
that the board seeking the waiver has made reasonable efforts to 79078
include in the community based continuum of care the essential 79079
elements being waived. The waiver shall specify the amount of time 79080
for which it is issued and which of the essential elements are 79081
waived.~~ 79082

~~(C) The director may not issue a waiver under division (A)(2) 79083
of this section unless made available within the borders of the 79084
board's service district if the director determines that both of 79085
the following apply: 79086~~

~~(1) The board seeking the waiver has made reasonable efforts 79087
to make ambulatory detoxification and medication-assisted 79088
treatment available within the borders of the board's service 79089
district; 79090~~

~~(2) Ambulatory detoxification and medication-assisted 79091
treatment can be made available through one or more contracts 79092
between the board seeking the waiver and community addiction 79093
services providers that are located not more than thirty miles 79094
beyond the borders of the board's service district ~~the board~~ 79095
~~serves;~~ 79096~~

~~(2) The amount of time it takes for residents of the service 79097~~

~~district the board serves to travel to a community addiction 79098
services provider that provides ambulatory detoxification and 79099
medication assisted treatment does not impose a significant 79100
barrier to successful treatment. 79101~~

(B) Each waiver issued under this section shall specify the 79102
amount of time for which it is in effect and whether it applies to 79103
ambulatory detoxification, medication-assisted treatment, or both. 79104

Sec. 5119.34. (A) As used in this section and sections 79105
5119.341 and 5119.342 of the Revised Code: 79106

(1) "Accommodations" means housing, daily meal preparation, 79107
laundry, housekeeping, arranging for transportation, social and 79108
recreational activities, maintenance, security, and other services 79109
that do not constitute personal care services or skilled nursing 79110
care. 79111

(2) "ADAMHS board" means a board of alcohol, drug addiction, 79112
and mental health services. 79113

(3) "Adult" means a person who is eighteen years of age or 79114
older, other than a person described in division (A)(4) of this 79115
section who is between eighteen and twenty-one years of age. 79116

(4) "Child" means a person who is under eighteen years of age 79117
or a person with a mental disability who is under twenty-one years 79118
of age. 79119

(5) "Community mental health services provider" means a 79120
community mental health services provider as defined in section 79121
5119.01 of the Revised Code. 79122

(6) "Community mental health services" means any mental 79123
health services certified by the department pursuant to section 79124
5119.36 of the Revised Code. 79125

(7) "Operator" means the person or persons, firm, 79126
partnership, agency, governing body, association, corporation, or 79127

other entity that is responsible for the administration and 79128
management of a residential facility and that is the applicant for 79129
a residential facility license. 79130

(8) "Personal care services" means services including, but 79131
not limited to, the following: 79132

(a) Assisting residents with activities of daily living; 79133

(b) Assisting residents with self-administration of 79134
medication in accordance with rules adopted under this section; 79135

(c) Preparing special diets, other than complex therapeutic 79136
diets, for residents pursuant to the instructions of a physician 79137
or a licensed dietitian, in accordance with rules adopted under 79138
this section. 79139

"Personal care services" does not include "skilled nursing 79140
care" as defined in section 3721.01 of the Revised Code. A 79141
facility need not provide more than one of the services listed in 79142
division (A)(8) of this section to be considered to be providing 79143
personal care services. 79144

(9) "Room and board" means the provision of sleeping and 79145
living space, meals or meal preparation, laundry services, 79146
housekeeping services, or any combination thereof. 79147

(10) "Residential state supplement program" means the program 79148
~~administered~~ established under section 5119.41 of the Revised Code 79149
~~and related provisions of the Administrative Code under which the~~ 79150
~~state supplements the supplemental security income payments~~ 79151
~~received by aged, blind, or disabled adults under Title XVI of the~~ 79152
~~Social Security Act. Residential state supplement payments are~~ 79153
~~used for the provision of accommodations, supervision, and~~ 79154
~~personal care services to supplemental security income recipients~~ 79155
~~the department of mental health and addition services determines~~ 79156
~~are at risk of needing institutional care.~~ 79157

- (11) "Supervision" means any of the following: 79158
- (a) Observing a resident to ensure the resident's health, 79159
safety, and welfare while the resident engages in activities of 79160
daily living or other activities; 79161
- (b) Reminding a resident to perform or complete an activity, 79162
such as reminding a resident to engage in personal hygiene or 79163
other self-care activities; 79164
- (c) Assisting a resident in making or keeping an appointment. 79165
- (12) "Unrelated" means that a resident is not related to the 79166
owner or operator of a residential facility or to the owner's or 79167
operator's spouse as a parent, grandparent, child, stepchild, 79168
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 79169
the child of an aunt or uncle. 79170
- (B)(1) A "residential facility" is a publicly or privately 79171
operated home or facility that falls into one of the following 79172
categories: 79173
- (a) Class one facilities provide accommodations, supervision, 79174
personal care services, and mental health services for one or more 79175
unrelated adults with mental illness or one or more unrelated 79176
children or adolescents with severe emotional disturbances; 79177
- (b) Class two facilities provide accommodations, supervision, 79178
and personal care services to any of the following: 79179
- (i) One or two unrelated persons with mental illness; 79180
- (ii) One or two unrelated adults who are receiving payments 79181
under the residential state supplement ~~payments~~ program; 79182
- (iii) Three to sixteen unrelated adults. 79183
- (c) Class three facilities provide room and board for five or 79184
more unrelated adults with mental illness. 79185
- (2) "Residential facility" does not include any of the 79186

following:	79187
(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;	79188 79189 79190 79191 79192
(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;	79193 79194 79195
(c) An institution or association subject to certification under section 5103.03 of the Revised Code;	79196 79197
(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	79198 79199 79200
(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;	79201 79202
(f) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;	79203 79204
(g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless;	79205 79206 79207 79208
(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;	79209 79210 79211
(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;	79212 79213 79214 79215
(j) The residence of a relative or guardian of a person with	79216

mental illness. 79217

(C) Nothing in division (B) of this section shall be 79218
construed to permit personal care services to be imposed on a 79219
resident who is capable of performing the activity in question 79220
without assistance. 79221

(D) Except in the case of a residential facility described in 79222
division (B)(1)(a) of this section, members of the staff of a 79223
residential facility shall not administer medication to the 79224
facility's residents, but may do any of the following: 79225

(1) Remind a resident when to take medication and watch to 79226
ensure that the resident follows the directions on the container; 79227

(2) Assist a resident in the self-administration of 79228
medication by taking the medication from the locked area where it 79229
is stored, in accordance with rules adopted pursuant to this 79230
section, and handing it to the resident. If the resident is 79231
physically unable to open the container, a staff member may open 79232
the container for the resident. 79233

(3) Assist a physically impaired but mentally alert resident, 79234
such as a resident with arthritis, cerebral palsy, or Parkinson's 79235
disease, in removing oral or topical medication from containers 79236
and in consuming or applying the medication, upon request by or 79237
with the consent of the resident. If a resident is physically 79238
unable to place a dose of medicine to the resident's mouth without 79239
spilling it, a staff member may place the dose in a container and 79240
place the container to the mouth of the resident. 79241

(E)(1) Except as provided in division (E)(2) of this section, 79242
a person operating or seeking to operate a residential facility 79243
shall apply for licensure of the facility to the department of 79244
mental health and addiction services. The application shall be 79245
submitted by the operator. When applying for the license, the 79246
applicant shall pay to the department the application fee 79247

specified in rules adopted under division (L) of this section. The 79248
fee is nonrefundable. 79249

The department shall send a copy of an application to the 79250
ADAMHS board serving the county in which the person operates or 79251
seeks to operate the facility. The ADAMHS board shall review the 79252
application and provide to the department any information about 79253
the applicant or the facility that the board would like the 79254
department to consider in reviewing the application. 79255

(2) A person may not apply for a license to operate a 79256
residential facility if the person is or has been the owner, 79257
operator, or manager of a residential facility for which a license 79258
to operate was revoked or for which renewal of a license was 79259
refused for any reason other than nonpayment of the license 79260
renewal fee, unless both of the following conditions are met: 79261

(a) A period of not less than two years has elapsed since the 79262
date the director of mental health and addiction services issued 79263
the order revoking or refusing to renew the facility's license. 79264

(b) The director's revocation or refusal to renew the license 79265
was not based on an act or omission at the facility that violated 79266
a resident's right to be free from abuse, neglect, or 79267
exploitation. 79268

(F)(1) The department of mental health and addiction services 79269
shall inspect and license the operation of residential facilities. 79270
The department shall consider the past record of the facility and 79271
the applicant or licensee in arriving at its licensure decision. 79272

The department may issue full, probationary, and interim 79273
licenses. A full license shall expire up to three years after the 79274
date of issuance, a probationary license shall expire in a shorter 79275
period of time as specified in rules adopted by the director of 79276
mental health and addiction services under division (L) of this 79277
section, and an interim license shall expire ninety days after the 79278

date of issuance. A license may be renewed in accordance with 79279
rules adopted by the director under division (L) of this section. 79280
The renewal application shall be submitted by the operator. When 79281
applying for renewal of a license, the applicant shall pay to the 79282
department the renewal fee specified in rules adopted under 79283
division (L) of this section. The fee is nonrefundable. 79284

(2) The department may issue an order suspending the 79285
admission of residents to the facility or refuse to issue or renew 79286
and may revoke a license if it finds any of the following: 79287

(a) The facility is not in compliance with rules adopted by 79288
the director pursuant to division (L) of this section; 79289

(b) Any facility operated by the applicant or licensee has 79290
been cited for a pattern of serious noncompliance or repeated 79291
violations of statutes or rules during the period of current or 79292
previous licenses; 79293

(c) The applicant or licensee submits false or misleading 79294
information as part of a license application, renewal, or 79295
investigation. 79296

Proceedings initiated to deny applications for full or 79297
probationary licenses or to revoke such licenses are governed by 79298
Chapter 119. of the Revised Code. An order issued pursuant to this 79299
division remains in effect during the pendency of those 79300
proceedings. 79301

(G) The department may issue an interim license to operate a 79302
residential facility if both of the following conditions are met: 79303

(1) The department determines that the closing of or the need 79304
to remove residents from another residential facility has created 79305
an emergency situation requiring immediate removal of residents 79306
and an insufficient number of licensed beds are available. 79307

(2) The residential facility applying for an interim license 79308

meets standards established for interim licenses in rules adopted 79309
by the director under division (L) of this section. 79310

An interim license shall be valid for ninety days and may be 79311
renewed by the director no more than twice. Proceedings initiated 79312
to deny applications for or to revoke interim licenses under this 79313
division are not subject to Chapter 119. of the Revised Code. 79314

(H)(1) The department of mental health and addiction services 79315
may conduct an inspection of a residential facility as follows: 79316

(a) Prior to issuance of a license for the facility; 79317

(b) Prior to renewal of the license; 79318

(c) To determine whether the facility has completed a plan of 79319
correction required pursuant to division (H)(2) of this section 79320
and corrected deficiencies to the satisfaction of the department 79321
and in compliance with this section and rules adopted pursuant to 79322
it; 79323

(d) Upon complaint by any individual or agency; 79324

(e) At any time the director considers an inspection to be 79325
necessary in order to determine whether the facility is in 79326
compliance with this section and rules adopted pursuant to this 79327
section. 79328

(2) In conducting inspections the department may conduct an 79329
on-site examination and evaluation of the residential facility and 79330
its personnel, activities, and services. The department shall have 79331
access to examine and copy all records, accounts, and any other 79332
documents relating to the operation of the residential facility, 79333
including records pertaining to residents, and shall have access 79334
to the facility in order to conduct interviews with the operator, 79335
staff, and residents. Following each inspection and review, the 79336
department shall complete a report listing any deficiencies, and 79337
including, when appropriate, a time table within which the 79338

operator shall correct the deficiencies. The department may 79339
require the operator to submit a plan of correction describing how 79340
the deficiencies will be corrected. 79341

(I) No person shall do any of the following: 79342

(1) Operate a residential facility unless the facility holds 79343
a valid license; 79344

(2) Violate any of the conditions of licensure after having 79345
been granted a license; 79346

(3) Interfere with a state or local official's inspection or 79347
investigation of a residential facility; 79348

(4) Violate any of the provisions of this section or any 79349
rules adopted pursuant to this section. 79350

(J) The following may enter a residential facility at any 79351
time: 79352

(1) Employees designated by the director of mental health and 79353
addiction services; 79354

(2) Employees of an ADAMHS board under either of the 79355
following circumstances: 79356

(a) When a resident of the facility is receiving services 79357
from a community mental health services provider under contract 79358
with that ADAMHS board or another ADAMHS board; 79359

(b) When authorized by section 340.05 of the Revised Code. 79360

(3) Employees of a community mental health services provider 79361
under either of the following circumstances: 79362

(a) When the provider has a person receiving services 79363
residing in the facility; 79364

(b) When the provider is acting as an agent of an ADAMHS 79365
board other than the board with which it is under contract. 79366

(4) Representatives of the state long-term care ombudsman 79367

program when the facility provides accommodations, supervision, 79368
and personal care services for three to sixteen unrelated adults 79369
or to one or two unrelated adults who are ~~recipients~~ receiving 79370
payments under the residential state supplement program. 79371

The persons specified in division (J) of this section shall 79372
be afforded access to examine and copy all records, accounts, and 79373
any other documents relating to the operation of the residential 79374
facility, including records pertaining to residents. 79375

(K) Employees of the department of mental health and 79376
addiction services may enter, for the purpose of investigation, 79377
any institution, residence, facility, or other structure which has 79378
been reported to the department as, or that the department has 79379
reasonable cause to believe is, operating as a residential 79380
facility without a valid license. 79381

(L) The director shall adopt and may amend and rescind rules 79382
pursuant to Chapter 119. of the Revised Code governing the 79383
licensing and operation of residential facilities. The rules shall 79384
establish all of the following: 79385

(1) Minimum standards for the health, safety, adequacy, and 79386
cultural competency of treatment of and services for persons in 79387
residential facilities; 79388

(2) Procedures for the issuance, renewal, or revocation of 79389
the licenses of residential facilities; 79390

(3) Procedures for conducting background investigations for 79391
prospective or current operators, employees, volunteers, and other 79392
non-resident occupants who may have direct access to facility 79393
residents; 79394

(4) The fee to be paid when applying for a new residential 79395
facility license or renewing the license; 79396

(5) Procedures for the operator of a residential facility to 79397

follow when notifying the ADAMHS board serving the county in which 79398
the facility is located when the facility is serving residents 79399
with mental illness or severe mental disability, including the 79400
circumstances under which the operator is required to make such a 79401
notification; 79402

(6) Procedures for the issuance and termination of orders of 79403
suspension of admission of residents to a residential facility; 79404

(7) Measures to be taken by residential facilities relative 79405
to residents' medication; 79406

(8) Requirements relating to preparation of special diets; 79407

(9) The maximum number of residents who may be served in a 79408
residential facility; 79409

(10) The rights of residents of residential facilities and 79410
procedures to protect such rights; 79411

(11) Standards and procedures under which the director may 79412
waive the requirements of any of the rules adopted. 79413

(M)(1) The department may withhold the source of any 79414
complaint reported as a violation of this section when the 79415
department determines that disclosure could be detrimental to the 79416
department's purposes or could jeopardize the investigation. The 79417
department may disclose the source of any complaint if the 79418
complainant agrees in writing to such disclosure and shall 79419
disclose the source upon order by a court of competent 79420
jurisdiction. 79421

(2) Any person who makes a complaint under division (M)(1) of 79422
this section, or any person who participates in an administrative 79423
or judicial proceeding resulting from such a complaint, is immune 79424
from civil liability and is not subject to criminal prosecution, 79425
other than for perjury, unless the person has acted in bad faith 79426
or with malicious purpose. 79427

(N)(1) The director of mental health and addiction services 79428
may petition the court of common pleas of the county in which a 79429
residential facility is located for an order enjoining any person 79430
from operating a residential facility without a license or from 79431
operating a licensed facility when, in the director's judgment, 79432
there is a present danger to the health or safety of any of the 79433
occupants of the facility. The court shall have jurisdiction to 79434
grant such injunctive relief upon a showing that the respondent 79435
named in the petition is operating a facility without a license or 79436
there is a present danger to the health or safety of any residents 79437
of the facility. 79438

(2) When the court grants injunctive relief in the case of a 79439
facility operating without a license, the court shall issue, at a 79440
minimum, an order enjoining the facility from admitting new 79441
residents to the facility and an order requiring the facility to 79442
assist with the safe and orderly relocation of the facility's 79443
residents. 79444

(3) If injunctive relief is granted against a facility for 79445
operating without a license and the facility continues to operate 79446
without a license, the director shall refer the case to the 79447
attorney general for further action. 79448

(O) The director may fine a person for violating division (I) 79449
of this section. The fine shall be five hundred dollars for a 79450
first offense; for each subsequent offense, the fine shall be one 79451
thousand dollars. The director's actions in imposing a fine shall 79452
be taken in accordance with Chapter 119. of the Revised Code. 79453

Sec. 5119.41. (A) ~~As used in this section:~~ 79454

~~(1) "Nursing facility" has the same meaning as in section 79455
5165.01 of the Revised Code. 79456~~

~~(2) "Residential state supplement administrative agency" 79457~~

~~means the department of mental health and addiction services or, 79458
if the department designates an entity under division (C) of this 79459
section for a particular area, the designated entity. 79460~~

~~(3) "Residential state supplement program" means the program 79461
administered pursuant to this section. 79462~~

~~(B) The department of mental health and addiction services 79463
shall implement the residential state supplement program under 79464
which the state supplements the amounts received by aged, blind, 79465
or disabled adults as supplemental security income payments 79466
~~received by aged, blind, or disabled adults~~ under Title XVI of the 79467
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 79468
security benefits or social security disability insurance benefits 79469
under Title II of the "Social Security Act," 42 U.S.C. 401 et seq. 79470
Residential state supplement payments shall be used for the 79471
provision of accommodations, supervision, and personal care 79472
services to ~~social security,~~ recipients of supplemental security 79473
income payments, social security benefits, and social security 79474
disability insurance ~~recipients~~ benefits who the department 79475
determines are at risk of needing institutional care. 79476~~

~~(C) In implementing the program, the department may designate 79477
one or more entities to be responsible for providing 79478
administrative services regarding the program. The department may 79479
designate an entity ~~to be a residential state supplement~~ 79480
~~administrative agency under this division~~ either by entering into 79481
a contract with the entity to ~~serve in that capacity~~ provided the 79482
services or by otherwise delegating to the entity the 79483
responsibility to ~~serve in that capacity~~ provide the services. 79484~~

~~(D) For an individual to (B) To be eligible for residential 79485
state supplement payments, all of the following must be the case: 79486~~

~~(1) Except as provided by division (C) of this section, the 79487
individual must reside in one of the following living 79488~~

arrangements: 79489

~~(a) A residential care facility licensed by the department of health under Chapter 3721. of the Revised Code or an assisted living program as defined in section 173.51 of the Revised Code:~~ 79490
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~~(b) A class two residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code.~~ 79493
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~~(2) If a residential state supplement administrative agency is aware that an individual enrolled in the program has mental health needs, the agency shall refer the individual for an assessment pursuant to division (A) of section 340.091 of the Revised Code.~~ 79496
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~~(3) The an individual satisfies must satisfy all eligibility requirements established by rules adopted under ~~division (E)~~ of this section.~~ 79501
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~~(4) An individual residing in a living arrangement housing more than sixteen individuals shall not be eligible for inclusion in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.~~ 79504
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~~(E)(C)~~ The director of mental health and addiction services and the medicaid director shall adopt rules ~~in accordance with Chapter 119. of the Revised Code~~ as necessary to implement the residential state supplement program, including the requirements that an individual must satisfy to be eligible for payments under the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 79512
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The rules adopted by the director of mental health and 79519

addiction services may establish the method to be used to 79520
determine the payment an eligible individual will receive under 79521
the program. The amount the general assembly appropriates for the 79522
program may be a factor included in the method that director 79523
establishes. 79524

To the extent permitted by Title XVI of the "Social Security 79525
Act," and any other provision of federal law, the rules adopted by 79526
the medicaid director may ~~adopt rules establishing~~ establish 79527
standards for adjusting the eligibility requirements concerning 79528
the level of impairment ~~a person~~ an individual must have so that 79529
the amount appropriated for the program by the general assembly is 79530
adequate for the number of eligible individuals. The rules shall 79531
not limit the eligibility of individuals who are disabled persons 79532
solely on a basis classifying disabilities as physical or mental. 79533
~~The medicaid director also may adopt rules that establish~~ 79534
~~eligibility standards for aged, blind, or disabled individuals who~~ 79535
~~reside in one of the homes or facilities specified in division~~ 79536
~~(D)(1) of this section but who, because of their income, do not~~ 79537
~~receive supplemental security income payments. The rules may~~ 79538
~~provide that these individuals may include individuals who receive~~ 79539
~~other types of benefits, including, social security payments or~~ 79540
~~social security disability insurance benefits provided under Title~~ 79541
~~II of the "Social Security Act," 42 U.S.C. 401, et seq.~~ 79542
~~Notwithstanding division (B) of this section, such payments may be~~ 79543
~~made if funds are available for them.~~ 79544

~~The director of mental health and addiction services may~~ 79545
~~adopt rules establishing the method to be used to determine the~~ 79546
~~amount an eligible individual will receive under the program. The~~ 79547
~~amount the general assembly appropriates for the program may be a~~ 79548
~~factor included in the method that director establishes.~~ 79549

~~(F)(D)~~ The county department of job and family services of 79550
the county in which an applicant for the residential state 79551

supplement program resides or the department of medicaid shall 79552
determine whether the applicant meets income and resource 79553
requirements for the program. 79554

The county department of job and family services or the 79555
department of medicaid shall notify each individual who is denied 79556
approval for payments under the program of the individual's right 79557
to a hearing. On request, the hearing shall be provided in 79558
accordance with section 5101.35 of the Revised Code. 79559

~~(G)~~(E) An individual in a licensed or certified living 79560
arrangement receiving state supplementation on November 15, 1990, 79561
under former section 5101.531 of the Revised Code shall not become 79562
ineligible for payments under this ~~section~~ program solely by 79563
reason of the individual's living arrangement as long as the 79564
individual remains in the living arrangement in which the 79565
individual resided on November 15, 1990. 79566

~~(H) The county department of job and family services from 79567
which the person is receiving benefits or the department of 79568
medicaid shall notify each person denied approval for payments 79569
under this section of the person's right to a hearing. On request, 79570
the hearing shall be provided in accordance with section 5101.35 79571
of the Revised Code. 79572~~

Sec. 5119.48. (A) The department of mental health and 79573
addiction services shall create the all roads lead to home 79574
program. The program shall include both of the following 79575
initiatives: 79576

(1) A mass media campaign. The mass media campaign shall 79577
begin on January 1, 2018, and shall be conducted twice annually, 79578
once between January and March of each year, and once in September 79579
of each year as part of national recovery month. 79580

(2) An interactive web site as described in division (C) of 79581

this section. 79582

(B) The mass media campaign described in division (A)(1) of this section shall do all of the following: 79583
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(1) Include messages to reduce the stigma associated with seeking help for drug addiction; 79585
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(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following: 79587
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(a) Information on where to find help for drug addiction; 79590

(b) Easily accessible intervention and referral options; 79591

(c) Contact information for county board drug addiction assistance authorities. 79592
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(3) Promote affordable options available for people to get help with drug addiction; 79594
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(4) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state; 79596
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(5) Utilize television and radio advertisements, as well as internet advertising models such as low-cost social media outlets. 79598
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(C) Before January 1, 2018, the department shall create an interactive web site as described in division (A)(2) of this section that offers all of the following components: 79600
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(1) An evidence-based self-reporting screening tool approved by the department's medical director; 79603
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(2) Confidential and live assistance programs administered by trained professionals supervised by a medical or clinical director; 79605
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(3) Community detoxification and withdrawal management options and community treatment options that best meet the needs of the patient; 79608
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(4) A searchable database of certified substance abuse providers organized by zip code; 79611
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(5) An option for follow-up on recovery progress; 79613

(6) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment. 79614
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(D) The department may contract with private vendors for the creation and maintenance of the interactive web site described in division (C) of this section and the live assistance program described in division (C)(2) of this section. 79616
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Sec. 5119.89. The director of mental health and addiction services shall consult with the superintendent of insurance as required by section 3901.90 of the Revised Code to develop consumer and payer education on mental health and addiction services insurance parity and establish and promote a consumer hotline to collect information and help consumers understand and access their insurance benefits. 79620
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The department of mental health and addiction services and the department of insurance shall jointly report annually on the departments' efforts, which shall include information on consumer and payer outreach activities and identification of trends and barriers to access and coverage in this state. The departments shall submit the report to the general assembly, the joint medicaid oversight committee, and the governor, not later than the thirtieth day of January of each year. 79627
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Sec. 5120.035. (A) As used in this section: 79635

(1) "Community treatment provider" means a program that provides substance use disorder assessment and treatment for persons and that satisfies all of the following: 79636
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(a) It is located outside of a state correctional 79639

institution. 79640

(b) It shall provide the assessment and treatment for 79641
qualified prisoners referred and transferred to it under this 79642
section in a suitable facility that is licensed pursuant to 79643
division (C) of section 2967.14 of the Revised Code. 79644

(c) All qualified prisoners referred and transferred to it 79645
under this section shall reside initially in the suitable facility 79646
specified in division (A)(1)(b) of this section while undergoing 79647
the assessment and treatment. 79648

(2) "Electronic monitoring device" has the same meaning as in 79649
section 2929.01 of the Revised Code. 79650

(3) "State correctional institution" has the same meaning as 79651
in section 2967.01 of the Revised Code. 79652

(4) "Qualified prisoner" means a person who satisfies all of 79653
the following: 79654

(a) The person is confined in a state correctional 79655
institution under a prison term imposed for a felony of the fourth 79656
or fifth degree that is not an offense of violence. 79657

(b) The person has not previously been convicted of or 79658
pleaded guilty to ~~an~~ a felony offense of violence and, within the 79659
preceding five years, has not been convicted of or pleaded guilty 79660
to a misdemeanor offense of violence. 79661

(c) The department of rehabilitation and correction 79662
determines, using a standardized assessment tool, that the person 79663
has a substance use disorder. 79664

(d) The person has not more than twelve months remaining to 79665
be served under the prison term described in division (A)(4)(a) of 79666
this section. 79667

(e) The person is not serving any prison term other than the 79668
term described in division (A)(4)(a) of this section. 79669

(f) The person is eighteen years of age or older. 79670

(g) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification. 79671
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(h) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section. 79673
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(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety. 79677
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(C)(1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C)(3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive credit against the prisoner's prison term for all time served in the provider's approved and licensed facility and may earn days of credit under section 79685
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2967.193 of the Revised Code, but otherwise neither the placement 79702
nor the prisoner's participation in or completion of the program 79703
shall result in any reduction of the prisoner's prison term. 79704

(2) If the department places a prisoner in the substance use 79705
disorder treatment program, the prisoner does not satisfactorily 79706
participate in the program, and the prisoner has not served the 79707
prisoner's entire prison term, the department may remove the 79708
prisoner from the program and return the prisoner to a state 79709
correctional institution. 79710

(3) If the department places a prisoner in the substance use 79711
disorder treatment program and the prisoner is satisfactorily 79712
participating in the program, the department may permit the 79713
prisoner to reside at a residence approved by the department if 79714
the department determines, with input from the community treatment 79715
provider, that residing at the approved residence will help the 79716
prisoner prepare for reentry into the community and will help 79717
reduce substance use relapses and recidivism for the prisoner. If 79718
a prisoner is permitted under this division to reside at a 79719
residence approved by the department, the prisoner shall be 79720
monitored during the period of that residence by an electronic 79721
monitoring device. 79722

(D)(1) When a prisoner has been placed in the substance use 79723
disorder treatment program established under division (B) of this 79724
section, before the prisoner is released from custody of the 79725
department upon completion of the prisoner's prison term, the 79726
department shall conduct and prepare an evaluation of the 79727
prisoner, the prisoner's participation in the program, and the 79728
prisoner's needs regarding substance use disorder treatment upon 79729
release. Before the prisoner is released from custody of the 79730
department upon completion of the prisoner's prison term, the 79731
parole board or the court acting pursuant to an agreement under 79732
section 2967.29 of the Revised Code shall consider the evaluation, 79733

in addition to all other information and materials considered, as follows: 79734
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(a) If the prisoner is a prisoner for whom post-release control is mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining which post-release control sanction or sanctions to impose upon the prisoner under that section. 79736
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(b) If the prisoner is a prisoner for whom post-release control is not mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining whether a post-release control sanction is necessary and, if so, which post-release control sanction or sanctions to impose upon the prisoner under that section. 79741
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(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 of the Revised Code for sealing the record of the conviction, the director may issue a letter to the court in support of the application. 79747
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(E)(1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E)(2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state. 79754
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(2) Each community treatment provider that applies under division (E)(1) of this section to participate in the program 79763
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shall have the provider's alcohol and drug addiction services that 79765
provide substance use disorder treatment certified by the 79766
department of mental health and addiction services under section 79767
5119.36 of the Revised Code. A community treatment provider is not 79768
required to have the provider's halfway house or residential 79769
treatment certified by the department of mental health and 79770
addiction services. 79771

(F) The department of rehabilitation and correction shall 79772
adopt rules for the operation of the substance use disorder 79773
treatment program it establishes under division (B) of this 79774
section and shall operate the program in accordance with this 79775
section and those rules. The rules shall establish, at a minimum, 79776
all of the following: 79777

(1) Criteria that establish which qualified prisoners are 79778
eligible for the program; 79779

(2) Criteria that must be satisfied to transfer a qualified 79780
prisoner to a residence pursuant to division (C)(3) of this 79781
section; 79782

(3) Criteria for the removal of a prisoner from the program 79783
pursuant to division (C)(2) of this section; 79784

(4) Criteria for determining when an offender has 79785
successfully completed the program for purposes of division (D)(2) 79786
of this section; 79787

(5) Criteria for community treatment providers to provide 79788
assessment and treatment, including minimum standards for 79789
treatment. 79790

Sec. 5120.22. (A) The division of business administration 79791
shall examine the conditions of all buildings, grounds, and other 79792
property connected with the institutions under the control of the 79793
department of rehabilitation and correction, the methods of 79794

bookkeeping and storekeeping, and all matters relating to the 79795
management of such property. The division shall study and become 79796
familiar with the advantages and disadvantages of each as to 79797
location, freight rates, and efficiency of farm and equipment, for 79798
the purpose of aiding in the determination of the local and 79799
general requirements both for maintenance and improvements. 79800

(B) The division, with respect to the various types of 79801
state-owned housing under jurisdiction of the department, shall 79802
adopt, in accordance with section 111.15 of the Revised Code, 79803
rules governing maintenance of the housing and its usage by 79804
department personnel. The rules shall include a procedure for 79805
determining charges for rent and utilities, which the division 79806
shall assess against and collect from department personnel using 79807
the housing. All money collected for rent and utilities pursuant 79808
to the rules shall be deposited into the property receipts fund, 79809
which is hereby created in the state treasury. Money in the fund 79810
shall be used for any expenses necessary to provide housing of 79811
department employees, including but not limited to expenses for 79812
the acquisition, construction, operation, maintenance, repair, 79813
reconstruction, or demolition of land and buildings. 79814

(C) The division may enter into a lease or agreement with a 79815
state agency, political subdivision of the state, or private 79816
entity to use facilities or other property under the jurisdiction 79817
of the department that is not being utilized by the department. 79818
All money collected for leasing and services performed in 79819
accordance with the lease or agreement shall be deposited into the 79820
property receipts fund created under division (B) of this section. 79821
Money in the fund shall be used for any expenses resulting from 79822
the lease or agreement, including, but not limited to, expenses 79823
for services performed, construction, maintenance, repair, 79824
reconstruction, or demolition of the facilities or other property. 79825

(D) If, after meeting the expenditure obligations required by 79826

divisions (B) and (C) of this section, the division determines 79827
that the property receipts fund has excess funds, the division may 79828
use money in the fund for services performed, construction, 79829
maintenance, repair, reconstruction, or demolition of any other 79830
facilities or property owned by the department. 79831

Sec. 5120.55. (A) As used in this section, "licensed health 79832
professional" means any or all of the following: 79833

(1) A dentist who holds a current, valid license issued under 79834
Chapter 4715. of the Revised Code to practice dentistry; 79835

(2) A licensed practical nurse who holds a current, valid 79836
license issued under Chapter 4723. of the Revised Code that 79837
authorizes the practice of nursing as a licensed practical nurse; 79838

(3) An optometrist who holds a current, valid certificate of 79839
licensure issued under Chapter 4725. of the Revised Code that 79840
authorizes the holder to engage in the practice of optometry; 79841

(4) A physician who is authorized under Chapter 4731. of the 79842
Revised Code to practice medicine and surgery, osteopathic 79843
medicine and surgery, or podiatric medicine and surgery; 79844

(5) A psychologist who holds a current, valid license issued 79845
under Chapter 4732. of the Revised Code that authorizes the 79846
practice of psychology as a licensed psychologist; 79847

(6) A registered nurse who holds a current, valid license 79848
issued under Chapter 4723. of the Revised Code that authorizes the 79849
practice of nursing as a registered nurse, including such a nurse 79850
who is also licensed to practice as an advanced practice 79851
registered nurse as defined in section 4723.01 of the Revised 79852
Code. 79853

(B)(1) The department of rehabilitation and correction may 79854
establish a recruitment program under which the department, by 79855
means of a contract entered into under division (C) of this 79856

section, agrees to repay all or part of the principal and interest 79857
of a government or other educational loan incurred by a licensed 79858
health professional who agrees to provide services to inmates of 79859
correctional institutions under the department's administration. 79860

(2)(a) For a physician to be eligible to participate in the 79861
program, the physician must have attended a school that was, 79862
during the time of attendance, a medical school or osteopathic 79863
medical school in this country accredited by the liaison committee 79864
on medical education or the American osteopathic association, a 79865
college of podiatry in this country ~~recognized as being~~ in good 79866
standing ~~under section 4731.53 of the Revised Code~~ with the state 79867
medical board, or a medical school, osteopathic medical school, or 79868
college of podiatry located outside this country that was 79869
acknowledged by the world health organization and verified by a 79870
member state of that organization as operating within that state's 79871
jurisdiction. 79872

(b) For a nurse to be eligible to participate in the program, 79873
the nurse must have attended a school that was, during the time of 79874
attendance, a nursing school in this country accredited by the 79875
commission on collegiate nursing education or the national league 79876
for nursing accrediting commission or a nursing school located 79877
outside this country that was acknowledged by the world health 79878
organization and verified by a member state of that organization 79879
as operating within that state's jurisdiction. 79880

(c) For a dentist to be eligible to participate in the 79881
program, the dentist must have attended a school that was, during 79882
the time of attendance, a dental college that enabled the dentist 79883
to meet the requirements specified in section 4715.10 of the 79884
Revised Code to be granted a license to practice dentistry. 79885

(d) For an optometrist to be eligible to participate in the 79886
program, the optometrist must have attended a school of optometry 79887
that was, during the time of attendance, approved by the state 79888

board of optometry. 79889

(e) For a psychologist to be eligible to participate in the 79890
program, the psychologist must have attended an educational 79891
institution that, during the time of attendance, maintained a 79892
specific degree program recognized by the state board of 79893
psychology as acceptable for fulfilling the requirement of 79894
division (B)(3) of section 4732.10 of the Revised Code. 79895

(C) The department shall enter into a contract with each 79896
licensed health professional it recruits under this section. Each 79897
contract shall include at least the following terms: 79898

(1) The licensed health professional agrees to provide a 79899
specified scope of medical, osteopathic medical, podiatric, 79900
optometric, psychological, nursing, or dental services to inmates 79901
of one or more specified state correctional institutions for a 79902
specified number of hours per week for a specified number of 79903
years. 79904

(2) The department agrees to repay all or a specified portion 79905
of the principal and interest of a government or other educational 79906
loan taken by the licensed health professional for the following 79907
expenses to attend, for up to a maximum of four years, a school 79908
that qualifies the licensed health professional to participate in 79909
the program: 79910

(a) Tuition; 79911

(b) Other educational expenses for specific purposes, 79912
including fees, books, and laboratory expenses, in amounts 79913
determined to be reasonable in accordance with rules adopted under 79914
division (D) of this section; 79915

(c) Room and board, in an amount determined to be reasonable 79916
in accordance with rules adopted under division (D) of this 79917
section. 79918

(3) The licensed health professional agrees to pay the department a specified amount, which shall be no less than the amount already paid by the department pursuant to its agreement, as damages if the licensed health professional fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the service obligation that remains uncompleted.

(4) Other terms agreed upon by the parties.

The licensed health professional's lending institution or the ~~Ohio board~~ department of regents, higher education may be a party to the contract. The contract may include an assignment to the department of rehabilitation and correction of the licensed health professional's duty to repay the principal and interest of the loan.

(D) If the department of rehabilitation and correction elects to implement the recruitment program, it shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(1) Criteria for designating institutions for which licensed health professionals will be recruited;

(2) Criteria for selecting licensed health professionals for participation in the program;

(3) Criteria for determining the portion of a loan which the department will agree to repay;

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;

(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;

(6) Any other criteria or procedures necessary to implement the program. 79949
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Sec. 5120.68. (A) When a prisoner becomes eligible for parole under section 2967.13 of the Revised Code, the warden of the institution in which the prisoner is incarcerated shall prepare a report containing all of the following information: 79951
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(1) Information concerning the prisoner's participation in programs during the prisoner's time at the institution; 79955
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(2) Information concerning the prisoner's compliance or noncompliance with rules while at the institution; 79957
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(3) Information concerning the ability of the prisoner to seek and obtain employment upon release from incarceration. 79959
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(B) The warden shall submit the report created under division (A) of this section to the parole board prior to any hearing to determine whether or not the prisoner should be paroled. 79961
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Sec. 5122.32. (A) As used in this section: 79964

(1) "Quality assurance committee" means a committee that is appointed in the central office of the department of mental health and addiction services by the director of mental health and addiction services, a committee of a hospital or community setting program, or a duly authorized subcommittee of a committee of that nature and that is designated to carry out quality assurance program activities. 79965
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(2) "Quality assurance program" means a comprehensive program within the department of mental health and addiction services to systematically review and improve the quality of medical and mental health services within the department and its hospitals and community setting programs, the safety and security of persons receiving or administering medical and mental health services 79972
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within the department and its hospitals and community setting 79978
programs, and the efficiency and effectiveness of the utilization 79979
of staff and resources in the delivery of medical and mental 79980
health services within the department and its hospitals and 79981
community setting programs. "Quality assurance program" includes 79982
the central office quality assurance committees, morbidity and 79983
mortality review committees, quality assurance programs of 79984
community setting programs, quality assurance committees of 79985
hospitals operated by the department of mental health and 79986
addiction services, and the office of licensure and certification 79987
of the department. 79988

(3) "Quality assurance program activities" include collecting 79989
or compiling information and reports required by a quality 79990
assurance committee, receiving, reviewing, or implementing the 79991
recommendations made by a quality assurance committee, and 79992
credentialing, privileging, infection control, tissue review, peer 79993
review, utilization review including access to patient care 79994
records, patient care assessment records, and medical and mental 79995
health records, medical and mental health resource management, 79996
mortality and morbidity review, and identification and prevention 79997
of medical or mental health incidents and risks, whether performed 79998
by a quality assurance committee or by persons who are directed by 79999
a quality assurance committee. 80000

(4) "Quality assurance records" means the proceedings, 80001
discussion, records, findings, recommendations, evaluations, 80002
opinions, minutes, reports, and other documents or actions that 80003
emanate from quality assurance committees, quality assurance 80004
programs, or quality assurance program activities. "Quality 80005
assurance records" does not include aggregate statistical 80006
information that does not disclose the identity of persons 80007
receiving or providing medical or mental health services in 80008
department of mental health and addiction services hospitals or 80009

community setting programs. 80010

(B)(1) Except as provided in division (E) of this section, 80011
quality assurance records are confidential and are not public 80012
records under section 149.43 of the Revised Code, and shall be 80013
used only in the course of the proper functions of a quality 80014
assurance program. 80015

(2) Except as provided in division (E) of this section, no 80016
person who possesses or has access to quality assurance records 80017
and who knows that the records are quality assurance records shall 80018
willfully disclose the contents of the records to any person or 80019
entity. 80020

(C)(1) Except as provided in division (E) of this section, no 80021
quality assurance record shall be subject to discovery, and is not 80022
admissible in evidence, in any judicial or administrative 80023
proceeding. 80024

(2) Except as provided in division (E) of this section, no 80025
member of a quality assurance committee or a person who is 80026
performing a function that is part of a quality assurance program 80027
shall be permitted or required to testify in a judicial or 80028
administrative proceeding with respect to quality assurance 80029
records or with respect to any finding, recommendation, 80030
evaluation, opinion, or other action taken by the committee, 80031
member, or person. 80032

(3) Information, documents, or records otherwise available 80033
from original sources are not to be construed as being unavailable 80034
for discovery or admission in evidence in a judicial or 80035
administrative proceeding merely because they were presented to a 80036
quality assurance committee. No person testifying before a quality 80037
assurance committee or person who is a member of a quality 80038
assurance committee shall be prevented from testifying as to 80039
matters within the person's knowledge, but the witness cannot be 80040

asked about the witness' testimony before the quality assurance 80041
committee or about an opinion formed by the person as a result of 80042
the quality assurance committee proceedings. 80043

(D)(1) A person who, without malice and in the reasonable 80044
belief that the information is warranted by the facts known to the 80045
person, provides information to a person engaged in quality 80046
assurance program activities is not liable for damages in a civil 80047
action for injury, death, or loss to person or property to any 80048
person as a result of providing the information. 80049

(2) A member of a quality assurance committee, a person 80050
engaged in quality assurance program activities, and an employee 80051
of the department of mental health and addiction services shall 80052
not be liable in damages in a civil action for injury, death, or 80053
loss to person or property to any person for any acts, omissions, 80054
decisions, or other conduct within the scope of the functions of 80055
the quality assurance program. 80056

(3) Nothing in this section shall relieve any institution or 80057
individual from liability arising from the treatment of a patient. 80058

(E) Quality assurance records may be disclosed, and testimony 80059
may be provided concerning quality assurance records, only to the 80060
following persons or entities: 80061

(1) Persons who are employed or retained by the department of 80062
mental health and addiction services and who have authority to 80063
evaluate or implement the recommendations of a state-operated 80064
hospital, community setting program, or central office quality 80065
assurance committee; 80066

(2) Public or private agencies or organizations if needed to 80067
perform a licensing or accreditation function related to 80068
department of mental health and addiction services hospitals or 80069
community setting programs, or to perform monitoring of a hospital 80070
or program of that nature as required by law. 80071

(F) A disclosure of quality assurance records pursuant to 80072
division (E) of this section does not otherwise waive the 80073
confidential and privileged status of the disclosed quality 80074
assurance records. 80075

(G) Nothing in this section shall limit the access of the 80076
Ohio protection and advocacy system to records or personnel as 80077
required under section 5123.601 of the Revised Code. Nothing in 80078
this section shall limit the admissibility of documentary or 80079
testimonial evidence in an action brought by the Ohio protection 80080
and advocacy system in its own name or on behalf of a client. 80081

Sec. 5123.01. As used in this chapter: 80082

(A) "Chief medical officer" means the licensed physician 80083
appointed by the managing officer of an institution for persons 80084
with intellectual disabilities with the approval of the director 80085
of developmental disabilities to provide medical treatment for 80086
residents of the institution. 80087

(B) "Chief program director" means a person with special 80088
training and experience in the diagnosis and management of persons 80089
with developmental disabilities, certified according to division 80090
(C) of this section in at least one of the designated fields, and 80091
appointed by the managing officer of an institution for persons 80092
with intellectual disabilities with the approval of the director 80093
to provide habilitation and care for residents of the institution. 80094

(C) "Comprehensive evaluation" means a study, including a 80095
sequence of observations and examinations, of a person leading to 80096
conclusions and recommendations formulated jointly, with 80097
dissenting opinions if any, by a group of persons with special 80098
training and experience in the diagnosis and management of persons 80099
with developmental disabilities, which group shall include 80100
individuals who are professionally qualified in the fields of 80101
medicine, psychology, and social work, together with such other 80102

specialists as the individual case may require. 80103

(D) "Education" means the process of formal training and 80104
instruction to facilitate the intellectual and emotional 80105
development of residents. 80106

(E) "Habilitation" means the process by which the staff of 80107
the institution assists the resident in acquiring and maintaining 80108
those life skills that enable the resident to cope more 80109
effectively with the demands of the resident's own person and of 80110
the resident's environment and in raising the level of the 80111
resident's physical, mental, social, and vocational efficiency. 80112
Habilitation includes but is not limited to programs of formal, 80113
structured education and training. 80114

(F) "Health officer" means any public health physician, 80115
public health nurse, or other person authorized or designated by a 80116
city or general health district. 80117

(G) "Home and community-based services" means medicaid-funded 80118
home and community-based services specified in division (A)(1) of 80119
section 5166.20 of the Revised Code provided under the medicaid 80120
waiver components the department of developmental disabilities 80121
administers pursuant to section 5166.21 of the Revised Code. 80122
Except as provided in section 5123.0412 of the Revised Code, home 80123
and community-based services provided under the medicaid waiver 80124
component known as the transitions developmental disabilities 80125
waiver are to be considered to be home and community-based 80126
services for the purposes of this chapter, and Chapters 5124. and 80127
5126. of the Revised Code, only to the extent, if any, provided by 80128
the contract required by section 5166.21 of the Revised Code 80129
regarding the waiver. 80130

(H) "ICF/IID" has the same meaning as in section 5124.01 of 80131
the Revised Code. 80132

(I) "Indigent person" means a person who is unable, without 80133

substantial financial hardship, to provide for the payment of an attorney and for other necessary expenses of legal representation, including expert testimony.

(J) "Institution" means a public or private facility, or a part of a public or private facility, that is licensed by the appropriate state department and is equipped to provide residential habilitation, care, and treatment for persons with intellectual disabilities.

(K) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties.

(L) "Managing officer" means a person who is appointed by the director of developmental disabilities to be in executive control of an institution under the jurisdiction of the department of developmental disabilities.

(M) "Medicaid case management services" means case management services provided to an individual with a developmental disability that the state medicaid plan requires.

(N) "Intellectual disability" means a disability characterized by having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

(O) "Person with an intellectual disability subject to institutionalization by court order" means a person eighteen years of age or older with at least a moderate level of intellectual disability and in relation to whom, because of the person's disability, either of the following conditions exists:

(1) The person represents a very substantial risk of physical

impairment or injury to self as manifested by evidence that the 80165
person is unable to provide for and is not providing for the 80166
person's most basic physical needs and that provision for those 80167
needs is not available in the community; 80168

(2) The person needs and is susceptible to significant 80169
habilitation in an institution. 80170

(P) "Moderate level of intellectual disability" means the 80171
condition in which a person, following a comprehensive evaluation, 80172
is found to have at least moderate deficits in overall 80173
intellectual functioning, as indicated by a full-scale 80174
intelligence quotient test score of fifty-five or below, and at 80175
least moderate deficits in adaptive behavior, as determined in 80176
accordance with the criteria established in the fifth edition of 80177
the diagnostic and statistical manual of mental disorders 80178
published by the American psychiatric association. 80179

(Q) "Developmental disability" means a severe, chronic 80180
disability that is characterized by all of the following: 80181

(1) It is attributable to a mental or physical impairment or 80182
a combination of mental and physical impairments, other than a 80183
mental or physical impairment solely caused by mental illness, as 80184
defined in division (A) of section 5122.01 of the Revised Code. 80185

(2) It is manifested before age twenty-two. 80186

(3) It is likely to continue indefinitely. 80187

(4) It results in one of the following: 80188

(a) In the case of a person under three years of age, at 80189
least one developmental delay, as defined in rules adopted under 80190
section 5123.011 of the Revised Code, or a diagnosed physical or 80191
mental condition that has a high probability of resulting in a 80192
developmental delay, as defined in those rules; 80193

(b) In the case of a person at least three years of age but 80194

under six years of age, at least two developmental delays, as 80195
defined in rules adopted under section 5123.011 of the Revised 80196
Code; 80197

(c) In the case of a person six years of age or older, a 80198
substantial functional limitation in at least three of the 80199
following areas of major life activity, as appropriate for the 80200
person's age: self-care, receptive and expressive language, 80201
learning, mobility, self-direction, capacity for independent 80202
living, and, if the person is at least sixteen years of age, 80203
capacity for economic self-sufficiency. 80204

(5) It causes the person to need a combination and sequence 80205
of special, interdisciplinary, or other type of care, treatment, 80206
or provision of services for an extended period of time that is 80207
individually planned and coordinated for the person. 80208

"Developmental disability" includes intellectual disability. 80209

(R) "State institution" means an institution that is 80210
tax-supported and under the jurisdiction of the department of 80211
developmental disabilities. 80212

(S) "Residence" and "legal residence" have the same meaning 80213
as "legal settlement," which is acquired by residing in Ohio for a 80214
period of one year without receiving general assistance prior to 80215
July 17, 1995, under former Chapter 5113. of the Revised Code, 80216
without receiving financial assistance prior to December 31, 2017, 80217
under former Chapter 5115. of the Revised Code, or assistance from 80218
a private agency that maintains records of assistance given. A 80219
person having a legal settlement in the state shall be considered 80220
as having legal settlement in the assistance area in which the 80221
person resides. No adult person coming into this state and having 80222
a spouse or minor children residing in another state shall obtain 80223
a legal settlement in this state as long as the spouse or minor 80224
children are receiving public assistance, care, or support at the 80225

expense of the other state or its subdivisions. For the purpose of 80226
determining the legal settlement of a person who is living in a 80227
public or private institution or in a home subject to licensing by 80228
the department of job and family services, the department of 80229
mental health and addiction services, or the department of 80230
developmental disabilities, the residence of the person shall be 80231
considered as though the person were residing in the county in 80232
which the person was living prior to the person's entrance into 80233
the institution or home. Settlement once acquired shall continue 80234
until a person has been continuously absent from Ohio for a period 80235
of one year or has acquired a legal residence in another state. A 80236
woman who marries a man with legal settlement in any county 80237
immediately acquires the settlement of her husband. The legal 80238
settlement of a minor is that of the parents, surviving parent, 80239
sole parent, parent who is designated the residential parent and 80240
legal custodian by a court, other adult having permanent custody 80241
awarded by a court, or guardian of the person of the minor, 80242
provided that: 80243

(1) A minor female who marries shall be considered to have 80244
the legal settlement of her husband and, in the case of death of 80245
her husband or divorce, she shall not thereby lose her legal 80246
settlement obtained by the marriage. 80247

(2) A minor male who marries, establishes a home, and who has 80248
resided in this state for one year without receiving general 80249
assistance prior to July 17, 1995, under former Chapter 5113. of 80250
the Revised Code, ~~financial assistance under Chapter 5115. of the~~ 80251
~~Revised Code,~~ or assistance from a private agency that maintains 80252
records of assistance given shall be considered to have obtained a 80253
legal settlement in this state. 80254

(3) The legal settlement of a child under eighteen years of 80255
age who is in the care or custody of a public or private child 80256
caring agency shall not change if the legal settlement of the 80257

parent changes until after the child has been in the home of the 80258
parent for a period of one year. 80259

No person, adult or minor, may establish a legal settlement 80260
in this state for the purpose of gaining admission to any state 80261
institution. 80262

(T)(1) "Resident" means, subject to division (T)(2) of this 80263
section, a person who is admitted either voluntarily or 80264
involuntarily to an institution or other facility pursuant to 80265
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 80266
Code subsequent to a finding of not guilty by reason of insanity 80267
or incompetence to stand trial or under this chapter who is under 80268
observation or receiving habilitation and care in an institution. 80269

(2) "Resident" does not include a person admitted to an 80270
institution or other facility under section 2945.39, 2945.40, 80271
2945.401, or 2945.402 of the Revised Code to the extent that the 80272
reference in this chapter to resident, or the context in which the 80273
reference occurs, is in conflict with any provision of sections 80274
2945.37 to 2945.402 of the Revised Code. 80275

(U) "Respondent" means the person whose detention, 80276
commitment, or continued commitment is being sought in any 80277
proceeding under this chapter. 80278

(V) "Working day" and "court day" mean Monday, Tuesday, 80279
Wednesday, Thursday, and Friday, except when such day is a legal 80280
holiday. 80281

(W) "Prosecutor" means the prosecuting attorney, village 80282
solicitor, city director of law, or similar chief legal officer 80283
who prosecuted a criminal case in which a person was found not 80284
guilty by reason of insanity, who would have had the authority to 80285
prosecute a criminal case against a person if the person had not 80286
been found incompetent to stand trial, or who prosecuted a case in 80287
which a person was found guilty. 80288

(X) "Court" means the probate division of the court of common pleas. 80289
80290

(Y) "Supported living" and "residential services" have the same meanings as in section 5126.01 of the Revised Code. 80291
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Sec. 5123.377. (A) As used in this section: 80293

(1) "Adult services" has the same meaning as in section 5126.01 of the Revised Code. 80294
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(2) "Community adult facility" means a facility in which adult services are provided or a facility associated with the provision of adult services. 80296
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(3) "Renovation" means work done to a building to restore it to an acceptable condition and to make it functional for use by individuals with developmental disabilities. "Renovation" includes architectural and structural changes and the modernization of mechanical and electrical systems. "Renovation" does not include work that consists primarily of maintenance repairs and replacements necessary due to normal use, wear and tear, or deterioration. 80299
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(B) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or a board of county commissioners pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a community adult facility if all of the following apply: 80307
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(1) The agreement was entered into ~~during the period beginning January 1, 1976, and ending on or before~~ December 31, 1999. 80314
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(2) The agreement requires the county board or board of county commissioners to use the community adult facility for at 80317
80318

least forty years. 80319

(3) The county board or board of county commissioners submits 80320
to the director an application for a change in the agreement's 80321
terms that includes all of the following: 80322

(a) A statement of intent to close the facility and the 80323
anticipated date of closure; 80324

(b) The number of individuals with developmental disabilities 80325
served in the facility at the time of application; 80326

(c) Identification of alternative providers of services to be 80327
offered to those individuals; 80328

(d) A commitment and demonstration that those individuals 80329
will receive services from the alternative providers; 80330

(e) A resolution from the county board or board of county 80331
commissioners authorizing the application, including a commitment 80332
that if the facility is sold, the county board or board of county 80333
commissioners will do either of the following: 80334

(i) Reimburse the department of developmental disabilities 80335
the proceeds of the sale up to the outstanding balance owed under 80336
the agreement; 80337

(ii) Use the proceeds of the sale for the acquisition, 80338
renovation, or accessibility modification of housing for 80339
individuals with developmental disabilities that complies with the 80340
requirements established by the director. 80341

(4) The director may establish a deadline by which the county 80342
board or board of county commissioners shall use the proceeds of a 80343
sale pursuant to division (B)(3)(e)(ii) of this section. The 80344
director may extend the deadline as many times as the director 80345
determines necessary. 80346

(C) Agreement terms that may be changed pursuant to division 80347
(B) of this section include terms regarding the length of time the 80348

facility must be used as a community adult facility. 80349

Sec. 5123.378. (A) As used in this section: 80350

(1) "Community early childhood facility" means a facility in 80351
which early childhood services are provided. 80352

(2) "Early childhood services" has the same meaning as in 80353
section 5126.01 of the Revised Code. 80354

(3) "Renovation" means work done to a building to restore it 80355
to an acceptable condition and to make it functional for use by 80356
individuals with developmental disabilities. "Renovation" includes 80357
architectural and structural changes and the modernization of 80358
mechanical and electrical systems. "Renovation" does not include 80359
work that consists primarily of maintenance repairs and 80360
replacements necessary due to normal use, wear and tear, or 80361
deterioration. 80362

(B) The director of developmental disabilities may change the 80363
terms of an agreement entered into with a county board of 80364
developmental disabilities or a board of county commissioners 80365
pursuant to section 5123.36 of the Revised Code or other statutory 80366
authority in effect before July 1, 1980, regarding the 80367
construction, acquisition, or renovation of a community early 80368
childhood facility if all of the following apply: 80369

(1) The agreement was entered into ~~during the period~~ 80370
~~beginning January 1, 1976, and ending on or before~~ December 31, 80371
1999. 80372

(2) The agreement requires the county board or board of 80373
county commissioners to use the community early childhood facility 80374
for at least fifteen years. 80375

(3) The county board or board of county commissioners submits 80376
to the director an application for a change in the agreement's 80377
terms that includes all of the following: 80378

(a) A statement of intent to close the facility and the anticipated date of closure;	80379 80380
(b) The number of individuals with developmental disabilities served in the facility at the time of application;	80381 80382
(c) A commitment and demonstration that those individuals will continue to receive services;	80383 80384
(d) A resolution from the county board or board of county commissioners authorizing the application, including a commitment that if the facility is sold, the county board or board of county commissioners will do either of the following:	80385 80386 80387 80388
(i) Reimburse the department of developmental disabilities the proceeds of the sale up to the outstanding balance owed under the agreement;	80389 80390 80391
(ii) Use the proceeds of the sale for the acquisition, <u>renovation, or accessibility modification</u> of housing for individuals with developmental disabilities that complies with the requirements established by the director.	80392 80393 80394 80395
<u>(4) The director may establish a deadline by which the county board or board of county commissioners shall use the proceeds of a sale pursuant to division (B)(3)(d)(ii) of this section. The director may extend the deadline as many times as the director determines necessary.</u>	80396 80397 80398 80399 80400
(C) Agreement terms that may be changed pursuant to division (B) of this section include terms regarding the length of time the facility must be used as a community early childhood facility.	80401 80402 80403
Sec. 5123.38. (A) Except as provided in division (B) of this section, if an individual receiving supported living or home and community based services funded by a county board of developmental disabilities is committed to a state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of the Revised Code, the county board	80404 80405 80406 80407 80408

of developmental disabilities of the county from which the 80409
individual was ordered institutionalized is responsible for the 80410
nonfederal share of medicaid expenditures for the individual's 80411
care in the state-operated ICF/IID. The department of 80412
developmental disabilities shall collect the amount of the 80413
nonfederal share from the county board by either withholding that 80414
amount from funds the department has otherwise allocated to the 80415
county board or submitting an invoice for payment of that amount 80416
to the county board. 80417

(B) Division (A) of this section does not apply under ~~any~~ 80418
either of the following circumstances: 80419

(1) ~~The county board, not~~ Not later than ~~ninety one hundred~~ 80420
~~eighty~~ days after the date of the commitment of ~~a person receiving~~ 80421
~~supported living an individual, commences funding of supported~~ 80422
~~living for an individual who resides in a state operated ICF/IID~~ 80423
~~on the date of the commitment or another eligible individual~~ 80424
~~designated by the department~~ the county board arranges for the 80425
provision of alternative services for the individual, and the 80426
individual is discharged from the ICF/IID. 80427

(2) ~~The county board, not later than ninety days after the~~ 80428
~~date of the commitment of a person receiving home and~~ 80429
~~community based services, commences funding of home and~~ 80430
~~community based services for an individual who resides in a~~ 80431
~~state operated ICF/IID on the date of the commitment or another~~ 80432
~~eligible individual designated by the department.~~ 80433

~~(3)~~ The director of developmental disabilities, after 80434
determining that circumstances warrant granting a waiver in an 80435
individual's case, grants the county board a waiver that exempts 80436
the county board from responsibility for the nonfederal share for 80437
that case. 80438

Sec. 5123.47. (A) As used in this section: 80439

(1) "In-home care" means the supportive services provided 80440
within the home of an individual with a developmental disability 80441
who receives funding for the services through a county board of 80442
developmental disabilities, including any recipient of residential 80443
services funded as home and community-based services, family 80444
support services provided under section 5126.11 of the Revised 80445
Code, or supported living provided in accordance with sections 80446
5126.41 to 5126.47 of the Revised Code. "In-home care" includes 80447
care that is provided outside an individual's home in places 80448
incidental to the home, and while traveling to places incidental 80449
to the home, except that "in-home care" does not include care 80450
provided in the facilities of a county board of developmental 80451
disabilities or care provided in schools. 80452

(2) "Parent" means either parent of a child, including an 80453
adoptive parent but not a foster parent. 80454

(3) "Unlicensed in-home care worker" means an individual who 80455
provides in-home care but is not a health care professional. 80456

(4) "Family member" means a parent, sibling, spouse, son, 80457
daughter, grandparent, aunt, uncle, cousin, or guardian of the 80458
individual with a developmental disability if the individual with 80459
a developmental disability lives with the person and is dependent 80460
on the person to the extent that, if the supports were withdrawn, 80461
another living arrangement would have to be found. 80462

(5) "Health care professional" means any of the following: 80463

(a) A dentist who holds a valid license issued under Chapter 80464
4715. of the Revised Code; 80465

(b) A registered or licensed practical nurse who holds a 80466
valid license issued under Chapter 4723. of the Revised Code; 80467

(c) An optometrist who holds a valid license issued under 80468
Chapter 4725. of the Revised Code; 80469

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	80470 80471
(e) A person who holds a valid <u>license or</u> certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;	80472 80473 80474 80475
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	80476 80477
(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;	80478 80479 80480 80481
(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code.	80482 80483
(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glycemc disorders through subcutaneous injections.	80484 80485 80486 80487 80488 80489 80490 80491 80492 80493 80494
(B) Except as provided in division (E) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform health care tasks as part of the in-home care the worker provides to the individual, if all of the following apply:	80495 80496 80497 80498 80499
(1) The family member is the primary supervisor of the care.	80500

(2) The unlicensed in-home care worker has been selected by 80501
the family member or the individual receiving care and is under 80502
the direct supervision of the family member. 80503

(3) The unlicensed in-home care worker is providing the care 80504
through an employment or other arrangement entered into directly 80505
with the family member and is not otherwise employed by or under 80506
contract with a person or government entity to provide services to 80507
individuals with developmental disabilities. 80508

(4) The health care task is completed in accordance with 80509
standard, written instructions. 80510

(5) Performance of the health care task requires no judgment 80511
based on specialized health care knowledge or expertise. 80512

(6) The outcome of the health care task is reasonably 80513
predictable. 80514

(7) Performance of the health care task requires no complex 80515
observation of the individual receiving the care. 80516

(8) Improper performance of the health care task will result 80517
in only minimal complications that are not life-threatening. 80518

(C) A family member shall obtain a prescription, if 80519
applicable, and written instructions from a health care 80520
professional for the care to be provided to the individual. The 80521
family member shall authorize the unlicensed in-home care worker 80522
to provide the care by preparing a written document granting the 80523
authority. The family member shall provide the unlicensed in-home 80524
care worker with appropriate training and written instructions in 80525
accordance with the instructions obtained from the health care 80526
professional. The family member or a health care professional 80527
shall be available to communicate with the unlicensed in-home care 80528
worker either in person or by telecommunication while the in-home 80529
care worker performs a health care task. 80530

(D) A family member who authorizes an unlicensed in-home care worker to administer oral and topical prescribed medications or perform other health care tasks retains full responsibility for the health and safety of the individual receiving the care and for ensuring that the worker provides the care appropriately and safely. No entity that funds or monitors the provision of in-home care may be held liable for the results of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of developmental disabilities and the department of developmental disabilities.

An unlicensed in-home care worker who is authorized under this section by a family member to provide care to an individual may not be held liable for any injury caused in providing the care, unless the worker provides the care in a manner that is not in accordance with the training and instructions received or the worker acts in a manner that constitutes willful or wanton misconduct.

(E) A county board of developmental disabilities may evaluate the authority granted by a family member under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. If the board determines that a family member has acted in a manner that is inappropriate for the health and safety of the individual receiving the care, the authorization granted by the family member to an unlicensed in-home care worker is void, and the family member may not authorize other unlicensed in-home care workers to provide the care. In making such a determination, the board shall use appropriately licensed health care professionals and shall provide the family member an opportunity to file a complaint under section 5126.06 of the Revised Code.

Sec. 5123.60. (A) As used in this section and section 80561

5123.601 of the Revised Code, "Ohio protection and advocacy system" means the nonprofit entity designated by the governor in accordance with Am. Sub. H.B. 153 of the 129th general assembly to serve as the state's protection and advocacy system and client assistance program.

(B) The Ohio protection and advocacy system shall provide both of the following:

(1) Advocacy services for people with disabilities, as provided under section 101 of the "Developmental Disabilities Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 42 U.S.C. 15001;

(2) A client assistance program, as provided under section 112 of the ~~"Workforce Investment Act of 1998," 112 Stat. 1163 (1998), 29 U.S.C. 732, as amended~~ "Rehabilitation Act of 1973," 29 U.S.C. 732.

(C) The Ohio protection and advocacy system may establish any guidelines necessary for its operation.

Sec. 5126.0221. (A) As used in this section, "specialized services" has the same meaning as in section 5123.081 of the Revised Code.

(B) Except as provided in division (C) of section 5126.033 of the Revised Code, none of the following individuals may be employed by a county board of developmental disabilities:

(1) An employee of an agency contracting with the county board;

(2) An immediate family member of an employee of an agency contracting with the county board unless the county board adopts a resolution authorizing the immediate family member's employment with the county board or the employment is consistent with a

policy adopted by the board establishing parameters for such 80591
employment and the policy is consistent with Chapter 102. and 80592
sections 2921.42, 2921.421, and 2921.43 of the Revised Code; 80593

~~(3) An individual with an immediate family member who serves~~ 80594
~~as~~ Except for an individual employed by a county board before 80595
October 31, 1980, the spouse, son, or daughter of a county 80596
commissioner of ~~any of the counties~~ county served by the county 80597
board ~~unless the individual was an employee of the county board~~ 80598
~~before October 31, 1980;.~~ 80599

(4) An individual who is employed by, has an ownership 80600
interest in, performs or provides administrative duties for, or is 80601
a member of the governing board of an entity that provides 80602
specialized services, regardless of whether the entity contracts 80603
with the county board to provide specialized services. 80604

Sec. 5126.042. (A) As used in this section, "emergency 80605
status" means ~~a status that an individual with developmental~~ 80606
~~disabilities has when the individual is at risk of substantial~~ 80607
~~self harm or substantial harm to others if action is not taken~~ 80608
~~within thirty days. An "emergency status" may include a status~~ 80609
~~resulting from one or more of the following situations:~~ 80610

~~(1) Loss of present residence for any reason, including legal~~ 80611
~~action;~~ 80612

~~(2) Loss of present caretaker for any reason, including~~ 80613
~~serious illness of the caretaker, change in the caretaker's~~ 80614
~~status, or inability of the caretaker to perform effectively for~~ 80615
~~the individual;~~ 80616

~~(3) Abuse, neglect, or exploitation of the individual;~~ 80617

~~(4) Health and safety conditions that pose a serious risk to~~ 80618
~~the individual or others of immediate harm or death;~~ 80619

~~(5) Change in the emotional or physical condition of the~~ 80620

~~individual that necessitates substantial accommodation that cannot~~ 80621
~~be reasonably provided by the individual's existing caretaker~~ 80622
"Department of developmental disabilities-administered medicaid 80623
waiver component" means a medicaid waiver component administered 80624
by the department of developmental disabilities pursuant to 80625
section 5166.21 of the Revised Code. 80626

(B) If a county board of developmental disabilities 80627
determines that available resources are not sufficient to meet the 80628
needs of all individuals who request non-medicaid programs or 80629
services, it shall establish one or more waiting lists for the 80630
non-medicaid programs or services in accordance with its plan 80631
developed under section 5126.04 of the Revised Code. The board may 80632
establish priorities for making placements on its waiting lists 80633
established under this division. Any such priorities shall be 80634
consistent with the board's plan and applicable law. 80635

(C) If a county board determines that available resources are 80636
insufficient to ~~meet the needs of~~ enroll in department of 80637
developmental disabilities-administered medicaid waiver components 80638
all individuals who ~~request~~ are assessed as needing home and 80639
community-based services, it shall establish a waiting list for 80640
the services in accordance with rules adopted under this section. 80641
~~An individual's date of placement on the waiting list shall be the~~ 80642
~~date a request is made to the board for the individual to receive~~ 80643
~~the home and community based services. The board shall provide for~~ 80644
~~an individual who has an emergency status to receive priority~~ 80645
~~status on the waiting list. The board shall also provide for an~~ 80646
~~individual to whom any of the following apply to receive priority~~ 80647
~~status on the waiting list in accordance with rules adopted under~~ 80648
~~division (E) of this section:~~ 80649

~~(1) The individual is receiving supported living, family~~ 80650
~~support services, or adult services for which no federal financial~~ 80651
~~participation is received under the medicaid program;~~ 80652

~~(2) The individual's primary caregiver is at least sixty years of age;~~ 80653
80654

~~(3) The individual has intensive needs as determined in accordance with rules adopted under division (E) of this section;~~ 80655
80656

~~(4) The individual resides in an ICF/IID, as defined in section 5124.01 of the Revised Code;~~ 80657
80658

~~(5) The individual resides in a nursing facility, as defined in section 5165.01 of the Revised Code.~~ 80659
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~~(D) If two or more individuals on a waiting list established under division (C) of this section have priority for the services pursuant to that division, a county board shall use criteria specified in rules adopted under division (E) of this section in determining the order in which the individuals with priority will be offered the services. An individual who has priority for home and community based services because the individual has an emergency status has priority for the services over all other individuals on the waiting list who do not have emergency status.~~ 80661
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~~(E) The department director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting lists list established under division (C) of this section. ~~The, including rules shall include procedures to be followed to that establish all of the following:~~~~ 80670
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(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before the effective date of this amendment to the waiting list the county board establishes under that division after that date; 80676
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(2) Procedures by which a county board is to ensure that the due process rights of individuals placed on the county board's waiting lists list are not violated. As part of the rules adopted 80681
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~~under this division, the department shall adopt rules establishing 80684
criteria a county board shall use under division (D) of this 80685
section in determining the order in which individuals with 80686
priority for home and community-based services pursuant to 80687
division (C) of this section will be offered the services 80688
observed; 80689~~

(3) Criteria a county board is to use to determine all of the 80690
following: 80691

(a) An individual's eligibility to be placed on the county 80692
board's waiting list; 80693

(b) The date an individual was assessed as needing home and 80694
community-based services; 80695

(c) The order in which individuals on the county board's 80696
waiting list are to be offered enrollment in a department of 80697
developmental disabilities-administered medicaid waiver component; 80698

(d) The department of developmental disabilities-administered 80699
medicaid waiver component in which an individual on the county 80700
board's waiting list is to be offered enrollment. 80701

(4) Grounds for removing an individual from the county 80702
board's waiting list. 80703

(E) The director shall consult with all of the following when 80704
adopting rules under division (D) of this section: 80705

(1) Individuals with developmental disabilities; 80706

(2) Associations representing individuals with developmental 80707
disabilities and the families of such individuals; 80708

(3) Associations representing providers of services to 80709
individuals with developmental disabilities; 80710

(4) The Ohio association of county boards serving people with 80711
developmental disabilities. 80712

(F) The following shall take precedence over the applicable provisions of this section:

(1) Medicaid rules and regulations;

(2) Any specific requirements that may be contained within a medicaid state plan amendment or department of disabilities-administered medicaid waiver ~~program that a county board has authority to administer or component~~ with respect to which ~~it~~ a county board has authority to provide services, programs, or supports.

Sec. 5126.054. (A) Each county board of developmental disabilities shall, by resolution, develop a three-calendar year plan that includes the following three components:

(1) An assessment component that includes all of the following:

(a) The number of individuals with developmental disabilities residing in the county who need the level of care provided by an ICF/IID, may seek home and community-based services, and are ~~given priority placed~~ on a the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;

(b) The source of funds available to the county board to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;

(c) Any other applicable information or conditions that the department of developmental disabilities requires as a condition of approving the component under section 5123.046 of the Revised Code.

(2) A preliminary implementation component that specifies the

number of individuals to be provided, during the first year that 80743
the plan is in effect, home and community-based services pursuant 80744
to their placement on the county board's waiting list ~~priority~~ 80745
~~given to them under~~ established for the services pursuant to 80746
section 5126.042 of the Revised Code and the types of home and 80747
community-based services the individuals are to receive; 80748

(3) A component that provides for the implementation of 80749
medicaid case management services and home and community-based 80750
services for individuals who begin to receive the services on or 80751
after the date the plan is approved under section 5123.046 of the 80752
Revised Code. A county board shall include all of the following in 80753
the component: 80754

(a) If the department of developmental disabilities or 80755
department of medicaid requires, an agreement to pay the 80756
nonfederal share of medicaid expenditures that the county board is 80757
required by sections 5126.059 and 5126.0510 of the Revised Code to 80758
pay; 80759

(b) How the services are to be phased in over the period the 80760
plan covers, including how the county board will serve individuals 80761
~~who have priority placed on a~~ the county board's waiting list 80762
~~established under~~ for the services pursuant to section 5126.042 of 80763
the Revised Code; 80764

(c) Any agreement or commitment regarding the county board's 80765
funding of home and community-based services that the county board 80766
has with the department at the time the county board develops the 80767
component; 80768

(d) Assurances adequate to the department that the county 80769
board will comply with all of the following requirements: 80770

(i) To provide the types of home and community-based services 80771
specified in the preliminary implementation component required by 80772
division (A)(2) of this section to at least the number of 80773

individuals specified in that component; 80774

(ii) To use any additional funds the county board receives 80775
for the services to improve the county board's resource 80776
capabilities for supporting such services available in the county 80777
at the time the component is developed and to expand the services 80778
to accommodate the unmet need for those services in the county; 80779

(iii) To employ or contract with a business manager or enter 80780
into an agreement with another county board of developmental 80781
disabilities that employs or contracts with a business manager to 80782
have the business manager serve both county boards. No 80783
superintendent of a county board may serve as the county board's 80784
business manager. 80785

(iv) To employ or contract with a medicaid services manager 80786
or enter into an agreement with another county board of 80787
developmental disabilities that employs or contracts with a 80788
medicaid services manager to have the medicaid services manager 80789
serve both county boards. No superintendent of a county board may 80790
serve as the county board's medicaid services manager. 80791

(e) Programmatic and financial accountability measures and 80792
projected outcomes expected from the implementation of the plan; 80793

(f) Any other applicable information or conditions that the 80794
department requires as a condition of approving the component 80795
under section 5123.046 of the Revised Code. 80796

(B) A county board whose plan developed under division (A) of 80797
this section is approved by the department under section 5123.046 80798
of the Revised Code shall update and renew the plan in accordance 80799
with a schedule the department shall develop. 80800

Sec. 5149.10. (A)(1) The parole board shall consist of up to 80801
twelve members, one of whom shall be designated as chairperson by 80802
the director of the department of rehabilitation and correction 80803

and who shall continue as chairperson until a successor is 80804
designated, and any other personnel that are necessary for the 80805
orderly performance of the duties of the board. In addition to the 80806
rules authorized by section 5149.02 of the Revised Code, the chief 80807
of the adult parole authority, subject to the approval of the 80808
chief of the division of parole and community services and subject 80809
to this section, shall adopt rules governing the proceedings of 80810
the parole board. The rules shall provide for all of the 80811
following: 80812

(a) The convening of full board hearings,~~the~~i 80813

(b) The procedures to be followed in full board hearings,~~and~~ 80814
~~general~~i 80815

(c) General procedures to be followed in other hearings of 80816
the board and by the board's hearing officers.~~The rules also~~ 80817
~~shall require agreement by~~i 80818

(d) A requirement that a majority of all the board members 80819
must agree to any recommendation of clemency transmitted to the 80820
governori 80821

(e) For parole hearings, procedures for considering the 80822
report of the warden of the institution in which the eligible 80823
prisoner is incarcerated, submitted under section 5120.68 of the 80824
Revised Code. 80825

(2) When the board members sit as a full board, the 80826
chairperson shall preside. The chairperson shall also allocate the 80827
work of the parole board among the board members. The full board 80828
shall meet at least once each month. In the case of a tie vote on 80829
the full board, the chief of the adult parole authority shall cast 80830
the deciding vote. The chairperson may designate a person to serve 80831
in the chairperson's place. 80832

(3) Except for the chairperson and the member appointed under 80833
division (B) of this section, a member appointed to the parole 80834

board on or after ~~the effective date of this amendment~~ September 80835
30, 2011, shall be appointed to a six-year term. A member 80836
appointed as described in this division shall hold office from the 80837
date of appointment until the end of the term for which the member 80838
was appointed. A member appointed as described in this division is 80839
eligible for reappointment for another six-year term that may or 80840
may not be consecutive to the first six-year term. A member 80841
appointed as described in this division is not eligible for 80842
reappointment after serving two six-year terms whether or not 80843
served consecutively. Vacancies shall be filled in the same manner 80844
provided for original appointments. Any member appointed as 80845
described in this division to fill a vacancy occurring prior to 80846
the expiration date of the term for which the member's predecessor 80847
was appointed shall begin that member's first six-year term upon 80848
appointment, regardless of the time remaining in the term of the 80849
member's predecessor. A member appointed as described in this 80850
division shall continue in office subsequent to the expiration 80851
date of the member's term until the member's successor takes 80852
office or until a period of sixty days has elapsed, whichever 80853
occurs first. 80854

(4) Except as otherwise provided in division (B) of this 80855
section, no person shall be appointed a member of the board who is 80856
not qualified by education or experience in correctional work, 80857
including law enforcement, prosecution of offenses, advocating for 80858
the rights of victims of crime, probation, or parole, in law, in 80859
social work, or in a combination of the three categories. 80860

(B) The director of rehabilitation and correction, in 80861
consultation with the governor, shall appoint one member of the 80862
board, who shall be a person who has been a victim of crime or who 80863
is a member of a victim's family or who represents an organization 80864
that advocates for the rights of victims of crime. After 80865
appointment, this member shall be an unclassified employee of the 80866

department of rehabilitation and correction. 80867

The initial appointment shall be for a term ending four years 80868
after July 1, 1996. Thereafter, the term of office of the member 80869
appointed under this division shall be for four years, with each 80870
term ending on the same day of the same month as did the term that 80871
it succeeds. The member shall hold office from the date of 80872
appointment until the end of the term for which the member was 80873
appointed and may be reappointed. Vacancies shall be filled in the 80874
manner provided for original appointments. Any member appointed 80875
under this division to fill a vacancy occurring prior to the 80876
expiration date of the term for which the member's predecessor was 80877
appointed shall hold office as a member for the remainder of that 80878
term. The member appointed under this division shall continue in 80879
office subsequent to the expiration date of the member's term 80880
until the member's successor takes office or until a period of 80881
sixty days has elapsed, whichever occurs first. 80882

The member appointed under this division shall be compensated 80883
in the same manner as other board members and shall be reimbursed 80884
for actual and necessary expenses incurred in the performance of 80885
the member's duties. The member may vote on all cases heard by the 80886
full board under section 5149.101 of the Revised Code, has such 80887
duties as are assigned by the chairperson of the board, and shall 80888
coordinate the member's activities with the office of victims' 80889
services created under section 5120.60 of the Revised Code. 80890

As used in this division, "crime," "member of the victim's 80891
family," and "victim" have the meanings given in section 2930.01 80892
of the Revised Code. 80893

(C) The chairperson shall submit all recommendations for or 80894
against clemency directly to the governor. 80895

(D) The chairperson shall transmit to the chief of the adult 80896
parole authority all determinations for or against parole made by 80897

the board. Parole determinations are final and are not subject to review or change by the chief.

(E) In addition to its duties pertaining to parole and clemency, if an offender is sentenced to a prison term pursuant to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code, the parole board shall have control over the offender's service of the prison term during the entire term unless the board terminates its control in accordance with section 2971.04 of the Revised Code. The parole board may terminate its control over the offender's service of the prison term only in accordance with section 2971.04 of the Revised Code.

Sec. 5149.311. (A) The department of rehabilitation and correction shall establish and administer the probation improvement grant and the probation incentive grant for common pleas, municipal, and county court probation departments and community-based correctional facilities that supervise offenders sentenced by courts of common pleas ~~or~~, municipal courts, or county courts.

(B)(1) The probation improvement grant shall provide funding to common pleas, municipal, and county court probation departments and community-based correctional facilities to adopt policies and practices based on the latest research on how to reduce the number of offenders on probation supervision who violate the conditions of their supervision.

(2) The department shall adopt rules for the distribution of the probation improvement grant, including the both of the following:

(a) The formula for the allocation of the subsidy based on the number of offenders placed on probation annually in each jurisdiction;

(b) The allocation of funds for the purpose of offsetting costs incurred by political subdivisions in relation to offenders who are prohibited from serving the term of imprisonment in an institution under the control of the department of rehabilitation and correction pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. 80929
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(C)(1) The probation incentive grant shall provide a performance-based level of funding to common pleas, municipal, and county court probation departments and community-based correctional facilities that are successful in reducing the number of offenders on probation supervision whose terms of supervision are revoked. 80935
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(2) The department shall calculate annually any cost savings realized by the state from a reduction in the percentage of people who are incarcerated because their terms of supervised probation were revoked. The cost savings estimate shall be calculated for each jurisdiction served by the probation department or community-based correctional facility eligible for a grant under this section and be based on the difference from ~~fiscal year 2010~~ the average of such commitments from the five calendar years immediately preceding the calendar year in which application for the grant was made and the fiscal year under examination. 80941
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(3) The department shall adopt rules that specify the subsidy amount to be appropriated to common pleas, municipal, and county court probation departments and community-based correctional facilities that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked. 80951
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(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant: 80957
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(1) In order to be eligible for the probation improvement 80959

grant and the probation incentive grant, common pleas, municipal, 80960
and county courts must satisfy all requirements under sections 80961
2301.27 and 2301.30 of the Revised Code. Except for sentencing 80962
decisions made by a court when use of the risk assessment tool is 80963
discretionary, in order to be eligible for the probation 80964
improvement grant and the probation incentive grant, a court or 80965
community-based correctional facility must utilize the single 80966
validated risk assessment tool selected by the department of 80967
rehabilitation and correction under section 5120.114 of the 80968
Revised Code. 80969

(2) The department may deny a subsidy under this section to 80970
any applicant if the applicant fails to comply with the terms of 80971
any agreement entered into pursuant to any of the provisions of 80972
this section. 80973

(3) The department shall evaluate or provide for the 80974
evaluation of the policies, practices, and programs the common 80975
pleas, municipal, or county court probation departments or 80976
community-based correctional facilities utilize with the programs 80977
of subsidies established under this section and establish means of 80978
measuring their effectiveness. 80979

(4) The department shall specify the policies, practices, and 80980
programs for which common pleas, municipal, or county court 80981
probation departments or community-based correctional facilities 80982
may use the program subsidy and shall establish minimum standards 80983
of quality and efficiency that recipients of the subsidy must 80984
follow. The department shall give priority to supporting 80985
evidence-based policies and practices, as defined by the 80986
department. 80987

Sec. 5149.36. Subject to appropriations by the general 80988
assembly, the department of rehabilitation and correction shall 80989
award subsidies to eligible municipal corporations, counties, and 80990

groups of counties pursuant to the subsidy programs described in 80991
division (A)(1) of section 5149.31 of the Revised Code only in 80992
accordance with criteria that the department shall specify in 80993
rules adopted pursuant to Chapter 119. of the Revised Code. The 80994
criteria shall be designed to provide for subsidy awards only on 80995
the basis of demonstrated need and the satisfaction of specified 80996
priorities. The criteria shall ~~be consistent with the following:~~ 80997

~~(A) First require that priority shall be given to the 80998
continued funding of existing community corrections programs that 80999
satisfy the standards adopted pursuant to division (A)(2) of 81000
section 5149.31 of the Revised Code and that are designed to 81001
reduce the number of persons committed to state correctional 81002
institutions.~~ 81003

~~(B) Second priority shall be given to new community 81004
corrections programs that are designed to reduce the number of 81005
persons committed to state correctional institutions or the number 81006
of persons committed to county, multicounty, municipal, 81007
municipal-county, or multicounty-municipal jails or workhouses. 81008~~

Sec. 5149.38. (A) In each target county and in each voluntary 81009
county, subject to division (B) of this section and not later than 81010
thirty days after the effective date of this section, a county 81011
commissioner representing the board of county commissioners of the 81012
county, the administrative judge of the general division of the 81013
court of common pleas of the county, the sheriff of the county, 81014
and an official from any municipality operating a local 81015
correctional facility in the county to which courts of the county 81016
sentence offenders shall agree to, sign, and submit to the 81017
department of rehabilitation and correction for its approval a 81018
memorandum of understanding that does both of the following: 81019

(1) Sets forth the plans by which the county will use grant 81020
money provided to the county in state fiscal year 2018 and 81021

succeeding state fiscal years under the targeting community 81022
alternatives to prison (T-CAP) program. 81023

(2) Specifies the manner in which the county will address a 81024
per diem reimbursement of local correctional facilities for 81025
prisoners who serve a prison term in the facility pursuant to 81026
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 81027
diem reimbursement rate shall be the rate determined in division 81028
(F)(1) of this section and shall be specified in the memorandum. 81029

(B) Two or more target counties or voluntary counties may 81030
join together to jointly establish a memorandum of understanding 81031
of the type described in division (A) of this section. Not later 81032
than thirty days after the effective date of this section, a 81033
county commissioner from each of the affiliating target counties 81034
or voluntary counties representing the county's board of county 81035
commissioners, the administrative judge of the general division of 81036
the court of common pleas of each affiliating target county or 81037
voluntary county, the sheriff of each affiliating target county or 81038
voluntary county, and an official from any municipality operating 81039
a local correctional facility in the affiliating target counties 81040
and voluntary counties to which courts of the counties sentence 81041
offenders shall agree to, sign, and submit to the department of 81042
rehabilitation and correction for its approval the memorandum of 81043
understanding. The memorandum of understanding shall set forth the 81044
plans by which, and specify the manner in which, the affiliating 81045
counties will complete the tasks identified in divisions (A)(1) 81046
and (2) of this section. 81047

(C) The department of rehabilitation and correction shall 81048
adopt rules establishing standards for approval of memorandums of 81049
understanding submitted to it under division (A) or (B) of this 81050
section. The department shall review the memorandums of 81051
understanding submitted to it and may require the county or 81052
counties that submit a memorandum to modify the memorandum. The 81053

director of rehabilitation and correction shall approve 81054
memorandums of understanding submitted to it under division (A) or 81055
(B) of this section that the director determines satisfy the 81056
standards adopted by the department within thirty days after 81057
receiving each memorandum submitted. 81058

(D) Any person responsible for agreeing to, signing, and 81059
submitting a memorandum of understanding under division (A) or (B) 81060
of this section may delegate the person's authority to do so to an 81061
employee of the agency, entity, or office served by the person. 81062

(E) The persons signing a memorandum of understanding under 81063
division (A) or (B) of this section, or their successors in 81064
office, may revise the memorandum as they determine necessary. Any 81065
revision of the memorandum shall be signed by the parties 81066
specified in division (A) or (B) of this section and submitted to 81067
the department of rehabilitation and correction for its approval 81068
under division (C) of this section within thirty days after the 81069
beginning of the state fiscal year. 81070

(F)(1) In each county, the sheriff shall determine the per 81071
diem costs for local correctional facilities in the county for the 81072
housing of prisoners who serve a term in the facility pursuant to 81073
division (B)(3)(c) of that section, as follows: 81074

(a) In calendar year 2017, not later than the date on which 81075
the appropriate representatives of the county enter into a 81076
contract with the department of rehabilitation and correction 81077
under the targeting community alternatives to prison (T-CAP) 81078
program, the sheriff shall determine the per diem costs for each 81079
of the facilities for the housing in the facility of prisoners 81080
serving a prison term for a felony in calendar year 2016. The per 81081
diem cost so determined shall apply in calendar year 2017. 81082

(b) Commencing in calendar year 2018, on or before the first 81083
day of February of each calendar year the sheriff shall determine 81084

the per diem costs for the preceding calendar year for each of the facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made. 81085
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(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. 81090
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(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis. 81097
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(G) As used in this section: 81101

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code. 81102
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(2) "Target county" and "voluntary county" have the same meanings as in section 2929.34 of the Revised Code. 81105
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Sec. 5153.113. (A)(1) As used in this section, "applicant" has the same meaning as in section 5153.111 of the Revised Code, and includes an intern applicant or a volunteer applicant. 81107
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(2) "Intern applicant" means a trainee seeking practical educational and career experience who is under consideration for a position with a public children services agency to work, with or without monetary gain or compensation, as a person responsible for the care, custody, or control of a child; 81110
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(3) "Volunteer applicant" means a person who is under consideration for a position with a public children services agency to perform services within the agency voluntarily, without monetary gain or compensation, as a person responsible for the care, custody, or control of a child. 81115
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(B) Notwithstanding division (I)(1) of section 2151.421, section 5153.17, and any other section of the Revised Code pertaining to confidentiality, before a public children services agency employs an applicant, the executive director of the agency, or the executive director's designee within the agency, shall review promptly any information the agency determines to be relevant for the purpose of evaluating the fitness of the applicant, including, but not limited to, the following: 81120
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(1) Abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the applicant is the subject where it has been determined that abuse or neglect occurred; 81128
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(2) The final disposition of investigations of the abuse and neglect reports, or if the investigations have not been completed, the status of the investigations; 81131
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(3) Any underlying documentation concerning the reports. 81134

(C) The information reviewed under division (B) of this section shall not include the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect. 81135
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(D) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section. 81139
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Sec. 5160.052. The department of medicaid shall collaborate with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to 81142
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produce the notices described in division ~~(C)~~(D) of section 81145
109.5721 of the Revised Code in a format that is acceptable for 81146
use by the department. The medicaid director may adopt rules under 81147
section 5160.02 of the Revised Code necessary for such 81148
collaboration. Any such rules shall be adopted in accordance with 81149
section 111.15 of the Revised Code as if they were internal 81150
management rules. 81151

The medicaid director may adopt rules under section 5160.02 81152
of the Revised Code necessary for utilizing the information 81153
received pursuant to section 109.5721 of the Revised Code. The 81154
rules shall be adopted in accordance with Chapter 119. of the 81155
Revised Code. 81156

Sec. 5160.37. (A) A medical assistance recipient's enrollment 81157
in a medical assistance program gives an automatic right of 81158
recovery to the department of medicaid and a county department of 81159
job and family services against the liability of a third party for 81160
the cost of medical assistance paid on behalf of the recipient. 81161
When an action or claim is brought against a third party by a 81162
medical assistance recipient, any payment, settlement or 81163
compromise of the action or claim, or any court award or judgment, 81164
is subject to the recovery right of the department of medicaid or 81165
county department. Except in the case of a medical assistance 81166
recipient who receives medical assistance through a medicaid 81167
managed care organization, the department's or county department's 81168
claim shall not exceed the amount of medical assistance paid by 81169
the department or county department on behalf of the recipient. A 81170
payment, settlement, compromise, judgment, or award that excludes 81171
the cost of medical assistance paid for by the department or 81172
county department shall not preclude a department from enforcing 81173
its rights under this section. 81174

(B)(1) In the case of a medical assistance recipient who 81175

receives medical assistance through a medicaid managed care organization that has a capitation agreement with a provider, the amount of the department's or county department's claim shall be the amount the medicaid managed care organization would have paid in the absence of a capitation agreement.

(2) In the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization that does not have a capitation agreement with a provider, the amount of the department's or county department's claim shall be the amount the medicaid managed care organization pays for medical assistance rendered to the recipient, even if that amount is more than the amount the department or county department pays to the medicaid managed care organization for the recipient's medical assistance.

(C) A medical assistance recipient, and the recipient's attorney, if any, shall cooperate with the departments. In furtherance of this requirement, the medical assistance recipient, or the recipient's attorney, if any, shall, not later than thirty days after initiating informal recovery activity or filing a legal recovery action against a third party, provide written notice of the activity or action to the department of medicaid or county department if it has paid for medical assistance under a medical assistance program.

(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of any third party against whom the medical assistance recipient has or may have a right of recovery.

(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a medical assistance recipient where the department or county department has a right of recovery shall be made final without first giving the department or county department written notice as described in division (C) of this

section and a reasonable opportunity to perfect its rights of 81208
recovery. If the department or county department is not given the 81209
appropriate written notice, the medical assistance recipient and, 81210
if there is one, the recipient's attorney, are liable to reimburse 81211
the department or county department for the recovery received to 81212
the extent of medical assistance payments made by the department 81213
or county department. 81214

(F) The department or county department shall be permitted to 81215
enforce its recovery rights against the third party even though it 81216
accepted prior payments in discharge of its rights under this 81217
section if, at the time the department or county department 81218
received such payments, it was not aware that additional medical 81219
expenses had been incurred but had not yet been paid by the 81220
department or county department. The third party becomes liable to 81221
the department or county department as soon as the third party is 81222
notified in writing of the valid claims for recovery under this 81223
section. 81224

(G)(1) Subject to division (G)(2) of this section, the right 81225
of recovery of the department or county department does not apply 81226
to that portion of any judgment, award, settlement, or compromise 81227
of a claim, to the extent of attorneys' fees, costs, or other 81228
expenses incurred by a medical assistance recipient in securing 81229
the judgment, award, settlement, or compromise, or to the extent 81230
of medical, surgical, and hospital expenses paid by such recipient 81231
from the recipient's own resources. 81232

(2) Reasonable attorneys' fees, not to exceed one-third of 81233
the total judgment, award, settlement, or compromise, plus costs 81234
and other expenses incurred by the medical assistance recipient in 81235
securing the judgment, award, settlement, or compromise, shall 81236
first be deducted from the total judgment, award, settlement, or 81237
compromise. After fees, costs, and other expenses are deducted 81238
from the total judgment, award, settlement, or compromise, there 81239

shall be a rebuttable presumption that the department of medicaid 81240
or county department shall receive no less than one-half of the 81241
remaining amount, or the actual amount of medical assistance paid, 81242
whichever is less. A party may rebut the presumption in accordance 81243
with division (L)(1) or (2) of this section, as applicable. 81244

(H) A right of recovery created by this section may be 81245
enforced separately or jointly by the department of medicaid or 81246
county department. To enforce its recovery rights, the department 81247
or county department may do any of the following: 81248

(1) Intervene or join in any action or proceeding brought by 81249
the medical assistance recipient or on the recipient's behalf 81250
against any third party who may be liable for the cost of medical 81251
assistance paid; 81252

(2) Institute and pursue legal proceedings against any third 81253
party who may be liable for the cost of medical assistance paid; 81254

(3) Initiate legal proceedings in conjunction with any 81255
injured, diseased, or disabled medical assistance recipient or the 81256
recipient's attorney or representative. 81257

(I) A medical assistance recipient shall not assess attorney 81258
fees, costs, or other expenses against the department of medicaid 81259
or a county department when the department or county department 81260
enforces its right of recovery created by this section. 81261

(J) The right of recovery given to the department under this 81262
section includes payments made by a third party under contract 81263
with a person having a duty to support. 81264

(K) The department of medicaid may assign to a medical 81265
assistance provider the right of recovery given to the department 81266
under this section with respect to any claim for which the 81267
department has notified the provider that the department intends 81268
to recoup the department's prior payment for the claim. 81269

(L)(1) Prior to any payment to the department or a county department pursuant to the department's or county department's right of recovery under this section, a party that desires to rebut the presumption in division (G) of this section shall submit to the department or county department a request for a hearing in accordance with the procedure the department establishes in rules required by division (O) of this section. The amount sought by the department or county department shall be held in escrow or in an interest on lawyers' trust account until the hearing examiner renders a decision or the case is otherwise concluded. A party successfully rebuts the presumption by a showing of clear and convincing evidence that a different allocation is warranted.

(2) A medical assistance recipient who has repaid money, on or after September 29, 2007, to the department or a county department pursuant to the department's or county department's right of recovery under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code may request a hearing to rebut the presumption in division (G) of this section. The request shall be made in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. It must be made not later than one hundred eighty days after ~~the effective date of this amendment~~ September 29, 2015, or ninety days after the payment is made, whichever is later. A party successfully rebuts the presumption by a showing of clear and convincing evidence that a different allocation is warranted.

(3) With respect to a hearing requested under division (L)(1) or (2) of this section, all of the following are the case:

(a) The hearing examiner may consider, but is not bound by the allocation of, medical expenses specified in a settlement agreement between the medical assistance recipient and the relevant third party;

(b) The department or county department may raise affirmative defenses during the hearing, including the existence of a prior settlement with the medical assistance recipient, the doctrine of accord and satisfaction, or the common law principle of res judicata;

(c) If the parties agree, live testimony shall not be presented at the hearing;

(d) The hearing may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to the hearing only to the extent specified in those rules;

(e) The hearing examiner's decision is binding on the department or county department and the medical assistance recipient unless the decision is reversed or modified on appeal to the medicaid director as described in division (M) of this section.

(M)(1) A medical assistance recipient who disagrees with a hearing examiner's decision under division (L) of this section may file an administrative appeal with the medicaid director in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. A hearing is not required during the administrative appeal, but the director or the director's designee shall review the hearing examiner's decision and any prior relevant administrative action. After the review, the director or the director's designee shall affirm, modify, remand, or reverse the hearing decision. A decision made under this division is final and binding on the department or county department and the medical assistance recipient unless it is reversed or modified on appeal to a court of common pleas as described in division (N) of this section.

(2) An administrative appeal may be governed by rules adopted

under section 5160.02 of the Revised Code. If such rules are 81333
adopted, Chapter 119. of the Revised Code applies to an 81334
administrative appeal only to the extent specified in those rules. 81335

(N) A party to an administrative appeal described in division 81336
(M) of this section may file an appeal with a court of common 81337
pleas in accordance with section 119.12 of the Revised Code. 81338

(O) The medicaid director shall adopt rules under section 81339
5160.02 of the Revised Code as necessary to implement this 81340
section, including rules establishing procedures a party may use 81341
to request a hearing under division (L)(1) or (2) of this section 81342
or an administrative appeal under division (M)(1) of this section. 81343
The rules shall be adopted in accordance with Chapter 119. of the 81344
Revised Code. 81345

(P) Divisions (L) to (N) of this section are remedial in 81346
nature and shall be liberally construed by the courts of this 81347
state in accordance with section 1.11 of the Revised Code. Those 81348
divisions specify the sole remedy available to a party who claims 81349
the department or a county department has received or is to 81350
receive more money than entitled to receive under this section, 81351
section 5160.38 of the Revised Code, or former section 5101.58 or 81352
5101.59 of the Revised Code. 81353

Sec. 5160.40. (A) As used in this section, "business day" 81354
means any day of the week excluding Saturday, Sunday, and a legal 81355
holiday, as defined in section 1.14 of the Revised Code. 81356

(B) Subject to divisions ~~(B)~~(C) and ~~(C)~~(D) of this section, a 81357
third party shall do all of the following: 81358

(1) Accept the department of medicaid's right of recovery 81359
under section 5160.37 of the Revised Code and the assignment of 81360
rights to the department that are described in section 5160.38 of 81361
the Revised Code; 81362

(2) Respond to an inquiry by the department regarding a claim 81363
for payment of a medical item or service that was submitted to the 81364
third party not later than six years after the date of the 81365
provision of such medical item or service; 81366

(3) Respond to the department's request for payment of a 81367
claim described in division (B)(2) of this section not later than 81368
ninety business days after receipt of written proof of the claim, 81369
either by paying the claim or issuing a written denial to the 81370
department; 81371

(4) Not charge a fee to do either of the following for a 81372
claim described in division ~~(A)~~(B)(2) of this section: 81373

(a) Determine whether the claim should be paid; 81374

(b) Process the claim. 81375

~~(4)~~(5) Pay a claim described in division ~~(A)~~(B)(2) of this 81376
section; 81377

~~(5)~~(6) Not deny a claim submitted by the department solely on 81378
the basis of the date of submission of the claim, type or format 81379
of the claim form, or a failure by the medical assistance 81380
recipient who is the subject of the claim to present proper 81381
documentation of coverage at the time of service, if both of the 81382
following have occurred: 81383

(a) The claim was submitted by the department not later than 81384
six years after the date of the provision of the medical item or 81385
service. 81386

(b) An action by the department to enforce its right of 81387
recovery under section 5160.37 of the Revised Code on the claim 81388
was commenced not later than six years after the department's 81389
submission of the claim. 81390

~~(6)~~(7) Consider the department's payment of a claim for a 81391
medical item or service to be the equivalent of the medical 81392

assistance recipient having obtained prior authorization for the 81393
item or service from the third party; 81394

~~(7)~~(8) Not deny a claim described in division ~~(A)~~(6)~~(B)~~(7) of 81395
this section that is submitted by the department solely on the 81396
basis of the medical assistance recipient's failure to obtain 81397
prior authorization for the medical item or service. 81398

~~(B)~~(C) For purposes of the requirements in division ~~(A)~~(B) of 81399
this section, a third party shall treat a medicaid managed care 81400
organization as the department for a claim if the individual who 81401
is the subject of the claim received a medical item or service 81402
through a medicaid managed care organization and the department 81403
has assigned its right of recovery for the claim to the medicaid 81404
managed care organization. Even if the department assigned its 81405
right of recovery to a medicaid managed care organization, the 81406
department may, beginning one year from the date the organization 81407
paid the claim, recoup from a third party an amount that was 81408
assigned to the organization but not collected. 81409

~~(C)~~(D) If the department of medicaid, as permitted by 81410
division (K) of section 5160.37 of the Revised Code, assigns to a 81411
medical assistance provider the department's right of recovery for 81412
a claim for which it has notified the provider that it intends to 81413
recoup its prior payment for a claim, a third party shall treat 81414
the provider as the department and shall pay the provider the 81415
greater of the following: 81416

(1) The amount the department intends to recoup from the 81417
provider for the claim. 81418

(2) If the third party and the provider have an agreement 81419
that requires the third party to pay the provider at the time the 81420
provider presents the claim to the third party, the amount that is 81421
to be paid under that agreement. 81422

~~(D)~~(E) The time limitations associated with the requirements 81423

in divisions ~~(A)~~(B)(2) and ~~(5)~~(6) of this section apply only to 81424
submissions of claims to, and payments of claims by, a health 81425
insurer to which the "Social Security Act," section 81426
1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies. 81427

Sec. 5160.401. (A) A payment made by a third party under 81428
division ~~(A)~~(4)(B)(5) of section 5160.40 of the Revised Code on a 81429
claim for payment of a medical item or service provided to a 81430
medical assistance recipient is final on the date that is two 81431
years after the payment was made to the department of medicaid or 81432
the applicable medicaid managed care organization. After a claim 81433
is final, the claim is subject to adjustment only if an action for 81434
recovery of an overpayment was commenced under division (B) of 81435
this section before the date the claim became final and the 81436
recovery is agreed to by the department or medicaid managed care 81437
organization under division (C) of this section. 81438

(B) If a third party determines that it overpaid a claim for 81439
payment, the third party may seek to recover all or part of the 81440
overpayment by filing a notice of its intent to seek recovery with 81441
the department or medicaid managed care organization, as 81442
applicable. The notice of recovery must be filed in writing before 81443
the date the payment is final. The notice must specify all of the 81444
following: 81445

(1) The full name of the medical assistance recipient who 81446
received the medical item or service that is the subject of the 81447
claim; 81448

(2) The date or dates on which the medical item or service 81449
was provided; 81450

(3) The amount allegedly overpaid and the amount the third 81451
party seeks to recover; 81452

(4) The claim number and any other number the department or 81453

medicaid managed care organization has assigned to the claim;	81454
(5) The third party's rationale for seeking recovery;	81455
(6) The date the third party made the payment and the method of payment used;	81456 81457
(7) If payment was made by check, the check number;	81458
(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization.	81459 81460 81461 81462 81463
(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section.	81464 81465 81466 81467 81468 81469 81470 81471
Sec. 5162.021. The medicaid director shall adopt rules under sections 5160.02, 5162.02, 5163.03 <u>5163.02</u> , 5164.04 <u>5164.02</u> , 5165.05 <u>5165.02</u> , 5166.02, and 5167.02 of the Revised Code as necessary to authorize the directors of other state agencies to adopt rules regarding medicaid components, or aspects of medicaid components, the other state agencies administer pursuant to contracts entered into under section 5162.35 of the Revised Code.	81472 81473 81474 81475 81476 81477 81478
Sec. 5162.12. (A) The medicaid director shall enter into a contract with one or more persons to receive and process, on the director's behalf, requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of	81479 81480 81481 81482 81483

the foregoing data made by persons who intend to use the items 81484
prepared pursuant to the requests for commercial or academic 81485
purposes. 81486

(B) At a minimum, a contract entered into under this section 81487
shall do both of the following: 81488

(1) Authorize the contracting person to engage in the 81489
activities described in division (A) of this section for 81490
compensation, which must be stated as a percentage of the fees 81491
paid by persons who are provided the items; 81492

(2) Require the contracting person to charge for an item 81493
prepared pursuant to a request a fee in an amount equal to one 81494
hundred two per cent of the cost the department of medicaid incurs 81495
in making the data used to prepare the item available to the 81496
contracting person. 81497

(C) Except as required by federal or state law and subject to 81498
division (E) of this section, both of the following conditions 81499
apply with respect to a request for data described in division (A) 81500
of this section: 81501

(1) The request shall be made through a person who has 81502
entered into a contract with the medicaid director under this 81503
section. 81504

(2) An item prepared pursuant to the request may be provided 81505
to the department of medicaid and is confidential and not subject 81506
to disclosure under section 149.43 or 1347.08 of the Revised Code. 81507

(D) The medicaid director shall use fees the director 81508
receives pursuant to a contract entered into under this section to 81509
pay obligations specified in contracts entered under this section. 81510
Any money remaining after the obligations are paid shall be 81511
deposited in the health ~~care services administration~~ care/medicaid 81512
support and recoveries fund created under section ~~5162.54~~ 5162.52 81513

of the Revised Code. 81514

(E) This section does not apply to requests for medicaid 81515
recipient or claims payment data, data from reports of audits 81516
conducted under section 5165.109 of the Revised Code, or extracts 81517
or analyses of any of the foregoing data that are for any of the 81518
following purposes: 81519

(1) Treatment of medicaid recipients; 81520

(2) Payment of medicaid claims; 81521

(3) Establishment or management of medicaid third party 81522
liability pursuant to sections 5160.35 to 5160.43 of the Revised 81523
Code; 81524

(4) Compliance with the terms of an agreement the medicaid 81525
director enters into for purposes of administering the medicaid 81526
program; 81527

(5) Compliance with an operating protocol the executive 81528
director of the office of health transformation or the executive 81529
director's designee adopts under division (D) of section 191.06 of 81530
the Revised Code. 81531

Sec. 5162.16. A government entity that administers one or 81532
more components of the medicaid program and has reasonable cause 81533
to believe that an instance of fraud, waste, or abuse has occurred 81534
in the medicaid program shall inform the department of medicaid. 81535
The department shall collect the information in the medicaid data 81536
warehouse system established under section 5162.11 of the Revised 81537
Code. 81538

~~Sec. 5162.40. (A)(1) Except as provided in division (B) of 81539
this section, if If a state agency or political subdivision 81540
administers one or more components of the medicaid program that 81541
the United States department of health and human services 81542~~

~~approved, and for which federal financial participation was~~ 81543
~~initially obtained, prior to January 1, 2002,~~ or administers one 81544
or more aspects of such a component, the department of medicaid 81545
may retain or collect not more than ten per cent of the federal 81546
financial participation the state agency or political subdivision 81547
obtains through an approved, administrative claim regarding the 81548
component or aspect of the component. If the department retains or 81549
collects a percentage of such federal financial participation, the 81550
percentage the department retains or collects shall be specified 81551
in a contract the department enters into with the state agency or 81552
political subdivision under section 5162.35 of the Revised Code. 81553

~~(2) Except as provided in division (B) of this section, if a~~ 81554
~~state agency or political subdivision administers one or more~~ 81555
~~components of the medicaid program that the United States~~ 81556
~~department of health and human services approved on or after~~ 81557
~~January 1, 2002, or administers one or more aspects of such a~~ 81558
~~component, the department of medicaid shall retain or collect not~~ 81559
~~less than three and not more than ten per cent of the federal~~ 81560
~~financial participation the state agency or political subdivision~~ 81561
~~obtains through an approved, administrative claim regarding the~~ 81562
~~component or aspect of the component. The percentage the~~ 81563
~~department retains or collects shall be specified in a contract~~ 81564
~~the department enters into with the state agency or political~~ 81565
~~subdivision under section 5162.35 of the Revised Code.~~ 81566

(B) All amounts the department retains or collects under this 81567
section shall be deposited into the health ~~care services~~ 81568
~~administration~~ care/medicaid support and recoveries fund created 81569
under section ~~5162.54~~ 5162.52 of the Revised Code. 81570

Sec. 5162.41. The department of medicaid may retain or 81571
collect a percentage of the federal financial participation 81572
included in a supplemental medicaid payment to one or more 81573

medicaid providers owned or operated by a state agency or 81574
political subdivision that brings the payment to such provider or 81575
providers to the upper payment limit established by 42 C.F.R. 81576
447.272. If the department retains or collects a percentage of 81577
that federal financial participation, the medicaid director shall 81578
adopt a rule under section 5162.02 of the Revised Code specifying 81579
the percentage the department is to retain or collect. All amounts 81580
the department retains or collects under this section shall be 81581
deposited into the health ~~care services administration~~ 81582
care/medicaid support and recoveries fund created under section 81583
~~5162.54~~ 5162.52 of the Revised Code. 81584

Sec. 5162.52. (A) The health care/medicaid support and 81585
recoveries fund is hereby created in the state treasury. All of 81586
the following shall be credited to the fund: 81587

(1) Except as otherwise provided by statute or as authorized 81588
by the controlling board, the nonfederal share of all 81589
medicaid-related revenues, collections, and recoveries; 81590

(2) Federal reimbursement received for payment adjustments 81591
made pursuant to the "Social Security Act," section 1923, 42 81592
U.S.C. 1396r-4, under the medicaid program to state mental health 81593
hospitals maintained and operated by the department of mental 81594
health and addiction services under division (A) of section 81595
5119.14 of the Revised Code; 81596

(3) Revenues the department of medicaid receives from another 81597
state agency for medicaid services pursuant to an interagency 81598
agreement, ~~other than such revenues required to be deposited into~~ 81599
~~the health care services administration fund created under section~~ 81600
~~5162.54 of the Revised Code;~~ 81601

(4) The ~~first seven hundred fifty thousand dollars~~ money the 81602
department of medicaid receives in a fiscal year for performing 81603

eligibility verification services necessary for compliance with 81604
the independent, certified audit requirement of 42 C.F.R. 455.304; 81605

(5) The nonfederal share of all rebates paid by drug 81606
manufacturers to the department of medicaid in accordance with a 81607
rebate agreement required by the "Social Security Act," section 81608
1927, 42 U.S.C. 1396r-8; 81609

(6) The nonfederal share of all supplemental rebates paid by 81610
drug manufacturers to the department of medicaid in accordance 81611
with the supplemental drug rebate program established under 81612
section 5164.755 of the Revised Code; 81613

(7) Amounts deposited into the fund pursuant to sections 81614
5162.12, 5162.40, and 5162.41 of the Revised Code; 81615

(8) The application fees charged to providers under section 81616
5164.31 of the Revised Code; 81617

(9) The fines collected under section 5165.1010 of the 81618
Revised Code; 81619

(10) Amounts from assessments on hospitals under section 81620
5168.06 of the Revised Code and intergovernmental transfers by 81621
governmental hospitals under section 5168.07 of the Revised Code 81622
that are deposited into the fund in accordance with the law. 81623

(B) The department of medicaid shall use money credited to 81624
the health care/medicaid support and recoveries fund to pay for 81625
medicaid services and ~~contracts~~ costs associated with the 81626
administration of the medicaid program. 81627

Sec. 5162.65. There is hereby created in the state treasury 81628
the refunds and reconciliation fund. 81629

Money the department of medicaid receives from a refund or 81630
reconciliation shall be deposited into the refunds and 81631
reconciliation fund if the department does not know the 81632
appropriate fund for the money at the time the department receives 81633

the money or if the money is to go to another government entity. 81634
Money transferred from the department of job and family services 81635
under section 5101.074 of the Revised Code also shall be deposited 81636
into the refunds and reconciliation fund. 81637

Money in the refunds and reconciliation fund, including money 81638
transferred from the department of job and family services, shall 81639
be transferred to the appropriate fund once the appropriate fund 81640
is identified or shall be transferred to another government 81641
entity, as appropriate. 81642

~~Sec. 5162.66. As used in this section, "deficiency" has the~~ 81643
~~same meaning as in section 5165.60 of the Revised Code.~~ 81644

~~The (A) There is hereby created in the state treasury the~~ 81645
~~residents protection fund. All of the following shall be deposited~~ 81646
~~into the fund:~~ 81647

~~(1) The proceeds of all fines, including interest, collected~~ 81648
~~under sections 5165.60 to 5165.89 of the Revised Code shall be~~ 81649
~~deposited in the state treasury to the credit of the residents~~ 81650
~~protection fund, which is hereby created. The;~~ 81651

~~(2) The proceeds of all fines, including interest, collected~~ 81652
~~under section 173.42 of the Revised Code shall be deposited in the~~ 81653
~~state treasury to the credit of the residents protection fund;~~ 81654

~~(3) The portions of civil money penalties and corresponding~~ 81655
~~interest that are disbursed on or after July 1, 2017, to the~~ 81656
~~department of medicaid pursuant to 42 C.F.R. 488.845.~~ 81657

~~Money in the fund (B)(1) Money deposited into the fund~~ 81658
~~pursuant to divisions (A)(1) and (2) of this section shall be used~~ 81659
~~for the protection all of the following:~~ 81660

~~(a) Protection of the health or property of residents of~~ 81661
~~nursing facilities in which the department of health finds~~ 81662
~~deficiencies, including payment for the costs of relocation of~~ 81663

residents to other facilities, ~~maintenance;~~ 81664

(b) Maintenance of operation of a facility pending correction 81665
of deficiencies or closure, ~~and reimbursement;~~ 81666

(c) Reimbursement of residents for the loss of money managed 81667
by the facility under section 3721.15 of the Revised Code. ~~Money~~ 81668
~~in the fund may also be used to make payments;~~ 81669

(d) Provision of funds for costs incurred by a temporary 81670
resident safety assurance manager appointed under section 5165.78 81671
of the Revised Code. 81672

(2) Subject to 42 C.F.R. 488.845(g)(2), money deposited into 81673
the fund pursuant to division (A)(3) of this section shall be used 81674
to improve the quality of medicaid services provided by 81675
medicare-certified home health agencies. 81676

(C) The fund shall be maintained and administered by the 81677
department of medicaid under rules developed in consultation with 81678
the departments of health and aging and adopted under section 81679
5162.02 of the Revised Code. The rules shall be adopted in 81680
accordance with Chapter 119. of the Revised Code. 81681

Sec. 5162.70. (A) As used in this section: 81682

(1) "CPI" means the consumer price index for all urban 81683
consumers as published by the United States bureau of labor 81684
statistics. 81685

(2) "CPI medical inflation rate" means the inflation rate for 81686
medical care, or the successor term for medical care, for the 81687
midwest region as specified in the CPI. 81688

(3) "JMOC projected medical inflation rate" means the 81689
following: 81690

(a) The projected medical inflation rate for a fiscal 81691
biennium determined by the actuary with which the joint medicaid 81692

oversight committee contracts under section 103.414 of the Revised Code if the committee agrees with the actuary's projected medical inflation rate for that fiscal biennium;

(b) The different projected medical inflation rate for a fiscal biennium determined by the joint medicaid oversight committee under section 103.414 of the Revised Code if the committee disagrees with the projected medical inflation rate determined for that fiscal biennium by the actuary with which the committee contracts under that section.

(4) "Successor term" means a term that the United States bureau of labor statistics uses in place of another term in revisions to the CPI.

(B) The medicaid director shall implement reforms to the medicaid program that do all of the following:

(1) Limit the growth in the per recipient per month cost of the medicaid program, as determined on an aggregate basis for all eligibility groups, for a fiscal biennium to not more than the lesser of the following:

(a) The average annual increase in the CPI medical inflation rate for the most recent three-year period for which the necessary data is available as of the first day of the fiscal biennium, weighted by the most recent year of the three years;

(b) The JMOC projected medical inflation rate for the fiscal biennium.

(2) Achieve the limit in the growth of the per recipient per month cost of the medicaid program under division (B)(1) of this section by doing all of the following:

(a) Improving the physical and mental health of medicaid recipients;

(b) Providing for medicaid recipients to receive medicaid

services in the most cost-effective and sustainable manner;	81723
(c) Removing barriers that impede medicaid recipients' ability to transfer to lower cost, and more appropriate, medicaid services, including home and community-based services;	81724 81725 81726
(d) Establishing medicaid payment rates that encourage value over volume and result in medicaid services being provided in the most efficient and effective manner possible;	81727 81728 81729
(e) Implementing fraud and abuse prevention and cost avoidance mechanisms to the fullest extent possible;	81730 81731
(f) Integrating in the care management system established under section 5167.03 of the Revised Code the delivery of physical health, behavioral health, nursing facility, and home and community based services covered by medicaid.	81732 81733 81734 81735
(3) Reduce the prevalence of comorbid health conditions among, and the mortality rates of, medicaid recipients;	81736 81737
(4) Reduce infant mortality rates among medicaid recipients.	81738
(C) The medicaid director shall implement the reforms under this section in accordance with evidence-based strategies that include measurable goals.	81739 81740 81741
(D) The reforms implemented under this section shall, without making the medicaid program's eligibility requirements more restrictive, reduce the relative number of individuals enrolled in the medicaid program who have the greatest potential to obtain the income and resources that would enable them to cease enrollment in medicaid and instead obtain health care coverage through employer-sponsored health insurance or an exchange.	81742 81743 81744 81745 81746 81747 81748
Sec. 5163.03. (A) Subject to section 5163.05 of the Revised Code, the medicaid program shall cover all mandatory eligibility groups.	81749 81750 81751

(B) The medicaid program shall cover all of the optional
eligibility groups that state statutes require the medicaid
program to cover. 81752
81753
81754

(C) The medicaid program may cover any of the optional
eligibility groups to which either of the following applies: 81755
81756

(1) State statutes expressly permit the medicaid program to
cover the optional eligibility group. 81757
81758

(2) ~~State statutes do not address whether the~~ The medicaid
~~program may cover~~ covers the optional eligibility group on the
effective date of this amendment. 81759
81760
81761

(D) The medicaid program shall not cover ~~any~~ an optional
eligibility group ~~that state~~ to which either of the following
applies: 81762
81763
81764

(1) State statutes prohibit the medicaid program from
covering the optional eligibility group. 81765
81766

(2) Except as provided in divisions (B) and (C)(1) of this
section, the medicaid program does not cover the optional
eligibility group on the effective date of this amendment. 81767
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Sec. 5164.01. As used in this chapter: 81770

(A) "Adjudication" has the same meaning as in section 119.01
of the Revised Code. 81771
81772

(B) "Early and periodic screening, diagnostic, and treatment
services" has the same meaning as in the "Social Security Act,"
section 1905(r), 42 U.S.C. 1396d(r). 81773
81774
81775

(C) "Federal financial participation" has the same meaning as
in section 5160.01 of the Revised Code. 81776
81777

(D) "Federal poverty line" has the same meaning as in section
5162.01 of the Revised Code. 81778
81779

(E) "Healthcheck" means the component of the medicaid program 81780

that provides early and periodic screening, diagnostic, and 81781
treatment services. 81782

~~(E)~~(F) "Home and community-based services medicaid waiver 81783
component" has the same meaning as in section 5166.01 of the 81784
Revised Code. 81785

~~(F)~~(G) "Hospital" has the same meaning as in section 3727.01 81786
of the Revised Code. 81787

~~(G)~~(H) "ICDS participant" means a dual eligible individual 81788
who participates in the integrated care delivery system. 81789

~~(H)~~(I) "ICF/IID" has the same meaning as in section 5124.01 81790
of the Revised Code. 81791

~~(I)~~(J) "Integrated care delivery system" and "ICDS" mean the 81792
demonstration project authorized by section 5164.91 of the Revised 81793
Code. 81794

~~(J)~~(K) "Mandatory services" means the health care services 81795
and items that must be covered by the medicaid state plan as a 81796
condition of the state receiving federal financial participation 81797
for the medicaid program. 81798

~~(K)~~(L) "Medicaid managed care organization" has the same 81799
meaning as in section 5167.01 of the Revised Code. 81800

~~(L)~~(M) "Medicaid provider" means a person or government 81801
entity with a valid provider agreement to provide medicaid 81802
services to medicaid recipients. To the extent appropriate in the 81803
context, "medicaid provider" includes a person or government 81804
entity applying for a provider agreement, a former medicaid 81805
provider, or both. 81806

~~(M)~~(N) "Medicaid services" means either or both of the 81807
following: 81808

(1) Mandatory services; 81809

(2) Optional services that the medicaid program covers. 81810

~~(N)~~(O) "Nursing facility" has the same meaning as in section 81811
5165.01 of the Revised Code. 81812

~~(O)~~(P) "Optional services" means the health care services and 81813
items that may be covered by the medicaid state plan or a federal 81814
medicaid waiver and for which the medicaid program receives 81815
federal financial participation. 81816

~~(P)~~(Q) "Prescribed drug" has the same meaning as in 42 C.F.R. 81817
440.120. 81818

~~(Q)~~(R) "Provider agreement" means an agreement to which all 81819
of the following apply: 81820

(1) It is between a medicaid provider and the department of 81821
medicaid; 81822

(2) It provides for the medicaid provider to provide medicaid 81823
services to medicaid recipients; 81824

(3) It complies with 42 C.F.R. 431.107(b). 81825

~~(R)~~(S) "State plan home and community-based services" means 81826
home and community-based services that, as authorized by section 81827
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 81828
covered by the medicaid program pursuant to an amendment to the 81829
medicaid state plan. 81830

(T) "Terminal distributor of dangerous drugs" has the same 81831
meaning as in section 4729.01 of the Revised Code. 81832

Sec. 5164.10. The medicaid program may cover one or more 81833
state plan home and community-based services that the department 81834
of medicaid selects for coverage. A medicaid recipient of any age 81835
may receive a state plan home and community-based service if the 81836
recipient has countable income not exceeding two hundred 81837
twenty-five per cent of the federal poverty line, has a medical 81838
need for the service, and meets all other eligibility requirements 81839
for the service specified in rules adopted under section 5164.02 81840

of the Revised Code. The rules may not require a medicaid 81841
recipient to undergo a level of care determination to be eligible 81842
for a state plan home and community-based service. 81843

Sec. 5164.29. Not later than December 31, 2018, the 81844
department of medicaid shall develop and implement revisions to 81845
the system by which persons and government entities become and 81846
remain medicaid providers so that there is a single system of 81847
records for the system and the persons and government entities do 81848
not have to submit duplicate data to the state to become or remain 81849
medicaid providers for any component or aspect of a component of 81850
the medicaid program, including a component or aspect of a 81851
component administered by another state agency or political 81852
subdivision pursuant to a contract entered into under section 81853
5162.35 of the Revised Code. The departments of aging, 81854
developmental disabilities, and mental health and addiction 81855
services shall participate in the development of the revisions and 81856
shall utilize the revised system. 81857

Sec. 5164.31. (A) For the purpose of raising funds necessary 81858
to pay the expenses of implementing the provider screening 81859
requirements of subpart E of 42 C.F.R. Part 455 and except as 81860
provided in division (B) of this section, the department of 81861
medicaid shall collect an application fee from a medicaid provider 81862
before doing any of the following: 81863

(1) Entering into a provider agreement with a medicaid 81864
provider that seeks initial enrollment as a provider; 81865

(2) Entering into a provider agreement with a former medicaid 81866
provider that seeks re-enrollment as a provider; 81867

(3) Revalidating a medicaid provider's continued enrollment 81868
as a provider. 81869

(B) The department is not to collect an application fee from a medicaid provider that is exempt from paying the fee under 42 C.F.R. 455.460(a). 81870
81871
81872

(C) The application fees shall be deposited into the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code. 81873
81874
Application fees are nonrefundable when collected in accordance 81875
with 42 C.F.R. 455.460(a). 81876
81877

(D) The medicaid director shall adopt rules under section 81878
5164.02 of the Revised Code as necessary to implement this 81879
section, including a rule establishing the amount of the 81880
application fee to be collected under this section. The amount of 81881
the application fee shall not be set at an amount that is more 81882
than necessary to pay for the expenses of implementing the 81883
provider screening requirements. 81884

Sec. 5164.34. (A) As used in this section: 81885

(1) "Criminal records check" has the same meaning as in 81886
section 109.572 of the Revised Code. 81887

(2) "Disqualifying offense" means any of the offenses listed 81888
or described in divisions (A)(3)(a) to (e) of section 109.572 of 81889
the Revised Code. 81890

(3) "Owner" means a person who has an ownership interest in a 81891
medicaid provider in an amount designated in rules authorized by 81892
this section. 81893

(4) "Person subject to the criminal records check 81894
requirement" means the following: 81895

(a) A medicaid provider who is notified under division (E)(1) 81896
of this section that the provider is subject to a criminal records 81897
check; 81898

(b) An owner or prospective owner, officer or prospective 81899

officer, or board member or prospective board member of a medicaid 81900
provider if, pursuant to division (E)(1)(a) of this section, the 81901
owner or prospective owner, officer or prospective officer, or 81902
board member or prospective board member is specified in 81903
information given to the provider under division (E)(1) of this 81904
section; 81905

(c) An employee or prospective employee of a medicaid 81906
provider if both of the following apply: 81907

(i) The employee or prospective employee is specified, 81908
pursuant to division (E)(1)(b) of this section, in information 81909
given to the provider under division (E)(1) of this section. 81910

(ii) The provider is not prohibited by division (D)(3)(b) of 81911
this section from employing the employee or prospective employee. 81912

(5) "Responsible entity" means the following: 81913

(a) With respect to a criminal records check required under 81914
this section for a medicaid provider, the department of medicaid 81915
or the department's designee; 81916

(b) With respect to a criminal records check required under 81917
this section for an owner or prospective owner, officer or 81918
prospective officer, board member or prospective board member, or 81919
employee or prospective employee of a medicaid provider, the 81920
provider. 81921

(B) This section does not apply to any of the following: 81922

(1) An individual who is subject to a criminal records check 81923
under section 3712.09, 3721.121, 5123.081, or 5123.169, ~~or~~ 81924
~~5164.341~~ of the Revised Code ~~or any~~ 81925

(2) An individual who is subject to a database review or 81926
criminal records check under section 173.38, 173.381, 3701.881, or 81927
5164.342 of the Revised Code; 81928

(3) An individual who is an applicant or independent 81929

<u>provider, both as defined in section 5164.341 of the Revised Code.</u>	81930
(C) The department of medicaid may do any of the following:	81931
(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement;	81932 81933 81934
(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;	81935 81936 81937 81938 81939
(3) Require that any medicaid provider do the following:	81940
(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider is included in a database;	81941 81942 81943 81944
(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider.	81945 81946 81947 81948 81949
(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies:	81950 81951 81952 81953
(a) The provider fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.	81954 81955 81956
(b) Except as provided in rules authorized by this section, the provider is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense,	81957 81958 81959

regardless of the date of the conviction or the date of entry of 81960
the guilty plea. 81961

(2) No medicaid provider shall permit a person to be an 81962
owner, officer, or board member of the provider if the person is a 81963
person subject to the criminal records check requirement and 81964
either of the following applies: 81965

(a) The person fails to obtain the criminal records check 81966
after being given the information specified in division (G)(1) of 81967
this section. 81968

(b) Except as provided in rules authorized by this section, 81969
the person is found by the criminal records check to have been 81970
convicted of or have pleaded guilty to a disqualifying offense, 81971
regardless of the date of the conviction or the date of entry of 81972
the guilty plea. 81973

(3) No medicaid provider shall employ a person if any of the 81974
following apply: 81975

(a) The person has been excluded from being a medicaid 81976
provider, a medicare provider, or provider for any other federal 81977
health care program. 81978

(b) If the person is subject to a database review conducted 81979
under division (F)(1)(a) of this section, the person is found by 81980
the database review to be included in a database and the rules 81981
authorized by this section regarding the database review prohibit 81982
the provider from employing a person included in the database. 81983

(c) If the person is a person subject to the criminal records 81984
check requirement, either of the following applies: 81985

(i) The person fails to obtain the criminal records check 81986
after being given the information specified in division (G)(1) of 81987
this section. 81988

(ii) Except as provided in rules authorized by this section, 81989

the person is found by the criminal records check to have been 81990
convicted of or have pleaded guilty to a disqualifying offense, 81991
regardless of the date of the conviction or the date of entry of 81992
the guilty plea. 81993

(E)(1) The department or the department's designee shall 81994
inform each medicaid provider whether the provider is subject to a 81995
criminal records check. For providers with valid provider 81996
agreements, the information shall be given at times designated in 81997
rules authorized by this section. For providers applying to be 81998
medicaid providers, the information shall be given at the time of 81999
initial application. When the information is given, the department 82000
or the department's designee shall specify the following: 82001

(a) Which of the provider's owners or prospective owners, 82002
officers or prospective officers, or board members or prospective 82003
board members are subject to a criminal records check; 82004

(b) Which of the provider's employees or prospective 82005
employees are subject to division (C)(3) of this section. 82006

(2) At times designated in rules authorized by this section, 82007
a medicaid provider that is a person subject to the criminal 82008
records check requirement shall do the following: 82009

(a) Inform each person specified under division (E)(1)(a) of 82010
this section that the person is required to submit to a criminal 82011
records check as a condition of being an owner, officer, or board 82012
member of the provider; 82013

(b) Inform each person specified under division (E)(1)(b) of 82014
this section that the person is subject to division (C)(3) of this 82015
section. 82016

(F)(1) If a medicaid provider is a person subject to the 82017
criminal records check requirement, the department or the 82018
department's designee shall require the conduct of a criminal 82019
records check by the superintendent of the bureau of criminal 82020

identification and investigation. A medicaid provider shall 82021
require the conduct of a criminal records check by the 82022
superintendent with respect to each of the persons specified under 82023
division (E)(1)(a) of this section. With respect to each employee 82024
and prospective employee specified under division (E)(1)(b) of 82025
this section, a medicaid provider shall do the following: 82026

(a) If rules authorized by this section require the provider 82027
to conduct a database review to determine whether the employee or 82028
prospective employee is included in a database, conduct the 82029
database review in accordance with the rules; 82030

(b) Unless the provider is prohibited by division (D)(3)(b) 82031
of this section from employing the employee or prospective 82032
employee, require the conduct of a criminal records check of the 82033
employee or prospective employee by the superintendent. 82034

(2) If a person subject to the criminal records check 82035
requirement does not present proof of having been a resident of 82036
this state for the five-year period immediately prior to the date 82037
the criminal records check is requested or provide evidence that 82038
within that five-year period the superintendent has requested 82039
information about the person from the federal bureau of 82040
investigation in a criminal records check, the responsible entity 82041
shall require the person to request that the superintendent obtain 82042
information from the federal bureau of investigation as part of 82043
the criminal records check of the person. Even if the person 82044
presents proof of having been a resident of this state for the 82045
five-year period, the responsible entity may require that the 82046
person request that the superintendent obtain information from the 82047
federal bureau of investigation and include it in the criminal 82048
records check of the person. 82049

(G) Criminal records checks required by this section shall be 82050
obtained as follows: 82051

(1) The responsible entity shall provide each person subject to the criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section.

(2) The person subject to the criminal records check requirement shall submit the required form and one complete set of the person's fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check.

(3) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check requirement shall instruct the superintendent to submit the report of the criminal records check directly to the responsible entity. If the department or the department's designee is not the responsible entity, the department or designee may require the responsible entity to submit the report to the department or designee.

(H)(1) A medicaid provider may employ conditionally a person for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The provider is not prohibited by division (D)(3)(b) of this section from employing the person.

(b) The person submits a request for the criminal records check not later than five business days after the person begins conditional employment.

(2) A medicaid provider that employs a person conditionally

under division (H)(1) of this section shall terminate the person's 82083
employment if the results of the criminal records check request 82084
are not obtained within the period ending sixty days after the 82085
date the request is made. Regardless of when the results of the 82086
criminal records check are obtained, if the results indicate that 82087
the person has been convicted of or has pleaded guilty to a 82088
disqualifying offense, the provider shall terminate the person's 82089
employment unless circumstances specified in rules authorized by 82090
this section exist that permit the provider to employ the person 82091
and the provider chooses to employ the person. 82092

(I) The report of a criminal records check conducted pursuant 82093
to this section is not a public record for the purposes of section 82094
149.43 of the Revised Code and shall not be made available to any 82095
person other than the following: 82096

(1) The person who is the subject of the criminal records 82097
check or the person's representative; 82098

(2) The medicaid director and the staff of the department who 82099
are involved in the administration of the medicaid program; 82100

(3) The department's designee; 82101

(4) The medicaid provider who required the person who is the 82102
subject of the criminal records check to submit to the criminal 82103
records check; 82104

(5) An individual receiving or deciding whether to receive, 82105
from the subject of the criminal records check, home and 82106
community-based services available under the medicaid state plan; 82107

(6) A court, hearing officer, or other necessary individual 82108
involved in a case dealing with any of the following: 82109

(a) The denial or termination of a provider agreement; 82110

(b) A person's denial of employment, termination of 82111
employment, or employment or unemployment benefits; 82112

(c) A civil or criminal action regarding the medicaid program.	82113 82114
(J) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:	82115 82116 82117 82118 82119
(1) Designate the categories of persons who are subject to a criminal records check under this section;	82120 82121
(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;	82122 82123 82124 82125 82126 82127
(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense;	82128 82129 82130 82131 82132
(4) Specify all of the following:	82133
(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;	82134 82135 82136 82137
(b) The procedures for conducting the database review;	82138
(c) The databases that are to be checked;	82139
(d) The circumstances under which a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.	82140 82141 82142

Sec. 5164.341. (A) As used in this section:	82143
"Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after September 26, 2003.	82144 82145 82146
"Applicant" means a person who has applied for a provider agreement to provide home and community-based services as an independent provider under a home and community-based medicaid waiver component administered by the department of medicaid.	82147 82148 82149 82150
"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	82151 82152
"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	82153 82154 82155
"Independent provider" means a person who has a provider agreement to provide home and community-based services as an independent provider in a home and community-based services medicaid waiver component administered by the department of medicaid.	82156 82157 82158 82159 82160
(B) The department of medicaid or the department's designee shall deny an applicant's application for a provider agreement and shall terminate an independent provider's provider agreement if either of the following applies:	82161 82162 82163 82164
(1) After the applicant or independent provider is given the information and notification required by divisions (D)(2)(a) and (b) of this section, the applicant or independent provider fails to do either of the following:	82165 82166 82167 82168
(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant	82169 82170 82171 82172

to division (C)(2) of that section; 82173

(b) Instruct the superintendent to submit the completed 82174
report of the criminal records check required by this section 82175
directly to the department or the department's designee. 82176

(2) Except as provided in rules authorized by this section, 82177
the applicant or independent provider is found by ~~a criminal~~ 82178
~~records check required by this section~~ either of the following to 82179
have been convicted of or have pleaded guilty to a disqualifying 82180
offense, regardless of the date of the conviction or the date of 82181
entry of the guilty plea: 82182

(a) A criminal records check required by this section; 82183

(b) In the case of an independent provider, a notice provided 82184
by the bureau of criminal identification and investigation under 82185
division (D) of section 109.5721 of the Revised Code. 82186

(C)(1) The department or the department's designee shall 82187
inform each applicant, at the time of initial application for a 82188
provider agreement, that the applicant is required to provide a 82189
set of the applicant's fingerprint impressions and that a criminal 82190
records check is required to be conducted as a condition of the 82191
department's approving the application. 82192

(2) ~~Beginning on September 26, 2003~~ Unless the department 82193
elects to receive notices about independent providers from the 82194
bureau of criminal identification and investigation pursuant to 82195
division (D) of section 109.5721 of the Revised Code, the 82196
department or the department's designee shall inform each 82197
independent provider on or before the time of the anniversary date 82198
of the provider agreement that the independent provider is 82199
required to provide a set of the independent provider's 82200
fingerprint impressions and that a criminal records check is 82201
required to be conducted. 82202

(D)(1) The department or the department's designee shall 82203

require an applicant to complete a criminal records check prior to 82204
entering into a provider agreement with the applicant. The 82205
department or the department's designee shall require an 82206
independent provider to complete a criminal records check at least 82207
annually unless the department elects to receive notices about 82208
independent providers from the bureau of criminal identification 82209
and investigation pursuant to division (D) of section 109.5721 of 82210
the Revised Code. If an applicant or independent provider for whom 82211
a criminal records check is required by this section does not 82212
present proof of having been a resident of this state for the 82213
five-year period immediately prior to the date the criminal 82214
records check is requested or provide evidence that within that 82215
five-year period the superintendent of the bureau of criminal 82216
identification and investigation has requested information about 82217
the applicant or independent provider from the federal bureau of 82218
investigation in a criminal records check, the department or the 82219
department's designee shall request that the applicant or 82220
independent provider obtain through the superintendent a criminal 82221
records request from the federal bureau of investigation as part 82222
of the criminal records check of the applicant or independent 82223
provider. Even if an applicant or independent provider for whom a 82224
criminal records check request is required by this section 82225
presents proof of having been a resident of this state for the 82226
five-year period, the department or the department's designee may 82227
request that the applicant or independent provider obtain 82228
information through the superintendent from the federal bureau of 82229
investigation in the criminal records check. 82230

(2) The department or the department's designee shall provide 82231
the following to each applicant and independent provider for whom 82232
a criminal records check is required by this section: 82233

(a) Information about accessing, completing, and forwarding 82234
to the superintendent of the bureau of criminal identification and 82235

investigation the form prescribed pursuant to division (C)(1) of 82236
section 109.572 of the Revised Code and the standard impression 82237
sheet prescribed pursuant to division (C)(2) of that section; 82238

(b) Written notification that the applicant or independent 82239
provider is to instruct the superintendent to submit the completed 82240
report of the criminal records check directly to the department or 82241
the department's designee. 82242

(3) Each applicant and independent provider for whom a 82243
criminal records check is required by this section shall pay to 82244
the bureau of criminal identification and investigation the fee 82245
prescribed pursuant to division (C)(3) of section 109.572 of the 82246
Revised Code for the criminal records check conducted of the 82247
applicant or independent provider. 82248

(E) ~~The~~ Neither the report of any criminal records check 82249
conducted by the bureau of criminal identification and 82250
investigation in accordance with section 109.572 of the Revised 82251
Code and pursuant to a request made under this section nor a 82252
notice provided by the bureau under division (D) of section 82253
109.5721 of the Revised Code is ~~not~~ a public record for the 82254
purposes of section 149.43 of the Revised Code and. Such a report 82255
or notice shall not be made available to any person other than the 82256
following: 82257

(1) The person who is the subject of the criminal records 82258
check or the person's representative; 82259

(2) The medicaid director and the staff of the department who 82260
are involved in the administration of the medicaid program; 82261

(3) The department's designee; 82262

(4) An individual receiving or deciding whether to receive 82263
home and community-based services from the person who is the 82264
subject of the criminal records check or notice from the bureau; 82265

(5) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following:	82266 82267
(a) A denial or termination of a provider agreement related to the criminal records check <u>or notice from the bureau;</u>	82268 82269
(b) A civil or criminal action regarding the medicaid program.	82270 82271
(F) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. The rules shall specify circumstances under which the department or the department's designee may either approve an applicant's application or allow an independent provider to maintain an existing provider agreement even though the applicant or independent provider is found by a criminal records check required by this section <u>either of the following</u> to have been convicted of or have pleaded guilty to a disqualifying offense:	82272 82273 82274 82275 82276 82277 82278 82279 82280
(1) <u>A criminal records check required by this section;</u>	82281
(2) <u>In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code.</u>	82282 82283 82284
Sec. 5164.342. (A) As used in this section:	82285
"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.	82286 82287 82288 82289
"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.	82290 82291
"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.	82292 82293
"Criminal records check" has the same meaning as in section	82294

109.572 of the Revised Code. 82295

"Disqualifying offense" means any of the offenses listed or 82296
described in divisions (A)(3)(a) to (e) of section 109.572 of the 82297
Revised Code. 82298

"Employee" means a person employed by a waiver agency in a 82299
full-time, part-time, or temporary position that involves 82300
providing home and community-based services. 82301

"Waiver agency" means a person or government entity that 82302
provides home and community-based services under a home and 82303
community-based services medicaid waiver component administered by 82304
the department of medicaid, other than such a person or government 82305
entity that is certified under the medicare program. "Waiver 82306
agency" does not mean an independent provider as defined in 82307
section 5164.341 of the Revised Code. 82308

(B) This section does not apply to any individual who is 82309
subject to a database review or criminal records check under 82310
section 3701.881 of the Revised Code. If a waiver agency also is a 82311
community-based long-term care provider or community-based 82312
long-term care subcontractor, the waiver agency may provide for 82313
applicants and employees to undergo database reviews and criminal 82314
records checks in accordance with section 173.38 of the Revised 82315
Code rather than this section. 82316

(C) No waiver agency shall employ an applicant or continue to 82317
employ an employee in a position that involves providing home and 82318
community-based services if any of the following apply: 82319

(1) A review of the databases listed in division (E) of this 82320
section reveals any of the following: 82321

(a) That the applicant or employee is included in one or more 82322
of the databases listed in divisions (E)(1) to (5) of this 82323
section; 82324

(b) That there is in the state nurse aide registry 82325
established under section 3721.32 of the Revised Code a statement 82326
detailing findings by the director of health that the applicant or 82327
employee abused, neglected, or ~~abused~~ exploited a long-term care 82328
facility or residential care facility resident or misappropriated 82329
property of such a resident; 82330

(c) That the applicant or employee is included in one or more 82331
of the databases, if any, specified in rules authorized by this 82332
section and the rules prohibit the waiver agency from employing an 82333
applicant or continuing to employ an employee included in such a 82334
database in a position that involves providing home and 82335
community-based services. 82336

(2) After the applicant or employee is given the information 82337
and notification required by divisions (F)(2)(a) and (b) of this 82338
section, the applicant or employee fails to do either of the 82339
following: 82340

(a) Access, complete, or forward to the superintendent of the 82341
bureau of criminal identification and investigation the form 82342
prescribed to division (C)(1) of section 109.572 of the Revised 82343
Code or the standard impression sheet prescribed pursuant to 82344
division (C)(2) of that section; 82345

(b) Instruct the superintendent to submit the completed 82346
report of the criminal records check required by this section 82347
directly to the chief administrator of the waiver agency. 82348

(3) Except as provided in rules authorized by this section, 82349
the applicant or employee is found by a criminal records check 82350
required by this section to have been convicted of or have pleaded 82351
guilty to a disqualifying offense, regardless of the date of the 82352
conviction or date of entry of the guilty plea. 82353

(D) At the time of each applicant's initial application for 82354
employment in a position that involves providing home and 82355

community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following: 82356
82357

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position; 82358
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82360
82361

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check. 82362
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(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules authorized by this section. If rules authorized by this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following: 82367
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(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management; 82378
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82380
82381

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 82382
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82384
82385

(3) The registry of developmental disabilities employees 82386

established under section 5123.52 of the Revised Code; 82387

(4) The internet-based sex offender and child-victim offender 82388
database established under division (A)(11) of section 2950.13 of 82389
the Revised Code; 82390

(5) The internet-based database of inmates established under 82391
section 5120.66 of the Revised Code; 82392

(6) The state nurse aide registry established under section 82393
3721.32 of the Revised Code; 82394

(7) Any other database, if any, specified in rules authorized 82395
by this section. 82396

(F)(1) As a condition of employing any applicant in a 82397
position that involves providing home and community-based 82398
services, the chief administrator of a waiver agency shall require 82399
the applicant to request that the superintendent of the bureau of 82400
criminal identification and investigation conduct a criminal 82401
records check of the applicant. If rules authorized by this 82402
section so require, the chief administrator of a waiver agency 82403
shall require an employee to request that the superintendent 82404
conduct a criminal records check of the employee at times 82405
specified in the rules as a condition of continuing to employ the 82406
employee in a position that involves providing home and 82407
community-based services. However, a criminal records check is not 82408
required for an applicant or employee if the waiver agency is 82409
prohibited by division (C)(1) of this section from employing the 82410
applicant or continuing to employ the employee in a position that 82411
involves providing home and community-based services. If an 82412
applicant or employee for whom a criminal records check request is 82413
required by this section does not present proof of having been a 82414
resident of this state for the five-year period immediately prior 82415
to the date the criminal records check is requested or provide 82416
evidence that within that five-year period the superintendent has 82417

requested information about the applicant or employee from the 82418
federal bureau of investigation in a criminal records check, the 82419
chief administrator shall require the applicant or employee to 82420
request that the superintendent obtain information from the 82421
federal bureau of investigation as part of the criminal records 82422
check. Even if an applicant or employee for whom a criminal 82423
records check request is required by this section presents proof 82424
of having been a resident of this state for the five-year period, 82425
the chief administrator may require the applicant or employee to 82426
request that the superintendent include information from the 82427
federal bureau of investigation in the criminal records check. 82428

(2) The chief administrator shall provide the following to 82429
each applicant and employee for whom a criminal records check is 82430
required by this section: 82431

(a) Information about accessing, completing, and forwarding 82432
to the superintendent of the bureau of criminal identification and 82433
investigation the form prescribed pursuant to division (C)(1) of 82434
section 109.572 of the Revised Code and the standard impression 82435
sheet prescribed pursuant to division (C)(2) of that section; 82436

(b) Written notification that the applicant or employee is to 82437
instruct the superintendent to submit the completed report of the 82438
criminal records check directly to the chief administrator. 82439

(3) A waiver agency shall pay to the bureau of criminal 82440
identification and investigation the fee prescribed pursuant to 82441
division (C)(3) of section 109.572 of the Revised Code for any 82442
criminal records check required by this section. However, a waiver 82443
agency may require an applicant to pay to the bureau the fee for a 82444
criminal records check of the applicant. If the waiver agency pays 82445
the fee for an applicant, it may charge the applicant a fee not 82446
exceeding the amount the waiver agency pays to the bureau under 82447
this section if the waiver agency notifies the applicant at the 82448
time of initial application for employment of the amount of the 82449

fee and that, unless the fee is paid, the applicant will not be 82450
considered for employment. 82451

(G)(1) A waiver agency may employ conditionally an applicant 82452
for whom a criminal records check is required by this section 82453
prior to obtaining the results of the criminal records check if 82454
both of the following apply: 82455

(a) The waiver agency is not prohibited by division (C)(1) of 82456
this section from employing the applicant in a position that 82457
involves providing home and community-based services. 82458

(b) The chief administrator of the waiver agency requires the 82459
applicant to request a criminal records check regarding the 82460
applicant in accordance with division (F)(1) of this section not 82461
later than five business days after the applicant begins 82462
conditional employment. 82463

(2) A waiver agency that employs an applicant conditionally 82464
under division (G)(1) of this section shall terminate the 82465
applicant's employment if the results of the criminal records 82466
check, other than the results of any request for information from 82467
the federal bureau of investigation, are not obtained within the 82468
period ending sixty days after the date the request for the 82469
criminal records check is made. Regardless of when the results of 82470
the criminal records check are obtained, if the results indicate 82471
that the applicant has been convicted of or has pleaded guilty to 82472
a disqualifying offense, the waiver agency shall terminate the 82473
applicant's employment unless circumstances specified in rules 82474
authorized by this section exist that permit the waiver agency to 82475
employ the applicant and the waiver agency chooses to employ the 82476
applicant. 82477

(H) The report of any criminal records check conducted 82478
pursuant to a request made under this section is not a public 82479
record for the purposes of section 149.43 of the Revised Code and 82480

shall not be made available to any person other than the	82481
following:	82482
(1) The applicant or employee who is the subject of the	82483
criminal records check or the representative of the applicant or	82484
employee;	82485
(2) The chief administrator of the waiver agency that	82486
requires the applicant or employee to request the criminal records	82487
check or the administrator's representative;	82488
(3) The medicaid director and the staff of the department who	82489
are involved in the administration of the medicaid program;	82490
(4) The director of aging or the director's designee if the	82491
waiver agency also is a community-based long-term care provider or	82492
community-based long-term care subcontractor;	82493
(5) An individual receiving or deciding whether to receive	82494
home and community-based services from the subject of the criminal	82495
records check;	82496
(6) A court, hearing officer, or other necessary individual	82497
involved in a case dealing with any of the following:	82498
(a) A denial of employment of the applicant or employee;	82499
(b) Employment or unemployment benefits of the applicant or	82500
employee;	82501
(c) A civil or criminal action regarding the medicaid	82502
program.	82503
(I) The medicaid director shall adopt rules under section	82504
5164.02 of the Revised Code to implement this section.	82505
(1) The rules may do the following:	82506
(a) Require employees to undergo database reviews and	82507
criminal records checks under this section;	82508
(b) If the rules require employees to undergo database	82509

reviews and criminal records checks under this section, exempt one 82510
or more classes of employees from the requirements; 82511

(c) For the purpose of division (E)(7) of this section, 82512
specify other databases that are to be checked as part of a 82513
database review conducted under this section. 82514

(2) The rules shall specify all of the following: 82515

(a) The procedures for conducting a database review under 82516
this section; 82517

(b) If the rules require employees to undergo database 82518
reviews and criminal records checks under this section, the times 82519
at which the database reviews and criminal records checks are to 82520
be conducted; 82521

(c) If the rules specify other databases to be checked as 82522
part of a database review, the circumstances under which a waiver 82523
agency is prohibited from employing an applicant or continuing to 82524
employ an employee who is found by the database review to be 82525
included in one or more of those databases; 82526

(d) The circumstances under which a waiver agency may employ 82527
an applicant or employee who is found by a criminal records check 82528
required by this section to have been convicted of or have pleaded 82529
guilty to a disqualifying offense. 82530

(J) The amendments made by H.B. 487 of the 129th general 82531
assembly to this section do not preclude the department of 82532
medicaid from taking action against a person for failure to comply 82533
with former division (H) of this section as that division existed 82534
on the day preceding January 1, 2013. 82535

Sec. 5164.37. (A) As used in this section: 82536

(1) "Independent provider" has the same meaning as in section 82537
5164.341 of the Revised Code. 82538

(2) "Noninstitutional medicaid provider" means any person or 82539
entity with a provider agreement other than a hospital, nursing 82540
facility, or ICF/IID. 82541

(3) "Owner" means any person having at least five per cent 82542
ownership in a noninstitutional medicaid provider. 82543

(B) Notwithstanding any provision of this chapter to the 82544
contrary, the department of medicaid shall take action under this 82545
section against a noninstitutional medicaid provider or its owner, 82546
officer, authorized agent, associate, manager, or employee. 82547

(C) Except as provided in division (D) of this section and in 82548
rules authorized by this section, on receiving notice and a copy 82549
of an indictment that is issued on or after September 29, 2007, 82550
and charges a noninstitutional medicaid provider or its owner, 82551
officer, authorized agent, associate, manager, or employee with 82552
committing an offense specified in division (E) of this section, 82553
the department shall suspend the provider agreement held by the 82554
noninstitutional medicaid provider. Subject to division (D) of 82555
this section, the department shall also terminate medicaid 82556
payments to the provider for medicaid services rendered. 82557

The suspension shall continue in effect until the proceedings 82558
in the criminal case are completed through dismissal of the 82559
indictment or through conviction, entry of a guilty plea, or 82560
finding of not guilty. If the department commences a process to 82561
terminate the suspended provider agreement, the suspension shall 82562
also continue in effect until the termination process is 82563
concluded. 82564

When subject to a suspension under this division, a provider, 82565
owner, officer, authorized agent, associate, manager, or employee 82566
shall not own or provide medicaid services to any other medicaid 82567
provider or risk contractor or arrange for, render, or order 82568
medicaid services for medicaid recipients during the period of 82569

suspension. During the period of suspension, the provider, owner, 82570
officer, authorized agent, associate, manager, or employee shall 82571
not receive direct payments under the medicaid program or indirect 82572
payments of medicaid funds in the form of salary, shared fees, 82573
contracts, kickbacks, or rebates from or through any other 82574
medicaid provider or risk contractor. 82575

(D)(1) The department shall not suspend a provider agreement 82576
or terminate medicaid payments under division (C) of this section 82577
if the provider or owner can demonstrate through the submission of 82578
written evidence that the provider or owner did not directly or 82579
indirectly sanction the action of its authorized agent, associate, 82580
manager, or employee that resulted in the indictment. 82581

(2) The termination of medicaid payments applies only to 82582
payments for medicaid services rendered subsequent to the date on 82583
which the notice required under division (F) of this section is 82584
sent. Claims for payment for medicaid services rendered by the 82585
provider prior to the issuance of the notice may be subject to 82586
prepayment review procedures whereby the department reviews claims 82587
to determine whether they are supported by sufficient 82588
documentation, are in compliance with state and federal statutes 82589
and rules, and are otherwise complete. 82590

(E)(1) In the case of a noninstitutional medicaid provider 82591
that is not an independent provider, the suspension of a provider 82592
agreement under division (C) of this section applies when an 82593
indictment charges a person with committing an act that would be a 82594
felony or misdemeanor under the laws of this state and the act 82595
relates to or results from either of the following: 82596

(a) Furnishing or billing for medicaid services under the 82597
medicaid program; 82598

(b) Participating in the performance of management or 82599
administrative services relating to furnishing medicaid services 82600

under the medicaid program. 82601

(2) In the case of a noninstitutional medicaid provider that 82602
is an independent provider, the suspension of a provider agreement 82603
under division (C) of this section applies when an indictment 82604
charges a person with committing an act that would constitute a 82605
disqualifying offense as defined in section ~~5164.34~~ 5164.341 of 82606
the Revised Code. 82607

(F) Not later than five days after suspending a provider 82608
agreement under division (C) of this section, the department shall 82609
send notice of the suspension to the affected provider or owner. 82610
In providing the notice, the department shall do all of the 82611
following: 82612

(1) Describe the indictment that was the cause of the 82613
suspension, without necessarily disclosing specific information 82614
concerning any ongoing civil or criminal investigation; 82615

(2) State that the suspension will continue in effect until 82616
the proceedings in the criminal case are completed through 82617
dismissal of the indictment or through conviction, entry of a 82618
guilty plea, or finding of not guilty and, if the department 82619
commences a process to terminate the suspended provider agreement, 82620
until the termination process is concluded; 82621

(3) Inform the provider or owner of the opportunity to submit 82622
to the department, not later than thirty days after receiving the 82623
notice, a request for a reconsideration pursuant to division (G) 82624
of this section. 82625

(G)(1) Pursuant to the procedure specified in division (G)(2) 82626
of this section, a noninstitutional medicaid provider or owner 82627
subject to a suspension under this section may request a 82628
reconsideration. The request shall be made not later than thirty 82629
days after receipt of the notice provided under division (F) of 82630
this section. The reconsideration is not subject to an 82631

adjudication hearing pursuant to Chapter 119. of the Revised Code. 82632

(2) In requesting a reconsideration, the provider or owner 82633
shall submit written information and documents to the department. 82634
The information and documents may pertain to any of the following 82635
issues: 82636

(a) Whether the determination to suspend the provider 82637
agreement was based on a mistake of fact, other than the validity 82638
of the indictment; 82639

(b) Whether any offense charged in the indictment resulted 82640
from an offense specified in division (E) of this section; 82641

(c) Whether the provider or owner can demonstrate that the 82642
provider or owner did not directly or indirectly sanction the 82643
action of its authorized agent, associate, manager, or employee 82644
that resulted in the indictment. 82645

(3) The department shall review the information and documents 82646
submitted in a request for reconsideration. After the review, the 82647
suspension may be affirmed, reversed, or modified, in whole or in 82648
part. The department shall notify the affected provider or owner 82649
of the results of the review. The review and notification of its 82650
results shall be completed not later than forty-five days after 82651
receiving the information and documents submitted in a request for 82652
reconsideration. 82653

(H) Rules adopted under section 5164.02 of the Revised Code 82654
may specify circumstances under which the department would not 82655
suspend a provider agreement pursuant to this section. 82656

Sec. 5164.57. (A)(1) Except as provided in ~~division~~ divisions 82657
(A)(2) and (3) of this section, the department of medicaid may 82658
recover a medicaid payment or portion of a payment made to a 82659
medicaid provider to which the provider is not entitled if the 82660
department notifies the provider of the overpayment during the 82661

five-year period immediately following the end of the state fiscal year in which the overpayment was made. 82662
82663

(2) In the case of a hospital medicaid provider, if the department determines as a result of a medicare or medicaid cost report settlement that the provider received an amount under the medicaid program to which the provider is not entitled, the department may recover the overpayment if the department notifies the provider of the overpayment during the later of the following: 82664
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(a) The five-year period immediately following the end of the state fiscal year in which the overpayment was made; 82670
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(b) The one-year period immediately following the date the department receives from the United States centers for medicare and medicaid services a completed, audited, medicare cost report for the provider that applies to the state fiscal year in which the overpayment was made. 82672
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(3) In the case of a nursing facility provider or ICF/IID provider, if the department determines, from data in the possession of the department or another state agency at the time the department makes the determination, that the provider received an amount under the medicaid program to which the provider is not entitled, the department may recover the overpayment if the department notifies the provider of the overpayment during the three-year period immediately following the end of the state fiscal year in which the overpayment is made. 82677
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(B) Among the overpayments that may be recovered under this section are the following: 82686
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(1) Payment for a medicaid service, or a day of service, not rendered; 82688
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(2) Payment for a day of service at a full per diem rate that should have been paid at a percentage of the full per diem rate; 82690
82691

(3) Payment for a medicaid service, or day of service, that 82692
was paid by, or partially paid by, a third party, as defined in 82693
section 5160.35 of the Revised Code, and the third party's payment 82694
or partial payment was not offset against the amount paid by the 82695
medicaid program to reduce or eliminate the amount that was paid 82696
by the medicaid program; 82697

(4) Payment when a medicaid recipient's responsibility for 82698
payment was understated and resulted in an overpayment to the 82699
provider. 82700

(C) The department may recover an overpayment under this 82701
section prior to or after any of the following: 82702

(1) Adjudication of a final fiscal audit that section 5164.38 82703
of the Revised Code requires to be conducted in accordance with 82704
Chapter 119. of the Revised Code; 82705

(2) Adjudication of a finding under any other provision of 82706
state statutes governing the medicaid program or the rules adopted 82707
under those statutes; 82708

(3) Expiration of the time to issue a final fiscal audit that 82709
section 5164.38 of the Revised Code requires to be conducted in 82710
accordance with Chapter 119. of the Revised Code; 82711

(4) Expiration of the time to issue a finding under any other 82712
provision of state statutes governing the medicaid program or the 82713
rules adopted under those statutes. 82714

(D)(1) Subject to division (D)(2) of this section, the 82715
recovery of an overpayment under this section does not preclude 82716
the department from subsequently doing the following: 82717

(a) Issuing a final fiscal audit in accordance with Chapter 82718
119. of the Revised Code, as required under section 5164.38 of the 82719
Revised Code; 82720

(b) Issuing a finding under any other provision of state 82721

statutes governing the medicaid program or the rules adopted under those statutes.

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.

(E) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code.

Sec. 5164.70. Except as otherwise required by federal statute or regulation, no medicaid payment for any medicaid service provided by a hospital, nursing facility, or ICF/IID shall exceed the following:

~~(A) If the medicaid provider is a hospital, nursing facility, or ICF/IID,~~ the limits established under Subpart C of 42 C.F.R. Part 447:

~~(B) If the medicaid provider is other than a provider described in division (A) of this section, the authorized payment limits for the same service under the medicare program.~~

Sec. 5164.752. In July of every even-numbered year, the department of medicaid shall initiate a confidential survey of the cost of dispensing drugs incurred by terminal distributors of dangerous drugs in this state. The survey shall be used ~~as the basis for establishing~~ when adjusting the medicaid program's dispensing fee for terminal distributors in accordance with section 5164.753 of the Revised Code. The survey shall be completed and its results published not later than the last day of ~~October~~ November of the year in which it is conducted.

Each terminal distributor that is a provider of drugs under the medicaid program shall participate in the survey. Except as necessary to publish the survey's results, a terminal

distributor's responses to the survey are confidential and not a public record under section 149.43 of the Revised Code. 82752
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The survey shall be conducted in conformance with the requirements set forth in 42 C.F.R. 447.500 to 447.518. The survey shall include operational data and direct prescription expenses, professional services and personnel costs, and usual and customary overhead expenses of the terminal distributors surveyed. The survey shall compute and report the cost of dispensing ~~on a basis of the usual and customary charges~~ by terminal distributors ~~to their customers for dispensing drugs~~. 82754
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Sec. 5164.753. ~~In December of every even numbered year~~ Beginning July 1, 2017, the ~~medicaid director shall establish a~~ dispensing fee, ~~effective the following July, for paid by the~~ medicaid program to terminal distributors of dangerous drugs that are providers of drugs under the medicaid program is ten dollars and forty-nine cents for each prescription that is filled or refilled. ~~In establishing~~ By July 1 of every subsequent odd-numbered year, the director shall adjust the dispensing fee, ~~the director shall take into consideration the results of to~~ reflect the average cost of dispensing as determined by the survey conducted under section 5164.752 of the Revised Code. 82762
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Sec. 5164.78. (A) The medicaid payment rates for the following neonatal and newborn services shall equal seventy-five per cent of the medicare payment rates for the services in effect on the date the services are provided to medicaid recipients eligible for the services: 82773
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(1) Initial care for normal newborns; 82778

(2) Subsequent day, hospital care for normal newborns; 82779

(3) Same day, initial history and physical examination and discharge for normal newborns; 82780
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<u>(4) Initial neonatal critical care for children not more than</u>	82782
<u>twenty-eight days old;</u>	82783
<u>(5) Subsequent day, neonatal critical care for children not</u>	82784
<u>more than twenty-eight days old;</u>	82785
<u>(6) Subsequent day, pediatric critical care for children at</u>	82786
<u>least twenty-nine days but less than two years old;</u>	82787
<u>(7) Initial neonatal intensive care;</u>	82788
<u>(8) Subsequent day, neonatal intensive noncritical care for</u>	82789
<u>children weighing less than one thousand five hundred grams;</u>	82790
<u>(9) Subsequent day, neonatal intensive noncritical care for</u>	82791
<u>children weighing at least one thousand five hundred grams but not</u>	82792
<u>more than two thousand five hundred grams;</u>	82793
<u>(10) Subsequent day, neonatal noncritical care for children</u>	82794
<u>weighing more than two thousand five hundred grams but not more</u>	82795
<u>than five thousand grams.</u>	82796
<u>(B) The medicaid payment rates for other medicaid services</u>	82797
<u>selected by the medicaid director shall be less than the amount of</u>	82798
<u>the rates in effect on the effective date of this section so that</u>	82799
<u>the cost of the rates set pursuant to division (A) of this section</u>	82800
<u>do not increase medicaid expenditures. The director may not select</u>	82801
<u>any medicaid service for which the medicaid payment rate is</u>	82802
<u>determined in accordance with state statutes.</u>	82803
Sec. 5165.01. As used in this chapter:	82804
(A) "Affiliated operator" means an operator affiliated with	82805
either of the following:	82806
(1) The exiting operator for whom the affiliated operator is	82807
to assume liability for the entire amount of the exiting	82808
operator's debt under the medicaid program or the portion of the	82809
debt that represents the franchise permit fee the exiting operator	82810

owes; 82811

(2) The entering operator involved in the change of operator 82812
with the exiting operator specified in division (A)(1) of this 82813
section. 82814

(B) "Allowable costs" are a nursing facility's costs that the 82815
department of medicaid determines are reasonable. Fines paid under 82816
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 82817
Code are not allowable costs. 82818

(C) "Ancillary and support costs" means all reasonable costs 82819
incurred by a nursing facility other than direct care costs, tax 82820
costs, or capital costs. "Ancillary and support costs" includes, 82821
but is not limited to, costs of activities, social services, 82822
pharmacy consultants, habilitation supervisors, qualified 82823
intellectual disability professionals, program directors, medical 82824
and habilitation records, program supplies, incontinence supplies, 82825
food, enterals, dietary supplies and personnel, laundry, 82826
housekeeping, security, administration, medical equipment, 82827
utilities, liability insurance, bookkeeping, purchasing 82828
department, human resources, communications, travel, dues, license 82829
fees, subscriptions, home office costs not otherwise allocated, 82830
legal services, accounting services, minor equipment, maintenance 82831
and repairs, help-wanted advertising, informational advertising, 82832
start-up costs, organizational expenses, other interest, property 82833
insurance, employee training and staff development, employee 82834
benefits, payroll taxes, and workers' compensation premiums or 82835
costs for self-insurance claims and related costs as specified in 82836
rules adopted under section 5165.02 of the Revised Code, for 82837
personnel listed in this division. "Ancillary and support costs" 82838
also means the cost of equipment, including vehicles, acquired by 82839
operating lease executed before December 1, 1992, if the costs are 82840
reported as administrative and general costs on the nursing 82841
facility's cost report for the cost reporting period ending 82842

December 31, 1992.	82843
(D) <u>"Applicable calendar year" means the calendar year immediately preceding the calendar year that precedes the first of the state fiscal years for which a rebasing is conducted.</u>	82844 82845 82846
(E) <u>"Budget reduction adjustment factor" means the factor specified pursuant to or in section 5165.361 of the Revised Code for a state fiscal year.</u>	82847 82848 82849
(F)(1) "Capital costs" means the actual expense incurred by a nursing facility for all of the following:	82850 82851
(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:	82852 82853
(i) Buildings;	82854
(ii) Building improvements;	82855
(iii) Except as provided in division (C) of this section, equipment;	82856 82857
(iv) Transportation equipment.	82858
(b) Amortization and interest on land improvements and leasehold improvements;	82859 82860
(c) Amortization of financing costs;	82861
(d) Lease and rent of land, buildings, and equipment.	82862
(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	82863 82864 82865
(E) (G) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	82866 82867 82868
(F) (H) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing	82869 82870 82871

facility resident. 82872

~~(G)~~(I) "Change of operator" means an entering operator 82873
becoming the operator of a nursing facility in the place of the 82874
exiting operator. 82875

(1) Actions that constitute a change of operator include the 82876
following: 82877

(a) A change in an exiting operator's form of legal 82878
organization, including the formation of a partnership or 82879
corporation from a sole proprietorship; 82880

(b) A transfer of all the exiting operator's ownership 82881
interest in the operation of the nursing facility to the entering 82882
operator, regardless of whether ownership of any or all of the 82883
real property or personal property associated with the nursing 82884
facility is also transferred; 82885

(c) A lease of the nursing facility to the entering operator 82886
or the exiting operator's termination of the exiting operator's 82887
lease; 82888

(d) If the exiting operator is a partnership, dissolution of 82889
the partnership; 82890

(e) If the exiting operator is a partnership, a change in 82891
composition of the partnership unless both of the following apply: 82892

(i) The change in composition does not cause the 82893
partnership's dissolution under state law. 82894

(ii) The partners agree that the change in composition does 82895
not constitute a change in operator. 82896

(f) If the operator is a corporation, dissolution of the 82897
corporation, a merger of the corporation into another corporation 82898
that is the survivor of the merger, or a consolidation of one or 82899
more other corporations to form a new corporation. 82900

(2) The following, alone, do not constitute a change of 82901

operator:	82902
(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;	82903 82904 82905
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;	82906 82907 82908 82909
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	82910 82911 82912 82913
(H) <u>(J)</u> "Cost center" means the following:	82914
(1) Ancillary and support costs;	82915
(2) Capital costs;	82916
(3) Direct care costs;	82917
(4) Tax costs.	82918
(I) <u>(K)</u> "Custom wheelchair" means a wheelchair to which both of the following apply:	82919 82920
(1) It has been measured, fitted, or adapted in consideration of either of the following:	82921 82922
(a) The body size or disability of the individual who is to use the wheelchair;	82923 82924
(b) The individual's period of need for, or intended use of, the wheelchair.	82925 82926
(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with	82927 82928 82929 82930

the instructions of the physician of the individual who is to use 82931
the wheelchair. 82932

~~(J)~~(L)(1) "Date of licensure" means the following: 82933

(a) In the case of a nursing facility that was required by 82934
law to be licensed as a nursing home under Chapter 3721. of the 82935
Revised Code when it originally began to be operated as a nursing 82936
home, the date the nursing facility was originally so licensed; 82937

(b) In the case of a nursing facility that was not required 82938
by law to be licensed as a nursing home when it originally began 82939
to be operated as a nursing home, the date it first began to be 82940
operated as a nursing home, regardless of the date the nursing 82941
facility was first licensed as a nursing home. 82942

(2) If, after a nursing facility's original date of 82943
licensure, more nursing home beds are added to the nursing 82944
facility, the nursing facility has a different date of licensure 82945
for the additional beds. This does not apply, however, to 82946
additional beds when both of the following apply: 82947

(a) The additional beds are located in a part of the nursing 82948
facility that was constructed at the same time as the continuing 82949
beds already located in that part of the nursing facility; 82950

(b) The part of the nursing facility in which the additional 82951
beds are located was constructed as part of the nursing facility 82952
at a time when the nursing facility was not required by law to be 82953
licensed as a nursing home. 82954

(3) The definition of "date of licensure" in this section 82955
applies in determinations of nursing facilities' medicaid payment 82956
rates but does not apply in determinations of nursing facilities' 82957
franchise permit fees. 82958

~~(K)~~(M) "Desk-reviewed" means that a nursing facility's costs 82959
as reported on a cost report submitted under section 5165.10 of 82960

the Revised Code have been subjected to a desk review under	82961
section 5165.108 of the Revised Code and preliminarily determined	82962
to be allowable costs.	82963
(L) (N) "Direct care costs" means all of the following costs	82964
incurred by a nursing facility:	82965
(1) Costs for registered nurses, licensed practical nurses,	82966
and nurse aides employed by the nursing facility;	82967
(2) Costs for direct care staff, administrative nursing	82968
staff, medical directors, respiratory therapists, and except as	82969
provided in division (L) (N)(8) of this section, other persons	82970
holding degrees qualifying them to provide therapy;	82971
(3) Costs of purchased nursing services;	82972
(4) Costs of quality assurance;	82973
(5) Costs of training and staff development, employee	82974
benefits, payroll taxes, and workers' compensation premiums or	82975
costs for self-insurance claims and related costs as specified in	82976
rules adopted under section 5165.02 of the Revised Code, for	82977
personnel listed in divisions (L) (N)(1), (2), (4), and (8) of this	82978
section;	82979
(6) Costs of consulting and management fees related to direct	82980
care;	82981
(7) Allocated direct care home office costs;	82982
(8) Costs of habilitation staff (other than habilitation	82983
supervisors), medical supplies, emergency oxygen, over-the-counter	82984
pharmacy products, physical therapists, physical therapy	82985
assistants, occupational therapists, occupational therapy	82986
assistants, speech therapists, audiologists, habilitation	82987
supplies, and universal precautions supplies;	82988
(9) Until January 1, 2014, costs of oxygen, wheelchairs, and	82989
resident transportation;	82990

(10) Beginning January 1, 2014, costs of both of the following:	82991
	82992
(a) Emergency oxygen:	82993
(b) Wheelchairs <u>Costs of wheelchairs</u> other than the following:	82994
	82995
(i) <u>(a)</u> Custom wheelchairs;	82996
(ii) <u>(b)</u> Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	82997
	82998
	82999
(11) <u>(10)</u> Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	83000
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	83002
(M) <u>(O)</u> "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	83003
	83004
(N) <u>(P)</u> "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	83005
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	83007
(O) <u>(Q)</u> "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.	83008
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(P) <u>(R)</u> "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.	83011
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	83013
(Q) <u>(S)</u> "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.	83014
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(R) <u>(T)</u> "Entering operator" means the person or government entity that will become the operator of a nursing facility when a	83019
	83020

change of operator occurs or following an involuntary termination. 83021

~~(S)~~(U) "Exiting operator" means any of the following: 83022

(1) An operator that will cease to be the operator of a 83023
nursing facility on the effective date of a change of operator; 83024

(2) An operator that will cease to be the operator of a 83025
nursing facility on the effective date of a facility closure; 83026

(3) An operator of a nursing facility that is undergoing or 83027
has undergone a voluntary withdrawal of participation; 83028

(4) An operator of a nursing facility that is undergoing or 83029
has undergone an involuntary termination. 83030

~~(T)~~(V)(1) Subject to divisions ~~(T)~~(V)(2) and (3) of this 83031
section, "facility closure" means either of the following: 83032

(a) Discontinuance of the use of the building, or part of the 83033
building, that houses the facility as a nursing facility that 83034
results in the relocation of all of the nursing facility's 83035
residents; 83036

(b) Conversion of the building, or part of the building, that 83037
houses a nursing facility to a different use with any necessary 83038
license or other approval needed for that use being obtained and 83039
one or more of the nursing facility's residents remaining in the 83040
building, or part of the building, to receive services under the 83041
new use. 83042

(2) A facility closure occurs regardless of any of the 83043
following: 83044

(a) The operator completely or partially replacing the 83045
nursing facility by constructing a new nursing facility or 83046
transferring the nursing facility's license to another nursing 83047
facility; 83048

(b) The nursing facility's residents relocating to another of 83049
the operator's nursing facilities; 83050

(c) Any action the department of health takes regarding the 83051
nursing facility's medicaid certification that may result in the 83052
transfer of part of the nursing facility's survey findings to 83053
another of the operator's nursing facilities; 83054

(d) Any action the department of health takes regarding the 83055
nursing facility's license under Chapter 3721. of the Revised 83056
Code. 83057

(3) A facility closure does not occur if all of the nursing 83058
facility's residents are relocated due to an emergency evacuation 83059
and one or more of the residents return to a medicaid-certified 83060
bed in the nursing facility not later than thirty days after the 83061
evacuation occurs. 83062

~~(U) "Fiscal year" means the fiscal year of this state, as 83063
specified in section 9.34 of the Revised Code. 83064~~

~~(V)~~(W) "Franchise permit fee" means the fee imposed by 83065
sections 5168.40 to 5168.56 of the Revised Code. 83066

~~(W)~~(X) "Inpatient days" means both of the following: 83067

(1) All days during which a resident, regardless of payment 83068
source, occupies a bed in a nursing facility that is included in 83069
the nursing facility's medicaid-certified capacity; 83070

(2) Fifty per cent of the days for which payment is made 83071
under section 5165.34 of the Revised Code. 83072

~~(X)~~(Y) "Involuntary termination" means the department of 83073
medicaid's termination of the operator's provider agreement for 83074
the nursing facility when the termination is not taken at the 83075
operator's request. 83076

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid 83077
recipient residing in a nursing facility who, for purposes of 83078
calculating the nursing facility's medicaid payment rate for 83079
direct care costs, is placed in either of the two lowest resource 83080

utilization groups, excluding any resource utilization group that 83081
is a default group used for residents with incomplete assessment 83082
data. 83083

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 83084
facility's expenditures that are necessary and proper to maintain 83085
an asset in a normally efficient working condition and that do not 83086
extend the useful life of the asset two years or more. 83087
"Maintenance and repair expenses" includes but is not limited to 83088
the costs of ordinary repairs such as painting and wallpapering. 83089

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 83090
nursing facility's beds that are certified for participation in 83091
medicaid as nursing facility beds. 83092

~~(BB)~~(CC) "Medicaid days" means both of the following: 83093

(1) All days during which a resident who is a medicaid 83094
recipient eligible for nursing facility services occupies a bed in 83095
a nursing facility that is included in the nursing facility's 83096
medicaid-certified capacity; 83097

(2) Fifty per cent of the days for which payment is made 83098
under section 5165.34 of the Revised Code. 83099

~~(CC)~~(DD) "Medicare skilled nursing facility market basket 83100
index" means the index established by the United States secretary 83101
of health and human services under section 1888(e)(5) of the 83102
"Social Security Act," 42 U.S.C. 1395yy(e)(5). 83103

(EE)(1) "New nursing facility" means a nursing facility for 83104
which the provider obtains an initial provider agreement following 83105
medicaid certification of the nursing facility by the director of 83106
health, including such a nursing facility that replaces one or 83107
more nursing facilities for which a provider previously held a 83108
provider agreement. 83109

(2) "New nursing facility" does not mean a nursing facility 83110

for which the entering operator seeks a provider agreement 83111
pursuant to section 5165.511 or 5165.512 or (pursuant to section 83112
5165.515) section 5165.07 of the Revised Code. 83113

~~(DD)~~(FF) "Nursing facility" has the same meaning as in the 83114
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 83115

~~(EE)~~(GG) "Nursing facility services" has the same meaning as 83116
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 83117

~~(FF)~~(HH) "Nursing home" has the same meaning as in section 83118
3721.01 of the Revised Code. 83119

~~(GG)~~(II) "Operator" means the person or government entity 83120
responsible for the daily operating and management decisions for a 83121
nursing facility. 83122

~~(HH)~~(JJ)(1) "Owner" means any person or government entity 83123
that has at least five per cent ownership or interest, either 83124
directly, indirectly, or in any combination, in any of the 83125
following regarding a nursing facility: 83126

(a) The land on which the nursing facility is located; 83127

(b) The structure in which the nursing facility is located; 83128

(c) Any mortgage, contract for deed, or other obligation 83129
secured in whole or in part by the land or structure on or in 83130
which the nursing facility is located; 83131

(d) Any lease or sublease of the land or structure on or in 83132
which the nursing facility is located. 83133

(2) "Owner" does not mean a holder of a debenture or bond 83134
related to the nursing facility and purchased at public issue or a 83135
regulated lender that has made a loan related to the nursing 83136
facility unless the holder or lender operates the nursing facility 83137
directly or through a subsidiary. 83138

~~(II)~~(KK) "Per diem" means a nursing facility's actual, 83139
allowable costs in a given cost center in a cost reporting period, 83140

divided by the nursing facility's inpatient days for that cost reporting period.

~~(JJ)~~(LL) "Provider" means an operator with a provider agreement.

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of a nursing facility for the provision of nursing facility services under the medicaid program.

~~(LL)~~(NN) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the nursing facility.

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the following using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous rebasing:

(1) Each peer group's rate for ancillary and support costs as determined pursuant to division (C) of section 5165.16 of the Revised Code;

(2) Each peer group's rate for capital costs as determined pursuant to division (C) of section 5165.17 of the Revised Code;

(3) Each peer group's cost per case-mix unit as determined

<u>pursuant to division (C) of section 5165.19 of the Revised Code;</u>	83171
<u>(4) Each nursing facility's rate for tax costs as determined</u>	83172
<u>pursuant to section 5165.21 of the Revised Code.</u>	83173
<u>(OO) "Related party" means an individual or organization</u>	83174
that, to a significant extent, has common ownership with, is	83175
associated or affiliated with, has control of, or is controlled	83176
by, the provider.	83177
(1) An individual who is a relative of an owner is a related	83178
party.	83179
(2) Common ownership exists when an individual or individuals	83180
possess significant ownership or equity in both the provider and	83181
the other organization. Significant ownership or equity exists	83182
when an individual or individuals possess five per cent ownership	83183
or equity in both the provider and a supplier. Significant	83184
ownership or equity is presumed to exist when an individual or	83185
individuals possess ten per cent ownership or equity in both the	83186
provider and another organization from which the provider	83187
purchases or leases real property.	83188
(3) Control exists when an individual or organization has the	83189
power, directly or indirectly, to significantly influence or	83190
direct the actions or policies of an organization.	83191
(4) An individual or organization that supplies goods or	83192
services to a provider shall not be considered a related party if	83193
all of the following conditions are met:	83194
(a) The supplier is a separate bona fide organization.	83195
(b) A substantial part of the supplier's business activity of	83196
the type carried on with the provider is transacted with others	83197
than the provider and there is an open, competitive market for the	83198
types of goods or services the supplier furnishes.	83199
(c) The types of goods or services are commonly obtained by	83200

other nursing facilities from outside organizations and are not a 83201
basic element of patient care ordinarily furnished directly to 83202
patients by nursing facilities. 83203

(d) The charge to the provider is in line with the charge for 83204
the goods or services in the open market and no more than the 83205
charge made under comparable circumstances to others by the 83206
supplier. 83207

~~(OO)~~(RR) "Relative of owner" means an individual who is 83208
related to an owner of a nursing facility by one of the following 83209
relationships: 83210

(1) Spouse; 83211

(2) Natural parent, child, or sibling; 83212

(3) Adopted parent, child, or sibling; 83213

(4) Stepparent, stepchild, stepbrother, or stepsister; 83214

(5) Father-in-law, mother-in-law, son-in-law, 83215
daughter-in-law, brother-in-law, or sister-in-law; 83216

(6) Grandparent or grandchild; 83217

(7) Foster caregiver, foster child, foster brother, or foster 83218
sister. 83219

~~(PP)~~(SS) "Residents' rights advocate" has the same meaning as 83220
in section 3721.10 of the Revised Code. 83221

~~(QQ)~~(TT) "Skilled nursing facility" has the same meaning as 83222
in the "Social Security Act," section 1819(a), 42 U.S.C. 83223
1395i-3(a). 83224

~~(RR)~~(UU) "State fiscal year" means the fiscal year of this 83225
state, as specified in section 9.34 of the Revised Code. 83226

(VV) "Sponsor" has the same meaning as in section 3721.10 of 83227
the Revised Code. 83228

~~(SS)~~(WW) "Tax costs" means the costs of taxes imposed under 83229

Chapter 5751. of the Revised Code, real estate taxes, personal 83230
property taxes, and corporate franchise taxes. 83231

~~(TT)~~(XX) "Title XIX" means Title XIX of the "Social Security 83232
Act," 42 U.S.C. 1396 et seq. 83233

~~(UU)~~(YY) "Title XVIII" means Title XVIII of the "Social 83234
Security Act," 42 U.S.C. 1395 et seq. 83235

~~(VV)~~(ZZ) "Voluntary withdrawal of participation" means an 83236
operator's voluntary election to terminate the participation of a 83237
nursing facility in the medicaid program but to continue to 83238
provide service of the type provided by a nursing facility. 83239

Sec. 5165.106. If a nursing facility provider required by 83240
section 5165.10 of the Revised Code to file a cost report for the 83241
nursing facility fails to file the cost report by the date it is 83242
due or the date, if any, to which the due date is extended 83243
pursuant to division (D) of that section, or files an incomplete 83244
or inadequate report for the nursing facility under that section, 83245
the department of medicaid shall provide immediate written notice 83246
to the provider that the provider agreement for the nursing 83247
facility will be terminated in thirty days unless the provider 83248
submits a complete and adequate cost report for the nursing 83249
facility within thirty days. During the thirty-day termination 83250
period or any additional time allowed for an appeal of the 83251
proposed termination of a provider agreement, the provider shall 83252
be paid the nursing facility's then current per medicaid day 83253
payment rate, minus the dollar amount by which nursing facility's 83254
per medicaid day payment rates are reduced during state fiscal 83255
year 2013 in accordance with division (A)(2) of section 5111.26 of 83256
the Revised Code (renumbered as section 5165.10 of the Revised 83257
Code by H.B. 59 of the 130th general assembly) as that section 83258
existed on the day immediately preceding September 29, 2013. On 83259
the first day of each July, the department shall adjust the amount 83260

of the reduction in effect during the previous twelve months to 83261
reflect the rate of inflation during the preceding twelve months, 83262
as shown in the consumer price index for all items for all urban 83263
consumers for the north central region, published by the United 83264
States bureau of labor statistics. 83265

Sec. 5165.1010. (A) Subject to division (D) of this section, 83266
the department of medicaid shall fine the provider of a nursing 83267
facility if the report of an audit conducted under section 83268
5165.109 of the Revised Code regarding a cost report for the 83269
nursing facility includes either of the following: 83270

(1) Adverse findings that exceed three per cent of the total 83271
amount of medicaid-allowable costs reported in the cost report; 83272

(2) Adverse findings that exceed twenty per cent of 83273
medicaid-allowable costs for a particular cost center reported in 83274
the cost report. 83275

(B) A fine issued under this section shall equal the greatest 83276
of the following: 83277

(1) If the adverse findings exceed three per cent but do not 83278
exceed ten per cent of the total amount of medicaid-allowable 83279
costs reported in the cost report, the greater of three per cent 83280
of those reported costs or ten thousand dollars; 83281

(2) If the adverse findings exceed ten per cent but do not 83282
exceed twenty per cent of the total amount of medicaid-allowable 83283
costs reported in the cost report, the greater of six per cent of 83284
those reported costs or twenty-five thousand dollars; 83285

(3) If the adverse findings exceed twenty per cent of the 83286
total amount of medicaid-allowable costs reported in the cost 83287
report, the greater of ten per cent of those reported costs or 83288
fifty thousand dollars; 83289

(4) If the adverse findings exceed twenty per cent but do not exceed twenty-five per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of three per cent of the total amount of medicaid-allowable costs reported in the cost report or ten thousand dollars;

(5) If the adverse findings exceed twenty-five per cent but do not exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of six per cent of the total amount of medicaid-allowable costs reported in the cost report or twenty-five thousand dollars;

(6) If the adverse findings exceed thirty per cent of medicaid-allowable costs for a particular cost center reported in the cost report, the greater of ten per cent of the total amount of medicaid-allowable costs reported in the cost report or fifty thousand dollars.

(C) Fines paid under this section shall be deposited into the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code.

(D) The department may not collect a fine under this section until all appeal rights relating to the audit report that is the basis for the fine are exhausted.

Sec. 5165.15. Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows:

(A) Determine the sum of all of the following:

(1) The per medicaid day payment rate for ancillary and

support costs determined for the nursing facility under section 5165.16 of the Revised Code; 83320
83321

(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code; 83322
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83324

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code; 83325
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83327

(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code; 83328
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(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code; 83331
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83333

~~(6) Sixteen~~ (B) To the sum determined under division (A) of this section, add the following: 83334
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(1) For state fiscal years 2018 and 2019, sixteen dollars and forty-four cents; 83336
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(2) For state fiscal year 2020 and, except as provided in division (B)(3) of this section, each state fiscal year thereafter, the sum of the following: 83338
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83340

(a) The amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year; 83341
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83343

(b) The difference between the following: 83344

(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the determination is being made under division (B) of this section; 83345
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83347
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(ii) The budget reduction adjustment factor for the state fiscal year for which the determination is being made under division (B) of this section. 83350
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(3) For the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted after state fiscal year 2020, the amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year. 83353
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~~(B)~~(C) From the sum determined under division ~~(A)~~(B) of this section, subtract one dollar and seventy-nine cents. 83358
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~~(C)~~(D) To the difference determined under division ~~(B)~~(C) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code. 83360
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Sec. 5165.151. (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 83364
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83367
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(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division ~~(D)~~(C) of section 5165.16 of the Revised Code. 83370
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83372

(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division ~~(D)~~(C) of section 5165.17 of the Revised Code; 83373
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83375

(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division ~~(D)~~(C) of section 5165.19 of the Revised Code for the new nursing facility's peer group and the new nursing facility's case-mix 83376
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83379

score determined under division (B) of this section. 83380

(4) The initial rate for tax costs shall be the following: 83381

(a) If the provider of the new nursing facility submits to 83382
the department of medicaid the nursing facility's projected tax 83383
costs for the calendar year in which the provider obtains an 83384
initial provider agreement for the new nursing facility, an amount 83385
determined by dividing those projected tax costs by the number of 83386
inpatient days the nursing facility would have for that calendar 83387
year if its occupancy rate were one hundred per cent; 83388

(b) If division (A)(4)(a) of this section does not apply, the 83389
median rate for tax costs for the new nursing facility's peer 83390
group in which the nursing facility is placed under division 83391
~~(C)~~(B) of section 5165.16 of the Revised Code. 83392

(5) The quality payment shall be the mean quality payment 83393
rate determined for nursing facilities under section 5165.25 of 83394
the Revised Code. 83395

(6) Fourteen dollars and sixty-five cents shall be added to 83396
the sum of the rates and payment specified in divisions (A)(1) to 83397
(5) of this section. 83398

(B) For the purpose of division (A)(3) of this section, a new 83399
nursing facility's case-mix score shall be the following: 83400

(1) Unless the new nursing facility replaces an existing 83401
nursing facility that participated in the medicaid program 83402
immediately before the new nursing facility begins participating 83403
in the medicaid program, the median annual average case-mix score 83404
for the new nursing facility's peer group; 83405

(2) If the nursing facility replaces an existing nursing 83406
facility that participated in the medicaid program immediately 83407
before the new nursing facility begins participating in the 83408
medicaid program, the semiannual case-mix score most recently 83409

determined under section 5165.192 of the Revised Code for the 83410
replaced nursing facility as adjusted, if necessary, to reflect 83411
any difference in the number of beds in the replaced and new 83412
nursing facilities. 83413

(C) Subject to division (D) of this section, the department 83414
of medicaid shall adjust the rates established under division (A) 83415
of this section effective the first day of July, to reflect new 83416
rate calculations for all nursing facilities under this chapter. 83417

(D) If a rate for direct care costs is determined under this 83418
section for a new nursing facility using the median annual average 83419
case-mix score for the new nursing facility's peer group, the rate 83420
shall be redetermined to reflect the new nursing facility's actual 83421
semiannual average case-mix score determined under section 83422
5165.192 of the Revised Code after the new nursing facility 83423
submits its first two quarterly assessment data that qualify for 83424
use in calculating a case-mix score in accordance with rules 83425
authorized by section 5165.192 of the Revised Code. If the new 83426
nursing facility's quarterly submissions do not qualify for use in 83427
calculating a case-mix score, the department shall continue to use 83428
the median annual average case-mix score for the new nursing 83429
facility's peer group in lieu of the new nursing facility's 83430
semiannual case-mix score until the new nursing facility submits 83431
two consecutive quarterly assessment data that qualify for use in 83432
calculating a case-mix score. 83433

Sec. 5165.153. (A) The total per medicaid day payment rate 83434
determined under section 5165.15 of the Revised Code shall not be 83435
paid for nursing facility services provided by a nursing facility, 83436
or discrete unit of a nursing facility, designated by the 83437
department of medicaid as an outlier nursing facility or unit. 83438
Instead, the provider of a designated outlier nursing facility or 83439
unit shall be paid each state fiscal year a total per medicaid day 83440

payment rate that the department shall prospectively determine in 83441
accordance with a methodology established in rules authorized by 83442
this section. 83443

(B) The department may designate a nursing facility, or 83444
discrete unit of a nursing facility, as an outlier nursing 83445
facility or unit if the nursing facility or unit serves residents 83446
who have either of the following: 83447

(1) Diagnoses or special care needs that require direct care 83448
resources that are not measured adequately by the resident 83449
assessment instrument specified in rules authorized by section 83450
5165.191 of the Revised Code; 83451

(2) Diagnoses or special care needs specified in rules 83452
authorized by this section as otherwise qualifying for 83453
consideration under this section. 83454

(C) Notwithstanding any other provision of this chapter 83455
(except section 5165.156 of the Revised Code), the costs incurred 83456
by a designated outlier nursing facility or unit shall not be 83457
considered in establishing medicaid payment rates for other 83458
nursing facilities or units. 83459

(D) The medicaid director shall adopt rules under section 83460
5165.02 of the Revised Code as necessary to implement this 83461
section. 83462

(1)(a) The rules shall do both of the following: 83463

(i) Specify the criteria and procedures the department will 83464
apply when designating a nursing facility, or discrete unit of a 83465
nursing facility, as an outlier nursing facility or unit; 83466

(ii) Establish a methodology for prospectively determining 83467
the total per medicaid day payment rate that will be paid each 83468
state fiscal year for nursing facility services provided by a 83469
designated outlier nursing facility or unit. 83470

(b) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall do both of the following:

(i) Provide for consideration of whether all of the allowable costs of a nursing facility, or discrete unit of a nursing facility, would be paid by a rate determined under section 5165.15 of the Revised Code;

(ii) Specify the minimum number of nursing facility beds that a nursing facility, or discrete unit of a nursing facility, must have to be designated an outlier nursing facility or unit, which may vary based on the diagnoses or special care needs of the residents served by the nursing facility or unit.

(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall not limit the designation to nursing facilities, or discrete units of nursing facilities, located in large cities.

(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier nursing facilities and units shall provide for the methodology to consider the historical costs of providing nursing facility services to the residents of designated outlier nursing facilities and units.

(2)(a) The rules may do both of the following:

(i) Include for designation as an outlier nursing facility or unit, a nursing facility, or discrete unit of a nursing facility, that serves medically fragile pediatric residents; residents who are dependent on ventilators; residents who have severe traumatic brain injury, end-stage Alzheimer's disease, or end-stage acquired immunodeficiency syndrome; or residents with other diagnoses or special care needs specified in the rules;

(ii) Require that a designated outlier nursing facility receive authorization from the department before admitting or retaining a resident.

(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier nursing facility or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting that authorization.

Sec. 5165.154. (A) To the extent, if any, provided for in rules authorized by this section, the total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services that a nursing facility not designated as an outlier nursing facility or unit provides to a resident who meets the criteria for admission to a designated outlier nursing facility or unit, as specified in rules authorized by section 5165.153 of the Revised Code. Instead, the provider of a nursing facility providing nursing facility services to such a resident shall be paid each state fiscal year a total per medicaid day payment rate that the department of medicaid shall prospectively determine in accordance with a methodology established in rules authorized by this section.

(B) The medicaid director may adopt rules under section 5165.02 of the Revised Code to implement this section. The rules may require that a nursing facility receive authorization from the department before admitting or retaining a resident who meets the criteria for admission to a designated outlier nursing facility or unit. If the director adopts such rules, the rules shall specify the criteria and procedures the department will apply when granting the authorization.

Sec. 5165.157. (A) The medicaid director shall establish an

alternative purchasing model for nursing facility services 83532
provided by designated discrete units of nursing facilities to 83533
medicaid recipients with specialized health care needs. The 83534
director shall do all of the following with regard to the model: 83535

(1) Establish criteria that a discrete unit of a nursing 83536
facility must meet to be designated as a unit that, under the 83537
alternative purchasing model, may admit and provide nursing 83538
facility services to medicaid recipients with specialized health 83539
care needs; 83540

(2) Specify the health care conditions that medicaid 83541
recipients must have to have specialized health care needs, which 83542
may include dependency on a ventilator, severe traumatic brain 83543
injury, the need to be admitted to a long-term acute care hospital 83544
or rehabilitation hospital if not for nursing facility services, 83545
and other serious health care conditions; 83546

(3) For each fiscal year, set the total per medicaid day 83547
payment rate for nursing facility services provided by designated 83548
discrete units of nursing facilities under the alternative 83549
purchasing model at either of the following: 83550

(a) ~~Sixty~~ Thirty per cent of the statewide average of the 83551
total per medicaid day payment rate for long-term acute care 83552
hospital services as of the first day of the fiscal year; 83553

(b) Another amount determined in accordance with an 83554
alternative methodology that includes improved health outcomes as 83555
a factor in determining the payment rate; 83556

(4) Require, to the extent the director considers necessary, 83557
a medicaid recipient to obtain prior authorization for admission 83558
to a long-term acute care hospital or rehabilitation hospital as a 83559
condition of medicaid payment for long-term acute care hospital or 83560
rehabilitation hospital services. 83561

(B) The criteria established under division (A)(1) of this section shall provide for a discrete unit of a nursing facility to be excluded from the alternative purchasing model if the unit is paid for nursing facility services in accordance with section 5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria may require the provider of a nursing facility that has a discrete unit designated for participation in the alternative purchasing model to report health outcome measurement data to the department of medicaid.

(C) A discrete unit of a nursing facility that provides nursing facility services to medicaid recipients with specialized health care needs under the alternative purchasing model shall be paid for those services in accordance with division (A)(3) of this section instead of the total per medicaid day payment rate determined under section 5165.15, 5165.153, 5165.154, or 5165.156 of the Revised Code.

Sec. 5165.16. (A) ~~As used in this section:~~

~~(1) "Applicable calendar year" means the following:~~

~~(a) For the purpose of the department of medicaid's initial determination under division (D) of this section of each peer group's rate for ancillary and support costs, calendar year 2003:~~

~~(b) For the purpose of the department's rebasings, the calendar year the department selects.~~

~~(2) "Rebasing" means a redetermination under division (D) of this section of each peer group's rate for ancillary and support costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.~~

~~(B)~~ The department of medicaid shall determine each nursing facility's per medicaid day payment rate for ancillary and support

costs. A nursing facility's rate shall be the rate determined 83592
under division ~~(D)~~(C) of this section for the nursing facility's 83593
peer group. ~~However, for the period beginning October 1, 2013, and~~ 83594
~~ending on the first day of the first rebasing, the rate for a~~ 83595
~~nursing facility located in Mahoning or Stark county shall be the~~ 83596
~~rate determined for the following:~~ 83597

~~(1) If the nursing facility has fewer than one hundred beds,~~ 83598
~~the nursing facilities in peer group three;~~ 83599

~~(2) If the nursing facility has one hundred or more beds, the~~ 83600
~~nursing facilities in peer group four.~~ 83601

~~(C)~~(B) For the purpose of determining nursing facilities' 83602
rates for ancillary and support costs, the department shall 83603
establish six peer groups- 83604

~~(1) Until the first rebasing occurs, the peer groups shall be~~ 83605
~~composed as follows:~~ 83606

~~(a)~~(1) Each nursing facility located in any of the following 83607
counties shall be placed in peer group one or two: Brown, Butler, 83608
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 83609
located in any of those counties that has fewer than one hundred 83610
beds shall be placed in peer group one. Each nursing facility 83611
located in any of those counties that has one hundred or more beds 83612
shall be placed in peer group two. 83613

~~(b)~~(2) Each nursing facility located in any of the following 83614
counties shall be placed in peer group three or four: Allen, 83615
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 83616
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 83617
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 83618
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 83619
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 83620
nursing facility located in any of those counties that has fewer 83621
than one hundred beds shall be placed in peer group three. Each 83622

nursing facility located in any of those counties that has one 83623
hundred or more beds shall be placed in peer group four. 83624

~~(e)(3)~~ Each nursing facility located in any of the following 83625
counties shall be placed in peer group five or six: Adams, ~~Allen,~~ 83626
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 83627
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 83628
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 83629
Jefferson, Lawrence, Logan, ~~Mahoning,~~ Meigs, Mercer, Monroe, 83630
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 83631
Scioto, Shelby, ~~Stark, Trumbull,~~ Tuscarawas, Van Wert, Vinton, 83632
Washington, Wayne, Williams, and Wyandot. Each nursing facility 83633
located in any of those counties that has fewer than one hundred 83634
beds shall be placed in peer group five. Each nursing facility 83635
located in any of those counties that has one hundred or more beds 83636
shall be placed in peer group six. 83637

~~(2) Beginning with the first rebasing, the peer groups shall 83638
be composed as they are under division (C)(1) of this section 83639
except as follows: 83640~~

~~(a) Each nursing facility that has fewer than one hundred 83641
beds and is located in Allen, Mahoning, Stark, or Trumbull county 83642
shall be placed in peer group three rather than peer group five. 83643~~

~~(b) Each nursing facility that has one hundred or more beds 83644
and is located in Allen, Mahoning, Stark, or Trumbull county shall 83645
be placed in peer group four rather than peer group six. 83646~~

~~(D)(C)(1) The department shall determine the rate for 83647
ancillary and support costs for each peer group established under 83648
division ~~(C)(B)~~ of this section. The department is not required to 83649
conduct a rebasing more than once every ten years. Except as 83650
necessary to implement the amendments made to this section by Am. 83651
Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general 83652
assembly, the rate for ancillary and support costs determined 83653~~

under this division for a peer group shall be used for subsequent 83654
years until the department conducts a rebasing. To determine a 83655
peer group's rate for ancillary and support costs, the department 83656
shall do all of the following: 83657

(a) Subject to division ~~(D)~~(C)(2) of this section, determine 83658
the rate for ancillary and support costs for each nursing facility 83659
in the peer group for the applicable calendar year by using the 83660
greater of the nursing facility's actual inpatient days for the 83661
applicable calendar year or the inpatient days the nursing 83662
facility would have had for the applicable calendar year if its 83663
occupancy rate had been ninety per cent; 83664

(b) Subject to division ~~(D)~~(C)(3) of this section, identify 83665
which nursing facility in the peer group is at the twenty-fifth 83666
percentile of the rate for ancillary and support costs for the 83667
applicable calendar year determined under division ~~(D)~~(C)(1)(a) of 83668
this section; 83669

(c) Multiply the rate for ancillary and support costs 83670
determined under division ~~(D)~~(C)(1)(a) of this section for the 83671
nursing facility identified under division ~~(D)~~(C)(1)(b) of this 83672
section by the rate of inflation for the eighteen-month period 83673
beginning on the first day of July of the applicable calendar year 83674
and ending the last day of December of the calendar year 83675
immediately following the applicable calendar year using the 83676
following: 83677

~~(i) Until the first rebasing occurs, the consumer price index 83678
for all items for all urban consumers for the north central 83679
region, published by the United States bureau of labor statistics, 83680
as that index existed on July 1, 2005; 83681~~

~~(ii) Effective with the first rebasing and except Except as 83682
provided in division ~~(D)~~(C)(1)(c)~~(iii)~~(ii) of this section, the 83683
consumer price index for all items for all urban consumers for the 83684~~

midwest region, published by the United States bureau of labor statistics; 83685
83686

~~(iii)~~(ii) If the United States bureau of labor statistics ceases to publish the index specified in division ~~(D)~~(C)(1)(c)~~(ii)~~(i) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state. 83687
83688
83689
83690
83691

(d) ~~Until the first rebasing occurs, increase~~ For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division ~~(D)~~(C)(1)(c) of this section ~~by five and eight hundredths per cent~~ using the difference between the following: 83692
83693
83694
83695
83696
83697
83698

(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (C)(1)(d) of this section; 83699
83700
83701
83702
83703

(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(d) of this section. 83704
83705
83706

(2) For the purpose of determining a nursing facility's occupancy rate under division ~~(D)~~(C)(1)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity unless the nursing facility also removes the beds from its licensed bed capacity. 83707
83708
83709
83710
83711

(3) In making the identification under division ~~(D)~~(C)(1)(b) of this section, the department shall exclude both of the following: 83712
83713
83714

(a) Nursing facilities that participated in the medicaid 83715

program under the same provider for less than twelve months in the applicable calendar year; 83716
83717

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 83718
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83720
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(4) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination. 83723
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Sec. 5165.17. (A) ~~As used in this section:~~ 83730

~~(1) "Applicable calendar year" means the following:~~ 83731

~~(a) For the purpose of the department of medicaid's initial determination under division (D) of this section of each peer group's rate for capital costs, calendar year 2003;~~ 83732
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~~(b) For the purpose of the department's rebasings, the calendar year the department selects.~~ 83735
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~~(2) "Rebasing" means a redetermination under division (D) of this section of each peer group's rate for capital costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.~~ 83737
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~~(B)~~ The department of medicaid shall determine each nursing facility's per medicaid day payment rate for capital costs. A nursing facility's rate shall be the rate determined under division ~~(D)~~(C) of this section. ~~However, for the period beginning~~ 83742
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~~October 1, 2013, and ending on the first day of the first 83746
rebasings, the rate for a nursing facility located in Mahoning or 83747
Stark county shall be the rate determined for the following:~~ 83748

~~(1) If the nursing facility has fewer than one hundred beds, 83749
the nursing facilities in peer group three;~~ 83750

~~(2) If the nursing facility has one hundred or more beds, the 83751
nursing facilities in peer group four.~~ 83752

~~(C)~~(B) For the purpose of determining nursing facilities' 83753
rates for capital costs, the department shall establish six peer 83754
groups. 83755

~~(1) Until the first rebasing occurs, the peer groups shall be 83756
composed as follows:~~ 83757

~~(a)~~ Each nursing facility located in any of the following 83758
counties shall be placed in peer group one or two: Brown, Butler, 83759
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 83760
located in any of those counties that has fewer than one hundred 83761
beds shall be placed in peer group one. Each nursing facility 83762
located in any of those counties that has one hundred or more beds 83763
shall be placed in peer group two. 83764

~~(b)~~(2) Each nursing facility located in any of the following 83765
counties shall be placed in peer group three or four: Allen, 83766
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 83767
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 83768
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 83769
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 83770
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 83771
nursing facility located in any of those counties that has fewer 83772
than one hundred beds shall be placed in peer group three. Each 83773
nursing facility located in any of those counties that has one 83774
hundred or more beds shall be placed in peer group four. 83775

~~(e)~~(3) Each nursing facility located in any of the following 83776

counties shall be placed in peer group five or six: Adams, ~~Allen,~~ 83777
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 83778
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 83779
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 83780
Jefferson, Lawrence, Logan, ~~Mahoning,~~ Meigs, Mercer, Monroe, 83781
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 83782
Scioto, Shelby, ~~Stark, Trumbull,~~ Tuscarawas, Van Wert, Vinton, 83783
Washington, Wayne, Williams, and Wyandot. Each nursing facility 83784
located in any of those counties that has fewer than one hundred 83785
beds shall be placed in peer group five. Each nursing facility 83786
located in any of those counties that has one hundred or more beds 83787
shall be placed in peer group six. 83788

~~(2) Beginning with the first rebasing, the peer groups shall 83789
be composed as they are under division (C)(1) of this section 83790
except as follows: 83791~~

~~(a) Each nursing facility that has fewer than one hundred 83792
beds and is located in Allen, Mahoning, Stark, or Trumbull county 83793
shall be placed in peer group three rather than peer group five. 83794~~

~~(b) Each nursing facility that has one hundred or more beds 83795
and is located in Allen, Mahoning, Stark, or Trumbull county shall 83796
be placed in peer group four rather than peer group six. 83797~~

~~(D)(C)(1) The department shall determine the rate for capital 83798
costs for each peer group established under division (C)(B) of 83799
this section. The department is not required to conduct a rebasing 83800
more than once every ten years. Except as necessary to implement 83801
the amendments made to this section by Am. Sub. H.B. 153 and Sub. 83802
H.B. 303, both of the 129th general assembly, the rate for capital 83803
costs determined under this division for a peer group shall be 83804
used for subsequent years until the department conducts a 83805
rebasing. To determine a peer group's rate for capital costs, the 83806
department shall do both of the following: 83807~~

(a) Determine the rate for capital costs for the nursing facility in the peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year;

(b) ~~Until the first rebasing occurs, increase~~ For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division ~~(D)~~(C)(1)(a) of this section ~~by five and eight hundredths per cent~~ using the difference between the following:

(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section;

(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(a) of this section.

(2) To identify the nursing facility in a peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year, the department shall do both of the following:

(a) Subject to division ~~(D)~~(C)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) For the purpose of determining a nursing facility's occupancy rate under division ~~(D)~~(C)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity.

(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

~~(E)~~(D) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under this chapter is used to reimburse the government agency.

~~(F)~~(E) The capital cost basis of nursing facility assets shall be determined in the following manner:

(1) Except as provided in division ~~(F)~~(E)(3) of this section, 83871
for purposes of calculating the rates to be paid for facilities 83872
with dates of licensure on or before June 30, 1993, the capital 83873
cost basis of each asset shall be equal to the desk-reviewed, 83874
actual, allowable, capital cost basis that is listed on the 83875
facility's cost report for the calendar year preceding the state 83876
fiscal year during which the rate will be paid. 83877

(2) For facilities with dates of licensure after June 30, 83878
1993, the capital cost basis shall be determined in accordance 83879
with the principles of the medicare program, except as otherwise 83880
provided in this chapter. 83881

(3) Except as provided in division ~~(F)~~(E)(4) of this section, 83882
if a provider transfers an interest in a facility to another 83883
provider after June 30, 1993, there shall be no increase in the 83884
capital cost basis of the asset if the providers are related 83885
parties or the provider to which the interest is transferred 83886
authorizes the provider that transferred the interest to continue 83887
to operate the facility under a lease, management agreement, or 83888
other arrangement. If the previous sentence does not prohibit the 83889
adjustment of the capital cost basis under this division, the 83890
basis of the asset shall be adjusted by one-half of the change in 83891
the consumer price index for all items for all urban consumers, as 83892
published by the United States bureau of labor statistics, during 83893
the time that the transferor held the asset. 83894

(4) If a provider transfers an interest in a facility to 83895
another provider who is a related party, the capital cost basis of 83896
the asset shall be adjusted as specified in division ~~(F)~~(E)(3) of 83897
this section if all of the following conditions are met: 83898

(a) The related party is a relative of owner; 83899

(b) Except as provided in division ~~(F)~~(E)(4)(c)(ii) of this 83900
section, the provider making the transfer retains no ownership 83901

interest in the facility; 83902

(c) The department determines that the transfer is an arm's 83903
length transaction pursuant to rules adopted under section 5165.02 83904
of the Revised Code. The rules shall provide that a transfer is an 83905
arm's length transaction if all of the following apply: 83906

(i) Once the transfer goes into effect, the provider that 83907
made the transfer has no direct or indirect interest in the 83908
provider that acquires the facility or the facility itself, 83909
including interest as an owner, officer, director, employee, 83910
independent contractor, or consultant, but excluding interest as a 83911
creditor. 83912

(ii) The provider that made the transfer does not reacquire 83913
an interest in the facility except through the exercise of a 83914
creditor's rights in the event of a default. If the provider 83915
reacquires an interest in the facility in this manner, the 83916
department shall treat the facility as if the transfer never 83917
occurred when the department calculates its reimbursement rates 83918
for capital costs. 83919

(iii) The transfer satisfies any other criteria specified in 83920
the rules. 83921

(d) Except in the case of hardship caused by a catastrophic 83922
event, as determined by the department, or in the case of a 83923
provider making the transfer who is at least sixty-five years of 83924
age, not less than twenty years have elapsed since, for the same 83925
facility, the capital cost basis was adjusted most recently under 83926
division ~~(F)~~(E)(4) of this section or actual, allowable capital 83927
costs was determined most recently under division ~~(G)~~(F)(9) of 83928
this section. 83929

~~(G)~~(F) As used in this division: 83930

"Imputed interest" means the lesser of the prime rate plus 83931
two per cent or ten per cent. 83932

"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.

"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to division ~~(B)~~(A) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division ~~(B)~~(A) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division ~~(B)~~(A) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was

a substantial commitment of money for construction of the facility 83964
after December 22, 1992, and before July 1, 1993. If there was not 83965
a substantial commitment of money after December 22, 1992, and 83966
before July 1, 1993, actual, allowable capital costs shall include 83967
the lesser of the annual lease expense or the sum of the 83968
following: 83969

(a) The annual depreciation expense that would be calculated 83970
at the inception of the lease using the lessor's entire historical 83971
capital asset cost basis; 83972

(b) The greater of the lessor's actual annual amortization of 83973
financing costs and interest expense at the inception of the lease 83974
or the imputed interest expense calculated at the inception of the 83975
lease using seventy per cent of the lessor's historical capital 83976
asset cost basis. 83977

(4) Subject to division ~~(B)~~(A) of this section, for a lease 83978
of a facility with a date of licensure on or after May 27, 1992, 83979
that was not initially operated under a lease and has been in 83980
existence for ten years, actual, allowable capital costs shall 83981
include the lesser of the annual lease expense or the annual 83982
depreciation expense and imputed interest expense that would be 83983
calculated at the inception of the lease using the entire 83984
historical capital asset cost basis of one-half of the change in 83985
the consumer price index for all items for all urban consumers, as 83986
published by the United States bureau of labor statistics, during 83987
the time the lessor held each asset until the beginning of the 83988
lease. 83989

(5) Subject to division ~~(B)~~(A) of this section, for a new 83990
lease of a facility that was operated under a lease on May 27, 83991
1992, actual, allowable capital costs shall include the lesser of 83992
the annual new lease expense or the annual old lease payment. If 83993
the old lease was in effect for ten years or longer, the old lease 83994
payment from the beginning of the old lease shall be adjusted by 83995

one-half of the change in the consumer price index for all items 83996
for all urban consumers, as published by the United States bureau 83997
of labor statistics, from the beginning of the old lease to the 83998
beginning of the new lease. 83999

(6) Subject to division ~~(B)~~(A) of this section, for a new 84000
lease of a facility that was not in existence or that was in 84001
existence but not operated under a lease on May 27, 1992, actual, 84002
allowable capital costs shall include the lesser of annual new 84003
lease expense or the annual amount calculated for the old lease 84004
under division ~~(G)~~(F)(2), (3), (4), or (6) of this section, as 84005
applicable. If the old lease was in effect for ten years or 84006
longer, the lessor's historical capital asset cost basis shall be, 84007
for purposes of calculating the annual amount under division 84008
~~(G)~~(F)(2), (3), (4), or (6) of this section, adjusted by one-half 84009
of the change in the consumer price index for all items for all 84010
urban consumers, as published by the United States bureau of labor 84011
statistics, from the beginning of the old lease to the beginning 84012
of the new lease. 84013

In the case of a lease under division ~~(G)~~(F)(3) of this 84014
section of a facility for which a substantial commitment of money 84015
was made after December 22, 1992, and before July 1, 1993, the old 84016
lease payment shall be adjusted for the purpose of determining the 84017
annual amount. 84018

(7) For any revision of a lease described in division 84019
~~(G)~~(F)(1), (2), (3), (4), (5), or (6) of this section, or for any 84020
subsequent lease of a facility operated under such a lease, other 84021
than execution of a new lease, the portion of actual, allowable 84022
capital costs attributable to the lease shall be the same as 84023
before the revision or subsequent lease. 84024

(8) Except as provided in division ~~(G)~~(F)(9) of this section, 84025
if a provider leases an interest in a facility to another provider 84026
who is a related party or previously operated the facility, the 84027

related party's or previous operator's actual, allowable capital 84028
costs shall include the lesser of the annual lease expense or the 84029
reasonable cost to the lessor. 84030

(9) If a provider leases an interest in a facility to another 84031
provider who is a related party, regardless of the date of the 84032
lease, the related party's actual, allowable capital costs shall 84033
include the annual lease expense, subject to the limitations 84034
specified in divisions ~~(G)~~(F)(1) to (7) of this section, if all of 84035
the following conditions are met: 84036

(a) The related party is a relative of owner; 84037

(b) If the lessor retains an ownership interest, it is, 84038
except as provided in division ~~(G)~~(F)(9)(c)(ii) of this section, 84039
in only the real property and any improvements on the real 84040
property; 84041

(c) The department determines that the lease is an arm's 84042
length transaction pursuant to rules adopted under section 5165.02 84043
of the Revised Code. The rules shall provide that a lease is an 84044
arm's length transaction if all of the following apply: 84045

(i) Once the lease goes into effect, the lessor has no direct 84046
or indirect interest in the lessee or, except as provided in 84047
division ~~(G)~~(F)(9)(b) of this section, the facility itself, 84048
including interest as an owner, officer, director, employee, 84049
independent contractor, or consultant, but excluding interest as a 84050
lessor. 84051

(ii) The lessor does not reacquire an interest in the 84052
facility except through the exercise of a lessor's rights in the 84053
event of a default. If the lessor reacquires an interest in the 84054
facility in this manner, the department shall treat the facility 84055
as if the lease never occurred when the department calculates its 84056
reimbursement rates for capital costs. 84057

(iii) The lease satisfies any other criteria specified in the 84058

rules. 84059

(d) Except in the case of hardship caused by a catastrophic 84060
event, as determined by the department, or in the case of a lessor 84061
who is at least sixty-five years of age, not less than twenty 84062
years have elapsed since, for the same facility, the capital cost 84063
basis was adjusted most recently under division ~~(F)~~(E)(4) of this 84064
section or actual, allowable capital costs were determined most 84065
recently under division ~~(G)~~(F)(9) of this section. 84066

(10) This division does not apply to leases of specific items 84067
of equipment. 84068

Sec. 5165.19. (A) ~~As used in this section:~~ 84069

~~(1) "Applicable calendar year" means the following:~~ 84070

~~(a) For the purpose of the department of medicaid's initial 84071
determination under division (D) of this section of each peer 84072
group's cost per case mix unit, calendar year 2003;~~ 84073

~~(b) For the purpose of the department's rebasings, the 84074
calendar year the department selects.~~ 84075

~~(2) "Rebasing" means a redetermination under division (D) of 84076
this section of each peer group's cost per case mix unit using 84077
information from cost reports for an applicable calendar year that 84078
is later than the applicable calendar year used for the previous 84079
determination of such costs.~~ 84080

~~(B) Semiannually, the department of medicaid shall determine 84081
each nursing facility's per medicaid day payment rate for direct 84082
care costs by multiplying the facility's semiannual case-mix score 84083
determined under section 5165.192 of the Revised Code by the cost 84084
per case-mix unit determined under division ~~(D)~~(C) of this section 84085
for the facility's peer group. However, for the period beginning 84086
October 1, 2013, and ending on the first day of the first 84087
rebasings, the rate for a nursing facility located in Mahoning or 84088~~

~~Stark county shall be determined semiannually by multiplying the facility's semiannual case mix score determined under section 5165.192 of the Revised Code by the cost per case mix unit determined under division (D) of this section for the nursing facilities in peer group two.~~

~~(C)(B)~~ For the purpose of determining nursing facilities' rates for direct care costs, the department shall establish three peer groups.

~~(1) Until the first rebasing occurs, the peer groups shall be composed as follows:~~

~~(a)~~ Each nursing facility located in any of the following counties shall be placed in peer group one: Brown, Butler, Clermont, Clinton, Hamilton, and Warren.

~~(b)(2)~~ Each nursing facility located in any of the following counties shall be placed in peer group two: Allen, Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood.

~~(c)(3)~~ Each nursing facility located in any of the following counties shall be placed in peer group three: Adams, ~~Allen~~, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, ~~Stark~~, ~~Trumbull~~, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot.

~~(2) Beginning with the first rebasing, the peer groups shall be composed as they are under division (C)(1) of this section~~

~~except that each nursing facility located in Allen, Mahoning,
Stark, or Trumbull county shall be placed in peer group two rather
than peer group three.~~

~~(D)(C)(1)~~ The department shall determine a cost per case-mix unit for each peer group established under division ~~(C)(B)~~ of this section. ~~The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general assembly, and H.B. 59 of the 130th general assembly,~~ the cost per case-mix unit determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's cost per case-mix unit, the department shall do all of the following:

(a) Determine the cost per case-mix unit for each nursing facility in the peer group for the applicable calendar year by dividing each facility's desk-reviewed, actual, allowable, per diem direct care costs for the applicable calendar year by the facility's annual average case-mix score determined under section 5165.192 of the Revised Code for the applicable calendar year;

(b) Subject to division ~~(D)(C)~~(2) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the cost per case-mix units determined under division ~~(D)(C)~~(1)(a) of this section;

(c) Calculate the amount that is two per cent above the cost per case-mix unit determined under division ~~(D)(C)~~(1)(a) of this section for the nursing facility identified under division ~~(D)(C)~~(1)(b) of this section;

(d) Using the index specified in division ~~(D)(C)~~(3) of this section, multiply the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable

calendar year and ending the last day of December of the calendar 84151
year immediately following the applicable calendar year by the 84152
amount calculated under division ~~(D)~~(C)(1)(c) of this section; 84153

~~(e) Add the following to the amount calculated under division~~ 84154
~~(D)(1)(d) of this section:~~ 84155

~~(i) Until the earlier of January 1, 2014, or when the first~~ 84156
~~rebasings occurs, one dollar and eighty eight cents;~~ 84157

~~(ii) Unless the first rebasing occurs before January 1, 2014,~~ 84158
~~beginning January 1, 2014, and until the first rebasing occurs,~~ 84159
~~eighty six cents.~~ 84160

~~(f) Until the first rebasing occurs, increase~~ For state 84161
fiscal year 2020 and each state fiscal year thereafter (other than 84162
the first state fiscal year in a group of consecutive state fiscal 84163
years for which a rebasing is conducted), adjust the amount 84164
calculated under division ~~(D)~~(C)(1)~~(e)~~(d) of this section ~~by five~~ 84165
~~and eight hundredths per cent~~ using the difference between the 84166
following: 84167

(i) The medicare skilled nursing facility market basket index 84168
determined for the federal fiscal year that begins during the 84169
state fiscal year immediately preceding the state fiscal year for 84170
which the adjustment is being made under division (C)(1)(e) of 84171
this section; 84172

(ii) The budget reduction adjustment factor for the state 84173
fiscal year for which the adjustment is being made under division 84174
(C)(1)(e) of this section. 84175

(2) In making the identification under division ~~(D)~~(C)(1)(b) 84176
of this section, the department shall exclude both of the 84177
following: 84178

(a) Nursing facilities that participated in the medicaid 84179
program under the same provider for less than twelve months in the 84180

applicable calendar year; 84181

(b) Nursing facilities whose cost per case-mix unit is more 84182
than one standard deviation from the mean cost per case-mix unit 84183
for all nursing facilities in the nursing facility's peer group 84184
for the applicable calendar year. 84185

(3) The following index shall be used for the purpose of the 84186
calculation made under division ~~(D)~~(C)(1)(d) of this section: 84187

~~(a) Until the first rebasing occurs, the employment cost 84188
index for total compensation, health services component, published 84189
by the United States bureau of labor statistics, as the index 84190
existed on July 1, 2005; 84191~~

~~(b) Effective with the first rebasing and except Except as 84192
provided in division ~~(D)~~(C)(3)~~(e)~~(b) of this section, the 84193
employment cost index for total compensation, nursing and 84194
residential care facilities occupational group, published by the 84195
United States bureau of labor statistics; 84196~~

~~(e)(b) If the United States bureau of labor statistics ceases 84197
to publish the index specified in division ~~(D)~~(C)(3)~~(b)~~(a) of this 84198
section, the index the bureau subsequently publishes that covers 84199
nursing facilities' staff costs. 84200~~

(4) The department shall not redetermine a peer group's cost 84201
per case-mix unit under this division based on additional 84202
information that it receives after the peer group's per case-mix 84203
unit is determined. The department shall redetermine a peer 84204
group's cost per case-mix unit only if it made an error in 84205
determining the peer group's cost per case-mix unit based on 84206
information available to the department at the time of the 84207
original determination. 84208

Sec. 5165.192. (A)(1) Except as provided in division (B) of 84209
this section and in accordance with the process specified in rules 84210

authorized by this section, the department of medicaid shall do 84211
all of the following: 84212

(a) Every quarter, determine the following two case-mix 84213
scores for each nursing facility: 84214

(i) A quarterly case-mix score that includes each resident 84215
who is a medicaid recipient and is not a low resource utilization 84216
resident; 84217

(ii) A quarterly case-mix score that includes each resident 84218
regardless of payment source. 84219

(b) Every six months, determine a semiannual average case-mix 84220
score for each nursing facility by using the quarterly case-mix 84221
scores determined for the nursing facility pursuant to division 84222
(A)(1)(a)(i) of this section; 84223

(c) After the end of each calendar year, determine an annual 84224
average case-mix score for each nursing facility by using the 84225
quarterly case-mix scores determined for the nursing facility 84226
pursuant to division (A)(1)(a)(ii) of this section. 84227

(2) When determining case-mix scores under division (A)(1) of 84228
this section, the department shall use all of the following: 84229

(a) Data from a resident assessment instrument specified in 84230
rules authorized by section 5165.191 of the Revised Code; 84231

(b) Except as provided in rules authorized by this section, 84232
the case-mix values established by the United States department of 84233
health and human services; 84234

(c) Except as modified in rules authorized by this section, 84235
the grouper methodology used on June 30, 1999, by the United 84236
States department of health and human services for prospective 84237
payment of skilled nursing facilities under the medicare program. 84238

(B)(1) Subject to division (B)(2) of this section, the 84239
department, for one or more months of a calendar quarter, may 84240

assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter;

(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter.

(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than the earlier of the forty-fifth day after the end of the calendar quarter to which the data pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

(3) If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility using a case-mix score assigned to the nursing facility under division (B)(1) of this section, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of determining the nursing facility's actual cost per case-mix unit in accordance

with section 5165.19 of the Revised Code, to establish the nursing 84272
facility's rate for direct care costs for the fiscal year 84273
immediately following the calendar year for which the cost per 84274
case-mix unit is assigned. 84275

(4) The department shall take action under division (B)(1), 84276
(2), or (3) of this section only in accordance with rules 84277
authorized by this section. The department shall not take an 84278
action that affects rates for prior payment periods except in 84279
accordance with sections 5165.41 and 5165.42 of the Revised Code. 84280

(C) The medicaid director shall adopt rules under section 84281
5165.02 of the Revised Code as necessary to implement this 84282
section. 84283

(1) The rules shall do all of the following: 84284

(a) Specify the process for determining the semiannual and 84285
annual average case-mix scores for nursing facilities; 84286

(b) Adjust the case-mix values specified in division 84287
(A)(2)(b) of this section to reflect changes in relative wage 84288
differentials that are specific to this state; 84289

(c) Express all of those case-mix values in numeric terms 84290
that are different from the terms specified by the United States 84291
department of health and human services but that do not alter the 84292
relationship of the case-mix values to one another; 84293

(d) Modify the grouper methodology specified in division 84294
(A)(2)(c) of this section as follows: 84295

(i) Establish a different hierarchy for assigning residents 84296
to case-mix categories under the methodology; 84297

(ii) ~~Prohibit~~ Allow the use of the index maximizer element of 84298
the methodology; 84299

(iii) Incorporate changes to the methodology the United 84300
States department of health and human services makes after June 84301

30, 1999;	84302
(iv) Make other changes the department determines are necessary.	84303 84304
(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;	84305 84306 84307
(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.	84308 84309 84310 84311 84312 84313
(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules.	84314 84315 84316 84317 84318
(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.	84319 84320 84321 84322 84323 84324
Sec. 5165.21. (A) As used in this section:	84325
(1) "Applicable calendar year" means the following:	84326
(a) For the purpose of the department of medicaid's initial determination under this section of nursing facilities' rate for tax costs, calendar year 2003;	84327 84328 84329
(b) For the purpose of the department's rebasings, the calendar year the department selects.	84330 84331

~~(2) "Rebasing" means a redetermination under division (B) of this section of each nursing facility's rate for tax costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.~~ 84332
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~~(B) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for tax costs. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Sub. H.B. 303 of the 129th general assembly, the rate for tax costs determined under this division for a nursing facility shall be used for subsequent years until the department conducts a rebasing. To determine a nursing facility's rate for tax costs and except as provided in division (C) of this section, the department shall do both of the following:~~ 84337
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~~(1)(A) Divide the nursing facility's desk-reviewed, actual, allowable tax costs paid for the applicable calendar year by the number of inpatient days the nursing facility would have had if its occupancy rate had been one hundred per cent during the applicable calendar year;~~ 84348
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~~(2) Until the first rebasing occurs, increase (B) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division ~~(B)(1)(A)~~ of this section by five and eight hundredths per cent using the difference between the following:~~ 84353
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~~(1) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (B) of this~~ 84360
84361
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section; 84364

(2) The budget reduction adjustment factor for the state 84365
fiscal year for which the adjustment is being made under division 84366
(B) of this section. 84367

~~(C) If a nursing facility had a credit regarding its real~~ 84368
~~estate taxes reflected on its cost report for calendar year 2003,~~ 84369
~~the department shall determine, as follows, its rate for tax costs~~ 84370
~~for the period beginning on July 1, 2010, and ending on the first~~ 84371
~~day of the fiscal year for which the department first conducts a~~ 84372
~~rebasin~~g. 84373

~~(1) Divide the nursing facility's desk reviewed, actual,~~ 84374
~~allowable tax costs paid for calendar year 2004 by the number of~~ 84375
~~inpatient days the nursing facility would have had if its~~ 84376
~~occupancy rate had been one hundred per cent during calendar year~~ 84377
~~2004.~~ 84378

~~(2) Until the first rebasing occurs, increase the amount~~ 84379
~~calculated under division (C)(1) of this section by five and eight~~ 84380
~~hundredths per cent.~~ 84381

Sec. 5165.23. (A) Each state fiscal year, the department of 84382
medicaid shall determine the critical access incentive payment for 84383
each nursing facility that qualifies as a critical access nursing 84384
facility. To qualify as a critical access nursing facility for a 84385
state fiscal year, a nursing facility must meet all of the 84386
following requirements: 84387

(1) The nursing facility must be located in an area that, on 84388
December 31, 2011, was designated an empowerment zone under the 84389
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 84390

(2) The nursing facility must have an occupancy rate of at 84391
least eighty-five per cent as of the last day of the calendar year 84392
immediately preceding the state fiscal year. 84393

(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the calendar year immediately preceding the state fiscal year.

~~(4) The nursing facility must have been awarded at least five points for meeting accountability measures under section 5165.25 of the Revised Code for the fiscal year and at least one of the five points must have been awarded for meeting the accountability measures identified in divisions (C)(9), (10), (11), (12), and (14) of section 5165.25 of the Revised Code.~~

(B) A critical access nursing facility's critical access incentive payment for a state fiscal year shall equal five per cent of the portion of the nursing facility's total per medicaid day payment rate for the state fiscal year that is the sum of the rates ~~and payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 5165.15 of the Revised Code.

Sec. 5165.25. (A) As used in this section:

(1) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days.

(2) "Measurement period" means the following:

(a) For state fiscal year 2017, the period beginning July 1, 2015, and ending December 31, 2015;

(b) For each subsequent state fiscal year, the calendar year immediately preceding the calendar year in which the state fiscal year begins.

(3) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code.

(4) "Short-stay resident" means a nursing facility resident who is not a long-stay resident.

(B)(1) Using all of the funds made available for a state

fiscal year by the rate reductions under division ~~(B)~~(C) of 84423
section 5165.15 of the Revised Code, the department of medicaid 84424
shall determine a per medicaid day quality payment rate to be paid 84425
for that state fiscal year to each nursing facility that meets at 84426
least one of the quality indicators specified in division (B)(2) 84427
of this section for the measurement period. The largest quality 84428
payment rate for a state fiscal year shall be paid to nursing 84429
facilities that meet all of the quality indicators for the 84430
measurement period. 84431

(2) The following are the quality indicators to be used for 84432
the purpose of division (B)(1) of this section: 84433

(a) Not more than the target percentage of the nursing 84434
facility's short-stay residents had new or worsened pressure 84435
ulcers ~~and not~~. 84436

(b) Not more than the target percentage of long-stay 84437
residents at high risk for pressure ulcers had pressure ulcers. 84438

~~(b)~~(c) Not more than the target percentage of the nursing 84439
facility's short-stay residents newly received an antipsychotic 84440
medication ~~and not~~. 84441

(d) Not more than the target percentage of the nursing 84442
facility's long-stay residents received an antipsychotic 84443
medication. 84444

~~(e)~~ The number of the nursing facility's residents who had 84445
avoidable inpatient hospital admissions did not exceed the target 84446
rate. 84447

~~(d)~~(e) Not more than the target percentage of the nursing 84448
facility's long-stay residents had an unplanned weight loss. 84449

(f) The nursing facility's employee retention rate is at 84450
least the target rate. 84451

~~(e)~~(g) The nursing facility utilized the nursing home version 84452

of the preferences for everyday living inventory for all of its residents. 84453
84454

(3) The department shall specify the target percentage for 84455
the purpose of divisions (B)(2)(a) ~~and (b)~~ to (e) of this section 84456
at the fortieth percentile of nursing facilities that have data 84457
for the quality indicators. The amount specified for division 84458
(B)(2)(a) of this section may differ from the amount specified for 84459
division (B)(2)(b) of this section and the amount specified for 84460
short-stay residents may differ from the amount specified for 84461
long-stay residents. The department also shall specify the target 84462
rate for the purpose of division (B)(2)(~~e~~)(f) of this section and 84463
the target rate for the purpose of division (B)(2)(d) of this 84464
section. In determining whether a nursing facility meets the 84465
quality indicators specified in divisions (B)(2)(c) and (d) of 84466
this section, the department shall exclude from consideration the 84467
following: 84468

(a) In the case of the quality indicator specified in 84469
division (B)(2)(c) of this section, all of the nursing facility's 84470
short-stay residents who newly received an antipsychotic 84471
medication in conjunction with hospice care; 84472

(b) In the case of the quality indicator specified in 84473
division (B)(2)(d) of this section, all of the nursing facility's 84474
long-stay residents who received antipsychotic medication in 84475
conjunction with hospice care. 84476

(C) If a nursing facility undergoes a change of operator 84477
during a state fiscal year, the per medicaid day quality payment 84478
rate to be paid to the entering operator for nursing facility 84479
services that the nursing facility provides during the period 84480
beginning on the effective date of the change of operator and 84481
ending on the last day of the state fiscal year shall be the same 84482
amount as the per medicaid day quality payment rate that was in 84483
effect on the day immediately preceding the effective date of the 84484

change of operator and paid to the nursing facility's exiting 84485
operator. For the immediately following state fiscal year, the per 84486
medicaid day quality payment rate shall be the following: 84487

(1) If the effective date of the change of operator is on or 84488
before the first day of October of the calendar year immediately 84489
preceding the state fiscal year, the amount determined for the 84490
nursing facility in accordance with division (B) of this section 84491
for the state fiscal year; 84492

(2) If the effective date of the change of operator is after 84493
the first day of October of the calendar year immediately 84494
preceding the state fiscal year, the mean per medicaid day quality 84495
payment rate for all nursing facilities for the state fiscal year. 84496

Sec. 5165.34. (A) The department of medicaid may make 84497
medicaid payments to a nursing facility provider under this 84498
chapter to reserve a bed for a recipient during a temporary 84499
absence under conditions prescribed by the department, to include 84500
hospitalization for an acute condition, visits with relatives and 84501
friends, and participation in therapeutic programs outside the 84502
facility, when the resident's plan of care provides for such 84503
absence and federal financial participation for the payments is 84504
available. 84505

(B) The maximum period for which payments may be made to 84506
reserve a bed in a nursing facility shall not exceed thirty days 84507
in a calendar year. 84508

(C) The department shall establish the per medicaid day 84509
payment rates for reserving beds under this section. In 84510
establishing the per medicaid day payment rates, the department 84511
shall set the per medicaid day payment rate at an amount equal to 84512
the following: 84513

(1) In the case of a nursing facility that had an occupancy 84514

rate exceeding ninety-five per cent, an amount not exceeding fifty 84515
per cent of the per medicaid day payment rate the provider would 84516
be paid if the recipient were not absent from the nursing facility 84517
that day; 84518

(2) In the case of a nursing facility that had an occupancy 84519
rate not exceeding ninety-five per cent, an amount not exceeding 84520
eighteen per cent of the per medicaid day payment rate the 84521
provider would be paid if the recipient were not absent from the 84522
nursing facility that day. 84523

(D) For the purpose of setting a nursing facility's per 84524
medicaid day payment rate to reserve a bed for a day during the 84525
period beginning on ~~the effective date of this amendment~~ September 84526
29, 2013, and ending December 31, 2013, the department shall 84527
determine the nursing facility's occupancy rate by using 84528
information reported on the nursing facility's cost report for 84529
calendar year 2012. For the purpose of setting a nursing 84530
facility's per medicaid day payment rate to reserve a bed for 84531
January 1, 2014, or thereafter, the department shall determine the 84532
nursing facility's occupancy rate by using information reported on 84533
the nursing facility's cost report for the calendar year preceding 84534
the state fiscal year in which the reservation falls. 84535

Sec. 5165.36. The department of medicaid shall conduct a 84536
rebasng at least once every five state fiscal years. When the 84537
department conducts a rebasing for a state fiscal year, it shall 84538
conduct the rebasing for each cost center. 84539

Sec. 5165.361. It is the general assembly's intent to specify 84540
in statute the factor to be used for state fiscal year 2020 and 84541
each state fiscal year thereafter (other than the first state 84542
fiscal year in a group of consecutive state fiscal years for which 84543
a rebasing is conducted) as the budget reduction adjustment factor 84544

for the purpose of sections 5165.15, 5165.16, 5165.17, 5165.19, and 5165.21 of the Revised Code. The budget reduction adjustment factor to be used for a state fiscal year shall not exceed the medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the budget reduction adjustment factor is being used. If the general assembly fails to specify in statute the factor to be used for a state fiscal year as the budget reduction adjustment factor, the budget reduction adjustment factor shall be zero.

Sec. 5165.37. The department of medicaid shall make its best efforts each year to calculate nursing facilities' medicaid payment rates under this chapter in time to pay the rates by the fifteenth day of August of each state fiscal year. If the department is unable to calculate the rates so that they can be paid by that date, the department shall pay each provider the rate calculated for the provider's nursing facilities under this chapter at the end of the previous state fiscal year. If the department also is unable to calculate the rates to pay the rates by the fifteenth day of September and the fifteenth day of October, the department shall pay the previous state fiscal year's rate to make those payments. The department may increase by five per cent the previous state fiscal year's rate paid for any nursing facility pursuant to this section at the request of the provider. The department shall use rates calculated for the current state fiscal year to make the payments due by the fifteenth day of November.

If the rate paid to a provider for a nursing facility pursuant to this section is lower than the rate calculated for the nursing facility for the current state fiscal year, the department shall pay the provider the difference between the two rates for

the number of days for which the provider was paid for the nursing 84576
facility pursuant to this section. If the rate paid for a nursing 84577
facility pursuant to this section is higher than the rate 84578
calculated for it for the current state fiscal year, the provider 84579
shall refund to the department the difference between the two 84580
rates for the number of days for which the provider was paid for 84581
the nursing facility pursuant to this section. 84582

Sec. 5165.41. (A) The department of medicaid shall 84583
redetermine a provider's medicaid payment rate for a nursing 84584
facility using revised information if any of the following results 84585
in a determination that the provider received a higher medicaid 84586
payment rate for the nursing facility than the provider was 84587
entitled to receive: 84588

(1) The provider properly amends a cost report for the 84589
nursing facility under section 5165.107 of the Revised Code; 84590

(2) The department makes a finding based on an audit under 84591
section 5165.109 of the Revised Code; 84592

(3) The department makes a finding based on an exception 84593
review of resident assessment data conducted under section 84594
5165.193 of the Revised Code after the effective date of the 84595
nursing facility's rate for direct care costs that is based on the 84596
resident assessment data; 84597

(4) The department makes a finding based on a post-payment 84598
review conducted under section 5165.49 of the Revised Code. 84599

(B) The department shall apply the redetermined rate to the 84600
periods when the provider received the incorrect rate to determine 84601
the amount of the overpayment. The provider shall refund the 84602
amount of the overpayment. The department may charge the provider 84603
the following amount of interest from the time the overpayment was 84604
made: 84605

(1) If the overpayment resulted from costs reported for 84606
calendar year 1993, the interest shall be no greater than one and 84607
one-half times the current average bank prime rate. 84608

(2) If the overpayment resulted from costs reported for a 84609
subsequent calendar year: 84610

(a) The interest shall be no greater than two times the 84611
current average bank prime rate if the overpayment was no more 84612
than one per cent of the total medicaid payments to the provider 84613
for the state fiscal year for which the overpayment was made. 84614

(b) The interest shall be no greater than two and one-half 84615
times the current average bank prime rate if the overpayment was 84616
more than one per cent of the total medicaid payments to the 84617
provider for the state fiscal year for which the overpayment was 84618
made. 84619

Sec. 5165.42. In addition to the other penalties authorized 84620
by this chapter, the department of medicaid may impose the 84621
following penalties on a nursing facility provider: 84622

(A) If the provider does not furnish invoices or other 84623
documentation that the department requests during an audit within 84624
sixty days after the request, a fine of no more than the greater 84625
of the following: 84626

(1) One thousand dollars per audit; 84627

(2) Twenty-five per cent of the cumulative amount by which 84628
the costs for which documentation was not furnished increased the 84629
total medicaid payments to the provider during the state fiscal 84630
year for which the costs were used to determine a rate. 84631

(B) If an exiting operator or owner fails to provide notice 84632
of a facility closure or voluntary withdrawal of participation in 84633
the medicaid program as required by section 5165.50 of the Revised 84634
Code, or an exiting operator or owner and entering operator fail 84635

to provide notice of a change of operator as required by section 84636
5165.51 of the Revised Code, a fine of not more than the current 84637
average bank prime rate plus four per cent of the last two monthly 84638
payments. 84639

Sec. 5165.52. (A) On receipt of a written notice under 84640
section 5165.50 of the Revised Code of a facility closure or 84641
voluntary withdrawal of participation, on receipt of a written 84642
notice under section 5165.51 of the Revised Code of a change of 84643
operator, or on the effective date of an involuntary termination, 84644
the department of medicaid shall estimate the amount of any 84645
overpayments made under the medicaid program to the exiting 84646
operator, including overpayments the exiting operator disputes, 84647
and other actual and potential debts the exiting operator owes or 84648
may owe to the department and United States centers for medicare 84649
and medicaid services under the medicaid program, including a 84650
franchise permit fee. 84651

(B) In estimating the exiting operator's other actual and 84652
potential debts to the department and the United States centers 84653
for medicare and medicaid services under the medicaid program, the 84654
department shall use a debt estimation methodology the medicaid 84655
director shall establish in rules authorized by section 5165.53 of 84656
the Revised Code. The methodology shall provide for estimating all 84657
of the following that the department determines are applicable: 84658

(1) Refunds due the department under section 5165.41 of the 84659
Revised Code; 84660

(2) Interest owed to the department and United States centers 84661
for medicare and medicaid services; 84662

(3) Final civil monetary and other penalties for which all 84663
right of appeal has been exhausted; 84664

(4) Money owed the department and United States centers for 84665

medicare and medicaid services from any outstanding final fiscal 84666
audit, including a final fiscal audit for the last state fiscal 84667
year or portion thereof in which the exiting operator participated 84668
in the medicaid program; 84669

(5) Other amounts the department determines are applicable. 84670

(C) The department shall provide the exiting operator written 84671
notice of the department's estimate under division (A) of this 84672
section not later than thirty days after the department receives 84673
the notice under section 5165.50 of the Revised Code of the 84674
facility closure or voluntary withdrawal of participation; the 84675
department receives the notice under section 5165.51 of the 84676
Revised Code of the change of operator; or the effective date of 84677
the involuntary termination. The department's written notice shall 84678
include the basis for the estimate. 84679

Sec. 5166.01. As used in this chapter: 84680

"209(b) option" means the option described in section 1902(f) 84681
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 84682
medicaid program's eligibility requirements for aged, blind, and 84683
disabled individuals are more restrictive than the eligibility 84684
requirements for the supplemental security income program. 84685

"Administrative agency" means, with respect to a home and 84686
community-based services medicaid waiver component, the department 84687
of medicaid or, if a state agency or political subdivision 84688
contracts with the department under section 5162.35 of the Revised 84689
Code to administer the component, that state agency or political 84690
subdivision. 84691

"Care management system" means the system established under 84692
section 5167.03 of the Revised Code. 84693

"Dual eligible individual" has the same meaning as in section 84694
5160.01 of the Revised Code. 84695

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.	84696 84697
"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.	84698 84699 84700 84701
"Hospital" has the same meaning as in section 3727.01 of the Revised Code.	84702 84703
"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.	84704 84705
"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	84706 84707
"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	84708 84709
"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.	84710 84711
"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.	84712 84713 84714 84715 84716 84717
"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.	84718 84719
"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	84720 84721
"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	84722 84723
"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States	84724 84725

department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.

"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

~~"Ohio transitions II aging carve out program" means the home and community based services medicaid waiver component that is known as Ohio transitions II aging carve out and was created pursuant to section 5166.11 of the Revised Code.~~

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code. 84756
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Sec. 5166.121. (A) Unless the Ohio home care waiver program is terminated pursuant to section 5165.12 of the Revised Code, the department of medicaid shall establish a home first component for the Ohio home care waiver program. An individual is eligible for the Ohio home care waiver program's home first component if the individual has been determined to be eligible for the Ohio home care waiver program and at least one of the following applies: 84759
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(1) If the individual is under twenty-one years of age, the individual received inpatient hospital services for at least fourteen consecutive days, or had at least three inpatient hospital stays during the twelve months, immediately preceding the date the individual applies for the Ohio home care waiver program. 84766
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(2) If the individual is at least twenty-one but less than sixty years of age, the individual received inpatient hospital services for at least fourteen consecutive days immediately preceding the date the individual applies for the Ohio home care waiver program. 84771
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(3) The individual received private duty nursing services under the medicaid program for at least twelve consecutive months immediately preceding the date the individual applies for the Ohio home care waiver program. 84776
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(4) The individual does not reside in a nursing facility or hospital long-term care unit at the time the individual applies for the Ohio home care waiver program but is at risk of imminent admission to a nursing facility or hospital long-term care unit due to a documented loss of a primary caregiver. 84780
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(5) The individual resides in a nursing facility at the time 84785

the individual applies for the Ohio home care waiver program. 84786

~~(6) At the time the individual applies for the Ohio home care waiver program, the individual participates in the money follows the person demonstration project authorized by section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, and either resides in a residential treatment facility or inpatient hospital setting.~~ 84787
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(B) An individual determined to be eligible for the home first component of the Ohio home care waiver program shall be enrolled in the program in accordance with rules adopted under section 5166.02 of the Revised Code. 84793
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Sec. 5166.16. (A) As used in this section and section 5166.161 of the Revised Code, "ODA or MCD medicaid waiver component" means all of the following: 84797
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(1) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code; 84800
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~~(2) The choices program, unless it is terminated pursuant to division (B) of section 173.53 of the Revised Code;~~ 84803
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~~(3) The medicaid-funded component of the assisted living program, unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code;~~ 84805
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~~(4)(3) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;~~ 84808
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~~(5) The Ohio transitions II aging carve out program, unless it is terminated pursuant to section 5166.13 of the Revised Code.~~ 84810
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(B) The medicaid director may create a home and community-based services medicaid waiver component as part of the integrated care delivery system. If the ICDS medicaid waiver component is created, both of the following apply: 84812
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(1) The department of medicaid shall administer it; 84816

(2) When it begins to accept enrollments, no ICDS participant 84817
who is eligible for the ICDS medicaid waiver component shall be 84818
enrolled in an ODA or MCD medicaid waiver component regardless of 84819
whether the participant prefers to remain or be enrolled in an ODA 84820
or MCD medicaid waiver component. 84821

(C) A dual eligible individual who is eligible for an ODA or 84822
MCD medicaid waiver component may enroll in the component before 84823
the individual becomes an ICDS participant. The dual eligible 84824
individual shall disenroll from the ODA or MCD medicaid waiver 84825
component and enroll in the ICDS medicaid waiver component once 84826
the individual becomes an ICDS participant and it is possible to 84827
enroll the individual in the ICDS medicaid waiver component. The 84828
disenrollment from the ODA or MCD medicaid waiver component and 84829
enrollment into the ICDS medicaid waiver component shall occur 84830
regardless of whether the individual prefers to remain enrolled in 84831
the ODA or MCD medicaid waiver component. 84832

(D) An ICDS participant's disenrollment from an ODA or MCD 84833
medicaid waiver component and enrollment in the ICDS medicaid 84834
waiver component resulting from division (B)(2) or (C) of this 84835
section shall be accomplished without a disruption in the 84836
participant's services under the components. 84837

Sec. 5166.22. (A) Subject to division (B) of this section, 84838
when the department of developmental disabilities allocates 84839
enrollment numbers to a county board of developmental disabilities 84840
for home and community-based services specified in division (A)(1) 84841
of section 5166.20 of the Revised Code and provided under any of 84842
the medicaid waiver components that the department administers 84843
under section 5166.21 of the Revised Code, the department shall 84844
consider all of the following: 84845

(1) The number of individuals with developmental disabilities 84846

~~who are on a~~ placed on the county board's waiting list ~~the county~~ 84847
~~board establishes under~~ established for the services pursuant to 84848
section 5126.042 of the Revised Code ~~for those services and are~~ 84849
~~given priority on the waiting list;~~ 84850

(2) The implementation component required by division (A)(3) 84851
of section 5126.054 of the Revised Code of the county board's plan 84852
approved under section 5123.046 of the Revised Code; 84853

(3) Anything else the department considers necessary to 84854
enable the county boards board to provide ~~those~~ the services to 84855
individuals ~~in accordance with the priority requirements for~~ 84856
placed on the county board's waiting lists list established ~~under~~ 84857
for the services pursuant to section 5126.042 of the Revised Code 84858
~~for those services.~~ 84859

(B) Division (A) of this section applies to home and 84860
community-based services provided under the medicaid waiver 84861
component known as the transitions developmental disabilities 84862
waiver only to the extent, if any, provided by the contract 84863
required by section 5166.21 of the Revised Code regarding the 84864
component. 84865

Sec. 5166.30. (A) As used in sections 5166.30 to 5166.3010 of 84866
the Revised Code: 84867

(1) "Adult" means an individual at least eighteen years of 84868
age. 84869

(2) "Appropriate director" means the following: 84870

(a) The medicaid director in the context of ~~all~~ both of the 84871
following: 84872

(i) The Ohio home care waiver program, unless it is 84873
terminated pursuant to section 5166.12 of the Revised Code; 84874

(ii) ~~The Ohio transitions II aging carve out program, unless~~ 84875
~~it is terminated pursuant to section 5166.13 of the Revised Code;~~ 84876

(iii) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.	84877 84878
(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.	84879 84880 84881 84882
(3) "Authorized representative" means the following:	84883
(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;	84884 84885
(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5166.3010 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.	84886 84887 84888 84889
(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.	84890 84891 84892 84893
(5) "Consumer" means an individual to whom all of the following apply:	84894 84895
(a) The individual is enrolled in a participating medicaid waiver component.	84896 84897
(b) The individual has a medically determinable physical impairment to which both of the following apply:	84898 84899
(i) It is expected to last for a continuous period of not less than twelve months.	84900 84901
(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.	84902 84903 84904 84905
(c) In the case of an individual who is an adult, the	84906

individual is mentally alert and is, or has an authorized
representative who is, capable of selecting, directing the actions
of, and dismissing a home care attendant.

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(d) In the case of an individual who is a minor, the
individual has an authorized representative who is capable of
selecting, directing the actions of, and dismissing a home care
attendant.

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(6) "Controlled substance" has the same meaning as in section
3719.01 of the Revised Code.

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(7) "Custodian" has the same meaning as in section 2151.011
of the Revised Code.

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(8) "Gastrostomy tube" means a percutaneously inserted
catheter that terminates in the stomach.

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(9) "Guardian" has the same meaning as in section 2111.01 of
the Revised Code.

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(10) "Health care professional" means a physician or
registered nurse.

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(11) "Home care attendant" means an individual holding a
valid provider agreement in accordance with section 5166.301 of
the Revised Code that authorizes the individual to provide home
care attendant services to consumers.

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(12) "Home care attendant services" means all of the
following as provided by a home care attendant:

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(a) Personal care aide services;

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(b) Assistance with the self-administration of medication;

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(c) Assistance with nursing tasks.

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(13) "Jejunostomy tube" means a percutaneously inserted
catheter that terminates in the jejunum.

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(14) "Medication" means a drug as defined in section 4729.01

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of the Revised Code.	84936
(15) "Minor" means an individual under eighteen years of age.	84937
(16) "Participating medicaid waiver component" means all of the following:	84938 84939
(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;	84940 84941 84942
(b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;	84943 84944
(c) The Ohio transitions II aging carve out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;	84945 84946
(d) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.	84947 84948
(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	84949 84950 84951
(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code.	84952 84953 84954 84955 84956
(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.	84957 84958 84959
(B) Participating medicaid waiver components may cover home care attendant services in accordance with sections 5166.30 to 5166.3010 of the Revised Code and rules adopted under section 5166.02 of the Revised Code.	84960 84961 84962 84963
<u>Sec. 5166.37. The medicaid director shall establish a</u>	84964

medicaid waiver component under which an individual included in 84965
the eligibility group described in section 1902(a)(10)(A)(i)(VIII) 84966
of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), 84967
must satisfy at least one of the following requirements to be able 84968
to enroll in medicaid as part of the eligibility group: 84969

(A) Be at least fifty-five years of age; 84970

(B) Be employed; 84971

(C) Be enrolled in school or an occupational training 84972
program; 84973

(D) Be participating in an alcohol and drug addiction 84974
treatment program; 84975

(E) Have intensive health care needs. 84976

Sec. 5166.38. As used in this section, "institution for 84977
mental diseases" has the same meaning as in 42 C.F.R. 435.1010. 84978

The department of medicaid shall create and administer a 84979
medicaid waiver component under which services are provided to 84980
eligible individuals at least twenty-one years of age but less 84981
than sixty-five years of age who are in need of care at an 84982
institution for mental diseases. 84983

Before creating the waiver component, the department shall do 84984
all of the following to determine where, when, and how services 84985
are to be provided under the waiver component: 84986

(A) Participate in the centers for medicare and medicaid 84987
services' innovation accelerator program; 84988

(B) With the assistance of the innovation accelerator program 84989
and using data obtained from the certification of services under 84990
section 5119.36 of the Revised Code and from claims for payment 84991
for the provision of services, conduct an inventory of the 84992
treatment capacity of mental health and substance use disorder 84993

<u>treatment providers;</u>	84994
<u>(C) With the assistance of the innovation accelerator</u>	84995
<u>program, assess the community-based continuum of care established</u>	84996
<u>by each board of alcohol, drug addiction, and mental health</u>	84997
<u>services under section 340.032 of the Revised Code, including an</u>	84998
<u>assessment of the ability of patients who are discharged from</u>	84999
<u>institutions for mental diseases to be integrated into the</u>	85000
<u>continuum of care.</u>	85001
Sec. 5166.40. (A) As used in sections 5166.40 to 5166.409 of	85002
the Revised Code:	85003
(1) "Adult" means an individual who is at least eighteen	85004
years of age.	85005
(2) "Buckeye account" means a modified health savings account	85006
established under section 5166.402 of the Revised Code.	85007
(3) "Contribution" means the amounts that an individual	85008
contributes to the individual's buckeye account and are	85009
contributed to the account on the individual's behalf under	85010
divisions (C) and (D) of section 5166.402 of the Revised Code.	85011
"Contribution" does not mean the portion of an individual's	85012
buckeye account that consists of medicaid funds deposited under	85013
division (B) of section 5166.402 of the Revised Code or section	85014
5166.404 of the Revised Code.	85015
(4) "Core portion" means the portion of a healthy Ohio	85016
program participant's buckeye account that consists of the	85017
following:	85018
(a) The amount of contributions to the account;	85019
(b) The amounts awarded to the account under divisions (C)	85020
and (D) of section 5166.404 of the Revised Code.	85021
(5) "Eligible employer-sponsored health plan" has the same	85022
meaning as in section 5000A(f)(2) of the "Internal Revenue Code of	85023

1986," 26 U.S.C. 5000A(f)(2). 85024

(6) "Healthy Ohio program" means the medicaid waiver 85025
component established under sections 5166.40 to 5166.409 of the 85026
Revised Code under which medicaid recipients specified in division 85027
(B) of this section enroll in comprehensive health plans and 85028
contribute to buckeye accounts. 85029

(7) "Healthy Ohio program debit swipe card" means a debit 85030
swipe card issued by a managed care organization to a healthy Ohio 85031
program participant under section 5166.403 of the Revised Code. 85032

(8) "Not-for-profit organization" means an organization that 85033
is exempt from federal income taxation under section 501(a) and 85034
(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 85035
and (c)(3). 85036

(9) "Ward of the state" means ~~both of the following:~~ an 85037
individual who is a ward, as defined in section 2111.01 of the 85038
Revised Code. 85039

(10) "Workforce development activity" and "~~workforce~~ 85040
~~development agency~~ local board" have the same meanings as in 85041
section 6301.01 of the Revised Code. 85042

(B) The medicaid director shall establish a medicaid waiver 85043
component to be known as the healthy Ohio program. Each adult 85044
medicaid recipient, other than a ward of the state, determined to 85045
be eligible for medicaid on the basis of either of the following 85046
shall participate in the healthy Ohio program: 85047

(1) On the basis of being included in the category identified 85048
by the department of medicaid as covered families and children; 85049

(2) On the basis of being included in the eligibility group 85050
described in section 1902(a)(10)(A)(i)(VIII) of the "Social 85051
Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 85052

(C) Except as provided in section 5166.406 of the Revised 85053

Code, a healthy Ohio program participant shall not receive 85054
medicaid services under the fee-for-service component of medicaid 85055
or participate in the care management system. 85056

Sec. 5166.408. Each county department of job and family 85057
services shall offer to refer to a ~~workforce development agency~~ 85058
local board each healthy Ohio program participant who resides in 85059
the county served by the county department and is either 85060
unemployed or employed for less than an average of twenty hours 85061
per week. The referral shall include information about the 85062
workforce development activities available from the ~~workforce~~ 85063
~~development agency~~ local board. A participant may refuse to accept 85064
the referral and to participate in the workforce development 85065
activities without any affect on the participant's eligibility 85066
for, or participation in, the healthy Ohio program. 85067

Sec. 5167.01. As used in this chapter: 85068

(A) "Controlled substance" has the same meaning as in section 85069
3719.01 of the Revised Code. 85070

(B) "Dual eligible individual" has the same meaning as in 85071
section 5160.01 of the Revised Code. 85072

(C) "Emergency services" has the same meaning as in the 85073
"Social Security Act," section 1932(b)(2), 42 U.S.C. 85074
1396u-2(b)(2). 85075

(D) "~~Home and community based services medicaid waiver~~ 85076
~~component~~" "ICDS participant" has the same meaning as in section 85077
~~5166.01~~ 5164.01 of the Revised Code. 85078

(E) "Medicaid managed care organization" means a managed care 85079
organization under contract with the department of medicaid 85080
pursuant to section 5167.10 of the Revised Code. 85081

(F) "Medicaid waiver component" has the same meaning as in 85082

section 5166.01 of the Revised Code. 85083

(G) "Nursing facility services" has the same meaning as in 85084
section 5165.01 of the Revised Code. 85085

(H) "Prescribed drug" has the same meaning as in section 85086
5164.01 of the Revised Code. 85087

(I) "Provider" means any person or government entity that 85088
furnishes services to a medicaid recipient enrolled in a medicaid 85089
managed care organization, regardless of whether the person or 85090
entity has a provider agreement. 85091

(J) "Provider agreement" has the same meaning as in section 85092
5164.01 of the Revised Code. 85093

Sec. 5167.03. As part of the medicaid program, the department 85094
of medicaid shall establish a care management system. The 85095
department shall implement the system in some or all counties. 85096

~~The department shall designate the Only medicaid recipients~~ 85097
~~who are eligibility groups that are required or permitted to~~ 85098
~~participate in the care management system on the effective date of~~ 85099
~~this amendment shall be required or permitted to participate in~~ 85100
the care management system. Those who shall be required to 85101
participate in the system include medicaid recipients who receive 85102
cognitive behavioral therapy as described in division (A)(2) of 85103
section 5167.16 of the Revised Code. Except as provided in section 85104
5166.406 of the Revised Code, no medicaid recipient participating 85105
in the healthy Ohio program established under section 5166.40 of 85106
the Revised Code shall participate in the ~~care management~~ system. 85107

Neither home and community-based services available under a 85108
medicaid waiver component nor nursing facility services shall be 85109
included in the care management system before January 1, 2021, 85110
except that ICDS participants may be required or permitted to 85111
obtain such services under the care management system. Medicaid 85112

recipients who receive such services may be designated for 85113
voluntary or mandatory participation in the care management system 85114
in order to receive other health care services included in the 85115
system. 85116

The department may require or permit participants in the care 85117
management system to obtain health care services from providers 85118
designated by the department. The department may require or permit 85119
participants to obtain health care services through medicaid 85120
managed care organizations. 85121

Sec. 5167.04. ~~(A) Subject to division (B) of this section,~~ 85122
~~the~~ The department of medicaid shall include alcohol, drug 85123
addiction, and mental health services covered by medicaid in the 85124
care management system established under section 5167.03 of the 85125
Revised Code. 85126

~~(B) All of the following apply to the manner in which~~ 85127
~~division (A) of this section is implemented.~~ 85128

~~(1) The department shall begin to include the services in the~~ 85129
~~system not later than January~~ Code. The services shall not be 85130
included in the system before July 1, 2018. 85131

~~(2) Before January 1, 2018, any proposal by the department to~~ 85132
~~include all or part of the services in all or part of the system~~ 85133
~~is subject to review by the joint medicaid oversight committee~~ 85134
~~under division (B) of section 103.42 of the Revised Code. The~~ 85135
~~department may implement the proposal only if the committee~~ 85136
~~approves the proposal.~~ 85137

~~(3) On and after January 1, 2018, any proposal by the~~ 85138
~~department to include all or part of the services in all or part~~ 85139
~~of the system is subject to monitoring by the committee under~~ 85140
~~division (A) or (C) of section 103.42 of the Revised Code, but~~ 85141
~~approval by the committee is no longer required before the~~ 85142

~~proposal may be implemented.~~ 85143

Sec. 5167.121. (A) If the department of medicaid requires a 85144
medicaid managed care organization to submit to the department 85145
pharmacy claims that the organization or its designee pays for 85146
pharmacy services provided to medicaid recipients enrolled in the 85147
organization, the organization shall include both of the following 85148
with each pharmacy claim submitted to the department on or after 85149
January 1, 2018: 85150

(1) The amount that was charged to the organization for the 85151
pharmacy service; 85152

(2) The amount the organization or its designee paid to the 85153
pharmacy provider or the pharmacy provider's designee for the 85154
pharmacy service. 85155

(B) The department shall penalize a medicaid managed care 85156
organization that fails to comply with division (A) of this 85157
section. The department shall specify the penalty in rules adopted 85158
under section 5167.02 of the Revised Code or in the contract that 85159
the department enters into with the organization under section 85160
5167.10 of the Revised Code. 85161

(C) The information a medicaid managed care organization 85162
submits to the department under division (A) of this section is 85163
not a public record under section 149.43 of the Revised Code. 85164

Sec. 5167.18. Each contract the department of medicaid enters 85165
into with a managed care organization under section 5167.10 of the 85166
Revised Code shall require the managed care organization to comply 85167
with federal and state efforts to identify fraud, waste, and abuse 85168
in the medicaid program. 85169

Sec. 5167.30. (A)(1) The department of medicaid shall 85170
establish a managed care performance payment program. Under the 85171

program, the department may provide payments to medicaid managed 85172
care organizations that meet performance standards established by 85173
the department. 85174

(2) In establishing performance standards, the department may 85175
consult any of the following: 85176

(a) Any quality measurements developed under the pediatric 85177
quality measures program established pursuant to the "Social 85178
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 85179

(b) Any core set of adult health quality measures for 85180
medicaid eligible adults used for purposes of the "Social Security 85181
Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health 85182
quality used for purposes of the medicaid quality measurement 85183
program when the program is established under that section of the 85184
"Social Security Act"; 85185

(c) The most recent healthcare effectiveness data and 85186
information set and quality measurement tool established by the 85187
national committee for quality assurance. 85188

(3) The standards that must be met to receive the payments 85189
may be specified in the contract the department enters into with a 85190
medicaid managed care organization. 85191

(4) If a medicaid managed care organization meets the 85192
performance standards established by the department, the 85193
department shall make one or more performance payments to the 85194
organization. The amount of each performance payment, the number 85195
of payments, and the schedule for making the payments shall be 85196
established by the department. The payments shall be discontinued 85197
if the department determines that the organization no longer meets 85198
the performance standards. The department shall not make or 85199
discontinue payments based on any performance standard that has 85200
been in effect as part of the organization's contract for less 85201

than six months. 85202

(B) For purposes of the program, the department shall 85203
establish an amount that is to be withheld each time a premium 85204
payment is made to a medicaid managed care organization. The 85205
amount shall be established as a percentage of each premium 85206
payment. The percentage shall be the same for all medicaid managed 85207
care organizations. The sum of all withholdings under this 85208
division shall not exceed ~~two~~ five per cent of the total of all 85209
premium payments made to all medicaid managed care organizations. 85210

Each medicaid managed care organization shall agree to the 85211
withholding as a condition of receiving or maintaining its 85212
provider agreement with the department. 85213

When the amount is established and each time the amount is 85214
modified thereafter, the department shall certify the amount to 85215
the director of budget and management and begin withholding the 85216
amount from each premium the department pays to a medicaid managed 85217
care organization. 85218

Sec. 5167.34. A medicaid managed care organization, its 85219
officers, employees, or other persons associated with the managed 85220
care organization are not liable in a civil action for damages or 85221
other relief for furnishing information to the department of 85222
medicaid regarding potential fraud, waste, or abuse in the 85223
medicaid program. 85224

Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the 85225
Revised Code: 85226

(A) "Bad debt," "charity care," "courtesy care," and 85227
"contractual allowances" have the same meanings given these terms 85228
in regulations adopted under Title XVIII of the "Social Security 85229
Act," 42 U.S.C. 1395 et seq. 85230

(B) "Cost reporting period" means the twelve-month period 85231

used by a hospital in reporting costs for purposes of Title XVIII 85232
of the "Social Security Act," 42 U.S.C. 1395 et seq. 85233

(C) "Disproportionate share hospital" means a hospital that 85234
meets the definition of a disproportionate share hospital in rules 85235
adopted under section 5168.02 of the Revised Code. 85236

(D) "Federal poverty line" means the official poverty line 85237
defined by the United States office of management and budget based 85238
on the most recent data available from the United States bureau of 85239
the census and revised by the United States secretary of health 85240
and human services pursuant to the "Omnibus Budget Reconciliation 85241
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 85242

(E) "Governmental hospital" means a county hospital with more 85243
than five hundred registered beds or a state-owned and -operated 85244
hospital with more than five hundred registered beds. 85245

(F)(1) "Hospital" means a nonfederal hospital to which either 85246
of the following applies: 85247

(a) The hospital is registered under section 3701.07 of the 85248
Revised Code as a general medical and surgical hospital or a 85249
pediatric general hospital, and provides inpatient hospital 85250
services, as defined in 42 C.F.R. 440.10; 85251

(b) The hospital is recognized under the medicare program as 85252
a cancer hospital and is exempt from the medicare prospective 85253
payment system. 85254

(2) "Hospital" does not include a hospital operated by a 85255
health insuring corporation that has been issued a certificate of 85256
authority under section 1751.05 of the Revised Code or a hospital 85257
that does not charge patients for services. 85258

(G) "Indigent care pool" means the sum of the following: 85259

(1) The total of assessments to be paid in a program year by 85260
all hospitals under section 5168.06 of the Revised Code, less the 85261

assessments deposited into the health ~~care services administration~~ 85262
care/medicaid support and recoveries fund created under section 85263
~~5162.54~~ 5162.52 of the Revised Code; 85264

(2) The total amount of intergovernmental transfers required 85265
to be made in the same program year by governmental hospitals 85266
under section 5168.07 of the Revised Code, less the amount of 85267
transfers deposited into the health ~~care services administration~~ 85268
care/medicaid support and recoveries fund created under section 85269
~~5162.54~~ 5162.52 of the Revised Code; 85270

(3) The total amount of federal matching funds that will be 85271
made available in the same program year as a result of funds 85272
distributed by the department of medicaid to hospitals under 85273
section 5168.09 of the Revised Code. 85274

(H) "Intergovernmental transfer" means any transfer of money 85275
by a governmental hospital under section 5168.07 of the Revised 85276
Code. 85277

(I) "Medicaid services" has the same meaning as in section 85278
5164.01 of the Revised Code. 85279

(J) "Program year" means a period beginning the first day of 85280
October, or a later date designated in rules adopted under section 85281
5168.02 of the Revised Code, and ending the thirtieth day of 85282
September, or an earlier date designated in rules adopted under 85283
that section. 85284

(K) "Registered beds" means the total number of hospital beds 85285
registered with the department of health, as reported in the most 85286
recent "directory of registered hospitals" published by the 85287
department of health. 85288

(L) "Third-party payer" means any person or government entity 85289
that may be liable by law or contract to make payment to or on 85290
behalf of an individual for health care services. "Third-party 85291
payer" does not include a hospital. 85292

(M) "Total facility costs" means the total costs for all 85293
services rendered to all patients, including the direct, indirect, 85294
and overhead cost to the hospital of all services, supplies, 85295
equipment, and capital related to the care of patients, regardless 85296
of whether patients are enrolled in a health insuring corporation, 85297
excluding costs associated with providing skilled nursing services 85298
in distinct-part nursing facility units, as shown on the 85299
hospital's cost report filed under section 5168.05 of the Revised 85300
Code. Effective October 1, 1993, if rules adopted under section 85301
5168.02 of the Revised Code so provide, "total facility costs" may 85302
exclude costs associated with providing care to recipients of any 85303
of the governmental programs listed in division (B) of that 85304
section. 85305

(N) "Uncompensated care" means bad debt and charity care. 85306

Sec. 5168.02. (A) The medicaid director shall adopt rules in 85307
accordance with Chapter 119. of the Revised Code for the purpose 85308
of administering sections 5168.01 to 5168.14 of the Revised Code, 85309
including rules that do all of the following: 85310

(1) Define as a "disproportionate share hospital" any 85311
hospital included under the "Social Security Act," section 85312
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director 85313
determines appropriate; 85314

(2) Prescribe the form for submission of cost reports under 85315
section 5168.05 of the Revised Code; 85316

(3) Establish, in accordance with division (A) of section 85317
5168.06 of the Revised Code, the assessment rate or rates to be 85318
applied to hospitals under that section; 85319

(4) Establish schedules for hospitals to pay installments on 85320
their assessments under section 5168.06 of the Revised Code and 85321
for governmental hospitals to pay installments on their 85322

intergovernmental transfers under section 5168.07 of the Revised Code; 85323
85324

(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5168.06 of the Revised Code in the amount of installments on their assessment; 85325
85326
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(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5168.08 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments; 85328
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(7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section. 85333
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The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties. 85336
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(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following: 85339
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(1) Medicaid recipients; 85342

(2) ~~Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code;~~ 85343
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~~(3)~~ Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code; 85345
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~~(4)~~(3) Medicare beneficiaries; 85347

~~(5)~~(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.; 85348
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~~(6)~~(5) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that 85350
85351
85352

title. 85353

Sec. 5168.06. (A) For the purpose of distributing funds to 85354
hospitals under the medicaid program pursuant to sections 5168.01 85355
to 5168.14 of the Revised Code and depositing funds into the 85356
health ~~care services administration~~ care/medicaid support and 85357
recoveries fund created under section ~~5162.54~~ 5162.52 of the 85358
Revised Code, there is hereby imposed an assessment on all 85359
hospitals. Each hospital's assessment shall be based on total 85360
facility costs. All hospitals shall be assessed according to the 85361
rate or rates established each program year in rules adopted under 85362
section 5168.02 of the Revised Code. The department shall assess 85363
all hospitals uniformly and in a manner consistent with federal 85364
statutes and regulations. During any program year, the department 85365
shall not assess any hospital more than two per cent of the 85366
hospital's total facility costs. 85367

The department shall establish an assessment rate or rates 85368
each program year that will do both of the following: 85369

(1) Yield funds that, when combined with intergovernmental 85370
transfers and federal matching funds, will produce a program of 85371
sufficient size to pay a substantial portion of the indigent care 85372
provided by hospitals; 85373

(2) Yield funds that, when combined with intergovernmental 85374
transfers and federal matching funds, will produce amounts for 85375
distribution to disproportionate share hospitals that do not 85376
exceed, in the aggregate, the limits prescribed by the United 85377
States health care financing administration under the "Social 85378
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 85379

(B)(1) Except as provided in division (B)(3) of this section, 85380
each hospital shall pay its assessment in periodic installments in 85381
accordance with a schedule established in rules adopted under 85382
section 5168.02 of the Revised Code. 85383

(2) The installments shall be equal in amount, unless either 85384
of the following applies: 85385

(a) The department makes adjustments during a program year 85386
under division (D) of section 5168.08 of the Revised Code in the 85387
total amount of hospitals' assessments; 85388

(b) The medicaid director determines that adjustments in the 85389
amounts of installments are necessary for the administration of 85390
sections 5168.01 to 5168.14 of the Revised Code and that unequal 85391
installments will not create cash flow difficulties for hospitals. 85392

(3) The director may adopt rules under section 5168.02 of the 85393
Revised Code establishing alternate schedules for hospitals to pay 85394
assessments under this section in order to reduce hospitals' cash 85395
flow difficulties. 85396

Sec. 5168.07. (A) The department of medicaid may require 85397
governmental hospitals to make intergovernmental transfers each 85398
program year for the purpose of distributing funds to hospitals 85399
under the medicaid program pursuant to sections 5168.01 to 5168.14 85400
of the Revised Code and depositing funds into the health ~~care~~ 85401
~~services administration~~ care/medicaid support and recoveries fund 85402
created under section ~~5162.54~~ 5162.52 of the Revised Code. The 85403
department shall not require transfers in an amount that, when 85404
combined with hospital assessments paid under section 5168.06 of 85405
the Revised Code and federal matching funds, produce amounts for 85406
distribution to disproportionate share hospitals that, in the 85407
aggregate, exceed limits prescribed by the United States health 85408
care financing administration under the "Social Security Act," 85409
section 1923(f), 42 U.S.C. 1396r-4(f). 85410

(B) Before or during each program year, the department shall 85411
notify each governmental hospital of the amount of the 85412
intergovernmental transfer it is required to make during the 85413
program year. Each governmental hospital shall make 85414

intergovernmental transfers as required by the department under 85415
this section in periodic installments, executed by electronic fund 85416
transfer, in accordance with a schedule established in rules 85417
adopted under section 5168.02 of the Revised Code. 85418

Sec. 5168.09. The medicaid director shall adopt rules under 85419
section 5168.02 of the Revised Code establishing a methodology to 85420
pay hospitals that is sufficient to expend all money in the 85421
indigent care pool. Under the rules: 85422

(A) The department of medicaid may classify similar hospitals 85423
into groups and allocate funds for distribution within each group. 85424

(B) The department shall establish a method of allocating 85425
funds to hospitals, taking into consideration the relative amount 85426
of indigent care provided by each hospital or group of hospitals. 85427
The amount to be allocated shall be based on any combination of 85428
the following indicators of indigent care that the director 85429
considers appropriate: 85430

(1) Total costs, volume, or proportion of services to 85431
recipients of the medical assistance program, including recipients 85432
enrolled in health insuring corporations; 85433

(2) Total costs, volume, or proportion of services to 85434
low-income patients in addition to medicaid recipients, which may 85435
include recipients of Title V of the "Social Security Act," 42 85436
U.S.C. 701 et seq., ~~and recipients of disability financial~~ 85437
~~assistance provided under Chapter 5115. of the Revised Code;~~ 85438

(3) The amount of uncompensated care provided by the hospital 85439
or group of hospitals; 85440

(4) Other factors that the director considers to be 85441
appropriate indicators of indigent care. 85442

(C) The department shall distribute funds to each hospital or 85443
group of hospitals in a manner that first may provide for an 85444

additional distribution to individual hospitals that provide a 85445
high proportion of indigent care in relation to the total care 85446
provided by the hospital or in relation to other hospitals. The 85447
department shall establish a formula to distribute the remainder 85448
of the funds. The formula shall be consistent with the "Social 85449
Security Act," section 1923, 42 U.S.C. 1396r-4, and shall be based 85450
on any combination of the indicators of indigent care listed in 85451
division (B) of this section that the director considers 85452
appropriate. 85453

(D) The department shall distribute funds to each hospital in 85454
installments not later than ten working days after the deadline 85455
established in rules for each hospital to pay an installment on 85456
its assessment under section 5168.06 of the Revised Code. In the 85457
case of a governmental hospital that makes intergovernmental 85458
transfers, the department shall pay an installment under this 85459
section not later than ten working days after the earlier of that 85460
deadline or the deadline established in rules for the governmental 85461
hospital to pay an installment on its intergovernmental transfer. 85462
If the amount in the hospital care assurance program fund created 85463
under section 5168.11 of the Revised Code and the portion of the 85464
health care - federal fund created under section 5162.50 of the 85465
Revised Code that is credited to that fund pursuant to division 85466
(B) of section 5168.11 of the Revised Code are insufficient to 85467
make the total distributions for which hospitals are eligible to 85468
receive in any period, the department shall reduce the amount of 85469
each distribution by the percentage by which the amount and 85470
portion are insufficient. The department shall distribute to 85471
hospitals any amounts not distributed in the period in which they 85472
are due as soon as moneys are available in the funds. 85473

Sec. 5168.10. Except for moneys deposited into the health 85474
~~care services administration~~ care/medicaid support and recoveries 85475
fund created under section ~~5162.54~~ 5162.52 of the Revised Code, 85476

the department of medicaid shall not use money paid to the 85477
department under sections 5168.06 and 5168.07 of the Revised Code 85478
or money that the department pays to hospitals under section 85479
5168.09 of the Revised Code to replace any funds appropriated by 85480
the general assembly for the medicaid program. 85481

Sec. 5168.11. (A) Except as provided in section ~~5162.54~~ 85482
5162.52 of the Revised Code, all payments of assessments by 85483
hospitals under section 5168.06 of the Revised Code and all 85484
intergovernmental transfers under section 5168.07 of the Revised 85485
Code shall be deposited in the state treasury to the credit of the 85486
hospital care assurance program fund, hereby created. All 85487
investment earnings of the hospital care assurance program fund 85488
shall be credited to the fund. The department of medicaid shall 85489
maintain records that show the amount of money in the hospital 85490
care assurance program fund at any time that has been paid by each 85491
hospital and the amount of any investment earnings on that amount. 85492
All moneys credited to the hospital care assurance program fund 85493
shall be used solely to make payments to hospitals under division 85494
(D) of this section and section 5168.09 of the Revised Code. 85495

(B) All federal matching funds received as a result of the 85496
department distributing funds from the hospital care assurance 85497
program fund to hospitals under section 5168.09 of the Revised 85498
Code shall be credited to the health care - federal fund created 85499
under section 5162.50 of the Revised Code. 85500

(C) All distributions of funds to hospitals under section 85501
5168.09 of the Revised Code are conditional on: 85502

(1) Expiration of the time for appeals under section 5168.08 85503
of the Revised Code without the filing of an appeal, or on court 85504
determinations, in the event of appeals, that the hospital is 85505
entitled to the funds; 85506

(2) The sum of the following being sufficient to distribute 85507

the funds after the final determination of any appeals: 85508

(a) The available money in the hospital care assurance 85509
program fund; 85510

(b) The available portion of the money in the health care - 85511
federal fund that is credited to that fund pursuant to division 85512
(B) of this section. 85513

(3) The hospital's compliance with section 5168.14 of the 85514
Revised Code. 85515

(D) If an audit conducted by the department of the amounts of 85516
payments made and funds received by hospitals under sections 85517
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 85518
amounts that, due to errors by the department, a hospital should 85519
not have been required to pay but did pay, should have been 85520
required to pay but did not pay, should not have received but did 85521
receive, or should have received but did not receive, the 85522
department shall: 85523

(1) Make payments to any hospital that the audit reveals paid 85524
amounts it should not have been required to pay or did not receive 85525
amounts it should have received; 85526

(2) Take action to recover from a hospital any amounts that 85527
the audit reveals it should have been required to pay but did not 85528
pay or that it should not have received but did receive. 85529

Payments made under division (D)(1) of this section shall be 85530
made from the hospital care assurance program fund. Amounts 85531
recovered under division (D)(2) of this section shall be deposited 85532
to the credit of that fund. Any hospital may appeal the amount the 85533
hospital is to be paid under division (D)(1) or the amount that is 85534
to be recovered from the hospital under division (D)(2) of this 85535
section to the court of common pleas of Franklin county. 85536

Sec. 5168.14. (A) Each hospital that receives funds 85537

distributed under sections 5168.01 to 5168.14 of the Revised Code 85538
shall provide, without charge to the individual, basic, medically 85539
necessary hospital-level services to individuals who are residents 85540
of this state, are not medicaid recipients, and whose income is at 85541
or below the federal poverty line. ~~Recipients of disability~~ 85542
~~financial assistance provided under Chapter 5115. of the Revised~~ 85543
~~Code qualify for services under this section.~~ The medicaid 85544
director shall adopt rules under section 5168.02 of the Revised 85545
Code specifying the hospital services to be provided under this 85546
section. 85547

(B) Nothing in this section shall be construed to prevent a 85548
hospital from requiring an individual to apply for the medicaid 85549
program before the hospital processes an application under this 85550
section. Hospitals may bill any third-party payer for services 85551
rendered under this section. Hospitals may bill the medicaid 85552
program, in accordance with state statutes governing the medicaid 85553
program and rules adopted under those statutes, for medicaid 85554
services rendered under this section if the individual becomes a 85555
medicaid recipient. Hospitals may bill individuals for services 85556
under this section if all of the following apply: 85557

(1) The hospital has an established post-billing procedure 85558
for determining the individual's income and canceling the charges 85559
if the individual is found to qualify for services under this 85560
section. 85561

(2) The initial bill, and at least the first follow-up bill, 85562
is accompanied by a written statement that does all of the 85563
following: 85564

(a) Explains that individuals with income at or below the 85565
federal poverty line are eligible for services without charge; 85566

(b) Specifies the federal poverty line for individuals and 85567
families of various sizes at the time the bill is sent; 85568

(c) Describes the procedure required by division (C)(1) of this section. 85569
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(3) The hospital complies with any additional rules adopted under section 5168.02 of the Revised Code. 85571
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Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered. 85573
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(C) Each hospital shall collect and report to the department of medicaid, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section. 85578
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(D) This section applies beginning May 22, 1992, regardless of whether rules specifying the services to be provided have been adopted. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for medically handicapped children established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law. 85582
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Sec. 5168.26. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5168.20 to 5168.28 of the Revised Code, including rules that specify the percentage of hospitals' total facility costs to be used in calculating hospitals' assessments under section 5168.21 of the Revised Code. 85591
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(B) The rules adopted under this section may do the following: 85597
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(1) Provide that a hospital's total facility costs for the purpose of the assessment under section 5168.21 of the Revised Code exclude any of the following:	85599 85600 85601
(a) A hospital's costs associated with providing care to recipients of any of the following:	85602 85603
(i) The medicaid program;	85604
(ii) The medicare program;	85605
(iii) The disability financial assistance program established under Chapter 5115. of the Revised Code;	85606 85607
(iv) The program for medically handicapped children established under section 3701.023 of the Revised Code;	85608 85609
(v) (iv) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq.	85610 85611 85612
(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program.	85613 85614 85615
(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals.	85616 85617 85618
(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly.	85619 85620 85621 85622 85623 85624 85625
<u>Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the Revised Code:</u>	85626 85627

<u>(A) "Basic health care services" means all of the services</u>	85628
<u>listed in division (A)(1) of section 1751.01 of the Revised Code.</u>	85629
<u>(B) "Care management system" means the system established</u>	85630
<u>under section 5167.03 of the Revised Code.</u>	85631
<u>(C) "Dual eligible individual" has the same meaning as in</u>	85632
<u>section 5160.01 of the Revised Code.</u>	85633
<u>(D) "Franchise fee" means the fee imposed on health insuring</u>	85634
<u>corporation plans under section 5168.76 of the Revised Code.</u>	85635
<u>(E) "Health insuring corporation" has the same meaning as in</u>	85636
<u>section 1751.01 of the Revised Code, except it does not mean a</u>	85637
<u>corporation that, pursuant to a policy, contract, certificate, or</u>	85638
<u>agreement, pays for, reimburses, or provides, delivers, arranges</u>	85639
<u>for, or otherwise makes available, only supplemental health care</u>	85640
<u>services or only specialty health care services.</u>	85641
<u>(F) "Health insuring corporation plan" means a policy,</u>	85642
<u>contract, certificate, or agreement of a health insuring</u>	85643
<u>corporation under which the corporation pays for, reimburses,</u>	85644
<u>provides, delivers, arranges for, or otherwise makes available</u>	85645
<u>basic health care services. "Health insuring corporation plan"</u>	85646
<u>does not mean any of the following:</u>	85647
<u>(1) A policy, contract, certificate, or agreement under which</u>	85648
<u>a health insuring corporation pays for, reimburses, provides,</u>	85649
<u>delivers, arranges for, or otherwise makes available only</u>	85650
<u>supplemental health care services or only specialty health care</u>	85651
<u>services;</u>	85652
<u>(2) An approved health benefits plan described in 5 U.S.C.</u>	85653
<u>8903 or 8903a, if imposing the franchise fee on the plan would</u>	85654
<u>violate 5 U.S.C. 8909(f);</u>	85655
<u>(3) A medicare advantage plan authorized by Part C of Title</u>	85656
<u>XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.</u>	85657

(G) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following: 85658
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(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change; 85666
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(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage. 85668
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(H) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 85670
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(I) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 85672
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(J) "Ohio medicaid member month" means a month in which a medicaid recipient residing in this state is enrolled in a health insuring corporation plan. 85674
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(K) "Other Ohio member month" means a month in which a resident of this state who is not a medicaid recipient is enrolled in a health insuring corporation plan. 85677
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(L) "Rate year" means the fiscal year for which a franchise fee is imposed. 85680
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Sec. 5168.76. (A) For the purposes specified in section 5168.85 of the Revised Code and subject to sections 5168.82, 5168.83, and 5168.84 of the Revised Code, a franchise fee is hereby imposed each month beginning with July 2017 on each health insuring corporation plan. The franchise fee shall have a component based on Ohio medicaid member months and another 85682
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component based on other Ohio member months. 85688

(B) The department of medicaid shall determine the amount of 85689
the monthly franchise fee to be imposed on a health insuring 85690
corporation plan under the component based on Ohio medicaid member 85691
months. The determination shall be made as part of the process of 85692
determining the annual capitated payment rates to be paid to 85693
medicaid managed care organizations under the care management 85694
system. The following rates shall be used as part of the 85695
determination: 85696

<u>CUMULATIVE TOTAL NUMBER OF OHIO</u>	<u>APPLICABLE RATE</u>	85697
<u>MEDICAID MEMBER MONTHS</u>		
<u>For the first 250,000</u>	<u>\$56</u>	85698
<u>For 250,001 to 500,000</u>	<u>\$45</u>	85699
<u>For 500,001 and above</u>	<u>\$26</u>	85700

(C) The amount of the monthly franchise fee to be imposed on 85701
a health insuring corporation plan under the component based on 85702
other Ohio member months shall be determined by multiplying the 85703
number of other Ohio member months that the health insuring 85704
corporation plan had for the month by the applicable rate or 85705
rates. The applicable rate or rates to be used in the calculation 85706
for a health insuring corporation plan for a month shall depend on 85707
the cumulative total number of other Ohio member months the health 85708
insuring corporation plan had for all of a rate year's months that 85709
ended before the beginning of the month in which the franchise fee 85710
is due. 85711

The following table shows the applicable rate or rates: 85712

<u>CUMULATIVE TOTAL NUMBER OF OTHER OHIO</u>	<u>APPLICABLE RATE</u>	85713
<u>MEMBER MONTHS</u>		
<u>For the first 150,000</u>	<u>\$2</u>	85714
<u>For 150,001 and above</u>	<u>\$1</u>	85715

Sec. 5168.77. The component of the monthly franchise fee based on Ohio medicaid member months is due not later than the fifth business day of the month immediately following the month for which it is imposed. The component of the monthly franchise fee based on other Ohio member months is due not later than the last day of September of the calendar year in which the rate year ends, and the total amount due under that component for all of the months of the rate year shall be paid in one payment.

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If a health insuring corporation administers multiple health insuring corporation plans, the corporation shall pay the total amount due for all of the plans under the component of the franchise fee based on Ohio medicaid member months in one payment and pay the total amount due for all of the plans under the component of the franchise fee based on other Ohio member months in one payment.

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Sec. 5168.78. The department of medicaid may request that a health insuring corporation provide the department documentation the department needs to verify the amount of the franchise fees imposed on the health insuring corporation plans administered by the corporation and to ensure the corporation's compliance with sections 5168.75 to 5168.86 of the Revised Code. On receipt of the request, the health insuring corporation shall provide the department the requested documentation. The department also may review relevant documentation possessed by other entities for the purpose of making such verifications.

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Sec. 5168.79. If the department of medicaid determines that the amount of a franchise fee that a health insuring corporation paid is less than the amount it should have paid, the department shall notify the health insuring corporation. Except as otherwise provided by the results of a reconsideration conducted under

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section 5168.80 of the Revised Code, the health insuring 85747
corporation shall pay the amount due. 85748

Sec. 5168.80. A health insuring corporation may request a 85749
reconsideration of a determination made by the department of 85750
medicaid under section 5168.79 of the Revised Code. A 85751
reconsideration may be requested solely on the grounds that the 85752
department made a material error in making the determination. A 85753
request for a reconsideration must be received by the department 85754
not later than fifteen days after the date the department notifies 85755
the health insuring corporation of the department's determination 85756
and must include written materials setting forth the basis for the 85757
reconsideration. If a health insuring corporation requests a 85758
reconsideration within the time required, the department shall 85759
reconsider the determination and issue a final decision not later 85760
than thirty days after the date the department receives the 85761
request. 85762

Sec. 5168.81. If a health insuring corporation fails to pay 85763
the full amount of a component of a franchise fee when due, the 85764
department of medicaid may assess a ten per cent penalty on the 85765
amount due for each month or fraction thereof that the component 85766
of the franchise fee is overdue. 85767

Sec. 5168.82. The franchise fee shall not be imposed on any 85768
health insuring corporation plan unless there is in effect a 85769
waiver authorizing the franchise fee issued by the United States 85770
secretary of health and human services pursuant to section 85771
1903(w)(3)(E) of the "Social Security Act," 42 U.S.C. 85772
1396b(w)(3)(E). 85773

Sec. 5168.83. If the total amount of franchise fees imposed 85774
on all health insuring corporation plans under section 5168.76 of 85775

the Revised Code during a fiscal year exceeds the indirect 85776
guarantee percentage of the net patient revenue for all health 85777
insuring corporations for that fiscal year and seventy-five per 85778
cent or more of all health insuring corporations receive enhanced 85779
medicaid payments or other state payments equal to seventy-five 85780
per cent or more of the total franchise fees imposed on their 85781
health insuring corporation plans, the department of medicaid 85782
shall refund the excess amount of the franchise fees to the health 85783
insuring corporations. 85784

Sec. 5168.84. If the United States centers for medicare and 85785
medicaid services determines that the franchise fee is an 85786
impermissible health care-related tax under the section 1903(w) of 85787
the "Social Security Act," 42 U.S.C. 1396b(w), the department of 85788
medicaid shall do either of the following as appropriate: 85789

(A) Modify the imposition of the franchise fee, including (if 85790
necessary) the amount of the franchise fee, in a manner needed for 85791
the United States centers to reverse its determination; 85792

(B) Take all necessary actions to cease the imposition of the 85793
franchise fee until the determination is reversed. 85794

Sec. 5168.85. (A) There is hereby created in the state 85795
treasury the health insuring corporation franchise fee fund. All 85796
payments and penalties paid by health insuring corporations under 85797
sections 5168.77, 5168.79, and 5168.81 of the Revised Code shall 85798
be deposited into the fund. Money in the fund shall be used to 85799
make medicaid payments to medicaid providers and medicaid managed 85800
care organizations. 85801

(B) Any interest or other investment proceeds earned on money 85802
in the fund shall be credited to the fund and used to make 85803
medicaid payments in accordance with division (A) of this section. 85804

Sec. 5168.86. The medicaid director may adopt rules in 85805
accordance with Chapter 119. as necessary to implement sections 85806
5168.75 to 5168.86 of the Revised Code. 85807

Sec. 5168.99. (A) The medicaid director shall impose a 85808
penalty for each day that a hospital fails to report the 85809
information required under section 5168.05 of the Revised Code on 85810
or before the dates specified in that section. The amount of the 85811
penalty shall be established by the director in rules adopted 85812
under section 5168.02 of the Revised Code. 85813

(B) In addition to any other remedy available to the 85814
department of medicaid under law to collect unpaid assessments and 85815
transfers under sections 5168.01 to 5168.14 of the Revised Code, 85816
the director shall impose a penalty of ten per cent of the amount 85817
due on any hospital that fails to pay assessments or make 85818
intergovernmental transfers by the dates required by rules adopted 85819
under section 5168.02 of the Revised Code. 85820

(C) In addition to any other remedy available to the 85821
department of medicaid under law to collect unpaid assessments 85822
imposed under section 5168.21 of the Revised Code, the director 85823
shall impose a penalty of ten per cent of the amount due on any 85824
hospital that fails to pay the assessment by the date it is due. 85825

(D) The director shall waive the penalties provided for in 85826
this section for good cause shown by the hospital. 85827

(E) All penalties imposed under this section shall be 85828
deposited into the health ~~care administration~~ care/medicaid 85829
support and recoveries fund created by section ~~5162.54~~ 5162.52 of 85830
the Revised Code. 85831

Sec. 5501.91. (A) As used in this section, "port authority" 85832
means a port authority created under Chapter 4582. of the Revised 85833

Code. 85834

(B) There is hereby established the Ohio maritime assistance 85835
program, which the department of transportation shall administer. 85836
Under the program, a municipal corporation or port authority may 85837
apply to the department for a grant to be used as prescribed in 85838
division (D) of this section. In order to be eligible for a grant 85839
under this section, a municipal corporation or port authority is 85840
required to meet either of the following requirements: 85841

(1) At the time of application for a grant, the municipal 85842
corporation or port authority has an active marine cargo terminal 85843
located on the shore of Lake Erie or the Ohio river or on a Lake 85844
Erie tributary. 85845

(2) The grant application is for the planning and 85846
construction of a new marine cargo terminal located on the shore 85847
of Lake Erie or the Ohio river or on a Lake Erie tributary. 85848

(C)(1) Every applicant for a grant shall submit with its 85849
application a written business justification for the investment 85850
that indicates the operational and market need for the project in 85851
a form the director of transportation shall prescribe. 85852

(2) The department shall evaluate all grant applications 85853
according to the following criteria: 85854

(a) The degree to which the proposed project will increase 85855
the efficiency or capacity of maritime cargo terminal operations; 85856

(b) Whether the project will result in the handling of new 85857
types of cargo or an increase in cargo volume; 85858

(c) Whether the project will meet an identified supply chain 85859
need or benefit Ohio firms that export goods to foreign markets, 85860
or import goods to Ohio for use in manufacturing or for 85861
value-added distribution; 85862

(d) Any other criteria the director determines to be 85863

appropriate. 85864

(3) If a grant application does not meet the criteria specified in divisions (C)(2)(b) and (c) of this section, an applicant is not eligible for a grant under this section. 85865
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(D) A municipal corporation or port authority shall use a grant awarded under this section only for any of the following purposes: 85868
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(1) Land acquisition and site development for marine cargo terminal and associated uses, including demolition and environmental remediation; 85871
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(2) Construction of wharves, quay walls, bulkheads, jetties, revetments, breakwaters, shipping channels, dredge disposal facilities, projects for the beneficial use of dredge material, and other structures and improvements directly related to maritime commerce and harbor infrastructure; 85874
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(3) Construction and repair of warehouses, transit sheds, railroad tracks, roadways, gates and gatehouses, fencing, bridges, offices, ship yards, and other improvements needed for marine cargo terminal and associated uses, including ship yards; 85879
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(4) Acquisition of cargo handling equipment, including mobile shore cranes, stationary cranes, tow motors, fork lifts, yard tractors, craneways, conveyor and bulk material handling equipment, and all types of ship loading and unloading equipment; 85883
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(5) Operating funds for marine cargo terminal operations and associated uses. 85887
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(E) A municipal corporation or port authority shall pay a matching amount not to exceed one dollar for each grant dollar received for the proposed project. 85889
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(F) The director of transportation, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the 85892
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program established under this section, including the grant 85894
application, evaluation, award processes, and how the grant money 85895
may be spent by a municipal corporation or port authority. 85896

Sec. 5502.01. (A) The department of public safety shall 85897
administer and enforce the laws relating to the registration, 85898
licensing, sale, and operation of motor vehicles and the laws 85899
pertaining to the licensing of drivers of motor vehicles. 85900

The department shall compile, analyze, and publish statistics 85901
relative to motor vehicle accidents and the causes of them, 85902
prepare and conduct educational programs for the purpose of 85903
promoting safety in the operation of motor vehicles on the 85904
highways, and conduct research and studies for the purpose of 85905
promoting safety on the highways of this state. 85906

(B) The department shall administer the laws and rules 85907
relative to trauma and emergency medical services specified in 85908
Chapter 4765. of the Revised Code and any laws and rules relative 85909
to medical transportation services specified in Chapter 4766. of 85910
the Revised Code. 85911

(C) The department shall administer and enforce the laws 85912
contained in Chapters 4301. and 4303. of the Revised Code and 85913
enforce the rules and orders of the liquor control commission 85914
pertaining to retail liquor permit holders. 85915

(D) The department shall administer the laws governing the 85916
state emergency management agency and shall enforce all additional 85917
duties and responsibilities as prescribed in the Revised Code 85918
related to emergency management services. 85919

(E) The department shall conduct investigations pursuant to 85920
Chapter 5101. of the Revised Code in support of the duty of the 85921
department of job and family services to administer the 85922
supplemental nutrition assistance program throughout this state. 85923

The department of public safety shall conduct investigations 85924
necessary to protect the state's property rights and interests in 85925
the supplemental nutrition assistance program. 85926

(F) The department of public safety shall enforce compliance 85927
with orders and rules of the public utilities commission and 85928
applicable laws in accordance with Chapters 4905., 4921., and 85929
4923. of the Revised Code regarding commercial motor vehicle 85930
transportation safety, economic, and hazardous materials 85931
requirements. 85932

(G) Notwithstanding Chapter 4117. of the Revised Code, the 85933
department of public safety may establish requirements for its 85934
enforcement personnel, including its enforcement agents described 85935
in section 5502.14 of the Revised Code, that include standards of 85936
conduct, work rules and procedures, and criteria for eligibility 85937
as law enforcement personnel. 85938

(H) The department shall administer, maintain, and operate 85939
the Ohio criminal justice network. The Ohio criminal justice 85940
network shall be a computer network that supports state and local 85941
criminal justice activities. The network shall be an electronic 85942
repository for various data, which may include arrest warrants, 85943
notices of persons wanted by law enforcement agencies, criminal 85944
records, prison inmate records, stolen vehicle records, vehicle 85945
operator's licenses, and vehicle registrations and titles. 85946

(I) The department shall coordinate all homeland security 85947
activities of all state agencies and shall be a liaison between 85948
state agencies and local entities for those activities and related 85949
purposes. 85950

(J) Beginning July 1, 2004, the department shall administer 85951
and enforce the laws relative to private investigators and 85952
security service providers specified in Chapter 4749. of the 85953
Revised Code. 85954

(K) The department shall administer criminal justice services 85955
in accordance with sections 5502.61 to 5502.66 of the Revised 85956
Code. 85957

(L) The department shall coordinate security measures and 85958
operations, and may direct the department of administrative 85959
services to implement any security measures and operations the 85960
department of public safety requires, at the Vern Riffe Center and 85961
the James A. Rhodes state office tower. 85962

Sec. 5502.13. The department of public safety shall maintain 85963
an investigative unit in order to conduct investigations and other 85964
enforcement activity authorized by Chapters 4301., 4303., 5101., 85965
5107., and 5108., and ~~5115.~~ and sections 2903.12, 2903.13, 85966
2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 85967
2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 4507.30 85968
of the Revised Code. The director of public safety shall appoint 85969
the employees of the unit who are necessary, designate the 85970
activities to be performed by those employees, and prescribe their 85971
titles and duties. 85972

Sec. 5502.1321. (A) There is hereby created the Ohio 85973
investigative unit contingency fund, which shall be in the custody 85974
of the treasurer of state but shall not be part of the state 85975
treasury. All money seized during investigations or other 85976
enforcement activities of the investigative unit of the department 85977
of public safety prior to January 1, 2017 shall be deposited into 85978
the fund. The director of public safety shall transfer money upon 85979
resolution of all legal proceedings in accordance with Chapter 85980
2981. of the Revised Code. 85981

(B) There is hereby created the Ohio investigative unit 85982
custodial fund, which shall be in the custody of the treasurer of 85983
state, but shall not be part of the state treasury. All money 85984

seized during investigations or other enforcement activities of 85985
the investigative unit of the department of public safety on and 85986
after January 1, 2017, shall be deposited into the fund. The 85987
director of public safety shall transfer money upon resolution of 85988
all legal proceedings in accordance with Chapter 2981. of the 85989
Revised Code. 85990

Sec. 5502.68. (A) There is hereby created in the state 85991
treasury the drug law enforcement fund. Ninety-seven per cent of 85992
three dollars and fifty cents out of each ten-dollar court cost 85993
imposed pursuant to section 2949.094 of the Revised Code shall be 85994
credited to the fund. Money in the fund shall be used only in 85995
accordance with this section to award grants to counties, 85996
municipal corporations, townships, township police districts, and 85997
joint police districts to defray the expenses that a drug task 85998
force organized in the county, or in the county in which the 85999
municipal corporation, township, or district is located, incurs in 86000
performing its functions related to the enforcement of the state's 86001
drug laws and other state laws related to illegal drug activity. 86002

The division of criminal justice services shall administer 86003
all money deposited into the drug law enforcement fund and, by 86004
rule adopted under Chapter 119. of the Revised Code, shall 86005
establish procedures for a county, municipal corporation, 86006
township, township police district, or joint police district to 86007
apply for money from the fund to defray the expenses that a drug 86008
task force organized in the county, or in the county in which the 86009
municipal corporation, township, or district is located, incurs in 86010
performing its functions related to the enforcement of the state's 86011
drug laws and other state laws related to illegal drug activity, 86012
procedures and criteria for determining eligibility of applicants 86013
to be provided money from the fund, and procedures and criteria 86014
for determining the amount of money to be provided out of the fund 86015
to eligible applicants. 86016

(B) The procedures and criteria established under division 86017
(A) of this section for applying for money from the fund shall 86018
include, but shall not be limited to, a provision requiring a 86019
county, municipal corporation, township, township police district, 86020
or joint police district that applies for money from the fund to 86021
specify in its application the amount of money desired from the 86022
fund, provided that the cumulative amount requested in all 86023
applications submitted for any single drug task force may not 86024
exceed more than two hundred fifty thousand dollars in any 86025
calendar year for that task force. 86026

(C) The procedures and criteria established under division 86027
(A) of this section for determining eligibility of applicants to 86028
be provided money from the fund and for determining the amount of 86029
money to be provided out of the fund to eligible applicants shall 86030
include, but not be limited to, all of the following: 86031

(1) Provisions requiring that, in order to be eligible to be 86032
provided money from the fund, a drug task force that applies for 86033
money from the fund must provide evidence that the drug task force 86034
will receive a local funding match of at least twenty-five per 86035
cent of the task force's projected operating costs in the period 86036
of time covered by the grant; 86037

(2) Provisions requiring that money from the fund be 86038
allocated and provided to drug task forces that apply for money 86039
from the fund in accordance with the following priorities: 86040

(a) Drug task forces that apply, that are in existence on the 86041
date of the application, and that are determined to be eligible 86042
applicants, and to which either of the following applies shall be 86043
given first priority to be provided money from the fund: 86044

(i) Drug task forces that received funding through the 86045
division of criminal justice services in calendar year 2007; 86046

(ii) Drug task forces in a county that has a population that 86047

exceeds seven hundred fifty thousand. 86048

(b) If any moneys remain in the fund after all drug task 86049
forces that apply, that are in existence on the date of the 86050
application, that are determined to be eligible applicants, and 86051
that satisfy the criteria set forth in division (C)(2)(a)(i) or 86052
(ii) of this section are provided money from the fund as described 86053
in division (C)(2)(a) of this section, the following categories of 86054
drug task forces that apply and that are determined to be eligible 86055
applicants shall be given priority to be provided money from the 86056
fund in the order in which they apply for money from the fund: 86057

(i) Drug task forces that are not in existence on the date of 86058
the application; 86059

(ii) Drug task forces that are in existence on the date of 86060
the application but that do not satisfy the criteria set forth in 86061
division (C)(2)(a)(i) or (ii) of this section. 86062

(D) The procedures and criteria established under division 86063
(A) of this section for determining the amount of money to be 86064
provided out of the fund to eligible applicants shall include, but 86065
shall not be limited to, a provision specifying that the 86066
cumulative amount provided to any single drug task force may not 86067
exceed more than two hundred fifty thousand dollars in any 86068
calendar year. 86069

(E) Any drug task force for which a grant is awarded by the 86070
division of criminal justice services under this section shall 86071
comply with all grant requirements established by the division, 86072
including a requirement that the drug task force report its 86073
activities through the El Paso intelligence center information 86074
technology systems. 86075

(F) As used in this section, "drug task force" means a drug 86076
task force organized in any county by the sheriff of the county, 86077
the prosecuting attorney of the county, the chief of police of the 86078

organized police department of any municipal corporation or 86079
township in the county, and the chief of police of the police 86080
force of any township police district or joint police district in 86081
the county to perform functions related to the enforcement of 86082
state drug laws and other state laws related to illegal drug 86083
activity. 86084

Sec. 5503.02. (A) The state highway patrol shall enforce the 86085
laws of the state relating to the titling, registration, and 86086
licensing of motor vehicles; enforce on all roads and highways, 86087
notwithstanding section 4513.39 of the Revised Code, the laws 86088
relating to the operation and use of vehicles on the highways; 86089
enforce and prevent the violation of the laws relating to the 86090
size, weight, and speed of commercial motor vehicles and all laws 86091
designed for the protection of the highway pavements and 86092
structures on the highways; investigate and enforce rules and laws 86093
of the public utilities commission governing the transportation of 86094
persons and property by motor carriers and report violations of 86095
such rules and laws to the commission; enforce against any motor 86096
carrier as defined in section 4923.01 of the Revised Code those 86097
rules and laws that, if violated, may result in a forfeiture as 86098
provided in section 4923.99 of the Revised Code; investigate and 86099
report violations of all laws relating to the collection of excise 86100
taxes on motor vehicle fuels; and regulate the movement of traffic 86101
on the roads and highways of the state, notwithstanding section 86102
4513.39 of the Revised Code. 86103

The patrol, whenever possible, shall determine the identity 86104
of the persons who are causing or who are responsible for the 86105
breaking, damaging, or destruction of any improved surfaced 86106
roadway, structure, sign, marker, guardrail, or other appurtenance 86107
constructed or maintained by the department of transportation and 86108
shall arrest the persons who are responsible for the breaking, 86109
damaging, or destruction and bring them before the proper 86110

officials for prosecution. 86111

State highway patrol troopers shall investigate and report 86112
all motor vehicle accidents on all roads and highways outside of 86113
municipal corporations. The superintendent of the patrol or any 86114
state highway patrol trooper may arrest, without a warrant, any 86115
person, who is the driver of or a passenger in any vehicle 86116
operated or standing on a state highway, whom the superintendent 86117
or trooper has reasonable cause to believe is guilty of a felony, 86118
under the same circumstances and with the same power that any 86119
peace officer may make such an arrest. 86120

The superintendent or any state highway patrol trooper may 86121
enforce the criminal laws on all state properties and state 86122
institutions, owned or leased by the state, and, when so ordered 86123
by the governor in the event of riot, civil disorder, or 86124
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 86125
Revised Code, arrest offenders against the criminal laws wherever 86126
they may be found within the state if the violations occurred 86127
upon, or resulted in injury to person or property on, state 86128
properties or state institutions, or under the conditions 86129
described in division (B) of this section. This authority of the 86130
superintendent and any state highway patrol trooper to enforce the 86131
criminal laws shall extend to the Lake Erie Correctional 86132
Institution, to the same extent as if that prison were owned by 86133
this state. 86134

(B) In the event of riot, civil disorder, or insurrection, or 86135
the reasonable threat of riot, civil disorder, or insurrection, 86136
and upon request, as provided in this section, of the sheriff of a 86137
county or the mayor or other chief executive of a municipal 86138
corporation, the governor may order the state highway patrol to 86139
enforce the criminal laws within the area threatened by riot, 86140
civil disorder, or insurrection, as designated by the governor, 86141
upon finding that law enforcement agencies within the counties 86142

involved will not be reasonably capable of controlling the riot, 86143
civil disorder, or insurrection and that additional assistance is 86144
necessary. In cities in which the sheriff is under contract to 86145
provide exclusive police services pursuant to section 311.29 of 86146
the Revised Code, in villages, and in the unincorporated areas of 86147
the county, the sheriff has exclusive authority to request the use 86148
of the patrol. In cities in which the sheriff does not exclusively 86149
provide police services, the mayor, or other chief executive 86150
performing the duties of mayor, has exclusive authority to request 86151
the use of the patrol. 86152

The superintendent or any state highway patrol trooper may 86153
enforce the criminal laws within the area designated by the 86154
governor during the emergency arising out of the riot, civil 86155
disorder, or insurrection until released by the governor upon 86156
consultation with the requesting authority. State highway patrol 86157
troopers shall never be used as peace officers in connection with 86158
any strike or labor dispute. 86159

When a request for the use of the patrol is made pursuant to 86160
this division, the requesting authority shall notify the law 86161
enforcement authorities in contiguous communities and the sheriff 86162
of each county within which the threatened area, or any part of 86163
the threatened area, lies of the request, but the failure to 86164
notify the authorities or a sheriff shall not affect the validity 86165
of the request. 86166

(C) Any person who is arrested by the superintendent or a 86167
state highway patrol trooper shall be taken before any court or 86168
magistrate having jurisdiction of the offense with which the 86169
person is charged. Any person who is arrested or apprehended 86170
within the limits of a municipal corporation shall be brought 86171
before the municipal court or other tribunal of the municipal 86172
corporation. 86173

(D)(1) State highway patrol troopers have the same right and 86174

power of search and seizure as other peace officers. 86175

No state official shall command, order, or direct any state 86176
highway patrol trooper to perform any duty or service that is not 86177
authorized by law. The powers and duties conferred on the patrol 86178
are supplementary to, and in no way a limitation on, the powers 86179
and duties of sheriffs or other peace officers of the state. 86180

(2)(a) A state highway patrol trooper, pursuant to the policy 86181
established by the superintendent of the state highway patrol 86182
under division (D)(2)(b) of this section, may render emergency 86183
assistance to any other peace officer who has arrest authority 86184
under section 2935.03 of the Revised Code, if both of the 86185
following apply: 86186

(i) There is a threat of imminent physical danger to the 86187
peace officer, a threat of physical harm to another person, or any 86188
other serious emergency situation; 86189

(ii) Either the peace officer requests emergency assistance, 86190
or it appears that the peace officer is unable to request 86191
emergency assistance and the circumstances observed by the state 86192
highway patrol trooper reasonably indicate that emergency 86193
assistance is appropriate, or the peace officer requests emergency 86194
assistance and in the request the peace officer specifies a 86195
particular location and the state highway patrol trooper arrives 86196
at that location prior to the time that the peace officer arrives 86197
at that location and the circumstances observed by the state 86198
highway patrol trooper reasonably indicate that emergency 86199
assistance is appropriate. 86200

(b) The superintendent of the state highway patrol shall 86201
establish, within sixty days of August 8, 1991, a policy that sets 86202
forth the manner and procedures by which a state highway patrol 86203
trooper may render emergency assistance to any other peace officer 86204
under division (D)(2)(a) of this section. The policy shall include 86205

a provision that a state highway patrol trooper never be used as a peace officer in connection with any strike or labor dispute.

(3)(a) A state highway patrol trooper who renders emergency assistance to any other peace officer under the policy established by the superintendent pursuant to division (D)(2)(b) of this section shall be considered to be performing regular employment for the purposes of compensation, pension, indemnity fund rights, workers' compensation, and other rights or benefits to which the trooper may be entitled as incident to regular employment.

(b) A state highway patrol trooper who renders emergency assistance to any other peace officer under the policy established by the superintendent pursuant to division (D)(2)(b) of this section retains personal immunity from liability as specified in section 9.86 of the Revised Code.

(c) A state highway patrol trooper who renders emergency assistance under the policy established by the superintendent pursuant to division (D)(2)(b) of this section has the same authority as the peace officer for or with whom the state highway patrol trooper is providing emergency assistance.

(E)(1) Subject to the availability of funds specifically appropriated by the general assembly for security detail purposes, the state highway patrol shall provide security as follows:

(a) For the governor;

(b) At the direction of the governor, for other officials of the state government of this state; officials of the state governments of other states who are visiting this state; officials of the United States government who are visiting this state; officials of the governments of foreign countries or their political subdivisions who are visiting this state; or other officials or dignitaries who are visiting this state, including, but not limited to, members of trade missions;

(c) For the capitol square, as defined in section 105.41 of the Revised Code; 86237
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(d) For the Vern Riffe center and the James A. Rhodes state office tower, as directed by the department of public safety; 86239
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(e) For other state property. 86241

(2) To carry out the security responsibilities of the patrol listed in division (E)(1) of this section, the superintendent may assign state highway patrol troopers to a separate unit that is responsible for security details. The number of troopers assigned to particular security details shall be determined by the superintendent. 86242
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(3) The superintendent and any state highway patrol trooper, when providing security pursuant to division (E)(1)(a) or (b) of this section, have the same arrest powers as other peace officers to apprehend offenders against the criminal laws who endanger or threaten the security of any person being protected, no matter where the offense occurs. 86248
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The superintendent, any state highway patrol trooper, and any special police officer designated under section 5503.09 of the Revised Code, ~~when~~ if providing security pursuant to division (E)(1)(c) of this section, shall enforce any rules governing capitol square adopted by the capitol square review and advisory board. 86254
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(F) The governor may order the state highway patrol to undertake major criminal investigations that involve state property interests. If an investigation undertaken pursuant to this division results in either the issuance of a no bill or the filing of an indictment, the superintendent shall file a complete and accurate report of the investigation with the president of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of 86260
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representatives within fifteen days after the issuance of the no 86268
bill or the filing of an indictment. If the investigation does not 86269
have as its result any prosecutorial action, the superintendent 86270
shall, upon reporting this fact to the governor, file a complete 86271
and accurate report of the investigation with the president of the 86272
senate, the speaker of the house of representatives, the minority 86273
leader of the senate, and the minority leader of the house of 86274
representatives. 86275

(G) The superintendent may purchase or lease real property 86276
and buildings needed by the patrol, negotiate the sale of real 86277
property owned by the patrol, rent or lease real property owned or 86278
leased by the patrol, and make or cause to be made repairs to all 86279
property owned or under the control of the patrol. Any instrument 86280
by which real property is acquired pursuant to this division shall 86281
identify the agency of the state that has the use and benefit of 86282
the real property as specified in section 5301.012 of the Revised 86283
Code. 86284

Sections 123.01 and 125.02 of the Revised Code do not limit 86285
the powers granted to the superintendent by this division. 86286

Sec. 5511.11. The department of transportation shall design 86287
and erect suitable markers that indicate the existence and 86288
location of Urbana university located in the municipal corporation 86289
of Urbana along the eastbound and westbound lanes of interstate 86290
route number seventy at each of the following exit ramps: 86291

(A) State route number twenty-nine in Madison county; 86292

(B) State route number sixty-eight in Clark county. 86293

Sec. 5515.07. (A) The director of transportation, in 86294
accordance with Chapter 119. of the Revised Code, shall adopt 86295
rules consistent with the safety of the traveling public and 86296
consistent with the national policy to govern the use and control 86297

of rest areas within the limits of the right-of-way of interstate highways and other state highways and in other areas within the limits of the right-of-way of interstate highways.

(B)(1) Except as provided in division ~~(C)~~(B)(2) of this section or as otherwise authorized by applicable federal law or federal regulations, no person shall engage in selling or offering for sale or exhibiting for purposes of sale, goods, products, merchandise, or services within the bounds of rest areas within the limits of the right-of-way of interstate highways and other state highways, or in other areas within the limits of the right-of-way of interstate highways, unless the director issues a permit in accordance with section 5515.01 of the Revised Code. Notwithstanding any rules adopted by the director to the contrary or any other policy changes proposed by the director, each district deputy director of the department of transportation shall continue to implement any program allowing organizations to dispense free coffee or similar items after obtaining a permit that operated within the district prior to January 1, 1997. Each district deputy director shall operate such program within the district in the same manner as the program was operated prior to that date.

~~(C)~~(2) In accordance with rules adopted under division (A) of this section, the director may cause vending machines to be placed within each rest area that is able to accommodate the machines. The vending machines shall dispense food, drink, and other appropriate articles.

~~(D)~~ This (3) The prohibition under division (B)(1) of this section does not apply to the sale of goods, products, merchandise, or services required for the emergency repair of motor vehicles or emergency medical treatment, or to the department of transportation as provided in section 5515.08 of the Revised Code.

(C) The director shall not close any rest area that is 86330
located within the limits of the right-of-way of a scenic byway 86331
designated under section 5516.05 of the Revised Code. 86332

Sec. 5516.20. A sign may be displayed adjacent to an 86333
interstate highway system that uses light-emitting diode lighting 86334
if the sign is located within the boundaries of a tourism 86335
development district designated by a township under section 503.56 86336
of the Revised Code or a municipal corporation under section 86337
715.014 of the Revised Code except to the extent limited or 86338
prohibited by this chapter, any rule adopted under this chapter, 86339
or any zoning regulation adopted by a county, municipal 86340
corporation, or other local zoning authority with jurisdiction. 86341

Sec. 5575.02. After the board of township trustees has 86342
decided to proceed with a road improvement, it shall advertise for 86343
bids once, not later than two weeks prior to the date fixed for 86344
the letting of contracts, in a newspaper of general circulation 86345
within the township. Such notice shall state that copies of the 86346
surveys, plans, profiles, cross sections, ~~estimates,~~ and 86347
specifications for such improvement are on file with the board, 86348
and the time within which bids will be received. The board may let 86349
the work as a whole or in convenient sections, as it determines. 86350
The contract shall be awarded to the lowest and best bidder who 86351
meets the requirements of section 153.54 of the Revised Code, and 86352
shall be let upon the basis of lump sum bids, unless the board 86353
orders that it be let upon the basis of unit price bids, in which 86354
event it shall be let upon such basis. 86355

The board is not required to provide notice of the project 86356
cost estimate when advertising for bids under this section. 86357

Sec. 5575.03. No contract for any road improvement shall be 86358
awarded at a price more than ten per cent in excess of the 86359

estimated cost. The bids received shall be opened at the time 86360
stated in the notice. If no bids are made that equal one hundred 86361
ten per cent of the estimate or less, the board of township 86362
trustees shall either readvertise ~~at~~ based upon the original 86363
estimate, or request an amended estimate from the county engineer, 86364
who shall proceed to make such an estimate as provided in section 86365
5575.01 of the Revised Code, ~~or obtain such an amended estimate~~ 86366
and proceed to advertise ~~at~~ based upon the amended estimate. ~~No~~ 86367
The board is not required to provide notice of the estimate or 86368
amended estimate when readvertising under this section. 86369

No contract shall be awarded for any road improvement without 86370
the certification as to funding required under section 5705.41 of 86371
the Revised Code. The board may reject all bids. 86372

Sec. 5577.081. (A) Except when transferring unfinished 86373
aggregate material between facilities that are under the control 86374
of the same owner or operator that is subject to Chapter 1514. of 86375
the Revised Code or when unloading or loading finished aggregate 86376
product within a ten-mile radius of a surface mining operation 86377
that is permitted and regulated under that chapter, all vehicles 86378
entering or leaving such an operation that have a gross vehicle 86379
weight as defined in division (JJ) of section 4501.01 of the 86380
Revised Code that is in excess of sixty-six thousand pounds shall 86381
use the specific roads designated pursuant to sections 303.14 and 86382
303.141 or 519.14 and 519.141 of the Revised Code as the primary 86383
means of ingress to and egress from the facilities or operation. 86384

(B) The owner or operator of a surface mining operation that 86385
is permitted under Chapter 1514. of the Revised Code and that is 86386
subject to the use of specific roads as the primary means of 86387
ingress to and egress from the operation pursuant to sections 86388
303.14 and 303.141 or 519.14 and 519.141 of the Revised Code shall 86389
post a sign in a conspicuous location to inform the drivers of 86390

trucks entering and leaving the operation of the roads to use as 86391
the primary means of ingress to and egress from the operation. 86392

(C)(1) Whoever violates this section shall receive a written 86393
warning in such a manner that it becomes a part of the person's 86394
permanent record that is maintained by the bureau of motor 86395
vehicles and assists in monitoring violations of this section. 86396

(2) A person who commits a second offense within one year 86397
after committing the first offense is guilty of a minor 86398
misdemeanor. 86399

(3) A person who commits a third or subsequent offense within 86400
one year after committing the first offense is guilty of a 86401
misdemeanor of the fourth degree. 86402

(D) Fine money that is collected under division (C) of this 86403
section shall be deposited in the state treasury to the credit of 86404
the ~~surface~~ mining regulation and safety fund created in section 86405
~~1514.06~~ 1513.30 of the Revised Code. 86406

Sec. 5595.03. (A) A resolution of a board of county 86407
commissioners undertaking a regional transportation improvement 86408
project must include a cooperative agreement containing all of the 86409
following: 86410

(1) A description or analysis of the deficiencies of the 86411
existing transportation system in the counties participating in 86412
the project and of projected needs or deficiencies of the system 86413
in ensuing years under reasonable assumptions about development, 86414
population trends, and other factors affecting transportation 86415
infrastructure in the counties; 86416

(2) A comprehensive list of the transportation improvements 86417
to be completed as part of the project, including a general 86418
description of each improvement, schedules of the projected 86419
beginning and end of each improvement, and the estimated cost of 86420

each improvement; 86421

(3) Directives regarding the operations and reporting 86422
requirements of the governing board; 86423

(4) ~~The number of years~~ Subject to division (E) of this 86424
section, the period for which the agreement is to be in effect; 86425

(5) Any other terms the board of county commissioners 86426
considers necessary or conducive to communicate the intentions of 86427
the cooperative agreement and to ensure its effective 86428
implementation by the governing board. 86429

(B) A board of county commissioners that intends to undertake 86430
a regional transportation improvement project shall hold at least 86431
one public hearing on the proposed cooperative agreement before 86432
adopting a resolution approving the agreement. The board of county 86433
commissioners shall provide at least thirty days' public notice of 86434
the time and place of the public hearing in a newspaper of general 86435
circulation in the county. During the thirty-day period before the 86436
public hearing, the proposed cooperative agreement shall be made 86437
available for public inspection at the offices of each county that 86438
will be a party to the agreement. 86439

(C) If the cooperative agreement is approved by each county 86440
that will be a party to the agreement, one of the participating 86441
counties shall send a copy of the agreement to the director of 86442
transportation. The director shall evaluate the agreement and 86443
determine if the transportation improvements specified in the 86444
agreement are in the best interest of the transportation 86445
facilities of this state, as defined in section 5501.01 of the 86446
Revised Code. If the director approves the agreement, the director 86447
shall send notice of approval to each county that is a party to 86448
the agreement. Unless otherwise provided in the cooperative 86449
agreement, the agreement is effective immediately upon approval by 86450
the director. If the director does not approve the agreement, the 86451

director shall send notice of denial to each county that is a party to the agreement. The notice of denial shall include the reason or reasons for the denial and recommendations for ways in which the agreement may be changed to meet the approval of the director. If the director does not make a determination within ninety days after receiving a cooperative agreement under this section, the director is deemed to have approved the agreement and, unless otherwise provided in the agreement, the agreement is effective immediately. No cooperative agreement is effective without actual or constructive approval by the director under this section.

(D) The cooperative agreement governing a regional transportation improvement project may be amended at any time by majority vote of the governing board and of the boards of county commissioners of each of the participating counties and with the approval of the director of transportation obtained in the same manner as approval of the original agreement.

(E) The period for which a cooperative agreement adopted or amended under this section is in effect shall not exceed fifteen years following the effective date of the original agreement or, if the agreement authorizes the governing board to issue securities, twenty years following the first issuance of securities by the governing board.

Sec. 5595.06. (A) The governing board of a regional transportation improvement project, pursuant to the cooperative agreement, may request and receive pledges of revenue from the state, the counties that are parties to the agreement, and any political subdivision or taxing unit located within any of those counties. Except as provided in division (B) of this section, the pledged revenues shall be used solely for the purpose of funding the transportation improvements prescribed by the cooperative

agreement, the debt charges on any securities issued by the 86483
governing board under section 5595.05 of the Revised Code, and the 86484
expenses of the governing board. The state, the counties, and any 86485
political subdivision or taxing unit located within such a county 86486
may pledge revenue to the governing board from any of the 86487
following sources: 86488

(1) The general revenue fund of the state; 86489

(2) License tax revenue derived from an annual motor vehicle 86490
license tax imposed pursuant to section 4504.22 of the Revised 86491
Code; 86492

(3) Payments in lieu of taxes derived under section 5709.42, 86493
5709.45, 5709.48, 5709.74, or 5709.79 of the Revised Code if the 86494
real property for which such payments are made will benefit from 86495
the proposed transportation improvements; 86496

(4) Income tax revenue derived from a joint economic 86497
development district or joint economic development zone 86498
established pursuant to section 715.69, 715.691, 715.70, 715.71, 86499
or 715.72 of the Revised Code if the district or zone will benefit 86500
from the proposed transportation improvements; 86501

(5) Revenue derived from special assessments levied in a 86502
special improvement district created under Chapter 1710. of the 86503
Revised Code if the district will benefit from the proposed 86504
transportation improvements; 86505

(6) Revenue from an income source of a new community district 86506
established pursuant to section 349.03 of the Revised Code if the 86507
district will benefit from the proposed transportation 86508
improvements; 86509

(7) Income tax revenue derived from a tax levied by a 86510
municipal corporation in accordance with Chapter 718. of the 86511
Revised Code if the municipal corporation will benefit from the 86512

proposed transportation improvements and revenue from the tax may 86513
lawfully be applied to that purpose under the ordinance or 86514
resolution levying the tax; 86515

(8) Sales and use tax revenue derived from a tax levied under 86516
section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 86517
5741.023 of the Revised Code if the county or transit authority 86518
will benefit from the proposed transportation improvements and 86519
revenue from the tax may lawfully be applied to that purpose under 86520
the resolution levying the tax. 86521

(B) The governing board shall use license tax revenue pledged 86522
to the project under division (A)(2) of this section for the 86523
purpose of funding transportation improvements described in the 86524
cooperative agreement and any other supplemental transportation 86525
improvements necessary to complete the project. If the board 86526
intends to use any of the license tax revenue for supplemental 86527
improvements not described in the agreement, the board, before 86528
submitting a request for license tax revenue to a board of county 86529
commissioners under section 4504.22 of the Revised Code, shall 86530
adopt a resolution allocating the revenue among the improvements 86531
described in the agreement and such supplemental improvements not 86532
described in the agreement. The amount used for supplemental 86533
improvements may not exceed five dollars for each motor vehicle on 86534
which the motor vehicle license tax is collected. If the motor 86535
vehicle license tax is approved, the governing board shall 86536
allocate the revenue only in accordance with the resolution. The 86537
allocation may not be changed unless a proposition to change the 86538
allocation is approved by the majority of electors voting on the 86539
proposition in each county that is a party to the cooperative 86540
agreement. Such a proposition may be proposed by resolution of the 86541
governing board certified to the board of county commissioners of 86542
each county, and, upon receiving such a certified resolution, each 86543
board of county commissioners shall certify identical resolutions 86544

to the respective county board of elections for placement on the 86545
questions and issues ballot at the next succeeding election 86546
occurring at least ninety days after the resolution is certified 86547
to the board of elections. 86548

(C) Pledges of revenue under division (A) of this section may 86549
take any form and may be made subject to any terms that are 86550
mutually agreeable between the revenue contributor and the 86551
governing board. Pledges may be effectuated through periodic or 86552
one-time fixed payments, in variable installments based on 86553
estimated increases in tax revenue attributable to the activities 86554
of the regional transportation improvement project, or through any 86555
other means negotiated by the revenue contributor and the 86556
government board. 86557

As used in this division, "revenue contributor" means the 86558
state, the counties that are parties to the cooperative agreement, 86559
or any political subdivision or taxing unit located within any of 86560
those participating counties, that pledges revenue to a regional 86561
transportation improvement project under division (A) of this 86562
section. 86563

Sec. 5595.13. ~~Upon completion of the transportation~~ 86564
~~improvements listed in the cooperative agreement, fulfillment of~~ 86565
~~all contractual duties assumed by the governing board, and~~ 86566
~~repayment of all bonds issued by the governing board, the A~~ 86567
regional transportation improvement project and ~~the~~ its governing 86568
board ~~shall dissolve~~ are dissolved by operation of law on the date 86569
specified in the cooperative agreement. The governing board shall 86570
fulfill all contractual duties assumed by the board and repay all 86571
bonds issued by the board before that date. Upon dissolution of 86572
the regional transportation improvement project, the boards of 86573
county commissioners that created the regional transportation 86574
improvement project shall assume title to all real and personal 86575

property acquired by the board in the fulfillment of its duties 86576
under this chapter. The property shall be divided and distributed 86577
in accordance with the cooperative agreement. Unless otherwise 86578
provided by contract, pledges of revenue to the governing board 86579
from the state or a political subdivision or taxing unit shall 86580
terminate by operation of law upon the dissolution of the regional 86581
transportation improvement project. Unless otherwise provided in 86582
the cooperative agreement, unencumbered funds held by the 86583
governing board on the date the regional transportation 86584
improvement district is dissolved shall be proportionally 86585
distributed to the state and each political subdivision and taxing 86586
unit that pledged revenue to the project based on the ratio that 86587
the amount contributed by the state, political subdivision, or 86588
taxing unit bears to the total amount contributed by the state and 86589
all political subdivisions and taxing units over the full duration 86590
of the project. 86591

Sec. 5703.052. (A) There is hereby created in the state 86592
treasury the tax refund fund, from which refunds shall be paid for 86593
taxes illegally or erroneously assessed or collected, or for any 86594
other reason overpaid, that are levied by Chapter 4301., 4305., 86595
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 86596
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 86597
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 86598
5727.81, and 5727.811 of the Revised Code. Refunds for fees or 86599
wireless 9-1-1 charges illegally or erroneously assessed or 86600
collected, or for any other reason overpaid, that are levied by 86601
sections 128.42 or 3734.90 to 3734.9014 of the Revised Code also 86602
shall be paid from the fund. Refunds for amounts illegally or 86603
erroneously assessed or collected by the tax commissioner, or for 86604
any other reason overpaid, that are due under section 1509.50 of 86605
the Revised Code shall be paid from the fund. Refunds for amounts 86606

illegally or erroneously assessed or collected by the 86607
commissioner, or for any other reason overpaid to the 86608
commissioner, under sections 718.80 to 718.95 of the Revised Code 86609
shall be paid from the fund. However, refunds for taxes levied 86610
under section 5739.101 of the Revised Code shall not be paid from 86611
the tax refund fund, but shall be paid as provided in section 86612
5739.104 of the Revised Code. 86613

(B)(1) Upon certification by the tax commissioner to the 86614
treasurer of state of a tax refund, a wireless 9-1-1 charge 86615
refund, or another amount refunded, or by the superintendent of 86616
insurance of a domestic or foreign insurance tax refund, the 86617
treasurer of state shall place the amount certified to the credit 86618
of the fund. The certified amount transferred shall be derived 86619
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 86620
other amount from which the refund arose. 86621

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 86622
or other amount that is not levied by the state or that was 86623
illegally or erroneously distributed to a taxing jurisdiction, the 86624
tax commissioner shall recover the amount of that refund from the 86625
next distribution of that tax, fee, wireless 9-1-1 charge, or 86626
other amount that otherwise would be made to the taxing 86627
jurisdiction. If the amount to be recovered would exceed 86628
twenty-five per cent of the next distribution of that tax, fee, 86629
wireless 9-1-1 charge, or other amount, the commissioner may 86630
spread the recovery over more than one future distribution, taking 86631
into account the amount to be recovered and the amount of the 86632
anticipated future distributions. In no event may the commissioner 86633
spread the recovery over a period to exceed thirty-six months. 86634

Sec. 5703.053. As used in this section, "postal service" 86635
means the United States postal service. 86636

An application to the tax commissioner for a tax refund under section 4307.05, 4307.07, 718.91, 5726.30, 5727.28, 5727.91, 5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 of the Revised Code or division (B) of section 5703.05 of the Revised Code, or a fee refunded under section 3734.905 of the Revised Code, that is received after the last day for filing under such section shall be considered to have been filed in a timely manner if:

(A) The application is delivered by the postal service and the earliest postal service postmark on the cover in which the application is enclosed is not later than the last day for filing the application;

(B) The application is delivered by the postal service, the only postmark on the cover in which the application is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the application, and the application is received within seven days of such last day; or

(C) The application is delivered by the postal service, no postmark date was affixed to the cover in which the application is enclosed or the date of the postmark so affixed is not legible, and the application is received within seven days of the last day for making the application.

Sec. 5703.054. The tax commissioner shall prescribe the form that the signature and declaration, if any, shall take on any document required to be filed with the commissioner and on any document required under Chapter 718., 3734., 3769., 4303., or 4305. or Title LVII of the Revised Code to be filed with the treasurer of state. The commissioner may authorize an electronic or other alternative form of filing of any document required to be filed with the commissioner or the treasurer of state under

Chapter 3734., 3769., 4303., or 4305. or Title LVII of the Revised Code. 86668
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Sec. 5703.056. (A) As used in any section of the Revised Code 86670
that requires the tax commissioner to use certified mail or 86671
personal service or that requires or permits a payment to be made 86672
or a document to be submitted to the tax commissioner or the board 86673
of tax appeals by mail or personal service, and as used in any 86674
section of Chapter 718., 3734., 3769., 4303., or 4305. or Title 86675
LVII of the Revised Code that requires or permits a payment to be 86676
made or a document to be submitted to the treasurer of state by 86677
mail: 86678

(1) "Certified mail," "express mail," "United States mail," 86679
"United States postal service," and similar terms include any 86680
delivery service authorized pursuant to division (B) of this 86681
section. 86682

(2) "Postmark date," "date of postmark," and similar terms 86683
include the date recorded and marked in the manner described in 86684
division (B)(3) of this section. 86685

(B) The tax commissioner may authorize the use of a delivery 86686
service for the delivery of any payment or document described in 86687
division (A) of this section if the commissioner finds that the 86688
delivery service: 86689

(1) Is available to the general public; 86690

(2) Is at least as timely and reliable on a regular basis as 86691
the United States postal service; 86692

(3) Records electronically to a database kept in the regular 86693
course of its business, and marks on the cover in which the 86694
payment or document is enclosed, the date on which the payment or 86695
document was given to the delivery service for delivery; 86696

(4) Records electronically to a database kept in the regular 86697

course of its business the date on which the payment or document 86698
was given by the delivery service to the person who signed the 86699
receipt of delivery and the name of the person who signed the 86700
receipt; and 86701

(5) Meets any other criteria that the tax commissioner may by 86702
rule prescribe. 86703

(C) In any section of the Revised Code referring to the date 86704
any payment or document is received by the tax commissioner by 86705
mail, personal service, or electronically or by a person receiving 86706
a document or payment from the tax commissioner by mail, the 86707
payment or document shall be considered to be received on one of 86708
the following dates, as applicable, except as provided in section 86709
5703.053 or 5703.37 of the Revised Code: 86710

(1) For a document or payment sent by certified mail, express 86711
mail, United States mail, foreign mail, or a delivery service 86712
authorized for use under division (B) of this section, the date of 86713
the postmark placed by the postal or delivery service on the 86714
sender's receipt or, if the sender was not issued a postmarked 86715
sender's receipt, the date of the postmark placed by the postal or 86716
delivery service on the package containing the payment or 86717
document. 86718

(2) For personal service to the tax commissioner, the date 86719
the payment or document is received in any of the tax 86720
commissioner's offices during business hours. 86721

(3) For a document filed or sent electronically or a payment 86722
made electronically, the date on the timestamp assigned by the 86723
first electronic system receiving that payment or document. 86724

(D) As used in divisions (A) and (C) of this section 86725
"electronically" includes by facsimile, if applicable. 86726

Sec. 5703.0510. (A) Notwithstanding any other provision of 86727

the Revised Code that requires a taxpayer to provide a tax credit certificate to the tax commissioner upon the commissioner's request, any person claiming a credit against a tax or fee administered by the commissioner shall provide a copy of any accompanying certificate issued by the director of development services or by another state agency, if applicable, demonstrating the person's eligibility for the credit claimed. 86728
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(B) If the commissioner prescribes a form for the purpose of tracking the credits claimed by a person against any tax or fee administered by the commissioner, the person shall provide the completed form and a copy of any certificate described in division (A) of this section on or before the due date of the return, report, or schedule for the tax or fee against which the credit is claimed. 86735
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(C) If a person fails to provide a certificate or form as required under this section, the commissioner shall deny the credit claimed by the person until such certificate or form is provided to the commissioner. Any amount denied under this section may be assessed in the same manner as the underlying tax or fee. 86742
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Sec. 5703.19. (A) To carry out the purposes of the laws that the tax commissioner is required to administer, the commissioner or any person employed by the commissioner for that purpose, upon demand, may inspect books, accounts, records, and memoranda of any person or public utility subject to those laws, and may examine under oath any officer, agent, or employee of that person or public utility. Any person other than the commissioner who makes a demand pursuant to this section shall produce the person's authority to make the inspection. 86747
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(B) If a person or public utility receives at least ten days' written notice of a demand made under division (A) of this section 86756
86757

and refuses to comply with that demand, a penalty of five hundred 86758
dollars shall be imposed upon the person or public utility for 86759
each day the person or public utility refuses to comply with the 86760
demand. Penalties imposed under this division may be assessed and 86761
collected in the same manner as assessments made under Chapter 86762
3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 86763
5745., 5747., 5749., 5751., or 5753., or sections 718.90, 3734.90 86764
to 3734.9014, of the Revised Code. 86765

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 86766
of this section, no agent of the department of taxation, except in 86767
the agent's report to the department or when called on to testify 86768
in any court or proceeding, shall divulge any information acquired 86769
by the agent as to the transactions, property, or business of any 86770
person while acting or claiming to act under orders of the 86771
department. Whoever violates this provision shall thereafter be 86772
disqualified from acting as an officer or employee or in any other 86773
capacity under appointment or employment of the department. 86774
86775

(B)(1) For purposes of an audit pursuant to section 117.15 of 86776
the Revised Code, or an audit of the department pursuant to 86777
Chapter 117. of the Revised Code, or an audit, pursuant to that 86778
chapter, the objective of which is to express an opinion on a 86779
financial report or statement prepared or issued pursuant to 86780
division (A)(7) or (9) of section 126.21 of the Revised Code, the 86781
officers and employees of the auditor of state charged with 86782
conducting the audit shall have access to and the right to examine 86783
any state tax returns and state tax return information in the 86784
possession of the department to the extent that the access and 86785
examination are necessary for purposes of the audit. Any 86786
information acquired as the result of that access and examination 86787
shall not be divulged for any purpose other than as required for 86788
the audit or unless the officers and employees are required to 86789

testify in a court or proceeding under compulsion of legal 86790
process. Whoever violates this provision shall thereafter be 86791
disqualified from acting as an officer or employee or in any other 86792
capacity under appointment or employment of the auditor of state. 86793

(2) For purposes of an internal audit pursuant to section 86794
126.45 of the Revised Code, the officers and employees of the 86795
office of internal audit in the office of budget and management 86796
charged with directing the internal audit shall have access to and 86797
the right to examine any state tax returns and state tax return 86798
information in the possession of the department to the extent that 86799
the access and examination are necessary for purposes of the 86800
internal audit. Any information acquired as the result of that 86801
access and examination shall not be divulged for any purpose other 86802
than as required for the internal audit or unless the officers and 86803
employees are required to testify in a court or proceeding under 86804
compulsion of legal process. Whoever violates this provision shall 86805
thereafter be disqualified from acting as an officer or employee 86806
or in any other capacity under appointment or employment of the 86807
office of internal audit. 86808

(3) As provided by section 6103(d)(2) of the Internal Revenue 86809
Code, any federal tax returns or federal tax information that the 86810
department has acquired from the internal revenue service, through 86811
federal and state statutory authority, may be disclosed to the 86812
auditor of state or the office of internal audit solely for 86813
purposes of an audit of the department. 86814

(4) For purposes of Chapter 3739. of the Revised Code, an 86815
agent of the department of taxation may share information with the 86816
division of state fire marshal that the agent finds during the 86817
course of an investigation. 86818

(C) Division (A) of this section does not prohibit any of the 86819
following: 86820

(1) Divulging information contained in applications,	86821
complaints, and related documents filed with the department under	86822
section 5715.27 of the Revised Code or in applications filed with	86823
the department under section 5715.39 of the Revised Code;	86824
(2) Providing information to the office of child support	86825
within the department of job and family services pursuant to	86826
section 3125.43 of the Revised Code;	86827
(3) Disclosing to the motor vehicle repair board any	86828
information in the possession of the department that is necessary	86829
for the board to verify the existence of an applicant's valid	86830
vendor's license and current state tax identification number under	86831
section 4775.07 of the Revised Code;	86832
(4) Providing information to the administrator of workers'	86833
compensation pursuant to sections 4123.271 and 4123.591 of the	86834
Revised Code;	86835
(5) Providing to the attorney general information the	86836
department obtains under division (J) of section 1346.01 of the	86837
Revised Code;	86838
(6) Permitting properly authorized officers, employees, or	86839
agents of a municipal corporation from inspecting reports or	86840
information pursuant to <u>section 718.84 of the Revised Code</u> or	86841
rules adopted under section 5745.16 of the Revised Code;	86842
(7) Providing information regarding the name, account number,	86843
or business address of a holder of a vendor's license issued	86844
pursuant to section 5739.17 of the Revised Code, a holder of a	86845
direct payment permit issued pursuant to section 5739.031 of the	86846
Revised Code, or a seller having a use tax account maintained	86847
pursuant to section 5741.17 of the Revised Code, or information	86848
regarding the active or inactive status of a vendor's license,	86849
direct payment permit, or seller's use tax account;	86850
(8) Releasing invoices or invoice information furnished under	86851

section 4301.433 of the Revised Code pursuant to that section; 86852

(9) Providing to a county auditor notices or documents 86853
concerning or affecting the taxable value of property in the 86854
county auditor's county. Unless authorized by law to disclose 86855
documents so provided, the county auditor shall not disclose such 86856
documents; 86857

(10) Providing to a county auditor sales or use tax return or 86858
audit information under section 333.06 of the Revised Code; 86859

(11) Subject to section 4301.441 of the Revised Code, 86860
disclosing to the appropriate state agency information in the 86861
possession of the department of taxation that is necessary to 86862
verify a permit holder's gallonage or noncompliance with taxes 86863
levied under Chapter 4301. or 4305. of the Revised Code; 86864

(12) Disclosing to the department of natural resources 86865
information in the possession of the department of taxation that 86866
is necessary for the department of taxation to verify the 86867
taxpayer's compliance with section 5749.02 of the Revised Code or 86868
to allow the department of natural resources to enforce Chapter 86869
1509. of the Revised Code; 86870

(13) Disclosing to the department of job and family services, 86871
industrial commission, and bureau of workers' compensation 86872
information in the possession of the department of taxation solely 86873
for the purpose of identifying employers that misclassify 86874
employees as independent contractors or that fail to properly 86875
report and pay employer tax liabilities. The department of 86876
taxation shall disclose only such information that is necessary to 86877
verify employer compliance with law administered by those 86878
agencies. 86879

(14) Disclosing to the Ohio casino control commission 86880
information in the possession of the department of taxation that 86881
is necessary to verify a casino operator's compliance with section 86882

5747.063 or 5753.02 of the Revised Code and sections related 86883
thereto; 86884

(15) Disclosing to the state lottery commission information 86885
in the possession of the department of taxation that is necessary 86886
to verify a lottery sales agent's compliance with section 5747.064 86887
of the Revised Code. 86888

(16) Disclosing to the development services agency 86889
information in the possession of the department of taxation that 86890
is necessary to ensure compliance with the laws of this state 86891
governing taxation and to verify information reported to the 86892
development services agency for the purpose of evaluating 86893
potential tax credits, grants, or loans. Such information shall 86894
not include information received from the internal revenue service 86895
the disclosure of which is prohibited by section 6103 of the 86896
Internal Revenue Code. No officer, employee, or agent of the 86897
development services agency shall disclose any information 86898
provided to the development services agency by the department of 86899
taxation under division (C)(16) of this section except when 86900
disclosure of the information is necessary for, and made solely 86901
for the purpose of facilitating, the evaluation of potential tax 86902
credits, grants, or loans. 86903

(17) Disclosing to the department of insurance information in 86904
the possession of the department of taxation that is necessary to 86905
ensure a taxpayer's compliance with the requirements with any tax 86906
credit administered by the development services agency and claimed 86907
by the taxpayer against any tax administered by the superintendent 86908
of insurance. No officer, employee, or agent of the department of 86909
insurance shall disclose any information provided to the 86910
department of insurance by the department of taxation under 86911
division (C)(17) of this section. 86912

(18) Disclosing to the division of liquor control information 86913
in the possession of the department of taxation that is necessary 86914

for the division and department to comply with the requirements of 86915
sections 4303.26 and 4303.271 of the Revised Code. 86916

Sec. 5703.26. No person shall knowingly make, present, aid, 86917
or assist in the preparation or presentation of a false or 86918
fraudulent report, return, schedule, statement, claim, or document 86919
authorized or required by law to be filed with the department of 86920
taxation, the treasurer of state, a county auditor, a county 86921
treasurer, or a county clerk of courts, or knowingly procure, 86922
counsel, or advise the preparation or presentation of such report, 86923
return, schedule, statement, claim, or document, or knowingly 86924
change, alter, or amend, or knowingly procure, counsel, or advise 86925
such change, alteration, or amendment of the records upon which 86926
such report, return, schedule, statement, claim, or document is 86927
based with intent to defraud the state or any of its subdivisions. 86928

If the report, return, schedule, statement, claim, or 86929
document involves the application for or renewal of a license, 86930
such acts or conduct may result in the denial or revocation of the 86931
license. 86932

With respect to such acts or conduct, no conviction shall be 86933
had under any other section of the Revised Code. 86934

Sec. 5703.371. For purposes of sections 718.80 to 718.95 and 86935
Title LVIII of the Revised Code, any foreign corporation, owning or 86936
using a part or all of its capital or property in this state, 86937
which is not authorized by the secretary of state to transact 86938
business in this state, shall be conclusively presumed to have 86939
designated the secretary of state as its agent for the service of 86940
process in any action against such corporation to recover taxes 86941
which the tax commissioner is by law required to administer. 86942
Pursuant to such service, suit may be brought in Franklin county, 86943
or in any county in which such corporation owns or uses its 86944

capital or property. Such service shall be made upon the secretary 86945
of state by leaving with ~~him~~ the secretary of state, or with an 86946
assistant secretary of state, triplicate copies of such process, 86947
together with an affidavit of the tax commissioner, showing the 86948
last known address of such corporation. Upon receipt of such 86949
process and affidavit the secretary of state shall forthwith give 86950
notice by certified mail to the corporation at the address 86951
specified in the affidavit and forward together therewith a copy 86952
of such process. The secretary of state shall retain a copy of 86953
such process in ~~his~~ the secretary of state's files, keep a record 86954
of any such process served upon ~~him~~ the secretary of state, and 86955
record therein the time of such service and ~~his~~ the secretary of 86956
state's action thereafter with respect thereto. 86957

The provisions of this section do not affect any right to 86958
serve process upon a foreign corporation in any other manner 86959
permitted by law. 86960

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of the 86961
Revised Code: 86962

(A) "Tax" includes only those taxes imposed on tangible 86963
personal property listed in accordance with Chapter 5711. of the 86964
Revised Code ~~and~~, taxes imposed under Chapters 5733., 5736., 86965
5739., 5741., 5747., and 5751. of the Revised Code, and the tax 86966
administered under sections 718.80 to 718.95 of the Revised Code. 86967

(B) "Taxpayer" means a person subject to or potentially 86968
subject to a tax including an employer required to deduct and 86969
withhold any amount under section 5747.06 of the Revised Code. 86970

(C) "Audit" means the examination of a taxpayer or the 86971
inspection of the books, records, memoranda, or accounts of a 86972
taxpayer for the purpose of determining liability for a tax. 86973

(D) "Assessment" means a notice of underpayment or nonpayment 86974

of a tax issued pursuant to section 718.90, 5711.26, 5711.32, 86975
5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, or 5751.09 86976
of the Revised Code. 86977

(E) "County auditor" means the auditor of the county in which 86978
the tangible personal property subject to a tax is located. 86979

Sec. 5703.57. (A) As used in this section, "Ohio business 86980
gateway" has the same meaning as in section 718.01 of the Revised 86981
Code. 86982

(B) There is hereby created the Ohio business gateway 86983
steering committee to direct the continuing development of the 86984
Ohio business gateway and to oversee its operations. The committee 86985
shall provide general oversight regarding operation of the Ohio 86986
business gateway and shall recommend to the department of 86987
administrative services enhancements that will improve the Ohio 86988
business gateway. The committee shall consider all banking, 86989
technological, administrative, and other issues associated with 86990
the Ohio business gateway and shall make recommendations regarding 86991
the type of reporting forms or other tax documents to be filed 86992
through the Ohio business gateway. 86993

(C) The committee shall consist of: 86994

(1) The following members, appointed by the governor with the 86995
advice and consent of the senate: 86996

(a) Not more than four representatives of the business 86997
community; 86998

(b) Not more than ~~three representatives~~ one representative of 86999
municipal tax administrators, as defined in section 718.01 of the 87000
Revised Code, selected from a list of candidates provided by the 87001
Ohio municipal league; and 87002

(c) Not more than two tax practitioners. 87003

(2) The following ex officio members: 87004

(a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;	87005 87006 87007 87008
(b) The secretary of state or the secretary of state's designee;	87009 87010
(c) The treasurer of state or the treasurer of state's designee;	87011 87012
(d) The director of budget and management or the director's designee;	87013 87014
(e) The state chief information officer or the officer's designee;	87015 87016
(f) The tax commissioner or the tax commissioner's designee;	87017
and	87018
(g) The director of development or the director's designee;	87019
(h) The governor or the governor's designee.	87020
An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same manner as original appointments.	87021 87022 87023
(D) A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee. The concurrence of at least a majority of the members of the committee is necessary for any action to be taken by the committee. On request, each member of the committee shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's duties.	87024 87025 87026 87027 87028 87029 87030 87031 87032
(E) The committee is a part of the department of taxation for administrative purposes.	87033 87034

(F) Each year, the governor shall select a member of the committee to serve as chairperson. The chairperson shall appoint an official or employee of the department of taxation to act as the committee's secretary. The secretary shall keep minutes of the committee's meetings and a journal of all meetings, proceedings, findings, and determinations of the committee.

(G) The committee may hire professional, technical, and clerical staff needed to support its activities.

(H) The committee shall meet as often as necessary to perform its duties.

Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice by ordinary mail of the amount. The notice shall be sent to the address shown on the application unless the applicant notifies the commissioner of a different address. The applicant shall have sixty days from the date the commissioner mails the notice to provide additional information to the commissioner or request a hearing, or both.

(B) If the applicant neither requests a hearing nor provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the commissioner shall take no further action, and the refund or compensation amount denied becomes final.

(C)(1) If the applicant requests a hearing within the time prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon.

(2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by division (A) of this section, the commissioner shall review the information, make such adjustments to the refund or compensation as the commissioner finds proper, and issue a final determination thereon.

(3) The commissioner shall serve a copy of the final determination made under division (C)(1) or (2) of this section on the applicant in the manner provided in section 5703.37 of the Revised Code, and the decision is final, subject to appeal under section 5717.02 of the Revised Code.

(D) The tax commissioner shall certify to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code, the amount of the refund to be refunded under division (B) or (C) of this section. The commissioner also shall certify to the director and treasurer of state for payment from the general revenue fund the amount of compensation to be paid under division (B) or (C) of this section.

Sec. 5703.75. This section applies to any tax, fee, or charge payable to the state and administered by the tax commissioner, except the tax administered under sections 718.80 to 718.95 of the Revised Code. If the total amount of any such tax, fee, or charge

shown to be due on a return, amended return, or notice does not 87097
exceed one dollar, the taxpayer or person liable for the tax, fee, 87098
or charge shall not be required to remit the amount due. If the 87099
total amount of ~~a taxpayer's~~ an overpayment of any such tax, fee, 87100
or charge does not exceed one dollar, the tax commissioner shall 87101
not be required to refund the overpayment. 87102

Sec. 5705.03. (A) The taxing authority of each subdivision 87103
may levy taxes annually, subject to the limitations of sections 87104
5705.01 to 5705.47 of the Revised Code, on the real and personal 87105
property within the subdivision for the purpose of paying the 87106
current operating expenses of the subdivision and acquiring or 87107
constructing permanent improvements. The taxing authority of each 87108
subdivision and taxing unit shall, subject to the limitations of 87109
such sections, levy such taxes annually as are necessary to pay 87110
the interest and sinking fund on and retire at maturity the bonds, 87111
notes, and certificates of indebtedness of such subdivision and 87112
taxing unit, including levies in anticipation of which the 87113
subdivision or taxing unit has incurred indebtedness. 87114

(B)(1) When a taxing authority determines that it is 87115
necessary to levy a tax outside the ten-mill limitation for any 87116
purpose authorized by the Revised Code, the taxing authority shall 87117
certify to the county auditor a resolution or ordinance requesting 87118
that the county auditor certify to the taxing authority the total 87119
current tax valuation of the subdivision, and the number of mills 87120
required to generate a specified amount of revenue, or the dollar 87121
amount of revenue that would be generated by a specified number of 87122
mills. The resolution or ordinance shall state ~~the~~ all of the 87123
following: 87124

(a) The purpose of the tax, ~~whether;~~ 87125

(b) Whether the tax is an additional levy ~~or,~~ a renewal or a 87126

replacement of an existing tax, ~~and the~~ or a renewal or 87127
replacement of an existing tax with an increase or a decrease; 87128

(c) The section of the Revised Code authorizing submission of 87129
the question of the tax; 87130

(d) The term of years of the tax or if the tax is for a 87131
continuing period of time; 87132

(e) That the tax is to be levied upon the entire territory of 87133
the subdivision or, if authorized by the Revised Code, a 87134
description of the portion of the territory of the subdivision in 87135
which the tax is to be levied; 87136

(f) The date of the election at which the question of the tax 87137
shall appear on the ballot; 87138

(g) That the ballot measure shall be submitted to the entire 87139
territory of the subdivision or, if authorized by the Revised 87140
Code, a description of the portion of the territory of the 87141
subdivision to which the ballot measure shall be submitted; 87142

(h) The tax year in which the tax will first be levied and 87143
the calendar year in which the tax will first be collected; 87144

(i) Each such county in which the subdivision has territory. 87145
~~if~~ 87146

If a subdivision is located in more than one county, the 87147
county auditor shall obtain from the county auditor of each other 87148
county in which the subdivision is located the current tax 87149
valuation for the portion of the subdivision in that county. The 87150
county auditor shall issue the certification to the taxing 87151
authority within ten days after receiving the taxing authority's 87152
resolution or ordinance requesting it. 87153

(2) When considering the tangible personal property component 87154
of the tax valuation of the subdivision, the county auditor shall 87155
take into account the assessment percentages prescribed in section 87156

5711.22 of the Revised Code. The tax commissioner may issue rules, 87157
orders, or instructions directing how the assessment percentages 87158
must be utilized. 87159

(3) ~~If, upon~~ Upon receiving the certification from the county 87160
auditor, the taxing authority ~~proceeds~~ may adopt a resolution or 87161
ordinance stating the rate of the tax levy, expressed in mills for 87162
each one dollar in tax valuation as estimated by the county 87163
auditor, and that the taxing authority will proceed with the 87164
submission of the question of the tax to electors, ~~the.~~ The taxing 87165
authority shall certify ~~its~~ this resolution or ordinance, 87166
~~accompanied by~~ a copy of the county auditor's certification, and 87167
the resolution or ordinance the taxing authority adopted under 87168
division (B)(1) of this section to the county auditor and to the 87169
proper county board of elections in the manner and within the time 87170
prescribed by the section of the Revised Code governing submission 87171
of the question, ~~and shall include with its certification the rate~~ 87172
~~of the tax levy, expressed in mills for each one dollar in tax~~ 87173
~~valuation as estimated by the county auditor.~~ The county board of 87174
elections shall not submit the question of the tax to electors 87175
unless a copy of the county auditor's certification accompanies 87176
the ~~resolution~~ resolutions or ~~ordinance~~ ordinances the taxing 87177
authority certifies to the board. Before requesting a taxing 87178
authority to submit a tax levy, any agency or authority authorized 87179
to make that request shall first request the certification from 87180
the county auditor provided under this section. 87181

(4) This division is supplemental to, and not in derogation 87182
of, any similar requirement governing the certification by the 87183
county auditor of the tax valuation of a subdivision or necessary 87184
tax rates for the purposes of the submission of the question of a 87185
tax in excess of the ten-mill limitation, including sections 87186
133.18 and 5705.195 of the Revised Code. 87187

(C) All taxes levied on property shall be extended on the tax 87188

list and duplicate by the county auditor of the county in which 87189
the property is located, and shall be collected by the county 87190
treasurer of such county in the same manner and under the same 87191
laws and rules as are prescribed for the assessment and collection 87192
of county taxes. The proceeds of any tax levied by or for any 87193
subdivision when received by its fiscal officer shall be deposited 87194
in its treasury to the credit of the appropriate fund. 87195

Sec. 5705.16. A resolution of the taxing authority of any 87196
political subdivision shall be passed by a majority of all the 87197
members thereof, declaring the necessity for the transfer of funds 87198
authorized by section 5705.15 of the Revised Code, and such taxing 87199
authority shall ~~prepare~~ submit to the tax commissioner a petition 87200
~~addressed to the court of common pleas of the county in which the~~ 87201
~~funds are held. The petition shall set forth~~ that includes the 87202
name and amount of the fund, the fund to which it is desired to be 87203
transferred, a copy of such resolution with a full statement of 87204
the proceedings pertaining to its passage, and the reason or 87205
necessity for the transfer. ~~A duplicate copy of said petition~~ 87206
~~shall be forwarded to the tax commissioner for the commissioner's~~ 87207
~~examination and approval~~ The commissioner shall approve the 87208
transfer of such funds upon determining each of the following: 87209

(A) The petition states sufficient facts; 87210

(B) That there are good reasons, or that a necessity exists, 87211
for the transfer; 87212

(C) No injury will result from the transfer of such funds. 87213

If the petition is disapproved by the commissioner, it shall 87214
be returned within ten days of its receipt to the officers who 87215
submitted it, with a memorandum of the commissioner's objections, 87216
and the taxing authority shall not transfer the funds as requested 87217
by the petition. This disapproval shall not prejudice a later 87218
application for approval. If the petition is approved by the 87219

commissioner, it shall be ~~forwarded~~ returned within ten days of 87220
its receipt to the ~~clerk of the court of common pleas of the~~ 87221
~~county to whose court of common pleas the petition is addressed,~~ 87222
~~marked with the approval of the commissioner. If the commissioner~~ 87223
~~approves the petition, the commissioner shall notify immediately~~ 87224
~~the officers who submitted the petition, who then may file the~~ 87225
~~petition in the court to which it is addressed, and the taxing~~ 87226
~~authority may transfer the funds as requested by the petition.~~ 87227

~~The petitioner shall give notice of the filing, object, and~~ 87228
~~prayer of the petition, and of the time when it will be heard. The~~ 87229
~~notice shall be given by one publication in a newspaper of general~~ 87230
~~circulation in the territory to be affected by such transfer of~~ 87231
~~funds. If there is no such newspaper, the notice shall be posted~~ 87232
~~in ten conspicuous places within the territory for a period of~~ 87233
~~four weeks.~~ 87234

~~The petition may be heard at the time stated in the notice,~~ 87235
~~or as soon thereafter as convenient for the court. Any person who~~ 87236
~~objects to the prayer of such petition shall file the person's~~ 87237
~~objections in such cause on or before the time fixed in the notice~~ 87238
~~for hearing, and that person shall be entitled to be heard.~~ 87239

~~If, upon hearing, the court finds that the notice has been~~ 87240
~~given as required by this section, that the petition states~~ 87241
~~sufficient facts, that there are good reasons, or that a necessity~~ 87242
~~exists, for the transfer, and that no injury will result~~ 87243
~~therefrom, it shall grant the prayer of the petition and order the~~ 87244
~~petitioners to make such transfer.~~ 87245

~~A copy of the findings, orders, and judgments of the court~~ 87246
~~shall be certified by the clerk and entered on the records of the~~ 87247
~~petitioning officers or board, and thereupon the petitioners may~~ 87248
~~make the transfer of funds as directed by the court. All costs of~~ 87249
~~such proceedings shall be paid by the petitioners, except that if~~ 87250
~~objections are filed the court may order such objectors to pay all~~ 87251

~~or a portion of the costs.~~ 87252

Sec. 5705.233. (A) As used in this section, "criminal justice facility" means any facility located within the county in which a tax is levied under this section and for which the board of commissioners of such county may make an appropriation under section 307.45 of the Revised Code. 87253
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(B) The board of county commissioners of any county, at any time, may declare by resolution that it may be necessary for the county to issue general obligation bonds for permanent improvements to a criminal justice facility, including the acquisition, construction, enlargement, renovation, or maintenance of such a facility. The resolution shall state all of the following: 87258
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(1) The necessity and purpose of the bond issue; 87265

(2) The date of the general or special election at which the question shall be submitted to the electors; 87266
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(3) The amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid; 87268
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(4) The necessity of levying a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities. 87271
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On adoption of the resolution, the board of county commissioners shall certify a copy of it to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code. Division (B) of section 5705.03 of the Revised Code does not apply to tax levy proceedings initiated under this 87274
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section. 87282

(C) After receiving the county auditor's certification under 87283
division (B) of this section, the board of county commissioners 87284
may declare by resolution that the amount of taxes that can be 87285
raised within the ten-mill limitation will be insufficient to 87286
provide an adequate amount for the present and future criminal 87287
justice requirements of the county; that it is necessary to issue 87288
general obligation bonds of the county for permanent improvements 87289
to a criminal justice facility and to levy an additional tax in 87290
excess of the ten-mill limitation to pay debt charges on the bonds 87291
and any anticipatory securities; that it is necessary for a 87292
specified number of years or for a continuing period of time to 87293
levy additional taxes in excess of the ten-mill limitation to 87294
provide funds for the acquisition, construction, enlargement, 87295
renovation, maintenance, and financing of permanent improvements 87296
to such a criminal justice facility or to pay for operating 87297
expenses of the facility and other criminal justice services for 87298
which the board may make an appropriation under section 307.45 of 87299
the Revised Code, or both; and that the question of the bonds and 87300
taxes shall be submitted to the electors of the county at a 87301
general or special election, which shall not be earlier than 87302
ninety days after certification of the resolution to the board of 87303
elections, and the date of which shall be consistent with section 87304
3501.01 of the Revised Code. The resolution shall specify all of 87305
the following: 87306

(1) The county auditor's estimate of the average annual 87307
property tax rate required throughout the stated maturity of the 87308
bonds to pay debt charges on the bonds; 87309

(2) The proposed rate of the tax, if any, for operating 87310
expenses and criminal justice services, the first year the tax 87311
will be levied, and the number of years it will be levied, or that 87312
it will be levied for a continuing period of time; 87313

(3) The proposed rate of the tax, if any, for permanent improvements to a criminal justice facility, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time. 87314
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The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of county commissioners shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (B) of this section, to the board of elections immediately after its adoption. 87318
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(D) The board of elections shall make the arrangements for the submission of the question proposed under division (C) of this section to the electors of the county, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the county for the election of county officers. The resolution shall be put before the electors as one ballot question, with a favorable vote indicating approval of the bond issue, the levy to pay debt charges on the bonds and any anticipatory securities, the operating expenses and criminal justice services levy, and the permanent improvements levy, as those levies may be proposed. The board of elections shall publish notice of the election in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, before the election. If a board of elections operates and maintains a web site, that board also shall post notice of the election on its web site for thirty days before the election. The notice of election shall state all of the following: 87325
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(1) The principal amount of the proposed bond issue; 87343

(2) The permanent improvements for which the bonds are to be issued; 87344
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<u>(3) The maximum number of years over which the principal of the bonds may be paid;</u>	87346
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<u>(4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;</u>	87348
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<u>(5) The proposed rate of the additional tax, if any, for operating expenses and criminal justice services;</u>	87351
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<u>(6) The number of years the operating expenses or criminal justice services tax will be in effect, or that it will be in effect for a continuing period of time;</u>	87353
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<u>(7) The proposed rate of the additional tax, if any, for permanent improvements;</u>	87356
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<u>(8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time;</u>	87358
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<u>(9) The time and place of the election.</u>	87361
<u>(E) The form of the ballot for an election under this section is as follows:</u>	87362
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<u>"Shall be authorized to do the following:</u>	87364
<u>(1) Issue bonds for the purpose of in the principal amount of \$....., to be repaid annually over a maximum period of years, and levy a property tax outside the ten-mill limitation, estimated by the county auditor to average over the bond repayment period mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?"</u>	87365
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<u>If either a levy for permanent improvements or a levy for</u>	87375

operating expenses and criminal justice services is proposed, or 87376
both are proposed, the ballot also shall contain the following 87377
language, as appropriate: 87378

"(2) Levy an additional property tax to provide funds for the 87379
acquisition, construction, enlargement, renovation, maintenance, 87380
and financing of permanent improvements to a criminal justice 87381
facility at a rate not exceeding mills for each one dollar 87382
of tax valuation, which amounts to (rate expressed in 87383
cents or dollars and cents) for each \$100 of tax valuation, for 87384
..... (number of years of the levy, or a continuing period of 87385
time)? 87386

(3) Levy an additional property tax to pay operating expenses 87387
of a criminal justice facility and provide other criminal justice 87388
services at a rate not exceeding mills for each one dollar 87389
of tax valuation, which amounts to (rate expressed in 87390
cents or dollars and cents) for each \$100 of tax valuation, for 87391
..... (number of years of the levy, or a continuing period of 87392
time)? 87393

	<u>FOR THE BOND ISSUE AND LEVY (OR LEVIES)</u>		87394
	<u>AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)</u>	<u>"</u>	87395

(F) The board of elections promptly shall certify the results 87396
of the election to the tax commissioner and the county auditor. If 87397
a majority of the electors voting on the question vote for it, the 87398
board of county commissioners may proceed with issuance of the 87399
bonds and the levy and collection of the property tax for the debt 87400
service on the bonds and any anticipatory securities in the same 87401
manner and subject to the same limitations as for securities 87402
issued under section 133.18 of the Revised Code, and with the levy 87403
and collection of the property tax or taxes for operating expenses 87404
and criminal justice services and for permanent improvements at 87405
the additional rate or any lesser rate in excess of the ten-mill 87406
limitation. Any securities issued by the board of commissioners 87407

under this section are Chapter 133. securities, as that term is 87408
defined in section 133.01 of the Revised Code. 87409

(G)(1) After the approval of a tax for operating expenses and 87410
criminal justice services under this section and before the time 87411
the first collection and distribution from the levy can be made, 87412
the board of county commissioners may anticipate a fraction of the 87413
proceeds of the levy and issue anticipation notes in a principal 87414
amount not exceeding fifty per cent of the total estimated 87415
proceeds of the tax to be collected during the first year of the 87416
levy. 87417

(2) After the approval of a tax under this section for 87418
permanent improvements to a criminal justice facility, the board 87419
of county commissioners may anticipate a fraction of the proceeds 87420
of the tax and issue anticipation notes in a principal amount not 87421
exceeding fifty per cent of the total estimated proceeds of the 87422
tax remaining to be collected in each year over a period of five 87423
years after issuance of the notes. 87424

Anticipation notes under this section shall be issued as 87425
provided in section 133.24 of the Revised Code. Notes issued under 87426
division (G) of this section shall have principal payments during 87427
each year after the year of their issuance over a period not to 87428
exceed five years, and may have a principal payment in the year of 87429
their issuance. 87430

(H) A tax for operating expenses and criminal justice 87431
services or for permanent improvements levied under this section 87432
for a specified number of years may be renewed or replaced in the 87433
same manner as a tax for current operating expenses or permanent 87434
improvements levied under section 5705.19 of the Revised Code. A 87435
tax levied under this section for a continuing period of time may 87436
be decreased in accordance with section 5705.261 of the Revised 87437
Code. 87438

Sec. 5709.12. (A) As used in this section, "independent living facilities" means any residential housing facilities and related property that are not a nursing home, residential care facility, or residential facility as defined in division (A) of section 5701.13 of the Revised Code.

(B) Lands, houses, and other buildings belonging to a county, township, or municipal corporation and used exclusively for the accommodation or support of the poor, or leased to the state or any political subdivision for public purposes shall be exempt from taxation. Real and tangible personal property belonging to institutions that is used exclusively for charitable purposes shall be exempt from taxation, including real property belonging to an institution that is a nonprofit corporation that receives a grant under the Thomas Alva Edison grant program authorized by division (C) of section 122.33 of the Revised Code at any time during the tax year and being held for leasing or resale to others. If, at any time during a tax year for which such property is exempted from taxation, the corporation ceases to qualify for such a grant, the director of development shall notify the tax commissioner, and the tax commissioner shall cause the property to be restored to the tax list beginning with the following tax year. All property owned and used by a nonprofit organization exclusively for a home for the aged, as defined in section 5701.13 of the Revised Code, also shall be exempt from taxation.

(C)(1) If a home for the aged described in division (B)(1) of section 5701.13 of the Revised Code is operated in conjunction with or at the same site as independent living facilities, the exemption granted in division (B) of this section shall include kitchen, dining room, clinic, entry ways, maintenance and storage areas, and land necessary for access commonly used by both residents of the home for the aged and residents of the independent living facilities. Other facilities commonly used by

both residents of the home for the aged and residents of 87471
independent living units shall be exempt from taxation only if the 87472
other facilities are used primarily by the residents of the home 87473
for the aged. Vacant land currently unused by the home, and 87474
independent living facilities and the lands connected with them 87475
are not exempt from taxation. Except as provided in division 87476
(A)(1) of section 5709.121 of the Revised Code, property of a home 87477
leased for nonresidential purposes is not exempt from taxation. 87478

(2) Independent living facilities are exempt from taxation if 87479
they are operated in conjunction with or at the same site as a 87480
home for the aged described in division (B)(2) of section 5701.13 87481
of the Revised Code; operated by a corporation, association, or 87482
trust described in division (B)(1)(b) of that section; operated 87483
exclusively for the benefit of members of the corporation, 87484
association, or trust who are retired, aged, or infirm; and 87485
provided to those members without charge in consideration of their 87486
service, without compensation, to a charitable, religious, 87487
fraternal, or educational institution. For the purposes of 87488
division (C)(2) of this section, "compensation" does not include 87489
furnishing room and board, clothing, health care, or other 87490
necessities, or stipends or other de minimis payments to defray 87491
the cost thereof. 87492

(D)(1) A private corporation established under federal law, 87493
as defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, 87494
as amended, the objects of which include encouraging the 87495
advancement of science generally, or of a particular branch of 87496
science, the promotion of scientific research, the improvement of 87497
the qualifications and usefulness of scientists, or the increase 87498
and diffusion of scientific knowledge is conclusively presumed to 87499
be a charitable or educational institution. A private corporation 87500
established as a nonprofit corporation under the laws of a state 87501
that is exempt from federal income taxation under section 87502

501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 87503
U.S.C.A. 1, as amended, and that has as its principal purpose one 87504
or more of the foregoing objects also is conclusively presumed to 87505
be a charitable or educational institution. 87506

The fact that an organization described in this division 87507
operates in a manner that results in an excess of revenues over 87508
expenses shall not be used to deny the exemption granted by this 87509
section, provided such excess is used, or is held for use, for 87510
exempt purposes or to establish a reserve against future 87511
contingencies; and, provided further, that such excess may not be 87512
distributed to individual persons or to entities that would not be 87513
entitled to the tax exemptions provided by this chapter. Nor shall 87514
the fact that any scientific information diffused by the 87515
organization is of particular interest or benefit to any of its 87516
individual members be used to deny the exemption granted by this 87517
section, provided that such scientific information is available to 87518
the public for purchase or otherwise. 87519

(2) Division (D)(2) of this section does not apply to real 87520
property exempted from taxation under this section and division 87521
(A)(3) of section 5709.121 of the Revised Code and belonging to a 87522
nonprofit corporation described in division (D)(1) of this section 87523
that has received a grant under the Thomas Alva Edison grant 87524
program authorized by division (C) of section 122.33 of the 87525
Revised Code during any of the tax years the property was exempted 87526
from taxation. 87527

When a private corporation described in division (D)(1) of 87528
this section sells all or any portion of a tract, lot, or parcel 87529
of real estate that has been exempt from taxation under this 87530
section and section 5709.121 of the Revised Code, the portion sold 87531
shall be restored to the tax list for the year following the year 87532
of the sale and, except in connection with a sale and transfer of 87533
such a tract, lot, or parcel to a county land reutilization 87534

corporation organized under Chapter 1724. of the Revised Code, a 87535
charge shall be levied against the sold property in an amount 87536
equal to the tax savings on such property during the four tax 87537
years preceding the year the property is placed on the tax list. 87538
The tax savings equals the amount of the additional taxes that 87539
would have been levied if such property had not been exempt from 87540
taxation. 87541

The charge constitutes a lien of the state upon such property 87542
as of the first day of January of the tax year in which the charge 87543
is levied and continues until discharged as provided by law. The 87544
charge may also be remitted for all or any portion of such 87545
property that the tax commissioner determines is entitled to 87546
exemption from real property taxation for the year such property 87547
is restored to the tax list under any provision of the Revised 87548
Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 87549
5709.41, 5709.45, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 87550
5709.84, upon an application for exemption covering the year such 87551
property is restored to the tax list filed under section 5715.27 87552
of the Revised Code. 87553

(E)(1) Real property held by an organization organized and 87554
operated exclusively for charitable purposes as described under 87555
section 501(c)(3) of the Internal Revenue Code and exempt from 87556
federal taxation under section 501(a) of the Internal Revenue 87557
Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 87558
of constructing or rehabilitating residences for eventual transfer 87559
to qualified low-income families through sale, lease, or land 87560
installment contract, shall be exempt from taxation. 87561

The exemption shall commence on the day title to the property 87562
is transferred to the organization and shall continue to the end 87563
of the tax year in which the organization transfers title to the 87564
property to a qualified low-income family. In no case shall the 87565
exemption extend beyond the second succeeding tax year following 87566

the year in which the title was transferred to the organization. 87567
If the title is transferred to the organization and from the 87568
organization to a qualified low-income family in the same tax 87569
year, the exemption shall continue to the end of that tax year. 87570
The proportionate amount of taxes that are a lien but not yet 87571
determined, assessed, and levied for the tax year in which title 87572
is transferred to the organization shall be remitted by the county 87573
auditor for each day of the year that title is held by the 87574
organization. 87575

Upon transferring the title to another person, the 87576
organization shall file with the county auditor an affidavit 87577
affirming that the title was transferred to a qualified low-income 87578
family or that the title was not transferred to a qualified 87579
low-income family, as the case may be; if the title was 87580
transferred to a qualified low-income family, the affidavit shall 87581
identify the transferee by name. If the organization transfers 87582
title to the property to anyone other than a qualified low-income 87583
family, the exemption, if it has not previously expired, shall 87584
terminate, and the property shall be restored to the tax list for 87585
the year following the year of the transfer and a charge shall be 87586
levied against the property in an amount equal to the amount of 87587
additional taxes that would have been levied if such property had 87588
not been exempt from taxation. The charge constitutes a lien of 87589
the state upon such property as of the first day of January of the 87590
tax year in which the charge is levied and continues until 87591
discharged as provided by law. 87592

The application for exemption shall be filed as otherwise 87593
required under section 5715.27 of the Revised Code, except that 87594
the organization holding the property shall file with its 87595
application documentation substantiating its status as an 87596
organization organized and operated exclusively for charitable 87597
purposes under section 501(c)(3) of the Internal Revenue Code and 87598

its qualification for exemption from federal taxation under 87599
section 501(a) of the Internal Revenue Code, and affirming its 87600
intention to construct or rehabilitate the property for the 87601
eventual transfer to qualified low-income families. 87602

As used in this division, "qualified low-income family" means 87603
a family whose income does not exceed two hundred per cent of the 87604
official federal poverty guidelines as revised annually in 87605
accordance with section 673(2) of the "Omnibus Budget 87606
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 87607
amended, for a family size equal to the size of the family whose 87608
income is being determined. 87609

(2) Real property constituting a retail store, including the 87610
land on which the retail store is located, that is owned and 87611
operated by an organization described in division (E)(1) of this 87612
section shall be exempt from taxation if the retail store sells 87613
primarily donated items suitable for residential housing purposes 87614
and if the proceeds of such sales are used solely for the purposes 87615
of the organization. 87616

(F)(1) Real property that is acquired and held by a county 87617
land reutilization corporation organized under Chapter 1724. of 87618
the Revised Code and that is not exempt from taxation under 87619
Chapter 5722. of the Revised Code shall be deemed real property 87620
used for a public purpose and shall be exempt from taxation until 87621
sold or transferred by the corporation. Notwithstanding section 87622
5715.27 of the Revised Code, a county land reutilization 87623
corporation is not required to apply to any county or state agency 87624
in order to qualify for the exemption. 87625

(2) Real property that is acquired and held by an electing 87626
subdivision other than a county land reutilization corporation on 87627
or after April 9, 2009, for the public purpose of implementing an 87628
effective land reutilization program or for a related public 87629
purpose, and that is not exempt from taxation under Chapter 5722. 87630

of the Revised Code, shall be exempt from taxation until sold or 87631
transferred by the electing subdivision. Notwithstanding section 87632
5715.27 of the Revised Code, an electing subdivision is not 87633
required to apply to any county or state agency in order to 87634
qualify for an exemption with respect to property acquired or held 87635
for such purposes on or after such date, regardless of how the 87636
electing subdivision acquires the property. 87637

As used in this section, "electing subdivision" and "land 87638
reutilization program" have the same meanings as in section 87639
5722.01 of the Revised Code, and "county land reutilization 87640
corporation" means a county land reutilization corporation 87641
organized under Chapter 1724. of the Revised Code and any 87642
subsidiary wholly owned by such a county land reutilization 87643
corporation that is identified as "a wholly owned subsidiary of a 87644
county land reutilization corporation" in the deed of conveyance 87645
transferring title to the subsidiary. 87646

In lieu of the application for exemption otherwise required 87647
to be filed as required under section 5715.27 of the Revised Code, 87648
a county land reutilization corporation holding the property 87649
shall, upon the request of any county or state agency, submit its 87650
articles of incorporation substantiating its status as a county 87651
land reutilization corporation. 87652

(G) Real property that is owned by an organization described 87653
under section 501(c)(3) of the Internal Revenue Code and exempt 87654
from federal income taxation under section 501(a) of the Internal 87655
Revenue Code and that is used by that organization exclusively for 87656
receiving, processing, or distributing human blood, tissues, eyes, 87657
or organs or for research and development thereof shall be exempt 87658
from taxation. 87659

(H) Real property that is owned by an organization described 87660
under section 501(c)(3) of the Internal Revenue Code and exempt 87661
from federal income taxation under section 501(a) of the Internal 87662

Revenue Code and that received a loan from the federal small 87663
business administration as a participating intermediary in the 87664
federal microloan program under 15 U.S.C. 636(m) shall be exempt 87665
from taxation if the property is used by that organization 87666
primarily for small business lending, economic development, job 87667
training, entrepreneur education, or associated administrative 87668
purposes as such a participating intermediary. 87669

Sec. 5709.17. The following property shall be exempted from 87670
taxation: 87671

(A) Real estate held or occupied by an association or 87672
corporation, organized or incorporated under the laws of this 87673
state relative to soldiers' memorial associations, or monumental 87674
building associations, ~~or cemetery associations or corporations,~~ 87675
~~which and that,~~ in the opinion of the trustees, directors, or 87676
managers thereof, is necessary and proper to carry out the object 87677
intended for such association or corporation; 87678

(B) Real estate and tangible personal property held or 87679
occupied by a veterans' organization that qualifies for exemption 87680
from taxation under section 501(c)(19) or 501(c)(23) of the 87681
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 87682
amended, and is incorporated under the laws of this state or the 87683
United States, except real estate held by such an organization for 87684
the production of rental income in excess of thirty-six thousand 87685
dollars in a tax year, before accounting for any cost or expense 87686
incurred in the production of such income. For the purposes of 87687
this division, rental income includes only income arising directly 87688
from renting the real estate to others for consideration. 87689

(C) Tangible personal property held by a corporation 87690
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 87691
section 501(c)(3) of the Internal Revenue Code, and exempt from 87692
taxation under section 501(a) of the Internal Revenue Code shall 87693

be exempt from taxation if it is property obtained as described in 87694
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 87695

(D) Real estate held or occupied by a fraternal organization 87696
and used primarily for meetings of and the administration of the 87697
fraternal organization or for providing, on a not-for-profit 87698
basis, educational or health services, except real estate held by 87699
such an organization for the production of rental income in excess 87700
of thirty-six thousand dollars in a tax year before accounting for 87701
any cost or expense incurred in the production of such income. As 87702
used in this division, "rental income" has the same meaning as in 87703
division (B) of this section, and "fraternal organization" means a 87704
domestic fraternal society, order, or association operating under 87705
the lodge, council, or grange system that qualifies for exemption 87706
from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 87707
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 87708
as amended; that provides financial support for charitable 87709
purposes, as defined in division (B)(12) of section 5739.02 of the 87710
Revised Code; and that operates under a state governing body that 87711
has been operating in this state for at least eighty-five years. 87712

Sec. 5709.212. (A) With every application for an exempt 87713
facility certificate filed pursuant to section 5709.21 of the 87714
Revised Code, the applicant shall pay a fee equal to one-half of 87715
one per cent of the total exempt facility project cost, not to 87716
exceed two thousand dollars. ~~One half of the fee received with~~ 87717
~~applications for exempt facility certificates shall be credited to~~ 87718
~~the exempt facility administrative fund, which is hereby created~~ 87719
~~in the state treasury, for appropriation to the department of~~ 87720
~~taxation for use in administering sections 5709.20 to 5709.27 of~~ 87721
~~the Revised Code.~~ If the director of environmental protection is 87722
required to provide the opinion for an application, ~~one half of~~ 87723
the fee shall be credited to the non-Title V clean air fund 87724
created in section 3704.035 of the Revised Code for use in 87725

administering section 5709.211 of the Revised Code, unless the 87726
application is for an industrial water pollution control facility. 87727
If the application is for an industrial water pollution control 87728
facility, ~~one-half of~~ the fee shall be credited to the surface 87729
water protection fund created in section 6111.038 of the Revised 87730
Code for use in administering section 5709.211 of the Revised 87731
Code. If the director of development is required to provide the 87732
opinion for an application, ~~one-half of~~ the fee for each exempt 87733
facility application shall be credited to the exempt facility 87734
inspection fund, which is hereby created in the state treasury, 87735
for appropriation to the ~~department of development~~ services agency 87736
for use in administering section 5709.211 of the Revised Code. 87737

An applicant is not entitled to any tax exemption under 87738
section 5709.25 of the Revised Code until the fee required by this 87739
section is paid. The fee required by this section is not 87740
refundable, and is due with the application for an exempt facility 87741
certificate even if an exempt facility certificate ultimately is 87742
not issued or is withdrawn. Any application submitted without 87743
payment of the fee shall be deemed incomplete until the fee is 87744
paid. 87745

(B) The application fee imposed under division (A) of this 87746
section for a jointly owned facility shall be equal to one-half of 87747
one per cent of the total exempt facility project cost, not to 87748
exceed two thousand dollars for each facility that is the subject 87749
of the application. 87750

Sec. 5709.45. (A) As used in sections 5709.45 to 5709.47 of 87751
the Revised Code: 87752

(1) "Downtown redevelopment district" or "district" means an 87753
area not more than ten acres enclosed by a continuous boundary in 87754
which at least one historic building is being, or will be, 87755

rehabilitated. 87756

(2) "Historic building" and "rehabilitation" have the same 87757
meanings as in section 149.311 of the Revised Code. 87758

(3) "Public infrastructure improvement" has the same meaning 87759
as in section 5709.40 of the Revised Code. 87760

(4) "Improvement" means the increase in the assessed value of 87761
real property that would first appear on the tax list after the 87762
effective date of an ordinance adopted under this section were it 87763
not for the exemption granted by the ordinance. 87764

(5) "Innovation district" means an area located entirely 87765
within a downtown redevelopment district, enclosed by a continuous 87766
boundary, and equipped with a high-speed broadband network capable 87767
of download speeds of at least one hundred gigabits per second. 87768

(6) "Qualified business" means a business primarily engaged, 87769
or primarily organized to engage, in a trade or business that 87770
involves research and development, technology transfer, 87771
bio-technology, information technology, or the application of new 87772
technology developed through research and development or acquired 87773
through technology transfer. 87774

(7) "Information technology" means the branch of technology 87775
devoted to the study and application of data and the processing 87776
thereof; the automatic acquisition, storage, manipulation or 87777
transformation, management, movement, control, display, switching, 87778
interchange, transmission or reception of data, and the 87779
development or use of hardware, software, firmware, and procedures 87780
associated with this processing. "Information technology" includes 87781
matters concerned with the furtherance of computer science and 87782
technology, design, development, installation, and implementation 87783
of information systems and applications that in turn will be 87784
licensed or sold to a specific target market. "Information 87785
technology" does not include the creation of a distribution method 87786

for existing products and services. 87787

(8) "Research and development" means designing, creating, or 87788
formulating new or enhanced products, equipment, or processes, and 87789
conducting scientific or technological inquiry and experimentation 87790
in the physical sciences with the goal of increasing scientific 87791
knowledge that may reveal the bases for new or enhanced products, 87792
equipment, or processes. 87793

(9) "Technology transfer" means the transfer of technology 87794
from one sector of the economy to another, including the transfer 87795
of military technology to civilian applications, civilian 87796
technology to military applications, or technology from public or 87797
private research laboratories to military or civilian 87798
applications. 87799

(B) For the purposes of promoting rehabilitation of historic 87800
buildings, creating jobs, and encouraging economic development in 87801
commercial and mixed-use commercial and residential areas, and for 87802
the purpose of funding transportation improvements that will 87803
benefit such areas, the legislative authority of a municipal 87804
corporation may adopt an ordinance creating a downtown 87805
redevelopment district and declaring improvements to parcels 87806
within the district to be a public purpose and exempt from 87807
taxation. Downtown redevelopment districts shall not be created in 87808
areas used exclusively for residential purposes and shall not be 87809
utilized for development or redevelopment of residential areas. 87810

The ordinance shall specify all of the following: 87811

(1) The boundary of the district; 87812

(2) The county treasurer's permanent parcel number associated 87813
with each parcel included in the district; 87814

(3) The parcel or parcels within the district that include a 87815
historic building that is being or will be rehabilitated; 87816

(4) The proposed life of the district;	87817
(5) An economic development plan for the district that includes all of the following:	87818 87819
(a) A statement describing the principal purposes and goals to be served by creating the district;	87820 87821
(b) An explanation of how the municipal corporation will collaborate with businesses and property owners within the district to develop strategies for achieving such purposes and goals;	87822 87823 87824 87825
(c) A plan for using the service payments provided for in section 5709.46 of the Revised Code to promote economic development and job creation within the district.	87826 87827 87828
Not more than seventy per cent of improvements to parcels within a downtown redevelopment district may be exempted from taxation under this section. A district may not include a parcel that is exempted from taxation under this section or section 5709.40 or 5709.41 of the Revised Code on the effective date of the ordinance. Except as provided in division (F) of this section, the life of a downtown redevelopment district shall not exceed ten years.	87829 87830 87831 87832 87833 87834 87835 87836
A municipal corporation may adopt more than one ordinance under division (B) of this section. A single such ordinance may create more than one downtown redevelopment district.	87837 87838 87839
(C) For the purposes of attracting and facilitating growth of qualified businesses and supporting the economic development efforts of business incubators and accelerators, the legislative authority of a municipal corporation may designate an innovation district within a proposed or existing downtown redevelopment district. The life of the innovation district shall be identical to the downtown redevelopment district in which the innovation district is located. In addition to the requirements in division	87840 87841 87842 87843 87844 87845 87846 87847

(B) of this section, an ordinance creating a downtown
redevelopment district that includes an innovation district shall
specify all of the following:

(1) The boundary of the innovation district;

(2) The permanent parcel number associated with each parcel
included in the innovation district;

(3) An economic development plan for the innovation district
that meets the criteria prescribed by division (B)(5) of this
section.

(D) At least thirty days before adopting an ordinance under
division (B) of this section, the legislative authority of the
municipal corporation shall conduct a public hearing on the
proposed ordinance and the accompanying economic development plan.
At least thirty days before the public hearing, the legislative
authority shall give notice of the public hearing and the proposed
ordinance by first class mail to every real property owner whose
property is located within the boundaries of the proposed district
that is the subject of the proposed ordinance.

(E) Revenue derived from downtown redevelopment district
service payments may be used by the municipal corporation for any
of the following purposes:

(1) To finance or support loans, deferred loans, or grants to
owners of historic buildings within the downtown redevelopment
district. Such loans or grants shall be awarded upon the condition
that the loan or grant amount may be used by the owner only to
rehabilitate the historic building. A municipal corporation that
awards a loan or grant under this division shall develop a plan
for tracking the loan or grant recipient's use of the loan or
grant and monitoring the progress of the recipient's
rehabilitation project.

(2) To make contributions to a special improvement district

for use under section 1710.14 of the Revised Code, to a community 87879
improvement corporation for use under section 1724.12 of the 87880
Revised Code, or to a nonprofit corporation, as defined in section 87881
1702.01 of the Revised Code, the primary purpose of which is 87882
redeveloping historic buildings and historic districts for use by 87883
the corporation to rehabilitate a historic building within the 87884
downtown redevelopment district or to otherwise promote or enhance 87885
the district. Amounts contributed under division (E)(2) of this 87886
section shall not exceed the property tax revenue that would have 87887
been generated by twenty per cent of the assessed value of the 87888
exempted improvements within the downtown redevelopment district. 87889

(3) To finance or support loans to owners of one or more 87890
buildings located within the district that do not qualify as 87891
historic buildings. Such loans shall be awarded upon the condition 87892
that the loan amount may be used by the owner only to make repairs 87893
and improvements to the building or buildings. A municipal 87894
corporation that awards a loan under this division shall develop a 87895
plan for tracking the loan recipient's use of the loan and 87896
monitoring the progress of the recipient's repairs or 87897
improvements. 87898

(4) To finance public infrastructure improvements within the 87899
downtown redevelopment district. If revenue generated by the 87900
downtown redevelopment district will be used to finance public 87901
infrastructure improvements, the economic development plan 87902
described by division (B)(5) of this section shall identify 87903
specific projects that are being or will be undertaken within the 87904
district and describe how such infrastructure improvements will 87905
accommodate additional demands on the existing infrastructure 87906
within the district. A municipal corporation shall not use service 87907
payments derived from a downtown redevelopment district to repair 87908
or replace police or fire equipment. 87909

(5) To finance or support loans, deferred loans, or grants to 87910

qualified businesses or to incubators and accelerators that 87911
provide services and capital to qualified businesses within an 87912
innovation district. Such loans or grants shall be awarded upon 87913
the condition that the loan or grant shall be used by the 87914
recipient to start or develop one or more qualified businesses 87915
within the innovation district. A municipal corporation that 87916
awards a loan or grant under this division shall develop a plan 87917
for tracking the loan or grant recipient's use of the loan or 87918
grant and monitoring the establishment and growth of the qualified 87919
business. 87920

(F) Notwithstanding division (B) of this section, 87921
improvements to parcels located within a downtown redevelopment 87922
district may be exempted from taxation under this section for up 87923
to thirty years if either of the following apply: 87924

(1) The ordinance creating the redevelopment district 87925
specifies that payments in lieu of taxes shall be paid to the 87926
city, local, or exempted village, and joint vocational school 87927
district or districts in which the redevelopment district is 87928
located in the amount of the taxes that would have been payable to 87929
the school district or districts if the improvements had not been 87930
exempted from taxation. 87931

(2) The municipal corporation creating the district obtains 87932
the approval under division (G) of this section of the board of 87933
education of each city, local, and exempted village school 87934
district within which the district will be located. 87935

(G)(1) The legislative authority of a municipal corporation 87936
seeking the approval of a school district for the purpose of 87937
division (G)(2) of this section shall send notice of the proposed 87938
ordinance to the school district not later than forty-five 87939
business days before it intends to adopt the ordinance. The notice 87940
shall include a copy of the proposed ordinance and shall indicate 87941
the date on which the legislative authority intends to adopt the 87942

ordinance. The board of education of the school district, by 87943
resolution adopted by a majority of the board, may do any of the 87944
following: 87945

(a) Approve the exemption for the number of years specified 87946
in the proposed ordinance; 87947

(b) Disapprove the exemption for the number of years in 87948
excess of ten; 87949

(c) Approve the exemption on the condition that the 87950
legislative authority and the board negotiate an agreement 87951
providing for compensation to the school district equal in value 87952
to a percentage of the amount of taxes exempted in the eleventh 87953
and subsequent years of the exemption period or other mutually 87954
agreeable compensation. If an agreement is negotiated under this 87955
division, the legislative authority shall compensate all joint 87956
vocational school districts within which the downtown 87957
redevelopment district is located at the same rate and under the 87958
same terms received by the city, local, or exempted village school 87959
district. 87960

(2) The board of education shall certify a resolution adopted 87961
under division (G)(1) of this section to the legislative authority 87962
of the municipal corporation not later than fourteen days before 87963
the date the legislative authority intends to adopt the ordinance 87964
as indicated in the notice. If the board of education approves the 87965
ordinance or negotiates a mutually acceptable compensation 87966
agreement with the legislative authority, the legislative 87967
authority may enact the ordinance in its current form. If the 87968
board disapproves of the ordinance and fails to negotiate a 87969
mutually acceptable compensation agreement with the legislative 87970
authority, the legislative authority may exempt improvements to 87971
parcels within the downtown redevelopment district for not more 87972
than ten years. If the board fails to certify a resolution to the 87973
legislative authority within the time prescribed by this division, 87974

the legislative authority may adopt the ordinance and may exempt 87975
improvements to parcels within the downtown redevelopment district 87976
for the period of time specified in the notice delivered to the 87977
board of education. The legislative authority may adopt the 87978
ordinance at any time after the board of education certifies its 87979
resolution approving the exemption to the legislative authority 87980
or, if the board approves the exemption on the condition that a 87981
mutually acceptable compensation agreement be negotiated, at any 87982
time after the compensation agreement is agreed to by the board 87983
and the legislative authority. 87984

(3) If a board of education has adopted a resolution waiving 87985
its right to approve exemptions from taxation under this section 87986
and the resolution remains in effect, approval of exemptions by 87987
the board is not required under division (G) of this section. If a 87988
board of education has adopted a resolution allowing a legislative 87989
authority to deliver the notice required under division (G)(1) of 87990
this section fewer than forty-five business days before the 87991
legislative authority's adoption of the ordinance, the legislative 87992
authority shall deliver the notice to the board not later than the 87993
number of days before such adoption as prescribed by the board in 87994
its resolution. If a board of education adopts a resolution 87995
waiving its right to approve agreements or shortening the 87996
notification period, the board shall certify a copy of the 87997
resolution to the legislative authority. If the board of education 87998
rescinds such a resolution, it shall certify notice of the 87999
rescission to the legislative authority. 88000

(4) If the legislative authority is not required by division 88001
(G) of this section to notify the board of education of the 88002
legislative authority's intent to create a downtown redevelopment 88003
district, the legislative authority shall comply with the notice 88004
requirements imposed under section 5709.83 of the Revised Code, 88005
unless the board has adopted a resolution under that section 88006

waiving its right to receive such a notice. 88007

(H) Service payments in lieu of taxes that are attributable 88008
to any amount by which the effective tax rate of either a renewal 88009
levy with an increase or a replacement levy exceeds the effective 88010
tax rate of the levy renewed or replaced, or that are attributable 88011
to an additional levy, for a levy authorized by the voters for any 88012
of the following purposes on or after January 1, 2006, and which 88013
are provided pursuant to an ordinance creating a downtown 88014
redevelopment district under division (B) of this section shall be 88015
distributed to the appropriate taxing authority as required under 88016
division (C) of section 5709.46 of the Revised Code in an amount 88017
equal to the amount of taxes from that additional levy or from the 88018
increase in the effective tax rate of such renewal or replacement 88019
levy that would have been payable to that taxing authority from 88020
the following levies were it not for the exemption authorized 88021
under division (B) of this section: 88022

(1) A tax levied under division (L) of section 5705.19 or 88023
section 5705.191 of the Revised Code for community mental 88024
retardation and developmental disabilities programs and services 88025
pursuant to Chapter 5126. of the Revised Code; 88026

(2) A tax levied under division (Y) of section 5705.19 of the 88027
Revised Code for providing or maintaining senior citizens services 88028
or facilities; 88029

(3) A tax levied under section 5705.22 of the Revised Code 88030
for county hospitals; 88031

(4) A tax levied by a joint-county district or by a county 88032
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 88033
for alcohol, drug addiction, and mental health services or 88034
facilities; 88035

(5) A tax levied under section 5705.23 of the Revised Code 88036
for library purposes; 88037

(6) A tax levied under section 5705.24 of the Revised Code 88038
for the support of children services and the placement and care of 88039
children; 88040

(7) A tax levied under division (Z) of section 5705.19 of the 88041
Revised Code for the provision and maintenance of zoological park 88042
services and facilities under section 307.76 of the Revised Code; 88043

(8) A tax levied under section 511.27 or division (H) of 88044
section 5705.19 of the Revised Code for the support of township 88045
park districts; 88046

(9) A tax levied under division (A), (F), or (H) of section 88047
5705.19 of the Revised Code for parks and recreational purposes of 88048
a joint recreation district organized pursuant to division (B) of 88049
section 755.14 of the Revised Code; 88050

(10) A tax levied under section 1545.20 or 1545.21 of the 88051
Revised Code for park district purposes; 88052

(11) A tax levied under section 5705.191 of the Revised Code 88053
for the purpose of making appropriations for public assistance; 88054
human or social services; public relief; public welfare; public 88055
health and hospitalization; and support of general hospitals; 88056

(12) A tax levied under section 3709.29 of the Revised Code 88057
for a general health district program. 88058

(I) An exemption from taxation granted under this section 88059
commences with the tax year specified in the ordinance so long as 88060
the year specified in the ordinance commences after the effective 88061
date of the ordinance. If the ordinance specifies a year 88062
commencing before the effective date of the ordinance or specifies 88063
no year whatsoever, the exemption commences with the tax year in 88064
which an exempted improvement first appears on the tax list and 88065
that commences after the effective date of the ordinance. In lieu 88066
of stating a specific year, the ordinance may provide that the 88067
exemption commences in the tax year in which the value of an 88068

improvement exceeds a specified amount or in which the 88069
construction of one or more improvements is completed, provided 88070
that such tax year commences after the effective date of the 88071
ordinance. 88072

Except as otherwise provided in this division, the exemption 88073
ends on the date specified in the ordinance as the date the 88074
improvement ceases to be a public purpose or the downtown 88075
redevelopment district expires, whichever occurs first. The 88076
exemption of an improvement within a downtown redevelopment 88077
district may end on a later date, as specified in the ordinance, 88078
if the legislative authority and the board of education of the 88079
city, local, or exempted village school district within which the 88080
parcel or district is located have entered into a compensation 88081
agreement under section 5709.82 of the Revised Code with respect 88082
to the improvement, and the board of education has approved the 88083
term of the exemption under division (G) of this section, but in 88084
no case shall the improvement be exempted from taxation for more 88085
than thirty years. Exemptions shall be claimed and allowed in the 88086
same manner as in the case of other real property exemptions. If 88087
an exemption status changes during a year, the procedure for the 88088
apportionment of the taxes for that year is the same as in the 88089
case of other changes in tax exemption status during the year. 88090

(J) Additional municipal financing of the projects and 88091
services described in division (E) of this section may be provided 88092
by any methods that the municipal corporation may otherwise use 88093
for financing such projects and services. If the municipal 88094
corporation issues bonds or notes to finance such projects and 88095
services and pledges money from the municipal downtown 88096
redevelopment district fund to pay the interest on and principal 88097
of the bonds or notes, the bonds or notes are not subject to 88098
Chapter 133. of the Revised Code. 88099

(K) The municipal corporation, not later than fifteen days 88100

after the adoption of an ordinance under this section, shall 88101
submit to the director of development services a copy of the 88102
ordinance. On or before the thirty-first day of March of each 88103
year, the municipal corporation shall submit a status report to 88104
the director of development services. The report shall indicate, 88105
in the manner prescribed by the director, the progress of the 88106
projects and services during each year that an exemption remains 88107
in effect, including a summary of the receipts from service 88108
payments in lieu of taxes; expenditures of money from the funds 88109
created under section 5709.47 of the Revised Code; a description 88110
of the projects and services financed with such expenditures; and 88111
a quantitative summary of changes in employment and private 88112
investment resulting from each project and service. 88113

(L) Nothing in this section shall be construed to prohibit a 88114
legislative authority from declaring to be a public purpose 88115
improvements with respect to more than one parcel. 88116

(M)(1) The owner of real property located in a downtown 88117
redevelopment district may enter into an agreement with the 88118
municipal corporation that created the district to impose a 88119
redevelopment charge on the property to cover all or part of the 88120
cost of services, facilities, and improvements provided within the 88121
district under division (E) of this section. The agreement shall 88122
include the following: 88123

(a) The amount of the redevelopment charge. The redevelopment 88124
charge may be a fixed dollar amount or an amount determined on the 88125
basis of the assessed valuation of the property or all or part of 88126
the profits, gross receipts, or other revenues of a business 88127
operating on the property, including rentals received from leases 88128
of the property. If the property is leased to one or more tenants, 88129
the redevelopment charge may be itemized as part of the lease 88130
rate. 88131

(b) The termination date of the redevelopment charge. The 88132

redevelopment charge shall not be charged after the expiration or 88133
termination of the downtown redevelopment district. 88134

(c) The terms by which the municipal corporation shall 88135
collect the redevelopment charge. 88136

(d) The purposes for which the redevelopment charge may be 88137
used by the municipal corporation. The redevelopment charge shall 88138
be used only for those purposes described by division (E) of this 88139
section. The agreement may specify any or all of such purposes. 88140

(2) Redevelopment charges collected by a municipal 88141
corporation under division (M) of this section shall be deposited 88142
to the municipal downtown redevelopment district fund created 88143
under section 5709.47 of the Revised Code. 88144

(3) An agreement by a property owner under division (M) of 88145
this section is hereby deemed to be a covenant running with the 88146
land. The covenant is fully binding on behalf of and enforceable 88147
by the municipal corporation against any person acquiring an 88148
interest in the land and all of that person's successors and 88149
assigns. 88150

(4) No purchase agreement for real estate or any interest in 88151
real estate upon which a redevelopment charge is levied shall be 88152
enforceable by the seller or binding upon the purchaser unless the 88153
purchase agreement specifically refers to the redevelopment 88154
charge. If a conveyance of such real estate or interest in such 88155
real estate is made pursuant to a purchase agreement that does not 88156
make such reference, the redevelopment charge shall continue to be 88157
a covenant running with the land fully binding on behalf of and 88158
enforceable by the municipal corporation against the person 88159
accepting the conveyance pursuant to the purchase agreement. 88160

(5) If a redevelopment charge is not paid when due, the 88161
overdue amount shall be collected according to the terms of the 88162
agreement. If the agreement does not specify a procedure for 88163

collecting overdue redevelopment charges, the municipal 88164
corporation may certify the charge to the county auditor. The 88165
county auditor shall enter the unpaid charge on the tax list and 88166
duplicate of real property opposite the parcel against which it is 88167
charged and certify the charge to the county treasurer. The unpaid 88168
redevelopment charge is a lien on property against which it is 88169
charged from the date the charge is entered on the tax list, and 88170
shall be collected in the manner provided for the collection of 88171
real property taxes. Once the charge is collected, it shall be 88172
paid immediately to the municipal corporation. 88173

Sec. 5709.48. (A) As used in this section, "regional 88174
transportation improvement project" has the same meaning as in 88175
section 5595.01 of the Revised Code. 88176

(B) For the purposes described in division (A) of section 88177
5595.06 of the Revised Code, the boards of county commissioners of 88178
one or more counties that are participants in a regional 88179
transportation improvement project may, by resolution, create a 88180
transportation financing district and declare improvements to 88181
parcels within the district to be a public purpose and exempt from 88182
taxation. 88183

(C) A transportation financing district may include territory 88184
in more than one county as long as each such county is a party to 88185
the resolution creating the district and a participant in the 88186
regional transportation improvement project funded by the 88187
district. A district shall not include areas used exclusively for 88188
residential purposes. A district shall not include any parcel that 88189
is or has been exempted from taxation under this section or 88190
section 5709.40, 5709.41, 5709.45, 5709.73, or 5709.77 of the 88191
Revised Code. Counties may designate parcels within the boundaries 88192
of a district that are not included in the district. Counties may 88193
designate noncontiguous parcels located outside the boundaries of 88194

the district that are included in the district. 88195

Counties may adopt more than one resolution under division 88196
(B) of this section. A single such resolution may create more than 88197
one transportation financing district. 88198

(D) A resolution creating a transportation financing district 88199
shall specify all of the following: 88200

(1) A description of the territory included in the district; 88201

(2) The county treasurer's permanent parcel number associated 88202
with each parcel included in the district; 88203

(3) The percentage of improvements to be exempted from 88204
taxation and the duration of the exemption, which shall not exceed 88205
the remaining number of years the cooperative agreement for the 88206
regional transportation improvement district, described under 88207
section 5595.03 of the Revised Code, is in effect; 88208

(4) A plan for the district that describes the principal 88209
purposes and goals to be served by the district and explains how 88210
the use of service payments provided for by section 5709.49 of the 88211
Revised Code will economically benefit owners of property within 88212
the district. 88213

(E)(1) Before adopting a resolution under division (B) of 88214
this section, the board or boards of county commissioners of the 88215
participating counties shall notify and obtain the approval of 88216
each subdivision and taxing unit that levies a property tax within 88217
the territory of the proposed transportation financing district. A 88218
subdivision or taxing unit's approval or disapproval of the 88219
proposed district shall be in the form of an ordinance or 88220
resolution. The board or boards may negotiate an agreement with a 88221
subdivision or taxing unit providing for compensation equal in 88222
value to a percentage of the amount of taxes exempted or some 88223
other mutually agreeable compensation. 88224

(2) A subdivision or taxing unit may adopt an ordinance or resolution waiving its right to approve or receive notice of transportation financing districts proposed under this section. If a subdivision or taxing unit has adopted such an ordinance or resolution, the terms of that ordinance or resolution supersede the requirements of division (E)(1) of this section. One or more boards of county commissioners may negotiate an agreement with a subdivision or taxing unit providing for some mutually agreeable compensation in exchange for the subdivision or taxing unit adopting such an ordinance or resolution. If a subdivision or taxing unit has adopted such an ordinance or resolution, it shall certify a copy to the board of county commissioners of the county or counties in which the subdivision or taxing unit is located. If the subdivision or taxing unit rescinds such an ordinance or resolution, it shall certify notice of the rescission to the same board or boards.

(F) After notifying and obtaining the approval of each subdivision and taxing unit that levies a property tax within the territory of the proposed transportation financing district as required under division (E) of this section, the boards of county commissioners of the participating counties shall notify and obtain the approval of every real property owner whose property is included in the proposed district.

(G)(1) If the resolution creating the transportation financing district is approved by the board of county commissioners of each county in which the district is located, one of the counties shall send a copy of the resolution and documentation sufficient to prove that the requirements of divisions (E) and (F) of this section have been met to the director of development services. The director shall evaluate the resolution and documentation to determine if the counties have fully complied with the requirements of this section. If the

director approves the resolution, the director shall send notice 88257
of approval to each county that is a party to the resolution. If 88258
the director does not approve the resolution, the director shall 88259
send notice of denial to each county that is a party to the 88260
resolution. The notice of denial shall include the reason or 88261
reasons for the denial. If the director does not make a 88262
determination within ninety days after receiving a resolution 88263
under this section, the director is deemed to have approved the 88264
resolution. No resolution creating a transportation financing 88265
district is effective without actual or constructive approval by 88266
the director under this section. 88267

(2) An exemption from taxation granted under this section 88268
commences with the tax year specified in the resolution so long as 88269
the year specified in the resolution commences after the effective 88270
date of the resolution. If the resolution specifies a year 88271
commencing before the effective date of the resolution or 88272
specifies no year whatsoever, the exemption commences with the tax 88273
year in which an exempted improvement first appears on the tax 88274
list and that commences after the effective date of the 88275
resolution. In lieu of stating a specific year, the resolution may 88276
provide that the exemption commences in the tax year in which the 88277
value of an improvement exceeds a specified amount or in which the 88278
construction of one or more improvements is completed, provided 88279
that such tax year commences after the effective date of the 88280
resolution. 88281

(3) Except as otherwise provided in this division, the 88282
exemption ends on the date specified in the resolution as the date 88283
the improvement ceases to be a public purpose or the regional 88284
transportation improvement project funded by the service payments 88285
dissolves under section 5595.13 of the Revised Code, whichever 88286
occurs first. Exemptions shall be claimed and allowed in the same 88287
manner as in the case of other real property exemptions. If an 88288

exemption status changes during a year, the procedure for the 88289
apportionment of the taxes for that year is the same as in the 88290
case of other changes in tax exemption status during the year. 88291

(H) Service payments in lieu of taxes that are attributable 88292
to any amount by which the effective tax rate of either a renewal 88293
levy with an increase or a replacement levy exceeds the effective 88294
tax rate of the levy renewed or replaced, or that are attributable 88295
to an additional levy, for a levy authorized by the voters for any 88296
of the following purposes on or after January 1, 2006, and which 88297
are provided pursuant to a resolution creating a transportation 88298
financing district under this section shall be distributed to the 88299
appropriate taxing authority as required under division (C) of 88300
section 5709.49 of the Revised Code in an amount equal to the 88301
amount of taxes from that additional levy or from the increase in 88302
the effective tax rate of such renewal or replacement levy that 88303
would have been payable to that taxing authority from the 88304
following levies were it not for the exemption authorized under 88305
this section: 88306

(1) A tax levied under division (L) of section 5705.19 or 88307
section 5705.191 of the Revised Code for community mental 88308
retardation and developmental disabilities programs and services 88309
pursuant to Chapter 5126. of the Revised Code; 88310

(2) A tax levied under division (Y) of section 5705.19 of the 88311
Revised Code for providing or maintaining senior citizens services 88312
or facilities; 88313

(3) A tax levied under section 5705.22 of the Revised Code 88314
for county hospitals; 88315

(4) A tax levied by a joint-county district or by a county 88316
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 88317
for alcohol, drug addiction, and mental health services or 88318
facilities; 88319

<u>(5) A tax levied under section 5705.23 of the Revised Code</u>	88320
<u>for library purposes;</u>	88321
<u>(6) A tax levied under section 5705.24 of the Revised Code</u>	88322
<u>for the support of children services and the placement and care of</u>	88323
<u>children;</u>	88324
<u>(7) A tax levied under division (Z) of section 5705.19 of the</u>	88325
<u>Revised Code for the provision and maintenance of zoological park</u>	88326
<u>services and facilities under section 307.76 of the Revised Code;</u>	88327
<u>(8) A tax levied under section 511.27 or division (H) of</u>	88328
<u>section 5705.19 of the Revised Code for the support of township</u>	88329
<u>park districts;</u>	88330
<u>(9) A tax levied under division (A), (F), or (H) of section</u>	88331
<u>5705.19 of the Revised Code for parks and recreational purposes of</u>	88332
<u>a joint recreation district organized pursuant to division (B) of</u>	88333
<u>section 755.14 of the Revised Code;</u>	88334
<u>(10) A tax levied under section 1545.20 or 1545.21 of the</u>	88335
<u>Revised Code for park district purposes;</u>	88336
<u>(11) A tax levied under section 5705.191 of the Revised Code</u>	88337
<u>for the purpose of making appropriations for public assistance;</u>	88338
<u>human or social services; public relief; public welfare; public</u>	88339
<u>health and hospitalization; and support of general hospitals;</u>	88340
<u>(12) A tax levied under section 3709.29 of the Revised Code</u>	88341
<u>for a general health district program.</u>	88342
<u>(I) The resolution creating a transportation financing</u>	88343
<u>district may be amended at any time by majority vote of the boards</u>	88344
<u>of county commissioners of each county in which the district is</u>	88345
<u>located and with the approval of the director of development</u>	88346
<u>services obtained in the same manner as approval of the original</u>	88347
<u>resolution.</u>	88348
<u>Sec. 5709.49. (A) A county that has declared an improvement</u>	88349

to be a public purpose under section 5709.48 of the Revised Code 88350
shall require the owner of any structure located on the parcel to 88351
make annual service payments in lieu of taxes to the county 88352
treasurer on or before the final dates for payment of real 88353
property taxes. Each such payment shall be charged and collected 88354
in the same manner and in the same amount as the real property 88355
taxes that would have been charged and payable against the 88356
improvement if it were not exempt from taxation. If any reduction 88357
in the levies otherwise applicable to such exempt property is made 88358
by the county budget commission under section 5705.31 of the 88359
Revised Code, the amount of the service payment in lieu of taxes 88360
shall be calculated as if such reduction in levies had not been 88361
made. 88362

(B) Moneys collected as service payments in lieu of taxes 88363
from a parcel shall be distributed at the same time and in the 88364
same manner as real property tax payments. However, subject to 88365
division (C) of this section or section 5709.913 of the Revised 88366
Code, the entire amount so collected shall be distributed to the 88367
county in which the parcel is located. If a resolution adopted 88368
under section 5709.48 of the Revised Code specifies that service 88369
payments shall be paid to another subdivision or taxing unit in 88370
which the parcel is located, the county treasurer shall distribute 88371
the portion of the service payments to that subdivision or taxing 88372
unit in an amount equal to the property tax payments the 88373
subdivision or taxing unit would have received from the portion of 88374
the parcel's improvement exempted from taxation had the 88375
improvement not been exempted, or some other amount as directed in 88376
the resolution. The treasurer shall maintain a record of the 88377
service payments in lieu of taxes made from property in each 88378
transportation financing district. 88379

(C) If annual service payments in lieu of taxes are required 88380
under this section, the county treasurer shall distribute to the 88381

appropriate taxing authorities the portion of the service payments 88382
that represent payments required under division (H) of section 88383
5709.48 of the Revised Code. 88384

(D) Nothing in this section or section 5709.48 of the Revised 88385
Code affects the taxes levied against that portion of the value of 88386
any parcel of property that is not exempt from taxation. 88387

Sec. 5709.50. (A) A county that grants a tax exemption under 88388
section 5709.48 of the Revised Code shall establish a regional 88389
transportation improvement project fund into which shall be 88390
deposited service payments in lieu of taxes distributed to the 88391
county under section 5709.49 of the Revised Code. Money in the 88392
regional transportation improvement project fund shall be used to 88393
compensate subdivisions and taxing units within which exempted 88394
parcels are located pursuant to agreements entered into by the 88395
county under division (E) of section 5709.48 of the Revised Code. 88396
The remainder shall be dispensed to the governing board of the 88397
regional transportation improvement project and used for the 88398
purposes described in the resolution creating the transportation 88399
financing district. 88400

(B) Any incidental surplus remaining in the regional 88401
transportation improvement project fund or an account of that fund 88402
upon dissolution of the fund or account shall be transferred to 88403
the general fund of the county. 88404

Sec. 5709.62. (A) In any municipal corporation that is 88405
defined by the United States office of management and budget as a 88406
principal city of a metropolitan statistical area, the legislative 88407
authority of the municipal corporation may designate one or more 88408
areas within its municipal corporation as proposed enterprise 88409
zones. Upon designating an area, the legislative authority shall 88410
petition the director of development services for certification of 88411

the area as having the characteristics set forth in division 88412
(A)(1) of section 5709.61 of the Revised Code as amended by 88413
Substitute Senate Bill No. 19 of the 120th general assembly. 88414
Except as otherwise provided in division (E) of this section, on 88415
and after July 1, 1994, legislative authorities shall not enter 88416
into agreements under this section unless the legislative 88417
authority has petitioned the director and the director has 88418
certified the zone under this section as amended by that act; 88419
however, all agreements entered into under this section as it 88420
existed prior to July 1, 1994, and the incentives granted under 88421
those agreements shall remain in effect for the period agreed to 88422
under those agreements. Within sixty days after receiving such a 88423
petition, the director shall determine whether the area has the 88424
characteristics set forth in division (A)(1) of section 5709.61 of 88425
the Revised Code, and shall forward the findings to the 88426
legislative authority of the municipal corporation. If the 88427
director certifies the area as having those characteristics, and 88428
thereby certifies it as a zone, the legislative authority may 88429
enter into an agreement with an enterprise under division (C) of 88430
this section. 88431

(B) Any enterprise that wishes to enter into an agreement 88432
with a municipal corporation under division (C) of this section 88433
shall submit a proposal to the legislative authority of the 88434
municipal corporation on a form prescribed by the director of 88435
development services, together with the application fee 88436
established under section 5709.68 of the Revised Code. The form 88437
shall require the following information: 88438

(1) An estimate of the number of new employees whom the 88439
enterprise intends to hire, or of the number of employees whom the 88440
enterprise intends to retain, within the zone at a facility that 88441
is a project site, and an estimate of the amount of payroll of the 88442
enterprise attributable to these employees; 88443

(2) An estimate of the amount to be invested by the enterprise to establish, expand, renovate, or occupy a facility, including investment in new buildings, additions or improvements to existing buildings, machinery, equipment, furniture, fixtures, and inventory;

(3) A listing of the enterprise's current investment, if any, in a facility as of the date of the proposal's submission.

The enterprise shall review and update the listings required under this division to reflect material changes, and any agreement entered into under division (C) of this section shall set forth final estimates and listings as of the time the agreement is entered into. The legislative authority may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(C) Upon receipt and investigation of a proposal under division (B) of this section, if the legislative authority finds that the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and improve the economic climate of the municipal corporation, the legislative authority, ~~on or before October 15, 2017,~~ may do one of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of

the assessed value of tangible personal property first used in 88475
business at the project site as a result of the agreement. If an 88476
exemption for inventory is specifically granted in the agreement 88477
pursuant to this division, the exemption applies to inventory 88478
required to be listed pursuant to sections 5711.15 and 5711.16 of 88479
the Revised Code, except that, in the instance of an expansion or 88480
other situations in which an enterprise was in business at the 88481
facility prior to the establishment of the zone, the inventory 88482
that is exempt is that amount or value of inventory in excess of 88483
the amount or value of inventory required to be listed in the 88484
personal property tax return of the enterprise in the return for 88485
the tax year in which the agreement is entered into. 88486

(b) Exemption for a specified number of years, not to exceed 88487
fifteen, of a specified portion, up to seventy-five per cent, of 88488
the increase in the assessed valuation of real property 88489
constituting the project site subsequent to formal approval of the 88490
agreement by the legislative authority; 88491

(c) Provision for a specified number of years, not to exceed 88492
fifteen, of any optional services or assistance that the municipal 88493
corporation is authorized to provide with regard to the project 88494
site. 88495

(2) Enter into an agreement under which the enterprise agrees 88496
to remediate an environmentally contaminated facility, to spend an 88497
amount equal to at least two hundred fifty per cent of the true 88498
value in money of the real property of the facility prior to 88499
remediation as determined for the purposes of property taxation to 88500
establish, expand, renovate, or occupy the remediated facility, 88501
and to hire new employees or preserve employment opportunities for 88502
existing employees at the remediated facility, in return for one 88503
or more of the following incentives: 88504

(a) Exemption for a specified number of years, not to exceed 88505
fifteen, of a specified portion, not to exceed fifty per cent, of 88506

the assessed valuation of the real property of the facility prior 88507
to remediation; 88508

(b) Exemption for a specified number of years, not to exceed 88509
fifteen, of a specified portion, not to exceed one hundred per 88510
cent, of the increase in the assessed valuation of the real 88511
property of the facility during or after remediation; 88512

(c) The incentive under division (C)(1)(a) of this section, 88513
except that the percentage of the assessed value of such property 88514
exempted from taxation shall not exceed one hundred per cent; 88515

(d) The incentive under division (C)(1)(c) of this section. 88516

(3) Enter into an agreement with an enterprise that plans to 88517
purchase and operate a large manufacturing facility that has 88518
ceased operation or announced its intention to cease operation, in 88519
return for exemption for a specified number of years, not to 88520
exceed fifteen, of a specified portion, up to one hundred per 88521
cent, of the assessed value of tangible personal property used in 88522
business at the project site as a result of the agreement, or of 88523
the assessed valuation of real property constituting the project 88524
site, or both. 88525

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 88526
section, the portion of the assessed value of tangible personal 88527
property or of the increase in the assessed valuation of real 88528
property exempted from taxation under those divisions may exceed 88529
seventy-five per cent in any year for which that portion is 88530
exempted if the average percentage exempted for all years in which 88531
the agreement is in effect does not exceed sixty per cent, or if 88532
the board of education of the city, local, or exempted village 88533
school district within the territory of which the property is or 88534
will be located approves a percentage in excess of seventy-five 88535
per cent. 88536

(2) Notwithstanding any provision of the Revised Code to the 88537

contrary, the exemptions described in divisions (C)(1)(a), (b), 88538
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 88539
be for up to fifteen years if the board of education of the city, 88540
local, or exempted village school district within the territory of 88541
which the property is or will be located approves a number of 88542
years in excess of ten. 88543

(3) For the purpose of obtaining the approval of a city, 88544
local, or exempted village school district under division (D)(1) 88545
or (2) of this section, the legislative authority shall deliver to 88546
the board of education a notice not later than forty-five days 88547
prior to approving the agreement, excluding Saturdays, Sundays, 88548
and legal holidays as defined in section 1.14 of the Revised Code. 88549
The notice shall state the percentage to be exempted, an estimate 88550
of the true value of the property to be exempted, and the number 88551
of years the property is to be exempted. The board of education, 88552
by resolution adopted by a majority of the board, shall approve or 88553
disapprove the agreement and certify a copy of the resolution to 88554
the legislative authority not later than fourteen days prior to 88555
the date stipulated by the legislative authority as the date upon 88556
which approval of the agreement is to be formally considered by 88557
the legislative authority. The board of education may include in 88558
the resolution conditions under which the board would approve the 88559
agreement, including the execution of an agreement to compensate 88560
the school district under division (B) of section 5709.82 of the 88561
Revised Code. The legislative authority may approve the agreement 88562
at any time after the board of education certifies its resolution 88563
approving the agreement to the legislative authority, or, if the 88564
board approves the agreement conditionally, at any time after the 88565
conditions are agreed to by the board and the legislative 88566
authority. 88567

If a board of education has adopted a resolution waiving its 88568
right to approve agreements and the resolution remains in effect, 88569

approval of an agreement by the board is not required under this 88570
division. If a board of education has adopted a resolution 88571
allowing a legislative authority to deliver the notice required 88572
under this division fewer than forty-five business days prior to 88573
the legislative authority's approval of the agreement, the 88574
legislative authority shall deliver the notice to the board not 88575
later than the number of days prior to such approval as prescribed 88576
by the board in its resolution. If a board of education adopts a 88577
resolution waiving its right to approve agreements or shortening 88578
the notification period, the board shall certify a copy of the 88579
resolution to the legislative authority. If the board of education 88580
rescinds such a resolution, it shall certify notice of the 88581
rescission to the legislative authority. 88582

(4) The legislative authority shall comply with section 88583
5709.83 of the Revised Code unless the board of education has 88584
adopted a resolution under that section waiving its right to 88585
receive such notice. 88586

(E) This division applies to zones certified by the director 88587
of development services under this section prior to July 22, 1994. 88588

~~On or before October 15, 2017, the~~ The legislative authority 88589
that designated a zone to which this division applies may enter 88590
into an agreement with an enterprise if the legislative authority 88591
finds that the enterprise satisfies one of the criteria described 88592
in divisions (E)(1) to (5) of this section: 88593

(1) The enterprise currently has no operations in this state 88594
and, subject to approval of the agreement, intends to establish 88595
operations in the zone; 88596

(2) The enterprise currently has operations in this state 88597
and, subject to approval of the agreement, intends to establish 88598
operations at a new location in the zone that would not result in 88599
a reduction in the number of employee positions at any of the 88600

enterprise's other locations in this state; 88601

(3) The enterprise, subject to approval of the agreement, 88602
intends to relocate operations, currently located in another 88603
state, to the zone; 88604

(4) The enterprise, subject to approval of the agreement, 88605
intends to expand operations at an existing site in the zone that 88606
the enterprise currently operates; 88607

(5) The enterprise, subject to approval of the agreement, 88608
intends to relocate operations, currently located in this state, 88609
to the zone, and the director of development services has issued a 88610
waiver for the enterprise under division (B) of section 5709.633 88611
of the Revised Code. 88612

The agreement shall require the enterprise to agree to 88613
establish, expand, renovate, or occupy a facility in the zone and 88614
hire new employees, or preserve employment opportunities for 88615
existing employees, in return for one or more of the incentives 88616
described in division (C) of this section. 88617

(F) All agreements entered into under this section shall be 88618
in the form prescribed under section 5709.631 of the Revised Code. 88619
After an agreement is entered into under this section, if the 88620
legislative authority revokes its designation of a zone, or if the 88621
director of development services revokes a zone's certification, 88622
any entitlements granted under the agreement shall continue for 88623
the number of years specified in the agreement. 88624

(G) Except as otherwise provided in this division, an 88625
agreement entered into under this section shall require that the 88626
enterprise pay an annual fee equal to the greater of one per cent 88627
of the dollar value of incentives offered under the agreement or 88628
five hundred dollars; provided, however, that if the value of the 88629
incentives exceeds two hundred fifty thousand dollars, the fee 88630
shall not exceed two thousand five hundred dollars. The fee shall 88631

be payable to the legislative authority once per year for each 88632
year the agreement is effective on the days and in the form 88633
specified in the agreement. Fees paid shall be deposited in a 88634
special fund created for such purpose by the legislative authority 88635
and shall be used by the legislative authority exclusively for the 88636
purpose of complying with section 5709.68 of the Revised Code and 88637
by the tax incentive review council created under section 5709.85 88638
of the Revised Code exclusively for the purposes of performing the 88639
duties prescribed under that section. The legislative authority 88640
may waive or reduce the amount of the fee charged against an 88641
enterprise, but such a waiver or reduction does not affect the 88642
obligations of the legislative authority or the tax incentive 88643
review council to comply with section 5709.68 or 5709.85 of the 88644
Revised Code. 88645

(H) When an agreement is entered into pursuant to this 88646
section, the legislative authority authorizing the agreement shall 88647
forward a copy of the agreement to the director of development 88648
services and to the tax commissioner within fifteen days after the 88649
agreement is entered into. If any agreement includes terms not 88650
provided for in section 5709.631 of the Revised Code affecting the 88651
revenue of a city, local, or exempted village school district or 88652
causing revenue to be forgone by the district, including any 88653
compensation to be paid to the school district pursuant to section 88654
5709.82 of the Revised Code, those terms also shall be forwarded 88655
in writing to the director of development services along with the 88656
copy of the agreement forwarded under this division. 88657

(I) After an agreement is entered into, the enterprise shall 88658
file with each personal property tax return required to be filed, 88659
or annual report required to be filed under section 5727.08 of the 88660
Revised Code, while the agreement is in effect, an informational 88661
return, on a form prescribed by the tax commissioner for that 88662
purpose, setting forth separately the property, and related costs 88663

and values, exempted from taxation under the agreement. 88664

(J) Enterprises may agree to give preference to residents of 88665
the zone within which the agreement applies relative to residents 88666
of this state who do not reside in the zone when hiring new 88667
employees under the agreement. 88668

(K) An agreement entered into under this section may include 88669
a provision requiring the enterprise to create one or more 88670
temporary internship positions for students enrolled in a course 88671
of study at a school or other educational institution in the 88672
vicinity, and to create a scholarship or provide another form of 88673
educational financial assistance for students holding such a 88674
position in exchange for the student's commitment to work for the 88675
enterprise at the completion of the internship. 88676

(L) The tax commissioner's authority in determining the 88677
accuracy of any exemption granted by an agreement entered into 88678
under this section is limited to divisions (C)(1)(a) and (b), 88679
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 88680
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 88681
and, as authorized by law, to enforcing any modification to, or 88682
revocation of, that agreement by the legislative authority of a 88683
municipal corporation or the director of development services. 88684

Sec. 5709.63. (A) With the consent of the legislative 88685
authority of each affected municipal corporation or of a board of 88686
township trustees, a board of county commissioners may, in the 88687
manner set forth in section 5709.62 of the Revised Code, designate 88688
one or more areas in one or more municipal corporations or in 88689
unincorporated areas of the county as proposed enterprise zones. A 88690
board of county commissioners may designate no more than one area 88691
within a township, or within adjacent townships, as a proposed 88692
enterprise zone. The board shall petition the director of 88693
development services for certification of the area as having the 88694

characteristics set forth in division (A)(1) or (2) of section 88695
5709.61 of the Revised Code as amended by Substitute Senate Bill 88696
No. 19 of the 120th general assembly. Except as otherwise provided 88697
in division (D) of this section, on and after July 1, 1994, boards 88698
of county commissioners shall not enter into agreements under this 88699
section unless the board has petitioned the director and the 88700
director has certified the zone under this section as amended by 88701
that act; however, all agreements entered into under this section 88702
as it existed prior to July 1, 1994, and the incentives granted 88703
under those agreements shall remain in effect for the period 88704
agreed to under those agreements. The director shall make the 88705
determination in the manner provided under section 5709.62 of the 88706
Revised Code. 88707

Any enterprise wishing to enter into an agreement with the 88708
board under division (B) or (D) of this section shall submit a 88709
proposal to the board on the form and accompanied by the 88710
application fee prescribed under division (B) of section 5709.62 88711
of the Revised Code. The enterprise shall review and update the 88712
estimates and listings required by the form in the manner required 88713
under that division. The board may, on a separate form and at any 88714
time, require any additional information necessary to determine 88715
whether an enterprise is in compliance with an agreement and to 88716
collect the information required to be reported under section 88717
5709.68 of the Revised Code. 88718

(B) If the board of county commissioners finds that an 88719
enterprise submitting a proposal is qualified by financial 88720
responsibility and business experience to create and preserve 88721
employment opportunities in the zone and to improve the economic 88722
climate of the municipal corporation or municipal corporations or 88723
the unincorporated areas in which the zone is located and to which 88724
the proposal applies, the board, ~~on or before October 15, 2017,~~ 88725
~~and~~ with the consent of the legislative authority of each affected 88726

municipal corporation or of the board of township trustees, may do 88727
either of the following: 88728

(1) Enter into an agreement with the enterprise under which 88729
the enterprise agrees to establish, expand, renovate, or occupy a 88730
facility in the zone and hire new employees, or preserve 88731
employment opportunities for existing employees, in return for the 88732
following incentives: 88733

(a) When the facility is located in a municipal corporation, 88734
the board may enter into an agreement for one or more of the 88735
incentives provided in division (C) of section 5709.62 of the 88736
Revised Code, subject to division (D) of that section; 88737

(b) When the facility is located in an unincorporated area, 88738
the board may enter into an agreement for one or more of the 88739
following incentives: 88740

(i) Exemption for a specified number of years, not to exceed 88741
fifteen, of a specified portion, up to sixty per cent, of the 88742
assessed value of tangible personal property first used in 88743
business at a project site as a result of the agreement. If an 88744
exemption for inventory is specifically granted in the agreement 88745
pursuant to this division, the exemption applies to inventory 88746
required to be listed pursuant to sections 5711.15 and 5711.16 of 88747
the Revised Code, except, in the instance of an expansion or other 88748
situations in which an enterprise was in business at the facility 88749
prior to the establishment of the zone, the inventory that is 88750
exempt is that amount or value of inventory in excess of the 88751
amount or value of inventory required to be listed in the personal 88752
property tax return of the enterprise in the return for the tax 88753
year in which the agreement is entered into. 88754

(ii) Exemption for a specified number of years, not to exceed 88755
fifteen, of a specified portion, up to sixty per cent, of the 88756
increase in the assessed valuation of real property constituting 88757

the project site subsequent to formal approval of the agreement by the board;

(iii) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance the board is authorized to provide with regard to the project site;

(iv) The incentive described in division (C)(2) of section 5709.62 of the Revised Code.

(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or has announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to one hundred per cent, of tangible personal property used in business at the project site as a result of the agreement, or of real property constituting the project site, or both.

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed sixty per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed fifty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of sixty per cent.

(b) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (B)(1)(b)(i), (ii), (iii), and (iv) and (B)(2) of this section may be for up to fifteen years if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a number of years in

excess of ten. 88789

(c) For the purpose of obtaining the approval of a city, 88790
local, or exempted village school district under division 88791
(C)(1)(a) or (b) of this section, the board of county 88792
commissioners shall deliver to the board of education a notice not 88793
later than forty-five days prior to approving the agreement, 88794
excluding Saturdays, Sundays, and legal holidays as defined in 88795
section 1.14 of the Revised Code. The notice shall state the 88796
percentage to be exempted, an estimate of the true value of the 88797
property to be exempted, and the number of years the property is 88798
to be exempted. The board of education, by resolution adopted by a 88799
majority of the board, shall approve or disapprove the agreement 88800
and certify a copy of the resolution to the board of county 88801
commissioners not later than fourteen days prior to the date 88802
stipulated by the board of county commissioners as the date upon 88803
which approval of the agreement is to be formally considered by 88804
the board of county commissioners. The board of education may 88805
include in the resolution conditions under which the board would 88806
approve the agreement, including the execution of an agreement to 88807
compensate the school district under division (B) of section 88808
5709.82 of the Revised Code. The board of county commissioners may 88809
approve the agreement at any time after the board of education 88810
certifies its resolution approving the agreement to the board of 88811
county commissioners, or, if the board of education approves the 88812
agreement conditionally, at any time after the conditions are 88813
agreed to by the board of education and the board of county 88814
commissioners. 88815

If a board of education has adopted a resolution waiving its 88816
right to approve agreements and the resolution remains in effect, 88817
approval of an agreement by the board of education is not required 88818
under division (C) of this section. If a board of education has 88819
adopted a resolution allowing a board of county commissioners to 88820

deliver the notice required under this division fewer than 88821
forty-five business days prior to approval of the agreement by the 88822
board of county commissioners, the board of county commissioners 88823
shall deliver the notice to the board of education not later than 88824
the number of days prior to such approval as prescribed by the 88825
board of education in its resolution. If a board of education 88826
adopts a resolution waiving its right to approve agreements or 88827
shortening the notification period, the board of education shall 88828
certify a copy of the resolution to the board of county 88829
commissioners. If the board of education rescinds such a 88830
resolution, it shall certify notice of the rescission to the board 88831
of county commissioners. 88832

(2) The board of county commissioners shall comply with 88833
section 5709.83 of the Revised Code unless the board of education 88834
has adopted a resolution under that section waiving its right to 88835
receive such notice. 88836

(D) This division applies to zones certified by the director 88837
of development services under this section prior to July 22, 1994. 88838

~~On or before October 15, 2017, and with~~ With the consent of 88839
the legislative authority of each affected municipal corporation 88840
or board of township trustees of each affected township, the board 88841
of county commissioners that designated a zone to which this 88842
division applies may enter into an agreement with an enterprise if 88843
the board finds that the enterprise satisfies one of the criteria 88844
described in divisions (D)(1) to (5) of this section: 88845

(1) The enterprise currently has no operations in this state 88846
and, subject to approval of the agreement, intends to establish 88847
operations in the zone; 88848

(2) The enterprise currently has operations in this state 88849
and, subject to approval of the agreement, intends to establish 88850
operations at a new location in the zone that would not result in 88851

a reduction in the number of employee positions at any of the 88852
enterprise's other locations in this state; 88853

(3) The enterprise, subject to approval of the agreement, 88854
intends to relocate operations, currently located in another 88855
state, to the zone; 88856

(4) The enterprise, subject to approval of the agreement, 88857
intends to expand operations at an existing site in the zone that 88858
the enterprise currently operates; 88859

(5) The enterprise, subject to approval of the agreement, 88860
intends to relocate operations, currently located in this state, 88861
to the zone, and the director of development services has issued a 88862
waiver for the enterprise under division (B) of section 5709.633 88863
of the Revised Code. 88864

The agreement shall require the enterprise to agree to 88865
establish, expand, renovate, or occupy a facility in the zone and 88866
hire new employees, or preserve employment opportunities for 88867
existing employees, in return for one or more of the incentives 88868
described in division (B) of this section. 88869

(E) All agreements entered into under this section shall be 88870
in the form prescribed under section 5709.631 of the Revised Code. 88871
After an agreement under this section is entered into, if the 88872
board of county commissioners revokes its designation of a zone, 88873
or if the director of development services revokes a zone's 88874
certification, any entitlements granted under the agreement shall 88875
continue for the number of years specified in the agreement. 88876

(F) Except as otherwise provided in this division, an 88877
agreement entered into under this section shall require that the 88878
enterprise pay an annual fee equal to the greater of one per cent 88879
of the dollar value of incentives offered under the agreement or 88880
five hundred dollars; provided, however, that if the value of the 88881
incentives exceeds two hundred fifty thousand dollars, the fee 88882

shall not exceed two thousand five hundred dollars. The fee shall 88883
be payable to the board of county commissioners once per year for 88884
each year the agreement is effective on the days and in the form 88885
specified in the agreement. Fees paid shall be deposited in a 88886
special fund created for such purpose by the board and shall be 88887
used by the board exclusively for the purpose of complying with 88888
section 5709.68 of the Revised Code and by the tax incentive 88889
review council created under section 5709.85 of the Revised Code 88890
exclusively for the purposes of performing the duties prescribed 88891
under that section. The board may waive or reduce the amount of 88892
the fee charged against an enterprise, but such waiver or 88893
reduction does not affect the obligations of the board or the tax 88894
incentive review council to comply with section 5709.68 or 5709.85 88895
of the Revised Code, respectively. 88896

(G) With the approval of the legislative authority of a 88897
municipal corporation or the board of township trustees of a 88898
township in which a zone is designated under division (A) of this 88899
section, the board of county commissioners may delegate to that 88900
legislative authority or board any powers and duties of the board 88901
of county commissioners to negotiate and administer agreements 88902
with regard to that zone under this section. 88903

(H) When an agreement is entered into pursuant to this 88904
section, the board of county commissioners authorizing the 88905
agreement or the legislative authority or board of township 88906
trustees that negotiates and administers the agreement shall 88907
forward a copy of the agreement to the director of development 88908
services and to the tax commissioner within fifteen days after the 88909
agreement is entered into. If any agreement includes terms not 88910
provided for in section 5709.631 of the Revised Code affecting the 88911
revenue of a city, local, or exempted village school district or 88912
causing revenue to be foregone by the district, including any 88913
compensation to be paid to the school district pursuant to section 88914

5709.82 of the Revised Code, those terms also shall be forwarded 88915
in writing to the director of development services along with the 88916
copy of the agreement forwarded under this division. 88917

(I) After an agreement is entered into, the enterprise shall 88918
file with each personal property tax return required to be filed, 88919
or annual report that is required to be filed under section 88920
5727.08 of the Revised Code, while the agreement is in effect, an 88921
informational return, on a form prescribed by the tax commissioner 88922
for that purpose, setting forth separately the property, and 88923
related costs and values, exempted from taxation under the 88924
agreement. 88925

(J) Enterprises may agree to give preference to residents of 88926
the zone within which the agreement applies relative to residents 88927
of this state who do not reside in the zone when hiring new 88928
employees under the agreement. 88929

(K) An agreement entered into under this section may include 88930
a provision requiring the enterprise to create one or more 88931
temporary internship positions for students enrolled in a course 88932
of study at a school or other educational institution in the 88933
vicinity, and to create a scholarship or provide another form of 88934
educational financial assistance for students holding such a 88935
position in exchange for the student's commitment to work for the 88936
enterprise at the completion of the internship. 88937

(L) The tax commissioner's authority in determining the 88938
accuracy of any exemption granted by an agreement entered into 88939
under this section is limited to divisions (B)(1)(b)(i) and (ii), 88940
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 88941
this section as it pertains to divisions (C)(2)(a), (b), and (c) 88942
of section 5709.62 of the Revised Code, and divisions (B)(1) to 88943
(10) of section 5709.631 of the Revised Code and, as authorized by 88944
law, to enforcing any modification to, or revocation of, that 88945
agreement by the board of county commissioners or the director of 88946

development services or, if the board's powers and duties are 88947
delegated under division (G) of this section, by the legislative 88948
authority of a municipal corporation or board of township 88949
trustees. 88950

Sec. 5709.632. (A)(1) The legislative authority of a 88951
municipal corporation defined by the United States office of 88952
management and budget as a principal city of a metropolitan 88953
statistical area may, in the manner set forth in section 5709.62 88954
of the Revised Code, designate one or more areas in the municipal 88955
corporation as a proposed enterprise zone. 88956

(2) With the consent of the legislative authority of each 88957
affected municipal corporation or of a board of township trustees, 88958
a board of county commissioners may, in the manner set forth in 88959
section 5709.62 of the Revised Code, designate one or more areas 88960
in one or more municipal corporations or in unincorporated areas 88961
of the county as proposed urban jobs and enterprise zones, except 88962
that a board of county commissioners may designate no more than 88963
one area within a township, or within adjacent townships, as a 88964
proposed urban jobs and enterprise zone. 88965

(3) The legislative authority or board of county 88966
commissioners may petition the director of development services 88967
for certification of the area as having the characteristics set 88968
forth in division (A)(3) of section 5709.61 of the Revised Code. 88969
Within sixty days after receiving such a petition, the director 88970
shall determine whether the area has the characteristics set forth 88971
in that division and forward the findings to the legislative 88972
authority or board of county commissioners. If the director 88973
certifies the area as having those characteristics and thereby 88974
certifies it as a zone, the legislative authority or board may 88975
enter into agreements with enterprises under division (B) of this 88976
section. Any enterprise wishing to enter into an agreement with a 88977

legislative authority or board of county commissioners under this 88978
section and satisfying one of the criteria described in divisions 88979
(B)(1) to (5) of this section shall submit a proposal to the 88980
legislative authority or board on the form prescribed under 88981
division (B) of section 5709.62 of the Revised Code and shall 88982
review and update the estimates and listings required by the form 88983
in the manner required under that division. The legislative 88984
authority or board may, on a separate form and at any time, 88985
require any additional information necessary to determine whether 88986
an enterprise is in compliance with an agreement and to collect 88987
the information required to be reported under section 5709.68 of 88988
the Revised Code. 88989

(B) Prior to entering into an agreement with an enterprise, 88990
the legislative authority or board of county commissioners shall 88991
determine whether the enterprise submitting the proposal is 88992
qualified by financial responsibility and business experience to 88993
create and preserve employment opportunities in the zone and to 88994
improve the economic climate of the municipal corporation or 88995
municipal corporations or the unincorporated areas in which the 88996
zone is located and to which the proposal applies, and whether the 88997
enterprise satisfies one of the following criteria: 88998

(1) The enterprise currently has no operations in this state 88999
and, subject to approval of the agreement, intends to establish 89000
operations in the zone; 89001

(2) The enterprise currently has operations in this state 89002
and, subject to approval of the agreement, intends to establish 89003
operations at a new location in the zone that would not result in 89004
a reduction in the number of employee positions at any of the 89005
enterprise's other locations in this state; 89006

(3) The enterprise, subject to approval of the agreement, 89007
intends to relocate operations, currently located in another 89008
state, to the zone; 89009

(4) The enterprise, subject to approval of the agreement, 89010
intends to expand operations at an existing site in the zone that 89011
the enterprise currently operates; 89012

(5) The enterprise, subject to approval of the agreement, 89013
intends to relocate operations, currently located in this state, 89014
to the zone, and the director of development services has issued a 89015
waiver for the enterprise under division (B) of section 5709.633 89016
of the Revised Code. 89017

(C) If the legislative authority or board determines that the 89018
enterprise is so qualified and satisfies one of the criteria 89019
described in divisions (B)(1) to (5) of this section, the 89020
legislative authority or board may, after complying with section 89021
5709.83 of the Revised Code ~~and on or before October 15, 2017,~~ 89022
and, in the case of a board of commissioners, with the consent of 89023
the legislative authority of each affected municipal corporation 89024
or of the board of township trustees, enter into an agreement with 89025
the enterprise under which the enterprise agrees to establish, 89026
expand, renovate, or occupy a facility in the zone and hire new 89027
employees, or preserve employment opportunities for existing 89028
employees, in return for the following incentives: 89029

(1) When the facility is located in a municipal corporation, 89030
a legislative authority or board of commissioners may enter into 89031
an agreement for one or more of the incentives provided in 89032
division (C) of section 5709.62 of the Revised Code, subject to 89033
division (D) of that section; 89034

(2) When the facility is located in an unincorporated area, a 89035
board of commissioners may enter into an agreement for one or more 89036
of the incentives provided in divisions (B)(1)(b), (B)(2), and 89037
(B)(3) of section 5709.63 of the Revised Code, subject to division 89038
(C) of that section. 89039

(D) All agreements entered into under this section shall be 89040

in the form prescribed under section 5709.631 of the Revised Code. 89041
After an agreement under this section is entered into, if the 89042
legislative authority or board of county commissioners revokes its 89043
designation of the zone, or if the director of development 89044
services revokes the zone's certification, any entitlements 89045
granted under the agreement shall continue for the number of years 89046
specified in the agreement. 89047

(E) Except as otherwise provided in this division, an 89048
agreement entered into under this section shall require that the 89049
enterprise pay an annual fee equal to the greater of one per cent 89050
of the dollar value of incentives offered under the agreement or 89051
five hundred dollars; provided, however, that if the value of the 89052
incentives exceeds two hundred fifty thousand dollars, the fee 89053
shall not exceed two thousand five hundred dollars. The fee shall 89054
be payable to the legislative authority or board of commissioners 89055
once per year for each year the agreement is effective on the days 89056
and in the form specified in the agreement. Fees paid shall be 89057
deposited in a special fund created for such purpose by the 89058
legislative authority or board and shall be used by the 89059
legislative authority or board exclusively for the purpose of 89060
complying with section 5709.68 of the Revised Code and by the tax 89061
incentive review council created under section 5709.85 of the 89062
Revised Code exclusively for the purposes of performing the duties 89063
prescribed under that section. The legislative authority or board 89064
may waive or reduce the amount of the fee charged against an 89065
enterprise, but such waiver or reduction does not affect the 89066
obligations of the legislative authority or board or the tax 89067
incentive review council to comply with section 5709.68 or 5709.85 89068
of the Revised Code, respectively. 89069

(F) With the approval of the legislative authority of a 89070
municipal corporation or the board of township trustees of a 89071
township in which a zone is designated under division (A)(2) of 89072

this section, the board of county commissioners may delegate to 89073
that legislative authority or board any powers and duties of the 89074
board to negotiate and administer agreements with regard to that 89075
zone under this section. 89076

(G) When an agreement is entered into pursuant to this 89077
section, the legislative authority or board of commissioners 89078
authorizing the agreement shall forward a copy of the agreement to 89079
the director of development services and to the tax commissioner 89080
within fifteen days after the agreement is entered into. If any 89081
agreement includes terms not provided for in section 5709.631 of 89082
the Revised Code affecting the revenue of a city, local, or 89083
exempted village school district or causing revenue to be forgone 89084
by the district, including any compensation to be paid to the 89085
school district pursuant to section 5709.82 of the Revised Code, 89086
those terms also shall be forwarded in writing to the director of 89087
development services along with the copy of the agreement 89088
forwarded under this division. 89089

(H) After an agreement is entered into, the enterprise shall 89090
file with each personal property tax return required to be filed 89091
while the agreement is in effect, an informational return, on a 89092
form prescribed by the tax commissioner for that purpose, setting 89093
forth separately the property, and related costs and values, 89094
exempted from taxation under the agreement. 89095

(I) An agreement entered into under this section may include 89096
a provision requiring the enterprise to create one or more 89097
temporary internship positions for students enrolled in a course 89098
of study at a school or other educational institution in the 89099
vicinity, and to create a scholarship or provide another form of 89100
educational financial assistance for students holding such a 89101
position in exchange for the student's commitment to work for the 89102
enterprise at the completion of the internship. 89103

Sec. 5709.64. (A) If an enterprise has been granted an 89104
incentive for the current calendar year under an agreement entered 89105
pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised 89106
Code, it may apply, on or before the thirtieth day of April of 89107
that year, to the director of development, on a form prescribed by 89108
the director, for a tax incentive qualification certificate. The 89109
enterprise qualifies for an initial certificate if, on or before 89110
the last day of the calendar year immediately preceding that in 89111
which application is made, it satisfies all of the following 89112
requirements: 89113

(1) The enterprise has established, expanded, renovated, or 89114
occupied a facility pursuant to the agreement under section 89115
5709.62, 5709.63, or 5709.632 of the Revised Code. 89116

(2) The enterprise has hired new employees to fill nonretail 89117
positions at the facility, at least twenty-five per cent of whom 89118
at the time they were employed were at least one of the following: 89119

(a) Unemployed persons who had resided at least six months in 89120
the county in which the enterprise's project site is located; 89121

(b) JPTA eligible employees who had resided at least six 89122
months in the county in which the enterprise's project site is 89123
located; 89124

(c) Participants of the Ohio works first program under 89125
Chapter 5107. of the Revised Code or the prevention, retention, 89126
and contingency program under Chapter 5108. of the Revised Code or 89127
recipients of general assistance under former Chapter 5113. of the 89128
Revised Code, financial assistance under former Chapter 5115. of 89129
the Revised Code, or unemployment compensation benefits who had 89130
resided at least six months in the county in which the 89131
enterprise's project site is located; 89132

(d) ~~Handicapped persons~~ Eligible individuals with 89133

disabilities, as defined under division (A) of section 3304.11 of 89134
the Revised Code, who had resided at least six months in the 89135
county in which the enterprise's project site is located; 89136

(e) Residents for at least one year of a zone located in the 89137
county in which the enterprise's project site is located. 89138

The director of development shall, by rule, establish 89139
criteria for determining what constitutes a nonretail position at 89140
a facility. 89141

(3) The average number of positions attributable to the 89142
enterprise in the municipal corporation during the calendar year 89143
immediately preceding the calendar year in which application is 89144
made exceeds the maximum number of positions attributable to the 89145
enterprise in the municipal corporation during the calendar year 89146
immediately preceding the first year the enterprise satisfies the 89147
requirements set forth in divisions (A)(1) and (2) of this 89148
section. If the enterprise is engaged in a business which, because 89149
of its seasonal nature, customarily enables the enterprise to 89150
operate at full capacity only during regularly recurring periods 89151
of the year, the average number of positions attributable to the 89152
enterprise in the municipal corporation during each period of the 89153
calendar year immediately preceding the calendar year in which 89154
application is made must exceed only the maximum number of 89155
positions attributable to the enterprise in each corresponding 89156
period of the calendar year immediately preceding the first year 89157
the enterprise satisfies the requirements of divisions (A)(1) and 89158
(2) of this section. The director of development shall, by rule, 89159
prescribe methods for determining whether an enterprise is engaged 89160
in a seasonal business and for determining the length of the 89161
corresponding periods to be compared. 89162

(4) The enterprise has not closed or reduced employment at 89163
any place of business in the state for the primary purpose of 89164
establishing, expanding, renovating, or occupying a facility. The 89165

legislative authority of any municipal corporation or the board of 89166
county commissioners of any county that concludes that an 89167
enterprise has closed or reduced employment at a place of business 89168
in that municipal corporation or county for the primary purpose of 89169
establishing, expanding, renovating, or occupying a facility in a 89170
zone may appeal to the director to determine whether the 89171
enterprise has done so. Upon receiving such an appeal, the 89172
director shall investigate the allegations and make such a 89173
determination before issuing an initial or renewal tax incentive 89174
qualification certificate under this section. 89175

Within sixty days after receiving an application under this 89176
division, the director shall review, investigate, and verify the 89177
application and determine whether the enterprise qualifies for a 89178
certificate. The application shall include an affidavit executed 89179
by the applicant verifying that the enterprise satisfies the 89180
requirements of division (A)(2) of this section, and shall contain 89181
such information and documents as the director requires, by rule, 89182
to ascertain whether the enterprise qualifies for a certificate. 89183
If the director finds the enterprise qualified, the director shall 89184
issue a tax incentive qualification certificate, which shall bear 89185
as its date of issuance the thirtieth day of June of the year of 89186
application, and shall state that the applicant is entitled to 89187
receive, for the taxable year that includes the certificate's date 89188
of issuance, the tax incentives provided under section 5709.65 of 89189
the Revised Code with regard to the facility to which the 89190
certificate applies. If an enterprise is issued an initial 89191
certificate, it may apply, on or before the thirtieth day of April 89192
of each succeeding calendar year for which it has been granted an 89193
incentive under an agreement entered pursuant to section 5709.62, 89194
5709.63, or 5709.632 of the Revised Code, for a renewal 89195
certificate. Subsequent to its initial certification, the 89196
enterprise qualifies for up to three successive renewal 89197
certificates if, on or before the last day of the calendar year 89198

immediately preceding that in which the application is made, it 89199
satisfies all the requirements of divisions (A)(1) to (4) of this 89200
section, and neither the zone's designation nor the zone's 89201
certification has been revoked prior to the fifteenth day of June 89202
of the year in which the application is made. The application 89203
shall include an affidavit executed by the applicant verifying 89204
that the enterprise satisfies the requirements of division (A)(2) 89205
of this section. An enterprise with ten or more supervisory 89206
personnel at the facility to which a certificate applies qualifies 89207
for any subsequent renewal certificates only if it meets all of 89208
the foregoing requirements and, in addition, at least ten per cent 89209
of those supervisory personnel are employees who, when first hired 89210
by the enterprise, satisfied at least one of the criteria 89211
specified in divisions (A)(2)(a) to (e) of this section. If the 89212
enterprise qualifies, a renewal certificate shall be issued 89213
bearing as its date of issuance the thirtieth day of June of the 89214
year of application. The director shall send copies of the initial 89215
certificate, and each renewal certificate, by certified mail, to 89216
the enterprise, the tax commissioner, the board of county 89217
commissioners, and the chief executive of the municipal 89218
corporation in which the facility to which the certificate applies 89219
is located. 89220

(B) If the director determines that an enterprise is not 89221
qualified for an initial or renewal tax incentive qualification 89222
certificate, the director shall send notice of this determination, 89223
specifying the reasons for it, by certified mail, to the 89224
applicant, the tax commissioner, the board of county 89225
commissioners, and the chief executive of the municipal 89226
corporation in which the facility to which the certificate would 89227
have applied is located. Within thirty days after receiving such a 89228
notice, an enterprise may request, in writing, a hearing before 89229
the director for the purpose of reviewing the application and the 89230
reasons for the determination. Within sixty days after receiving a 89231

request for a hearing, the director shall afford one and, within 89232
thirty days after the hearing, shall issue a redetermination of 89233
the enterprise's qualification for a certificate. If the 89234
enterprise is found to be qualified, the director shall proceed in 89235
the manner provided under division (A) of this section. If the 89236
enterprise is found to be unqualified, the director shall send 89237
notice of this finding, by certified mail, to the applicant, the 89238
tax commissioner, the board of county commissioners, and the chief 89239
executive of the municipal corporation in which the facility to 89240
which the certificate would have applied is located. The 89241
director's redetermination that an enterprise is unqualified may 89242
be appealed to the board of tax appeals in the manner provided 89243
under section 5717.02 of the Revised Code. 89244

Sec. 5709.68. (A) On or before the thirty-first day of March 89245
each year, a municipal corporation or county that has entered into 89246
an agreement with an enterprise under section 5709.62, 5709.63, or 89247
5709.632 of the Revised Code shall submit to the director of 89248
development services and the board of education of each school 89249
district of which a municipal corporation or township to which 89250
such an agreement applies is a part a report on all of those 89251
agreements in effect during the preceding calendar year. The 89252
report shall include all of the following information: 89253

(1) The designation, assigned by the director of development 89254
services, of each urban jobs and enterprise zone within the 89255
municipal corporation or county, the date each zone was certified, 89256
the name of each municipal corporation or township within each 89257
zone, and the total population of each zone according to the most 89258
recent data available; 89259

(2) The number of enterprises that are subject to those 89260
agreements and the number of full-time employees subject to those 89261
agreements within each zone, each according to the most recent 89262

data available and identified and categorized by the appropriate 89263
standard industrial code, and the rate of unemployment in the 89264
municipal corporation or county in which the zone is located for 89265
each year since each zone was certified; 89266

(3) The number of agreements approved and executed during the 89267
calendar year for which the report is submitted, the total number 89268
of agreements in effect on the thirty-first day of December of the 89269
preceding calendar year, the number of agreements that expired 89270
during the calendar year for which the report is submitted, and 89271
the number of agreements scheduled to expire during the calendar 89272
year in which the report is submitted. For each agreement that 89273
expired during the calendar year for which the report is 89274
submitted, the municipal corporation or county shall include the 89275
amount of taxes exempted and the estimated dollar value of any 89276
other incentives provided under the agreement. 89277

(4) The number of agreements receiving compliance reviews by 89278
the tax incentive review council in the municipal corporation or 89279
county during the calendar year for which the report is submitted, 89280
including all of the following information: 89281

(a) The number of agreements the terms of which an enterprise 89282
has complied with, indicating separately for each agreement the 89283
value of the real and personal property exempted pursuant to the 89284
agreement and a comparison of the stipulated and actual schedules 89285
for hiring new employees, for retaining existing employees, for 89286
the amount of payroll of the enterprise attributable to these 89287
employees, and for investing in establishing, expanding, 89288
renovating, or occupying a facility; 89289

(b) The number of agreements the terms of which an enterprise 89290
has failed to comply with, indicating separately for each 89291
agreement the value of the real and personal property exempted 89292
pursuant to the agreement and a comparison of the stipulated and 89293
actual schedules for hiring new employees, for retaining existing 89294

employees, for the amount of payroll of the enterprise	89295
attributable to these employees, and for investing in	89296
establishing, expanding, renovating, or occupying a facility;	89297
(c) The number of agreements about which the tax incentive	89298
review council made recommendations to the legislative authority	89299
of the municipal corporation or county, and the number of those	89300
recommendations that have not been followed;	89301
(d) The number of agreements rescinded during the calendar	89302
year for which the report is submitted.	89303
(5) The number of enterprises that are subject to agreements	89304
that expanded within each zone, including the number of new	89305
employees hired and existing employees retained by each	89306
enterprise, and the number of new enterprises that are subject to	89307
agreements and that established within each zone, including the	89308
number of new employees hired by each enterprise;	89309
(6)(a) The number of enterprises that are subject to	89310
agreements and that closed or reduced employment at any place of	89311
business within the state for the primary purpose of establishing,	89312
expanding, renovating, or occupying a facility, indicating	89313
separately for each enterprise the political subdivision in which	89314
the enterprise closed or reduced employment at a place of business	89315
and the number of full-time employees transferred and retained by	89316
each such place of business;	89317
(b) The number of enterprises that are subject to agreements	89318
and that closed or reduced employment at any place of business	89319
outside the state for the primary purpose of establishing,	89320
expanding, renovating, or occupying a facility.	89321
(7) For each agreement in effect during any part of the	89322
preceding year, the number of employees employed by the enterprise	89323
at the project site immediately prior to formal approval of the	89324
agreement, the number of employees employed by the enterprise at	89325

the project site on the thirty-first day of December of the 89326
preceding year, the payroll of the enterprise for the preceding 89327
year, the amount of taxes paid on tangible personal property 89328
situated at the project site and the amount of those taxes that 89329
were not paid because of the exemption granted under the 89330
agreement, and the amount of taxes paid on real property 89331
constituting the project site and the amount of those taxes that 89332
were not paid because of the exemption granted under the 89333
agreement. If an agreement was entered into under section 5709.632 89334
of the Revised Code with an enterprise described in division 89335
(B)(2) of that section, the report shall include the number of 89336
employee positions at all of the enterprise's locations in this 89337
state. If an agreement is conditioned on a waiver issued under 89338
division (B) of section 5709.633 of the Revised Code on the basis 89339
of the circumstance described in division (B)(3)(a) or (b) of that 89340
section, the report shall include the number of employees at the 89341
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 89342
section, respectively. 89343

(B) Upon the failure of a municipal corporation or county to 89344
comply with division (A) of this section: 89345

(1) Beginning on the first day of April of the calendar year 89346
in which the municipal corporation or county fails to comply with 89347
that division, the municipal corporation or county shall not enter 89348
into any agreements with an enterprise under section 5709.62, 89349
5709.63, or 5709.632 of the Revised Code until the municipal 89350
corporation or county has complied with division (A) of this 89351
section. 89352

(2) On the first day of each ensuing calendar month until the 89353
municipal corporation or county complies with division (A) of this 89354
section, the director of development services shall either order 89355
the proper county auditor to deduct from the next succeeding 89356
payment of taxes to the municipal corporation or county under 89357

section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an 89358
amount equal to one thousand dollars for each calendar month the 89359
municipal corporation or county fails to comply with that 89360
division, or order the county auditor to deduct that amount from 89361
the next succeeding payment to the municipal corporation or county 89362
from the undivided local government fund under section 5747.51 of 89363
the Revised Code. At the time such a payment is made, the county 89364
auditor shall comply with the director's order by issuing a 89365
warrant, drawn on the fund from which the money would have been 89366
paid, to the director of development services, who shall deposit 89367
the warrant into the state enterprise zone program administration 89368
fund created in division (C) of this section. 89369

(C) The director, by rule, shall establish the state's 89370
application fee for applications submitted to a municipal 89371
corporation or county to enter into an agreement under section 89372
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 89373
the amount of the fee, the director shall consider the state's 89374
cost of administering the enterprise zone program, including the 89375
cost of reviewing the reports required under division (A) of this 89376
section. The director may change the amount of the fee at the 89377
times and in the increments the director considers necessary. Any 89378
municipal corporation or county that receives an application shall 89379
collect the application fee and remit the fee for deposit in the 89380
state treasury to the credit of the ~~business assistance tax~~ 89381
incentives operating fund created in section 122.174 of the 89382
Revised Code. 89383

(D) On or before the thirtieth day of June each year, the 89384
director of development services shall certify to the tax 89385
commissioner the information described under division (A)(7) of 89386
this section, derived from the reports submitted to the director 89387
under this section. 89388

On the basis of the information certified under this 89389

division, the tax commissioner annually shall submit a report to 89390
the governor, the speaker of the house of representatives, the 89391
president of the senate, and the chairpersons of the ways and 89392
means committees of the respective houses of the general assembly, 89393
indicating for each enterprise zone the amount of state and local 89394
taxes that were not required to be paid because of exemptions 89395
granted under agreements entered into under section 5709.62, 89396
5709.63, or 5709.632 of the Revised Code and the amount of 89397
additional taxes paid from the payroll of new employees. 89398

Sec. 5709.92. (A) As used in this section: 89399

(1) "School district" means a city, local, or exempted 89400
village school district. 89401

(2) "Joint vocational school district" means a joint 89402
vocational school district created under section 3311.16 of the 89403
Revised Code, and includes a cooperative education school district 89404
created under section 3311.52 or 3311.521 of the Revised Code and 89405
a county school financing district created under section 3311.50 89406
of the Revised Code. 89407

(3) "Total resources" means, for purposes of calculating the 89408
payments made to school districts under division (C)(1) of this 89409
section, the sum of the amounts described in divisions (A)(3)(a) 89410
to (g) of this section less any reduction required under division 89411
(C)~~(3)~~(4)(a) of this section. 89412

(a) The state education aid for fiscal year 2015; 89413

(b) The sum of the payments received in fiscal year 2015 for 89414
current expense levy losses under division (C)(3) of section 89415
5727.85 and division (C)(12) of section 5751.21 of the Revised 89416
Code, as they existed at that time, excluding the portion of such 89417
payments attributable to levies for joint vocational school 89418
district purposes; 89419

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4) "Total resources" means, for the purpose of calculating the payments to be made to school districts under division (C)(2) of this section, the sum of the amounts described in divisions (A)(4)(a) to (f) of this section less any reduction required under division (C)(4)(a) of this section.

(a) The state education aid for fiscal year 2017;

(b) The sum of the payments received by the district in fiscal year 2017 under divisions (C)(1) and (D) of this section;

(c) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2016, including taxes charged and payable from emergency levies charged and payable

under sections 5705.194 to 5705.197 of the Revised Code, excluding 89450
taxes levied for joint vocational school district purposes or 89451
levied under section 5705.23 of the Revised Code; 89452

(d) Revenue received during calendar year 2016 from an income 89453
tax levied under Chapter 5748. of the Revised Code; 89454

(e) Distributions received during calendar year 2016 from 89455
taxes levied under section 718.09 or 718.10 of the Revised Code; 89456

(f) Distributions received during fiscal year 2017 from the 89457
gross casino revenue county student fund. 89458

(5) "Total resources" means, for the purpose of calculating 89459
the payments to be made to joint vocational school districts under 89460
division (C)(3) of this section, the sum of the amounts described 89461
in divisions (A)(5)(a) to (d) of this section less any reduction 89462
required under division (C)(4)(a) of this section. 89463

(a) The state education aid for fiscal year 2017; 89464

(b) The sum of the payments received by the district in 89465
fiscal year 2017 under division (C)(1) of this section; 89466

(c) The district's taxes charged and payable against all 89467
property on the tax list of real and public utility property for 89468
current expense purposes for tax year 2016, including taxes 89469
charged and payable from emergency levies charged and payable 89470
under sections 5705.194 to 5705.197 of the Revised Code; 89471

(d) Distributions received during fiscal year 2017 from the 89472
gross casino revenue county student fund. 89473

(6)(a) "State education aid" for a school district means the 89474
sum of state amounts computed for the district under sections 89475
3317.022 and 3317.0212 of the Revised Code after any amounts are 89476
added or subtracted under Section ~~263.240~~ 263.230 of Am. Sub. H.B. 89477
~~59~~ 64 of the ~~130th~~ 131st general assembly, entitled "TRANSITIONAL 89478
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 89479

(b) "State education aid" for a joint vocational district 89480
means the amount computed for the district under section 3317.16 89481
of the Revised Code after any amounts are added or subtracted 89482
under Section ~~263.250~~ 263.240 of Am. Sub. H.B. ~~59~~ 64 of the ~~130th~~ 89483
131st general assembly, entitled "TRANSITIONAL AID FOR JOINT 89484
VOCATIONAL SCHOOL DISTRICTS." 89485

~~(5)~~(7) "Taxes charged and payable" means taxes charged and 89486
payable after the reduction required by section 319.301 of the 89487
Revised Code but before the reductions required by sections 89488
319.302 and 323.152 of the Revised Code. 89489

~~(6)~~(8) "Capacity quintile" means the capacity measure 89490
quintiles determined under division (B) of this section. 89491

~~(7)~~(9) "Threshold per cent" means the following: 89492

(a) For a school district in the lowest capacity quintile, 89493
one per cent for fiscal year 2016 and two per cent for fiscal year 89494
2017. 89495

(b) For a school district in the second lowest capacity 89496
quintile, one and one-fourth per cent for fiscal year 2016 and two 89497
and one-half per cent for fiscal year 2017. 89498

(c) For a school district in the third lowest capacity 89499
quintile, one and one-half per cent for fiscal year 2016 and three 89500
per cent for fiscal year 2017. 89501

(d) For a school district in the second highest capacity 89502
quintile, one and three-fourths per cent for fiscal year 2016 and 89503
three and one-half per cent for fiscal year 2017. 89504

(e) For a school district in the highest capacity quintile, 89505
two per cent for fiscal year 2016 and four per cent for fiscal 89506
year 2017. 89507

(f) For a joint vocational school district, two per cent for 89508
fiscal year 2016 and four per cent for fiscal year 2017. 89509

~~(8)~~(10) "Current expense allocation" means the sum of the 89510
payments received by a school district or joint vocational school 89511
district in fiscal year 2015 for current expense levy losses under 89512
division (C)(3) of section 5727.85 and division (C)(12) of section 89513
5751.21 of the Revised Code as they existed at that time, less any 89514
reduction required under division (C)~~(3)~~(4)(b) of this section. 89515

~~(9)~~(11) "Non-current expense allocation" means the sum of the 89516
payments received by a school district or joint vocational school 89517
district in fiscal year 2015 for levy losses under division 89518
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 89519
5751.21 of the Revised Code, as they existed at that time, and 89520
levy losses in fiscal year 2015 under division (H) of section 89521
5727.84 of the Revised Code as that section existed at that time 89522
attributable to levies for and payments received for losses on 89523
levies intended to generate money for maintenance of classroom 89524
facilities. 89525

~~(10)~~(12) "Operating TPP fixed-sum levy losses" means the sum 89526
of payments received by a school district in fiscal year 2015 for 89527
levy losses under division (E) of section 5751.21 of the Revised 89528
Code, excluding levy losses for debt purposes. 89529

~~(11)~~(13) "Operating S.B. 3 fixed-sum levy losses" means the 89530
sum of payments received by the school district in fiscal year 89531
2015 for levy losses under division (H) of section 5727.84 of the 89532
Revised Code, excluding levy losses for debt purposes. 89533

~~(12)~~(14) "TPP fixed-sum debt levy losses" means the sum of 89534
payments received by a school district in fiscal year 2015 for 89535
levy losses under division (E) of section 5751.21 of the Revised 89536
Code for debt purposes. 89537

~~(13)~~(15) "S.B. 3 fixed-sum debt levy losses" means the sum of 89538
payments received by the school district in fiscal year 2015 for 89539
levy losses under division (H) of section 5727.84 of the Revised 89540

Code for debt purposes. 89541

~~(14)~~(16) "Qualifying levies" means qualifying levies 89542
described in section 5751.20 of the Revised Code as that section 89543
was in effect before July 1, 2015. 89544

~~(15)~~(17) "Total taxable value" has the same meaning as in 89545
section 3317.02 of the Revised Code. 89546

(B) The department of education shall rank all school 89547
districts in the order of districts' capacity measures determined 89548
under former section 3317.018 of the Revised Code from lowest to 89549
highest, and divide such ranking into quintiles, with the first 89550
quintile containing the twenty per cent of school districts having 89551
the lowest capacity measure and the fifth quintile containing the 89552
twenty per cent of school districts having the highest capacity 89553
measure. This calculation and ranking shall be performed once, in 89554
fiscal year 2016. 89555

(C)(1) In fiscal year 2016, payments shall be made to school 89556
districts and joint vocational school districts equal to the sum 89557
of the amounts described in divisions (C)(1)(a) or (b) and 89558
(C)(1)(c) of this section. In fiscal year 2017, payments shall be 89559
made to school districts and joint vocational school districts 89560
equal to the amount described in division (C)(1)(a) or (b) of this 89561
section. 89562

(a) If the ratio of the current expense allocation to total 89563
resources is equal to or less than the district's threshold per 89564
cent, zero; 89565

(b) If the ratio of the current expense allocation to total 89566
resources is greater than the district's threshold per cent, the 89567
difference between the current expense allocation and the product 89568
of the threshold percentage and total resources; 89569

(c) For fiscal year 2016, the product of the non-current 89570
expense allocation multiplied by fifty per cent. 89571

(2) In fiscal year 2018 and subsequent fiscal years, payments shall be made to school districts ~~and other than~~ joint vocational school districts equal to the following amounts:

(a) For fiscal year 2018, the greater of the amounts described in division (C)(2)(a)(i) or (ii) of this section.

(i) The difference obtained by subtracting the amount described in division (C)(2)~~(b)~~(a)(i)(II) of this section from the amount described in division (C)(2)(a)(i)(I) of this section, provided that such amount is greater than zero.

~~(a)(I)~~ The sum of the payments received by the district under division (C)(1)(b) ~~or (C)(2)~~ of this section for ~~the immediately preceding~~ fiscal year 2017;

~~(b)(II)~~ One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016.

(ii) The difference obtained by subtracting the amount described in division (C)(2)(a)(ii)(II) of this section from the amount described in division (C)(2)(a)(ii)(I) of this section, provided that such amount is greater than zero.

(I) The sum of the payments received by the district in fiscal year 2017 under division (C)(1)(b) of this section and Section 263.325 of Am. Sub. H.B. 64 of the 131st general assembly, as amended by Sub. S.B. 208 of the 131st general assembly;

(II) Three and one-half per cent of the district's total resources.

(b) For fiscal year 2019, the difference obtained by subtracting the amount described in division (C)(2)(b)(ii) of this section from the amount described in division (C)(2)(b)(i) of this section, provided that such amount is greater than zero.

(i) The payments received by the district for fiscal year

2018 under division (C)(2)(a) of this section; 89602

(ii) One-sixteenth of one per cent of the average of the 89603
total taxable value of the district for tax years 2015, 2016, and 89604
2017. 89605

(c) For fiscal year 2020 and subsequent fiscal years, the 89606
difference obtained by subtracting the amount described in 89607
division (C)(2)(c)(ii) of this section from the amount described 89608
in division (C)(2)(c)(i) of this section, provided that such 89609
amount is greater than zero. 89610

(i) The payments received by the district under division 89611
(C)(2) of this section for the immediately preceding fiscal year; 89612

(ii) One-fourth of one-tenth of one per cent of the average 89613
of the total taxable value of the district for tax years 2016, 89614
2017, and 2018. 89615

(3) In fiscal year 2018 and subsequent fiscal years, payments 89616
shall be made to joint vocational school districts equal to the 89617
difference obtained by subtracting the amount described in 89618
division (C)(3)(b) of this section from the amount described in 89619
division (C)(3)(a) of this section, provided that such amount is 89620
greater than zero. 89621

(a) The sum of the payments received by the district under 89622
division (C)(1)(b) or (3) of this section for the immediately 89623
preceding fiscal year; 89624

(b) Three and one-half per cent of the district's total 89625
resources. 89626

(4)(a) "Total resources" used to compute payments under 89627
division (C)(1) of this section shall be reduced to the extent 89628
that payments distributed in fiscal year 2015 were attributable to 89629
levies no longer charged and payable for tax year 2014. "Total 89630
resources" used to compute payments under divisions (C)(2) and (3) 89631

of this section shall be reduced to the extent that payments 89632
distributed in fiscal year 2017 were attributable to levies no 89633
longer charged and payable for tax year 2016. 89634

(b) "Current expense allocation" used to compute payments 89635
under division (C)(1) of this section shall be reduced to the 89636
extent that the payments distributed in fiscal year 2015 were 89637
attributable to levies no longer charged and payable for tax year 89638
2014. 89639

~~(4)~~(5) The department of education shall report to each 89640
school district and joint vocational school district the 89641
apportionment of the payments under division (C)(1) of this 89642
section among the district's funds based on qualifying levies. 89643

(D)(1) Payments in the following amounts shall be made to 89644
school districts and joint vocational school districts in tax 89645
years 2016 through 2021: 89646

(a) In tax year 2016, the sum of the district's operating TPP 89647
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 89648

(b) In tax year 2017, the sum of the district's operating TPP 89649
fixed-sum levy losses and eighty per cent of operating S.B. 3 89650
fixed-sum levy losses. 89651

(c) In tax year 2018, the sum of eighty per cent of the 89652
district's operating TPP fixed-sum levy losses and sixty per cent 89653
of its operating S.B. 3 fixed-sum levy losses. 89654

(d) In tax year 2019, the sum of sixty per cent of the 89655
district's operating TPP fixed-sum levy losses and forty per cent 89656
of its operating S.B. 3 fixed-sum levy losses. 89657

(e) In tax year 2020, the sum of forty per cent of the 89658
district's operating TPP fixed-sum levy losses and twenty per cent 89659
of its operating S.B. 3 fixed-sum levy losses. 89660

(f) In tax year 2021, twenty per cent of the district's 89661

operating TPP fixed-sum levy losses. 89662

No payment shall be made under division (D)(1) of this 89663
section after tax year 2021. 89664

(2) Amounts are payable under division (D) of this section 89665
for fixed-sum levy losses only to the extent of such losses for 89666
qualifying levies that remain in effect for the current tax year. 89667
For this purpose, a qualifying levy levied under section 5705.194 89668
or 5705.213 of the Revised Code remains in effect for the current 89669
tax year only if a tax levied under either of those sections is 89670
charged and payable for the current tax year for an annual sum at 89671
least equal to the annual sum levied by the board of education for 89672
tax year 2004 under those sections less the amount of the payment 89673
under this division. 89674

(E)(1) For fixed-sum levies for debt purposes, payments shall 89675
be made to school districts and joint vocational school districts 89676
equal to one hundred per cent of the district's fixed-sum levy 89677
loss determined under division (E) of section 5751.20 and division 89678
(H) of section 5727.84 of the Revised Code as in effect before 89679
July 1, 2015, and paid in tax year 2014. No payment shall be made 89680
for qualifying levies that are no longer charged and payable. 89681

(2) Beginning in 2016, by the thirty-first day of January of 89682
each year, the tax commissioner shall review the calculation of 89683
fixed-sum levy loss for debt purposes determined under division 89684
(E) of section 5751.20 and division (H) of section 5727.84 of the 89685
Revised Code as in effect before July 1, 2015. If the commissioner 89686
determines that a fixed-sum levy that had been scheduled to be 89687
reimbursed in the current year is no longer charged and payable, a 89688
revised calculation for that year and all subsequent years shall 89689
be made. 89690

(F)(1) For taxes levied within the ten-mill limitation for 89691
debt purposes in tax year 1998 in the case of electric company tax 89692

value losses, and in tax year 1999 in the case of natural gas 89693
company tax value losses, payments shall be made to school 89694
districts and joint vocational school districts equal to one 89695
hundred per cent of the loss computed under division (D) of 89696
section 5727.85 of the Revised Code as in effect before July 1, 89697
2015, as if the tax were a fixed-rate levy, but those payments 89698
shall extend through fiscal year 2016. 89699

(2) For taxes levied within the ten-mill limitation for debt 89700
purposes in tax year 2005, payments shall be made to school 89701
districts and joint vocational school districts equal to one 89702
hundred per cent of the loss computed under division (D) of 89703
section 5751.21 of the Revised Code as in effect before July 1, 89704
2015, as if the tax were a fixed-rate levy, but those payments 89705
shall extend through fiscal year 2018. 89706

(G) If all the territory of a school district or joint 89707
vocational school district is merged with another district, or if 89708
a part of the territory of a school district or joint vocational 89709
school district is transferred to an existing or newly created 89710
district, the department of education, in consultation with the 89711
tax commissioner, shall adjust the payments made under this 89712
section as follows: 89713

(1) For a merger of two or more districts, fixed-sum levy 89714
losses, total resources, current expense allocation, and 89715
non-current expense allocation of the successor district shall be 89716
the sum of such items for each of the districts involved in the 89717
merger. 89718

(2) If property is transferred from one district to a 89719
previously existing district, the amount of the total resources, 89720
current expense allocation, and non-current expense allocation 89721
that shall be transferred to the recipient district shall be an 89722
amount equal to the total resources, current expense allocation, 89723
and non-current expense allocation of the transferor district 89724

times a fraction, the numerator of which is the number of pupils 89725
being transferred to the recipient district, measured, in the case 89726
of a school district, by formula ADM as defined in section 3317.02 89727
of the Revised Code or, in the case of a joint vocational school 89728
district, by formula ADM as defined for a joint vocational school 89729
district in that section, and the denominator of which is the 89730
formula ADM of the transferor district. 89731

(3) After December 31, 2010, if property is transferred from 89732
one or more districts to a district that is newly created out of 89733
the transferred property, the newly created district shall be 89734
deemed not to have any total resources, current expense 89735
allocation, total allocation, or non-current expense allocation. 89736

(4) If the recipient district under division (G)(2) of this 89737
section or the newly created district under division (G)(3) of 89738
this section is assuming debt from one or more of the districts 89739
from which the property was transferred and any of the districts 89740
losing the property had fixed-sum levy losses, the department of 89741
education, in consultation with the tax commissioner, shall make 89742
an equitable division of the reimbursements for those losses. 89743

(H) The payments required by divisions (C), (D), (E), and (F) 89744
of this section shall be distributed periodically to each school 89745
and joint vocational school district by the department of 89746
education unless otherwise provided for. Except as provided in 89747
division (D) of this section, if a levy that is a qualifying levy 89748
is not charged and payable in any year after 2014, payments to the 89749
school district or joint vocational school district shall be 89750
reduced to the extent that the payments distributed in fiscal year 89751
2015 were attributable to the levy loss of that levy. 89752

Sec. 5713.051. (A) As used in this section: 89753

(1) "Oil" means all grades of crude oil. 89754

- (2) "Gas" means all forms of natural gas. 89755
- (3) "Well" means an oil or gas well or an oil and gas well. 89756
- (4) "M.C.F." means one thousand cubic feet. 89757
- (5) "Commonly metered wells" means two or more wells that 89758
share the same meter. 89759
- (6) "Total production" means the total amount of oil, 89760
measured in barrels, and the total amount of gas, measured in 89761
M.C.F., of all oil and gas actually produced and sold from a 89762
single well that is developed and producing on the tax lien date. 89763
For commonly metered wells, "total production" means the total 89764
amount of oil, measured in barrels, and the total amount of gas, 89765
measured in M.C.F., of all oil and gas actually produced and sold 89766
from the commonly metered wells divided by the number of the 89767
commonly metered wells. 89768
- (7) "Flush production" means total production from a single 89769
well during the first twelve calendar months during not more than 89770
two consecutive calendar years after a well first begins to 89771
produce. For commonly metered wells, "flush production" means 89772
total production during the first twelve calendar months during 89773
not more than two consecutive calendar years after a well first 89774
begins to produce from all wells with flush production divided by 89775
the number of those wells. 89776
- (8) "Production through secondary recovery methods" means 89777
total production from a single well where mechanically induced 89778
pressure, such as air, nitrogen, carbon dioxide, or water 89779
pressure, is used to stimulate and maintain production in the oil 89780
and gas reservoir, exclusive of any flush production. For commonly 89781
metered wells, "production through secondary recovery methods" 89782
means total production from all wells with production through 89783
secondary recovery methods divided by the number of ~~the~~ those 89784
wells. 89785

(9) "Stabilized production" means total production reduced, 89786
if applicable, by the greater of forty-two and one-half per cent 89787
of flush production or fifty per cent of production through 89788
secondary recovery methods. 89789

(10) "Average daily production" means stabilized production 89790
divided by three hundred sixty-five, provided the well was in 89791
production at the beginning of the calendar year. If the well was 89792
not in production at the beginning of the calendar year, "average 89793
daily production" means stabilized production divided by the 89794
number of days beginning with the day the well went into 89795
production in the calendar year and ending with the thirty-first 89796
day of December. 89797

(11) "Gross price" means the unweighted average price per 89798
barrel of oil or the average price per M.C.F. of gas produced from 89799
Ohio wells and first sold during the five-year period ending with 89800
the calendar year immediately preceding the tax lien date, as 89801
reported by the department of natural resources. 89802

(12) "Average annual decline rate" means the amount of yearly 89803
decline in oil and gas production of a well after flush production 89804
has ended. For the purposes of this section, the average annual 89805
decline rate is thirteen per cent. 89806

(13) "Gross revenue" means the gross revenue from a well 89807
during a ten-year discount period with production assumed to be 89808
one barrel of oil or one M.C.F. of gas during the first year of 89809
production and declining at the annual average annual decline rate 89810
during the remaining nine years of the ten-year discount period, 89811
as follows: 89812

(a) First year: one barrel or one M.C.F. multiplied by gross 89813
price; 89814

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by 89815
gross price; 89816

(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by gross price;	89817 89818
(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by gross price;	89819 89820
(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by gross price;	89821 89822
(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by gross price;	89823 89824
(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by gross price;	89825 89826
(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by gross price;	89827 89828
(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by gross price;	89829 89830
(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by gross price.	89831 89832
(14) "Average royalty expense" means the annual cost of royalties paid by all working interest owners in a well. For the purposes of this section, the average royalty expense is fifteen per cent of annual gross revenue.	89833 89834 89835 89836
(15) "Average operating expense" means the annual cost of operating and maintaining a producing well after it first begins production. For the purposes of this section, the average operating expense is forty per cent of annual gross revenue.	89837 89838 89839 89840
(16) "Average capital recovery expense" means the annual capitalized investment cost of a developed and producing well. For the purposes of this section, average capital recovery expense is thirty per cent of annual gross revenue.	89841 89842 89843 89844
(17) "Discount rate" means the rate used to determine the present net worth of one dollar during each year of the ten-year	89845 89846

discount period assuming the net income stream projected for each 89847
year of the ten-year discount period is received at the half-year 89848
point. For the purposes of this section, the discount rate equals 89849
thirteen per cent plus the rate per annum prescribed by division 89850
(B) of section 5703.47 of the Revised Code and determined by the 89851
tax commissioner in October of the calendar year immediately 89852
preceding the tax lien date. 89853

(B) The true value in money of oil reserves constituting real 89854
property on tax lien dates January 1, 2007, and thereafter with 89855
respect to a developed and producing well that has not been the 89856
subject of a recent arm's length sale, exclusive of personal 89857
property necessary to recover the oil, shall be determined under 89858
division (B)(1) or (2) of this section. 89859

(1) For ~~wells~~ oil reserves for which average daily production 89860
of oil from a well is one barrel or more in the calendar year 89861
preceding the tax lien date, the true value in money equals the 89862
average daily production of oil from the well multiplied by the 89863
net present value of one barrel of oil, where: 89864

(a) Net present value of one barrel of oil = 365 x the sum of 89865
[net income for each year of the discount period x discount rate 89866
factor for that year] for all years in the discount period; and 89867

(b) Net income for a year of the discount period = gross 89868
revenue for that year minus the sum of the following for that 89869
year: average royalty expense, average operating expense, and 89870
average capital recovery expense. 89871

(2) For ~~wells~~ oil reserves for which average daily production 89872
of oil from a well is less than one barrel in the calendar year 89873
preceding the tax lien date, the true value in money equals the 89874
average daily production of the well, if any, in the calendar year 89875
preceding the tax lien date multiplied by sixty per cent of the 89876
net present value of one barrel of oil as computed under division 89877

(B)(1) of this section. 89878

(C) The true value in money of gas reserves constituting real 89879
property on tax lien dates January 1, 2007, and thereafter with 89880
respect to a developed and producing well that has not been the 89881
subject of a recent arm's length sale, exclusive of personal 89882
property necessary to recover the gas, shall be determined under 89883
division (C)(1) or (2) of this section. 89884

(1) For ~~wells~~ gas reserves for which average daily production 89885
of gas from a well is eight M.C.F. or more in the calendar year 89886
preceding the tax lien date, the true value in money equals the 89887
average daily production of gas from the well multiplied by the 89888
net present value of one M.C.F. of gas, where: 89889

(a) Net present value of one M.C.F. of gas = 365 x the sum of 89890
[net income for each year of the discount period x discount rate 89891
factor for that year] for all years in the discount period; and 89892

(b) Net income for a year of the discount period = gross 89893
revenue for that year minus the sum of the following for that 89894
year: average royalty expense, average operating expense, and 89895
average capital recovery expense. 89896

(2) For ~~wells~~ gas reserves for which average daily production 89897
of gas from a well is less than eight M.C.F. in the calendar year 89898
preceding the tax lien date, the true value in money equals the 89899
average daily production of the well, if any, in the calendar year 89900
preceding the tax lien date multiplied by fifty per cent of the 89901
net present value of one M.C.F. as computed under division (C)(1) 89902
of this section. 89903

(D) No method other than the method described in this section 89904
shall be used to determine the true value in money of oil or gas 89905
reserves for property tax purposes. 89906

Sec. 5713.31. At any time after the first Monday in January 89907

and prior to the first Monday in March of any year, an owner of agricultural land may file an application with the county auditor of the county in which such land is located, requesting the auditor to value the land for real property tax purposes at the current value such land has for agricultural use, in accordance with section 5715.01 of the Revised Code and the rules adopted by the commissioner for the valuation of such land. An owner's first application with respect to the owner's land shall be in the form of an initial application. Each application filed in ensuing consecutive years after the initial application by that owner shall be in the form of a renewal application. The commissioner shall prescribe the form of the initial and the renewal application, but the renewal application shall require no more information than is necessary to establish the applicant's continued eligibility to have the applicant's land valued for agricultural use, for all lots, parcels, or tracts of land, or portions thereof, within a county, that have been valued at the current value of such land for agricultural use in the preceding tax year. If, on the first day of January of the tax year, any portion of the applicant's agricultural land is used for a conservation practice or devoted to a land retirement or conservation program under an agreement with an agency of the federal government, the applicant shall so indicate on the initial or renewal application.

On or before the second Tuesday after the first Monday in March, the auditor shall determine whether the current owner of any lot, parcel, or tract of land or portion thereof contained in the preceding tax year's agricultural land tax list failed to file an initial or renewal application, as appropriate, for the current tax year with respect to such lot, parcel, or tract or portion thereof. The auditor shall forthwith notify, by certified mail, each owner who failed to file an application that unless application is filed with the auditor prior to the first Monday of

April of the current year, the land will be valued for real 89941
property tax purposes in the current tax year at its true value in 89942
money and that the recoupment required by sections 5713.34 and 89943
5713.35 of the Revised Code will be placed on the current year's 89944
tax list and duplicate for collection. 89945

Each initial application shall be accompanied by a fee of 89946
twenty-five dollars. Application fees shall be paid into the 89947
county treasury to the credit of the real estate assessment fund 89948
created under section 325.31 of the Revised Code. 89949

Upon receipt of an application and payment of the required 89950
fee the auditor shall determine whether the information contained 89951
therein is correct and the application complete. 89952

If the auditor determines the information is incorrect or the 89953
application is incomplete, the auditor shall return the 89954
application to the applicant by certified mail with an enumeration 89955
of the items which are incorrect or incomplete. An applicant may 89956
file an amended application, without charge, within fifteen days 89957
of the receipt of the returned application. 89958

If the auditor determines the application or amended 89959
application is complete and the information therein is correct, 89960
the auditor shall, prior to the first Monday in August, view or 89961
cause to be viewed the land described in the application and 89962
determine whether the land is land devoted exclusively to 89963
agricultural use. 89964

If the auditor determines, which determination shall be made 89965
as of the first Monday of August, annually, that the land is land 89966
devoted exclusively to agricultural use, the auditor shall 89967
appraise it for real property tax purposes in accordance with 89968
section 5715.01 of the Revised Code and the rules adopted by the 89969
commissioner for the valuation of land devoted exclusively to 89970
agricultural use and such appraised value shall be the value used 89971

by the auditor in determining the taxable value of such land for 89972
the current tax year under section 5713.03 of the Revised Code and 89973
as shown on the general tax list compiled under section 319.28 of 89974
the Revised Code. 89975

The auditor shall enter on the real property record required 89976
under section 5713.03 of the Revised Code for the tract, lot, or 89977
parcel of land so appraised, in addition to the other information 89978
required to be recorded thereon, its value as land devoted 89979
exclusively to agricultural use based on the values determined by 89980
the commissioner for each soil type present in the tract, lot, or 89981
parcel. Subject to division (A)(1) of section 5713.34 of the 89982
Revised Code, tracts, lots, or parcels of land or portions thereof 89983
used for a conservation practice or devoted to a land retirement 89984
or conservation program under an agreement with an agency of the 89985
federal government on the first day of January of the tax year 89986
shall be valued at the lowest valued of all soil types listed in 89987
the commissioner's annual publication of the per-acre agricultural 89988
use values for each soil type in the state. For the purposes of 89989
this section and division (A)(1) of section 5713.34 of the Revised 89990
Code, "conservation practice" shall not include the use of cover 89991
crops. 89992

Sec. 5713.33. (A) The county auditor shall make and maintain 89993
an "agricultural land tax list," on forms prescribed by the tax 89994
commissioner, listing each tract, lot or parcel of land which has 89995
been valued for tax purposes as land devoted exclusively to 89996
agricultural use under section 5713.31 of the Revised Code, 89997
showing: 89998

(A)(1) The name of the owner; 89999

(B)(2) A description of the land; 90000

(C)(3) The current agricultural use value and taxable value 90001
of the land as land devoted exclusively to agricultural use, as 90002

provided by section 5713.31 of the Revised Code; 90003

~~(D)~~(4) The true value, and taxable value, of the land as 90004
determined in accordance with Section 2, Article XII, of the Ohio 90005
Constitution; 90006

~~(E)~~(5) The dollar amount of real property taxes levied 90007
against such land under section 319.30 of the Revised Code for the 90008
current tax year; 90009

~~(F)~~(6) The dollar amount of real property taxes which would 90010
have been levied against such land for the current tax year under 90011
section 319.30 of the Revised Code if it had been valued for tax 90012
purposes in accordance with Section 2, Article XII, of the Ohio 90013
Constitution; 90014

~~(G)~~(7) The dollar difference between the amounts shown in 90015
divisions ~~(E)~~(A)(5) and ~~(F)~~(6) of this section. 90016

(B) Annually, upon determining the sums to be levied upon 90017
each tract and lot of real property under section 319.30 of the 90018
Revised Code, the county auditor shall enter upon the 90019
"agricultural land tax list" for each tract, lot or parcel of land 90020
valued under section 5713.31 of the Revised Code for the current 90021
tax year the appropriate figures for the current tax year, as 90022
required by this section. 90023

(C) Annually, the tax commissioner shall make available 90024
electronically a report that aggregates, by taxing district, the 90025
information described in divisions (A)(3) and (4) of this section 90026
for all such land for the preceeding tax year. The report shall be 90027
compiled in such a manner that the information can be indexed and 90028
sorted by county and by school district. 90029

Sec. 5713.34. (A)(1) Upon the conversion of all or any 90030
portion of a tract, lot, or parcel of land devoted exclusively to 90031
agricultural use a portion of the tax savings upon such converted 90032

land shall be recouped as provided for by Section 36, Article II, 90033
Ohio Constitution by levying a charge on such land in an amount 90034
equal to the amount of the tax savings on the converted land 90035
during the three tax years immediately preceding the year in which 90036
the conversion occurs. If the auditor discovers that agricultural 90037
land valued at the lowest valued soil type, pursuant to section 90038
5713.31 of the Revised Code, because of its use for a conservation 90039
practice or devotion to a land retirement or conservation program 90040
ceases to be used or devoted to such purposes sooner than 90041
thirty-six months after the initial certification, the auditor 90042
shall levy a charge on such agricultural land in an amount equal 90043
to the reduction in taxes resulting from the land's valuation at 90044
the lowest valued soil type, rather than valuation at its actual 90045
soil type, in all preceding years the land was so valued, not to 90046
exceed the most recent three years. The charge charges levied 90047
under this section shall constitute a lien of the state upon such 90048
converted land as of the first day of January of the tax year in 90049
which the charge is levied and shall continue until discharged as 90050
provided by law. 90051

(2) Upon the conversion of an adequately described portion of 90052
a tract, lot, or parcel of land, the county auditor shall divide 90053
any numbered permanent parcel into economic units and value each 90054
unit individually for the purpose of levying the charge under 90055
division (A)(1) of this section against only the converted 90056
portion. 90057

(3) A charge shall not be levied under this section for the 90058
conversion of a portion of a tract, lot, or parcel of land devoted 90059
exclusively to agricultural use if the conversion is incident to 90060
the construction or installation of an energy facility, as defined 90061
in section 5727.01 of the Revised Code, and if the remaining 90062
portion of the tract, lot, or parcel continues to be devoted 90063
exclusively to agricultural use. 90064

(B) Except as otherwise provided in division (C) or (D) of 90065
this section, a public entity that acquires by any means and 90066
converts land devoted exclusively to agricultural use and a 90067
private entity granted the power of eminent domain that acquires 90068
by any means and converts land devoted exclusively to agricultural 90069
use shall pay the charge levied by division (A) of this section 90070
and shall not, directly or indirectly, transfer the charge to the 90071
person from whom the land is acquired. A person injured by a 90072
violation of this division may recover, in a civil action, any 90073
damages resulting from the violation. 90074

(C) The charge levied by division (A)(1) of this section does 90075
not apply to the conversion of land acquired by a public entity by 90076
means other than eminent domain and thereafter used exclusively 90077
for a public purpose that leaves the land principally undeveloped 90078
when either of the following conditions applies: 90079

(1) In the case of land so acquired and converted by a park 90080
district created under Chapter 1545. of the Revised Code, the land 90081
is located within the boundaries of the park district. 90082

(2) In the case of land so acquired and converted by a public 90083
entity other than a park district created under Chapter 1545. of 90084
the Revised Code, the land is located within the boundaries of any 90085
city, local, exempted village, or joint vocational school district 90086
that is wholly or partially located within the boundaries of the 90087
public entity that so acquired and converted the land. 90088

If all or any portion of a tract, lot, or parcel of such land 90089
is later developed or otherwise converted to a purpose other than 90090
one of the purposes enumerated under division (E)(1) of this 90091
section, the charge levied by division (A)(1) of this section 90092
shall be levied against such developed or converted land as 90093
otherwise required by that division. 90094

The county auditor of the county in which the land is located 90095

shall determine annually whether all or any portion of a tract, 90096
lot, or parcel of land formerly converted to a purpose enumerated 90097
under division (E)(1) of this section has been developed in such a 90098
way or converted to such a purpose as to require the charge levied 90099
by division (A)(1) of this section to be levied against the land 90100
so developed or converted. 90101

(D) Division (B) of this section does not apply to a public 90102
entity that acquires by means other than eminent domain and 90103
converts land devoted exclusively to agricultural use to use for 90104
public, active or passive, outdoor education, recreation, or 90105
similar open space uses when either of the following conditions 90106
applies: 90107

(1) In the case of land so acquired and converted by a park 90108
district created under Chapter 1545. of the Revised Code, the land 90109
is located outside the boundaries of the park district. 90110

(2) In the case of land so acquired and converted by a public 90111
entity other than a park district created under Chapter 1545. of 90112
the Revised Code, the land is located outside the boundaries of 90113
any city, local, exempted village, or joint vocational school 90114
district that is wholly or partially located within the boundaries 90115
of the public entity that so acquired and converted the land. 90116

(E) As used in divisions (C) and (D) of this section: 90117

(1) "Principally undeveloped" means a parcel of real property 90118
that is used for public, active or passive, outdoor education, 90119
recreation, or similar open space uses and contains only the 90120
structures, roadways, and other facilities that are necessary for 90121
such uses. 90122

(2) "Public entity" means any political subdivision of this 90123
state or any agency or instrumentality of a political subdivision. 90124

Sec. 5715.01. (A) The tax commissioner shall direct and 90125

supervise the assessment for taxation of all real property. The 90126
commissioner shall adopt, prescribe, and promulgate rules for the 90127
determination of true value and taxable value of real property by 90128
uniform rule for such values and for the determination of the 90129
current agricultural use value of land devoted exclusively to 90130
agricultural use. ~~The~~ 90131

(1) The uniform rules shall prescribe methods of determining 90132
the true value and taxable value of real property ~~and shall also~~ 90133
~~prescribe the method for determining the current agricultural use~~ 90134
~~value of land devoted exclusively to agricultural use, which~~ 90135
~~method shall reflect standard and modern appraisal techniques that~~ 90136
~~take into consideration: the productivity of the soil under normal~~ 90137
~~management practices; the average price patterns of the crops and~~ 90138
~~products produced to determine the income potential to be~~ 90139
~~capitalized; the market value of the land for agricultural use;~~ 90140
~~and other pertinent factors.~~ The rules shall provide that in 90141
determining the true value of lands or improvements thereon for 90142
tax purposes, all facts and circumstances relating to the value of 90143
the property, its availability for the purposes for which it is 90144
constructed or being used, its obsolete character, if any, the 90145
income capacity of the property, if any, and any other factor that 90146
tends to prove its true value shall be used. In determining the 90147
true value of minerals or rights to minerals for the purpose of 90148
real property taxation, the tax commissioner shall not include in 90149
the value of the minerals or rights to minerals the value of any 90150
tangible personal property used in the recovery of those minerals. 90151

(2) The uniform rules shall prescribe the method for 90152
determining the current agricultural use value of land devoted 90153
exclusively to agricultural use, which method shall reflect 90154
standard and modern appraisal techniques that take into 90155
consideration the productivity of the soil under normal management 90156
practices, typical cropping and land use patterns, the average 90157

price patterns of the crops and products produced and the typical 90158
production costs to determine the net income potential to be 90159
capitalized, and other pertinent factors. 90160

In determining the agricultural land capitalization rate to 90161
be applied to the net income potential from agricultural use, the 90162
commissioner shall use standard and modern appraisal techniques. 90163
In calculating the capitalization rate for any year, the 90164
commissioner shall comply with both of the following requirements: 90165

(a) The commissioner shall use an equity yield rate equal to 90166
the greater of (i) the average of the total rates of return on 90167
farm equity for the twenty-five most recent years for which those 90168
rates have been calculated and published by the United States 90169
department of agriculture economic research service or (ii) the 90170
loan interest rate the commissioner uses for that year to 90171
calculate the capitalization rate; 90172

(b) The commissioner shall not use a method that includes in 90173
the computation buildup of equity or appreciation with respect to 90174
the agricultural land. 90175

The commissioner shall add to the overall capitalization rate 90176
a tax additur. The sum of the overall capitalization rate and the 90177
tax additur shall represent as nearly as possible the rate of 90178
return a prudent investor would expect from an average or typical 90179
farm in this state considering only agricultural factors. 90180

The commissioner shall annually determine and announce the 90181
overall capitalization rate, tax additur, agricultural land 90182
capitalization rate, and the individual components used in 90183
computing such amounts in a determination, finding, computation, 90184
or order of the commissioner published simultaneously with the 90185
commissioner's annual publication of the per-acre agricultural use 90186
values for each soil type. 90187

(B) The taxable value shall be that per cent of true value in 90188

money, or current agricultural use value in the case of land 90189
valued in accordance with section 5713.31 of the Revised Code, the 90190
commissioner by rule establishes, but it shall not exceed 90191
thirty-five per cent. The uniform rules shall also prescribe 90192
methods of making the appraisals set forth in section 5713.03 of 90193
the Revised Code. The taxable value of each tract, lot, or parcel 90194
of real property and improvements thereon, determined in 90195
accordance with the uniform rules and methods prescribed thereby, 90196
shall be the taxable value of the tract, lot, or parcel for all 90197
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 90198
5717.01 to 5717.06 of the Revised Code. County auditors shall, 90199
under the direction and supervision of the commissioner, be the 90200
chief assessing officers of their respective counties, and shall 90201
list and value the real property within their respective counties 90202
for taxation in accordance with this section and sections 5713.03 90203
and 5713.31 of the Revised Code and with such rules of the 90204
commissioner. There shall also be a board in each county, known as 90205
the county board of revision, which shall hear complaints and 90206
revise assessments of real property for taxation. 90207

(C) The commissioner shall neither adopt nor enforce any rule 90208
that requires true value for any tax year to be any value other 90209
than the true value in money on the tax lien date of such tax year 90210
or that requires taxable value to be obtained in any way other 90211
than by reducing the true value, or in the case of land valued in 90212
accordance with section 5713.31 of the Revised Code, its current 90213
agricultural use value, by a specified, uniform percentage. 90214

Sec. 5715.19. (A) As used in this section, "member" has the 90215
same meaning as in section 1705.01 of the Revised Code. 90216

(1) Subject to division (A)(2) of this section, a complaint 90217
against any of the following determinations for the current tax 90218
year shall be filed with the county auditor on or before the 90219

thirty-first day of March of the ensuing tax year or the date of closing of the collection for the first half of real and public utility property taxes for the current tax year, whichever is later: 90220
90221
90222
90223

(a) Any classification made under section 5713.041 of the Revised Code; 90224
90225

(b) Any determination made under section 5713.32 or 5713.35 of the Revised Code; 90226
90227

(c) Any recoupment charge levied under section 5713.35 of the Revised Code; 90228
90229

(d) The determination of the total valuation or assessment of any parcel that appears on the tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 90230
90231
90232
90233

(e) The determination of the total valuation of any parcel that appears on the agricultural land tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 90234
90235
90236
90237

(f) Any determination made under division (A) of section 319.302 of the Revised Code. 90238
90239

If such a complaint is filed by mail or certified mail, the date of the United States postmark placed on the envelope or sender's receipt by the postal service shall be treated as the date of filing. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the filing date. 90240
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Any person owning taxable real property ~~in the county or in a taxing district with territory in the county~~; such a person's spouse; an individual who is retained by such a person and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national 90245
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90249

council of property taxation, or the international association of 90250
assessing officers; a public accountant who holds a permit under 90251
section 4701.10 of the Revised Code, a general or residential real 90252
estate appraiser licensed or certified under Chapter 4763. of the 90253
Revised Code, or a real estate broker licensed under Chapter 4735. 90254
of the Revised Code, who is retained by such a person; if the 90255
person is a firm, company, association, partnership, limited 90256
liability company, or corporation, an officer, a salaried 90257
employee, a partner, or a member of that person; if the person is 90258
a trust, a trustee of the trust; may file such a complaint 90259
regarding any such determination affecting real property owned by 90260
the person. Subject to division (A)(5) of this section, the board 90261
of county commissioners; the prosecuting attorney or treasurer of 90262
the county; the board of township trustees of any township with 90263
territory within the county; the board of education of any school 90264
district with any territory in the county; or the mayor or 90265
legislative authority of any municipal corporation with any 90266
territory in the county may file such a complaint regarding any 90267
such determination affecting any real property in the county, 90268
~~except that a person owning taxable real property in another~~ 90269
~~county may file such a complaint only with regard to any such~~ 90270
~~determination affecting real property in the county that is~~ 90271
~~located in the same taxing district as that person's real property~~ 90272
~~is located.~~ The county auditor shall present to the county board 90273
of revision all complaints filed with the auditor. 90274

(2) As used in division (A)(2) of this section, "interim 90275
period" means, for each county, the tax year to which section 90276
5715.24 of the Revised Code applies and each subsequent tax year 90277
until the tax year in which that section applies again. 90278

No person, board, or officer shall file a complaint against 90279
the valuation or assessment of any parcel that appears on the tax 90280
list if it filed a complaint against the valuation or assessment 90281

of that parcel for any prior tax year in the same interim period, 90282
unless the person, board, or officer alleges that the valuation or 90283
assessment should be changed due to one or more of the following 90284
circumstances that occurred after the tax lien date for the tax 90285
year for which the prior complaint was filed and that the 90286
circumstances were not taken into consideration with respect to 90287
the prior complaint: 90288

(a) The property was sold in an arm's length transaction, as 90289
described in section 5713.03 of the Revised Code; 90290

(b) The property lost value due to some casualty; 90291

(c) Substantial improvement was added to the property; 90292

(d) An increase or decrease of at least fifteen per cent in 90293
the property's occupancy has had a substantial economic impact on 90294
the property. 90295

(3) If a county board of revision, the board of tax appeals, 90296
or any court dismisses a complaint filed under this section or 90297
section 5715.13 of the Revised Code for the reason that the act of 90298
filing the complaint was the unauthorized practice of law or the 90299
person filing the complaint was engaged in the unauthorized 90300
practice of law, the party affected by a decrease in valuation or 90301
the party's agent, or the person owning the taxable real property 90302
~~in the county or in a taxing district with territory in the~~ 90303
~~county,~~ may refile the complaint, notwithstanding division (A)(2) 90304
of this section. 90305

(4) Notwithstanding division (A)(2) of this section, a 90306
person, board, or officer may file a complaint against the 90307
valuation or assessment of any parcel that appears on the tax list 90308
if it filed a complaint against the valuation or assessment of 90309
that parcel for any prior tax year in the same interim period if 90310
the person, board, or officer withdrew the complaint before the 90311
complaint was heard by the board. 90312

(5) A board of county commissioners, a board of township trustees, the board of education of a school district, or the mayor or legislative authority of a municipal corporation may not file a complaint under division (A)(1) of this section against the valuation of property, whether or not owned by the subdivision, unless the board or legislative authority has adopted an ordinance or resolution describing circumstances under which the subdivision will file such complaints. Such circumstances may include that property be of a particular type or class or that the value of the property be above a minimum threshold. A county treasurer or prosecuting attorney may not file such a complaint against the valuation of property unless the board of county commissioners first adopts a resolution described in division (A)(5) of this section.

(B) Within thirty days after the last date such complaints may be filed, the auditor shall give notice of each complaint in which the stated amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination is at least seventeen thousand five hundred dollars to each property owner whose property is the subject of the complaint, if the complaint was not filed by the owner or the owner's spouse, and to each board of education whose school district may be affected by the complaint. Within thirty days after receiving such notice, a board of education; a property owner; the owner's spouse; an individual who is retained by such an owner and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code,

who is retained by such a person; or, if the property owner is a 90346
firm, company, association, partnership, limited liability 90347
company, corporation, or trust, an officer, a salaried employee, a 90348
partner, a member, or trustee of that property owner, may file a 90349
complaint in support of or objecting to the amount of alleged 90350
overvaluation, undervaluation, discriminatory valuation, illegal 90351
valuation, or incorrect determination stated in a previously filed 90352
complaint or objecting to the current valuation. Upon the filing 90353
of a complaint under this division, the board of education or the 90354
property owner shall be made a party to the action. 90355

(C) Each board of revision shall notify any complainant and 90356
also the property owner, if the property owner's address is known, 90357
when a complaint is filed by one other than the property owner, by 90358
certified mail, not less than ten days prior to the hearing, of 90359
the time and place the same will be heard. The board of revision 90360
shall hear and render its decision on a complaint within ninety 90361
days after the filing thereof with the board, except that if a 90362
complaint is filed within thirty days after receiving notice from 90363
the auditor as provided in division (B) of this section, the board 90364
shall hear and render its decision within ninety days after such 90365
filing. 90366

(D) The determination of any such complaint shall relate back 90367
to the date when the lien for taxes or recoupment charges for the 90368
current year attached or the date as of which liability for such 90369
year was determined. Liability for taxes and recoupment charges 90370
for such year and each succeeding year until the complaint is 90371
finally determined and for any penalty and interest for nonpayment 90372
thereof within the time required by law shall be based upon the 90373
determination, valuation, or assessment as finally determined. 90374
Each complaint shall state the amount of overvaluation, 90375
undervaluation, discriminatory valuation, illegal valuation, or 90376
incorrect classification or determination upon which the complaint 90377

is based. The treasurer shall accept any amount tendered as taxes 90378
or recoupment charge upon property concerning which a complaint is 90379
then pending, computed upon the claimed valuation as set forth in 90380
the complaint. If a complaint filed under this section for the 90381
current year is not determined by the board within the time 90382
prescribed for such determination, the complaint and any 90383
proceedings in relation thereto shall be continued by the board as 90384
a valid complaint for any ensuing year until such complaint is 90385
finally determined by the board or upon any appeal from a decision 90386
of the board. In such case, the original complaint shall continue 90387
in effect without further filing by the original taxpayer, the 90388
original taxpayer's assignee, or any other person or entity 90389
authorized to file a complaint under this section. 90390

(E) If a taxpayer files a complaint as to the classification, 90391
valuation, assessment, or any determination ~~affecting the~~ 90392
~~taxpayer's own property~~ and tenders less than the full amount of 90393
taxes or recoupment charges as finally determined, an interest 90394
charge shall accrue as follows: 90395

(1) If the amount finally determined is less than the amount 90396
billed but more than the amount tendered, the taxpayer shall pay 90397
interest at the rate per annum prescribed by section 5703.47 of 90398
the Revised Code, computed from the date that the taxes were due 90399
on the difference between the amount finally determined and the 90400
amount tendered. This interest charge shall be in lieu of any 90401
penalty or interest charge under section 323.121 of the Revised 90402
Code unless the taxpayer failed to file a complaint and tender an 90403
amount as taxes or recoupment charges within the time required by 90404
this section, in which case section 323.121 of the Revised Code 90405
applies. 90406

(2) If the amount of taxes finally determined is equal to or 90407
greater than the amount billed and more than the amount tendered, 90408
the taxpayer shall pay interest at the rate prescribed by section 90409

5703.47 of the Revised Code from the date the taxes were due on 90410
the difference between the amount finally determined and the 90411
amount tendered, such interest to be in lieu of any interest 90412
charge but in addition to any penalty prescribed by section 90413
323.121 of the Revised Code. 90414

(F) Upon request of a complainant, the tax commissioner shall 90415
determine the common level of assessment of real property in the 90416
county for the year stated in the request that is not valued under 90417
section 5713.31 of the Revised Code, which common level of 90418
assessment shall be expressed as a percentage of true value and 90419
the common level of assessment of lands valued under such section, 90420
which common level of assessment shall also be expressed as a 90421
percentage of the current agricultural use value of such lands. 90422
Such determination shall be made on the basis of the most recent 90423
available sales ratio studies of the commissioner and such other 90424
factual data as the commissioner deems pertinent. 90425

(G) A complainant shall provide to the board of revision all 90426
information or evidence within the complainant's knowledge or 90427
possession that affects the real property that is the subject of 90428
the complaint. A complainant who fails to provide such information 90429
or evidence is precluded from introducing it on appeal to the 90430
board of tax appeals or the court of common pleas, except that the 90431
board of tax appeals or court may admit and consider the evidence 90432
if the complainant shows good cause for the complainant's failure 90433
to provide the information or evidence to the board of revision. 90434

(H) In case of the pendency of any proceeding in court based 90435
upon an alleged excessive, discriminatory, or illegal valuation or 90436
incorrect classification or determination, the taxpayer may tender 90437
to the treasurer an amount as taxes upon property computed upon 90438
the claimed valuation as set forth in the complaint to the court. 90439
The treasurer may accept the tender. If the tender is not 90440
accepted, no penalty shall be assessed because of the nonpayment 90441

of the full taxes assessed. 90442

(I) An attorney may not appear on behalf of a party to an 90443
action before the board of revision unless the attorney certifies 90444
that the attorney is not compensated in whole or in part on a 90445
contingency basis for that action. 90446

Sec. 5715.20. (A) Whenever a county board of revision renders 90447
a decision on a complaint filed under section 5715.19 of the 90448
Revised Code or on an application for remission under section 90449
5715.39 of the Revised Code, it shall certify its action by 90450
certified mail to the person in whose name the property is listed 90451
or sought to be listed and ~~to the complainant~~, if the complainant 90452
or applicant is not the person in whose name the property is 90453
listed or sought to be listed, to the complainant or applicant. A 90454
person's time to file an appeal under section 5717.01 of the 90455
Revised Code commences with the mailing of notice of the decision 90456
to that person as provided in this section. The tax commissioner's 90457
time to file an appeal under section 5717.01 of the Revised Code 90458
commences with the last mailing to a person required to be mailed 90459
notice of the decision as provided in this division. 90460

(B) The tax commissioner may order the county auditor to send 90461
to the commissioner the decisions of the board of revision 90462
rendered on complaints filed under section 5715.19 of the Revised 90463
Code or on applications for remission filed under section 5715.39 90464
of the Revised Code in the manner and for the time period that the 90465
commissioner prescribes. Nothing in this division extends the 90466
commissioner's time to file an appeal under section 5717.01 of the 90467
Revised Code. 90468

Sec. 5715.27. (A)(1) Except as provided in division (A)(2) of 90469
this section and in section 3735.67 of the Revised Code, the 90470
owner, a vendee in possession under a purchase agreement or a land 90471

contract, the beneficiary of a trust, or a lessee for an initial 90472
term of not less than thirty years of any property may file an 90473
application with the tax commissioner, on forms prescribed by the 90474
commissioner, requesting that such property be exempted from 90475
taxation and that taxes, interest, and penalties be remitted as 90476
provided in division (C) of section 5713.08 of the Revised Code. 90477

(2) If the property that is the subject of the application 90478
for exemption is any of the following, the application shall be 90479
filed with the county auditor of the county in which the property 90480
is listed for taxation: 90481

(a) A public road or highway; 90482

(b) Property belonging to the federal government of the 90483
United States; 90484

(c) Additions or other improvements to an existing building 90485
or structure that belongs to the state or a political subdivision, 90486
as defined in section 5713.081 of the Revised Code, and that is 90487
exempted from taxation as property used exclusively for a public 90488
purpose; 90489

~~(d) Property of the boards of trustees and of the housing 90490
commissions of the state universities, the northeastern Ohio 90491
universities college of medicine, and of the state to be exempted 90492
under section 3345.17 of the Revised Code. 90493~~

(B) The board of education of any school district may request 90494
the tax commissioner or county auditor to provide it with 90495
notification of applications for exemption from taxation for 90496
property located within that district. If so requested, the 90497
commissioner or auditor shall send to the board on a monthly basis 90498
reports that contain sufficient information to enable the board to 90499
identify each property that is the subject of an exemption 90500
application, including, but not limited to, the name of the 90501
property owner or applicant, the address of the property, and the 90502

auditor's parcel number. The commissioner or auditor shall mail 90503
the reports by the fifteenth day of the month following the end of 90504
the month in which the commissioner or auditor receives the 90505
applications for exemption. 90506

(C) A board of education that has requested notification 90507
under division (B) of this section may, with respect to any 90508
application for exemption of property located in the district and 90509
included in the commissioner's or auditor's most recent report 90510
provided under that division, file a statement with the 90511
commissioner or auditor and with the applicant indicating its 90512
intent to submit evidence and participate in any hearing on the 90513
application. The statements shall be filed prior to the first day 90514
of the third month following the end of the month in which that 90515
application was docketed by the commissioner or auditor. A 90516
statement filed in compliance with this division entitles the 90517
district to submit evidence and to participate in any hearing on 90518
the property and makes the district a party for purposes of 90519
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 90520
the commissioner's or auditor's decision to the board of tax 90521
appeals. 90522

(D) The commissioner or auditor shall not hold a hearing on 90523
or grant or deny an application for exemption of property in a 90524
school district whose board of education has requested 90525
notification under division (B) of this section until the end of 90526
the period within which the board may submit a statement with 90527
respect to that application under division (C) of this section. 90528
The commissioner or auditor may act upon an application at any 90529
time prior to that date upon receipt of a written waiver from each 90530
such board of education, or, in the case of exemptions authorized 90531
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 90532
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 90533
of the Revised Code, upon the request of the property owner. 90534

Failure of a board of education to receive the report required in 90535
division (B) of this section shall not void an action of the 90536
commissioner or auditor with respect to any application. The 90537
commissioner or auditor may extend the time for filing a statement 90538
under division (C) of this section. 90539

(E) A complaint may also be filed with the commissioner or 90540
auditor by any person, board, or officer authorized by section 90541
5715.19 of the Revised Code to file complaints with the county 90542
board of revision against the continued exemption of any property 90543
granted exemption by the commissioner or auditor under this 90544
section. 90545

(F) An application for exemption and a complaint against 90546
exemption shall be filed prior to the thirty-first day of December 90547
of the tax year for which exemption is requested or for which the 90548
liability of the property to taxation in that year is requested. 90549
The commissioner or auditor shall consider such application or 90550
complaint in accordance with procedures established by the 90551
commissioner, determine whether the property is subject to 90552
taxation or exempt therefrom, and, if the commissioner makes the 90553
determination, certify the determination to the auditor. Upon 90554
making the determination or receiving the commissioner's 90555
determination, the auditor shall correct the tax list and 90556
duplicate accordingly. If a tax certificate has been sold under 90557
section 5721.32 or 5721.33 of the Revised Code with respect to 90558
property for which an exemption has been requested, the tax 90559
commissioner or auditor shall also certify the findings to the 90560
county treasurer of the county in which the property is located. 90561

(G) Applications and complaints, and documents of any kind 90562
related to applications and complaints, filed with the tax 90563
commissioner or county auditor under this section are public 90564
records within the meaning of section 149.43 of the Revised Code. 90565

(H) If the commissioner or auditor determines that the use of 90566

property or other facts relevant to the taxability of property 90567
that is the subject of an application for exemption or a complaint 90568
under this section has changed while the application or complaint 90569
was pending, the commissioner or auditor may make the 90570
determination under division (F) of this section separately for 90571
each tax year beginning with the year in which the application or 90572
complaint was filed or the year for which remission of taxes under 90573
division (C) of section 5713.08 of the Revised Code was requested, 90574
and including each subsequent tax year during which the 90575
application or complaint is pending before the commissioner or 90576
auditor. 90577

Sec. 5715.39. (A) The tax commissioner may remit real 90578
property taxes, manufactured home taxes, penalties, and interest 90579
found by the commissioner to have been illegally assessed. The 90580
commissioner also may remit any penalty charged against any real 90581
property or manufactured or mobile home that was the subject of an 90582
application for exemption from taxation under section 5715.27 of 90583
the Revised Code if the commissioner determines that the applicant 90584
requested such exemption in good faith. The commissioner shall 90585
include notice of the remission in the commissioner's 90586
certification to the county auditor required under that section. 90587

(B) The county auditor, upon consultation with the county 90588
treasurer, shall remit a penalty for late payment of any real 90589
property taxes or manufactured home taxes when: 90590

(1) The taxpayer could not make timely payment of the tax 90591
because of the negligence or error of the county auditor or county 90592
treasurer in the performance of a statutory duty relating to the 90593
levy or collection of such tax. 90594

(2) In cases other than those described in division (B)(1) of 90595
this section, and except as provided in division (B)(5) of this 90596
section, the taxpayer failed to receive a tax bill or a correct 90597

tax bill, and the taxpayer made a good faith effort to obtain such 90598
bill within thirty days after the last day for payment of the tax. 90599

(3) The tax was not timely paid because of the death or 90600
serious injury of the taxpayer, or the taxpayer's confinement in a 90601
hospital within sixty days preceding the last day for payment of 90602
the tax if, in any case, the tax was subsequently paid within 90603
sixty days after the last day for payment of such tax. 90604

(4) The taxpayer demonstrates that the full payment was 90605
properly deposited in the mail in sufficient time for the envelope 90606
to be postmarked by the United States postal service on or before 90607
the last day for payment of such tax. A private meter postmark on 90608
an envelope is not a valid postmark for purposes of establishing 90609
the date of payment of such tax. 90610

(5) With respect to the first payment due after a taxpayer 90611
fully satisfies a mortgage against a parcel of real property, the 90612
mortgagee failed to notify the treasurer of the satisfaction of 90613
the mortgage, and the tax bill was not sent to the taxpayer. 90614

(C) If the auditor determines that remission is not required 90615
under division (B) of this section, the auditor shall present the 90616
application to the board of revision. The board of revision shall 90617
review the auditor's determination and remit a penalty for late 90618
payment of any real property taxes or manufactured homes taxes if, 90619
~~in cases other than those described in division~~ the board 90620
determines that any of divisions (B)(1) to (5) of this section, 90621
applies or if it determines that the taxpayer's failure to make 90622
timely payment of the tax is due to reasonable cause and not 90623
willful neglect. 90624

(D) ~~The taxpayer, upon application within sixty days after~~ 90625
~~the mailing of the county auditor's or board of revision's~~ 90626
~~decision, may request the tax commissioner to review the denial of~~ 90627
~~the remission of a penalty by the auditor or board.~~ The 90628

~~application may be filed in person or by certified mail. If the~~ 90629
~~application is filed by certified mail, the date of the United~~ 90630
~~States postmark placed on the sender's receipt by the postal~~ 90631
~~service shall be treated as the date of filing. The commissioner~~ 90632
~~shall consider the application, determine whether the penalty~~ 90633
~~should be remitted, and certify the determination to the taxpayer,~~ 90634
~~to the county treasurer, and to the county auditor, who shall~~ 90635
~~correct the tax list and duplicate accordingly. The commissioner~~ 90636
may issue orders and instructions for the uniform implementation 90637
of this section by all county boards of revision, county auditors, 90638
and county treasurers, and such orders and instructions shall be 90639
followed by such officers and boards. 90640

(E) This section shall not provide to the taxpayer any remedy 90641
with respect to any matter that the taxpayer may be authorized to 90642
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 90643
the Revised Code. 90644

~~(F) Applications for remission, and documents of any kind~~ 90645
~~related to those applications, filed with the tax commissioner~~ 90646
~~under this section are public records within the meaning of~~ 90647
~~section 149.43 of the Revised Code unless otherwise excepted under~~ 90648
~~that section.~~ 90649

Sec. 5717.01. An appeal from a decision of a county board of 90650
revision may be taken to the board of tax appeals within thirty 90651
days after notice of the decision of the county board of revision 90652
is mailed as provided in division (A) of section 5715.20 of the 90653
Revised Code. Such an appeal may be taken by the county auditor, 90654
the tax commissioner, or any board, legislative authority, public 90655
official, or taxpayer authorized by section 5715.19 of the Revised 90656
Code to file complaints against valuations or assessments with the 90657
auditor. Such appeal shall be taken by the filing of a notice of 90658
appeal, in person or by certified mail, express mail, facsimile 90659

transmission, electronic transmission, or by authorized delivery 90660
service, with the board of tax appeals and with the county board 90661
of revision. If notice of appeal is filed by certified mail, 90662
express mail, or authorized delivery service as provided in 90663
section 5703.056 of the Revised Code, the date of the United 90664
States postmark placed on the sender's receipt by the postal 90665
service or the date of receipt recorded by the authorized delivery 90666
service shall be treated as the date of filing. If notice of 90667
appeal is filed by facsimile transmission or electronic 90668
transmission, the date and time the notice is received by the 90669
board shall be the date and time reflected on a timestamp provided 90670
by the board's electronic system, and the appeal shall be 90671
considered filed with the board on the date reflected on that 90672
timestamp. Any timestamp provided by another computer system or 90673
electronic submission device shall not affect the time and date 90674
the notice is received by the board. Upon receipt of such notice 90675
of appeal such county board of revision shall by certified mail 90676
notify all persons thereof who were parties to the proceeding 90677
before such county board of revision, and shall file proof of such 90678
notice with the board of tax appeals. The county board of revision 90679
shall thereupon certify to the board of tax appeals a transcript 90680
of the record of the proceedings of the county board of revision 90681
pertaining to the original complaint, and all evidence offered in 90682
connection therewith. Such appeal may be heard by the board of tax 90683
appeals at its offices in Columbus or in the county where the 90684
property is listed for taxation, or the board of tax appeals may 90685
cause its examiners to conduct such hearing and to report to it 90686
their findings for affirmation or rejection. An appeal may proceed 90687
pursuant to section 5703.021 of the Revised Code on the small 90688
claims docket if the appeal qualifies under that section. 90689

The board of tax appeals may order the appeal to be heard on 90690
the record and the evidence certified to it by the county board of 90691
revision, or it may order the hearing of additional evidence, and 90692

it may make such investigation concerning the appeal as it deems 90693
proper. 90694

An attorney may not appear on behalf of a party to an appeal 90695
before the board of tax appeals under this section or division 90696
(B)(1) of section 5703.021 of the Revised Code unless the attorney 90697
certifies that the attorney is not compensated in whole or in part 90698
on a contingency basis for that appeal. 90699

Sec. 5725.33. (A) Except as otherwise provided in this 90700
section, terms used in this section have the same meaning as 90701
section 45D of the Internal Revenue Code, any related proposed, 90702
temporary, or final regulations promulgated under the Internal 90703
Revenue Code, any rules or guidance of the internal revenue 90704
service or the United States department of the treasury, and any 90705
related rules or guidance issued by the community development 90706
financial institutions fund of the United States department of the 90707
treasury, as such law, regulations, rules, and guidance exist on 90708
October 16, 2009. 90709

As used in this section: 90710

(1) "Adjusted purchase price" means the amount paid for the 90711
portion of a qualified equity investment approved or certified by 90712
the director of development services for a qualified community 90713
development entity in accordance with rules adopted under division 90714
(E) of this section. 90715

(2) "Applicable percentage" means zero per cent for each of 90716
the first two credit allowance dates, seven per cent for the third 90717
credit allowance date, and eight per cent for the four following 90718
credit allowance dates. 90719

(3) "Credit allowance date" means the date, on or after 90720
January 1, 2010, a qualified equity investment is made and each of 90721
the six anniversary dates thereafter. For qualified equity 90722

investments made after October 16, 2009, but before January 1, 90723
2010, the initial credit allowance date is January 1, 2010, and 90724
each of the six anniversary dates thereafter is on the first day 90725
of January of each year. 90726

(4) "Qualified community development entity" includes only 90727
entities: 90728

(a) That have entered into an allocation agreement with the 90729
community development financial institutions fund of the United 90730
States department of the treasury with respect to credits 90731
authorized by section 45D of the Internal Revenue Code; 90732

(b) Whose service area includes any portion of this state; 90733
and 90734

(c) That will designate an equity investment in such entities 90735
as a qualified equity investment for purposes of both section 45D 90736
of the Internal Revenue Code and this section. 90737

(5) "Qualified equity investment" is limited to an equity 90738
investment in a qualified community development entity that: 90739

(a) Is acquired after October 16, 2009, at its original 90740
issuance solely in exchange for cash; 90741

(b) Has at least eighty-five per cent of its cash purchase 90742
price used by the qualified community development entity to make 90743
qualified low-income community investments in qualified active 90744
low-income community businesses in this state, provided that in 90745
the seventh year after a qualified equity investment is made, only 90746
seventy-five per cent of such cash purchase price must be used by 90747
the qualified community development entity to make qualified 90748
low-income community investments in those businesses; and 90749

(c) Is designated by the issuer as a qualified equity 90750
investment. 90751

"Qualified equity investment" includes any equity investment 90752

that would, but for division (A)(5)(a) of this section, be a 90753
qualified equity investment in the hands of the taxpayer if such 90754
investment was a qualified equity investment in the hands of a 90755
prior holder. 90756

(B) There is hereby allowed a nonrefundable credit against 90757
the tax imposed by section 5725.18 of the Revised Code for an 90758
insurance company holding a qualified equity investment on the 90759
credit allowance date occurring in the calendar year for which the 90760
tax is due. The credit shall equal the applicable percentage of 90761
the adjusted purchase price, subject to divisions (B)(1) and (2) 90762
of this section: 90763

(1) For the purpose of calculating the amount of qualified 90764
low-income community investments held by a qualified community 90765
development entity, an investment shall be considered held by a 90766
qualified community development entity even if the investment has 90767
been sold or repaid, provided that, at any time before the seventh 90768
anniversary of the issuance of the qualified equity investment, 90769
the qualified community development entity reinvests an amount 90770
equal to the capital returned to or received or recovered by the 90771
qualified community development entity from the original 90772
investment, exclusive of any profits realized and costs incurred 90773
in the sale or repayment, in another qualified low-income 90774
community investment in this state within twelve months of the 90775
receipt of such capital. If the qualified low-income community 90776
investment is sold or repaid after the sixth anniversary of the 90777
issuance of the qualified equity investment, the qualified 90778
low-income community investment shall be considered held by the 90779
qualified community development entity through the seventh 90780
anniversary of the qualified equity investment's issuance. 90781

(2) The qualified low-income community investment made in 90782
this state shall equal the sum of the qualified low-income 90783
community investments in each qualified active low-income 90784

community business in this state, not to exceed two million five hundred sixty-four thousand dollars, in which the qualified community development entity invests, including such investments in any such businesses in this state related to that qualified active low-income community business through majority ownership or control.

The credit shall be claimed in the order prescribed by section 5725.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing years.

By claiming a tax credit under this section, an insurance company waives its rights under section 5725.222 of the Revised Code with respect to the time limitation for the assessment of taxes as it relates to credits claimed that later become subject to recapture under division (E) of this section.

~~(C) The amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed the amount, estimated by the director of development, that would cause the total amount of credits allowed each fiscal year to exceed ten million dollars, computed without regard to the potential for taxpayers to carry tax credits forward to later years~~ The aggregate amount of credit allocations made by the director of development services under this section and sections 5726.54, 5729.16, and 5733.58 of the Revised Code each fiscal year shall not exceed ten million dollars.

(D) If any amount of the federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development services determines that an investment for which a tax credit is claimed

under this section is not a qualified equity investment or that 90817
the proceeds of an investment for which a tax credit is claimed 90818
under this section are used to make qualified low-income community 90819
investments other than in a qualified active low-income community 90820
business in this state, all or a portion of the credit received on 90821
account of that investment shall be paid by the insurance company 90822
that received the credit to the superintendent of insurance. The 90823
amount to be recovered shall be determined by the director of 90824
development services pursuant to rules adopted under division (E) 90825
of this section. The director shall certify any amount due under 90826
this division to the superintendent of insurance, and the 90827
superintendent shall notify the treasurer of state of the amount 90828
due. Upon notification, the treasurer shall invoice the insurance 90829
company for the amount due. The amount due is payable not later 90830
than thirty days after the date the treasurer invoices the 90831
insurance company. The amount due shall be considered to be tax 90832
due under section 5725.18 of the Revised Code, and may be 90833
collected by assessment without regard to the time limitations 90834
imposed under section 5725.222 of the Revised Code for the 90835
assessment of taxes by the superintendent. All amounts collected 90836
under this division shall be credited as revenue from the tax 90837
levied under section 5725.18 of the Revised Code. 90838

(E) The tax credits authorized under this section and 90839
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 90840
be administered by the development services agency. The director 90841
of development services, in consultation with the tax commissioner 90842
and the superintendent of insurance, pursuant to Chapter 119. of 90843
the Revised Code, shall adopt rules for the administration of this 90844
section and sections 5726.54, 5729.16, and 5733.58 of the Revised 90845
Code. The rules shall provide for determining the recovery of 90846
credits under division (D) of this section and under sections 90847
5726.54, 5729.16, and 5733.58 of the Revised Code, including 90848
prorating the amount of the credit to be recovered on any 90849

reasonable basis, the manner in which credits may be allocated 90850
among claimants, and the amount of any application or other fees 90851
to be charged in connection with a recovery. 90852

(F) ~~There is hereby created in the state treasury the new~~ 90853
~~markets tax credit operating fund.~~ The director of development 90854
services is authorized to charge reasonable application and other 90855
fees in connection with the administration of tax credits 90856
authorized by this section and sections 5726.54, 5729.16, and 90857
5733.58 of the Revised Code. Any such fees collected shall be 90858
credited to the tax incentives operating fund created in section 90859
122.174 of the Revised Code. ~~The director of development services~~ 90860
~~shall use money in the fund to pay expenses related to the~~ 90861
~~administration of tax credits authorized under sections 5725.33,~~ 90862
~~5726.54, 5729.16, and 5733.58 of the Revised Code.~~ 90863

(G) Tax credits earned or allocated to a pass-through entity, 90864
as that term is defined in section 5733.04 of the Revised Code, 90865
under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised 90866
Code may be allocated to persons having a direct or indirect 90867
ownership interest in the pass-through entity for such persons' 90868
direct use in accordance with the provisions of any mutual 90869
agreement between such persons. 90870

Sec. 5725.98. (A) To provide a uniform procedure for 90871
calculating the amount of tax imposed by section 5725.18 of the 90872
Revised Code that is due under this chapter, a taxpayer shall 90873
claim any credits and offsets against tax liability to which it is 90874
entitled in the following order: 90875

(1) The credit for an insurance company or insurance company 90876
group under section 5729.031 of the Revised Code; 90877

(2) The credit for eligible employee training costs under 90878
section 5725.31 of the Revised Code; 90879

(3) The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;	90880 90881
(4) The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code;	90882 90883
(5) <u>The nonrefundable credit for investments in rural business and high-growth industry funds under section 122.152 of the Revised Code;</u>	90884 90885 90886
(6) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;	90887 90888 90889
(6) (7) The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code.	90890 90891
(7) (8) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before <u>September 29, 2015</u> , the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	90892 90893 90894 90895 90896
(8) (9) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;	90897 90898
(9) (10) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	90899 90900 90901 90902
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or	90903 90904 90905 90906 90907 90908 90909

indirectly, a credit more than once for a taxable year. 90910

Sec. 5726.98. (A) To provide a uniform procedure for 90911
calculating the amount of tax due under section 5726.02 of the 90912
Revised Code, a taxpayer shall claim any credits to which the 90913
taxpayer is entitled under this chapter in the following order: 90914

(1) The nonrefundable job retention credit under division (B) 90915
of section 5726.50 of the Revised Code; 90916

(2) The nonrefundable credit for purchases of qualified 90917
low-income community investments under section 5726.54 of the 90918
Revised Code; 90919

(3) The nonrefundable credit for qualified research expenses 90920
under section 5726.56 of the Revised Code; 90921

(4) The nonrefundable credit for qualifying dealer in 90922
intangibles taxes under section 5726.57 of the Revised Code; 90923

(5) The refundable credit for rehabilitating an historic 90924
building under section 5726.52 of the Revised Code; 90925

(6) The nonrefundable credit for investments in rural 90926
business and high-growth industry funds under section 122.152 of 90927
the Revised Code; 90928

(7) The refundable job retention or job creation credit under 90929
division (A) of section 5726.50 of the Revised Code; 90930

~~(7)~~(8) The refundable credit under section 5726.53 of the 90931
Revised Code for losses on loans made under the Ohio venture 90932
capital program under sections 150.01 to 150.10 of the Revised 90933
Code; 90934

~~(8)~~(9) The refundable motion picture production credit under 90935
section 5726.55 of the Revised Code. 90936

(B) For any credit except the refundable credits enumerated 90937
in this section, the amount of the credit for a taxable year shall 90938

not exceed the tax due after allowing for any other credit that 90939
precedes it in the order required under this section. Any excess 90940
amount of a particular credit may be carried forward if authorized 90941
under the section creating that credit. Nothing in this chapter 90942
shall be construed to allow a taxpayer to claim, directly or 90943
indirectly, a credit more than once for a taxable year. 90944

Sec. 5727.26. (A) The tax commissioner may make an 90945
assessment, based on any information in the commissioner's 90946
possession, against any natural gas company or combined company 90947
that fails to file a return or pay any tax, interest, or 90948
additional charge as required by sections 5727.24 to 5727.29 of 90949
the Revised Code. The commissioner shall give the company assessed 90950
written notice of the assessment as provided in section 5703.37 of 90951
the Revised Code. With the notice, the commissioner shall provide 90952
instructions on how to petition for reassessment and request a 90953
hearing on the petition. A penalty of up to fifteen per cent may 90954
be added to all amounts assessed under this section. The tax 90955
commissioner may adopt rules providing for the imposition and 90956
remission of the penalty. 90957

(B) Unless the company assessed, within sixty days after 90958
service of the notice of assessment, files with the tax 90959
commissioner, either personally or by certified mail, a written 90960
petition signed by the company's authorized agent having knowledge 90961
of the facts, the assessment becomes final, and the amount of the 90962
assessment is due and payable from the company assessed to the 90963
~~treasurer of state~~ commissioner. The petition shall indicate the 90964
objections of the company assessed, but additional objections may 90965
be raised in writing if received by the commissioner prior to the 90966
date shown on the final determination. 90967

If a petition for reassessment has been properly filed, the 90968
commissioner shall proceed under section 5703.60 of the Revised 90969

Code. 90970

(C) After an assessment becomes final, if any portion of the 90971
assessment, including accrued interest, remains unpaid, a 90972
certified copy of the tax commissioner's entry making the 90973
assessment final may be filed in the office of the clerk of the 90974
court of common pleas in the county in which the natural gas 90975
company's or combined company's principal place of business is 90976
located, or in the office of the clerk of court of common pleas of 90977
Franklin county. 90978

Immediately on the filing of the entry, the clerk shall enter 90979
judgment for the state against the company assessed in the amount 90980
shown on the entry. The judgment may be filed by the clerk in a 90981
loose-leaf book entitled, "special judgments for the public 90982
utility excise tax on natural gas and combined companies," and 90983
shall have the same effect as other judgments. Execution shall 90984
issue upon the judgment at the request of the tax commissioner, 90985
and all laws applicable to sales on execution shall apply to sales 90986
made under the judgment. 90987

If the assessment is not paid in its entirety within sixty 90988
days after the day the assessment was issued, the portion of the 90989
assessment consisting of tax due shall bear interest at the rate 90990
per annum prescribed by section 5703.47 of the Revised Code from 90991
the day the tax commissioner issues the assessment until it is 90992
paid or until it is certified to the attorney general for 90993
collection under section 131.02 of the Revised Code, whichever 90994
comes first. If the unpaid portion of the assessment is certified 90995
to the attorney general for collection, the entire unpaid portion 90996
of the assessment shall bear interest at the rate per annum 90997
prescribed by section 5703.47 of the Revised Code from the date of 90998
certification until the date it is paid in its entirety. Interest 90999
shall be paid in the same manner as the tax and may be collected 91000
by the issuance of an assessment under this section. 91001

(D) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the company liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the company assessed or the company's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the company assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(E) The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner receives under this section, and such amounts shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code.

(F) No assessment shall be made or issued against a natural gas company or combined company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later.

Sec. 5727.28. (A) The ~~treasurer of state~~ tax commissioner shall refund to a natural gas company or combined company subject

to the tax imposed by section 5727.24 of the Revised Code, the 91033
amount of tax paid illegally or erroneously, or paid on an illegal 91034
or erroneous assessment. Applications for a refund shall be filed 91035
with the tax commissioner, on a form prescribed by the 91036
commissioner, within four years of the illegal or erroneous 91037
payment of the tax. 91038

On the filing of the application, the commissioner shall 91039
determine the amount of refund to which the applicant is entitled. 91040
If the amount is not less than that claimed, the commissioner 91041
shall ~~certify the amount to~~ notify the director of budget and 91042
management and ~~treasurer of state for payment~~ issue the refund 91043
from the tax refund fund under section 5703.052 of the Revised 91044
Code. If the amount is less than that claimed, the commissioner 91045
shall proceed in accordance with section 5703.70 of the Revised 91046
Code. 91047

If the application for refund is for taxes paid on an illegal 91048
or erroneous assessment, the commissioner shall include in the 91049
certified amount interest calculated at the rate per annum 91050
prescribed by section 5703.47 of the Revised Code from the date of 91051
overpayment to the date of the commissioner's certification. 91052

(B) If a natural gas company or combined company entitled to 91053
a refund of taxes under this section, or section 5703.70 of the 91054
Revised Code, is indebted to the state for any tax or fee 91055
administered by the tax commissioner that is paid to the state, or 91056
any charge, penalty, or interest arising from such a tax or fee, 91057
the amount refundable may be applied in satisfaction of that debt. 91058
If the amount refundable is less than the amount of the debt, it 91059
may be applied in partial satisfaction of the debt. If the amount 91060
refundable is greater than the amount of the debt, the amount 91061
remaining after satisfaction of the debt shall be refunded. 91062

(C) In lieu of granting a refund under division (A) or (B) of 91063
this section, the tax commissioner may allow a natural gas company 91064

or combined company to claim a credit of the amount of the tax 91065
refund on the return for the period during which the tax became 91066
refundable. The commissioner may require the company to submit 91067
information to support a claim for a credit under this division, 91068
and the commissioner may disallow the credit if the information is 91069
not provided. 91070

Sec. 5727.31. (A) Each public utility subject to the excise 91071
tax imposed by section 5727.30 of the Revised Code, annually, on 91072
or before the first day of August, shall file with the tax 91073
commissioner a statement in such form as the commissioner 91074
prescribes and shall pay any amount due. 91075

(B)(1) Annually, on or before the fifteenth day of October of 91076
the current year, each public utility whose estimated excise taxes 91077
for the current year as based upon the statement required to be 91078
filed in that year by division (A) of this section are one 91079
thousand dollars or more shall file with the ~~treasurer of state~~ 91080
commissioner a report, in such form as the ~~tax~~ commissioner 91081
prescribes, showing the amount of excise tax estimated to be 91082
charged or levied pursuant to law for the current year upon the 91083
basis of such annual statement, and shall remit a portion of the 91084
estimated excise taxes shown to be due by the report. The portion 91085
of the estimated excise taxes due at the time the report is filed 91086
shall be one-third of its total excise taxes estimated to be 91087
charged or levied for the current year based upon the annual 91088
statement filed under division (A) of this section. 91089

(2) Annually, on or before the first day of March and June, 91090
each public utility whose excise taxes as based upon its last 91091
preceding annual statement filed under division (A) of this 91092
section prior to the first day of January were one thousand 91093
dollars or more shall file with the ~~treasurer of state~~ 91094
commissioner a report, in such form as the ~~tax~~ commissioner 91095

prescribes, showing the amount of excise tax charged or levied 91096
pursuant to law upon the basis of such annual statement, and shall 91097
remit a portion of the excise taxes shown to be due by each such 91098
report. The portion of the excise taxes due at the time each such 91099
report is filed shall be one-third of its total excise taxes so 91100
charged or levied based upon such annual statement. 91101

(C) Any public utility subject to the excise taxes imposed by 91102
section 5727.30 of the Revised Code whose tax as certified under 91103
section 5727.38 of the Revised Code in a year equals or exceeds 91104
the amount specified for that year in section 5727.311 of the 91105
Revised Code shall make the payments required under this section 91106
in the second ensuing and each succeeding year in the manner 91107
prescribed by section 5727.311 of the Revised Code, except as 91108
otherwise prescribed by that section. 91109

(D)(1) For purposes of this section, a report required to be 91110
filed under division (B) of this section is considered filed when 91111
it is received by the ~~treasurer of state~~ tax commissioner. 91112

(2) For purposes of this section and sections 5727.311 and 91113
5727.42 of the Revised Code, remittance of an excise tax required 91114
to be made under this section is considered to be made when the 91115
remittance is received by the treasurer of state or tax 91116
commissioner, or when credited to an account designated by the 91117
treasurer of state for the receipt of tax remittances. 91118

Sec. 5727.311. (A) Any public utility subject to an excise 91119
tax imposed by section 5727.30 of the Revised Code whose tax ~~as~~ 91120
~~certified by the tax commissioner under section 5727.38 of the~~ 91121
~~Revised Code~~ equals or exceeds fifty thousand dollars shall make 91122
each payment required under division (B) of section 5727.31 of the 91123
Revised Code for the second ensuing and each succeeding year by 91124
electronic funds transfer as prescribed by division (C) of this 91125
section. 91126

If the tax ~~certified by the tax commissioner~~ in each of two 91127
consecutive years is less than fifty thousand dollars, the public 91128
utility is relieved of the requirement to remit taxes by 91129
electronic funds transfer for the year that next follows the 91130
second of the consecutive years in which the tax certified is less 91131
than fifty thousand dollars, and is relieved of that requirement 91132
for each succeeding year unless the tax ~~certified~~ in a subsequent 91133
year equals or exceeds fifty thousand dollars. 91134

(B) The tax commissioner shall notify each public utility 91135
required by this section or section 5727.25 of the Revised Code to 91136
remit taxes by electronic funds transfer of the public utility's 91137
obligation to do so, and shall maintain an updated list of those 91138
public utilities, ~~and shall timely certify the list and any~~ 91139
~~additions thereto or deletions therefrom to the treasurer of~~ 91140
~~state.~~ Failure by the tax commissioner to notify a public utility 91141
subject to this section to remit taxes by electronic funds 91142
transfer does not relieve the public utility of its obligation to 91143
remit taxes by electronic funds transfer. 91144

(C) Public utilities required by this section or section 91145
5727.25 of the Revised Code to remit periodic payments by 91146
electronic funds transfer shall remit such payments to the 91147
treasurer of state in the manner prescribed by rules adopted by 91148
the treasurer of state under section 113.061 of the Revised Code. 91149
The payment of public utility excise taxes by electronic funds 91150
transfer does not affect a public utility's obligation to file the 91151
annual statement and periodic reports in the manner and at the 91152
times prescribed by section 5727.31 of the Revised Code. 91153

A public utility required by this section or section 5727.25 91154
of the Revised Code to remit taxes by electronic funds transfer 91155
may apply to the ~~treasurer of state~~ tax commissioner in the manner 91156
prescribed by the ~~treasurer of state~~ commissioner to be excused 91157
from that requirement. The ~~treasurer of state~~ commissioner may 91158

excuse the public utility from remittance by electronic funds 91159
transfer for good cause shown for the period of time requested by 91160
the public utility or for a portion of that period. The ~~treasurer~~ 91161
~~of state~~ commissioner shall notify the ~~tax commissioner~~ and the 91162
public utility of the ~~treasurer of state's~~ commissioner's decision 91163
as soon as is practicable. 91164

(D) If a public utility required by this section or section 91165
5727.25 of the Revised Code to remit taxes by electronic funds 91166
transfer remits those taxes by some means other than by electronic 91167
funds transfer as prescribed by this section and the rules adopted 91168
by the treasurer of state, and the ~~treasurer of state~~ tax 91169
commissioner determines that the failure to remit taxes as 91170
required was not due to reasonable cause or was due to willful 91171
neglect, the ~~treasurer of state~~ commissioner may impose an 91172
additional charge on the public utility equal to five per cent of 91173
the amount of the taxes required to be paid by electronic funds 91174
transfer, but not to exceed five thousand dollars. Any additional 91175
charge imposed under this section is in addition to any other 91176
penalty or charge imposed under this chapter, and shall be 91177
considered as revenue arising from excise taxes imposed by this 91178
chapter. 91179

No additional charge shall be assessed under this division 91180
against a public utility that has been notified of its obligation 91181
to remit taxes under this section and that remits its first two 91182
tax payments after such notification by some means other than 91183
electronic funds transfer. The additional charge may be assessed 91184
upon the remittance of any subsequent tax payment that the public 91185
utility remits by some means other than electronic funds transfer. 91186

Sec. 5727.38. On or before the first Monday of November, 91187
annually, the tax commissioner ~~shall~~ may assess an excise tax 91188
against ~~each~~ a public utility subject to the excise tax under 91189

section 5727.30 of the Revised Code. The tax shall be computed by 91190
multiplying the taxable gross receipts as determined by the 91191
commissioner under section 5727.33 of the Revised Code by six and 91192
three-fourths per cent in the case of pipe-line companies, and 91193
four and three-fourths per cent in the case of all other 91194
companies. The minimum tax for any such company for owning 91195
property or doing business in this state shall be fifty dollars. 91196
The assessment shall be ~~certified~~ mailed to the taxpayer and 91197
~~treasurer of state.~~ 91198

Sec. 5727.42. (A) The treasurer of state shall ~~maintain a~~ 91199
~~list of all taxes levied and payments made pursuant to the annual~~ 91200
notify the tax commissioner of any payment of the excise tax 91201
imposed by section 5727.30 of the Revised Code. The ~~treasurer of~~ 91202
state commissioner shall collect and the taxpayer shall pay all 91203
taxes and any penalties thereon. Payments of the tax may be made 91204
by mail, in person, by electronic funds transfer if required to do 91205
so by section 5727.311 of the Revised Code, or by any other means 91206
authorized by the ~~treasurer of state~~ commissioner. The ~~treasurer~~ 91207
~~of state~~ commissioner may adopt rules concerning the methods and 91208
timeliness of payment. 91209

(B) Each tax ~~bill~~ assessment issued pursuant to this section 91210
shall separately reflect the taxes and any penalty due, ~~due date,~~ 91211
and any other information considered necessary. ~~The last day on~~ 91212
~~which payment may be made without penalty shall be at least twenty~~ 91213
~~but not more than thirty days from the date of mailing the tax~~ 91214
~~bill.~~ The ~~treasurer of state~~ commissioner shall mail the ~~tax bill~~ 91215
assessment to the taxpayer, and the mailing of it shall be 91216
prima-facie evidence of receipt thereof by the taxpayer. 91217

(C) The ~~treasurer of state~~ commissioner shall refund taxes 91218
levied and payments made for the tax imposed by section 5727.30 of 91219
the Revised Code as provided in this section, but no refund shall 91220

be made to a taxpayer having a delinquent claim certified pursuant 91221
to this section that remains unpaid. The ~~treasurer of state~~ 91222
commissioner may consult the attorney general regarding such 91223
claims. 91224

(D) ~~Within twenty days after receipt of~~ After receiving any 91225
excise tax ~~assessment certified to the treasurer of state~~ annual 91226
statement for the tax imposed by section 5727.30 of the Revised 91227
Code, the ~~treasurer of state~~ commissioner shall: 91228

(1) Ascertain the difference between the total taxes ~~shown on~~ 91229
~~such assessment~~ owed and the sum of all ~~estimated~~ payments, 91230
~~exclusive of any penalties thereon, previously~~ made for that year. 91231

(2) If the difference is a deficiency, the ~~treasurer of state~~ 91232
commissioner shall issue a ~~tax bill~~ an assessment. 91233

(3) If the difference is an excess, the ~~treasurer of state~~ 91234
commissioner shall ~~certify the name of the taxpayer and the amount~~ 91235
~~to be refunded to~~ notify the director of budget and management ~~for~~ 91236
~~payment and issue a refund of that amount~~ to the taxpayer. If the 91237
amount of the refund is less than that claimed by the taxpayer, 91238
the taxpayer, within sixty days of the issuance of the refund, may 91239
provide to the commissioner additional information to support the 91240
claim or may request a hearing. Upon receiving such information or 91241
request within that time, the commissioner shall follow the same 91242
procedures set forth in divisions (C) and (D) of section 5703.70 91243
of the Revised Code for the determination of refund applications. 91244

If the taxpayer has a deficiency for one tax year and an 91245
excess for another tax year, or any combination thereof for more 91246
than two years, the ~~treasurer of state~~ commissioner may determine 91247
the net result and, depending on such result, proceed to ~~mail a~~ 91248
~~tax bill~~ issue an assessment or certify a refund. 91249

(E) If a taxpayer fails to pay all the amount of taxes ~~on or~~ 91250
~~before the due date shown on the tax bill~~ required to be paid, or 91251

fails to make an estimated payment on or before the due date 91252
prescribed in division (B) of section 5727.31 of the Revised Code, 91253
~~but makes payment within ten calendar days of such date, the~~ 91254
~~treasurer of state shall add a penalty equal to five per cent of~~ 91255
~~the amount that should have been timely paid. If payment is not~~ 91256
~~made within ten days of such date, the treasurer of state shall~~ 91257
~~add a penalty equal to fifteen per cent of the amount that should~~ 91258
~~have been timely paid. The treasurer of state shall prepare a~~ 91259
~~delinquent claim for each tax bill on which penalties were added~~ 91260
~~and certify such claims to the attorney general and tax~~ 91261
~~commissioner. The the commissioner shall impose a penalty in the~~ 91262
~~amount of fifteen per cent of the unpaid amount, and the~~ 91263
~~commissioner shall issue an assessment for the unpaid amount and~~ 91264
~~penalty. Unless a timely petition for reassessment is filed under~~ 91265
~~section 5727.47 of the Revised Code, the~~ attorney general shall 91266
proceed to collect the delinquent taxes and penalties thereon in 91267
the manner prescribed by law and notify the ~~treasurer of state and~~ 91268
~~tax~~ commissioner of all collections. 91269

Sec. 5727.47. (A) Notice of each assessment certified or 91270
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 91271
shall be mailed to the public utility, and its mailing shall be 91272
prima-facie evidence of its receipt by the public utility to which 91273
it is addressed. With the notice, the tax commissioner shall 91274
provide instructions on how to petition for reassessment and 91275
request a hearing on the petition. If a public utility objects to 91276
~~any such an~~ assessment ~~certified to it pursuant to such sections,~~ 91277
it may file with the commissioner, either personally or by 91278
certified mail, within sixty days after the mailing of the notice 91279
of assessment a written petition for reassessment signed by the 91280
utility's authorized agent having knowledge of the facts. The date 91281
the commissioner receives the petition shall be considered the 91282
date of filing. The petition shall indicate the utility's 91283

objections, but additional objections may be raised in writing if 91284
received by the commissioner prior to the date shown on the final 91285
determination. 91286

In the case of a petition seeking a reduction in taxable 91287
value filed with respect to an assessment ~~issued~~ certified under 91288
section 5727.23 of the Revised Code, the petitioner shall state in 91289
the petition the total amount of reduction in taxable value sought 91290
by the petitioner. If the petitioner objects to the percentage of 91291
true value at which taxable property is assessed by the 91292
commissioner, the petitioner shall state in the petition the total 91293
amount of reduction in taxable value sought both with and without 91294
regard to the objection pertaining to the percentage of true value 91295
at which its taxable property is assessed. If a petitioner objects 91296
to the commissioner's apportionment of the taxable value of the 91297
petitioner's taxable property, the petitioner shall distinctly 91298
state in the petition that the petitioner objects to the 91299
commissioner's apportionment, and, within forty-five days after 91300
filing the petition for reassessment, shall submit the 91301
petitioner's proposed apportionment of the taxable value of its 91302
taxable property among taxing districts. If a petitioner that 91303
objects to the commissioner's apportionment fails to state its 91304
objections to that apportionment in its petition for reassessment 91305
or fails to submit its proposed apportionment within forty-five 91306
days after filing the petition for reassessment, the commissioner 91307
shall dismiss the petitioner's objection to the commissioner's 91308
apportionment, and the taxable value of the petitioner's taxable 91309
property, subject to any adjustment to taxable value pursuant to 91310
the petition or appeal, shall be apportioned in the manner used by 91311
the commissioner in the preliminary or amended preliminary 91312
assessment ~~issued~~ certified under section 5727.23 of the Revised 91313
Code. 91314

If an additional objection seeking a reduction in taxable 91315

value in excess of the reduction stated in the original petition 91316
is properly and timely raised with respect to an assessment issued 91317
under section 5727.23 of the Revised Code, the petitioner shall 91318
state the total amount of the reduction in taxable value sought in 91319
the additional objection both with and without regard to any 91320
reduction in taxable value pertaining to the percentage of true 91321
value at which taxable property is assessed. If a petitioner fails 91322
to state the reduction in taxable value sought in the original 91323
petition or in additional objections properly raised after the 91324
petition is filed, the commissioner shall notify the petitioner of 91325
the failure by certified mail. If the petitioner fails to notify 91326
the commissioner in writing of the reduction in taxable value 91327
sought in the petition or in an additional objection within thirty 91328
days after receiving the commissioner's notice, the commissioner 91329
shall dismiss the petition or the additional objection in which 91330
that reduction is sought. 91331

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 91332
public utility filing a petition for reassessment regarding an 91333
assessment certified or issued under section 5727.23 or 5727.38 of 91334
the Revised Code shall pay the tax with respect to the assessment 91335
objected to as required by law. The acceptance of any tax payment 91336
by the treasurer of state, tax commissioner, or any county 91337
treasurer shall not prejudice any claim for taxes on final 91338
determination by the commissioner or final decision by the board 91339
of tax appeals or any court. 91340

(2) If a public utility properly and timely files a petition 91341
for reassessment regarding an assessment ~~issued~~ certified under 91342
section 5727.23 of the Revised Code, the petitioner shall pay the 91343
tax as prescribed by divisions (B)(2)(a), (b), and (c) of this 91344
section: 91345

(a) If the petitioner does not object to the commissioner's 91346
apportionment of the taxable value of the petitioner's taxable 91347

property, the petitioner is not required to pay the part of the 91348
tax otherwise due on the taxable value that the petitioner seeks 91349
to have reduced, subject to division (B)(2)(c) of this section. 91350

(b) If the petitioner objects to the commissioner's 91351
apportionment of the taxable value of the petitioner's taxable 91352
property, the petitioner is not required to pay the tax otherwise 91353
due on the part of the taxable value apportioned to any taxing 91354
district that the petitioner objects to, subject to division 91355
(B)(2)(c) of this section. If, pursuant to division (A) of this 91356
section, the petitioner has, in a proper and timely manner, 91357
apportioned taxable value to a taxing district to which the 91358
commissioner did not apportion the petitioner's taxable value, the 91359
petitioner shall pay the tax due on the taxable value that the 91360
petitioner has apportioned to the taxing district, subject to 91361
division (B)(2)(c) of this section. 91362

(c) If a petitioner objects to the percentage of true value 91363
at which taxable property is assessed by the commissioner, the 91364
petitioner shall pay the tax due on the basis of the percentage of 91365
true value at which the public utility's taxable property is 91366
assessed by the commissioner. In any case, the petitioner's 91367
payment of tax shall not be less than the amount of tax due based 91368
on the taxable value reflected on the last appeal notice issued by 91369
the commissioner under division (C) of this section. Until the 91370
county auditor receives notification under division (E) of this 91371
section and proceeds under section 5727.471 of the Revised Code to 91372
issue any refund that is found to be due, the county auditor shall 91373
not issue a refund for any increase in the reduction in taxable 91374
value that is sought by a petitioner later than forty-five days 91375
after the petitioner files the original petition as required under 91376
division (A) of this section. 91377

(3) Any part of the tax that, under division (B)(2)(a) or (b) 91378
of this section, is not paid shall be collected upon receipt of 91379

the notification as provided in section 5727.471 of the Revised Code with interest thereon computed in the same manner as interest is computed under division (E) of section 5715.19 of the Revised Code, subject to any correction of the assessment by the commissioner under division (E) of this section or the final judgment of the board of tax appeals or a court to which the board's final judgment is appealed. The penalty imposed under section 323.121 of the Revised Code shall apply only to the unpaid portion of the tax if the petitioner's tax payment is less than the amount of tax due based on the taxable value reflected on the last appeal notice issued by the commissioner under division (C) of this section.

(C) Upon receipt of a properly filed petition for reassessment with respect to an assessment certified under section 5727.23 of the Revised Code, the tax commissioner shall notify the treasurer of state or the auditor of each county to which the assessment objected to has been certified. In the case of a petition with respect to an assessment ~~issued~~ certified under section 5727.23 of the Revised Code, the commissioner shall issue an appeal notice within thirty days after receiving the amount of the taxable value reduction and apportionment changes sought by the petitioner in the original petition or in any additional objections properly and timely raised by the petitioner. The appeal notice shall indicate the amount of the reduction in taxable value sought in the petition or in the additional objections and the extent to which the reduction in taxable value and any change in apportionment requested by the petitioner would affect the commissioner's apportionment of the taxable value among taxing districts in the county as shown in the assessment. If a petitioner is seeking a reduction in taxable value on the basis of a lower percentage of true value than the percentage at which the commissioner assessed the petitioner's taxable property, the appeal notice shall indicate the reduction in taxable value sought

by the petitioner without regard to the reduction sought on the 91413
basis of the lower percentage and shall indicate that the 91414
petitioner is required to pay tax on the reduced taxable value 91415
determined without regard to the reduction sought on the basis of 91416
a lower percentage of true value, as provided under division 91417
(B)(2)(c) of this section. The appeal notice shall include a 91418
statement that the reduced taxable value and the apportionment 91419
indicated in the notice are not final and are subject to 91420
adjustment by the commissioner or by the board of tax appeals or a 91421
court on appeal. If the commissioner finds an error in the appeal 91422
notice, the commissioner may amend the notice, but the notice is 91423
only for informational and tax payment purposes; the notice is not 91424
subject to appeal by any person. The commissioner also shall mail 91425
a copy of the appeal notice to the petitioner. Upon the request of 91426
a taxing authority, the county auditor may disclose to the taxing 91427
authority the extent to which a reduction in taxable value sought 91428
by a petitioner would affect the apportionment of taxable value to 91429
the taxing district or districts under the taxing authority's 91430
jurisdiction, but such a disclosure does not constitute a notice 91431
required by law to be given for the purpose of section 5717.02 of 91432
the Revised Code. 91433

(D) If the petitioner requests a hearing on the petition, the 91434
tax commissioner shall assign a time and place for the hearing on 91435
the petition and notify the petitioner of such time and place, but 91436
the commissioner may continue the hearing from time to time as 91437
necessary. 91438

(E) The tax commissioner may make corrections to the 91439
assessment as the commissioner finds proper. The commissioner 91440
shall serve a copy of the commissioner's final determination on 91441
the petitioner in the manner provided in section 5703.37 of the 91442
Revised Code. The commissioner's decision in the matter shall be 91443
final, subject to appeal under section 5717.02 of the Revised 91444

Code. ~~The~~ With respect to a final determination issued for an 91445
assessment certified under section 5727.23 of the Revised Code, 91446
the commissioner also shall transmit a copy of the final 91447
determination to the ~~treasurer of state or~~ applicable county 91448
auditor. In the absence of any further appeal, or when a decision 91449
of the board of tax appeals or of any court to which the decision 91450
has been appealed becomes final, the commissioner shall notify the 91451
public utility and, as appropriate, ~~the treasurer of state who~~ 91452
shall proceed under section 5727.42 of the Revised Code, or notify 91453
the applicable county auditor, who shall proceed under section 91454
5727.471 of the Revised Code. 91455

The notification made under this division is not subject to 91456
further appeal. 91457

(F) On appeal, no adjustment shall be made in the tax 91458
commissioner's assessment ~~issued~~ certified under section 5727.23 91459
of the Revised Code that reduces the taxable value of a 91460
petitioner's taxable property by an amount that exceeds the 91461
reduction sought by the petitioner in its petition for 91462
reassessment or in any additional objections properly and timely 91463
raised after the petition is filed with the commissioner. 91464

Sec. 5727.48. The tax commissioner, on application by a 91465
public utility, may extend to the public utility a further 91466
specified time, not to exceed ~~sixty~~ thirty days, within which to 91467
file any report or statement required by this chapter to be filed 91468
with the commissioner, except reports required by sections 5727.24 91469
to 5727.29 of the Revised Code. A public utility must file such an 91470
application, in writing, with the commissioner on or before the 91471
date that the report or statement is otherwise required to be 91472
filed. 91473

Sec. 5727.53. The taxes, fees, and penalties provided by this 91474

chapter that are remitted to the treasurer of state may be 91475
recovered by an action brought in the name of the state in the 91476
court of common pleas of Franklin county, or of any county in 91477
which such public utility is doing business, or in which the line 91478
of any railroad company is located, and such court of common pleas 91479
shall have jurisdiction of the action regardless of the amount 91480
involved. The attorney general, on request of the tax 91481
commissioner, shall institute such action in the court of common 91482
pleas of Franklin county or of any of such counties the 91483
commissioner directs. ~~In any such action it shall be sufficient to~~ 91484
~~allege that the tax, fee, or penalty sought to be recovered stands~~ 91485
~~charged on the delinquent duplicate of the treasurer of state, and~~ 91486
~~that the same has been unpaid for a period of thirty days after~~ 91487
~~having been placed thereon.~~ Sums recovered in any such action 91488
shall be paid into the state treasury in the same manner as the 91489
tax. 91490

Sec. 5727.60. If a person fails to file a report within the 91491
time prescribed by section 5727.08 or 5727.31 of the Revised Code, 91492
including any extensions of time granted by the tax commissioner, 91493
a penalty of fifty dollars per month, not to exceed five hundred 91494
dollars, may be imposed for each month or fraction of a month 91495
elapsing between the due date of the report, including any 91496
extensions, and the date the report was filed. The penalty under 91497
this section for failing to file a report required by section 91498
5727.08 of the Revised Code shall be paid into the state general 91499
revenue fund. ~~If the penalty is not paid within fifteen days after~~ 91500
~~notice of the penalty is mailed to the person who failed to timely~~ 91501
~~file the report, the tax commissioner shall certify the penalty as~~ 91502
~~a claim to the attorney general for collection.~~ The penalty under 91503
this section for failing to file the report required by section 91504
5727.31 of the Revised Code shall be deposited into the state 91505
treasury in the same manner as the tax, and the commissioner may 91506

collect the penalty by assessment pursuant to section 5727.38 of 91507
the Revised Code. The tax commissioner may abate this penalty in 91508
full or in part. 91509

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the 91510
Revised Code: 91511

(A) "Electric distribution company" means either of the 91512
following: 91513

(1) A person who distributes electricity through a meter of 91514
an end user in this state or to an unmetered location in this 91515
state; 91516

(2) The end user of electricity in this state, if the end 91517
user obtains electricity that is not distributed or transmitted to 91518
the end user by an electric distribution company that is required 91519
to remit the tax imposed by section 5727.81 of the Revised Code. 91520

"Electric distribution company" does not include an end user 91521
of electricity in this state who self-generates electricity that 91522
is used directly by that end user on the same site that the 91523
electricity is generated or a person that donates all of the 91524
electricity the person generates to a political subdivision of the 91525
state. Division (A)(2) of this section shall not apply to a 91526
political subdivision in this state that is the end user of 91527
electricity that is donated to the political subdivision. 91528

(B) "Kilowatt hour" means one thousand watt hours of 91529
electricity. 91530

(C) For an electric distribution company, "meter of an end 91531
user in this state" means the last meter used to measure the 91532
kilowatt hours distributed by an electric distribution company to 91533
a location in this state, or the last meter located outside of 91534
this state that is used to measure the kilowatt hours consumed at 91535
a location in this state. 91536

(D) "Person" has the same meaning as in section 5701.01 of the Revised Code, but also includes a political subdivision of the state. 91537
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91539

(E) "Municipal electric utility" means a municipal corporation that owns or operates a system for the distribution of electricity. 91540
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(F) "Qualified end user" means an end user of electricity that satisfies either of the following criteria: 91543
91544

(1) The end user uses more than three million kilowatt hours of electricity at one manufacturing location in this state for a calendar day for use in a qualifying manufacturing process. 91545
91546
91547

(2) The end user uses electricity distributed by an electric distribution company other than a municipal electric utility or a rural electric company at a manufacturing location in this state for use in a chlor-alkali manufacturing process. 91548
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(G) "Qualified regeneration" means a process to convert electricity to a form of stored energy by means such as using electricity to compress air for storage or to pump water to an elevated storage reservoir, if such stored energy is subsequently used to generate electricity for sale to others primarily during periods when there is peak demand for electricity. 91552
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(H) "Qualified regeneration meter" means the last meter used to measure electricity used in a qualified regeneration process. 91558
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(I) "Qualifying manufacturing process" means ~~the performance of an electrochemical reaction in which electrons from direct current electricity remain a part of the product being manufactured~~ an electrochemical manufacturing process or a chlor-alkali manufacturing process. 91560
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(J) "Self-assessing purchaser" means a purchaser that meets all the requirements of, and pays the excise tax in accordance 91565
91566

with, division (C) of section 5727.81 of the Revised Code. 91567

(K) "Natural gas distribution company" means a natural gas 91568
company or a combined company, as defined in section 5727.01 of 91569
the Revised Code, that is subject to the excise tax imposed by 91570
section 5727.24 of the Revised Code and that distributes natural 91571
gas through a meter of an end user in this state or to an 91572
unmetered location in this state. 91573

(L) "MCF" means one thousand cubic feet. 91574

(M) For a natural gas distribution company, "meter of an end 91575
user in this state" means the last meter used to measure the MCF 91576
of natural gas distributed by a natural gas distribution company 91577
to a location in this state, or the last meter located outside of 91578
this state that is used to measure the natural gas consumed at a 91579
location in this state. 91580

(N) "Flex customer" means an industrial or a commercial 91581
facility that has consumed more than one billion cubic feet of 91582
natural gas a year at a single location during any of the previous 91583
five years, or an industrial or a commercial end user of natural 91584
gas that purchases natural gas distribution services from a 91585
natural gas distribution company at discounted rates or charges 91586
established in any of the following: 91587

(1) A special arrangement subject to review and regulation by 91588
the public utilities commission under section 4905.31 of the 91589
Revised Code; 91590

(2) A special arrangement with a natural gas distribution 91591
company pursuant to a municipal ordinance; 91592

(3) A variable rate schedule that permits rates to vary 91593
between defined amounts, provided that the schedule is on file 91594
with the public utilities commission. 91595

An end user that meets this definition on January 1, 2000, or 91596

thereafter is a "flex customer" for purposes of determining the 91597
rate of taxation under division (D) of section 5727.811 of the 91598
Revised Code. 91599

(O) "Electrochemical manufacturing process" means the 91600
performance of an electrochemical reaction in which electrons from 91601
direct current electricity remain a part of the product being 91602
manufactured. "Electrochemical manufacturing process" does not 91603
include a chlor-alkali manufacturing process. 91604

(P) "Chlor-alkali manufacturing process" means a process that 91605
uses electricity to produce chlorine and other chemicals through 91606
the electrolysis of a salt solution. 91607

Sec. 5727.81. (A) For the purpose of raising revenue to fund 91608
the needs of this state and its local governments, an excise tax 91609
is hereby levied and imposed on an electric distribution company 91610
for all electricity distributed by such company at the following 91611
rates per kilowatt hour of electricity distributed in a thirty-day 91612
period by the company through a meter of an end user in this 91613
state: 91614

KILOWATT HOURS DISTRIBUTED	RATE PER	91615
TO AN END USER	KILOWATT HOUR	91616
For the first 2,000	\$.00465	91617
For the next 2,001 to 15,000	\$.00419	91618
For 15,001 and above	\$.00363	91619

If no meter is used to measure the kilowatt hours of 91620
electricity distributed by the company, the rates shall apply to 91621
the estimated kilowatt hours of electricity distributed to an 91622
unmetered location in this state. 91623

The electric distribution company shall base the monthly tax 91624
on the kilowatt hours of electricity distributed to an end user 91625
through the meter of the end user that is not measured for a 91626
thirty-day period by dividing the days in the measurement period 91627

into the total kilowatt hours measured during the measurement 91628
period to obtain a daily average usage. The tax shall be 91629
determined by obtaining the sum of divisions (A)(1), (2), and (3) 91630
of this section and multiplying that amount by the number of days 91631
in the measurement period: 91632

(1) Multiplying \$0.00465 per kilowatt hour for the first 91633
sixty-seven kilowatt hours distributed using a daily average; 91634

(2) Multiplying \$0.00419 for the next sixty-eight to five 91635
hundred kilowatt hours distributed using a daily average; 91636

(3) Multiplying \$0.00363 for the remaining kilowatt hours 91637
distributed using a daily average. 91638

Except as provided in division (C) of this section, the 91639
electric distribution company shall pay the tax to the tax 91640
commissioner in accordance with section 5727.82 of the Revised 91641
Code, unless required to remit each tax payment by electronic 91642
funds transfer to the treasurer of state in accordance with 91643
section 5727.83 of the Revised Code. 91644

Only the distribution of electricity through a meter of an 91645
end user in this state shall be used by the electric distribution 91646
company to compute the amount or estimated amount of tax due. In 91647
the event a meter is not actually read for a measurement period, 91648
the estimated kilowatt hours distributed by an electric 91649
distribution company to bill for its distribution charges shall be 91650
used. 91651

(B) Except as provided in division (C) of this section, each 91652
electric distribution company shall pay the tax imposed by this 91653
section in all of the following circumstances: 91654

(1) The electricity is distributed by the company through a 91655
meter of an end user in this state; 91656

(2) The company is distributing electricity through a meter 91657

located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(C)(1) As used in division (C) of this section:

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under

this division. For the meter reading period including July 1, 91689
2008, through the meter reading period including December 31, 91690
2010, such a purchaser may elect to self-assess the excise tax 91691
imposed by this section at the rate of \$.00075 per kilowatt hour 91692
on the first five hundred four million kilowatt hours distributed 91693
to that meter or location during the registration year, and a 91694
percentage of the total price of all electricity distributed to 91695
that meter or location equal to three and one-half per cent. For 91696
the meter reading period including January 1, 2011, and 91697
thereafter, such a purchaser may elect to self-assess the excise 91698
tax imposed by this section at the rate of \$.00257 per kilowatt 91699
hour for the first five hundred million kilowatt hours, and 91700
\$.001832 per kilowatt hour for each kilowatt hour in excess of 91701
five hundred million kilowatt hours, distributed to that meter or 91702
location during the registration year. 91703

A qualified end user that receives electricity through a 91704
meter of an end user in this state or through more than one meter 91705
at a single location in this state and that consumes, over the 91706
course of the previous calendar year, more than forty-five million 91707
kilowatt hours in other than its qualifying manufacturing process, 91708
may elect to self-assess the tax as allowed by this division with 91709
respect to the electricity used in other than its qualifying 91710
manufacturing process. 91711

Payment of the tax shall be made directly to the tax 91712
commissioner in accordance with divisions (A)(4) and (5) of 91713
section 5727.82 of the Revised Code, or the treasurer of state in 91714
accordance with section 5727.83 of the Revised Code. If the 91715
electric distribution company serving the self-assessing purchaser 91716
is a municipal electric utility and the purchaser is within the 91717
municipal corporation's corporate limits, payment shall be made to 91718
such municipal corporation's general fund and reports shall be 91719
filed in accordance with divisions (A)(4) and (5) of section 91720

5727.82 of the Revised Code, except that "municipal corporation" 91721
shall be substituted for "treasurer of state" and "tax 91722
commissioner." A self-assessing purchaser that pays the excise tax 91723
as provided in this division shall not be required to pay the tax 91724
to the electric distribution company from which its electricity is 91725
distributed. If a self-assessing purchaser's receipt of 91726
electricity is not subject to the tax as measured under this 91727
division, the tax on the receipt of such electricity shall be 91728
measured and paid as provided in division (A) of this section. 91729

(3) In the case of the acquisition of a package, unless the 91730
elements of the package are separately stated isolating the total 91731
price of electricity from the price of the remaining elements of 91732
the package, the tax imposed under this section applies to the 91733
entire price of the package. If the elements of the package are 91734
separately stated, the tax imposed under this section applies to 91735
the total price of the electricity. 91736

(4) Any electric supplier that sells electricity as part of a 91737
package shall separately state to the purchaser the total price of 91738
the electricity and, upon request by the tax commissioner, the 91739
total price of each of the other elements of the package. 91740

(5) The tax commissioner may adopt rules relating to the 91741
computation of the total price of electricity with respect to 91742
self-assessing purchasers, which may include rules to establish 91743
the total price of electricity purchased as part of a package. 91744

(6) An annual application for registration as a 91745
self-assessing purchaser shall be made for each qualifying meter 91746
or location on a form prescribed by the tax commissioner. The 91747
registration year begins on the first day of May and ends on the 91748
following thirtieth day of April. Persons may apply after the 91749
first day of May for the remainder of the registration year. In 91750
the case of an applicant applying on the basis of an estimated 91751
consumption of forty-five million kilowatt hours over the course 91752

of the succeeding twelve months, the applicant shall provide such 91753
information as the tax commissioner considers to be necessary to 91754
estimate such consumption. At the time of making the application 91755
and by the first day of May of each year, a self-assessing 91756
purchaser shall pay a fee of five hundred dollars to the tax 91757
commissioner, or to the treasurer of state as provided in section 91758
5727.83 of the Revised Code, for each qualifying meter or 91759
location. The tax commissioner shall immediately pay to the 91760
treasurer of state all amounts that the tax commissioner receives 91761
under this section. The treasurer of state shall deposit such 91762
amounts into the kilowatt hour excise tax administration fund, 91763
which is hereby created in the state treasury. Money in the fund 91764
shall be used to defray the tax commissioner's cost in 91765
administering the tax owed under section 5727.81 of the Revised 91766
Code by self-assessing purchasers. After the application is 91767
approved by the tax commissioner, the registration shall remain in 91768
effect for the current registration year, or until canceled by the 91769
registrant upon written notification to the commissioner of the 91770
election to pay the tax in accordance with division (A) of this 91771
section, or until canceled by the tax commissioner for not paying 91772
the tax or fee under division (C) of this section or for not 91773
meeting the qualifications in division (C)(2) of this section. The 91774
tax commissioner shall give written notice to the electric 91775
distribution company from which electricity is delivered to a 91776
self-assessing purchaser of the purchaser's self-assessing status, 91777
and the electric distribution company is relieved of the 91778
obligation to pay the tax imposed by division (A) of this section 91779
for electricity distributed to that self-assessing purchaser until 91780
it is notified by the tax commissioner that the self-assessing 91781
purchaser's registration is canceled. Within fifteen days of 91782
notification of the canceled registration, the electric 91783
distribution company shall be responsible for payment of the tax 91784
imposed by division (A) of this section on electricity distributed 91785

to a purchaser that is no longer registered as a self-assessing 91786
purchaser. A self-assessing purchaser with a canceled registration 91787
must file a report and remit the tax imposed by division (A) of 91788
this section on all electricity it receives for any measurement 91789
period prior to the tax being reported and paid by the electric 91790
distribution company. A self-assessing purchaser whose 91791
registration is canceled by the tax commissioner is not eligible 91792
to register as a self-assessing purchaser for two years after the 91793
registration is canceled. 91794

(7) If the tax commissioner cancels the self-assessing 91795
registration of a purchaser registered on the basis of its 91796
estimated consumption because the purchaser does not consume at 91797
least forty-five million kilowatt hours of electricity over the 91798
course of the twelve-month period for which the estimate was made, 91799
the tax commissioner shall assess and collect from the purchaser 91800
the difference between (a) the amount of tax that would have been 91801
payable under division (A) of this section on the electricity 91802
distributed to the purchaser during that period and (b) the amount 91803
of tax paid by the purchaser on such electricity pursuant to 91804
division (C)(2) of this section. The assessment shall be paid 91805
within sixty days after the tax commissioner issues it, regardless 91806
of whether the purchaser files a petition for reassessment under 91807
section 5727.89 of the Revised Code covering that period. If the 91808
purchaser does not pay the assessment within the time prescribed, 91809
the amount assessed is subject to the additional charge and the 91810
interest prescribed by divisions (B) and (C) of section 5727.82 of 91811
the Revised Code, and is subject to assessment under section 91812
5727.89 of the Revised Code. If the purchaser is a qualified end 91813
user, division (C)(7) of this section applies only to electricity 91814
it consumes in other than its qualifying manufacturing process. 91815

(D) The tax imposed by this section does not apply to the 91816
distribution of any kilowatt hours of electricity to the federal 91817

government, to an end user located at a federal facility that uses 91818
electricity for the enrichment of uranium, to a qualified 91819
regeneration meter, or to an end user for any day the end user is 91820
a qualified end user. The exemption under this division for a 91821
qualified end user only applies to the manufacturing location 91822
where the qualified end user uses electricity distributed by an 91823
electric distribution company other than a municipal electric 91824
utility or a rural electric company in a chlor-alkali 91825
manufacturing process, or where the qualified end user uses more 91826
than three million kilowatt hours per day in a ~~qualifying an~~ 91827
electrochemical manufacturing process. 91828

(E) All revenue arising from the tax imposed by this section 91829
shall be credited to the general revenue fund except as provided 91830
by division (C) of this section and section 5727.82 of the Revised 91831
Code. 91832

Sec. 5729.98. (A) To provide a uniform procedure for 91833
calculating the amount of tax due under this chapter, a taxpayer 91834
shall claim any credits and offsets against tax liability to which 91835
it is entitled in the following order: 91836

(1) The credit for an insurance company or insurance company 91837
group under section 5729.031 of the Revised Code; 91838

(2) The credit for eligible employee training costs under 91839
section 5729.07 of the Revised Code; 91840

(3) The credit for purchases of qualified low-income 91841
community investments under section 5729.16 of the Revised Code; 91842

(4) The nonrefundable job retention credit under division (B) 91843
of section 122.171 of the Revised Code; 91844

(5) The nonrefundable credit for investments in rural 91845
business and high-growth industry funds under section 122.152 of 91846
the Revised Code; 91847

(6) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;

~~(6)~~(7) The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code.

~~(7)~~(8) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;

~~(8)~~(9) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;

~~(9)~~(10) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5731.46. The county treasurer shall keep an account showing the amount of all taxes and interest received by ~~him~~ the treasurer under Chapter 5731. of the Revised Code. On the twenty-fifth day of February ~~and the twentieth day of August~~ of each year ~~he~~, the treasurer shall settle with the county auditor for all such taxes and interest so received ~~at the time of making~~

~~such settlement, in the preceding calendar year and~~ not included 91878
in any ~~preceding~~ prior settlement, showing for what estate, by 91879
whom, and when paid. At each such settlement the auditor shall 91880
allow to the treasurer and ~~himself~~ to the auditor, on the money so 91881
collected and accounted for by ~~him~~ the auditor, their respective 91882
fees, ~~at the percentages allowed by law~~ under section 319.54 or 91883
321.27 of the Revised Code. The correctness thereof, together with 91884
a statement of the fees allowed at such settlement, and the fees 91885
and expenses allowed to the officers ~~under such chapter~~ shall be 91886
certified by the auditor. 91887

Sec. 5731.49. At each ~~semiannual~~ annual settlement provided 91888
for by section 5731.46 of the Revised Code, the county auditor 91889
shall certify to the county auditor of any other county in which 91890
is located in whole or in part any municipal corporation or 91891
township to which any of the taxes collected under this chapter 91892
and not previously accounted for, is due, a statement of the 91893
amount of such taxes due to each corporation or township in such 91894
county entitled to share in the distribution thereof. The amount 91895
due upon such settlement to each such municipal corporation or 91896
township, and to each municipal corporation and township in the 91897
county in which the taxes are collected, shall be paid upon the 91898
warrant of the county auditor to the county treasurer or other 91899
proper officer of such municipal corporation or township. The 91900
amount of any refund chargeable against any such municipal 91901
corporation or township at the time of making such settlement, 91902
shall be adjusted in determining the amount due to such municipal 91903
corporation or township at such settlement; provided that if the 91904
municipal corporation or township against which such refund is 91905
chargeable is not entitled to share in the fund to be distributed 91906
at such settlement, the auditor shall draw a warrant for the 91907
amount in favor of the treasurer payable from any undivided 91908
general taxes in the possession of such treasurer, unless such 91909

municipal corporation or township is located in another county, in 91910
which event the auditor shall issue a certificate for such amount 91911
to the auditor of the proper county, who shall draw a like warrant 91912
therefor payable from any undivided general taxes in the 91913
possession of the treasurer of such county. In either case at the 91914
next semiannual settlement of such undivided general taxes, the 91915
amount of such warrant shall be deducted from the distribution of 91916
taxes of such municipal corporation or township and charged 91917
against the proceeds of levies for the general fund of such 91918
municipal corporation or township, and a similar deduction shall 91919
be made at each next semiannual settlement of such undivided 91920
general taxes until such warrant has been satisfied in full. 91921

If it is discovered that an amount of taxes collected under 91922
this chapter has been paid in error to a township or municipal 91923
corporation to which the taxes are not due under this chapter, the 91924
township or municipal corporation to which the amount was 91925
erroneously paid, when repaying that amount to any subdivision to 91926
which the taxes were due, shall not be required to pay interest on 91927
that amount. 91928

Sec. 5735.02. (A) A motor fuel dealer shall not receive, use, 91929
sell, or distribute any motor fuel or engage in business within 91930
this state unless the motor fuel dealer holds an unrevoked license 91931
issued by the tax commissioner to engage in such business. 91932

(B) To procure a motor fuel dealer's license, every motor 91933
fuel dealer shall file with the commissioner an application 91934
verified under oath by the applicant and in such form as the 91935
commissioner prescribes, setting forth, in addition to such other 91936
information required by the commissioner, the following: 91937

(1) The name under which the motor fuel dealer will transact 91938
business within the state; 91939

(2) The location, including street number address, of its 91940

principal office or place of business within this state; 91941

(3) The name and address of the owner, or the names and 91942
addresses of the partners if such motor fuel dealer is a 91943
partnership, or the names and addresses of the principal officers 91944
if such motor fuel dealer is a corporation or an association; 91945

(4) If such motor fuel dealer is a corporation organized 91946
under the laws of another state, territory, or country, a 91947
certified copy of the certificate or license issued by the Ohio 91948
secretary of state showing that such corporation is authorized to 91949
transact business in this state; 91950

(5) An agreement that the motor fuel dealer will assume the 91951
liability and will pay the tax on any shipment of motor fuel made 91952
into the state from any other state or foreign country and sold or 91953
caused to be sold by such motor fuel dealer for delivery to a 91954
person in this state who is not the holder of an unrevoked motor 91955
fuel dealer's license. 91956

(C)(1) Except as provided in division (C)(2) of this section, 91957
an application for a license shall be accompanied by a bond, of 91958
the character stipulated and in the amount provided for in section 91959
5735.03 of the Revised Code, which shall be filed with the 91960
commissioner. 91961

(2) The ~~tax~~ commissioner may exempt a motor fuel dealer from 91962
the requirements set forth in division (C)(1) of this section and 91963
section 5735.03 of the Revised Code if the motor fuel dealer only 91964
sells or distributes motor fuel upon which the motor fuel taxes 91965
imposed under this chapter have been paid or are not required to 91966
be paid by the motor fuel dealer. 91967

(D) If any application for a license to transact business as 91968
a motor fuel dealer in the state is filed by any person who has 91969
had any license previously canceled for cause by the tax 91970
commissioner; if the commissioner believes that such application 91971

is not filed in good faith or that such application is filed as a 91972
subterfuge by some person for the real person in interest who has 91973
previously had any license canceled for cause by the tax 91974
commissioner; ~~or~~ if the person has violated any provision of this 91975
chapter; or if the person has failed to file any returns, submit 91976
any information, or pay any outstanding taxes, charges, or fees as 91977
required for any tax, charge, or fee administered by the 91978
commissioner, to the extent the commissioner is aware of such 91979
failure at the time of the application, then the tax commissioner, 91980
after a hearing, of which the applicant shall be given five days' 91981
notice in writing and at which said applicant shall have the right 91982
to appear in person or by counsel and present testimony, may 91983
refuse to issue to such person a license to transact business as a 91984
motor fuel dealer in the state. 91985

(E) When the application in proper form has been accepted for 91986
filing, and the bond accepted and approved, the commissioner shall 91987
issue to such motor fuel dealer a license to transact business as 91988
a motor fuel dealer in the state, subject to cancellation of such 91989
license as provided by law. 91990

(F) No person shall make a false or fraudulent statement on 91991
the application required by this section. 91992

Sec. 5736.06. (A) No person subject to the tax imposed by 91993
section 5736.02 of the Revised Code shall distribute, import, or 91994
cause the importation of motor fuel for consumption in this state 91995
without holding a supplier's license issued by the tax 91996
commissioner to engage in such activities. 91997

(B)(1) ~~A person~~ Within thirty days after first becoming 91998
subject to the tax imposed by section 5736.02 of the Revised Code 91999
~~shall, on or before March 1, 2014, or within thirty days of first~~ 92000
~~becoming subject to the tax imposed by this chapter, whichever is~~ 92001
~~earlier,~~ a person shall apply to the tax commissioner for a 92002

supplier's license on the form prescribed by the commissioner. 92003

(2) Each person issued a supplier's license under division 92004
(B)(1) of this section shall apply to renew the license on or 92005
before the first day of March of each year. 92006

(3) Each license issued or renewed under division (B)(1) or 92007
(2) of this section shall be valid from the first day of March 92008
through the last day of February or, in the case of a new license 92009
issued after the first day of March, the date of issuance through 92010
the last day of February. 92011

(4) With each license application submitted under division 92012
(B)(1) or (2) of this section, the applicant shall pay an 92013
application fee equal to one of the following amounts: 92014

(a) If the applicant solely imports or causes the importation 92015
of motor fuel for sale, exchange, or transfer by the person in 92016
this state, three hundred dollars; 92017

(b) If the applicant engages in activities in addition to 92018
those described in division (B)~~(3)~~(4)(a) of this section, one 92019
thousand dollars. 92020

If an applicant timely submits an application under division 92021
(B)(1) of this section on or after the first day of September of 92022
any year, the fee that would apply to the applicant under division 92023
(B)~~(3)~~(4)(a) or (b) of this section shall be reduced by one-half. 92024

~~(4)~~(5) The failure to apply to the commissioner for a 92025
supplier's license does not relieve a person from the requirement 92026
to file returns and pay the tax imposed by this chapter. 92027

(C) The tax commissioner may refuse to issue a license to any 92028
applicant under this section in the following circumstances: 92029

(1) The applicant has previously had any license canceled for 92030
cause by the commissioner. 92031

(2) The commissioner believes that the application is not 92032

filed in good faith or is filed as a subterfuge in an attempt to 92033
procure a license for another person. 92034

(3) The applicant has violated any provision of this chapter. 92035

(D) If the tax commissioner refuses to issue a license to an 92036
applicant under this section, the applicant is entitled to a 92037
refund of the application fee in accordance with section 5736.08 92038
of the Revised Code. All application fees collected under this 92039
section shall be deposited into the petroleum activity tax 92040
administration fund created in section 5736.13 of the Revised 92041
Code. 92042

(E) No person shall make a false or fraudulent statement on 92043
an application required by this section. 92044

Sec. 5739.01. As used in this chapter: 92045

(A) "Person" includes individuals, receivers, assignees, 92046
trustees in bankruptcy, estates, firms, partnerships, 92047
associations, joint-stock companies, joint ventures, clubs, 92048
societies, corporations, the state and its political subdivisions, 92049
and combinations of individuals of any form. 92050

(B) "Sale" and "selling" include all of the following 92051
transactions for a consideration in any manner, whether absolutely 92052
or conditionally, whether for a price or rental, in money or by 92053
exchange, and by any means whatsoever: 92054

(1) All transactions by which title or possession, or both, 92055
of tangible personal property, is or is to be transferred, or a 92056
license to use or consume tangible personal property is or is to 92057
be granted; 92058

(2) All transactions by which lodging by a hotel is or is to 92059
be furnished to transient guests; 92060

(3) All transactions by which: 92061

(a) An item of tangible personal property is or is to be 92062
repaired, except property, the purchase of which would not be 92063
subject to the tax imposed by section 5739.02 of the Revised Code; 92064

(b) An item of tangible personal property is or is to be 92065
installed, except property, the purchase of which would not be 92066
subject to the tax imposed by section 5739.02 of the Revised Code 92067
or property that is or is to be incorporated into and will become 92068
a part of a production, transmission, transportation, or 92069
distribution system for the delivery of a public utility service; 92070

(c) The service of washing, cleaning, waxing, polishing, or 92071
painting a motor vehicle is or is to be furnished; 92072

(d) Until August 1, 2003, industrial laundry cleaning 92073
services are or are to be provided and, on and after August 1, 92074
2003, laundry and dry cleaning services are or are to be provided; 92075

(e) Automatic data processing, computer services, electronic 92076
publishing services, or electronic information services are or are 92077
to be provided for use in business when the true object of the 92078
transaction is the receipt by the consumer of automatic data 92079
processing, computer services, electronic publishing services, or 92080
electronic information services ~~rather than the receipt of~~ 92081
~~personal or professional services to which.~~ When provided in 92082
conjunction with one or more other services, the receipt by a 92083
consumer of automatic data processing, computer services, 92084
electronic publishing services, or electronic information services 92085
~~are incidental or supplemental~~ is not the true object of the 92086
transaction when the automatic data processing, computer service, 92087
electronic publishing service, or electronic information service 92088
is provided primarily for the delivery, receipt, or use of the 92089
other service or services. Notwithstanding any other provision of 92090
this chapter, ~~such transactions~~ sales of automatic data 92091
processing, computer services, electronic publishing services, or 92092
electronic information services that occur between members of an 92093

affiliated group are not sales. An "affiliated group" means two or 92094
more persons related in such a way that one person owns or 92095
controls the business operation of another member of the group. In 92096
the case of corporations with stock, one corporation owns or 92097
controls another if it owns more than fifty per cent of the other 92098
corporation's common stock with voting rights. 92099

(f) Telecommunications service, including prepaid calling 92100
service, prepaid wireless calling service, or ancillary service, 92101
is or is to be provided, but not including coin-operated telephone 92102
service; 92103

(g) Landscaping and lawn care service is or is to be 92104
provided; 92105

(h) Private investigation and security service is or is to be 92106
provided; 92107

(i) Information services or tangible personal property is 92108
provided or ordered by means of a nine hundred telephone call; 92109

(j) Building maintenance and janitorial service is or is to 92110
be provided; 92111

(k) Employment service is or is to be provided; 92112

(l) Employment placement service is or is to be provided; 92113

(m) Exterminating service is or is to be provided; 92114

(n) Physical fitness facility service is or is to be 92115
provided; 92116

(o) Recreation and sports club service is or is to be 92117
provided; 92118

(p) On and after August 1, 2003, satellite broadcasting 92119
service is or is to be provided; 92120

(q) On and after August 1, 2003, personal care service is or 92121
is to be provided to an individual. As used in this division, 92122

"personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;

(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.

(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

~~(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.~~

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter

are or are to be furnished or transferred; 92154

(5) The production or fabrication of tangible personal 92155
property for a consideration for consumers who furnish either 92156
directly or indirectly the materials used in the production of 92157
fabrication work; and include the furnishing, preparing, or 92158
serving for a consideration of any tangible personal property 92159
consumed on the premises of the person furnishing, preparing, or 92160
serving such tangible personal property. Except as provided in 92161
section 5739.03 of the Revised Code, a construction contract 92162
pursuant to which tangible personal property is or is to be 92163
incorporated into a structure or improvement on and becoming a 92164
part of real property is not a sale of such tangible personal 92165
property. The construction contractor is the consumer of such 92166
tangible personal property, provided that the sale and 92167
installation of carpeting, the sale and installation of 92168
agricultural land tile, the sale and erection or installation of 92169
portable grain bins, or the provision of landscaping and lawn care 92170
service and the transfer of property as part of such service is 92171
never a construction contract. 92172

As used in division (B)(5) of this section: 92173

(a) "Agricultural land tile" means fired clay or concrete 92174
tile, or flexible or rigid perforated plastic pipe or tubing, 92175
incorporated or to be incorporated into a subsurface drainage 92176
system appurtenant to land used or to be used primarily in 92177
production by farming, agriculture, horticulture, or floriculture. 92178
The term does not include such materials when they are or are to 92179
be incorporated into a drainage system appurtenant to a building 92180
or structure even if the building or structure is used or to be 92181
used in such production. 92182

(b) "Portable grain bin" means a structure that is used or to 92183
be used by a person engaged in farming or agriculture to shelter 92184
the person's grain and that is designed to be disassembled without 92185

significant damage to its component parts. 92186

(6) All transactions in which all of the shares of stock of a 92187
closely held corporation are transferred, or an ownership interest 92188
in a pass-through entity, as defined in section 5733.04 of the 92189
Revised Code, is transferred, if the corporation or pass-through 92190
entity is not engaging in business and its entire assets consist 92191
of boats, planes, motor vehicles, or other tangible personal 92192
property operated primarily for the use and enjoyment of the 92193
shareholders or owners; 92194

(7) All transactions in which a warranty, maintenance or 92195
service contract, or similar agreement by which the vendor of the 92196
warranty, contract, or agreement agrees to repair or maintain the 92197
tangible personal property of the consumer is or is to be 92198
provided; 92199

(8) The transfer of copyrighted motion picture films used 92200
solely for advertising purposes, except that the transfer of such 92201
films for exhibition purposes is not a sale; 92202

(9) On and after August 1, 2003, all transactions by which 92203
tangible personal property is or is to be stored, except such 92204
property that the consumer of the storage holds for sale in the 92205
regular course of business; 92206

(10) All transactions in which "guaranteed auto protection" 92207
is provided whereby a person promises to pay to the consumer the 92208
difference between the amount the consumer receives from motor 92209
vehicle insurance and the amount the consumer owes to a person 92210
holding title to or a lien on the consumer's motor vehicle in the 92211
event the consumer's motor vehicle suffers a total loss under the 92212
terms of the motor vehicle insurance policy or is stolen and not 92213
recovered, if the protection and its price are included in the 92214
purchase or lease agreement; 92215

(11)(a) Except as provided in division (B)(11)(b) of this 92216

section, on and after October 1, 2009, all transactions by which 92217
health care services are paid for, reimbursed, provided, 92218
delivered, arranged for, or otherwise made available by a medicaid 92219
health insuring corporation pursuant to the corporation's contract 92220
with the state. 92221

(b) If the centers for medicare and medicaid services of the 92222
United States department of health and human services determines 92223
that the taxation of transactions described in division (B)(11)(a) 92224
of this section constitutes an impermissible health care-related 92225
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 92226
1396b(w), and regulations adopted thereunder, the medicaid 92227
director shall notify the tax commissioner of that determination. 92228
Beginning with the first day of the month following that 92229
notification, the transactions described in division (B)(11)(a) of 92230
this section are not sales for the purposes of this chapter or 92231
Chapter 5741. of the Revised Code. The tax commissioner shall 92232
order that the collection of taxes under sections 5739.02, 92233
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 92234
5741.023 of the Revised Code shall cease for transactions 92235
occurring on or after that date. 92236

(12) All transactions by which a specified digital product is 92237
provided for permanent use or less than permanent use, regardless 92238
of whether continued payment is required. 92239

Except as provided in this section, "sale" and "selling" do 92240
not include transfers of interest in leased property where the 92241
original lessee and the terms of the original lease agreement 92242
remain unchanged, or professional, insurance, or personal service 92243
transactions that involve the transfer of tangible personal 92244
property as an inconsequential element, for which no separate 92245
charges are made. 92246

(C) "Vendor" means the person providing the service or by 92247
whom the transfer effected or license given by a sale is or is to 92248

be made or given and, for sales described in division (B)(3)(i) of 92249
this section, the telecommunications service vendor that provides 92250
the nine hundred telephone service; if two or more persons are 92251
engaged in business at the same place of business under a single 92252
trade name in which all collections on account of sales by each 92253
are made, such persons shall constitute a single vendor. 92254

Physicians, dentists, hospitals, and veterinarians who are 92255
engaged in selling tangible personal property as received from 92256
others, such as ~~eyeglasses~~, mouthwashes, dentifrices, or similar 92257
articles, are vendors. Before July 1, 2019, such tangible personal 92258
property includes eyeglasses and similar articles. Veterinarians 92259
who are engaged in transferring to others for a consideration 92260
drugs, the dispensing of which does not require an order of a 92261
licensed veterinarian or physician under federal law, are vendors. 92262

(D)(1) "Consumer" means the person for whom the service is 92263
provided, to whom the transfer effected or license given by a sale 92264
is or is to be made or given, to whom the service described in 92265
division (B)(3)(f) or (i) of this section is charged, or to whom 92266
the admission is granted. 92267

(2) Physicians, dentists, hospitals, and blood banks operated 92268
by nonprofit institutions and persons licensed to practice 92269
veterinary medicine, surgery, and dentistry are consumers of all 92270
tangible personal property and services purchased by them in 92271
connection with the practice of medicine, dentistry, the rendition 92272
of hospital or blood bank service, or the practice of veterinary 92273
medicine, surgery, and dentistry. In addition to being consumers 92274
of drugs administered by them or by their assistants according to 92275
their direction, veterinarians also are consumers of drugs that 92276
under federal law may be dispensed only by or upon the order of a 92277
licensed veterinarian or physician, when transferred by them to 92278
others for a consideration to provide treatment to animals as 92279
directed by the veterinarian. 92280

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E)~~(1)~~ of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B)(42)(f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)~~(1)~~ of this section.

(6) A person who engages in highway transportation for hire 92313
is the consumer of all packaging materials purchased by that 92314
person and used in performing the service, except for packaging 92315
materials sold by such person in a transaction separate from the 92316
service. 92317

(7) In the case of a transaction for health care services 92318
under division (B)(11) of this section, a medicaid health insuring 92319
corporation is the consumer of such services. The purchase of such 92320
services by a medicaid health insuring corporation is not subject 92321
to the exception for resale under division (E)(~~1~~) of this section 92322
or to the exemptions provided under divisions (B)(12), (18), (19), 92323
and (22) of section 5739.02 of the Revised Code. 92324

(E) "Retail sale" and "sales at retail" include all sales, 92325
except those in which the purpose of the consumer is to resell the 92326
thing transferred or benefit of the service provided, by a person 92327
engaging in business, in the form in which the same is, or is to 92328
be, received by the person. 92329

(F) "Business" includes any activity engaged in by any person 92330
with the object of gain, benefit, or advantage, either direct or 92331
indirect. "Business" does not include the activity of a person in 92332
managing and investing the person's own funds. 92333

(G) "Engaging in business" means commencing, conducting, or 92334
continuing in business, and liquidating a business when the 92335
liquidator thereof holds itself out to the public as conducting 92336
such business. Making a casual sale is not engaging in business. 92337

(H)(1)(a) "Price," except as provided in divisions (H)(2), 92338
(3), and (4) of this section, means the total amount of 92339
consideration, including cash, credit, property, and services, for 92340
which tangible personal property or services are sold, leased, or 92341
rented, valued in money, whether received in money or otherwise, 92342
without any deduction for any of the following: 92343

(i) The vendor's cost of the property sold;	92344
(ii) The cost of materials used, labor or service costs,	92345
interest, losses, all costs of transportation to the vendor, all	92346
taxes imposed on the vendor, including the tax imposed under	92347
Chapter 5751. of the Revised Code, and any other expense of the	92348
vendor;	92349
(iii) Charges by the vendor for any services necessary to	92350
complete the sale;	92351
(iv) On and after August 1, 2003, delivery charges. As used	92352
in this division, "delivery charges" means charges by the vendor	92353
for preparation and delivery to a location designated by the	92354
consumer of tangible personal property or a service, including	92355
transportation, shipping, postage, handling, crating, and packing.	92356
(v) Installation charges;	92357
(vi) Credit for any trade-in.	92358
(b) "Price" includes consideration received by the vendor	92359
from a third party, if the vendor actually receives the	92360
consideration from a party other than the consumer, and the	92361
consideration is directly related to a price reduction or discount	92362
on the sale; the vendor has an obligation to pass the price	92363
reduction or discount through to the consumer; the amount of the	92364
consideration attributable to the sale is fixed and determinable	92365
by the vendor at the time of the sale of the item to the consumer;	92366
and one of the following criteria is met:	92367
(i) The consumer presents a coupon, certificate, or other	92368
document to the vendor to claim a price reduction or discount	92369
where the coupon, certificate, or document is authorized,	92370
distributed, or granted by a third party with the understanding	92371
that the third party will reimburse any vendor to whom the coupon,	92372
certificate, or document is presented;	92373

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation

from a third party to cover all or part of the gift card value. 92405
For the purposes of this division, a gift card is not sold by a 92406
vendor or purchased by a consumer if it is distributed pursuant to 92407
an awards, loyalty, or promotional program. Past and present 92408
purchases of tangible personal property or services by the 92409
consumer shall not be treated as consideration exchanged for a 92410
gift card. 92411

(2) In the case of a sale of any new motor vehicle by a new 92412
motor vehicle dealer, as defined in section 4517.01 of the Revised 92413
Code, in which another motor vehicle is accepted by the dealer as 92414
part of the consideration received, "price" has the same meaning 92415
as in division (H)(1) of this section, reduced by the credit 92416
afforded the consumer by the dealer for the motor vehicle received 92417
in trade. 92418

(3) In the case of a sale of any watercraft or outboard motor 92419
by a watercraft dealer licensed in accordance with section 92420
1547.543 of the Revised Code, in which another watercraft, 92421
watercraft and trailer, or outboard motor is accepted by the 92422
dealer as part of the consideration received, "price" has the same 92423
meaning as in division (H)(1) of this section, reduced by the 92424
credit afforded the consumer by the dealer for the watercraft, 92425
watercraft and trailer, or outboard motor received in trade. As 92426
used in this division, "watercraft" includes an outdrive unit 92427
attached to the watercraft. 92428

(4) In the case of transactions for health care services 92429
under division (B)(11) of this section, "price" means the amount 92430
of managed care premiums received each month by a medicaid health 92431
insuring corporation. 92432

(I) "Receipts" means the total amount of the prices of the 92433
sales of vendors, provided that the dollar value of gift cards 92434
distributed pursuant to an awards, loyalty, or promotional 92435
program, and cash discounts allowed and taken on sales at the time 92436

they are consummated are not included, minus any amount deducted 92437
as a bad debt pursuant to section 5739.121 of the Revised Code. 92438
"Receipts" does not include the sale price of property returned or 92439
services rejected by consumers when the full sale price and tax 92440
are refunded either in cash or by credit. 92441

(J) "Place of business" means any location at which a person 92442
engages in business. 92443

(K) "Premises" includes any real property or portion thereof 92444
upon which any person engages in selling tangible personal 92445
property at retail or making retail sales and also includes any 92446
real property or portion thereof designated for, or devoted to, 92447
use in conjunction with the business engaged in by such person. 92448

(L) "Casual sale" means a sale of an item of tangible 92449
personal property that was obtained by the person making the sale, 92450
through purchase or otherwise, for the person's own use and was 92451
previously subject to any state's taxing jurisdiction on its sale 92452
or use, and includes such items acquired for the seller's use that 92453
are sold by an auctioneer employed directly by the person for such 92454
purpose, provided the location of such sales is not the 92455
auctioneer's permanent place of business. As used in this 92456
division, "permanent place of business" includes any location 92457
where such auctioneer has conducted more than two auctions during 92458
the year. 92459

(M) "Hotel" means every establishment kept, used, maintained, 92460
advertised, or held out to the public to be a place where sleeping 92461
accommodations are offered to guests, in which five or more rooms 92462
are used for the accommodation of such guests, whether the rooms 92463
are in one or several structures, except as otherwise provided in 92464
division (G) of section 5739.09 of the Revised Code. 92465

(N) "Transient guests" means persons occupying a room or 92466
rooms for sleeping accommodations for less than thirty consecutive 92467

days. 92468

(O) "Making retail sales" means the effecting of transactions 92469
wherein one party is obligated to pay the price and the other 92470
party is obligated to provide a service or to transfer title to or 92471
possession of the item sold. "Making retail sales" does not 92472
include the preliminary acts of promoting or soliciting the retail 92473
sales, other than the distribution of printed matter which 92474
displays or describes and prices the item offered for sale, nor 92475
does it include delivery of a predetermined quantity of tangible 92476
personal property or transportation of property or personnel to or 92477
from a place where a service is performed. 92478

(P) "Used directly in the rendition of a public utility 92479
service" means that property that is to be incorporated into and 92480
will become a part of the consumer's production, transmission, 92481
transportation, or distribution system and that retains its 92482
classification as tangible personal property after such 92483
incorporation; fuel or power used in the production, transmission, 92484
transportation, or distribution system; and tangible personal 92485
property used in the repair and maintenance of the production, 92486
transmission, transportation, or distribution system, including 92487
only such motor vehicles as are specially designed and equipped 92488
for such use. Tangible personal property and services used 92489
primarily in providing highway transportation for hire are not 92490
used directly in the rendition of a public utility service. In 92491
this definition, "public utility" includes a citizen of the United 92492
States holding, and required to hold, a certificate of public 92493
convenience and necessity issued under 49 U.S.C. 41102. 92494

(Q) "Refining" means removing or separating a desirable 92495
product from raw or contaminated materials by distillation or 92496
physical, mechanical, or chemical processes. 92497

(R) "Assembly" and "assembling" mean attaching or fitting 92498
together parts to form a product, but do not include packaging a 92499

product. 92500

(S) "Manufacturing operation" means a process in which 92501
materials are changed, converted, or transformed into a different 92502
state or form from which they previously existed and includes 92503
refining materials, assembling parts, and preparing raw materials 92504
and parts by mixing, measuring, blending, or otherwise committing 92505
such materials or parts to the manufacturing process. 92506
"Manufacturing operation" does not include packaging. 92507

(T) "Fiscal officer" means, with respect to a regional 92508
transit authority, the secretary-treasurer thereof, and with 92509
respect to a county that is a transit authority, the fiscal 92510
officer of the county transit board if one is appointed pursuant 92511
to section 306.03 of the Revised Code or the county auditor if the 92512
board of county commissioners operates the county transit system. 92513

(U) "Transit authority" means a regional transit authority 92514
created pursuant to section 306.31 of the Revised Code or a county 92515
in which a county transit system is created pursuant to section 92516
306.01 of the Revised Code. For the purposes of this chapter, a 92517
transit authority must extend to at least the entire area of a 92518
single county. A transit authority that includes territory in more 92519
than one county must include all the area of the most populous 92520
county that is a part of such transit authority. County population 92521
shall be measured by the most recent census taken by the United 92522
States census bureau. 92523

(V) "Legislative authority" means, with respect to a regional 92524
transit authority, the board of trustees thereof, and with respect 92525
to a county that is a transit authority, the board of county 92526
commissioners. 92527

(W) "Territory of the transit authority" means all of the 92528
area included within the territorial boundaries of a transit 92529
authority as they from time to time exist. Such territorial 92530

boundaries must at all times include all the area of a single 92531
county or all the area of the most populous county that is a part 92532
of such transit authority. County population shall be measured by 92533
the most recent census taken by the United States census bureau. 92534

(X) "Providing a service" means providing or furnishing 92535
anything described in division (B)(3) of this section for 92536
consideration. 92537

(Y)(1)(a) "Automatic data processing" means processing of 92538
others' data, including keypunching or similar data entry services 92539
together with verification thereof, or providing access to 92540
computer equipment for the purpose of processing data. 92541

(b) "Computer services" means providing services consisting 92542
of specifying computer hardware configurations and evaluating 92543
technical processing characteristics, computer programming, and 92544
training of computer programmers and operators, provided in 92545
conjunction with and to support the sale, lease, or operation of 92546
taxable computer equipment or systems. 92547

(c) "Electronic information services" means providing access 92548
to computer equipment by means of telecommunications equipment for 92549
the purpose of either of the following: 92550

(i) Examining or acquiring data stored in or accessible to 92551
the computer equipment; 92552

(ii) Placing data into the computer equipment to be retrieved 92553
by designated recipients with access to the computer equipment. 92554

For transactions occurring on or after the effective date of 92555
the amendment of this section by H.B. 157 of the 127th general 92556
assembly, December 21, 2007, "electronic information services" 92557
does not include electronic publishing as defined in division 92558
(LLL) of this section. 92559

(d) "Electronic publishing" and "electronic publishing" 92560

services" means providing access to one or more of the following 92561
primarily for business customers, including the federal government 92562
or a state government or a political subdivision thereof, to 92563
conduct research: news; business, financial, legal, consumer, or 92564
credit materials; editorials, columns, reader commentary, or 92565
features; photos or images; archival or research material; legal 92566
notices, identity verification, or public records; scientific, 92567
educational, instructional, technical, professional, trade, or 92568
other literary materials; or other similar information which has 92569
been gathered and made available by the provider to the consumer 92570
in an electronic format. Providing electronic publishing services 92571
includes the functions necessary for the acquisition, formatting, 92572
editing, storage, and dissemination of data or information that is 92573
the subject of a sale. 92574

(e) "Automatic data processing, computer services, electronic 92575
publishing services, or electronic information services" shall not 92576
include personal or professional services. 92577

(2) As used in ~~divisions (B)(3)(e) and~~ division (Y)(1) of 92578
this section, "personal and professional services" means all 92579
services other than automatic data processing, computer services, 92580
electronic publishing services, or electronic information 92581
services, including but not limited to: 92582

(a) Accounting and legal services such as advice on tax 92583
matters, asset management, budgetary matters, quality control, 92584
information security, and auditing and any other situation where 92585
the service provider receives data or information and studies, 92586
alters, analyzes, interprets, or adjusts such material; 92587

(b) Analyzing business policies and procedures; 92588

(c) Identifying management information needs; 92589

(d) Feasibility studies, including economic and technical 92590
analysis of existing or potential computer hardware or software 92591

needs and alternatives;	92592
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	92593 92594 92595 92596
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	92597 92598 92599
(g) Testing of business procedures;	92600
(h) Training personnel in business procedure applications;	92601
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	92602 92603 92604 92605 92606 92607
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	92608 92609
(k) Providing digital advertising services.	92610
The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing or computer services, <u>electronic publishing services, or electronic information services.</u>	92611 92612 92613 92614
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	92615 92616 92617
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any	92618 92619 92620 92621

similar public thoroughfare; 92622

(2) A person who engages in the transportation of personal 92623
property belonging to others for consideration over or on 92624
highways, roadways, streets, or any similar public thoroughfare 92625
but who could not have engaged in such transportation on December 92626
11, 1985, unless the person was the holder of a permit or 92627
certificate of the types described in division (Z)(1) of this 92628
section; 92629

(3) A person who leases a motor vehicle to and operates it 92630
for a person described by division (Z)(1) or (2) of this section. 92631

(AA)(1) "Telecommunications service" means the electronic 92632
transmission, conveyance, or routing of voice, data, audio, video, 92633
or any other information or signals to a point, or between or 92634
among points. "Telecommunications service" includes such 92635
transmission, conveyance, or routing in which computer processing 92636
applications are used to act on the form, code, or protocol of the 92637
content for purposes of transmission, conveyance, or routing 92638
without regard to whether the service is referred to as voice-over 92639
internet protocol service or is classified by the federal 92640
communications commission as enhanced or value-added. 92641
"Telecommunications service" does not include any of the 92642
following: 92643

(a) Data processing and information services that allow data 92644
to be generated, acquired, stored, processed, or retrieved and 92645
delivered by an electronic transmission to a consumer where the 92646
consumer's primary purpose for the underlying transaction is the 92647
processed data or information; 92648

(b) Installation or maintenance of wiring or equipment on a 92649
customer's premises; 92650

(c) Tangible personal property; 92651

(d) Advertising, including directory advertising; 92652

(e) Billing and collection services provided to third parties;	92653 92654
(f) Internet access service;	92655
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	92656 92657 92658 92659 92660 92661 92662 92663
(h) Ancillary service;	92664
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	92665 92666
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	92667 92668 92669 92670 92671
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	92672 92673 92674 92675 92676
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	92677 92678 92679
(c) "Directory assistance" means an ancillary service of providing telephone number or address information.	92680 92681
(d) "Vertical service" means an ancillary service that is	92682

offered in connection with one or more telecommunications 92683
services, which offers advanced calling features that allow 92684
customers to identify callers and manage multiple calls and call 92685
connections, including conference bridging service. 92686

(e) "Voice mail service" means an ancillary service that 92687
enables the customer to store, send, or receive recorded messages. 92688
"Voice mail service" does not include any vertical services that 92689
the customer may be required to have in order to utilize the voice 92690
mail service. 92691

(3) "900 service" means an inbound toll telecommunications 92692
service purchased by a subscriber that allows the subscriber's 92693
customers to call in to the subscriber's prerecorded announcement 92694
or live service, and which is typically marketed under the name 92695
"900 service" and any subsequent numbers designated by the federal 92696
communications commission. "900 service" does not include the 92697
charge for collection services provided by the seller of the 92698
telecommunications service to the subscriber, or services or 92699
products sold by the subscriber to the subscriber's customer. 92700

(4) "Prepaid calling service" means the right to access 92701
exclusively telecommunications services, which must be paid for in 92702
advance and which enables the origination of calls using an access 92703
number or authorization code, whether manually or electronically 92704
dialed, and that is sold in predetermined units or dollars of 92705
which the number declines with use in a known amount. 92706

(5) "Prepaid wireless calling service" means a 92707
telecommunications service that provides the right to utilize 92708
mobile telecommunications service as well as other 92709
non-telecommunications services, including the download of digital 92710
products delivered electronically, and content and ancillary 92711
services, that must be paid for in advance and that is sold in 92712
predetermined units or dollars of which the number declines with 92713
use in a known amount. 92714

(6) "Value-added non-voice data service" means a 92715
telecommunications service in which computer processing 92716
applications are used to act on the form, content, code, or 92717
protocol of the information or data primarily for a purpose other 92718
than transmission, conveyance, or routing. 92719

(7) "Coin-operated telephone service" means a 92720
telecommunications service paid for by inserting money into a 92721
telephone accepting direct deposits of money to operate. 92722

(8) "Customer" has the same meaning as in section 5739.034 of 92723
the Revised Code. 92724

(BB) "Laundry and dry cleaning services" means removing soil 92725
or dirt from towels, linens, articles of clothing, or other fabric 92726
items that belong to others and supplying towels, linens, articles 92727
of clothing, or other fabric items. "Laundry and dry cleaning 92728
services" does not include the provision of self-service 92729
facilities for use by consumers to remove soil or dirt from 92730
towels, linens, articles of clothing, or other fabric items. 92731

(CC) "Magazines distributed as controlled circulation 92732
publications" means magazines containing at least twenty-four 92733
pages, at least twenty-five per cent editorial content, issued at 92734
regular intervals four or more times a year, and circulated 92735
without charge to the recipient, provided that such magazines are 92736
not owned or controlled by individuals or business concerns which 92737
conduct such publications as an auxiliary to, and essentially for 92738
the advancement of the main business or calling of, those who own 92739
or control them. 92740

(DD) "Landscaping and lawn care service" means the services 92741
of planting, seeding, sodding, removing, cutting, trimming, 92742
pruning, mulching, aerating, applying chemicals, watering, 92743
fertilizing, and providing similar services to establish, promote, 92744
or control the growth of trees, shrubs, flowers, grass, ground 92745

cover, and other flora, or otherwise maintaining a lawn or 92746
landscape grown or maintained by the owner for ornamentation or 92747
other nonagricultural purpose. However, "landscaping and lawn care 92748
service" does not include the providing of such services by a 92749
person who has less than five thousand dollars in sales of such 92750
services during the calendar year. 92751

(EE) "Private investigation and security service" means the 92752
performance of any activity for which the provider of such service 92753
is required to be licensed pursuant to Chapter 4749. of the 92754
Revised Code, or would be required to be so licensed in performing 92755
such services in this state, and also includes the services of 92756
conducting polygraph examinations and of monitoring or overseeing 92757
the activities on or in, or the condition of, the consumer's home, 92758
business, or other facility by means of electronic or similar 92759
monitoring devices. "Private investigation and security service" 92760
does not include special duty services provided by off-duty police 92761
officers, deputy sheriffs, and other peace officers regularly 92762
employed by the state or a political subdivision. 92763

(FF) "Information services" means providing conversation, 92764
giving consultation or advice, playing or making a voice or other 92765
recording, making or keeping a record of the number of callers, 92766
and any other service provided to a consumer by means of a nine 92767
hundred telephone call, except when the nine hundred telephone 92768
call is the means by which the consumer makes a contribution to a 92769
recognized charity. 92770

(GG) "Research and development" means designing, creating, or 92771
formulating new or enhanced products, equipment, or manufacturing 92772
processes, and also means conducting scientific or technological 92773
inquiry and experimentation in the physical sciences with the goal 92774
of increasing scientific knowledge which may reveal the bases for 92775
new or enhanced products, equipment, or manufacturing processes. 92776

(HH) "Qualified research and development equipment" means 92777

capitalized tangible personal property, and leased personal 92778
property that would be capitalized if purchased, used by a person 92779
primarily to perform research and development. Tangible personal 92780
property primarily used in testing, as defined in division (A)(4) 92781
of section 5739.011 of the Revised Code, or used for recording or 92782
storing test results, is not qualified research and development 92783
equipment unless such property is primarily used by the consumer 92784
in testing the product, equipment, or manufacturing process being 92785
created, designed, or formulated by the consumer in the research 92786
and development activity or in recording or storing such test 92787
results. 92788

(II) "Building maintenance and janitorial service" means 92789
cleaning the interior or exterior of a building and any tangible 92790
personal property located therein or thereon, including any 92791
services incidental to such cleaning for which no separate charge 92792
is made. However, "building maintenance and janitorial service" 92793
does not include the providing of such service by a person who has 92794
less than five thousand dollars in sales of such service during 92795
the calendar year. As used in this division, "cleaning" does not 92796
include sanitation services necessary for an establishment 92797
described in 21 U.S.C. 608 to comply with rules and regulations 92798
adopted pursuant to that section. 92799

(JJ) "Employment service" means providing or supplying 92800
personnel, on a temporary or long-term basis, to perform work or 92801
labor under the supervision or control of another, when the 92802
personnel so provided or supplied receive their wages, salary, or 92803
other compensation from the provider or supplier of the employment 92804
service or from a third party that provided or supplied the 92805
personnel to the provider or supplier. "Employment service" does 92806
not include: 92807

(1) Acting as a contractor or subcontractor, where the 92808
personnel performing the work are not under the direct control of 92809

the purchaser. 92810

(2) Medical and health care services. 92811

(3) Supplying personnel to a purchaser pursuant to a contract 92812
of at least one year between the service provider and the 92813
purchaser that specifies that each employee covered under the 92814
contract is assigned to the purchaser on a permanent basis. 92815

(4) Transactions between members of an affiliated group, as 92816
defined in division (B)(3)(e) of this section. 92817

(5) Transactions where the personnel so provided or supplied 92818
by a provider or supplier to a purchaser of an employment service 92819
are then provided or supplied by that purchaser to a third party 92820
as an employment service, except "employment service" does include 92821
the transaction between that purchaser and the third party. 92822

(KK) "Employment placement service" means locating or finding 92823
employment for a person or finding or locating an employee to fill 92824
an available position. 92825

(LL) "Exterminating service" means eradicating or attempting 92826
to eradicate vermin infestations from a building or structure, or 92827
the area surrounding a building or structure, and includes 92828
activities to inspect, detect, or prevent vermin infestation of a 92829
building or structure. 92830

(MM) "Physical fitness facility service" means all 92831
transactions by which a membership is granted, maintained, or 92832
renewed, including initiation fees, membership dues, renewal fees, 92833
monthly minimum fees, and other similar fees and dues, by a 92834
physical fitness facility such as an athletic club, health spa, or 92835
gymnasium, which entitles the member to use the facility for 92836
physical exercise. 92837

(NN) "Recreation and sports club service" means all 92838
transactions by which a membership is granted, maintained, or 92839

renewed, including initiation fees, membership dues, renewal fees, 92840
monthly minimum fees, and other similar fees and dues, by a 92841
recreation and sports club, which entitles the member to use the 92842
facilities of the organization. "Recreation and sports club" means 92843
an organization that has ownership of, or controls or leases on a 92844
continuing, long-term basis, the facilities used by its members 92845
and includes an aviation club, gun or shooting club, yacht club, 92846
card club, swimming club, tennis club, golf club, country club, 92847
riding club, amateur sports club, or similar organization. 92848

(OO) "Livestock" means farm animals commonly raised for food, 92849
food production, or other agricultural purposes, including, but 92850
not limited to, cattle, sheep, goats, swine, poultry, and captive 92851
deer. "Livestock" does not include invertebrates, amphibians, 92852
reptiles, domestic pets, animals for use in laboratories or for 92853
exhibition, or other animals not commonly raised for food or food 92854
production. 92855

(PP) "Livestock structure" means a building or structure used 92856
exclusively for the housing, raising, feeding, or sheltering of 92857
livestock, and includes feed storage or handling structures and 92858
structures for livestock waste handling. 92859

(QQ) "Horticulture" means the growing, cultivation, and 92860
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 92861
and nursery stock. As used in this division, "nursery stock" has 92862
the same meaning as in section 927.51 of the Revised Code. 92863

(RR) "Horticulture structure" means a building or structure 92864
used exclusively for the commercial growing, raising, or 92865
overwintering of horticultural products, and includes the area 92866
used for stocking, storing, and packing horticultural products 92867
when done in conjunction with the production of those products. 92868

(SS) "Newspaper" means an unbound publication bearing a title 92869
or name that is regularly published, at least as frequently as 92870

biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of

the property. "Lease" or "rental" does not include: 92903

(a) A transfer of possession or control of tangible personal 92904
property under a security agreement or a deferred payment plan 92905
that requires the transfer of title upon completion of the 92906
required payments; 92907

(b) A transfer of possession or control of tangible personal 92908
property under an agreement that requires the transfer of title 92909
upon completion of required payments and payment of an option 92910
price that does not exceed the greater of one hundred dollars or 92911
one per cent of the total required payments; 92912

(c) Providing tangible personal property along with an 92913
operator for a fixed or indefinite period of time, if the operator 92914
is necessary for the property to perform as designed. For purposes 92915
of this division, the operator must do more than maintain, 92916
inspect, or set up the tangible personal property. 92917

(2) "Lease" and "rental," as defined in division (UU) of this 92918
section, shall not apply to leases or rentals that exist before 92919
June 26, 2003. 92920

(3) "Lease" and "rental" have the same meaning as in division 92921
(UU)(1) of this section regardless of whether a transaction is 92922
characterized as a lease or rental under generally accepted 92923
accounting principles, the Internal Revenue Code, Title XIII of 92924
the Revised Code, or other federal, state, or local laws. 92925

(VV) "Mobile telecommunications service" has the same meaning 92926
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 92927
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 92928
on and after August 1, 2003, includes related fees and ancillary 92929
services, including universal service fees, detailed billing 92930
service, directory assistance, service initiation, voice mail 92931
service, and vertical services, such as caller ID and three-way 92932
calling. 92933

(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code. 92934
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(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service. 92936
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(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software. 92945
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(ZZ) ~~"Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address~~ "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas. 92951
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(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions. 92963
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(BBB) "Computer software" means a set of coded instructions 92966
designed to cause a computer or automatic data processing 92967
equipment to perform a task. 92968

(CCC) "Delivered electronically" means delivery of computer 92969
software from the seller to the purchaser by means other than 92970
tangible storage media. 92971

(DDD) "Prewritten computer software" means computer software, 92972
including prewritten upgrades, that is not designed and developed 92973
by the author or other creator to the specifications of a specific 92974
purchaser. The combining of two or more prewritten computer 92975
software programs or prewritten portions thereof does not cause 92976
the combination to be other than prewritten computer software. 92977
"Prewritten computer software" includes software designed and 92978
developed by the author or other creator to the specifications of 92979
a specific purchaser when it is sold to a person other than the 92980
purchaser. If a person modifies or enhances computer software of 92981
which the person is not the author or creator, the person shall be 92982
deemed to be the author or creator only of such person's 92983
modifications or enhancements. Prewritten computer software or a 92984
prewritten portion thereof that is modified or enhanced to any 92985
degree, where such modification or enhancement is designed and 92986
developed to the specifications of a specific purchaser, remains 92987
prewritten computer software; provided, however, that where there 92988
is a reasonable, separately stated charge or an invoice or other 92989
statement of the price given to the purchaser for the modification 92990
or enhancement, the modification or enhancement shall not 92991
constitute prewritten computer software. 92992

(EEE)(1) "Food" means substances, whether in liquid, 92993
concentrated, solid, frozen, dried, or dehydrated form, that are 92994
sold for ingestion or chewing by humans and are consumed for their 92995
taste or nutritional value. "Food" does not include alcoholic 92996
beverages, dietary supplements, soft drinks, or tobacco. 92997

(2) As used in division (EEE)(1) of this section:	92998
(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.	92999 93000 93001
(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:	93002 93003 93004 93005 93006 93007 93008 93009 93010
(i) A vitamin;	93011
(ii) A mineral;	93012
(iii) An herb or other botanical;	93013
(iv) An amino acid;	93014
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	93015 93016
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.	93017 93018 93019
(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	93020 93021 93022 93023 93024
(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.	93025 93026
(FFF) "Drug" means a compound, substance, or preparation, and	93027

any component of a compound, substance, or preparation, other than 93028
food, dietary supplements, or alcoholic beverages that is 93029
recognized in the official United States pharmacopoeia, official 93030
homeopathic pharmacopoeia of the United States, or official 93031
national formulary, and supplements to them; is intended for use 93032
in the diagnosis, cure, mitigation, treatment, or prevention of 93033
disease; or is intended to affect the structure or any function of 93034
the body. 93035

(GGG) "Prescription" means an order, formula, or recipe 93036
issued in any form of oral, written, electronic, or other means of 93037
transmission by a duly licensed practitioner authorized by the 93038
laws of this state to issue a prescription. 93039

(HHH) "Durable medical equipment" means equipment, including 93040
repair and replacement parts for such equipment, that can 93041
withstand repeated use, is primarily and customarily used to serve 93042
a medical purpose, generally is not useful to a person in the 93043
absence of illness or injury, and is not worn in or on the body. 93044
"Durable medical equipment" does not include mobility enhancing 93045
equipment. 93046

(III) "Mobility enhancing equipment" means equipment, 93047
including repair and replacement parts for such equipment, that is 93048
primarily and customarily used to provide or increase the ability 93049
to move from one place to another and is appropriate for use 93050
either in a home or a motor vehicle, that is not generally used by 93051
persons with normal mobility, and that does not include any motor 93052
vehicle or equipment on a motor vehicle normally provided by a 93053
motor vehicle manufacturer. "Mobility enhancing equipment" does 93054
not include durable medical equipment. 93055

(JJJ) "Prosthetic device" means a replacement, corrective, or 93056
supportive device, including repair and replacement parts for the 93057
device, worn on or in the human body to artificially replace a 93058
missing portion of the body, prevent or correct physical deformity 93059

or malfunction, or support a weak or deformed portion of the body. 93060
As used in this division, "prosthetic device" does not include 93061
corrective eyeglasses, contact lenses, or dental prosthesis. 93062

(KKK)(1) "Fractional aircraft ownership program" means a 93063
program in which persons within an affiliated group sell and 93064
manage fractional ownership program aircraft, provided that at 93065
least one hundred airworthy aircraft are operated in the program 93066
and the program meets all of the following criteria: 93067

(a) Management services are provided by at least one program 93068
manager within an affiliated group on behalf of the fractional 93069
owners. 93070

(b) Each program aircraft is owned or possessed by at least 93071
one fractional owner. 93072

(c) Each fractional owner owns or possesses at least a 93073
one-sixteenth interest in at least one fixed-wing program 93074
aircraft. 93075

(d) A dry-lease aircraft interchange arrangement is in effect 93076
among all of the fractional owners. 93077

(e) Multi-year program agreements are in effect regarding the 93078
fractional ownership, management services, and dry-lease aircraft 93079
interchange arrangement aspects of the program. 93080

(2) As used in division (KKK)(1) of this section: 93081

(a) "Affiliated group" has the same meaning as in division 93082
(B)(3)(e) of this section. 93083

(b) "Fractional owner" means a person that owns or possesses 93084
at least a one-sixteenth interest in a program aircraft and has 93085
entered into the agreements described in division (KKK)(1)(e) of 93086
this section. 93087

(c) "Fractional ownership program aircraft" or "program 93088
aircraft" means a turbojet aircraft that is owned or possessed by 93089

a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.

~~(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an~~

~~electronic format. Providing electronic publishing includes the~~ 93122
~~functions necessary for the acquisition, formatting, editing,~~ 93123
~~storage, and dissemination of data or information that is the~~ 93124
~~subject of a sale.~~ 93125

~~(MMM)~~ "Medicaid health insuring corporation" means a health 93126
insuring corporation that holds a certificate of authority under 93127
Chapter 1751. of the Revised Code and is under contract with the 93128
department of ~~job and family services~~ medicaid pursuant to section 93129
~~5111.17~~ 5167.10 of the Revised Code. 93130

~~(NNN)~~(MMM) "Managed care premium" means any premium, 93131
capitation, or other payment a medicaid health insuring 93132
corporation receives for providing or arranging for the provision 93133
of health care services to its members or enrollees residing in 93134
this state. 93135

~~(OOO)~~(NNN) "Captive deer" means deer and other cervidae that 93136
have been legally acquired, or their offspring, that are privately 93137
owned for agricultural or farming purposes. 93138

~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, 93139
or other record, whether tangible or intangible, that may be 93140
redeemed by a consumer for a dollar value when making a purchase 93141
of tangible personal property or services. 93142

~~(OOO)~~(PPP) "Specified digital product" means an 93143
electronically transferred digital audiovisual work, digital audio 93144
work, or digital book. 93145

As used in division ~~(OOO)~~(PPP) of this section: 93146

(1) "Digital audiovisual work" means a series of related 93147
images that, when shown in succession, impart an impression of 93148
motion, together with accompanying sounds, if any. 93149

(2) "Digital audio work" means a work that results from the 93150
fixation of a series of musical, spoken, or other sounds, 93151

including digitized sound files that are downloaded onto a device 93152
and that may be used to alert the customer with respect to a 93153
communication. 93154

(3) "Digital book" means a work that is generally recognized 93155
in the ordinary and usual sense as a book. 93156

(4) "Electronically transferred" means obtained by the 93157
purchaser by means other than tangible storage media. 93158

~~(RRR)~~(OOO) "Digital advertising services" means providing 93159
access, by means of telecommunications equipment, to computer 93160
equipment that is used to enter, upload, download, review, 93161
manipulate, store, add, or delete data for the purpose of 93162
electronically displaying, delivering, placing, or transferring 93163
promotional advertisements to potential customers about products 93164
or services or about industry or business brands. 93165

~~(SSS) "Municipal gas utility" means a municipal corporation 93166
that owns or operates a system for the distribution of natural 93167
gas. 93168~~

Sec. 5739.02. For the purpose of providing revenue with which 93169
to meet the needs of the state, for the use of the general revenue 93170
fund of the state, for the purpose of securing a thorough and 93171
efficient system of common schools throughout the state, for the 93172
purpose of affording revenues, in addition to those from general 93173
property taxes, permitted under constitutional limitations, and 93174
from other sources, for the support of local governmental 93175
functions, and for the purpose of reimbursing the state for the 93176
expense of administering this chapter, an excise tax is hereby 93177
levied on each retail sale made in this state. 93178

(A)(1) The tax shall be collected as provided in section 93179
5739.025 of the Revised Code. The rate of the tax shall be five 93180
and three-fourths per cent. The tax applies and is collectible 93181

when the sale is made, regardless of the time when the price is 93182
paid or delivered. 93183

(2) In the case of the lease or rental, with a fixed term of 93184
more than thirty days or an indefinite term with a minimum period 93185
of more than thirty days, of any motor vehicles designed by the 93186
manufacturer to carry a load of not more than one ton, watercraft, 93187
outboard motor, or aircraft, or of any tangible personal property, 93188
other than motor vehicles designed by the manufacturer to carry a 93189
load of more than one ton, to be used by the lessee or renter 93190
primarily for business purposes, the tax shall be collected by the 93191
vendor at the time the lease or rental is consummated and shall be 93192
calculated by the vendor on the basis of the total amount to be 93193
paid by the lessee or renter under the lease agreement. If the 93194
total amount of the consideration for the lease or rental includes 93195
amounts that are not calculated at the time the lease or rental is 93196
executed, the tax shall be calculated and collected by the vendor 93197
at the time such amounts are billed to the lessee or renter. In 93198
the case of an open-end lease or rental, the tax shall be 93199
calculated by the vendor on the basis of the total amount to be 93200
paid during the initial fixed term of the lease or rental, and for 93201
each subsequent renewal period as it comes due. As used in this 93202
division, "motor vehicle" has the same meaning as in section 93203
4501.01 of the Revised Code, and "watercraft" includes an outdrive 93204
unit attached to the watercraft. 93205

A lease with a renewal clause and a termination penalty or 93206
similar provision that applies if the renewal clause is not 93207
exercised is presumed to be a sham transaction. In such a case, 93208
the tax shall be calculated and paid on the basis of the entire 93209
length of the lease period, including any renewal periods, until 93210
the termination penalty or similar provision no longer applies. 93211
The taxpayer shall bear the burden, by a preponderance of the 93212
evidence, that the transaction or series of transactions is not a 93213

sham transaction. 93214

(3) Except as provided in division (A)(2) of this section, in 93215
the case of a sale, the price of which consists in whole or in 93216
part of the lease or rental of tangible personal property, the tax 93217
shall be measured by the installments of that lease or rental. 93218

(4) In the case of a sale of a physical fitness facility 93219
service or recreation and sports club service, the price of which 93220
consists in whole or in part of a membership for the receipt of 93221
the benefit of the service, the tax applicable to the sale shall 93222
be measured by the installments thereof. 93223

(B) The tax does not apply to the following: 93224

(1) Sales to the state or any of its political subdivisions, 93225
or to any other state or its political subdivisions if the laws of 93226
that state exempt from taxation sales made to this state and its 93227
political subdivisions; 93228

(2) Sales of food for human consumption off the premises 93229
where sold; 93230

(3) Sales of food sold to students only in a cafeteria, 93231
dormitory, fraternity, or sorority maintained in a private, 93232
public, or parochial school, college, or university; 93233

(4) Sales of newspapers and sales or transfers of magazines 93234
distributed as controlled circulation publications; 93235

(5) The furnishing, preparing, or serving of meals without 93236
charge by an employer to an employee provided the employer records 93237
the meals as part compensation for services performed or work 93238
done; 93239

(6) Sales of motor fuel upon receipt, use, distribution, or 93240
sale of which in this state a tax is imposed by the law of this 93241
state, but this exemption shall not apply to the sale of motor 93242
fuel on which a refund of the tax is allowable under division (A) 93243

of section 5735.14 of the Revised Code; and the tax commissioner 93244
may deduct the amount of tax levied by this section applicable to 93245
the price of motor fuel when granting a refund of motor fuel tax 93246
pursuant to division (A) of section 5735.14 of the Revised Code 93247
and shall cause the amount deducted to be paid into the general 93248
revenue fund of this state; 93249

(7) Sales of natural gas by a natural gas company or 93250
municipal gas utility, of water by a water-works company, or of 93251
steam by a heating company, if in each case the thing sold is 93252
delivered to consumers through pipes or conduits, and all sales of 93253
communications services by a telegraph company, all terms as 93254
defined in section 5727.01 of the Revised Code, and sales of 93255
electricity delivered through wires; 93256

(8) Casual sales by a person, or auctioneer employed directly 93257
by the person to conduct such sales, except as to such sales of 93258
motor vehicles, watercraft or outboard motors required to be 93259
titled under section 1548.06 of the Revised Code, watercraft 93260
documented with the United States coast guard, snowmobiles, and 93261
all-purpose vehicles as defined in section 4519.01 of the Revised 93262
Code; 93263

(9)(a) Sales of services or tangible personal property, other 93264
than motor vehicles, mobile homes, and manufactured homes, by 93265
churches, organizations exempt from taxation under section 93266
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 93267
organizations operated exclusively for charitable purposes as 93268
defined in division (B)(12) of this section, provided that the 93269
number of days on which such tangible personal property or 93270
services, other than items never subject to the tax, are sold does 93271
not exceed six in any calendar year, except as otherwise provided 93272
in division (B)(9)(b) of this section. If the number of days on 93273
which such sales are made exceeds six in any calendar year, the 93274
church or organization shall be considered to be engaged in 93275

business and all subsequent sales by it shall be subject to the 93276
tax. In counting the number of days, all sales by groups within a 93277
church or within an organization shall be considered to be sales 93278
of that church or organization. 93279

(b) The limitation on the number of days on which tax-exempt 93280
sales may be made by a church or organization under division 93281
(B)(9)(a) of this section does not apply to sales made by student 93282
clubs and other groups of students of a primary or secondary 93283
school, or a parent-teacher association, booster group, or similar 93284
organization that raises money to support or fund curricular or 93285
extracurricular activities of a primary or secondary school. 93286

(c) Divisions (B)(9)(a) and (b) of this section do not apply 93287
to sales by a noncommercial educational radio or television 93288
broadcasting station. 93289

(10) Sales not within the taxing power of this state under 93290
the Constitution or laws of the United States or the Constitution 93291
of this state; 93292

(11) Except for transactions that are sales under division 93293
(B)(3)(r) of section 5739.01 of the Revised Code, the 93294
transportation of persons or property, unless the transportation 93295
is by a private investigation and security service; 93296

(12) Sales of tangible personal property or services to 93297
churches, to organizations exempt from taxation under section 93298
501(c)(3) of the Internal Revenue Code of 1986, and to any other 93299
nonprofit organizations operated exclusively for charitable 93300
purposes in this state, no part of the net income of which inures 93301
to the benefit of any private shareholder or individual, and no 93302
substantial part of the activities of which consists of carrying 93303
on propaganda or otherwise attempting to influence legislation; 93304
sales to offices administering one or more homes for the aged or 93305
one or more hospital facilities exempt under section 140.08 of the 93306

Revised Code; and sales to organizations described in division (D) 93307
of section 5709.12 of the Revised Code. 93308

"Charitable purposes" means the relief of poverty; the 93309
improvement of health through the alleviation of illness, disease, 93310
or injury; the operation of an organization exclusively for the 93311
provision of professional, laundry, printing, and purchasing 93312
services to hospitals or charitable institutions; the operation of 93313
a home for the aged, as defined in section 5701.13 of the Revised 93314
Code; the operation of a radio or television broadcasting station 93315
that is licensed by the federal communications commission as a 93316
noncommercial educational radio or television station; the 93317
operation of a nonprofit animal adoption service or a county 93318
humane society; the promotion of education by an institution of 93319
learning that maintains a faculty of qualified instructors, 93320
teaches regular continuous courses of study, and confers a 93321
recognized diploma upon completion of a specific curriculum; the 93322
operation of a parent-teacher association, booster group, or 93323
similar organization primarily engaged in the promotion and 93324
support of the curricular or extracurricular activities of a 93325
primary or secondary school; the operation of a community or area 93326
center in which presentations in music, dramatics, the arts, and 93327
related fields are made in order to foster public interest and 93328
education therein; the production of performances in music, 93329
dramatics, and the arts; or the promotion of education by an 93330
organization engaged in carrying on research in, or the 93331
dissemination of, scientific and technological knowledge and 93332
information primarily for the public. 93333

Nothing in this division shall be deemed to exempt sales to 93334
any organization for use in the operation or carrying on of a 93335
trade or business, or sales to a home for the aged for use in the 93336
operation of independent living facilities as defined in division 93337
(A) of section 5709.12 of the Revised Code. 93338

(13) Building and construction materials and services sold to 93339
construction contractors for incorporation into a structure or 93340
improvement to real property under a construction contract with 93341
this state or a political subdivision of this state, or with the 93342
United States government or any of its agencies; building and 93343
construction materials and services sold to construction 93344
contractors for incorporation into a structure or improvement to 93345
real property that are accepted for ownership by this state or any 93346
of its political subdivisions, or by the United States government 93347
or any of its agencies at the time of completion of the structures 93348
or improvements; building and construction materials sold to 93349
construction contractors for incorporation into a horticulture 93350
structure or livestock structure for a person engaged in the 93351
business of horticulture or producing livestock; building 93352
materials and services sold to a construction contractor for 93353
incorporation into a house of public worship or religious 93354
education, or a building used exclusively for charitable purposes 93355
under a construction contract with an organization whose purpose 93356
is as described in division (B)(12) of this section; building 93357
materials and services sold to a construction contractor for 93358
incorporation into a building under a construction contract with 93359
an organization exempt from taxation under section 501(c)(3) of 93360
the Internal Revenue Code of 1986 when the building is to be used 93361
exclusively for the organization's exempt purposes; building and 93362
construction materials sold for incorporation into the original 93363
construction of a sports facility under section 307.696 of the 93364
Revised Code; building and construction materials and services 93365
sold to a construction contractor for incorporation into real 93366
property outside this state if such materials and services, when 93367
sold to a construction contractor in the state in which the real 93368
property is located for incorporation into real property in that 93369
state, would be exempt from a tax on sales levied by that state; 93370
building and construction materials for incorporation into a 93371

transportation facility pursuant to a public-private agreement 93372
entered into under sections 5501.70 to 5501.83 of the Revised 93373
Code; and, until one calendar year after the construction of a 93374
convention center that qualifies for property tax exemption under 93375
section 5709.084 of the Revised Code is completed, building and 93376
construction materials and services sold to a construction 93377
contractor for incorporation into the real property comprising 93378
that convention center; 93379

(14) Sales of ships or vessels or rail rolling stock used or 93380
to be used principally in interstate or foreign commerce, and 93381
repairs, alterations, fuel, and lubricants for such ships or 93382
vessels or rail rolling stock; 93383

(15) Sales to persons primarily engaged in any of the 93384
activities mentioned in division (B)(42)(a), (g), or (h) of this 93385
section, to persons engaged in making retail sales, or to persons 93386
who purchase for sale from a manufacturer tangible personal 93387
property that was produced by the manufacturer in accordance with 93388
specific designs provided by the purchaser, of packages, including 93389
material, labels, and parts for packages, and of machinery, 93390
equipment, and material for use primarily in packaging tangible 93391
personal property produced for sale, including any machinery, 93392
equipment, and supplies used to make labels or packages, to 93393
prepare packages or products for labeling, or to label packages or 93394
products, by or on the order of the person doing the packaging, or 93395
sold at retail. "Packages" includes bags, baskets, cartons, 93396
crates, boxes, cans, bottles, bindings, wrappings, and other 93397
similar devices and containers, but does not include motor 93398
vehicles or bulk tanks, trailers, or similar devices attached to 93399
motor vehicles. "Packaging" means placing in a package. Division 93400
(B)(15) of this section does not apply to persons engaged in 93401
highway transportation for hire. 93402

(16) Sales of food to persons using supplemental nutrition 93403

assistance program benefits to purchase the food. As used in this 93404
division, "food" has the same meaning as in 7 U.S.C. 2012 and 93405
federal regulations adopted pursuant to the Food and Nutrition Act 93406
of 2008. 93407

(17) Sales to persons engaged in farming, agriculture, 93408
horticulture, or floriculture, of tangible personal property for 93409
use or consumption primarily in the production by farming, 93410
agriculture, horticulture, or floriculture of other tangible 93411
personal property for use or consumption primarily in the 93412
production of tangible personal property for sale by farming, 93413
agriculture, horticulture, or floriculture; or material and parts 93414
for incorporation into any such tangible personal property for use 93415
or consumption in production; and of tangible personal property 93416
for such use or consumption in the conditioning or holding of 93417
products produced by and for such use, consumption, or sale by 93418
persons engaged in farming, agriculture, horticulture, or 93419
floriculture, except where such property is incorporated into real 93420
property; 93421

(18) Sales of drugs for a human being that may be dispensed 93422
only pursuant to a prescription; insulin as recognized in the 93423
official United States pharmacopoeia; urine and blood testing 93424
materials when used by diabetics or persons with hypoglycemia to 93425
test for glucose or acetone; hypodermic syringes and needles when 93426
used by diabetics for insulin injections; epoetin alfa when 93427
purchased for use in the treatment of persons with medical 93428
disease; hospital beds when purchased by hospitals, nursing homes, 93429
or other medical facilities; and medical oxygen and medical 93430
oxygen-dispensing equipment when purchased by hospitals, nursing 93431
homes, or other medical facilities; 93432

(19) Sales of prosthetic devices, durable medical equipment 93433
for home use, or mobility enhancing equipment, when made pursuant 93434
to a prescription and when such devices or equipment are for use 93435

by a human being. 93436

(20) Sales of emergency and fire protection vehicles and 93437
equipment to nonprofit organizations for use solely in providing 93438
fire protection and emergency services, including trauma care and 93439
emergency medical services, for political subdivisions of the 93440
state; 93441

(21) Sales of tangible personal property manufactured in this 93442
state, if sold by the manufacturer in this state to a retailer for 93443
use in the retail business of the retailer outside of this state 93444
and if possession is taken from the manufacturer by the purchaser 93445
within this state for the sole purpose of immediately removing the 93446
same from this state in a vehicle owned by the purchaser; 93447

(22) Sales of services provided by the state or any of its 93448
political subdivisions, agencies, instrumentalities, institutions, 93449
or authorities, or by governmental entities of the state or any of 93450
its political subdivisions, agencies, instrumentalities, 93451
institutions, or authorities; 93452

(23) Sales of motor vehicles to nonresidents of this state 93453
under the circumstances described in division (B) of section 93454
5739.029 of the Revised Code; 93455

(24) Sales to persons engaged in the preparation of eggs for 93456
sale of tangible personal property used or consumed directly in 93457
such preparation, including such tangible personal property used 93458
for cleaning, sanitizing, preserving, grading, sorting, and 93459
classifying by size; packages, including material and parts for 93460
packages, and machinery, equipment, and material for use in 93461
packaging eggs for sale; and handling and transportation equipment 93462
and parts therefor, except motor vehicles licensed to operate on 93463
public highways, used in intraplant or interplant transfers or 93464
shipment of eggs in the process of preparation for sale, when the 93465
plant or plants within or between which such transfers or 93466

shipments occur are operated by the same person. "Packages"	93467
includes containers, cases, baskets, flats, fillers, filler flats,	93468
cartons, closure materials, labels, and labeling materials, and	93469
"packaging" means placing therein.	93470
(25)(a) Sales of water to a consumer for residential use;	93471
(b) Sales of water by a nonprofit corporation engaged	93472
exclusively in the treatment, distribution, and sale of water to	93473
consumers, if such water is delivered to consumers through pipes	93474
or tubing.	93475
(26) Fees charged for inspection or reinspection of motor	93476
vehicles under section 3704.14 of the Revised Code;	93477
(27) Sales to persons licensed to conduct a food service	93478
operation pursuant to section 3717.43 of the Revised Code, of	93479
tangible personal property primarily used directly for the	93480
following:	93481
(a) To prepare food for human consumption for sale;	93482
(b) To preserve food that has been or will be prepared for	93483
human consumption for sale by the food service operator, not	93484
including tangible personal property used to display food for	93485
selection by the consumer;	93486
(c) To clean tangible personal property used to prepare or	93487
serve food for human consumption for sale.	93488
(28) Sales of animals by nonprofit animal adoption services	93489
or county humane societies;	93490
(29) Sales of services to a corporation described in division	93491
(A) of section 5709.72 of the Revised Code, and sales of tangible	93492
personal property that qualifies for exemption from taxation under	93493
section 5709.72 of the Revised Code;	93494
(30) Sales and installation of agricultural land tile, as	93495
defined in division (B)(5)(a) of section 5739.01 of the Revised	93496

Code;	93497
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	93498 93499 93500
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	93501 93502 93503 93504 93505 93506
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	93507 93508 93509 93510 93511
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.	93512 93513 93514 93515 93516 93517 93518 93519 93520 93521 93522 93523 93524 93525 93526
(35)(a) Sales where the purpose of the consumer is to use or	93527

consume the things transferred in making retail sales and 93528
consisting of newspaper inserts, catalogues, coupons, flyers, gift 93529
certificates, or other advertising material that prices and 93530
describes tangible personal property offered for retail sale. 93531

(b) Sales to direct marketing vendors of preliminary 93532
materials such as photographs, artwork, and typesetting that will 93533
be used in printing advertising material; and of printed matter 93534
that offers free merchandise or chances to win sweepstake prizes 93535
and that is mailed to potential customers with advertising 93536
material described in division (B)(35)(a) of this section; 93537

(c) Sales of equipment such as telephones, computers, 93538
facsimile machines, and similar tangible personal property 93539
primarily used to accept orders for direct marketing retail sales. 93540

(d) Sales of automatic food vending machines that preserve 93541
food with a shelf life of forty-five days or less by refrigeration 93542
and dispense it to the consumer. 93543

For purposes of division (B)(35) of this section, "direct 93544
marketing" means the method of selling where consumers order 93545
tangible personal property by United States mail, delivery 93546
service, or telecommunication and the vendor delivers or ships the 93547
tangible personal property sold to the consumer from a warehouse, 93548
catalogue distribution center, or similar fulfillment facility by 93549
means of the United States mail, delivery service, or common 93550
carrier. 93551

(36) Sales to a person engaged in the business of 93552
horticulture or producing livestock of materials to be 93553
incorporated into a horticulture structure or livestock structure; 93554

(37) Sales of personal computers, computer monitors, computer 93555
keyboards, modems, and other peripheral computer equipment to an 93556
individual who is licensed or certified to teach in an elementary 93557
or a secondary school in this state for use by that individual in 93558

preparation for teaching elementary or secondary school students;	93559
(38) Sales to a professional racing team of any of the	93560
following:	93561
(a) Motor racing vehicles;	93562
(b) Repair services for motor racing vehicles;	93563
(c) Items of property that are attached to or incorporated in	93564
motor racing vehicles, including engines, chassis, and all other	93565
components of the vehicles, and all spare, replacement, and	93566
rebuilt parts or components of the vehicles; except not including	93567
tires, consumable fluids, paint, and accessories consisting of	93568
instrumentation sensors and related items added to the vehicle to	93569
collect and transmit data by means of telemetry and other forms of	93570
communication.	93571
(39) Sales of used manufactured homes and used mobile homes,	93572
as defined in section 5739.0210 of the Revised Code, made on or	93573
after January 1, 2000;	93574
(40) Sales of tangible personal property and services to a	93575
provider of electricity used or consumed directly and primarily in	93576
generating, transmitting, or distributing electricity for use by	93577
others, including property that is or is to be incorporated into	93578
and will become a part of the consumer's production, transmission,	93579
or distribution system and that retains its classification as	93580
tangible personal property after incorporation; fuel or power used	93581
in the production, transmission, or distribution of electricity;	93582
energy conversion equipment as defined in section 5727.01 of the	93583
Revised Code; and tangible personal property and services used in	93584
the repair and maintenance of the production, transmission, or	93585
distribution system, including only those motor vehicles as are	93586
specially designed and equipped for such use. The exemption	93587
provided in this division shall be in lieu of all other exemptions	93588
in division (B)(42)(a) or (n) of this section to which a provider	93589

of electricity may otherwise be entitled based on the use of the 93590
tangible personal property or service purchased in generating, 93591
transmitting, or distributing electricity. 93592

(41) Sales to a person providing services under division 93593
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 93594
personal property and services used directly and primarily in 93595
providing taxable services under that section. 93596

(42) Sales where the purpose of the purchaser is to do any of 93597
the following: 93598

(a) To incorporate the thing transferred as a material or a 93599
part into tangible personal property to be produced for sale by 93600
manufacturing, assembling, processing, or refining; or to use or 93601
consume the thing transferred directly in producing tangible 93602
personal property for sale by mining, including, without 93603
limitation, the extraction from the earth of all substances that 93604
are classed geologically as minerals, production of crude oil and 93605
natural gas, or directly in the rendition of a public utility 93606
service, except that the sales tax levied by this section shall be 93607
collected upon all meals, drinks, and food for human consumption 93608
sold when transporting persons. Persons engaged in rendering 93609
services in the exploration for, and production of, crude oil and 93610
natural gas for others are deemed engaged directly in the 93611
exploration for, and production of, crude oil and natural gas. 93612
This paragraph does not exempt from "retail sale" or "sales at 93613
retail" the sale of tangible personal property that is to be 93614
incorporated into a structure or improvement to real property. 93615

(b) To hold the thing transferred as security for the 93616
performance of an obligation of the vendor; 93617

(c) To resell, hold, use, or consume the thing transferred as 93618
evidence of a contract of insurance; 93619

(d) To use or consume the thing directly in commercial 93620

fishing; 93621

(e) To incorporate the thing transferred as a material or a 93622
part into, or to use or consume the thing transferred directly in 93623
the production of, magazines distributed as controlled circulation 93624
publications; 93625

(f) To use or consume the thing transferred in the production 93626
and preparation in suitable condition for market and sale of 93627
printed, imprinted, overprinted, lithographic, multilithic, 93628
blueprinted, photostatic, or other productions or reproductions of 93629
written or graphic matter; 93630

(g) To use the thing transferred, as described in section 93631
5739.011 of the Revised Code, primarily in a manufacturing 93632
operation to produce tangible personal property for sale; 93633

(h) To use the benefit of a warranty, maintenance or service 93634
contract, or similar agreement, as described in division (B)(7) of 93635
section 5739.01 of the Revised Code, to repair or maintain 93636
tangible personal property, if all of the property that is the 93637
subject of the warranty, contract, or agreement would not be 93638
subject to the tax imposed by this section; 93639

(i) To use the thing transferred as qualified research and 93640
development equipment; 93641

(j) To use or consume the thing transferred primarily in 93642
storing, transporting, mailing, or otherwise handling purchased 93643
sales inventory in a warehouse, distribution center, or similar 93644
facility when the inventory is primarily distributed outside this 93645
state to retail stores of the person who owns or controls the 93646
warehouse, distribution center, or similar facility, to retail 93647
stores of an affiliated group of which that person is a member, or 93648
by means of direct marketing. This division does not apply to 93649
motor vehicles registered for operation on the public highways. As 93650
used in this division, "affiliated group" has the same meaning as 93651

in division (B)(3)(e) of section 5739.01 of the Revised Code and 93652
"direct marketing" has the same meaning as in division (B)(35) of 93653
this section. 93654

(k) To use or consume the thing transferred to fulfill a 93655
contractual obligation incurred by a warrantor pursuant to a 93656
warranty provided as a part of the price of the tangible personal 93657
property sold or by a vendor of a warranty, maintenance or service 93658
contract, or similar agreement the provision of which is defined 93659
as a sale under division (B)(7) of section 5739.01 of the Revised 93660
Code; 93661

(l) To use or consume the thing transferred in the production 93662
of a newspaper for distribution to the public; 93663

(m) To use tangible personal property to perform a service 93664
listed in division (B)(3) of section 5739.01 of the Revised Code, 93665
if the property is or is to be permanently transferred to the 93666
consumer of the service as an integral part of the performance of 93667
the service; 93668

(n) To use or consume the thing transferred primarily in 93669
producing tangible personal property for sale by farming, 93670
agriculture, horticulture, or floriculture. Persons engaged in 93671
rendering farming, agriculture, horticulture, or floriculture 93672
services for others are deemed engaged primarily in farming, 93673
agriculture, horticulture, or floriculture. This paragraph does 93674
not exempt from "retail sale" or "sales at retail" the sale of 93675
tangible personal property that is to be incorporated into a 93676
structure or improvement to real property. 93677

(o) To use or consume the thing transferred in acquiring, 93678
formatting, editing, storing, and disseminating data or 93679
information by electronic publishing; 93680

(p) To provide the thing transferred to the owner or lessee 93681
of a motor vehicle that is being repaired or serviced, if the 93682

thing transferred is a rented motor vehicle and the purchaser is 93683
reimbursed for the cost of the rented motor vehicle by a 93684
manufacturer, warrantor, or provider of a maintenance, service, or 93685
other similar contract or agreement, with respect to the motor 93686
vehicle that is being repaired or serviced. 93687

As used in division (B)(42) of this section, "thing" includes 93688
all transactions included in divisions (B)(3)(a), (b), and (e) of 93689
section 5739.01 of the Revised Code. 93690

(43) Sales conducted through a coin operated device that 93691
activates vacuum equipment or equipment that dispenses water, 93692
whether or not in combination with soap or other cleaning agents 93693
or wax, to the consumer for the consumer's use on the premises in 93694
washing, cleaning, or waxing a motor vehicle, provided no other 93695
personal property or personal service is provided as part of the 93696
transaction. 93697

(44) Sales of replacement and modification parts for engines, 93698
airframes, instruments, and interiors in, and paint for, aircraft 93699
used primarily in a fractional aircraft ownership program, and 93700
sales of services for the repair, modification, and maintenance of 93701
such aircraft, and machinery, equipment, and supplies primarily 93702
used to provide those services. 93703

(45) Sales of telecommunications service that is used 93704
directly and primarily to perform the functions of a call center. 93705
As used in this division, "call center" means any physical 93706
location where telephone calls are placed or received in high 93707
volume for the purpose of making sales, marketing, customer 93708
service, technical support, or other specialized business 93709
activity, and that employs at least fifty individuals that engage 93710
in call center activities on a full-time basis, or sufficient 93711
individuals to fill fifty full-time equivalent positions. 93712

(46) Sales by a telecommunications service vendor of 900 93713

service to a subscriber. This division does not apply to 93714
information services, as defined in division (FF) of section 93715
5739.01 of the Revised Code. 93716

(47) Sales of value-added non-voice data service. This 93717
division does not apply to any similar service that is not 93718
otherwise a telecommunications service. 93719

(48)(a) Sales of machinery, equipment, and software to a 93720
qualified direct selling entity for use in a warehouse or 93721
distribution center primarily for storing, transporting, or 93722
otherwise handling inventory that is held for sale to independent 93723
salespersons who operate as direct sellers and that is held 93724
primarily for distribution outside this state; 93725

(b) As used in division (B)(48)(a) of this section: 93726

(i) "Direct seller" means a person selling consumer products 93727
to individuals for personal or household use and not from a fixed 93728
retail location, including selling such product at in-home product 93729
demonstrations, parties, and other one-on-one selling. 93730

(ii) "Qualified direct selling entity" means an entity 93731
selling to direct sellers at the time the entity enters into a tax 93732
credit agreement with the tax credit authority pursuant to section 93733
122.17 of the Revised Code, provided that the agreement was 93734
entered into on or after January 1, 2007. Neither contingencies 93735
relevant to the granting of, nor later developments with respect 93736
to, the tax credit shall impair the status of the qualified direct 93737
selling entity under division (B)(48) of this section after 93738
execution of the tax credit agreement by the tax credit authority. 93739

(c) Division (B)(48) of this section is limited to machinery, 93740
equipment, and software first stored, used, or consumed in this 93741
state within the period commencing June 24, 2008, and ending on 93742
the date that is five years after that date. 93743

(49) Sales of materials, parts, equipment, or engines used in 93744

the repair or maintenance of aircraft or avionics systems of such 93745
aircraft, and sales of repair, remodeling, replacement, or 93746
maintenance services in this state performed on aircraft or on an 93747
aircraft's avionics, engine, or component materials or parts. As 93748
used in division (B)(49) of this section, "aircraft" means 93749
aircraft of more than six thousand pounds maximum certified 93750
takeoff weight or used exclusively in general aviation. 93751

(50) Sales of full flight simulators that are used for pilot 93752
or flight-crew training, sales of repair or replacement parts or 93753
components, and sales of repair or maintenance services for such 93754
full flight simulators. "Full flight simulator" means a replica of 93755
a specific type, or make, model, and series of aircraft cockpit. 93756
It includes the assemblage of equipment and computer programs 93757
necessary to represent aircraft operations in ground and flight 93758
conditions, a visual system providing an out-of-the-cockpit view, 93759
and a system that provides cues at least equivalent to those of a 93760
three-degree-of-freedom motion system, and has the full range of 93761
capabilities of the systems installed in the device as described 93762
in appendices A and B of part 60 of chapter 1 of title 14 of the 93763
Code of Federal Regulations. 93764

(51) Any transfer or lease of tangible personal property 93765
between the state and JobsOhio in accordance with section 4313.02 93766
of the Revised Code. 93767

(52)(a) Sales to a qualifying corporation. 93768

(b) As used in division (B)(52) of this section: 93769

(i) "Qualifying corporation" means a nonprofit corporation 93770
organized in this state that leases from an eligible county land, 93771
buildings, structures, fixtures, and improvements to the land that 93772
are part of or used in a public recreational facility used by a 93773
major league professional athletic team or a class A to class AAA 93774
minor league affiliate of a major league professional athletic 93775

team for a significant portion of the team's home schedule, 93776
provided the following apply: 93777

(I) The facility is leased from the eligible county pursuant 93778
to a lease that requires substantially all of the revenue from the 93779
operation of the business or activity conducted by the nonprofit 93780
corporation at the facility in excess of operating costs, capital 93781
expenditures, and reserves to be paid to the eligible county at 93782
least once per calendar year. 93783

(II) Upon dissolution and liquidation of the nonprofit 93784
corporation, all of its net assets are distributable to the board 93785
of commissioners of the eligible county from which the corporation 93786
leases the facility. 93787

(ii) "Eligible county" has the same meaning as in section 93788
307.695 of the Revised Code. 93789

(53) Sales to or by a cable service provider, video service 93790
provider, or radio or television broadcast station regulated by 93791
the federal government of cable service or programming, video 93792
service or programming, audio service or programming, or 93793
electronically transferred digital audiovisual or audio work. As 93794
used in division (B)(53) of this section, "cable service" and 93795
"cable service provider" have the same meanings as in section 93796
1332.01 of the Revised Code, and "video service," "video service 93797
provider," and "video programming" have the same meanings as in 93798
section 1332.21 of the Revised Code. 93799

(54) Sales of investment metal bullion and investment coins. 93800
"Investment metal bullion" means any bullion described in section 93801
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 93802
that bullion is in the physical possession of a trustee. 93803
"Investment coin" means any coin composed primarily of gold, 93804
silver, platinum, or palladium. 93805

(55)(a) On and after July 1, 2019, sales of optical aids or 93806

components thereof by a vendor licensed under Chapter 4725. or 93807
4731. of the Revised Code or otherwise authorized to dispense 93808
optical aids or components under the laws of another state, 93809
country, or province. 93810

(b) As used in division (B)(55) of this section: 93811

(i) "Optical aid" means eyeglasses, contact lenses, or other 93812
instruments or devices that may aid or correct human vision and 93813
that have been prescribed by a physician or optometrist licensed 93814
by any state, country, or province. 93815

(ii) "Eyeglasses" includes lenses and frames into which 93816
lenses have been installed if the lenses have been prescribed by a 93817
physician or optometrist licensed by any state, country, or 93818
province. 93819

(56) Sales of a digital audio work electronically transferred 93820
for delivery through use of a machine, such as a juke box, that 93821
does all of the following: 93822

(a) Accepts direct payments to operate; 93823

(b) Automatically plays a selected digital audio work for a 93824
single play upon receipt of a payment described in division 93825
(B)(56)(a) of this section; 93826

(c) Operates exclusively for the purpose of playing digital 93827
audio works in a commercial establishment. 93828

(C) For the purpose of the proper administration of this 93829
chapter, and to prevent the evasion of the tax, it is presumed 93830
that all sales made in this state are subject to the tax until the 93831
contrary is established. 93832

(D) The levy of this tax on retail sales of recreation and 93833
sports club service shall not prevent a municipal corporation from 93834
levying any tax on recreation and sports club dues or on any 93835
income generated by recreation and sports club dues. 93836

(E) The tax collected by the vendor from the consumer under 93837
this chapter is not part of the price, but is a tax collection for 93838
the benefit of the state, and of counties levying an additional 93839
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 93840
Code and of transit authorities levying an additional sales tax 93841
pursuant to section 5739.023 of the Revised Code. Except for the 93842
discount authorized under section 5739.12 of the Revised Code and 93843
the effects of any rounding pursuant to section 5703.055 of the 93844
Revised Code, no person other than the state or such a county or 93845
transit authority shall derive any benefit from the collection or 93846
payment of the tax levied by this section or section 5739.021, 93847
5739.023, or 5739.026 of the Revised Code. 93848

Sec. 5739.021. (A) For the purpose of providing additional 93849
general revenues for the county ~~or~~, supporting criminal and 93850
administrative justice services in the county, funding a regional 93851
transportation improvement project under section 5595.06 of the 93852
Revised Code, or both any combination of the foregoing, and to pay 93853
the expenses of administering such levy, any county may levy a tax 93854
at the rate of not more than one per cent at any multiple of 93855
~~one-fourth~~ one-tenth of one per cent upon every retail sale made 93856
in the county, except sales of watercraft and outboard motors 93857
required to be titled pursuant to Chapter 1548. of the Revised 93858
Code and sales of motor vehicles, and may increase the rate of an 93859
existing tax to not more than one per cent at any multiple of 93860
~~one-fourth~~ one-tenth of one per cent. 93861

The tax shall be levied and the rate increased pursuant to a 93862
resolution of the board of county commissioners. The resolution 93863
shall state the purpose for which the tax is to be levied and the 93864
number of years for which the tax is to be levied, or that it is 93865
for a continuing period of time. If the tax is to be levied for 93866
the purpose of providing additional general revenues and for the 93867
purpose of supporting criminal and administrative justice 93868

services, the resolution shall state the rate or amount of the tax 93869
to be apportioned to each such purpose. The rate or amount may be 93870
different for each year the tax is to be levied, but the rates or 93871
amounts actually apportioned each year shall not be different from 93872
that stated in the resolution for that year. If the resolution is 93873
adopted as an emergency measure necessary for the immediate 93874
preservation of the public peace, health, or safety, it must 93875
receive an affirmative vote of all of the members of the board of 93876
county commissioners and shall state the reasons for such 93877
necessity. The board shall deliver a certified copy of the 93878
resolution to the tax commissioner, not later than the sixty-fifth 93879
day prior to the date on which the tax is to become effective, 93880
which shall be the first day of the calendar quarter. 93881

Prior to the adoption of any resolution under this section, 93882
the board of county commissioners shall conduct two public 93883
hearings on the resolution, the second hearing to be not less than 93884
three nor more than ten days after the first. Notice of the date, 93885
time, and place of the hearings shall be given by publication in a 93886
newspaper of general circulation in the county, or as provided in 93887
section 7.16 of the Revised Code, once a week on the same day of 93888
the week for two consecutive weeks, the second publication being 93889
not less than ten nor more than thirty days prior to the first 93890
hearing. 93891

Except as provided in division (B)(3) of this section, the 93892
resolution shall be subject to a referendum as provided in 93893
sections 305.31 to 305.41 of the Revised Code. 93894

If a petition for a referendum is filed, the county auditor 93895
with whom the petition was filed shall, within five days, notify 93896
the board of county commissioners and the tax commissioner of the 93897
filing of the petition by certified mail. If the board of 93898
elections with which the petition was filed declares the petition 93899
invalid, the board of elections, within five days, shall notify 93900

the board of county commissioners and the tax commissioner of that 93901
declaration by certified mail. If the petition is declared to be 93902
invalid, the effective date of the tax or increased rate of tax 93903
levied by this section shall be the first day of a calendar 93904
quarter following the expiration of sixty-five days from the date 93905
the commissioner receives notice from the board of elections that 93906
the petition is invalid. 93907

(B)(1) A resolution that is not adopted as an emergency 93908
measure may direct the board of elections to submit the question 93909
of levying the tax or increasing the rate of tax to the electors 93910
of the county at a special election held on the date specified by 93911
the board of county commissioners in the resolution, provided that 93912
the election occurs not less than ninety days after a certified 93913
copy of such resolution is transmitted to the board of elections 93914
and the election is not held in February or August of any year. 93915
Upon transmission of the resolution to the board of elections, the 93916
board of county commissioners shall notify the tax commissioner in 93917
writing of the levy question to be submitted to the electors. No 93918
resolution adopted under this division shall go into effect unless 93919
approved by a majority of those voting upon it, and, except as 93920
provided in division (B)(3) of this section, shall become 93921
effective on the first day of a calendar quarter following the 93922
expiration of sixty-five days from the date the tax commissioner 93923
receives notice from the board of elections of the affirmative 93924
vote. 93925

(2) A resolution that is adopted as an emergency measure 93926
shall go into effect as provided in division (A) of this section, 93927
but may direct the board of elections to submit the question of 93928
repealing the tax or increase in the rate of the tax to the 93929
electors of the county at the next general election in the county 93930
occurring not less than ninety days after a certified copy of the 93931
resolution is transmitted to the board of elections. Upon 93932

transmission of the resolution to the board of elections, the 93933
board of county commissioners shall notify the tax commissioner in 93934
writing of the levy question to be submitted to the electors. The 93935
ballot question shall be the same as that prescribed in section 93936
5739.022 of the Revised Code. The board of elections shall notify 93937
the board of county commissioners and the tax commissioner of the 93938
result of the election immediately after the result has been 93939
declared. If a majority of the qualified electors voting on the 93940
question of repealing the tax or increase in the rate of the tax 93941
vote for repeal of the tax or repeal of the increase, the board of 93942
county commissioners, on the first day of a calendar quarter 93943
following the expiration of sixty-five days after the date the 93944
board and tax commissioner receive notice of the result of the 93945
election, shall, in the case of a repeal of the tax, cease to levy 93946
the tax, or, in the case of a repeal of an increase in the rate of 93947
the tax, cease to levy the increased rate and levy the tax at the 93948
rate at which it was imposed immediately prior to the increase in 93949
rate. 93950

(3) If a vendor makes a sale in this state by printed catalog 93951
and the consumer computed the tax on the sale based on local rates 93952
published in the catalog, any tax levied or repealed or rate 93953
changed under this section shall not apply to such a sale until 93954
the first day of a calendar quarter following the expiration of 93955
one hundred twenty days from the date of notice by the tax 93956
commissioner pursuant to division (H) of this section. 93957

(C) If a resolution is rejected at a referendum or if a 93958
resolution adopted after January 1, 1982, as an emergency measure 93959
is repealed by the electors pursuant to division (B)(2) of this 93960
section or section 5739.022 of the Revised Code, then for one year 93961
after the date of the election at which the resolution was 93962
rejected or repealed the board of county commissioners may not 93963
adopt any resolution authorized by this section as an emergency 93964

measure. 93965

(D) The board of county commissioners, at any time while a 93966
tax levied under this section is in effect, may by resolution 93967
reduce the rate at which the tax is levied to a lower rate 93968
authorized by this section. Any reduction in the rate at which the 93969
tax is levied shall be made effective on the first day of a 93970
calendar quarter next following the sixty-fifth day after a 93971
certified copy of the resolution is delivered to the tax 93972
commissioner. 93973

(E) The tax on every retail sale subject to a tax levied 93974
pursuant to this section shall be in addition to the tax levied by 93975
section 5739.02 of the Revised Code and any tax levied pursuant to 93976
section 5739.023 or 5739.026 of the Revised Code. 93977

A county that levies a tax pursuant to this section shall 93978
levy a tax at the same rate pursuant to section 5741.021 of the 93979
Revised Code. 93980

The additional tax levied by the county shall be collected 93981
pursuant to section 5739.025 of the Revised Code. If the 93982
additional tax or some portion thereof is levied for the purpose 93983
of criminal and administrative justice services, the revenue from 93984
the tax, or the amount or rate apportioned to that purpose, shall 93985
be credited to a special fund created in the county treasury for 93986
receipt of that revenue. 93987

Any tax levied pursuant to this section is subject to the 93988
exemptions provided in section 5739.02 of the Revised Code and in 93989
addition shall not be applicable to sales not within the taxing 93990
power of a county under the Constitution of the United States or 93991
the Ohio Constitution. 93992

(F) For purposes of this section, a copy of a resolution is 93993
"certified" when it contains a written statement attesting that 93994
the copy is a true and exact reproduction of the original 93995

resolution. 93996

(G) If a board of commissioners intends to adopt a resolution 93997
to levy a tax in whole or in part for the purpose of criminal and 93998
administrative justice services, the board shall prepare and make 93999
available at the first public hearing at which the resolution is 94000
considered a statement containing the following information: 94001

(1) For each of the two preceding fiscal years, the amount of 94002
expenditures made by the county from the county general fund for 94003
the purpose of criminal and administrative justice services; 94004

(2) For the fiscal year in which the resolution is adopted, 94005
the board's estimate of the amount of expenditures to be made by 94006
the county from the county general fund for the purpose of 94007
criminal and administrative justice services; 94008

(3) For each of the two fiscal years after the fiscal year in 94009
which the resolution is adopted, the board's preliminary plan for 94010
expenditures to be made from the county general fund for the 94011
purpose of criminal and administrative justice services, both 94012
under the assumption that the tax will be imposed for that purpose 94013
and under the assumption that the tax would not be imposed for 94014
that purpose, and for expenditures to be made from the special 94015
fund created under division (E) of this section under the 94016
assumption that the tax will be imposed for that purpose. 94017

The board shall prepare the statement and the preliminary 94018
plan using the best information available to the board at the time 94019
the statement is prepared. Neither the statement nor the 94020
preliminary plan shall be used as a basis to challenge the 94021
validity of the tax in any court of competent jurisdiction, nor 94022
shall the statement or preliminary plan limit the authority of the 94023
board to appropriate, pursuant to section 5705.38 of the Revised 94024
Code, an amount different from that specified in the preliminary 94025
plan. 94026

(H) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) or (D) of this section, or from the board of elections of a notice of the results of an election required by division (A) or (B)(1) or (2) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(I) As used in this section, "criminal and administrative justice services" means the exercise by the county sheriff of all powers and duties vested in that office by law; the exercise by the county prosecuting attorney of all powers and duties vested in that office by law; the exercise by any court in the county of all powers and duties vested in that court; the exercise by the clerk of the court of common pleas, any clerk of a municipal court having jurisdiction throughout the county, or the clerk of any county court of all powers and duties vested in the clerk by law except, in the case of the clerk of the court of common pleas, the titling of motor vehicles or watercraft pursuant to Chapter 1548. or 4505. of the Revised Code; the exercise by the county coroner of all powers and duties vested in that office by law; making payments to any other public agency or a private, nonprofit agency, the purposes of which in the county include the diversion, adjudication, detention, or rehabilitation of criminals or juvenile offenders; the operation and maintenance of any detention facility, as defined in section 2921.01 of the Revised Code; and the construction, acquisition, equipping, or repair of such a detention facility, including the payment of any debt charges incurred in the issuance of securities pursuant to Chapter 133. of the Revised Code for the purpose of constructing, acquiring, equipping, or repairing such a facility.

Sec. 5739.023. (A)(1) For the purpose of providing additional 94060
general revenues for a transit authority or funding a regional 94061
transportation improvement project under section 5595.06 of the 94062
Revised Code, or both, and ~~paying to pay~~ the expenses of 94063
administering such levy, any transit authority as defined in 94064
division (U) of section 5739.01 of the Revised Code may levy a tax 94065
upon every retail sale made in the territory of the transit 94066
authority, except sales of watercraft and outboard motors required 94067
to be titled pursuant to Chapter 1548. of the Revised Code and 94068
sales of motor vehicles, at a rate of not more than one and 94069
one-half per cent at any multiple of ~~one-fourth~~ one-tenth of one 94070
per cent and may increase the existing rate of tax to not more 94071
than one and one-half per cent at any multiple of ~~one-fourth~~ 94072
one-tenth of one per cent. The tax shall be levied and the rate 94073
increased pursuant to a resolution of the legislative authority of 94074
the transit authority and a certified copy of the resolution shall 94075
be delivered by the fiscal officer to the board of elections as 94076
provided in section 3505.071 of the Revised Code and to the tax 94077
commissioner. The resolution shall specify the number of years for 94078
which the tax is to be in effect or that the tax is for a 94079
continuing period of time, and the date of the election on the 94080
question of the tax pursuant to section 306.70 of the Revised 94081
Code. The board of elections shall certify the results of the 94082
election to the transit authority and tax commissioner. 94083

(2) Except as provided in division (C) of this section, the 94084
tax levied by the resolution shall become effective on the first 94085
day of a calendar quarter next following the sixty-fifth day 94086
following the date the tax commissioner receives from the board of 94087
elections the certification of the results of the election on the 94088
question of the tax. 94089

(B) The legislative authority may, at any time while the tax 94090
is in effect, by resolution fix the rate of the tax at any rate 94091

authorized by this section and not in excess of that approved by 94092
the voters pursuant to section 306.70 of the Revised Code. Except 94093
as provided in division (C) of this section, any change in the 94094
rate of the tax shall be made effective on the first day of a 94095
calendar quarter next following the sixty-fifth day following the 94096
date the tax commissioner receives the certification of the 94097
resolution; provided, that in any case where bonds, or notes in 94098
anticipation of bonds, of a regional transit authority have been 94099
issued under section 306.40 of the Revised Code without a vote of 94100
the electors while the tax proposed to be reduced was in effect, 94101
the board of trustees of the regional transit authority shall 94102
continue to levy and collect under authority of the original 94103
election authorizing the tax a rate of tax that the board of 94104
trustees reasonably estimates will produce an amount in that year 94105
equal to the amount of principal of and interest on those bonds as 94106
is payable in that year. 94107

(C) Upon receipt from the board of elections of the 94108
certification of the results of the election required by division 94109
(A) of this section, or from the legislative authority of the 94110
certification of a resolution under division (B) of this section, 94111
the tax commissioner shall provide notice of a tax rate change in 94112
a manner that is reasonably accessible to all affected vendors. 94113
The commissioner shall provide this notice at least sixty days 94114
prior to the effective date of the rate change. The commissioner, 94115
by rule, may establish the method by which notice will be 94116
provided. 94117

(D) If a vendor makes a sale in this state by printed catalog 94118
and the consumer computed the tax on the sale based on local rates 94119
published in the catalog, any tax levied or rate changed under 94120
this section shall not apply to such a sale until the first day of 94121
a calendar quarter following the expiration of one hundred twenty 94122
days from the date of notice by the tax commissioner pursuant to 94123

division (C) of this section. 94124

(E) The tax on every retail sale subject to a tax levied 94125
pursuant to this section is in addition to the tax levied by 94126
section 5739.02 of the Revised Code and any tax levied pursuant to 94127
section 5739.021 or 5739.026 of the Revised Code. 94128

(F) The additional tax levied by the transit authority shall 94129
be collected pursuant to section 5739.025 of the Revised Code. 94130

(G) Any tax levied pursuant to this section is subject to the 94131
exemptions provided in section 5739.02 of the Revised Code and in 94132
addition shall not be applicable to sales not within the taxing 94133
power of a transit authority under the constitution of the United 94134
States or the constitution of this state. 94135

(H) The rate of a tax levied under this section is subject to 94136
reduction under section 5739.028 of the Revised Code, if a ballot 94137
question is approved by voters pursuant to that section. 94138

~~Sec. 5739.025. As used in this section, "local tax" means a 94139
tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 94140
5741.021, 5741.022, or 5741.023 of the Revised Code. 94141~~

~~(A) The taxes levied by sections 5739.02 and 5741.02 of the 94142
Revised Code shall be collected as follows: 94143~~

~~(1) On and after July 1, 2003, and on or before June 30, 94144
2005, in accordance with the following schedule: 94145~~

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	94146
.16	.16	1¢	94147
.17	.33	2¢	94148
.34	.50	3¢	94149
.51	.66	4¢	94150
.67	.83	5¢	94151

~~.84~~ ~~1.00~~ ~~6¢~~ 94154

~~If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety nine cents in accordance with the schedule above.~~ 94155
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94162

~~(2) On and after July 1, 2005, and on and before December 31, 2005, in accordance with the following schedule:~~ 94163
94164

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	94165
.16	.18	1¢	94166
.19	.36	2¢	94167
.37	.54	3¢	94168
.55	.72	4¢	94169
.73	.90	5¢	94170
.91	1.09	6¢	94171
1.10	1.27	7¢	94172
1.28	1.46	8¢	94173
1.47	1.64	9¢	94174
1.65	1.82	10¢	94175
1.83	2.00	11¢	94176

~~If the price exceeds two dollars, the tax is eleven cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eighteen cents, the amount of tax is eleven cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eighteen cents, the amount of tax is eleven cents for each two dollars plus the amount of tax for prices nineteen cents through one dollar and~~ 94177
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~~ninety nine cents in accordance with the schedule above.~~ 94186

~~(B) On and after July 1, 2003, and on and before June 30, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~ 94187
94188
94189
94190
94191

~~(1) When the combined rate of state and local tax is six and one fourth per cent:~~ 94192
94193

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	94194 94195 94196
.16	.16	1¢	94197
.17	.32	2¢	94198
.33	.48	3¢	94199
.49	.64	4¢	94200
.65	.80	5¢	94201
.81	.96	6¢	94202
.97	1.12	7¢	94203
1.13	1.28	8¢	94204
1.29	1.44	9¢	94205
1.45	1.60	10¢	94206
1.61	1.76	11¢	94207
1.77	1.92	12¢	94208
1.93	2.08	13¢	94209
2.09	2.24	14¢	94210
2.25	2.40	15¢	94211
2.41	2.56	16¢	94212
2.57	2.72	17¢	94213
2.73	2.88	18¢	94214
2.89	3.04	19¢	94215
3.05	3.20	20¢	94216
3.21	3.36	21¢	94217

3.37	3.52	22¢	94218
3.53	3.68	23¢	94219
3.69	3.84	24¢	94220
3.85	4.00	25¢	94221

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of state and local tax is six and one half per cent:~~

If the price		The amount of	94233
is at least	But not more than	the tax is	94234
\$.01	\$.15	No tax	94235
.16	.30	2¢	94236
.31	.46	3¢	94237
.47	.61	4¢	94238
.62	.76	5¢	94239
.77	.92	6¢	94240
.93	1.07	7¢	94241
1.08	1.23	8¢	94242
1.24	1.38	9¢	94243
1.39	1.53	10¢	94244
1.54	1.69	11¢	94245
1.70	1.84	12¢	94246
1.85	2.00	13¢	94247

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a~~

~~multiple thereof by not more than fifteen cents, the amount of tax 94250
is thirteen cents for each two dollars plus one cent. If the price 94251
exceeds two dollars or a multiple thereof by more than fifteen 94252
cents, the amount of tax is thirteen cents for each two dollars 94253
plus the amount of tax for prices sixteen cents through one dollar 94254
and ninety nine cents in accordance with the schedule above. 94255~~

~~(3) When the combined rate of state and local tax is six and 94256
three fourths per cent: 94257~~

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	94260
.16	.29	2¢	94261
.30	.44	3¢	94262
.45	.59	4¢	94263
.60	.74	5¢	94264
.75	.88	6¢	94265
.89	1.03	7¢	94266
1.04	1.18	8¢	94267
1.19	1.33	9¢	94268
1.34	1.48	10¢	94269
1.49	1.62	11¢	94270
1.63	1.77	12¢	94271
1.78	1.92	13¢	94272
1.93	2.07	14¢	94273
2.08	2.22	15¢	94274
2.23	2.37	16¢	94275
2.38	2.51	17¢	94276
2.52	2.66	18¢	94277
2.67	2.81	19¢	94278
2.82	2.96	20¢	94279
2.97	3.11	21¢	94280
3.12	3.25	22¢	94281

3.26	3.40	23¢	94282
3.41	3.55	24¢	94283
3.56	3.70	25¢	94284
3.71	3.85	26¢	94285
3.86	4.00	27¢	94286

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of state and local tax is seven per cent:~~

If the price	The amount of	94301
is at least	But not more than	the tax is
\$.01	\$.15	No tax
.16	.28	2¢
.29	.42	3¢
.43	.57	4¢
.58	.71	5¢
.72	.85	6¢
.86	1.00	7¢

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one~~

~~dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of state and local tax is seven and one fourth per cent:~~

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	94322
.16	.27	2¢	94323
.28	.41	3¢	94324
.42	.55	4¢	94325
.56	.68	5¢	94326
.69	.82	6¢	94327
.83	.96	7¢	94328
.97	1.10	8¢	94329
1.11	1.24	9¢	94330
1.25	1.37	10¢	94331
1.38	1.51	11¢	94332
1.52	1.65	12¢	94333
1.66	1.79	13¢	94334
1.80	1.93	14¢	94335
1.94	2.06	15¢	94336
2.07	2.20	16¢	94337
2.21	2.34	17¢	94338
2.35	2.48	18¢	94339
2.49	2.62	19¢	94340
2.63	2.75	20¢	94341
2.76	2.89	21¢	94342
2.90	3.03	22¢	94343
3.04	3.17	23¢	94344
3.18	3.31	24¢	94345

3.32	3.44	25¢	94346
3.45	3.58	26¢	94347
3.59	3.72	27¢	94348
3.73	3.86	28¢	94349
3.87	4.00	29¢	94350

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of state and local tax is seven and one half per cent:~~

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	94365
.16	.26	2¢	94366
.27	.40	3¢	94367
.41	.53	4¢	94368
.54	.65	5¢	94369
.66	.80	6¢	94370
.81	.93	7¢	94371
.94	1.06	8¢	94372
1.07	1.20	9¢	94373
1.21	1.33	10¢	94374
1.34	1.46	11¢	94375

1.47	1.60	12¢	94378
1.61	1.73	13¢	94379
1.74	1.86	14¢	94380
1.87	2.00	15¢	94381

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of state and local tax is seven and three fourths per cent:~~

If the price		The amount of	94392
is at least	But not more than	the tax is	94393
\$.01	\$.15	No tax	94394
.16	.25	2¢	94395
.26	.38	3¢	94396
.39	.51	4¢	94397
.52	.64	5¢	94398
.65	.77	6¢	94399
.78	.90	7¢	94400
.91	1.03	8¢	94401
1.04	1.16	9¢	94402
1.17	1.29	10¢	94403
1.30	1.41	11¢	94404
1.42	1.54	12¢	94405
1.55	1.67	13¢	94406
1.68	1.80	14¢	94407
1.81	1.93	15¢	94408
1.94	2.06	16¢	94409

2.07	2.19	17¢	94410
2.20	2.32	18¢	94411
2.33	2.45	19¢	94412
2.46	2.58	20¢	94413
2.59	2.70	21¢	94414
2.71	2.83	22¢	94415
2.84	2.96	23¢	94416
2.97	3.09	24¢	94417
3.10	3.22	25¢	94418
3.23	3.35	26¢	94419
3.36	3.48	27¢	94420
3.49	3.61	28¢	94421
3.62	3.74	29¢	94422
3.75	3.87	30¢	94423
3.88	4.00	31¢	94424

~~If the price exceeds four dollars, the tax is thirty one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(8) When the combined rate of state and local tax is eight per cent:~~

If the price		The amount of	94439
is at least	But not more than	the tax is	94440
\$.01	\$.15	No tax	94441

.16	.25	2¢	94442
.26	.37	3¢	94443
.38	.50	4¢	94444
.51	.62	5¢	94445
.63	.75	6¢	94446
.76	.87	7¢	94447
.88	1.00	8¢	94448

~~If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty six cents through ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of state and local tax is eight and one fourth per cent:~~

If the price		The amount of	94462
is at least	But not more than	the tax is	94463
\$.01	\$.15	No tax	94464
.16	.24	2¢	94465
.25	.36	3¢	94466
.37	.48	4¢	94467
.49	.60	5¢	94468
.61	.72	6¢	94469
.73	.84	7¢	94470
.85	.96	8¢	94471
.97	1.09	9¢	94472
1.10	1.21	10¢	94473

1.22	1.33	11¢	94474
1.34	1.45	12¢	94475
1.46	1.57	13¢	94476
1.58	1.69	14¢	94477
1.70	1.81	15¢	94478
1.82	1.93	16¢	94479
1.94	2.06	17¢	94480
2.07	2.18	18¢	94481
2.19	2.30	19¢	94482
2.31	2.42	20¢	94483
2.43	2.54	21¢	94484
2.55	2.66	22¢	94485
2.67	2.78	23¢	94486
2.79	2.90	24¢	94487
2.91	3.03	25¢	94488
3.04	3.15	26¢	94489
3.16	3.27	27¢	94490
3.28	3.39	28¢	94491
3.40	3.51	29¢	94492
3.52	3.63	30¢	94493
3.64	3.75	31¢	94494
3.76	3.87	32¢	94495
3.88	4.00	33¢	94496

~~If the price exceeds four dollars, the tax is thirty three~~ 94497
~~cents on each four dollars. If the price exceeds four dollars or a~~ 94498
~~multiple thereof by not more than eleven cents, the amount of tax~~ 94499
~~is thirty three cents for each four dollars plus one cent. If the~~ 94500
~~price exceeds four dollars or a multiple thereof by more than~~ 94501
~~eleven cents but by not more than twenty four cents, the amount of~~ 94502
~~tax is thirty three cents for each four dollars plus two cents. If~~ 94503
~~the price exceeds four dollars or a multiple thereof by more than~~ 94504
~~twenty four cents, the amount of tax is thirty three cents for~~ 94505
~~each four dollars plus the amount of tax for prices twenty six~~ 94506

~~cents through three dollars and ninety nine cents in accordance 94507~~
~~with the schedule above. 94508~~

~~(10) When the combined rate of state and local tax is eight 94509~~
~~and one half per cent: 94510~~

~~If the price The amount of 94511~~
~~is at least But not more than the tax is 94512~~

\$.01	\$.15	No tax	
.16	.23	2¢	94514
.24	.35	3¢	94515
.36	.47	4¢	94516
.48	.58	5¢	94517
.59	.70	6¢	94518
.71	.82	7¢	94519
.83	.94	8¢	94520
.95	1.05	9¢	94521
1.06	1.17	10¢	94522
1.18	1.29	11¢	94523
1.30	1.41	12¢	94524
1.42	1.52	13¢	94525
1.53	1.64	14¢	94526
1.65	1.76	15¢	94527
1.77	1.88	16¢	94528
1.89	2.00	17¢	94529

~~If the price exceeds two dollars, the tax is seventeen cents 94530~~
~~on each two dollars. If the price exceeds two dollars or a 94531~~
~~multiple thereof by not more than eleven cents, the amount of tax 94532~~
~~is seventeen cents for each two dollars plus one cent. If the 94533~~
~~price exceeds two dollars or a multiple thereof by more than 94534~~
~~eleven cents but by not more than twenty three cents, the amount 94535~~
~~of tax is seventeen cents for each two dollars plus two cents. If 94536~~
~~the price exceeds two dollars or a multiple thereof by more than 94537~~
~~twenty three cents, the amount of tax is seventeen cents for each 94538~~

~~two dollars plus the amount of tax for prices twenty four cents 94539~~
~~through one dollar and ninety nine cents in accordance with the 94540~~
~~schedule above. 94541~~

~~(11) When the combined rate of state and local tax is eight 94542~~
~~and three fourths per cent: 94543~~

If the price	But not more than	The amount of	
is at least		the tax is	
\$.01	\$.15	No tax	94546
.16	.22	2¢	94547
.23	.34	3¢	94548
.35	.45	4¢	94549
.46	.57	5¢	94550
.58	.68	6¢	94551
.69	.80	7¢	94552
.81	.91	8¢	94553
.92	1.02	9¢	94554
1.03	1.14	10¢	94555
1.15	1.25	11¢	94556
1.26	1.37	12¢	94557
1.38	1.48	13¢	94558
1.49	1.60	14¢	94559
1.61	1.71	15¢	94560
1.72	1.82	16¢	94561
1.83	1.94	17¢	94562
1.95	2.05	18¢	94563
2.06	2.17	19¢	94564
2.18	2.28	20¢	94565
2.29	2.40	21¢	94566
2.41	2.51	22¢	94567
2.52	2.62	23¢	94568
2.63	2.74	24¢	94569
2.75	2.85	25¢	94570

2.86	2.97	26¢	94571
2.98	3.08	27¢	94572
3.09	3.20	28¢	94573
3.21	3.31	29¢	94574
3.32	3.42	30¢	94575
3.43	3.54	31¢	94576
3.55	3.65	32¢	94577
3.66	3.77	33¢	94578
3.78	3.88	34¢	94579
3.89	4.00	35¢	94580

~~If the price exceeds four dollars, the tax is thirty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus the amount of tax for prices twenty three cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(12) When the combined rate of state and local tax is nine per cent:~~

If the price		The amount of	94595
is at least	But not more than	the tax is	94596
\$.01	\$.15	No tax	94597
.16	.22	2¢	94598
.23	.33	3¢	94599
.34	.44	4¢	94600
.45	.55	5¢	94601
.56	.66	6¢	94602

-.67	-.77	7¢	94603
-.78	-.88	8¢	94604
-.89	1.00	9¢	94605

~~If the price exceeds one dollar, the tax is nine cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than eleven cents, the amount of tax is nine cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is nine cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty two cents, the amount of tax is nine cents for each one dollar plus the amount of tax for prices twenty three cents through ninety nine cents in accordance with the schedule above.~~

~~(C) On and after July 1, 2005, and on and before December 31, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~

~~(1) When the total rate of local tax is one fourth per cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	94625
.16	.17	1¢	94626
.18	.34	2¢	94627
.35	.52	3¢	94628
.53	.69	4¢	94629
.70	.86	5¢	94630
.87	1.04	6¢	94631
1.05	1.21	7¢	94632
1.22	1.39	8¢	94633
1.40	1.56	9¢	94634

1.57	1.73	10¢	94635
1.74	1.91	11¢	94636
1.92	2.08	12¢	94637
2.09	2.26	13¢	94638
2.27	2.43	14¢	94639
2.44	2.60	15¢	94640
2.61	2.78	16¢	94641
2.79	2.95	17¢	94642
2.96	3.13	18¢	94643
3.14	3.30	19¢	94644
3.31	3.47	20¢	94645
3.48	3.65	21¢	94646
3.66	3.82	22¢	94647
3.83	4.00	23¢	94648

~~If the price exceeds four dollars, the tax is twenty three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

(2) When the combined rate of local tax is one half per cent:			94658
If the price	But not	The amount	94659
is at least	more than	of the tax is	94660
\$.01	\$.15	No tax	94661
.16	.17	1¢	94662
.18	.34	2¢	94663
.35	.50	3¢	94664
.51	.67	4¢	94665
.68	.83	5¢	94666

~~.84~~ ~~1.00~~ ~~6¢~~ 94667

~~If the price exceeds one dollar, the tax is six cents on each~~ 94668
~~one dollar. If the price exceeds one dollar or a multiple thereof~~ 94669
~~by not more than seventeen cents, the amount of tax is six cents~~ 94670
~~for each one dollar plus one cent. If the price exceeds one dollar~~ 94671
~~or a multiple thereof by more than seventeen cents, the amount of~~ 94672
~~tax is six cents for each one dollar plus the amount of tax for~~ 94673
~~prices eighteen cents through ninety nine cents in accordance with~~ 94674
~~the schedule above.~~ 94675

~~(3) When the combined rate of local tax is three fourths per~~ 94676
~~cent:~~ 94677

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	94680
.16	.16	1¢	94681
.17	.32	2¢	94682
.33	.48	3¢	94683
.49	.64	4¢	94684
.65	.80	5¢	94685
.81	.96	6¢	94686
.97	1.12	7¢	94687
1.13	1.28	8¢	94688
1.29	1.44	9¢	94689
1.45	1.60	10¢	94690
1.61	1.76	11¢	94691
1.77	1.92	12¢	94692
1.93	2.08	13¢	94693
2.09	2.24	14¢	94694
2.25	2.40	15¢	94695
2.41	2.56	16¢	94696
2.57	2.72	17¢	94697
2.73	2.88	18¢	94698

2.89	3.04	19¢	94699
3.05	3.20	20¢	94700
3.21	3.36	21¢	94701
3.37	3.52	22¢	94702
3.53	3.68	23¢	94703
3.69	3.84	24¢	94704
3.85	4.00	25¢	94705

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of local tax is one per cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	94718
.16	.30	2¢	94719
.31	.46	3¢	94720
.47	.61	4¢	94721
.62	.76	5¢	94722
.77	.92	6¢	94723
.93	1.07	7¢	94724
1.08	1.23	8¢	94725
1.24	1.38	9¢	94726
1.39	1.53	10¢	94727
1.54	1.69	11¢	94728
1.70	1.84	12¢	94729
1.85	2.00	13¢	94730

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of local tax is one and one fourth per cent:~~

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	94741
.16	.29	2¢	94742
.30	.44	3¢	94743
.45	.59	4¢	94744
.60	.74	5¢	94745
.75	.88	6¢	94746
.89	1.03	7¢	94747
1.04	1.18	8¢	94748
1.19	1.33	9¢	94749
1.34	1.48	10¢	94750
1.49	1.62	11¢	94751
1.63	1.77	12¢	94752
1.78	1.92	13¢	94753
1.93	2.07	14¢	94754
2.08	2.22	15¢	94755
2.23	2.37	16¢	94756
2.38	2.51	17¢	94757
2.52	2.66	18¢	94758
2.67	2.81	19¢	94759
2.82	2.96	20¢	94760

2.97	3.11	21¢	94763
3.12	3.25	22¢	94764
3.26	3.40	23¢	94765
3.41	3.55	24¢	94766
3.56	3.70	25¢	94767
3.71	3.85	26¢	94768
3.86	4.00	27¢	94769

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of local tax is one and one half per cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	94784
.16	.28	2¢	94785
.29	.42	3¢	94786
.43	.57	4¢	94787
.58	.71	5¢	94788
.72	.85	6¢	94789
.86	1.00	7¢	94790

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple~~

~~thereof by not more than fifteen cents, the amount of tax is seven 94795~~
~~cents for each one dollar plus one cent. If the price exceeds one 94796~~
~~dollar or a multiple thereof by more than fifteen cents, the 94797~~
~~amount of tax is seven cents for each one dollar plus the amount 94798~~
~~of tax for prices sixteen cents through ninety nine cents in 94799~~
~~accordance with the schedule above. 94800~~

~~(7) When the combined rate of local tax is one and 94801~~
~~three fourths per cent: 94802~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	94803
.16	.27	2¢	94804
.28	.41	3¢	94805
.42	.55	4¢	94806
.56	.68	5¢	94807
.69	.82	6¢	94808
.83	.96	7¢	94809
.97	1.10	8¢	94810
1.11	1.24	9¢	94811
1.25	1.37	10¢	94812
1.38	1.51	11¢	94813
1.52	1.65	12¢	94814
1.66	1.79	13¢	94815
1.80	1.93	14¢	94816
1.94	2.06	15¢	94817
2.07	2.20	16¢	94818
2.21	2.34	17¢	94819
2.35	2.48	18¢	94820
2.49	2.62	19¢	94821
2.63	2.75	20¢	94822
2.76	2.89	21¢	94823
2.90	3.03	22¢	94824
			94825
			94826

3.04	3.17	23¢	94827
3.18	3.31	24¢	94828
3.32	3.44	25¢	94829
3.45	3.58	26¢	94830
3.59	3.72	27¢	94831
3.73	3.86	28¢	94832
3.87	4.00	29¢	94833

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

(8) When the combined rate of local tax is two per cent:			94846
If the price	But not	The amount	94847
is at least	more than	of the tax is	94848
\$.01	\$.15	No tax	94849
.16	.26	2¢	94850
.27	.40	3¢	94851
.41	.53	4¢	94852
.54	.65	5¢	94853
.66	.80	6¢	94854
.81	.93	7¢	94855
.94	1.06	8¢	94856
1.07	1.20	9¢	94857
1.21	1.33	10¢	94858

1.34	1.46	11¢	94859
1.47	1.60	12¢	94860
1.61	1.73	13¢	94861
1.74	1.86	14¢	94862
1.87	2.00	15¢	94863

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of local tax is two and one fourth per cent:~~

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	94874
.16	.25	2¢	94875
.26	.38	3¢	94876
.39	.51	4¢	94877
.52	.64	5¢	94878
.65	.77	6¢	94879
.78	.90	7¢	94880
.91	1.03	8¢	94881
1.04	1.16	9¢	94882
1.17	1.29	10¢	94883
1.30	1.41	11¢	94884
1.42	1.54	12¢	94885
1.55	1.67	13¢	94886
1.68	1.80	14¢	94887
1.81	1.93	15¢	94888
			94889
			94890

1.94	2.06	16¢	94891
2.07	2.19	17¢	94892
2.20	2.32	18¢	94893
2.33	2.45	19¢	94894
2.46	2.58	20¢	94895
2.59	2.70	21¢	94896
2.71	2.83	22¢	94897
2.84	2.96	23¢	94898
2.97	3.09	24¢	94899
3.10	3.22	25¢	94900
3.23	3.35	26¢	94901
3.36	3.48	27¢	94902
3.49	3.61	28¢	94903
3.62	3.74	29¢	94904
3.75	3.87	30¢	94905
3.88	4.00	31¢	94906

~~If the price exceeds four dollars, the tax is thirty one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(10) When the combined rate of local tax is two and one half per cent:~~

If the price	But not	The amount	94921
is at least	more than	of the tax is	94922

\$.01	\$.15	No tax	94923
.16	.25	2¢	94924
.26	.37	3¢	94925
.38	.50	4¢	94926
.51	.62	5¢	94927
.63	.75	6¢	94928
.76	.87	7¢	94929
.88	1.00	8¢	94930

~~If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty six cents through ninety nine cents in accordance with the schedule above.~~

~~(11) When the combined rate of local tax is two and three fourths per cent:~~

If the price	But not	The amount	94944
is at least	more than	of the tax is	94945
\$.01	\$.15	No tax	94946
.16	.24	2¢	94947
.25	.36	3¢	94948
.37	.48	4¢	94949
.49	.60	5¢	94950
.61	.72	6¢	94951
.73	.84	7¢	94952
.85	.96	8¢	94953
.97	1.09	9¢	94954

1.10	1.21	10¢	94955
1.22	1.33	11¢	94956
1.34	1.45	12¢	94957
1.46	1.57	13¢	94958
1.58	1.69	14¢	94959
1.70	1.81	15¢	94960
1.82	1.93	16¢	94961
1.94	2.06	17¢	94962
2.07	2.18	18¢	94963
2.19	2.30	19¢	94964
2.31	2.42	20¢	94965
2.43	2.54	21¢	94966
2.55	2.66	22¢	94967
2.67	2.78	23¢	94968
2.79	2.90	24¢	94969
2.91	3.03	25¢	94970
3.04	3.15	26¢	94971
3.16	3.27	27¢	94972
3.28	3.39	28¢	94973
3.40	3.51	29¢	94974
3.52	3.63	30¢	94975
3.64	3.75	31¢	94976
3.76	3.87	32¢	94977
3.88	4.00	33¢	94978

~~If the price exceeds four dollars, the tax is thirty three~~ 94979
~~cents on each four dollars. If the price exceeds four dollars or a~~ 94980
~~multiple thereof by not more than eleven cents, the amount of tax~~ 94981
~~is thirty three cents for each four dollars plus one cent. If the~~ 94982
~~price exceeds four dollars or a multiple thereof by more than~~ 94983
~~eleven cents but not more than twenty four cents, the amount of~~ 94984
~~tax is thirty three cents for each four dollars plus two cents. If~~ 94985
~~the price exceeds four dollars or a multiple thereof by more than~~ 94986
~~twenty four cents, the amount of tax is thirty three cents for~~ 94987

~~each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(12) When the combined rate of local tax is three per cent:~~

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	94994
.16	.23	2¢	94995
.24	.35	3¢	94996
.36	.47	4¢	94997
.48	.58	5¢	94998
.59	.70	6¢	94999
.71	.82	7¢	95000
.83	.94	8¢	95001
.95	1.05	9¢	95002
1.06	1.17	10¢	95003
1.18	1.29	11¢	95004
1.30	1.41	12¢	95005
1.42	1.52	13¢	95006
1.53	1.64	14¢	95007
1.65	1.76	15¢	95008
1.77	1.88	16¢	95009
1.89	2.00	17¢	95010

~~If the price exceeds two dollars, the tax is seventeen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eleven cents, the amount of tax is seventeen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eleven cents but not more than twenty three cents, the amount of tax is seventeen cents for each two dollars plus two cents. If the price exceeds two dollars or a multiple thereof by more than twenty three cents, the amount of tax is seventeen cents for each~~

~~two dollars plus the amount of tax for prices twenty four cents 95020
through one dollar and ninety nine cents in accordance with the 95021
schedule above. 95022~~

~~(D) In lieu of collecting the tax pursuant to the schedules 95023
set forth in divisions (A), (B), and (C) of this section, a vendor 95024
may compute the tax on each sale as follows: 95025~~

~~(1) On sales of fifteen cents or less, no tax shall apply. 95026~~

~~(2) On sales in excess of fifteen cents, multiply the price 95027
by the aggregate rate of taxes in effect under sections 5739.02 95028
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 95029
5741.022, and 5741.023 of the Revised Code. The computation shall 95030
be carried out to six decimal places. If the result is a 95031
fractional amount of a cent, the calculated tax shall be increased 95032
to the next highest cent and that amount shall be collected by the 95033
vendor. 95034~~

~~(E) On and after January 1, 2006, a (A) A vendor shall 95035
compute the tax on each sale by multiplying the price by the 95036
aggregate rate of taxes in effect under sections 5739.02 and 95037
5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021, 95038
5741.022, and 5741.023 of the Revised Code. The computation shall 95039
be carried out to three decimal places. If the result is a 95040
fractional amount of a cent, the calculated tax shall be rounded 95041
to a whole cent using a method that rounds up to the next cent 95042
whenever the third decimal place is greater than four. A vendor 95043
may elect to compute the tax due on a transaction on an item or an 95044
invoice basis. 95045~~

~~(F)(B) In auditing a vendor, the tax commissioner shall 95046
consider the method prescribed by this section that was used by 95047
the vendor in determining and collecting the tax due under this 95048
chapter on taxable transactions. If the vendor correctly collects 95049
and remits the tax due under this chapter in accordance with the 95050~~

~~schedules in divisions (A), (B), and (C) of this section or in~~ 95051
~~accordance with the computation prescribed in division (D) or (E)~~ 95052
(A) of this section, the commissioner shall not assess any 95053
additional tax on those transactions. 95054

~~(G)(C)~~(1) With respect to a sale of a fractional ownership 95055
program aircraft used primarily in a fractional aircraft ownership 95056
program, including all accessories attached to such aircraft, the 95057
tax shall be calculated pursuant to ~~divisions~~ division (A) ~~to (E)~~ 95058
of this section, provided that the tax commissioner shall modify 95059
those calculations so that the maximum tax on each program 95060
aircraft is eight hundred dollars. In the case of a sale of a 95061
fractional interest that is less than one hundred per cent of the 95062
program aircraft, the tax charged on the transaction shall be 95063
eight hundred dollars multiplied by a fraction, the numerator of 95064
which is the percentage of ownership or possession in the aircraft 95065
being purchased in the transaction, and the denominator of which 95066
is one hundred per cent. 95067

(2) Notwithstanding any other provision of law to the 95068
contrary, the tax calculated under division ~~(G)(C)~~(1) of this 95069
section and paid with respect to the sale of a fractional 95070
ownership program aircraft used primarily in a fractional aircraft 95071
ownership program shall be credited to the general revenue fund. 95072

Sec. 5739.026. (A) A board of county commissioners may levy a 95073
tax ~~of one-fourth or one-half of one per cent~~ on every retail sale 95074
in the county, except sales of watercraft and outboard motors 95075
required to be titled pursuant to Chapter 1548. of the Revised 95076
Code and sales of motor vehicles, at a rate of not more than 95077
one-half of one per cent at any multiple of one-tenth of one per 95078
cent and may increase an existing rate of ~~one-fourth of one per~~ 95079
~~cent~~ tax to not more than one-half of one per cent at any multiple 95080
of one-tenth of one per cent, to pay the expenses of administering 95081

the tax and, except as provided in division (A)(6) of this 95082
section, for any one or more of the following purposes provided 95083
that the aggregate levy for all such purposes does not exceed 95084
one-half of one per cent: 95085

(1) To provide additional revenues for the payment of bonds 95086
or notes issued in anticipation of bonds issued by a convention 95087
facilities authority established by the board of county 95088
commissioners under Chapter 351. of the Revised Code and to 95089
provide additional operating revenues for the convention 95090
facilities authority; 95091

(2) To provide additional revenues for a transit authority 95092
operating in the county; 95093

(3) To provide additional revenue for the county's general 95094
fund; 95095

(4) To provide additional revenue for permanent improvements 95096
~~within the county~~ to be distributed by the community improvements 95097
board in accordance with section 307.283 and to pay principal, 95098
interest, and premium on bonds issued under section 307.284 of the 95099
Revised Code; 95100

(5) To provide additional revenue for the acquisition, 95101
construction, equipping, or repair of any specific permanent 95102
improvement or any class or group of permanent improvements, which 95103
improvement or class or group of improvements shall be enumerated 95104
in the resolution required by division (D) of this section, and to 95105
pay principal, interest, premium, and other costs associated with 95106
the issuance of bonds or notes in anticipation of bonds issued 95107
pursuant to Chapter 133. of the Revised Code for the acquisition, 95108
construction, equipping, or repair of the specific permanent 95109
improvement or class or group of permanent improvements; 95110

(6) To provide revenue for the implementation and operation 95111
of a 9-1-1 system in the county. If the tax is levied or the rate 95112

increased exclusively for such purpose, the tax shall not be 95113
levied or the rate increased for more than five years. At the end 95114
of the last year the tax is levied or the rate increased, any 95115
balance remaining in the special fund established for such purpose 95116
shall remain in that fund and be used exclusively for such purpose 95117
until the fund is completely expended, and, notwithstanding 95118
section 5705.16 of the Revised Code, the board of county 95119
commissioners shall not petition for the transfer of money from 95120
such special fund, and the tax commissioner shall not approve such 95121
a petition. 95122

If the tax is levied or the rate increased for such purpose 95123
for more than five years, the board of county commissioners also 95124
shall levy the tax or increase the rate of the tax for one or more 95125
of the purposes described in divisions (A)(1) to (5) of this 95126
section and shall prescribe the method for allocating the revenues 95127
from the tax each year in the manner required by division (C) of 95128
this section. 95129

(7) To provide additional revenue for the operation or 95130
maintenance of a detention facility, as that term is defined under 95131
division (F) of section 2921.01 of the Revised Code; 95132

(8) To provide revenue to finance the construction or 95133
renovation of a sports facility, but only if the tax is levied for 95134
that purpose in the manner prescribed by section 5739.028 of the 95135
Revised Code. 95136

As used in division (A)(8) of this section: 95137

(a) "Sports facility" means a facility intended to house 95138
major league professional athletic teams. 95139

(b) "Constructing" or "construction" includes providing 95140
fixtures, furnishings, and equipment. 95141

(9) To provide additional revenue for the acquisition of 95142
agricultural easements, as defined in section 5301.67 of the 95143

Revised Code; to pay principal, interest, and premium on bonds 95144
issued under section 133.60 of the Revised Code; and for the 95145
supervision and enforcement of agricultural easements held by the 95146
county; 95147

(10) To provide revenue for the provision of ambulance, 95148
paramedic, or other emergency medical services; 95149

(11) To provide revenue for the operation of a lake 95150
facilities authority and the remediation of an impacted watershed 95151
by a lake facilities authority, as provided in Chapter 353. of the 95152
Revised Code; 95153

(12) To provide additional revenue for a regional 95154
transportation improvement project under section 5595.06 of the 95155
Revised Code. 95156

Pursuant to section 755.171 of the Revised Code, a board of 95157
county commissioners may pledge and contribute revenue from a tax 95158
levied for the purpose of division (A)(5) of this section to the 95159
payment of debt charges on bonds issued under section 755.17 of 95160
the Revised Code. 95161

The rate of tax shall be a multiple of ~~one-fourth~~ one-tenth 95162
of one per cent, unless a portion of the rate of an existing tax 95163
levied under section 5739.023 of the Revised Code has been 95164
reduced, and the rate of tax levied under this section has been 95165
increased, pursuant to section 5739.028 of the Revised Code, in 95166
which case the aggregate of the rates of tax levied under this 95167
section and section 5739.023 of the Revised Code shall be a 95168
multiple of ~~one-fourth~~ one-tenth of one per cent. The tax shall be 95169
levied and the rate increased pursuant to a resolution adopted by 95170
a majority of the members of the board. The board shall deliver a 95171
certified copy of the resolution to the tax commissioner, not 95172
later than the sixty-fifth day prior to the date on which the tax 95173
is to become effective, which shall be the first day of a calendar 95174

quarter. 95175

Prior to the adoption of any resolution to levy the tax or to 95176
increase the rate of tax exclusively for the purpose set forth in 95177
division (A)(3) of this section, the board of county commissioners 95178
shall conduct two public hearings on the resolution, the second 95179
hearing to be no fewer than three nor more than ten days after the 95180
first. Notice of the date, time, and place of the hearings shall 95181
be given by publication in a newspaper of general circulation in 95182
the county, or as provided in section 7.16 of the Revised Code, 95183
once a week on the same day of the week for two consecutive weeks. 95184
The second publication shall be no fewer than ten nor more than 95185
thirty days prior to the first hearing. Except as provided in 95186
division (E) of this section, the resolution shall be subject to a 95187
referendum as provided in sections 305.31 to 305.41 of the Revised 95188
Code. If the resolution is adopted as an emergency measure 95189
necessary for the immediate preservation of the public peace, 95190
health, or safety, it must receive an affirmative vote of all of 95191
the members of the board of county commissioners and shall state 95192
the reasons for the necessity. 95193

If the tax is for more than one of the purposes set forth in 95194
divisions (A)(1) to (7), (9), ~~and (10)~~, and (12) of this section, 95195
or is exclusively for one of the purposes set forth in division 95196
(A)(1), (2), (4), (5), (6), (7), (9), ~~or (10)~~, or (12) of this 95197
section, the resolution shall not go into effect unless it is 95198
approved by a majority of the electors voting on the question of 95199
the tax. 95200

(B) The board of county commissioners shall adopt a 95201
resolution under section 351.02 of the Revised Code creating the 95202
convention facilities authority, or under section 307.283 of the 95203
Revised Code creating the community improvements board, before 95204
adopting a resolution levying a tax for the purpose of a 95205
convention facilities authority under division (A)(1) of this 95206

section or for the purpose of a community improvements board under 95207
division (A)(4) of this section. 95208

(C)(1) If the tax is to be used for more than one of the 95209
purposes set forth in divisions (A)(1) to (7), (9), ~~and~~ (10), and 95210
(12) of this section, the board of county commissioners shall 95211
establish the method that will be used to determine the amount or 95212
proportion of the tax revenue received by the county during each 95213
year that will be distributed for each of those purposes, 95214
including, if applicable, provisions governing the reallocation of 95215
a convention facilities authority's allocation if the authority is 95216
dissolved while the tax is in effect. The allocation method may 95217
provide that different proportions or amounts of the tax shall be 95218
distributed among the purposes in different years, but it shall 95219
clearly describe the method that will be used for each year. 95220
Except as otherwise provided in division (C)(2) of this section, 95221
the allocation method established by the board is not subject to 95222
amendment during the life of the tax. 95223

(2) Subsequent to holding a public hearing on the proposed 95224
amendment, the board of county commissioners may amend the 95225
allocation method established under division (C)(1) of this 95226
section for any year, if the amendment is approved by the 95227
governing board of each entity whose allocation for the year would 95228
be reduced by the proposed amendment. In the case of a tax that is 95229
levied for a continuing period of time, the board may not so amend 95230
the allocation method for any year before the sixth year that the 95231
tax is in effect. 95232

(a) If the additional revenues provided to the convention 95233
facilities authority are pledged by the authority for the payment 95234
of convention facilities authority revenue bonds for as long as 95235
such bonds are outstanding, no reduction of the authority's 95236
allocation of the tax shall be made for any year except to the 95237
extent that the reduced authority allocation, when combined with 95238

the authority's other revenues pledged for that purpose, is 95239
sufficient to meet the debt service requirements for that year on 95240
such bonds. 95241

(b) If the additional revenues provided to the county are 95242
pledged by the county for the payment of bonds or notes described 95243
in division (A)(4) or (5) of this section, for as long as such 95244
bonds or notes are outstanding, no reduction of the county's or 95245
the community improvements board's allocation of the tax shall be 95246
made for any year, except to the extent that the reduced county or 95247
community improvements board allocation is sufficient to meet the 95248
debt service requirements for that year on such bonds or notes. 95249

(c) If the additional revenues provided to the transit 95250
authority are pledged by the authority for the payment of revenue 95251
bonds issued under section 306.37 of the Revised Code, for as long 95252
as such bonds are outstanding, no reduction of the authority's 95253
allocation of tax shall be made for any year, except to the extent 95254
that the authority's reduced allocation, when combined with the 95255
authority's other revenues pledged for that purpose, is sufficient 95256
to meet the debt service requirements for that year on such bonds. 95257

(d) If the additional revenues provided to the county are 95258
pledged by the county for the payment of bonds or notes issued 95259
under section 133.60 of the Revised Code, for so long as the bonds 95260
or notes are outstanding, no reduction of the county's allocation 95261
of the tax shall be made for any year, except to the extent that 95262
the reduced county allocation is sufficient to meet the debt 95263
service requirements for that year on the bonds or notes. 95264

(D)(1) The resolution levying the tax or increasing the rate 95265
of tax shall state the rate of the tax or the rate of the 95266
increase; the purpose or purposes for which it is to be levied; 95267
the number of years for which it is to be levied or that it is for 95268
a continuing period of time; the allocation method required by 95269
division (C) of this section; and if required to be submitted to 95270

the electors of the county under division (A) of this section, the 95271
date of the election at which the proposal shall be submitted to 95272
the electors of the county, which shall be not less than ninety 95273
days after the certification of a copy of the resolution to the 95274
board of elections and, if the tax is to be levied exclusively for 95275
the purpose set forth in division (A)(3) of this section, shall 95276
not occur in August of any year. Upon certification of the 95277
resolution to the board of elections, the board of county 95278
commissioners shall notify the tax commissioner in writing of the 95279
levy question to be submitted to the electors. If approved by a 95280
majority of the electors, the tax shall become effective on the 95281
first day of a calendar quarter next following the sixty-fifth day 95282
following the date the board of county commissioners and tax 95283
commissioner receive from the board of elections the certification 95284
of the results of the election, except as provided in division (E) 95285
of this section. 95286

(2)(a) A resolution specifying that the tax is to be used 95287
exclusively for the purpose set forth in division (A)(3) of this 95288
section that is not adopted as an emergency measure may direct the 95289
board of elections to submit the question of levying the tax or 95290
increasing the rate of the tax to the electors of the county at a 95291
special election held on the date specified by the board of county 95292
commissioners in the resolution, provided that the election occurs 95293
not less than ninety days after the resolution is certified to the 95294
board of elections and the election is not held in August of any 95295
year. Upon certification of the resolution to the board of 95296
elections, the board of county commissioners shall notify the tax 95297
commissioner in writing of the levy question to be submitted to 95298
the electors. No resolution adopted under division (D)(2)(a) of 95299
this section shall go into effect unless approved by a majority of 95300
those voting upon it and, except as provided in division (E) of 95301
this section, not until the first day of a calendar quarter 95302
following the expiration of sixty-five days from the date the tax 95303

commissioner receives notice from the board of elections of the 95304
affirmative vote. 95305

(b) A resolution specifying that the tax is to be used 95306
exclusively for the purpose set forth in division (A)(3) of this 95307
section that is adopted as an emergency measure shall become 95308
effective as provided in division (A) of this section, but may 95309
direct the board of elections to submit the question of repealing 95310
the tax or increase in the rate of the tax to the electors of the 95311
county at the next general election in the county occurring not 95312
less than ninety days after the resolution is certified to the 95313
board of elections. Upon certification of the resolution to the 95314
board of elections, the board of county commissioners shall notify 95315
the tax commissioner in writing of the levy question to be 95316
submitted to the electors. The ballot question shall be the same 95317
as that prescribed in section 5739.022 of the Revised Code. The 95318
board of elections shall notify the board of county commissioners 95319
and the tax commissioner of the result of the election immediately 95320
after the result has been declared. If a majority of the qualified 95321
electors voting on the question of repealing the tax or increase 95322
in the rate of the tax vote for repeal of the tax or repeal of the 95323
increase, the board of county commissioners, on the first day of a 95324
calendar quarter following the expiration of sixty-five days after 95325
the date the board and tax commissioner received notice of the 95326
result of the election, shall, in the case of a repeal of the tax, 95327
cease to levy the tax, or, in the case of a repeal of an increase 95328
in the rate of the tax, cease to levy the increased rate and levy 95329
the tax at the rate at which it was imposed immediately prior to 95330
the increase in rate. 95331

(c) A board of county commissioners, by resolution, may 95332
reduce the rate of a tax levied exclusively for the purpose set 95333
forth in division (A)(3) of this section to a lower rate 95334
authorized by this section. Any such reduction shall be made 95335

effective on the first day of the calendar quarter next following 95336
the sixty-fifth day after the tax commissioner receives a 95337
certified copy of the resolution from the board. 95338

(E) If a vendor makes a sale in this state by printed catalog 95339
and the consumer computed the tax on the sale based on local rates 95340
published in the catalog, any tax levied or repealed or rate 95341
changed under this section shall not apply to such a sale until 95342
the first day of a calendar quarter following the expiration of 95343
one hundred twenty days from the date of notice by the tax 95344
commissioner pursuant to division (G) of this section. 95345

(F) The tax levied pursuant to this section shall be in 95346
addition to the tax levied by section 5739.02 of the Revised Code 95347
and any tax levied pursuant to section 5739.021 or 5739.023 of the 95348
Revised Code. 95349

A county that levies a tax pursuant to this section shall 95350
levy a tax at the same rate pursuant to section 5741.023 of the 95351
Revised Code. 95352

The additional tax levied by the county shall be collected 95353
pursuant to section 5739.025 of the Revised Code. 95354

Any tax levied pursuant to this section is subject to the 95355
exemptions provided in section 5739.02 of the Revised Code and in 95356
addition shall not be applicable to sales not within the taxing 95357
power of a county under the Constitution of the United States or 95358
the Ohio Constitution. 95359

(G) Upon receipt from a board of county commissioners of a 95360
certified copy of a resolution required by division (A) of this 95361
section, or from the board of elections a notice of the results of 95362
an election required by division (D)(1), (2)(a), (b), or (c) of 95363
this section, the tax commissioner shall provide notice of a tax 95364
rate change in a manner that is reasonably accessible to all 95365
affected vendors. The commissioner shall provide this notice at 95366

least sixty days prior to the effective date of the rate change. 95367
The commissioner, by rule, may establish the method by which 95368
notice will be provided. 95369

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 95370
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 95371
5741.023 of the Revised Code, and except as otherwise provided in 95372
division (B) of this section, the tax due under this chapter on 95373
the sale of a motor vehicle required to be titled under Chapter 95374
4505. of the Revised Code by a motor vehicle dealer to a consumer 95375
that is a nonresident of this state shall be the lesser of the 95376
amount of tax that would be due under this chapter and Chapter 95377
5741. of the Revised Code if the total combined rate were six per 95378
cent, or the amount of tax that would be due to the state in which 95379
the consumer titles or registers the motor vehicle or to which the 95380
consumer removes the vehicle for use. 95381

(B) No tax is due under this section, any other section of 95382
this chapter, or Chapter 5741. of the Revised Code under any of 95383
the following circumstances: 95384

(1)(a) The consumer intends to immediately remove the motor 95385
vehicle from this state for use outside this state; 95386

(b) Upon removal of the motor vehicle from this state, the 95387
consumer intends to title or register the vehicle in another state 95388
if such titling or registration is required; 95389

(c) The consumer executes an affidavit as required under 95390
division (C) of this section affirming the consumer's intentions 95391
under divisions (B)(1)(a) and (b) of this section; and 95392

(d) The state in which the consumer titles or registers the 95393
motor vehicle or to which the consumer removes the vehicle for use 95394
provides an exemption under circumstances substantially similar to 95395
those described in division (B)(1) of this section. 95396

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state.

(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles.

(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer.

A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit.

(D) A motor vehicle dealer making a sale subject to the tax under division (A) of this section shall collect the tax due unless the sale is subject to the exception under division (B) of this section or unless the sale is not otherwise subject to taxes levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In the case of a sale under the circumstances described in division (B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk of the court of common pleas. If tax is due under division (A) of this section, the dealer shall remit the tax collected ~~to the clerk at the time the dealer obtains the Ohio certificate of title in the name of the consumer~~ as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit

to the tax commissioner in the manner prescribed by the 95429
commissioner. 95430

Unless a sale is excepted from taxation under division (B) of 95431
this section or the dealer makes an election under division (B)(5) 95432
of section 4505.06 of the Revised Code, upon receipt of an 95433
application for certificate of title a clerk of the court of 95434
common pleas shall collect the sales tax due under division (A) of 95435
this section. ~~The clerk shall~~ and remit the tax collected to the 95436
tax commissioner in the manner prescribed by the commissioner. 95437

(E) If a motor vehicle is purchased by a corporation 95438
described in division (B)(6) of section 5739.01 of the Revised 95439
Code, the state of residence of the consumer for the purposes of 95440
this section is the state of residence of the corporation's 95441
principal shareholder. 95442

(F) Any provision of this chapter or of Chapter 5741. of the 95443
Revised Code that is not inconsistent with this section applies to 95444
sales described in division (A) of this section. 95445

(G) As used in this section: 95446

(1) For the purposes of this section only, the sale or 95447
purchase of a motor vehicle does not include a lease or rental of 95448
a motor vehicle subject to division (A)(2) or (3) of section 95449
5739.02 or division (A)(2) or (3) of section 5741.02 of the 95450
Revised Code; 95451

(2) "State," except in reference to "this state," means any 95452
state, district, commonwealth, or territory of the United States 95453
and any province of Canada. 95454

Sec. 5739.033. (A) The amount of tax due pursuant to sections 95455
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 95456
the sum of the taxes imposed pursuant to those sections at the 95457
sourcing location of the sale as determined under this section or, 95458

if applicable, under division (C) of section 5739.031 or section 5739.034 of the Revised Code. This section applies only to a vendor's or seller's obligation to collect and remit sales taxes under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code or use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) of this section does not apply in determining the jurisdiction for which sellers are required to collect the use tax under section 5741.05 of the Revised Code. This section does not affect the obligation of a consumer to remit use taxes on the storage, use, or other consumption of tangible personal property or on the benefit realized of any service provided, to the jurisdiction of that storage, use, or consumption, or benefit realized.

(B)(1) Beginning January 1, 2010, retail sales, excluding the lease or rental, of tangible personal property or digital goods shall be sourced to the location where the vendor receives an order for the sale of such property or goods if:

(a) The vendor receives the order in this state and the consumer receives the property or goods in this state;

(b) The location where the consumer receives the property or goods is determined under division (C)(2), (3), or (4) of this section; and

(c) The record-keeping system used by the vendor to calculate the tax imposed captures the location where the order is received at the time the order is received.

(2) A consumer has no additional liability to this state under this chapter or Chapter 5741. of the Revised Code for tax, penalty, or interest on a sale for which the consumer remits tax to the vendor in the amount invoiced by the vendor if the invoice amount is calculated at either the rate applicable to the location where the consumer receives the property or digital good or at the

rate applicable to the location where the order is received by the vendor. A consumer may rely on a written representation by the vendor as to the location where the order for the sale was received by the vendor. If the consumer does not have a written representation by the vendor as to the location where the order was received by the vendor, the consumer may use a location indicated by a business address for the vendor that is available from records that are maintained in the ordinary course of the consumer's business to determine the rate applicable to the location where the order was received.

(3) For the purposes of division (B) of this section, the location where an order is received by or on behalf of a vendor means the physical location of the vendor or a third party such as an established outlet, office location, or automated order receipt system operated by or on behalf of the vendor, where an order is initially received by or on behalf of the vendor, and not where the order may be subsequently accepted, completed, or fulfilled. An order is received when all necessary information to determine whether the order can be accepted has been received by or on behalf of the vendor. The location from which the property or digital good is shipped shall not be used to determine the location where the order is received by the vendor.

(4) For the purposes of division (B) of this section, if services subject to taxation under this chapter or Chapter 5741. of the Revised Code are sold with tangible personal property or digital goods pursuant to a single contract or in the same transaction, the services are billed on the same billing statement or invoice, and, because of the application of division (B) of this section, the transaction would be sourced to more than one jurisdiction, the situs of the transaction shall be the location where the order is received by or on behalf of the vendor.

(C) Except for sales, other than leases, of titled motor

vehicles, titled watercraft, or titled outboard motors as provided 95522
in section 5741.05 of the Revised Code, or as otherwise provided 95523
in this section and section 5739.034 of the Revised Code, all 95524
sales shall be sourced as follows: 95525

(1) If the consumer or a donee designated by the consumer 95526
receives tangible personal property or a service at a vendor's 95527
place of business, the sale shall be sourced to that place of 95528
business. 95529

(2) When the tangible personal property or service is not 95530
received at a vendor's place of business, the sale shall be 95531
sourced to the location known to the vendor where the consumer or 95532
the donee designated by the consumer receives the tangible 95533
personal property or service, including the location indicated by 95534
instructions for delivery to the consumer or the consumer's donee. 95535

(3) If divisions (C)(1) and (2) of this section do not apply, 95536
the sale shall be sourced to the location indicated by an address 95537
for the consumer that is available from the vendor's business 95538
records that are maintained in the ordinary course of the vendor's 95539
business, when use of that address does not constitute bad faith. 95540

(4) If divisions (C)(1), (2), and (3) of this section do not 95541
apply, the sale shall be sourced to the location indicated by an 95542
address for the consumer obtained during the consummation of the 95543
sale, including the address associated with the consumer's payment 95544
instrument, if no other address is available, when use of that 95545
address does not constitute bad faith. 95546

(5) If divisions (C)(1), (2), (3), and (4) of this section do 95547
not apply, including in the circumstance where the vendor is 95548
without sufficient information to apply any of those divisions, 95549
the sale shall be sourced to the address from which tangible 95550
personal property was shipped, or from which the service was 95551
provided, disregarding any location that merely provided the 95552

electronic transfer of the property sold or service provided. 95553

(6) As used in division (C) of this section, "receive" means 95554
taking possession of tangible personal property or making first 95555
use of a service. "Receive" does not include possession by a 95556
shipping company on behalf of a consumer. 95557

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 95558
section, a business consumer that is not a holder of a direct 95559
payment permit granted under section 5739.031 of the Revised Code, 95560
that purchases a digital good, computer software, except computer 95561
software received in person by a business consumer at a vendor's 95562
place of business, or a service, and that knows at the time of 95563
purchase that such digital good, software, or service will be 95564
concurrently available for use in more than one taxing 95565
jurisdiction shall deliver to the vendor in conjunction with its 95566
purchase an exemption certificate claiming multiple points of use, 95567
or shall meet the requirements of division (D)(2) of this section. 95568
On receipt of the exemption certificate claiming multiple points 95569
of use, the vendor is relieved of its obligation to collect, pay, 95570
or remit the tax due, and the business consumer must pay the tax 95571
directly to the state. 95572

(b) A business consumer that delivers the exemption 95573
certificate claiming multiple points of use to a vendor may use 95574
any reasonable, consistent, and uniform method of apportioning the 95575
tax due on the digital good, computer software, or service that is 95576
supported by the consumer's business records as they existed at 95577
the time of the sale. The business consumer shall report and pay 95578
the appropriate tax to each jurisdiction where concurrent use 95579
occurs. The tax due shall be calculated as if the apportioned 95580
amount of the digital good, computer software, or service had been 95581
delivered to each jurisdiction to which the sale is apportioned 95582
under this division. 95583

(c) The exemption certificate claiming multiple points of use 95584

shall remain in effect for all future sales by the vendor to the 95585
business consumer until it is revoked in writing by the business 95586
consumer, except as to the business consumer's specific 95587
apportionment of a subsequent sale under division (D)(1)(b) of 95588
this section and the facts existing at the time of the sale. 95589

(2) When the vendor knows that a digital good, computer 95590
software, or service sold will be concurrently available for use 95591
by the business consumer in more than one jurisdiction, but the 95592
business consumer does not provide an exemption certificate 95593
claiming multiple points of use as required by division (D)(1) of 95594
this section, the vendor may work with the business consumer to 95595
produce the correct apportionment. Governed by the principles of 95596
division (D)(1)(b) of this section, the vendor and business 95597
consumer may use any reasonable, but consistent and uniform, 95598
method of apportionment that is supported by the vendor's and 95599
business consumer's books and records as they exist at the time 95600
the sale is reported for purposes of the taxes levied under this 95601
chapter. If the business consumer certifies to the accuracy of the 95602
apportionment and the vendor accepts the certification, the vendor 95603
shall collect and remit the tax accordingly. In the absence of bad 95604
faith, the vendor is relieved of any further obligation to collect 95605
tax on any transaction where the vendor has collected tax pursuant 95606
to the information certified by the business consumer. 95607

(3) When the vendor knows that the digital good, computer 95608
software, or service will be concurrently available for use in 95609
more than one jurisdiction, and the business consumer does not 95610
have a direct pay permit and does not provide to the vendor an 95611
exemption certificate claiming multiple points of use as required 95612
in division (D)(1) of this section, or certification pursuant to 95613
division (D)(2) of this section, the vendor shall collect and 95614
remit the tax based on division (C) of this section. 95615

(4) Nothing in this section shall limit a person's obligation 95616

for sales or use tax to any state in which a digital good, 95617
computer software, or service is concurrently available for use, 95618
nor limit a person's ability under local, state, or federal law, 95619
to claim a credit for sales or use taxes legally due and paid to 95620
other jurisdictions. 95621

(E) A person who holds a direct payment permit issued under 95622
section 5739.031 of the Revised Code is not required to deliver an 95623
exemption certificate claiming multiple points of use to a vendor. 95624
But such permit holder shall comply with division (D)(2) of this 95625
section in apportioning the tax due on a digital good, computer 95626
software, or a service for use in business that will be 95627
concurrently available for use in more than one taxing 95628
jurisdiction. 95629

(F)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 95630
section, the consumer of advertising and promotional direct mail 95631
or other direct mail that is not a holder of a direct payment 95632
permit ~~shall~~ may provide to the vendor in conjunction with the 95633
sale ~~either an a fully completed~~ exemption certificate claiming 95634
direct mail prescribed by the tax commissioner, or, if the direct 95635
mail is advertising and promotional direct mail, information to 95636
show the jurisdictions to which ~~the~~ that direct mail is delivered 95637
to recipients. 95638

~~(2)~~ Upon (b) In the absence of bad faith, upon receipt of 95639
such an exemption certificate, the vendor is relieved of all 95640
obligations to collect, pay, or remit the applicable tax and the 95641
consumer is obligated to pay that tax on a direct pay basis. An 95642
exemption certificate claiming direct mail shall remain in effect 95643
for all future sales of direct mail by the vendor to the consumer 95644
until it is revoked in writing. 95645

~~(3)~~ (c) Upon receipt of information from the consumer showing 95646
the jurisdictions to which ~~the~~ advertising and promotional direct 95647
mail is delivered to recipients, the vendor shall collect the tax 95648

according to the delivery information provided by the consumer. In 95649
the absence of bad faith, the vendor is relieved of any further 95650
obligation to collect tax on any transaction where the vendor has 95651
collected tax pursuant to the delivery information provided by the 95652
consumer. 95653

~~(4)~~(d) If the consumer of advertising and promotional direct 95654
mail or other direct mail does not have a direct payment permit 95655
and does not provide the vendor with either an exemption 95656
certificate claiming direct mail or, if applicable, delivery 95657
information as required by division (F)(1)(a) of this section, the 95658
vendor shall collect the tax according to division (C)(5) of this 95659
section in the case of advertising and promotional direct mail or 95660
division (C)(3) of this section in the case of other direct mail. 95661
Nothing in division (F)~~(4)~~(1)(d) of this section shall limit a 95662
consumer's obligation to pay sales or use tax to any state to 95663
which the direct mail is delivered. 95664

~~(5)~~(e) If a consumer of advertising and promotional direct 95665
mail or other direct mail provides the vendor with documentation 95666
of direct payment authority, the consumer shall not be required to 95667
provide an exemption certificate claiming direct mail or, if 95668
applicable, delivery information to the vendor. 95669

(2) As used in division (F) of this section: 95670

(a) "Direct mail" means printed material delivered or 95671
distributed by United States mail or other delivery service to a 95672
mass audience or to addressees on a mailing list provided by the 95673
consumer or at the direction of the consumer when the cost of the 95674
items are not billed directly to the recipients. "Direct mail" 95675
includes tangible personal property supplied directly or 95676
indirectly by the consumer to the direct mail vendor for inclusion 95677
in the package containing the printed material. "Direct mail" does 95678
not include multiple items of printed material delivered to a 95679
single address. 95680

(b) "Advertising and promotional direct mail" means direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in division (F)(2)(b) of this section, "product" means tangible personal property, whether transferred electronically or otherwise, or a service.

(c) "Other direct mail" means direct mail that is not advertising and promotional direct mail, regardless of whether advertising and promotional direct mail is included in the same mailing. "Other direct mail" includes all of the following:

(i) Transactional direct mail that contains personal information specific to the addressee, including invoices, bills, statements of account, and payroll advices;

(ii) Any legally required mailings, including privacy notices, tax reports, and stockholder reports;

(iii) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, including newsletter and informational pieces.

"Other direct mail" does not include the development of billing information or the provision of any data processing service that is more than incidental.

(G) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located.

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce. 95711
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(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce. 95719
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(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section. 95723
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(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section. 95726
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(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section. 95728
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(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows: 95731
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(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows: 95733
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(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property 95737
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location for the period in which the charges are incurred. 95742

(ii) For a lease or rental taxed pursuant to division (A)(3) 95743
of section 5739.02 of the Revised Code, each lease or rental 95744
installment shall be sourced to the primary property location for 95745
the period covered by the installment. 95746

(b) In the case of a lease or rental of all other tangible 95747
personal property, other than transportation equipment, such lease 95748
or rental shall be sourced as follows: 95749

(i) An accelerated tax payment on a lease or rental that is 95750
taxed pursuant to division (A)(2) of section 5739.02 of the 95751
Revised Code shall be sourced pursuant to division (C) of this 95752
section at the time the lease or rental is consummated. Any 95753
subsequent taxable charges on the lease or rental shall be sourced 95754
to the primary property location for the period in which the 95755
charges are incurred. 95756

(ii) For a lease or rental that is taxed pursuant to division 95757
(A)(3) of section 5739.02 of the Revised Code, the initial lease 95758
or rental installment shall be sourced pursuant to division (C) of 95759
this section. Each subsequent installment shall be sourced to the 95760
primary property location for the period covered by the 95761
installment. 95762

(3) As used in division (I) of this section, "primary 95763
property location" means an address for tangible personal property 95764
provided by the lessee or renter that is available to the lessor 95765
or owner from its records maintained in the ordinary course of 95766
business, when use of that address does not constitute bad faith. 95767

(J) If the vendor provides a service specified in division 95768
(B)(11) of section 5739.01 of the Revised Code, the situs of the 95769
sale is the location of the enrollee for whom a medicaid health 95770
insurance corporation receives managed care premiums. Such sales 95771
shall be sourced to the locations of the enrollees in the same 95772

proportion as the managed care premiums received by the medicaid 95773
health insuring corporation on behalf of enrollees located in a 95774
particular taxing jurisdiction in Ohio as compared to all managed 95775
care premiums received by the medicaid health insuring 95776
corporation. 95777

Sec. 5739.09. (A)(1) A board of county commissioners may, by 95778
resolution adopted by a majority of the members of the board, levy 95779
an excise tax not to exceed three per cent on transactions by 95780
which lodging by a hotel is or is to be furnished to transient 95781
guests. The board shall establish all regulations necessary to 95782
provide for the administration and allocation of the tax. The 95783
regulations may prescribe the time for payment of the tax, and may 95784
provide for the imposition of a penalty or interest, or both, for 95785
late payments, provided that the penalty does not exceed ten per 95786
cent of the amount of tax due, and the rate at which interest 95787
accrues does not exceed the rate per annum prescribed pursuant to 95788
section 5703.47 of the Revised Code. Except as provided in 95789
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), ~~and~~ (10), and 95790
(11), and (12) of this section, the regulations shall provide, 95791
after deducting the real and actual costs of administering the 95792
tax, for the return to each municipal corporation or township that 95793
does not levy an excise tax on the transactions, a uniform 95794
percentage of the tax collected in the municipal corporation or in 95795
the unincorporated portion of the township from each transaction, 95796
not to exceed thirty-three and one-third per cent. The remainder 95797
of the revenue arising from the tax shall be deposited in a 95798
separate fund and shall be spent solely to make contributions to 95799
the convention and visitors' bureau operating within the county, 95800
including a pledge and contribution of any portion of the 95801
remainder pursuant to an agreement authorized by section 307.678 95802
or 307.695 of the Revised Code, provided that if the board of 95803
county commissioners of an eligible county as defined in section 95804

307.678 or 307.695 of the Revised Code adopts a resolution 95805
amending a resolution levying a tax under this division to provide 95806
that revenue from the tax shall be used by the board as described 95807
in either division (D) of section 307.678 or division (H) of 95808
section 307.695 of the Revised Code, the remainder of the revenue 95809
shall be used as described in the resolution making that 95810
amendment. Except as provided in division (A)(2), (3), (4), (5), 95811
(6), (7), (8), (9), ~~or (10)~~, or (11) or (H) of this section, on 95812
and after May 10, 1994, a board of county commissioners may not 95813
levy an excise tax pursuant to this division in any municipal 95814
corporation or township located wholly or partly within the county 95815
that has in effect an ordinance or resolution levying an excise 95816
tax pursuant to division (B) of this section. The board of a 95817
county that has levied a tax under division (C) of this section 95818
may, by resolution adopted within ninety days after July 15, 1985, 95819
by a majority of the members of the board, amend the resolution 95820
levying a tax under this division to provide for a portion of that 95821
tax to be pledged and contributed in accordance with an agreement 95822
entered into under section 307.695 of the Revised Code. A tax, any 95823
revenue from which is pledged pursuant to such an agreement, shall 95824
remain in effect at the rate at which it is imposed for the 95825
duration of the period for which the revenue from the tax has been 95826
so pledged. 95827

The board of county commissioners of an eligible county as 95828
defined in section 307.695 of the Revised Code may, by resolution 95829
adopted by a majority of the members of the board, amend a 95830
resolution levying a tax under this division to provide that the 95831
revenue from the tax shall be used by the board as described in 95832
division (H) of section 307.695 of the Revised Code, in which case 95833
the tax shall remain in effect at the rate at which it was imposed 95834
for the duration of any agreement entered into by the board under 95835
section 307.695 of the Revised Code, the duration during which any 95836
securities issued by the board under that section are outstanding, 95837

or the duration of the period during which the board owns a 95838
project as defined in section 307.695 of the Revised Code, 95839
whichever duration is longest. 95840

The board of county commissioners of an eligible county as 95841
defined in section 307.678 of the Revised Code may, by resolution, 95842
amend a resolution levying a tax under this division to provide 95843
that revenue from the tax, not to exceed five hundred thousand 95844
dollars each year, may be used as described in division ~~(D)~~(E) of 95845
section 307.678 of the Revised Code. 95846

Notwithstanding division (A)(1) of this section, the board of 95847
county commissioners of a county described in division (A)(8)(a) 95848
of this section may, by resolution, amend a resolution levying a 95849
tax under this division to provide that all or a portion of the 95850
revenue from the tax, including any revenue otherwise required to 95851
be returned to townships or municipal corporations under this 95852
division, may be used or pledged for the payment of debt service 95853
on securities issued to pay the costs of constructing, operating, 95854
and maintaining sports facilities described in division (A)(8)(b) 95855
of this section. 95856

The board of county commissioners of a county described in 95857
division (A)(9) of this section may, by resolution, amend a 95858
resolution levying a tax under this division to provide that all 95859
or a portion of the revenue from the tax may be used for the 95860
purposes described in section 307.679 of the Revised Code. 95861

(2) A board of county commissioners that levies an excise tax 95862
under division (A)(1) of this section on June 30, 1997, at a rate 95863
of three per cent, and that has pledged revenue from the tax to an 95864
agreement entered into under section 307.695 of the Revised Code 95865
or, in the case of the board of county commissioners of an 95866
eligible county as defined in section 307.695 of the Revised Code, 95867
has amended a resolution levying a tax under division (C) of this 95868
section to provide that proceeds from the tax shall be used by the 95869

board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate 95902
shall be pledged and contributed to a convention facilities 95903
authority established by the board of county commissioners under 95904
Chapter 351. of the Revised Code on or before November 15, 1998, 95905
and used to pay costs of constructing, maintaining, operating, and 95906
promoting a facility in the county, including paying bonds, or 95907
notes issued in anticipation of bonds, as provided by that 95908
chapter; 95909

(c) That no portion of the revenue arising from the increase 95910
in rate need be returned to municipal corporations or townships as 95911
otherwise required under division (A)(1) of this section; 95912

(d) That the increase in rate shall not be subject to 95913
diminution by initiative or referendum or by law while any bonds, 95914
or notes in anticipation of bonds, issued by the authority under 95915
Chapter 351. of the Revised Code to which the revenue is pledged, 95916
remain outstanding in accordance with their terms, unless 95917
provision is made by law or by the board of county commissioners 95918
for an adequate substitute therefor that is satisfactory to the 95919
trustee if a trust agreement secures the bonds. 95920

Division (A)(3) of this section does not apply to the board 95921
of county commissioners of any county in which a convention center 95922
or facility exists or is being constructed on November 15, 1998, 95923
or of any county in which a convention facilities authority levies 95924
a tax pursuant to section 351.021 of the Revised Code on that 95925
date. 95926

As used in division (A)(3) of this section, "cost" and 95927
"facility" have the same meanings as in section 351.01 of the 95928
Revised Code, and "convention center" has the same meaning as in 95929
section 307.695 of the Revised Code. 95930

(4)(a) A board of county commissioners that levies a tax 95931
under division (A)(1) of this section on June 30, 2002, at a rate 95932

of three per cent may, by resolution adopted not later than 95933
September 30, 2002, amend the resolution levying the tax to 95934
provide for all of the following: 95935

(i) That the rate of the tax shall be increased by not more 95936
than an additional three and one-half per cent on each 95937
transaction; 95938

(ii) That all of the revenue from the increase in rate shall 95939
be pledged and contributed to a convention facilities authority 95940
established by the board of county commissioners under Chapter 95941
351. of the Revised Code on or before May 15, 2002, and be used to 95942
pay costs of constructing, expanding, maintaining, operating, or 95943
promoting a convention center in the county, including paying 95944
bonds, or notes issued in anticipation of bonds, as provided by 95945
that chapter; 95946

(iii) That no portion of the revenue arising from the 95947
increase in rate need be returned to municipal corporations or 95948
townships as otherwise required under division (A)(1) of this 95949
section; 95950

(iv) That the increase in rate shall not be subject to 95951
diminution by initiative or referendum or by law while any bonds, 95952
or notes in anticipation of bonds, issued by the authority under 95953
Chapter 351. of the Revised Code to which the revenue is pledged, 95954
remain outstanding in accordance with their terms, unless 95955
provision is made by law or by the board of county commissioners 95956
for an adequate substitute therefor that is satisfactory to the 95957
trustee if a trust agreement secures the bonds. 95958

(b) Any board of county commissioners that, pursuant to 95959
division (A)(4)(a) of this section, has amended a resolution 95960
levying the tax authorized by division (A)(1) of this section may 95961
further amend the resolution to provide that the revenue referred 95962
to in division (A)(4)(a)(ii) of this section shall be pledged and 95963

contributed both to a convention facilities authority to pay the 95964
costs of constructing, expanding, maintaining, or operating one or 95965
more convention centers in the county, including paying bonds, or 95966
notes issued in anticipation of bonds, as provided in Chapter 351. 95967
of the Revised Code, and to a convention and visitors' bureau to 95968
pay the costs of promoting one or more convention centers in the 95969
county. 95970

As used in division (A)(4) of this section, "cost" has the 95971
same meaning as in section 351.01 of the Revised Code, and 95972
"convention center" has the same meaning as in section 307.695 of 95973
the Revised Code. 95974

(5)(a) As used in division (A)(5) of this section: 95975

(i) "Port authority" means a port authority created under 95976
Chapter 4582. of the Revised Code. 95977

(ii) "Port authority military-use facility" means port 95978
authority facilities on which or adjacent to which is located an 95979
installation of the armed forces of the United States, a reserve 95980
component thereof, or the national guard and at least part of 95981
which is made available for use, for consideration, by the armed 95982
forces of the United States, a reserve component thereof, or the 95983
national guard. 95984

(b) For the purpose of contributing revenue to pay operating 95985
expenses of a port authority that operates a port authority 95986
military-use facility, the board of county commissioners of a 95987
county that created, participated in the creation of, or has 95988
joined such a port authority may do one or both of the following: 95989

(i) Amend a resolution previously adopted under division 95990
(A)(1) of this section to designate some or all of the revenue 95991
from the tax levied under the resolution to be used for that 95992
purpose, notwithstanding that division; 95993

(ii) Amend a resolution previously adopted under division 95994

(A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years thereafter by a resolution adopted by a majority of the members of the board. The increase in rate shall be subject to the

regulations adopted under division (A)(1) of this section, except 96027
that the resolution may provide that no portion of the revenue 96028
from the increase in the rate shall be returned to townships or 96029
municipal corporations as would otherwise be required under that 96030
division. 96031

(7) Division (A)(7) of this section applies only to a county 96032
with a population greater than sixty-five thousand and less than 96033
seventy thousand according to the most recent federal decennial 96034
census and in which, on December 31, 2006, an excise tax is levied 96035
under division (A)(1) of this section at a rate not less than and 96036
not greater than three per cent, and in which the most recent 96037
increase in the rate of that tax was enacted or took effect in 96038
November 1984. 96039

The board of county commissioners of a county to which this 96040
division applies, by resolution adopted by a majority of the 96041
members of the board, may increase the rate of the tax by not more 96042
than one per cent on transactions by which lodging by a hotel is 96043
or is to be furnished to transient guests. The increase in rate 96044
shall be for the purpose of paying expenses deemed necessary by 96045
the convention and visitors' bureau operating in the county to 96046
promote travel and tourism. The increase in rate shall remain in 96047
effect for the period specified in the resolution, not to exceed 96048
twenty years, provided that the increase in rate may not continue 96049
beyond the time when the purpose for which the increase is levied 96050
ceases to exist. If revenue from the increase in rate is pledged 96051
to the payment of debt charges on securities, the increase in rate 96052
is not subject to diminution by initiative or referendum or by law 96053
for so long as the securities are outstanding, unless provision is 96054
made by law or by the board of county commissioners for an 96055
adequate substitute for that revenue that is satisfactory to the 96056
trustee if a trust agreement secures payment of the debt charges. 96057
The increase in rate shall be subject to the regulations adopted 96058

under division (A)(1) of this section, except that the resolution 96059
may provide that no portion of the revenue from the increase in 96060
the rate shall be returned to townships or municipal corporations 96061
as would otherwise be required under division (A)(1) of this 96062
section. A resolution adopted under division (A)(7) of this 96063
section is subject to referendum under sections 305.31 to 305.99 96064
of the Revised Code. 96065

(8)(a) Division (A)(8) of this section applies only to a 96066
county satisfying all of the following: 96067

(i) The population of the county is greater than one hundred 96068
seventy-five thousand and less than two hundred twenty-five 96069
thousand according to the most recent federal decennial census. 96070

(ii) An amusement park with an average yearly attendance in 96071
excess of two million guests is located in the county. 96072

(iii) On December 31, 2014, an excise tax was levied in the 96073
county under division (A)(1) of this section at a rate of three 96074
per cent. 96075

(b) The board of county commissioners of a county to which 96076
this division applies, by resolution adopted by a majority of the 96077
members of the board, may increase the rate of the tax by not more 96078
than one per cent on transactions by which lodging by a hotel is 96079
or is to be furnished to transient guests. The increase in rate 96080
shall be ~~for the purpose of paying~~ used to pay the costs of 96081
constructing and maintaining ~~county-owned~~ facilities owned by the 96082
county or by a port authority created under Chapter 4582. of the 96083
Revised Code, and designed to host sporting events and ~~paying~~ 96084
expenses deemed necessary by the convention and visitors' bureau 96085
operating in the county to promote travel and tourism with 96086
reference to the sports facilities, and to pay or pledge to the 96087
payment of debt service on securities issued to pay the costs of 96088
constructing, operating, and maintaining the sports facilities. 96089

The increase in rate shall remain in effect for the period 96090
specified in the resolution. If revenue from the increase in rate 96091
is pledged to the payment of debt charges on securities, the 96092
increase in rate is not subject to diminution by initiative or 96093
referendum or by law for so long as the securities are 96094
outstanding, unless provision is made by law or by the board of 96095
county commissioners for an adequate substitute for that revenue 96096
that is satisfactory to the trustee if a trust agreement secures 96097
payment of the debt charges. The increase in rate shall be subject 96098
to the regulations adopted under division (A)(1) of this section, 96099
except that the resolution may provide that no portion of the 96100
revenue from the increase in the rate shall be returned to 96101
townships or municipal corporations as would otherwise be required 96102
under division (A)(1) of this section. 96103

(9) The board of county commissioners of a county with a 96104
population greater than seventy-five thousand and less than 96105
seventy-eight thousand, by resolution adopted by a majority of the 96106
members of the board not later than October 15, 2015, may increase 96107
the rate of the tax by not more than one per cent on transactions 96108
by which lodging by a hotel is or is to be furnished to transient 96109
guests. The increase in rate shall be for the purposes described 96110
in section 307.679 of the Revised Code or for the promotion of 96111
travel and tourism in the county, including travel and tourism to 96112
sports facilities. The increase in rate shall remain in effect for 96113
the period specified in the resolution and as necessary to fulfill 96114
the county's obligations under a cooperative agreement entered 96115
into under section 307.679 of the Revised Code. If the resolution 96116
is adopted by the board before ~~the effective date of the enactment~~ 96117
~~of this division~~ September 29, 2015, but after that enactment 96118
becomes law, the increase in rate shall become effective beginning 96119
on ~~the effective date of the enactment of this division~~ September 96120
29, 2015. If revenue from the increase in rate is pledged to the 96121
payment of debt charges on securities, or to substitute for other 96122

revenues pledged to the payment of such debt, the increase in rate 96123
is not subject to diminution by initiative or referendum or by law 96124
for so long as the securities are outstanding, unless provision is 96125
made by law or by the board of county commissioners for an 96126
adequate substitute for that revenue that is satisfactory to the 96127
trustee if a trust agreement secures payment of the debt charges. 96128
The increase in rate shall be subject to the regulations adopted 96129
under division (A)(1) of this section, except that no portion of 96130
the revenue from the increase in the rate shall be returned to 96131
townships or municipal corporations as would otherwise be required 96132
under division (A)(1) of this section. 96133

(10) Division (A)(10) of this section applies only to 96134
counties satisfying either of the following: 96135

(a) A county that, on July 1, 2015, does not levy an excise 96136
tax under division (A)(1) of this section and that has a 96137
population of at least thirty-nine thousand but not more than 96138
forty thousand according to the 2010 federal decennial census; 96139

(b) A county that, on July 1, 2015, levies an excise tax 96140
under division (A)(1) of this section at a rate of three per cent 96141
and that has a population of at least seventy-one thousand but not 96142
more than seventy-five thousand according to 2010 federal 96143
decennial census. 96144

The board of county commissioners of a county to which 96145
division (A)(10) of this section applies, by resolution adopted by 96146
a majority of the members of the board, may levy an excise tax at 96147
a rate not to exceed three per cent on transactions by which 96148
lodging by a hotel is or is to be furnished to transient guests 96149
for the purpose of acquiring, constructing, equipping, or 96150
repairing permanent improvements, as defined in section 133.01 of 96151
the Revised Code. If the board does not levy a tax under division 96152
(A)(1) of this section, the board shall establish regulations 96153
necessary to provide for the administration of the tax, which may 96154

prescribe the time for payment of the tax and the imposition of 96155
penalty or interest subject to the limitations on penalty and 96156
interest provided in division (A)(1) of this section. No portion 96157
of the revenue shall be returned to townships or municipal 96158
corporations in the county unless otherwise provided by resolution 96159
of the board. The tax shall apply throughout the territory of the 96160
county, including in any township or municipal corporation levying 96161
an excise tax under division (B) of this section or division (A) 96162
of section 5739.08 of the Revised Code. The levy of the tax is 96163
subject to referendum as provided under section 305.31 of the 96164
Revised Code. 96165

The tax shall remain in effect for the period specified in 96166
the resolution. If revenue from the increase in rate is pledged to 96167
the payment of debt charges on securities, the increase in rate is 96168
not subject to diminution by initiative or referendum or by law 96169
for so long as the securities are outstanding unless provision is 96170
made by law or by the board for an adequate substitute for that 96171
revenue that is satisfactory to the trustee if a trust agreement 96172
secures payment of the debt charges. 96173

(11) The board of county commissioners of an eligible county, 96174
as defined in section 307.678 of the Revised Code, that levies an 96175
excise tax under division (A)(1) of this section on July 1, 2017, 96176
at a rate of three per cent may, by resolution adopted by a 96177
majority of the members of the board, amend the resolution levying 96178
the tax to increase the rate of the tax by not more than an 96179
additional three per cent on each transaction. No portion of the 96180
revenue shall be returned to townships or municipal corporations 96181
in the county unless otherwise provided by resolution of the 96182
board. Otherwise, the revenue from the increase in the rate shall 96183
be distributed and used in the same manner described under 96184
division (A)(1) of this section. The increase in rate shall remain 96185
in effect for the period specified in the resolution. If revenue 96186

from the increase in rate is pledged to the payment of debt 96187
charges on securities, the increase in rate is not subject to 96188
diminution by initiative or referendum or by law for so long as 96189
the securities are outstanding unless provision is made by law or 96190
by the board for an adequate substitute for that revenue that is 96191
satisfactory to the trustee if a trust agreement secures payment 96192
of the debt charges. 96193

(12)(a) Division (A)(12) of this section applies only to a 96194
county that has a population greater than one hundred ninety 96195
thousand and less than two hundred thousand according to the 2010 96196
federal decennial census and that levies an excise tax under 96197
division (A)(1) of this section at a rate of three per cent. 96198

(b) Subject to division (A)(12)(c) of this section, the board 96199
of county commissioners of a county to which this division 96200
applies, by resolution adopted by a majority of the members of the 96201
board, may increase the rate of the tax by not more than one per 96202
cent on transactions by which lodging by a hotel is or is to be 96203
furnished to transient guests. Revenue from the increase in rate 96204
shall be used for the purposes of paying the costs of constructing 96205
and maintaining sports and recreation facilities in the county and 96206
paying expenses considered necessary by the convention and 96207
visitors' bureau operating in the county to promote travel and 96208
tourism with respect to those sports and recreation facilities. 96209
The tax shall take effect only after the county enters into a 96210
contract for the completion of the sports and recreational 96211
facilities that are to be constructed and maintained with revenue 96212
from the increased rate, and thereafter shall remain in effect for 96213
the period specified in the resolution. If revenue from the 96214
increase in rate is pledged to the payment of debt charges on 96215
securities, the increase in rate is not subject to diminution by 96216
initiative or referendum or by law for so long as the securities 96217
are outstanding, unless a provision is made by law or by the board 96218

of county commissioners for an adequate substitute for that 96219
revenue that is satisfactory to the trustee if a trust agreement 96220
secures payment of the debt charges. The increase in rate shall be 96221
subject to the regulations adopted under division (A)(1) of this 96222
section, except that the resolution may provide that no portion of 96223
the revenue from the increase in the rate shall be returned to 96224
townships or municipal corporations as would otherwise be required 96225
under division (A)(1) of this section. 96226

(c) If, on January 1, 2019, the board has not entered into a 96227
contract for the completion of the sports and recreational 96228
facilities that are to be constructed and maintained with revenue 96229
from the increased rate, the authority to levy the tax under 96230
division (A)(12)(b) of this section is hereby repealed on that 96231
date. 96232

(B)(1) The legislative authority of a municipal corporation 96233
or the board of trustees of a township that is not wholly or 96234
partly located in a county that has in effect a resolution levying 96235
an excise tax pursuant to division (A)(1) of this section may, by 96236
ordinance or resolution, levy an excise tax not to exceed three 96237
per cent on transactions by which lodging by a hotel is or is to 96238
be furnished to transient guests. The legislative authority of the 96239
municipal corporation or the board of trustees of the township 96240
shall deposit at least fifty per cent of the revenue from the tax 96241
levied pursuant to this division into a separate fund, which shall 96242
be spent solely to make contributions to convention and visitors' 96243
bureaus operating within the county in which the municipal 96244
corporation or township is wholly or partly located, and the 96245
balance of that revenue shall be deposited in the general fund. 96246
The municipal corporation or township shall establish all 96247
regulations necessary to provide for the administration and 96248
allocation of the tax. The regulations may prescribe the time for 96249
payment of the tax, and may provide for the imposition of a 96250

penalty or interest, or both, for late payments, provided that the 96251
penalty does not exceed ten per cent of the amount of tax due, and 96252
the rate at which interest accrues does not exceed the rate per 96253
annum prescribed pursuant to section 5703.47 of the Revised Code. 96254
The levy of a tax under this division is in addition to any tax 96255
imposed on the same transaction by a municipal corporation or a 96256
township as authorized by division (A) of section 5739.08 of the 96257
Revised Code. 96258

(2)(a) The legislative authority of the most populous 96259
municipal corporation located wholly or partly in a county in 96260
which the board of county commissioners has levied a tax under 96261
division (A)(4) of this section may amend, on or before September 96262
30, 2002, that municipal corporation's ordinance or resolution 96263
that levies an excise tax on transactions by which lodging by a 96264
hotel is or is to be furnished to transient guests, to provide for 96265
all of the following: 96266

(i) That the rate of the tax shall be increased by not more 96267
than an additional one per cent on each transaction; 96268

(ii) That all of the revenue from the increase in rate shall 96269
be pledged and contributed to a convention facilities authority 96270
established by the board of county commissioners under Chapter 96271
351. of the Revised Code on or before May 15, 2002, and be used to 96272
pay costs of constructing, expanding, maintaining, operating, or 96273
promoting a convention center in the county, including paying 96274
bonds, or notes issued in anticipation of bonds, as provided by 96275
that chapter; 96276

(iii) That the increase in rate shall not be subject to 96277
diminution by initiative or referendum or by law while any bonds, 96278
or notes in anticipation of bonds, issued by the authority under 96279
Chapter 351. of the Revised Code to which the revenue is pledged, 96280
remain outstanding in accordance with their terms, unless 96281
provision is made by law, by the board of county commissioners, or 96282

by the legislative authority, for an adequate substitute therefor 96283
that is satisfactory to the trustee if a trust agreement secures 96284
the bonds. 96285

(b) The legislative authority of a municipal corporation 96286
that, pursuant to division (B)(2)(a) of this section, has amended 96287
its ordinance or resolution to increase the rate of the tax 96288
authorized by division (B)(1) of this section may further amend 96289
the ordinance or resolution to provide that the revenue referred 96290
to in division (B)(2)(a)(ii) of this section shall be pledged and 96291
contributed both to a convention facilities authority to pay the 96292
costs of constructing, expanding, maintaining, or operating one or 96293
more convention centers in the county, including paying bonds, or 96294
notes issued in anticipation of bonds, as provided in Chapter 351. 96295
of the Revised Code, and to a convention and visitors' bureau to 96296
pay the costs of promoting one or more convention centers in the 96297
county. 96298

As used in division (B)(2) of this section, "cost" has the 96299
same meaning as in section 351.01 of the Revised Code, and 96300
"convention center" has the same meaning as in section 307.695 of 96301
the Revised Code. 96302

(3) The legislative authority of an eligible municipal 96303
corporation may amend, on or before December 31, 2017, that 96304
municipal corporation's ordinance or resolution that levies an 96305
excise tax on transactions by which lodging by a hotel is or is to 96306
be furnished to transient guests, to provide for the following: 96307

(a) That the rate of the tax shall be increased by not more 96308
than an additional three per cent on each transaction; 96309

(b) That all of the revenue from the increase in rate shall 96310
be used by the municipal corporation for economic development and 96311
tourism-related purposes. 96312

As used in division (B)(3) of this section, "eligible 96313

municipal corporation" means a municipal corporation that, on the 96314
effective date of the amendment of this section by H.B. 49 of the 96315
132nd general assembly, levied a tax under division (B)(1) of this 96316
section at a rate of three per cent and that is located in a 96317
county that, on that date, levied a tax under division (A) of this 96318
section at a rate of three per cent and that has, according to the 96319
most recent federal decennial census, a population exceeding three 96320
hundred thousand but not greater than three hundred fifty 96321
thousand. 96322

(C) For the purposes described in section 307.695 of the 96323
Revised Code and to cover the costs of administering the tax, a 96324
board of county commissioners of a county where a tax imposed 96325
under division (A)(1) of this section is in effect may, by 96326
resolution adopted within ninety days after July 15, 1985, by a 96327
majority of the members of the board, levy an additional excise 96328
tax not to exceed three per cent on transactions by which lodging 96329
by a hotel is or is to be furnished to transient guests. The tax 96330
authorized by this division shall be in addition to any tax that 96331
is levied pursuant to division (A) of this section, but it shall 96332
not apply to transactions subject to a tax levied by a municipal 96333
corporation or township pursuant to the authorization granted by 96334
division (A) of section 5739.08 of the Revised Code. The board 96335
shall establish all regulations necessary to provide for the 96336
administration and allocation of the tax. The regulations may 96337
prescribe the time for payment of the tax, and may provide for the 96338
imposition of a penalty or interest, or both, for late payments, 96339
provided that the penalty does not exceed ten per cent of the 96340
amount of tax due, and the rate at which interest accrues does not 96341
exceed the rate per annum prescribed pursuant to section 5703.47 96342
of the Revised Code. All revenues arising from the tax shall be 96343
expended in accordance with section 307.695 of the Revised Code. 96344
The board of county commissioners of an eligible county as defined 96345
in section 307.695 of the Revised Code may, by resolution adopted 96346

by a majority of the members of the board, amend the resolution 96347
levying a tax under this division to provide that the revenue from 96348
the tax shall be used by the board as described in division (H) of 96349
section 307.695 of the Revised Code. A tax imposed under this 96350
division shall remain in effect at the rate at which it is imposed 96351
for the duration of the period during which any agreement entered 96352
into by the board under section 307.695 of the Revised Code is in 96353
effect, the duration of the period during which any securities 96354
issued by the board under division (I) of section 307.695 of the 96355
Revised Code are outstanding, or the duration of the period during 96356
which the board owns a project as defined in section 307.695 of 96357
the Revised Code, whichever duration is longest. 96358

(D) For the purpose of providing contributions under division 96359
(B)(1) of section 307.671 of the Revised Code to enable the 96360
acquisition, construction, and equipping of a port authority 96361
educational and cultural facility in the county and, to the extent 96362
provided for in the cooperative agreement authorized by that 96363
section, for the purpose of paying debt service charges on bonds, 96364
or notes in anticipation of bonds, described in division (B)(1)(b) 96365
of that section, a board of county commissioners, by resolution 96366
adopted within ninety days after December 22, 1992, by a majority 96367
of the members of the board, may levy an additional excise tax not 96368
to exceed one and one-half per cent on transactions by which 96369
lodging by a hotel is or is to be furnished to transient guests. 96370
The excise tax authorized by this division shall be in addition to 96371
any tax that is levied pursuant to divisions (A), (B), and (C) of 96372
this section, to any excise tax levied pursuant to section 5739.08 96373
of the Revised Code, and to any excise tax levied pursuant to 96374
section 351.021 of the Revised Code. The board of county 96375
commissioners shall establish all regulations necessary to provide 96376
for the administration and allocation of the tax that are not 96377
inconsistent with this section or section 307.671 of the Revised 96378
Code. The regulations may prescribe the time for payment of the 96379

tax, and may provide for the imposition of a penalty or interest, 96380
or both, for late payments, provided that the penalty does not 96381
exceed ten per cent of the amount of tax due, and the rate at 96382
which interest accrues does not exceed the rate per annum 96383
prescribed pursuant to section 5703.47 of the Revised Code. All 96384
revenues arising from the tax shall be expended in accordance with 96385
section 307.671 of the Revised Code and division (D) of this 96386
section. The levy of a tax imposed under this division may not 96387
commence prior to the first day of the month next following the 96388
execution of the cooperative agreement authorized by section 96389
307.671 of the Revised Code by all parties to that agreement. The 96390
tax shall remain in effect at the rate at which it is imposed for 96391
the period of time described in division (C) of section 307.671 of 96392
the Revised Code for which the revenue from the tax has been 96393
pledged by the county to the corporation pursuant to that section, 96394
but, to any extent provided for in the cooperative agreement, for 96395
no lesser period than the period of time required for payment of 96396
the debt service charges on bonds, or notes in anticipation of 96397
bonds, described in division (B)(1)(b) of that section. 96398

(E) For the purpose of paying the costs of acquiring, 96399
constructing, equipping, and improving a municipal educational and 96400
cultural facility, including debt service charges on bonds 96401
provided for in division (B) of section 307.672 of the Revised 96402
Code, and for any additional purposes determined by the county in 96403
the resolution levying the tax or amendments to the resolution, 96404
including subsequent amendments providing for paying costs of 96405
acquiring, constructing, renovating, rehabilitating, equipping, 96406
and improving a port authority educational and cultural performing 96407
arts facility, as defined in section 307.674 of the Revised Code, 96408
and including debt service charges on bonds provided for in 96409
division (B) of section 307.674 of the Revised Code, the 96410
legislative authority of a county, by resolution adopted within 96411
ninety days after June 30, 1993, by a majority of the members of 96412

the legislative authority, may levy an additional excise tax not 96413
to exceed one and one-half per cent on transactions by which 96414
lodging by a hotel is or is to be furnished to transient guests. 96415
The excise tax authorized by this division shall be in addition to 96416
any tax that is levied pursuant to divisions (A), (B), (C), and 96417
(D) of this section, to any excise tax levied pursuant to section 96418
5739.08 of the Revised Code, and to any excise tax levied pursuant 96419
to section 351.021 of the Revised Code. The legislative authority 96420
of the county shall establish all regulations necessary to provide 96421
for the administration and allocation of the tax. The regulations 96422
may prescribe the time for payment of the tax, and may provide for 96423
the imposition of a penalty or interest, or both, for late 96424
payments, provided that the penalty does not exceed ten per cent 96425
of the amount of tax due, and the rate at which interest accrues 96426
does not exceed the rate per annum prescribed pursuant to section 96427
5703.47 of the Revised Code. All revenues arising from the tax 96428
shall be expended in accordance with section 307.672 of the 96429
Revised Code and this division. The levy of a tax imposed under 96430
this division shall not commence prior to the first day of the 96431
month next following the execution of the cooperative agreement 96432
authorized by section 307.672 of the Revised Code by all parties 96433
to that agreement. The tax shall remain in effect at the rate at 96434
which it is imposed for the period of time determined by the 96435
legislative authority of the county. That period of time shall not 96436
exceed fifteen years, except that the legislative authority of a 96437
county with a population of less than two hundred fifty thousand 96438
according to the most recent federal decennial census, by 96439
resolution adopted by a majority of its members before the 96440
original tax expires, may extend the duration of the tax for an 96441
additional period of time. The additional period of time by which 96442
a legislative authority extends a tax levied under this division 96443
shall not exceed fifteen years. 96444

(F) The legislative authority of a county that has levied a 96445

tax under division (E) of this section may, by resolution adopted 96446
within one hundred eighty days after January 4, 2001, by a 96447
majority of the members of the legislative authority, amend the 96448
resolution levying a tax under that division to provide for the 96449
use of the proceeds of that tax, to the extent that it is no 96450
longer needed for its original purpose as determined by the 96451
parties to a cooperative agreement amendment pursuant to division 96452
(D) of section 307.672 of the Revised Code, to pay costs of 96453
acquiring, constructing, renovating, rehabilitating, equipping, 96454
and improving a port authority educational and cultural performing 96455
arts facility, including debt service charges on bonds provided 96456
for in division (B) of section 307.674 of the Revised Code, and to 96457
pay all obligations under any guaranty agreements, reimbursement 96458
agreements, or other credit enhancement agreements described in 96459
division (C) of section 307.674 of the Revised Code. The 96460
resolution may also provide for the extension of the tax at the 96461
same rate for the longer of the period of time determined by the 96462
legislative authority of the county, but not to exceed an 96463
additional twenty-five years, or the period of time required to 96464
pay all debt service charges on bonds provided for in division (B) 96465
of section 307.672 of the Revised Code and on port authority 96466
revenue bonds provided for in division (B) of section 307.674 of 96467
the Revised Code. All revenues arising from the amendment and 96468
extension of the tax shall be expended in accordance with section 96469
307.674 of the Revised Code, this division, and division (E) of 96470
this section. 96471

(G) For purposes of a tax levied by a county, township, or 96472
municipal corporation under this section or section 5739.08 of the 96473
Revised Code, a board of county commissioners, board of township 96474
trustees, or the legislative authority of a municipal corporation 96475
may adopt a resolution or ordinance at any time specifying that 96476
"hotel," as otherwise defined in section 5739.01 of the Revised 96477
Code, includes the following: 96478

(1) Establishments in which fewer than five rooms are used 96479
for the accommodation of guests. 96480

(2) Establishments at which rooms are used for the 96481
accommodation of guests regardless of whether each room is 96482
accessible through its own keyed entry or several rooms are 96483
accessible through the same keyed entry; and, in determining the 96484
number of rooms, all rooms are included regardless of the number 96485
of structures in which the rooms are situated or the number of 96486
parcels of land on which the structures are located if the 96487
structures are under the same ownership and the structures are not 96488
identified in advertisements of the accommodations as distinct 96489
establishments. For the purposes of division (G)(2) of this 96490
section, two or more structures are under the same ownership if 96491
they are owned by the same person, or if they are owned by two or 96492
more persons the majority of the ownership interests of which are 96493
owned by the same person. 96494

The resolution or ordinance may apply to a tax imposed 96495
pursuant to this section prior to the adoption of the resolution 96496
or ordinance if the resolution or ordinance so states, but the tax 96497
shall not apply to transactions by which lodging by such an 96498
establishment is provided to transient guests prior to the 96499
adoption of the resolution or ordinance. 96500

(H)(1) As used in this division: 96501

(a) "Convention facilities authority" has the same meaning as 96502
in section 351.01 of the Revised Code. 96503

(b) "Convention center" has the same meaning as in section 96504
307.695 of the Revised Code. 96505

(2) Notwithstanding any contrary provision of division (D) of 96506
this section, the legislative authority of a county with a 96507
population of one million or more according to the most recent 96508
federal decennial census that has levied a tax under division (D) 96509

of this section may, by resolution adopted by a majority of the 96510
members of the legislative authority, provide for the extension of 96511
such levy and may provide that the proceeds of that tax, to the 96512
extent that they are no longer needed for their original purpose 96513
as defined by a cooperative agreement entered into under section 96514
307.671 of the Revised Code, shall be deposited into the county 96515
general revenue fund. The resolution shall provide for the 96516
extension of the tax at a rate not to exceed the rate specified in 96517
division (D) of this section for a period of time determined by 96518
the legislative authority of the county, but not to exceed an 96519
additional forty years. 96520

(3) The legislative authority of a county with a population 96521
of one million or more that has levied a tax under division (A)(1) 96522
of this section may, by resolution adopted by a majority of the 96523
members of the legislative authority, increase the rate of the tax 96524
levied by such county under division (A)(1) of this section to a 96525
rate not to exceed five per cent on transactions by which lodging 96526
by a hotel is or is to be furnished to transient guests. 96527
Notwithstanding any contrary provision of division (A)(1) of this 96528
section, the resolution may provide that all collections resulting 96529
from the rate levied in excess of three per cent, after deducting 96530
the real and actual costs of administering the tax, shall be 96531
deposited in the county general fund. 96532

(4) The legislative authority of a county with a population 96533
of one million or more that has levied a tax under division (A)(1) 96534
of this section may, by resolution adopted on or before August 30, 96535
2004, by a majority of the members of the legislative authority, 96536
provide that all or a portion of the proceeds of the tax levied 96537
under division (A)(1) of this section, after deducting the real 96538
and actual costs of administering the tax and the amounts required 96539
to be returned to townships and municipal corporations with 96540
respect to the first three per cent levied under division (A)(1) 96541

of this section, shall be deposited in the county general fund, 96542
provided that such proceeds shall be used to satisfy any pledges 96543
made in connection with an agreement entered into under section 96544
307.695 of the Revised Code. 96545

(5) No amount collected from a tax levied, extended, or 96546
required to be deposited in the county general fund under division 96547
(H) of this section shall be contributed to a convention 96548
facilities authority, corporation, or other entity created after 96549
July 1, 2003, for the principal purpose of constructing, 96550
improving, expanding, equipping, financing, or operating a 96551
convention center unless the mayor of the municipal corporation in 96552
which the convention center is to be operated by that convention 96553
facilities authority, corporation, or other entity has consented 96554
to the creation of that convention facilities authority, 96555
corporation, or entity. Notwithstanding any contrary provision of 96556
section 351.04 of the Revised Code, if a tax is levied by a county 96557
under division (H) of this section, the board of county 96558
commissioners of that county may determine the manner of 96559
selection, the qualifications, the number, and terms of office of 96560
the members of the board of directors of any convention facilities 96561
authority, corporation, or other entity described in division 96562
(H)(5) of this section. 96563

(6)(a) No amount collected from a tax levied, extended, or 96564
required to be deposited in the county general fund under division 96565
(H) of this section may be used for any purpose other than paying 96566
the direct and indirect costs of constructing, improving, 96567
expanding, equipping, financing, or operating a convention center 96568
and for the real and actual costs of administering the tax, 96569
unless, prior to the adoption of the resolution of the legislative 96570
authority of the county authorizing the levy, extension, increase, 96571
or deposit, the county and the mayor of the most populous 96572
municipal corporation in that county have entered into an 96573

agreement as to the use of such amounts, provided that such 96574
agreement has been approved by a majority of the mayors of the 96575
other municipal corporations in that county. The agreement shall 96576
provide that the amounts to be used for purposes other than paying 96577
the convention center or administrative costs described in 96578
division (H)(6)(a) of this section be used only for the direct and 96579
indirect costs of capital improvements, including the financing of 96580
capital improvements. 96581

(b) If the county in which the tax is levied has an 96582
association of mayors and city managers, the approval of that 96583
association of an agreement described in division (H)(6)(a) of 96584
this section shall be considered to be the approval of the 96585
majority of the mayors of the other municipal corporations for 96586
purposes of that division. 96587

(7) Each year, the auditor of state shall conduct an audit of 96588
the uses of any amounts collected from taxes levied, extended, or 96589
deposited under division (H) of this section and shall prepare a 96590
report of the auditor of state's findings. The auditor of state 96591
shall submit the report to the legislative authority of the county 96592
that has levied, extended, or deposited the tax, the speaker of 96593
the house of representatives, the president of the senate, and the 96594
leaders of the minority parties of the house of representatives 96595
and the senate. 96596

(I)(1) As used in this division: 96597

(a) "Convention facilities authority" has the same meaning as 96598
in section 351.01 of the Revised Code. 96599

(b) "Convention center" has the same meaning as in section 96600
307.695 of the Revised Code. 96601

(2) Notwithstanding any contrary provision of division (D) of 96602
this section, the legislative authority of a county with a 96603
population of one million two hundred thousand or more according 96604

to the most recent federal decennial census or the most recent 96605
annual population estimate published or released by the United 96606
States census bureau at the time the resolution is adopted placing 96607
the levy on the ballot, that has levied a tax under division (D) 96608
of this section may, by resolution adopted by a majority of the 96609
members of the legislative authority, provide for the extension of 96610
such levy and may provide that the proceeds of that tax, to the 96611
extent that the proceeds are no longer needed for their original 96612
purpose as defined by a cooperative agreement entered into under 96613
section 307.671 of the Revised Code and after deducting the real 96614
and actual costs of administering the tax, shall be used for 96615
paying the direct and indirect costs of constructing, improving, 96616
expanding, equipping, financing, or operating a convention center. 96617
The resolution shall provide for the extension of the tax at a 96618
rate not to exceed the rate specified in division (D) of this 96619
section for a period of time determined by the legislative 96620
authority of the county, but not to exceed an additional forty 96621
years. 96622

(3) The legislative authority of a county with a population 96623
of one million two hundred thousand or more that has levied a tax 96624
under division (A)(1) of this section may, by resolution adopted 96625
by a majority of the members of the legislative authority, 96626
increase the rate of the tax levied by such county under division 96627
(A)(1) of this section to a rate not to exceed five per cent on 96628
transactions by which lodging by a hotel is or is to be furnished 96629
to transient guests. Notwithstanding any contrary provision of 96630
division (A)(1) of this section, the resolution shall provide that 96631
all collections resulting from the rate levied in excess of three 96632
per cent, after deducting the real and actual costs of 96633
administering the tax, shall be used for paying the direct and 96634
indirect costs of constructing, improving, expanding, equipping, 96635
financing, or operating a convention center. 96636

(4) The legislative authority of a county with a population 96637
of one million two hundred thousand or more that has levied a tax 96638
under division (A)(1) of this section may, by resolution adopted 96639
on or before July 1, 2008, by a majority of the members of the 96640
legislative authority, provide that all or a portion of the 96641
proceeds of the tax levied under division (A)(1) of this section, 96642
after deducting the real and actual costs of administering the tax 96643
and the amounts required to be returned to townships and municipal 96644
corporations with respect to the first three per cent levied under 96645
division (A)(1) of this section, shall be used to satisfy any 96646
pledges made in connection with an agreement entered into under 96647
section 307.695 of the Revised Code or shall otherwise be used for 96648
paying the direct and indirect costs of constructing, improving, 96649
expanding, equipping, financing, or operating a convention center. 96650

(5) Any amount collected from a tax levied or extended under 96651
division (I) of this section may be contributed to a convention 96652
facilities authority created before July 1, 2005, but no amount 96653
collected from a tax levied or extended under division (I) of this 96654
section may be contributed to a convention facilities authority, 96655
corporation, or other entity created after July 1, 2005, unless 96656
the mayor of the municipal corporation in which the convention 96657
center is to be operated by that convention facilities authority, 96658
corporation, or other entity has consented to the creation of that 96659
convention facilities authority, corporation, or entity. 96660

(J)(1) Except as provided in division (J)(2) of this section, 96661
money collected by a county and distributed under this section to 96662
a convention and visitors' bureau in existence as of June 30, 96663
2013, the effective date of H.B. 59 of the 130th general assembly, 96664
except for any such money pledged, as of that effective date, to 96665
the payment of debt service charges on bonds, notes, securities, 96666
or lease agreements, shall be used solely for tourism sales, 96667
marketing and promotion, and their associated costs, including, 96668

but not limited to, operational and administrative costs of the 96669
bureau, sales and marketing, and maintenance of the physical 96670
bureau structure. 96671

(2) A convention and visitors' bureau that has entered into 96672
an agreement under section 307.678 of the Revised Code may use 96673
revenue it receives from a tax levied under division (A)(1) of 96674
this section as described in division ~~(D)~~(E) of section 307.678 of 96675
the Revised Code. 96676

(K) The board of county commissioners of a county with a 96677
population between one hundred three thousand and one hundred 96678
seven thousand according to the most recent federal decennial 96679
census, by resolution adopted by a majority of the members of the 96680
board within six months after September 15, 2014, the effective 96681
date of H.B. 483 of the 130th general assembly, may levy a tax not 96682
to exceed three per cent on transactions by which a hotel is or is 96683
to be furnished to transient guests. The purpose of the tax shall 96684
be to pay the costs of expanding, maintaining, or operating a 96685
soldiers' memorial and the costs of administering the tax. All 96686
revenue arising from the tax shall be credited to one or more 96687
special funds in the county treasury and shall be spent solely for 96688
the purposes of paying those costs. The board of county 96689
commissioners shall adopt all rules necessary to provide for the 96690
administration of the tax subject to the same limitations on 96691
imposing penalty or interest under division (A)(1) of this 96692
section. 96693

As used in this division "soldiers' memorial" means a 96694
memorial constructed and funded under Chapter 345. of the Revised 96695
Code. 96696

(L) A board of county commissioners of an eligible county, by 96697
resolution adopted by a majority of the members of the board, may 96698
levy an excise tax at the rate of up to three per cent on 96699
transactions by which lodging by a hotel is or is to be furnished 96700

to transient guests for the purpose of paying the costs of 96701
permanent improvements at sites at which one or more agricultural 96702
societies conduct fairs or exhibits, paying the costs of 96703
maintaining or operating such permanent improvements, and paying 96704
the costs of administering the tax. A resolution adopted under 96705
this division shall direct the board of elections to submit the 96706
question of the proposed lodging tax to the electors of the county 96707
at a special election held on the date specified by the board in 96708
the resolution, provided that the election occurs not less than 96709
ninety days after a certified copy of the resolution is 96710
transmitted to the board of elections. A resolution submitted to 96711
the electors under this division shall not go into effect unless 96712
it is approved by a majority of those voting upon it. The 96713
resolution takes effect on the date the board of county 96714
commissioners receives notification from the board of elections of 96715
an affirmative vote. 96716

The tax shall remain in effect for the period specified in 96717
the resolution, not to exceed five years. All revenue arising from 96718
the tax shall be credited to one or more special funds in the 96719
county treasury and shall be spent solely for the purposes of 96720
paying the costs of such permanent improvements and maintaining or 96721
operating the improvements. Revenue allocated for the use of a 96722
county agricultural society may be credited to the county 96723
agricultural society fund created in section 1711.16 of the 96724
Revised Code upon appropriation by the board. If revenue is 96725
credited to that fund, it shall be expended only as provided in 96726
that section. 96727

The board of county commissioners shall adopt all rules 96728
necessary to provide for the administration of the tax. The rules 96729
may prescribe the time for payment of the tax, and may provide for 96730
the imposition or penalty or interest, or both, for late payments, 96731
provided that the penalty does not exceed ten per cent of the 96732

amount of tax due, and the rate at which interest accrues does not 96733
exceed the rate per annum prescribed in section 5703.47 of the 96734
Revised Code. 96735

As used in this division, "eligible county" means a county in 96736
which a county agricultural society or independent agricultural 96737
society is organized under section 1711.01 or 1711.02 of the 96738
Revised Code, provided the agricultural society owns a facility or 96739
site in the county at which an annual harness horse race is 96740
conducted where one-day attendance equals at least forty thousand 96741
attendees. 96742

(M) As used in this division, "eligible county" means a 96743
county in which a tax is levied under division (A) of this section 96744
at a rate of three per cent and whose territory includes a part of 96745
Lake Erie the shoreline of which represents at least fifty per 96746
cent of the linear length of the county's border with other 96747
counties of this state. 96748

The board of county commissioners of an eligible county that 96749
has entered into an agreement with a port authority in the county 96750
under section 4582.56 of the Revised Code may levy an additional 96751
lodging tax on transactions by which lodging by a hotel is or is 96752
to be furnished to transient guests for the purpose of financing 96753
lakeshore improvement projects constructed or financed by the port 96754
authority under that section. The resolution levying the tax shall 96755
specify the purpose of the tax, the rate of the tax, which shall 96756
not exceed two per cent, and the number of years the tax will be 96757
levied or that it will be levied for a continuing period of time. 96758
The tax shall be administered pursuant to the regulations adopted 96759
by the board under division (A) of this section, except that all 96760
the proceeds of the tax levied under this division shall be 96761
pledged to the payment of the costs, including debt charges, of 96762
lakeshore improvements undertaken by a port authority pursuant to 96763
the agreement under section 4582.56 of the Revised Code. No 96764

revenue from the tax may be used to pay the current expenses of 96765
the port authority. 96766

A resolution levying a tax under this division is subject to 96767
referendum under sections 305.31 to 305.41 and 305.99 of the 96768
Revised Code. 96769

(N)(1) Notwithstanding division (A) of this section, the 96770
board of county commissioners, board of township trustees, or 96771
legislative authority of any county, township, or municipal 96772
corporation that levies a lodging tax on the effective date of the 96773
amendment of this section and in which any part of a tourism 96774
development district is located on or after that date shall amend 96775
the ordinance or resolution levying the tax to require either of 96776
the following: 96777

(a) In the case of a tax levied by a county, that all tourism 96778
development district lodging tax proceeds from that tax be used 96779
exclusively to foster and develop tourism in the tourism 96780
development district; 96781

(b) In the case of a tax levied by a township or municipal 96782
corporation, that all tourism development district lodging tax 96783
proceeds from that tax be used exclusively to foster and develop 96784
tourism in the tourism development district. 96785

(2) Notwithstanding division (A) of this section, any 96786
ordinance or resolution levying a lodging tax adopted on or after 96787
the effective date of the amendment of this section by a county, 96788
township, or municipal corporation in which any part of a tourism 96789
development district is located on or after that date shall 96790
require that all tourism development district lodging tax proceeds 96791
from that tax be used exclusively to foster and develop tourism in 96792
the tourism development district. 96793

(3) A county shall not use any of the proceeds described in 96794
division (N)(1)(a) of this section unless the convention and 96795

visitors' bureau operating within the county approves the manner 96796
in which such proceeds are used to foster and develop tourism in 96797
the tourism development district. Upon obtaining such approval, 96798
the county may pay such proceeds to the bureau to use for the 96799
agreed-upon purpose. 96800

A municipal corporation or township shall not use any of the 96801
proceeds described in division (N)(1)(b) of this section unless 96802
the convention and visitors' bureau operating within the municipal 96803
corporation or township approves the manner in which such proceeds 96804
are used to foster and develop tourism in the tourism development 96805
district. Upon obtaining such approval, the municipal corporation 96806
or township may pay such proceeds to the bureau to use for the 96807
agreed-upon purpose. 96808

(4) As used in division (N) of this section: 96809

(a) "Tourism development district" means a district 96810
designated by a municipal corporation under section 715.014 of the 96811
Revised Code or by a township under section 503.56 of the Revised 96812
Code. 96813

(b) "Lodging tax" means a tax levied pursuant to this section 96814
or section 5739.08 of the Revised Code. 96815

(c) "Tourism development district lodging tax proceeds" means 96816
all proceeds of a lodging tax derived from transactions by which 96817
lodging by a hotel located in a tourism development district is or 96818
is to be provided to transient guests. 96819

Sec. 5739.122. (A) If the total amount of tax required to be 96820
paid by a vendor under section 5739.12 of the Revised Code for any 96821
calendar year equals or exceeds seventy-five thousand dollars, the 96822
vendor shall remit each monthly tax payment in the second ensuing 96823
and each succeeding tax year on an accelerated basis as prescribed 96824
by divisions (B) and (C) of this section. 96825

If a vendor's tax payment for each of two consecutive years is less than seventy-five thousand dollars, the vendor is relieved of the requirement to remit taxes in the manner prescribed by this section for the year that next follows the second of the consecutive years in which the tax payment is less than that amount, and is relieved of that requirement for each succeeding year, unless the tax payment in a subsequent year equals or exceeds seventy-five thousand dollars.

The tax commissioner shall notify each vendor required to make accelerated tax payments of the vendor's obligation to do so and shall maintain an updated list of those vendors. Failure by the tax commissioner to notify a vendor subject to this section to remit taxes on an accelerated basis does not relieve the vendor of its obligation to remit taxes as provided under division (B) of this section.

(B) Vendors required by division (A) of this section to make accelerated tax payments shall electronically remit such payments to the tax commissioner in a manner approved by the commissioner, as follows:

(1) On or before the twenty-third day of each month, a vendor shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.

(2) On or before the twenty-third day of each month, a vendor shall report the taxes collected for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1) of this section.

The payment of taxes on an accelerated basis under this section does not affect a vendor's obligation to file returns and pay the tax shown on the returns to be due as required under section 5739.12 of the Revised Code.

(C) A vendor required by this section to remit taxes on an

accelerated basis may apply to the tax commissioner, in the manner 96857
prescribed by the commissioner, to be excused from that 96858
requirement. The commissioner may excuse the vendor from 96859
remittance on an accelerated basis for good cause shown for the 96860
period of time requested by the vendor or for a portion of that 96861
period. 96862

(D)(1)(a) If a vendor that is required to remit payments 96863
under division (B) of this section fails to make a payment 96864
required under division (B)(1) of this section, or makes a payment 96865
under division (B)(1) of this section that is less than 96866
seventy-five per cent of the actual liability for that month, the 96867
commissioner may impose an additional charge not to exceed five 96868
per cent of that unpaid amount. 96869

(b) Division (D)(1)(a) of this section does not apply if the 96870
vendor's payment under division (B)(1) of this section is equal to 96871
or greater than seventy-five per cent of the vendor's reported 96872
liability for the same month in the immediately preceding calendar 96873
year. 96874

(c) In each of the first twelve months following a new or 96875
used motor vehicle dealer's election under division (B)(5) of 96876
section 4505.06 of the Revised Code to report and remit tax 96877
directly to the state, division (D)(1)(a) of this section does not 96878
apply if the dealer's payment under division (B)(1) of this 96879
section is equal to or greater than seventy-five per cent of the 96880
dealer's sales tax payments to the clerk of courts under division 96881
(A)(5) of section 4505.06 of the Revised Code for the same month 96882
in the immediately preceding calendar year. 96883

(2) Any additional charge imposed under division (D)(1) of 96884
this section is in addition to any other penalty or charge imposed 96885
under this chapter, and shall be considered as revenue arising 96886
from taxes imposed under this chapter. An additional charge may be 96887
collected by assessment in the manner prescribed by section 96888

5739.13 of the Revised Code. The tax commissioner may waive all or 96889
a portion of such a charge and may adopt rules governing such 96890
waiver. 96891

Sec. 5739.13. (A) If any vendor collects the tax imposed by 96892
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 96893
the Revised Code, and fails to remit the tax to the state as 96894
prescribed, or on the sale of a motor vehicle, watercraft, or 96895
outboard motor required to be titled, fails to remit payment to a 96896
clerk of a court of common pleas or the state as provided in 96897
section 1548.06 or 4505.06 of the Revised Code, the vendor shall 96898
be personally liable for any tax collected and not remitted. The 96899
tax commissioner may make an assessment against such vendor based 96900
upon any information in the commissioner's possession. 96901

If any vendor fails to collect the tax or any consumer fails 96902
to pay the tax imposed by or pursuant to section 5739.02, 96903
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 96904
transaction subject to the tax, the vendor or consumer shall be 96905
personally liable for the amount of the tax applicable to the 96906
transaction. The commissioner may make an assessment against 96907
either the vendor or consumer, as the facts may require, based 96908
upon any information in the commissioner's possession. 96909

An assessment against a vendor when the tax imposed by or 96910
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 96911
the Revised Code has not been collected or paid, shall not 96912
discharge the purchaser's or consumer's liability to reimburse the 96913
vendor for the tax applicable to such transaction. 96914

An assessment issued against either, pursuant to this 96915
section, shall not be considered an election of remedies, nor a 96916
bar to an assessment against the other for the tax applicable to 96917
the same transaction, provided that no assessment shall be issued 96918
against any person for the tax due on a particular transaction if 96919

the tax on that transaction actually has been paid by another. 96920

The commissioner may make an assessment against any vendor 96921
who fails to file a return or remit the proper amount of tax 96922
required by this chapter, or against any consumer who fails to pay 96923
the proper amount of tax required by this chapter. When 96924
information in the possession of the commissioner indicates that 96925
the amount required to be collected or paid under this chapter is 96926
greater than the amount remitted by the vendor or paid by the 96927
consumer, the commissioner may audit a sample of the vendor's 96928
sales or the consumer's purchases for a representative period, to 96929
ascertain the per cent of exempt or taxable transactions or the 96930
effective tax rate and may issue an assessment based on the audit. 96931
The commissioner shall make a good faith effort to reach agreement 96932
with the vendor or consumer in selecting a representative sample. 96933

The commissioner may make an assessment, based on any 96934
information in the commissioner's possession, against any person 96935
who fails to file a return or remit the proper amount of tax 96936
required by section 5739.102 of the Revised Code. 96937

The commissioner may issue an assessment on any transaction 96938
for which any tax imposed under this chapter or Chapter 5741. of 96939
the Revised Code was due and unpaid on the date the vendor or 96940
consumer was informed by an agent of the tax commissioner of an 96941
investigation or audit. If the vendor or consumer remits any 96942
payment of the tax for the period covered by the assessment after 96943
the vendor or consumer was informed of the investigation or audit, 96944
the payment shall be credited against the amount of the 96945
assessment. 96946

The commissioner shall give the party assessed written notice 96947
of the assessment in the manner provided in section 5703.37 of the 96948
Revised Code. With the notice, the commissioner shall provide 96949
instructions on how to petition for reassessment and request a 96950
hearing on the petition. 96951

(B) Unless the party assessed files with the commissioner 96952
within sixty days after service of the notice of assessment, 96953
either personally or by certified mail, a written petition for 96954
reassessment, signed by the party assessed or that party's 96955
authorized agent having knowledge of the facts, the assessment 96956
becomes final and the amount of the assessment is due from the 96957
party assessed and payable to the treasurer of state and remitted 96958
to the tax commissioner. The petition shall indicate the 96959
objections of the party assessed, but additional objections may be 96960
raised in writing if received by the commissioner prior to the 96961
date shown on the final determination. If the petition has been 96962
properly filed, the commissioner shall proceed under section 96963
5703.60 of the Revised Code. 96964

(C) After an assessment becomes final, if any portion of the 96965
assessment remains unpaid, including accrued interest, a certified 96966
copy of the commissioner's entry making the assessment final may 96967
be filed in the office of the clerk of the court of common pleas 96968
in the county in which the place of business of the party assessed 96969
is located or the county in which the party assessed resides. If 96970
the party assessed maintains no place of business in this state 96971
and is not a resident of this state, the certified copy of the 96972
entry may be filed in the office of the clerk of the court of 96973
common pleas of Franklin county. 96974

Immediately upon the filing of the entry, the clerk shall 96975
enter a judgment for the state against the party assessed in the 96976
amount shown on the entry. The judgment may be filed by the clerk 96977
in a loose-leaf book entitled "special judgments for state, 96978
county, and transit authority retail sales tax" or, if 96979
appropriate, "special judgments for resort area excise tax," and 96980
shall have the same effect as other judgments. Execution shall 96981
issue upon the judgment upon the request of the tax commissioner, 96982
and all laws applicable to sales on execution shall apply to sales 96983

made under the judgment except as otherwise provided in this 96984
chapter. 96985

If the assessment is not paid in its entirety within sixty 96986
days after the date the assessment was issued, the portion of the 96987
assessment consisting of tax due shall bear interest at the rate 96988
per annum prescribed by section 5703.47 of the Revised Code from 96989
the day the tax commissioner issues the assessment until the 96990
assessment is paid or until it is certified to the attorney 96991
general for collection under section 131.02 of the Revised Code, 96992
whichever comes first. If the unpaid portion of the assessment is 96993
certified to the attorney general for collection, the entire 96994
unpaid portion of the assessment shall bear interest at the rate 96995
per annum prescribed by section 5703.47 of the Revised Code from 96996
the date of certification until the date it is paid in its 96997
entirety. Interest shall be paid in the same manner as the tax and 96998
may be collected by issuing an assessment under this section. 96999

(D) All money collected by the tax commissioner under this 97000
section shall be paid to the treasurer of state, and when paid 97001
shall be considered as revenue arising from the taxes imposed by 97002
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 97003

Sec. 5739.132. (A) If a tax ~~payment originally, fee, or~~ 97004
charge due under this chapter or Chapter 128. or 5741. of the 97005
Revised Code ~~on or after January 1, 1998,~~ is not paid on or before 97006
the day the ~~tax~~ payment is required to be paid, interest shall 97007
accrue on the unpaid tax, fee, or charge at the rate per annum 97008
prescribed by section 5703.47 of the Revised Code from the day the 97009
tax, fee, or charge was required to be paid until the tax, fee, or 97010
charge is paid or until the day an assessment is issued under 97011
section 5739.13 or 5739.15 of the Revised Code, whichever occurs 97012
first. Interest shall be paid in the same manner as the tax, fee, 97013
or charge, and may be collected by assessment. 97014

(B) ~~For tax payments due prior to January 1, 1998, interest shall be allowed and paid upon any refund granted in respect to the payment of an illegal or erroneous assessment issued by the department for the tax imposed under this chapter or Chapter 5741. of the Revised Code from the date of the overpayment. For tax payments due on or after January 1, 1998, interest~~ Interest shall be allowed and paid on any refund granted pursuant to section 128.47, 5739.07, or 5741.10 of the Revised Code from the date of the overpayment. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code.

Sec. 5739.18. The tax commissioner shall provide and maintain a system that will allow county auditors to issue vendor's licenses. County auditors shall use that system to issue vendor's licenses.

The commissioner shall publish lists of the following information on the department of taxation's web site:

(A) The name, account number, and business address of each holder of a vendor's license issued under section 5739.17 of the Revised Code, and information regarding the active or inactive status of the license;

(B) The name, account number, and business address of each holder of a direct payment permit issued under section 5739.031 of the Revised Code and information regarding the active or inactive status of the permit;

(C) The name, account number, and business address of each seller that has registered with the commissioner under section 5741.17 of the Revised Code and information regarding the active or inactive status of the registration.

Sec. 5739.30. (A) No person, including any officer, employee, or trustee of a corporation or business trust, shall fail to file

any return or report required to be filed by this chapter, or file 97045
or cause to be filed any incomplete, false or fraudulent return, 97046
report, or statement, or aid or abet another in the filing of any 97047
false or fraudulent return, report, or statement. 97048

97049

(B) If any vendor required to file monthly returns under 97050
section 5739.12 of the Revised Code fails, on two consecutive 97051
months or on three or more months within a twelve-month period, to 97052
file such returns when due or to pay the tax thereon, or if any 97053
vendor authorized by the tax commissioner to file semiannual 97054
returns fails on two or more occasions within a twenty-four month 97055
period, to file such returns when due or to pay the tax due 97056
thereon, the commissioner may do any of the following: 97057

(1) Require the vendor to furnish security in an amount equal 97058
to the average tax liability of the vendor for a period of one 97059
year, as determined by the commissioner from a review of returns 97060
or other information pertaining to the vendor, which amount shall 97061
in no event be less than one thousand dollars. The security may be 97062
in the form of a corporate surety bond, satisfactory to the 97063
commissioner, conditioned upon payment of the tax due with the 97064
returns from the vendor. The security shall be filed within ten 97065
days following the vendor's receipt of the notice from the 97066
commissioner of its requirements. 97067

(2) Suspend the license issued to the vendor pursuant to 97068
section 5739.17 of the Revised Code. The suspension shall be 97069
effective ten days after service of written notice to the vendor 97070
of the commissioner's intention to do so. The notice shall be 97071
served upon the vendor personally, by certified mail, or by an 97072
alternative delivery service as authorized under section 5703.37 97073
of the Revised Code. On the first day of the suspension, the 97074
commissioner shall cause to be posted, at every public entrance of 97075
the vendor's premises, a notice identifying the vendor and the 97076

location and informing the public that the vendor's license is 97077
under suspension and that no retail sales may be transacted at 97078
that location. No person, other than the commissioner or the 97079
commissioner's agent or employee, shall remove, cover, or deface 97080
the posted notice. No license which has been suspended under this 97081
section shall be reinstated, and no posted notice shall be 97082
removed, until the vendor has filed complete and correct returns 97083
under this chapter and section 5747.07 of the Revised Code for all 97084
periods in which no return had been filed and has paid the full 97085
amount of the tax, penalties, ~~and or~~ other charges due ~~on these~~ 97086
~~returns~~. 97087

A corporate surety bond filed under this section shall be 97088
returned to the vendor if, for a period of twelve consecutive 97089
months following the date the bond was filed, the vendor has filed 97090
all returns and remitted payment with them within the time 97091
prescribed in section 5739.12 of the Revised Code. 97092

(C) The tax commissioner may suspend a license issued to a 97093
vendor pursuant to section 5739.17 of the Revised Code if the 97094
vendor is required, as an employer, to file returns or make 97095
payments under section 5747.07 of the Revised Code and the vendor 97096
fails to do either of the following: 97097

(1) File such returns when due on two consecutive occasions 97098
or on three or more occasions within a twelve-month period; 97099

(2) Pay the undeposited taxes when due on two consecutive 97100
occasions or on three or more occasions within a twelve-month 97101
period. 97102

Any such suspension shall comply with the provisions of 97103
division (B)(2) of this section. 97104

(D) If a vendor whose license has been suspended under 97105
division (B)(2) of this section fails to file returns or make 97106
payments under section 5747.07 of the Revised Code during such 97107

suspension, the license may not be reinstated, and the notice 97108
required by that division shall not be removed, until the vendor 97109
files complete and correct returns and pays the amounts due, plus 97110
any penalties and other related charges, under section 5747.07 of 97111
the Revised Code for all periods for which the vendor failed to 97112
file such returns and make such payments. 97113

Sec. 5741.021. (A) For the purpose of providing additional 97114
general revenues for the county ~~on~~, supporting criminal and 97115
administrative justice services in the county, funding a regional 97116
transportation improvement project under section 5595.06 of the 97117
Revised Code, or both any combination of the foregoing, and to pay 97118
the expenses of administering such levy, any county which levies a 97119
tax pursuant to section 5739.021 of the Revised Code shall levy a 97120
tax at the same rate levied pursuant to section 5739.021 of the 97121
Revised Code on the storage, use, or other consumption in the 97122
county of the following: 97123

(1) Motor vehicles, and watercraft and outboard motors 97124
required to be titled in the county pursuant to Chapter 1548. of 97125
the Revised Code and acquired by a transaction subject to the tax 97126
imposed by section 5739.02 of the Revised Code; 97127

(2) In addition to the tax imposed by section 5741.02 of the 97128
Revised Code, tangible personal property and services subject to 97129
the tax levied by this state as provided in section 5741.02 of the 97130
Revised Code, and tangible personal property and services 97131
purchased in another county within this state by a transaction 97132
subject to the tax imposed by section 5739.02 of the Revised Code. 97133

The tax shall be levied pursuant to a resolution of the board 97134
of county commissioners which shall be adopted after publication 97135
of notice and hearing in the same manner as provided in section 97136
5739.021 of the Revised Code. Such resolution shall be adopted and 97137
shall become effective on the same day as the resolution adopted 97138

by the board of county commissioners levying a sales tax pursuant 97139
to section 5739.021 of the Revised Code and shall remain in effect 97140
until such sales tax is repealed. 97141

(B) The tax levied pursuant to this section on the storage, 97142
use, or other consumption of tangible personal property and on the 97143
benefit of a service realized shall be in addition to the tax 97144
levied by section 5741.02 of the Revised Code and, except as 97145
provided in division (D) of this section, any tax levied pursuant 97146
to sections 5741.022 and 5741.023 of the Revised Code. 97147

(C) The additional tax levied by the county shall be 97148
collected pursuant to section 5739.025 of the Revised Code. If the 97149
additional tax or some portion thereof is levied for the purpose 97150
of criminal and administrative justice services, the revenue from 97151
the tax, or the amount or rate apportioned to that purpose, shall 97152
be credited to a special fund created in the county treasury for 97153
receipt of that revenue. 97154

(D) The tax levied pursuant to this section shall not be 97155
applicable to any benefit of a service realized or to any storage, 97156
use, or consumption of property not within the taxing power of a 97157
county under the constitution of the United States or the 97158
constitution of this state, or to property or services on which a 97159
tax levied by a county or transit authority pursuant to this 97160
section or section 5739.021, 5739.023, 5739.026, 5741.022, or 97161
5741.023 of the Revised Code has been paid, if the sum of the 97162
taxes paid pursuant to those sections is equal to or greater than 97163
the sum of the taxes due under this section and sections 5741.022 97164
and 5741.023 of the Revised Code. If the sum of the taxes paid is 97165
less than the sum of the taxes due under this section and sections 97166
5741.022 and 5741.023 of the Revised Code, the amount of tax paid 97167
shall be credited against the amount of tax due. 97168

(E) As used in this section, "criminal and administrative 97169
justice services" has the same meaning as in section 5739.021 of 97170

the Revised Code. 97171

Sec. 5741.022. (A) For the purpose of providing additional 97172
general revenues for the transit authority or funding a regional 97173
transportation improvement project under section 5595.06 of the 97174
Revised Code, or both, and ~~paying to pay~~ the expenses of 97175
administering such levy, any transit authority as defined in 97176
section 5741.01 of the Revised Code that levies a tax pursuant to 97177
section 5739.023 of the Revised Code shall levy a tax at the same 97178
rate levied pursuant to such section on the storage, use, or other 97179
consumption in the territory of the transit authority of the 97180
following: 97181

(1) Motor vehicles, and watercraft and outboard motors 97182
required to be titled in the county pursuant to Chapter 1548. of 97183
the Revised Code and acquired by a transaction subject to the tax 97184
imposed by section 5739.02 of the Revised Code; 97185

(2) In addition to the tax imposed by section 5741.02 of the 97186
Revised Code, tangible personal property and services subject to 97187
the tax levied by this state as provided in section 5741.02 of the 97188
Revised Code, and tangible personal property and services 97189
purchased in another county within this state by a transaction 97190
subject to the tax imposed by section 5739.02 of the Revised Code. 97191

The tax shall be in effect at the same time and at the same 97192
rate and shall be levied pursuant to the resolution of the 97193
legislative authority of the transit authority levying a sales tax 97194
pursuant to section 5739.023 of the Revised Code. 97195

(B) The tax levied pursuant to this section on the storage, 97196
use, or other consumption of tangible personal property and on the 97197
benefit of a service realized shall be in addition to the tax 97198
levied by section 5741.02 of the Revised Code and, except as 97199
provided in division (D) of this section, any tax levied pursuant 97200
to sections 5741.021 and 5741.023 of the Revised Code. 97201

(C) The additional tax levied by the authority shall be 97202
collected pursuant to section 5739.025 of the Revised Code. 97203

(D) The tax levied pursuant to this section shall not be 97204
applicable to any benefit of a service realized or to any storage, 97205
use, or consumption of property not within the taxing power of a 97206
transit authority under the constitution of the United States or 97207
the constitution of this state, or to property or services on 97208
which a tax levied by a county or transit authority pursuant to 97209
this section or section 5739.021, 5739.023, 5739.026, 5741.021, or 97210
5741.023 of the Revised Code has been paid, if the sum of the 97211
taxes paid pursuant to those sections is equal to or greater than 97212
the sum of the taxes due under this section and sections 5741.021 97213
and 5741.023 of the Revised Code. If the sum of the taxes paid is 97214
less than the sum of the taxes due under this section and sections 97215
5741.021 and 5741.023 of the Revised Code, the amount of tax paid 97216
shall be credited against the amount of tax due. 97217

(E) The rate of a tax levied under this section is subject to 97218
reduction under section 5739.028 of the Revised Code if a ballot 97219
question is approved by voters pursuant to that section. 97220

Sec. 5741.12. (A) Each seller required by section 5741.17 of 97221
the Revised Code to register with the tax commissioner, and any 97222
seller authorized by the commissioner to collect the tax imposed 97223
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 97224
of the Revised Code is subject to the same requirements and 97225
entitled to the same deductions and discount for prompt payments 97226
as are vendors under section 5739.12 of the Revised Code, and the 97227
same monetary allowances as are vendors under section 5739.06 of 97228
the Revised Code. The powers and duties of the commissioner with 97229
respect to returns and tax remittances under this section shall be 97230
identical with those prescribed in section 5739.12 of the Revised 97231
Code. 97232

(B) Every person storing, using, or consuming tangible personal property or receiving the benefit of a service, the storage, use, consumption, or receipt of which is subject to the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, when such tax was not paid to a seller, shall, on or before the twenty-third day of each month, file with the tax commissioner a return for the preceding month in such form as is prescribed by the commissioner, showing such information as the commissioner deems necessary, and shall pay the tax shown on the return to be due. Remittance shall be made payable to the treasurer of state. The commissioner may require consumers to file returns and pay the tax at other than monthly intervals, if the commissioner determines that such filing is necessary for the efficient administration of the tax. If the commissioner determines that a consumer's tax liability is not such as to merit monthly filing, the commissioner may authorize the consumer to file returns and pay tax at less frequent intervals.

Any consumer required to file a return and pay the tax under this section whose payment for any year equals or exceeds the amount shown in division (A) of section 5741.121 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section.

(C) ~~Every~~ Except as provided in division (B)(5) of section 4505.06 of the Revised Code, every person storing, using, or consuming a motor vehicle, watercraft, or outboard motor, the ownership of which must be evidenced by certificate of title, shall file the return required by this section and pay the tax due at or prior to the time of filing an application for certificate of title.

Sec. 5743.01. As used in this chapter:

(A) "Person" includes individuals, firms, partnerships, 97264
associations, joint-stock companies, corporations, combinations of 97265
individuals of any form, and the state and any of its political 97266
subdivisions. 97267

(B) "Wholesale dealer" includes only those persons: 97268

(1) Who bring in or cause to be brought into this state 97269
unstamped cigarettes purchased directly from the manufacturer, 97270
producer, or importer of cigarettes for sale in this state but 97271
does not include persons who bring in or cause to be brought into 97272
this state cigarettes with respect to which no evidence of tax 97273
payment is required thereon as provided in section 5743.04 of the 97274
Revised Code; or 97275

(2) Who are engaged in the business of selling cigarettes or 97276
tobacco products to others for the purpose of resale. 97277

"Wholesale dealer" does not include any cigarette 97278
manufacturer, export warehouse proprietor, or importer with a 97279
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 97280
in this state only to wholesale dealers holding valid and current 97281
licenses under section 5743.15 of the Revised Code or to an export 97282
warehouse proprietor or another manufacturer. 97283

(C) "Retail dealer" includes: 97284

(1) In reference to dealers in cigarettes, every person other 97285
than a wholesale dealer engaged in the business of selling 97286
cigarettes in this state, regardless of whether the person is 97287
located in this state or elsewhere, and regardless of quantity, 97288
amount, or number of sales; 97289

(2) In reference to dealers in tobacco products, any person 97290
in this state engaged in the business of selling tobacco products 97291
to ultimate consumers in this state, regardless of quantity, 97292
amount, or number of sales. 97293

(D) "Sale" includes exchange, barter, gift, offer for sale, 97294
and distribution, and includes transactions in interstate or 97295
foreign commerce. 97296

(E) "Cigarettes" includes any roll for smoking made wholly or 97297
in part of tobacco, irrespective of size or shape, and whether or 97298
not such tobacco is flavored, adulterated, or mixed with any other 97299
ingredient, the wrapper or cover of which is made of paper, 97300
reconstituted cigarette tobacco, homogenized cigarette tobacco, 97301
cigarette tobacco sheet, or any similar materials other than cigar 97302
tobacco. 97303

(F) "Package" means the individual package, box, or other 97304
container in or from which retail sales of cigarettes are normally 97305
made or intended to be made. 97306

(G) "Storage" includes any keeping or retention of cigarettes 97307
or tobacco products for use or consumption in this state. 97308

(H) "Use" includes the exercise of any right or power 97309
incidental to the ownership of cigarettes or tobacco products. 97310

(I) "Tobacco product" or "other tobacco product" means any 97311
product made from tobacco, other than cigarettes, that is made for 97312
smoking or chewing, or both, and snuff. 97313

(J) "Wholesale price" means the invoice price, including all 97314
federal excise taxes, at which the manufacturer of the tobacco 97315
product sells the tobacco product to unaffiliated distributors, 97316
excluding any discounts based on the method of payment of the 97317
invoice or on time of payment of the invoice. If the taxpayer buys 97318
from other than a manufacturer, "wholesale price" means the 97319
invoice price, including all federal excise taxes and excluding 97320
any discounts based on the method of payment of the invoice or on 97321
time of payment of the invoice. 97322

(K) "Distributor" means: 97323

(1) Any manufacturer who sells, barter, exchanges, or distributes tobacco products to a retail dealer in the state, except when selling to a retail dealer that has filed with the manufacturer a signed statement agreeing to pay and be liable for the tax imposed by section 5743.51 of the Revised Code;

(2) Any wholesale dealer located in the state who receives tobacco products from a manufacturer, or who receives tobacco products on which the tax imposed by this chapter has not been paid;

(3) Any wholesale dealer located outside the state who sells, barter, exchanges, or distributes tobacco products to a wholesale or retail dealer in the state; or

(4) Any retail dealer who receives tobacco products on which the tax has not or will not be paid by another distributor, including a retail dealer that has filed a signed statement with a manufacturer in which the retail dealer agrees to pay and be liable for the tax that would otherwise be imposed on the manufacturer by section 5743.51 of the Revised Code.

(L) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

(M) "Seller" means any person located outside this state engaged in the business of selling tobacco products to consumers for storage, use, or other consumption in this state.

(N) "Manufacturer" means any person who manufactures and sells cigarettes or tobacco products.

(O) "Importer" means any person that is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

(P) "Little cigar" means any roll for smoking, other than

cigarettes, made wholly or in part of tobacco that uses an 97354
integrated cellulose acetate filter or other filter and is wrapped 97355
in any substance containing tobacco, other than natural leaf 97356
tobacco. 97357

(O) "Premium cigar" means any roll for smoking, other than 97358
cigarettes and little cigars, that is made wholly or in part of 97359
tobacco and that has all of the following characteristics: 97360

(1) The binder and wrapper of the roll consist entirely of 97361
leaf tobacco. 97362

(2) The roll contains no filter or tip, nor any mouthpiece 97363
consisting of a material other than tobacco. 97364

(3) The weight of one thousand such rolls is at least six 97365
pounds. 97366

(R) "Maximum tax amount" means fifty cents plus the tax 97367
adjustment factor computed under this division. 97368

In April of each year beginning in 2018, the tax commissioner 97369
shall compute a tax adjustment factor by multiplying fifty cents 97370
by the cumulative percentage increase in the consumer price index 97371
(all items, all urban consumers) prepared by the bureau of labor 97372
statistics of the United States department of labor from January 97373
1, 2017, to the last day of December of the preceding year and 97374
rounding the resulting product to the nearest one cent; provided, 97375
that the tax adjustment factor for any year shall not be less than 97376
that for the immediately preceding year. The maximum tax amount 97377
resulting from the computation of the tax adjustment factor 97378
applies on and after the ensuing first day of July through the 97379
thirtieth day of June thereafter. 97380

Sec. 5743.03. (A) Except as provided in section 5743.04 of 97381
the Revised Code, the taxes imposed under sections 5743.02, 97382
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 97383

by the purchase of tax stamps. A tax stamp shall be affixed to 97384
each package of an aggregate denomination not less than the amount 97385
of the tax upon the contents thereof. The tax stamp, so affixed, 97386
shall be prima-facie evidence of payment of the tax. 97387

Except as is provided in the rules prescribed by the tax 97388
commissioner under authority of sections 5743.01 to 5743.20 of the 97389
Revised Code, and unless tax stamps have been previously affixed, 97390
they shall be so affixed by each wholesale dealer, and canceled by 97391
writing or stamping across the face thereof the number assigned to 97392
such wholesale dealer by the tax commissioner for that purpose, 97393
prior to the delivery of any cigarettes to any person in this 97394
state, or in the case of a tax levied pursuant to section 97395
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 97396
delivery of cigarettes to any person in the county in which the 97397
tax is levied. 97398

(B) Except as provided in the rules prescribed by the 97399
commissioner under authority of sections 5743.01 to 5743.20 of the 97400
Revised Code, each retail dealer, within twenty-four hours after 97401
the receipt of any cigarettes at the retail dealer's place of 97402
business, shall inspect the cigarettes to ensure that tax stamps 97403
are affixed. The inspection shall be completed before the 97404
cigarettes are delivered to any person in this state, or, in the 97405
case of a tax levied pursuant to section 5743.021, 5743.024, or 97406
5743.026 of the Revised Code, before the cigarettes are delivered 97407
to any person in the county in which the tax is levied. 97408

(C) Whenever any cigarettes are found in the place of 97409
business of any retail dealer without proper tax stamps affixed 97410
thereto and canceled, it is presumed that such cigarettes are kept 97411
therein in violation of sections 5743.01 to 5743.20 of the Revised 97412
Code. 97413

(D) Each wholesale dealer who purchases cigarettes without 97414
proper tax stamps affixed thereto shall, on or before the 97415

~~thirty first last~~ last day of the each month following the close of 97416
~~each semiannual period, which period shall end on the thirtieth~~ 97417
~~day of June and the thirty first day of December of each year,~~ 97418
make and file a return ~~of~~ for the preceding ~~semiannual period~~ 97419
calendar month, on such form as is prescribed by the tax 97420
commissioner, showing the dealer's entire purchases and sales of 97421
cigarettes and stamps for such ~~semiannual period~~ month and 97422
accurate inventories as of the beginning and end of each 97423
~~semiannual period~~ month of cigarettes, stamped or unstamped; 97424
cigarette tax stamps affixed or unaffixed; and such other 97425
information as the commissioner finds necessary to the proper 97426
administration of sections 5743.01 to 5743.20 of the Revised Code. 97427
The commissioner may extend the time for making and filing returns 97428
and may remit all or any part of amounts of penalties that may 97429
become due under sections 5743.01 to 5743.20 of the Revised Code. 97430
The wholesale dealer shall deliver the return together with a 97431
remittance of the tax deficiency reported thereon to the 97432
commissioner. 97433

(E) Any wholesale dealer who fails to file a return under 97434
this section and the rules of the commissioner, other than a 97435
report required pursuant to division (F) of this section, may be 97436
required, for each day the dealer so fails, to forfeit and pay 97437
into the state treasury the sum of one dollar as revenue arising 97438
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 97439
Code and such sum may be collected by assessment in the manner 97440
provided in section 5743.081 of the Revised Code. If the 97441
commissioner finds it necessary in order to insure the payment of 97442
the tax imposed by sections 5743.01 to 5743.20 of the Revised 97443
Code, the commissioner may require returns and payments to be made 97444
other than ~~semiannually~~ monthly. The returns shall be signed by 97445
the wholesale dealer or an authorized agent thereof. 97446

(F) Each person required to file a tax return under section 97447

5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 97448
the commissioner the quantity of all cigarettes and roll-your-own 97449
cigarette tobacco sold in Ohio for each brand not covered by the 97450
tobacco master settlement agreement for which the person is liable 97451
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 97452
the Revised Code. 97453

As used in this division, "tobacco master settlement 97454
agreement" has the same meaning as in section 183.01 of the 97455
Revised Code. 97456

(G) The report required by division (F) of this section shall 97457
be made on a form prescribed by the commissioner and shall be 97458
filed not later than the last day of each month for the previous 97459
month, except that if the commissioner determines that the 97460
quantity reported by a person does not warrant monthly reporting, 97461
the commissioner may authorize reporting at less frequent 97462
intervals. The commissioner may assess a penalty of not more than 97463
two hundred fifty dollars for each month or portion thereof that a 97464
person fails to timely file a required report, and such sum may be 97465
collected by assessment in the manner provided in section 5743.081 97466
of the Revised Code. All money collected under this division shall 97467
be considered as revenue arising from the taxes imposed by 97468
sections 5743.01 to 5743.20 of the Revised Code. 97469

(H) The commissioner may sell tax stamps only to a licensed 97470
wholesale dealer, except as otherwise authorized by the 97471
commissioner. The commissioner may charge the costs associated 97472
with the shipment of tax stamps to the licensed wholesale dealer. 97473
Amounts collected from such charges shall be credited to the 97474
cigarette tax enforcement fund created under section 5743.15 of 97475
the Revised Code. 97476

Sec. 5743.081. (A) If any wholesale dealer or retail dealer 97477
fails to pay the tax levied under section 5743.02, 5743.021, 97478

5743.024, or 5743.026 of the Revised Code as required by sections 97479
5743.01 to 5743.20 of the Revised Code, and by the rules of the 97480
tax commissioner, or fails to collect the tax from the purchaser 97481
or consumer, the commissioner may make an assessment against the 97482
wholesale or retail dealer based upon any information in the 97483
commissioner's possession. 97484

The commissioner may make an assessment against any wholesale 97485
or retail dealer who fails to file a return required by section 97486
5743.03 or 5743.025 of the Revised Code. 97487

No assessment shall be made against any wholesale or retail 97488
dealer for any taxes imposed under section 5743.02, 5743.021, 97489
5743.024, or 5743.026 of the Revised Code more than three years 97490
after the last day of the calendar month that immediately follows 97491
the ~~semiannual~~ monthly period prescribed in section 5743.03 of the 97492
Revised Code in which the sale was made, or more than three years 97493
after the ~~semiannual~~ return for ~~such period~~ the month in which the 97494
sale was made is filed, whichever is later. This section does not 97495
bar an assessment against any wholesale or retail dealer who fails 97496
to file a return as required by section 5743.025 or 5743.03 of the 97497
Revised Code, or who files a fraudulent return. 97498

A penalty of up to thirty per cent may be added to the amount 97499
of every assessment made under this section. The commissioner may 97500
adopt rules providing for the imposition and remission of 97501
penalties added to assessments made under this section. 97502

The commissioner shall give the party assessed written notice 97503
of the assessment in the manner provided in section 5703.37 of the 97504
Revised Code. The notice shall specify separately any portion of 97505
the assessment that represents a county tax. With the notice, the 97506
commissioner shall provide instructions on how to petition for 97507
reassessment and request a hearing on the petition. 97508

(B) Unless the party assessed files with the tax commissioner 97509

within sixty days after service of the notice of assessment, 97510
either personally or by certified mail, a written petition for 97511
reassessment signed by the party assessed or that party's 97512
authorized agent having knowledge of the facts, the assessment 97513
becomes final and the amount of the assessment is due and payable 97514
from the party assessed to the treasurer of state. The petition 97515
shall indicate the objections of the party assessed, but 97516
additional objections may be raised in writing if received by the 97517
commissioner prior to the date shown on the final determination. 97518
If the petition has been properly filed, the commissioner shall 97519
proceed under section 5703.60 of the Revised Code. 97520

(C) After an assessment becomes final, if any portion of the 97521
assessment remains unpaid, including accrued interest, a certified 97522
copy of the tax commissioner's entry making the assessment final 97523
may be filed in the office of the clerk of the court of common 97524
pleas in the county in which the wholesale or retail dealer's 97525
place of business is located or the county in which the party 97526
assessed resides. If the party assessed maintains no place of 97527
business in this state and is not a resident of this state, the 97528
certified copy of the entry may be filed in the office of the 97529
clerk of the court of common pleas of Franklin county. 97530

Immediately upon the filing of the commissioner's entry, the 97531
clerk shall enter a judgment for the state against the party 97532
assessed in the amount shown on the entry. The judgment may be 97533
filed by the clerk in a loose-leaf book entitled "special 97534
judgments for state cigarette sales tax," and shall have the same 97535
effect as other judgments. Execution shall issue upon the judgment 97536
upon the request of the tax commissioner, and all laws applicable 97537
to sales on execution shall apply to sales made under the 97538
judgment, except as otherwise provided in sections 5743.01 to 97539
5743.20 of the Revised Code. 97540

If the assessment is not paid in its entirety within sixty 97541

days after the assessment was issued, the portion of the 97542
assessment consisting of tax due shall bear interest at the rate 97543
per annum prescribed by section 5703.47 of the Revised Code from 97544
the day the commissioner issues the assessment until it is paid or 97545
until it is certified to the attorney general for collection under 97546
section 131.02 of the Revised Code, whichever comes first. If the 97547
unpaid portion of the assessment is certified to the attorney 97548
general for collection, the entire unpaid portion of the 97549
assessment shall bear interest at the rate per annum prescribed by 97550
section 5703.47 of the Revised Code from the date of certification 97551
until the date it is paid in its entirety. Interest shall be paid 97552
in the same manner as the tax and may be collected by the issuance 97553
of an assessment under this section. 97554

(D) All money collected by the tax commissioner under this 97555
section shall be paid to the treasurer of state, and when paid 97556
shall be considered as revenue arising from the taxes imposed by 97557
sections 5743.01 to 5743.20 of the Revised Code. 97558

Sec. 5743.15. (A) Except as otherwise provided in this 97559
division, no person shall engage in this state in the wholesale or 97560
retail business of trafficking in cigarettes or in the business of 97561
a manufacturer or importer of cigarettes without having a license 97562
to conduct each such activity issued by a county auditor under 97563
division (B) of this section or the tax commissioner under 97564
divisions (C) and (F) of this section. On dissolution of a 97565
partnership by death, the surviving partner may operate under the 97566
license of the partnership until expiration of the license, and 97567
the heirs or legal representatives of deceased persons, and 97568
receivers and trustees in bankruptcy appointed by any competent 97569
authority, may operate under the license of the person succeeded 97570
in possession by such heir, representative, receiver, or trustee 97571
in bankruptcy if the partner or successor notifies the issuer of 97572
the license of the dissolution or succession within thirty days 97573

after the dissolution or succession. 97574

(B)(1) Each applicant for a license to engage in the retail 97575
business of trafficking in cigarettes under this section, 97576
annually, on or before the fourth Monday of May, shall make and 97577
deliver to the county auditor of the county in which the applicant 97578
desires to engage in the retail business of trafficking in 97579
cigarettes, upon a blank form furnished by such auditor for that 97580
purpose, a statement showing the name of the applicant, each 97581
physical place in the county where the applicant's business is 97582
conducted, the nature of the business, and any other information 97583
the tax commissioner requires in the form of statement prescribed 97584
by the commissioner. If the applicant is a firm, partnership, or 97585
association other than a corporation, the application shall state 97586
the name and address of each of its members. If the applicant is a 97587
corporation, the application shall state the name and address of 97588
each of its officers. At the time of making the application 97589
required by this section, every person desiring to engage in the 97590
retail business of trafficking in cigarettes shall pay an 97591
application fee in the sum of one hundred twenty-five dollars for 97592
each physical place where the person proposes to carry on such 97593
business. Each place of business shall be deemed such space, under 97594
lease or license to, or under the control of, or under the 97595
supervision of the applicant, as is contained in one or more 97596
contiguous, adjacent, or adjoining buildings constituting an 97597
industrial plant or a place of business operated by, or under the 97598
control of, one person, or under one roof and connected by doors, 97599
halls, stairways, or elevators, which space may contain any number 97600
of points at which cigarettes are offered for sale, provided that 97601
each additional point at which cigarettes are offered for sale 97602
shall be listed in the application. 97603

(2) Upon receipt of the application and exhibition of the 97604
county treasurer's receipt showing the payment of the application 97605

fee, the county auditor shall issue to the applicant a license for 97606
each place of business designated in the application, authorizing 97607
the applicant to engage in such business at such place for one 97608
year commencing on the fourth Monday of May. The form of the 97609
license shall be prescribed by the commissioner. A duplicate 97610
license may be obtained from the county auditor upon payment of a 97611
five-dollar fee if the original license is lost, destroyed, or 97612
defaced. When an application is filed after the fourth Monday of 97613
May, the application fee required to be paid shall be proportioned 97614
in amount to the remainder of the license year, except that it 97615
shall not be less than twenty-five dollars in any one year. 97616

(3) The holder of a retail dealer's cigarette license may 97617
transfer the license to a place of business within the same county 97618
other than that designated on the license on condition that the 97619
licensee's ownership interest and business structure remain 97620
unchanged, and that the licensee applies to the county auditor 97621
therefor, upon forms approved by the commissioner and the payment 97622
of a fee of five dollars into the county treasury. 97623

(C)(1) Each applicant for a license to engage in the 97624
wholesale business of trafficking in cigarettes under this 97625
section, annually, on or before the fourth Monday in May, shall 97626
make and deliver to the tax commissioner, upon a blank form 97627
furnished by the commissioner for that purpose, a statement 97628
showing the name of the applicant, physical street address where 97629
the applicant's business is conducted, the nature of the business, 97630
and any other information required by the commissioner. If the 97631
applicant is a firm, partnership, or association other than a 97632
corporation, the applicant shall state the name and address of 97633
each of its members. If the applicant is a corporation, the 97634
applicant shall state the name and address of each of its 97635
officers. At the time of making the application required by this 97636
section, every person desiring to engage in the wholesale business 97637

of trafficking in cigarettes shall pay an application fee of one 97638
thousand dollars for each physical place where the person proposes 97639
to carry on such business. Each place of business shall be deemed 97640
such space, under lease or license to, or under the control of, or 97641
under the supervision of the applicant, as is contained in one or 97642
more contiguous, adjacent, or adjoining buildings constituting an 97643
industrial plant or a place of business operated by, or under the 97644
control of, one person, or under one roof and connected by doors, 97645
halls, stairways, or elevators. A duplicate license may be 97646
obtained from the commissioner upon payment of a 97647
twenty-five-dollar fee if the original license is lost, destroyed, 97648
or defaced. 97649

(2) Upon receipt of the application and payment of any 97650
application fee required by this section, the commissioner shall 97651
verify that the applicant is not in violation of any provision of 97652
Chapter 1346. or Title LVII of the Revised Code. The commissioner 97653
shall also verify that the applicant has filed any returns, 97654
submitted any information, and paid any outstanding taxes, 97655
charges, or fees as required for any tax, charge, or fee 97656
administered by the commissioner, to the extent that the 97657
commissioner is aware of the returns, information, ~~taxes,~~ or ~~fees~~ 97658
payments at the time of the application. Upon approval, the 97659
commissioner shall issue to the applicant a license for each 97660
physical place of business designated in the application 97661
authorizing the applicant to engage in business at that location 97662
for one year commencing on the fourth Monday in May. For licenses 97663
issued after the fourth Monday in May, the application fee shall 97664
be reduced proportionately by the remainder of the twelve-month 97665
period for which the license is issued, except that the 97666
application fee required to be paid under this section shall be 97667
not less than two hundred dollars in any one year. 97668

(3) The holder of a wholesale dealer cigarette license may 97669

transfer the license to a place of business other than that 97670
designated on the license on condition that the licensee's 97671
ownership or business structure remains unchanged, and that the 97672
licensee applies to the commissioner for such a transfer upon a 97673
form promulgated by the commissioner and pays a fee of twenty-five 97674
dollars, which shall be deposited into the cigarette tax 97675
enforcement fund created in division (E) of this section. 97676

(D)(1) The wholesale cigarette license application fees 97677
collected under this section shall be paid into the cigarette tax 97678
enforcement fund. 97679

(2) The retail cigarette license application fees collected 97680
under this section shall be distributed as follows: 97681

(a) Thirty per cent shall be paid upon the warrant of the 97682
county auditor into the treasury of the municipal corporation or 97683
township in which the places of business for which the tax revenue 97684
was received are located; 97685

(b) Ten per cent shall be credited to the general fund of the 97686
county; 97687

(c) Sixty per cent shall be paid into the cigarette tax 97688
enforcement fund. 97689

(3) The remainder of the revenues and fines collected under 97690
this section and the penal laws relating to cigarettes shall be 97691
distributed as follows: 97692

(a) Three-fourths shall be paid upon the warrant of the 97693
county auditor into the treasury of the municipal corporation or 97694
township in which the place of business, on account of which the 97695
revenues and fines were received, is located; 97696

(b) One-fourth shall be credited to the general fund of the 97697
county. 97698

(E) There is hereby created within the state treasury the 97699

cigarette tax enforcement fund for the purpose of providing funds 97700
to assist in paying the costs of enforcing sections 1333.11 to 97701
1333.21 and Chapter 5743. of the Revised Code. 97702

The portion of cigarette license application fees received by 97703
a county auditor during the annual application period that ends on 97704
the fourth Monday in May and that is required to be deposited in 97705
the cigarette tax enforcement fund shall be sent to the treasurer 97706
of state by the thirtieth day of June each year accompanied by the 97707
form prescribed by the tax commissioner. The portion of cigarette 97708
license application fees received by each county auditor after the 97709
fourth Monday in May and that is required to be deposited in the 97710
cigarette tax enforcement fund shall be sent to the treasurer of 97711
state by the last day of the month following the month in which 97712
such fees were collected. 97713

(F)(1) Every person who desires to engage in the business of 97714
a manufacturer or importer of cigarettes shall, annually, on or 97715
before the fourth Monday of May, make and deliver to the tax 97716
commissioner, upon a blank form furnished by the commissioner for 97717
that purpose, a statement showing the name of the applicant, the 97718
nature of the applicant's business, and any other information 97719
required by the commissioner. If the applicant is a firm, 97720
partnership, or association other than a corporation, the 97721
applicant shall state the name and address of each of its members. 97722
If the applicant is a corporation, the applicant shall state the 97723
name and address of each of its officers. 97724

(2) Upon receipt of the application required under this 97725
section, the commissioner shall verify that the applicant is not 97726
in violation of any provision of Chapter 1346. ~~or Title LVII~~ of 97727
the Revised Code. The commissioner shall also verify that the 97728
applicant has filed any returns, submitted any information, and 97729
paid any outstanding taxes, charges, or fees as required for any 97730
tax, charge, or fee administered by the commissioner, to the 97731

extent that the commissioner is aware of the returns, information, 97732
taxes, charges, or fees at the time of the application. Upon 97733
approval, the commissioner shall issue to the applicant a license 97734
authorizing the applicant to engage in the business of 97735
manufacturer or importer, whichever the case may be, for one year 97736
commencing on the fourth Monday of May. 97737

(3) The issuing of a license under division (F)(1) of this 97738
section to a manufacturer does not excuse a manufacturer from the 97739
certification process required under section 1346.05 of the 97740
Revised Code. A manufacturer who is issued a license under 97741
division (F)(1) of this section and who is not listed on the 97742
directory required under section 1346.05 of the Revised Code shall 97743
not be permitted to sell cigarettes in this state other than to a 97744
licensed cigarette wholesaler for sale outside this state. Such a 97745
manufacturer shall provide documentation to the commissioner 97746
evidencing that the cigarettes are legal for sale in another 97747
state. 97748

(G) The tax commissioner may adopt rules necessary to 97749
administer this section. 97750

Sec. 5743.51. (A) To provide revenue for the general revenue 97751
fund of the state, an excise tax on tobacco products is hereby 97752
levied at one of the following rates: 97753

(1) For tobacco products other than little cigars or premium 97754
cigars, seventeen per cent of the wholesale price of the tobacco 97755
product received by a distributor or sold by a manufacturer to a 97756
retail dealer located in this state. 97757

(2) For invoices dated October 1, 2013, or later, 97758
thirty-seven per cent of the wholesale price of little cigars 97759
received by a distributor or sold by a manufacturer to a retail 97760
dealer located in this state. 97761

(3) For premium cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state, the lesser of seventeen per cent of the wholesale price of such premium cigars or the maximum tax amount per each such premium cigar.

Each distributor who brings tobacco products, or causes tobacco products to be brought, into this state for distribution within this state, or any out-of-state distributor who sells tobacco products to wholesale or retail dealers located in this state for resale by those wholesale or retail dealers is liable for the tax imposed by this section. Only one sale of the same article shall be used in computing the amount of the tax due.

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code, including rules providing for the remission of penalties imposed.

(D) A manufacturer is not liable for payment of the tax imposed by this section for sales of tobacco products to a retail dealer that has filed a signed statement with the manufacturer in which the retail dealer agrees to pay and be liable for the tax, as long as the manufacturer has provided a copy of the statement to the tax commissioner.

Sec. 5743.61. (A) Except as otherwise provided in this division, no distributor shall engage in the business of distributing tobacco products within this state without having a

license issued by the department of taxation to engage in that 97793
business. On the dissolution of a partnership by death, the 97794
surviving partner may operate under the license of the partnership 97795
until the expiration of the license, and the heirs or legal 97796
representatives of deceased persons, and receivers and trustees in 97797
bankruptcy appointed by any competent authority, may operate under 97798
the license of the person succeeded in possession by the heir, 97799
representative, receiver, or trustee in bankruptcy if the partner 97800
or successor notifies the department of taxation of the 97801
dissolution or succession within thirty days after the dissolution 97802
or succession. 97803

(B)(1) Each applicant for a license to engage in the business 97804
of distributing tobacco products, annually, on or before the first 97805
day of February, shall make and deliver to the tax commissioner, 97806
upon a form furnished by the commissioner for that purpose, a 97807
statement showing the name of the applicant, each physical place 97808
from which the applicant distributes to distributors, retail 97809
dealers, or wholesale dealers, and any other information the 97810
commissioner considers necessary for the administration of 97811
sections 5743.51 to 5743.66 of the Revised Code. 97812

(2) At the time of making the license application, the 97813
applicant shall pay an application fee of one thousand dollars for 97814
each place listed on the application where the applicant proposes 97815
to carry on that business. The fee charged for the application 97816
shall accompany the application and shall be made payable to the 97817
treasurer of state for deposit into the cigarette tax enforcement 97818
fund. 97819

(3) Upon receipt of the application and payment of any 97820
licensing fee required by this section, the commissioner shall 97821
verify that the applicant has filed all returns, submitted all 97822
information, and paid all outstanding taxes, charges, or fees as 97823
required for any taxes, charges, or fees administered by the 97824

commissioner, to the extent the commissioner is aware of the 97825
returns, information, taxes, charges, or fees at the time of the 97826
application. Upon approval, the commissioner shall issue to the 97827
applicant a license for each place of distribution designated in 97828
the application authorizing the applicant to engage in business at 97829
that location for one year commencing on the first day of 97830
February. For licenses issued after the first day of February, the 97831
license application fee shall be reduced proportionately by the 97832
remainder of the twelve-month period for which the license is 97833
issued, except that the application fee required to be paid under 97834
this section shall be not less than two hundred dollars. If the 97835
original license is lost, destroyed, or defaced, a duplicate 97836
license may be obtained from the commissioner upon payment of a 97837
license replacement fee of twenty-five dollars. 97838

(C) The holder of a tobacco products license may transfer the 97839
license to a place of business on condition that the licensee's 97840
ownership and business structure remains unchanged and the 97841
licensee applies to the commissioner for the transfer on a form 97842
issued by the commissioner, and pays a transfer fee of twenty-five 97843
dollars. 97844

(D) If a distributor fails to file forms as required under 97845
Chapter 1346. or section 5743.52 of the Revised Code or pay the 97846
tax due for two consecutive periods or three periods during any 97847
twelve-month period, the commissioner may suspend the license 97848
issued to the distributor under this section. The suspension is 97849
effective ten days after the commissioner notifies the distributor 97850
of the suspension in writing personally or by certified mail. The 97851
commissioner shall lift the suspension when the distributor files 97852
the delinquent forms and pays the tax due, including any 97853
penalties, interest, and additional charges. The commissioner may 97854
refuse to issue the annual renewal of the license required by this 97855
section and may refuse to issue a new license for ~~the same a~~ 97856

location of the distributor until all delinquent forms are filed 97857
and outstanding taxes are paid. This division does not apply to 97858
any unpaid or underpaid tax liability that is the subject of a 97859
petition or appeal filed pursuant to section 5743.56, 5717.02, or 97860
5717.04 of the Revised Code. 97861

(E)(1) The tax commissioner may impose a penalty of up to one 97862
thousand dollars on any person found to be engaging in the 97863
business of distributing tobacco products without a license as 97864
required by this section. 97865

(2) Any person engaging in the business of distributing 97866
tobacco products without a license as required by this section 97867
shall comply with divisions (B)(1) and (2) of this section within 97868
ten days after being notified of the requirement to do so. Failure 97869
to comply with division (E)(2) of this section subjects a person 97870
to penalties imposed under section 5743.99 of the Revised Code. 97871

Sec. 5743.62. (A) To provide revenue for the general revenue 97872
fund of the state, an excise tax is hereby levied on the seller of 97873
tobacco products in this state at one of the following rates: 97874

(1) For tobacco products other than little cigars or premium 97875
cigars, seventeen per cent of the wholesale price of the tobacco 97876
product whenever the tobacco product is delivered to a consumer in 97877
this state for the storage, use, or other consumption of such 97878
tobacco products. 97879

(2) For little cigars, thirty-seven per cent of the wholesale 97880
price of the little cigars whenever the little cigars are 97881
delivered to a consumer in this state for the storage, use, or 97882
other consumption of the little cigars. 97883

(3) For premium cigars, whenever the premium cigars are 97884
delivered to a consumer in this state for the storage, use, or 97885
other consumption of the premium cigars, the lesser of seventeen 97886

per cent of the wholesale price of such premium cigars or the 97887
maximum tax amount per each such premium cigar. 97888

The tax imposed by this section applies only to sellers 97889
having nexus in this state, as defined in section 5741.01 of the 97890
Revised Code. 97891

(B) A seller of tobacco products who has nexus in this state 97892
as defined in section 5741.01 of the Revised Code shall register 97893
with the tax commissioner and supply any information concerning 97894
the seller's contacts with this state as may be required by the 97895
tax commissioner. A seller who does not have nexus in this state 97896
may voluntarily register with the tax commissioner. A seller who 97897
voluntarily registers with the tax commissioner is entitled to the 97898
same benefits and is subject to the same duties and requirements 97899
as a seller required to be registered with the tax commissioner 97900
under this division. 97901

(C) Each seller of tobacco products subject to the tax levied 97902
by this section, on or before the last day of each month, shall 97903
file with the tax commissioner a return for the preceding month 97904
showing any information the tax commissioner finds necessary for 97905
the proper administration of sections 5743.51 to 5743.66 of the 97906
Revised Code, together with remittance of the tax due, payable to 97907
the treasurer of state. The return and payment of the tax required 97908
by this section shall be filed in such a manner that it is 97909
received by the tax commissioner on or before the last day of the 97910
month following the reporting period. If the return is filed and 97911
the amount of the tax shown on the return to be due is paid on or 97912
before the date the return is required to be filed, the seller is 97913
entitled to a discount equal to two and five-tenths per cent of 97914
the amount shown on the return to be due. 97915

(D) The tax commissioner shall immediately forward to the 97916
treasurer of state all money received from the tax levied by this 97917
section, and the treasurer shall credit the amount to the general 97918

revenue fund. 97919

(E) Each seller of tobacco products subject to the tax levied 97920
by this section shall mark on the invoices of tobacco products 97921
sold that the tax levied by that section has been paid and shall 97922
indicate the seller's account number as assigned by the tax 97923
commissioner. 97924

Sec. 5743.63. (A) To provide revenue for the general revenue 97925
fund of the state, an excise tax is hereby levied on the storage, 97926
use, or other consumption of tobacco products at one of the 97927
following rates: 97928

(1) For tobacco products other than little cigars or premium 97929
cigars, seventeen per cent of the wholesale price of the tobacco 97930
product. 97931

(2) For little cigars, thirty-seven per cent of the wholesale 97932
price of the little cigars. 97933

(3) For premium cigars, the lesser of seventeen per cent of 97934
the wholesale price of the premium cigars or the maximum tax 97935
amount per each premium cigar. 97936

The tax levied under division (A) of this section is imposed 97937
only if the tax has not been paid by the seller as provided in 97938
section 5743.62 of the Revised Code, or by the distributor as 97939
provided in section 5743.51 of the Revised Code. 97940

(B) Each person subject to the tax levied by this section, on 97941
or before the last day of each month, shall file with the tax 97942
commissioner a return for the preceding month showing any 97943
information the tax commissioner finds necessary for the proper 97944
administration of sections 5743.51 to 5743.66 of the Revised Code, 97945
together with remittance of the tax due, payable to the treasurer 97946
of state. The return and payment of the tax required by this 97947
section shall be filed in such a manner that it is received by the 97948

tax commissioner on or before the last day of the month following 97949
the reporting period. 97950

(C) The tax commissioner shall immediately forward to the 97951
treasurer of state all money received from the tax levied by this 97952
section, and the treasurer shall credit the amount to the general 97953
revenue fund. 97954

Sec. 5747.02. (A) For the purpose of providing revenue for 97955
the support of schools and local government functions, to provide 97956
relief to property taxpayers, to provide revenue for the general 97957
revenue fund, and to meet the expenses of administering the tax 97958
levied by this chapter, there is hereby levied on every 97959
individual, trust, and estate residing in or earning or receiving 97960
income in this state, on every individual, trust, and estate 97961
earning or receiving lottery winnings, prizes, or awards pursuant 97962
to Chapter 3770. of the Revised Code, on every individual, trust, 97963
and estate earning or receiving winnings on casino gaming, and on 97964
every individual, trust, and estate otherwise having nexus with or 97965
in this state under the Constitution of the United States, an 97966
annual tax measured as prescribed in divisions (A)(1) to (4) of 97967
this section. 97968

(1) In the case of trusts, the tax imposed by this section 97969
shall be measured by modified Ohio taxable income under division 97970
(D) of this section and levied at the same rates prescribed in 97971
division (A)(3) of this section for individuals. 97972

(2) In the case of estates, the tax imposed by this section 97973
shall be measured by Ohio taxable income and levied at the same 97974
rates prescribed in division (A)(3) of this section for 97975
individuals. 97976

(3) In the case of individuals, for taxable years beginning 97977
in ~~2015~~ 2017 or thereafter, the tax imposed by this section on 97978
income other than taxable business income shall be measured by 97979

Ohio adjusted gross income, less taxable business income and less		97980
an exemption for the taxpayer, the taxpayer's spouse, and each		97981
dependent as provided in section 5747.025 of the Revised Code. The		97982
tax imposed on the balance thus obtained <u>If the balance thus</u>		97983
<u>obtained is equal to or less than ten thousand dollars, no tax</u>		97984
<u>shall be imposed on that balance. If the balance thus obtained is</u>		97985
<u>greater than ten thousand dollars, the tax</u> is hereby levied as		97986
follows:		97987
OHIO ADJUSTED GROSS INCOME LESS		97988
TAXABLE BUSINESS INCOME AND		
EXEMPTIONS (INDIVIDUALS)		
OR		97989
MODIFIED OHIO		97990
TAXABLE INCOME (TRUSTS)		97991
OR		97992
OHIO TAXABLE INCOME (ESTATES)	TAX	97993
\$5,000 or less	.495%	97994
More than \$5,000 but not more	\$24.75 plus .990% of the amount	97995
than \$10,000	in excess of \$5,000	
More than \$10,000 but not more	\$74.25 plus 1.980% of the amount	97996
than \$15,000	in excess of \$10,000	
More than \$15,000 but not more	\$173.25 plus 2.476% of the	97997
than \$20,000	amount in excess of \$15,000	
More than \$20,000 but not more	\$297.05 plus 2.969% of the	97998
than \$40,000	amount in excess of \$20,000	
More than \$40,000 but not more	\$890.85 plus 3.465% of the	97999
than \$80,000	amount in excess of \$40,000	
More than \$80,000 but not more	\$2,276.85 plus 3.960% of the	98000
than \$100,000	amount in excess of \$80,000	
More than \$100,000 but not more	\$3,068.85 plus 4.597% of the	98001
than \$200,000	amount in excess of \$100,000	
More than \$200,000	\$7,665.85 plus 4.997% of the	98002
	amount in excess of \$200,000	

~~(4)(a) In the case of individuals, for taxable years beginning in 2015, the tax imposed by this section on taxable business income shall be measured by taxable business income less any amount allowed under division (A)(4)(c) of this section. The tax imposed on the balance thus obtained is hereby levied as follows:~~

TAXABLE BUSINESS INCOME		
LESS ALLOWED EXEMPTION AMOUNT	TAX	
\$5,000 or less	.495%	98011
More than \$5,000 but not more than \$10,000	\$24.75 plus .990% of the amount in excess of \$5,000	98012
More than \$10,000 but not more than \$15,000	\$74.25 plus 1.980% of the amount in excess of \$10,000	98013
More than \$15,000 but not more than \$20,000	\$173.25 plus 2.476% of the amount in excess of \$15,000	98014
More than \$20,000 but not more than \$40,000	\$297.05 plus 2.969% of the amount in excess of \$20,000	98015
More than \$40,000	\$890.85 plus 3% of the amount in excess of \$40,000	98016

~~(b)~~ In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(~~e~~)(b) of this section from the individual's taxable business income.

~~(e)~~(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) ~~or (b)~~ of this section.

Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in division (A)(3) of this section by

multiplying the percentage increase in the gross domestic product 98030
deflator computed that year under section 5747.025 of the Revised 98031
Code by each of the income amounts resulting from the adjustment 98032
under this division in the preceding year, adding the resulting 98033
product to the corresponding income amount resulting from the 98034
adjustment in the preceding year, and rounding the resulting sum 98035
to the nearest multiple of fifty dollars. The tax commissioner 98036
also shall recompute each of the tax dollar amounts to the extent 98037
necessary to reflect the new adjustment of the income amounts. The 98038
rates of taxation shall not be adjusted. 98039

The adjusted amounts apply to taxable years beginning in the 98040
calendar year in which the adjustments are made and to taxable 98041
years beginning in each ensuing calendar year until a calendar 98042
year in which a new adjustment is made pursuant to this division. 98043
The tax commissioner shall not make a new adjustment in any year 98044
in which the amount resulting from the adjustment would be less 98045
than the amount resulting from the adjustment in the preceding 98046
year. The commissioner shall not make a new adjustment for taxable 98047
years beginning in ~~2013, 2014, or 2015~~ 2017 or 2018. 98048

(B) If the director of budget and management makes a 98049
certification to the tax commissioner under division (B) of 98050
section 131.44 of the Revised Code, the amount of tax as 98051
determined under divisions (A)(1) to (3) of this section shall be 98052
reduced by the percentage prescribed in that certification for 98053
taxable years beginning in the calendar year in which that 98054
certification is made. 98055

(C) The levy of this tax on income does not prevent a 98056
municipal corporation, a joint economic development zone created 98057
under section 715.691, or a joint economic development district 98058
created under section 715.70, 715.71, or 715.72 of the Revised 98059
Code from levying a tax on income. 98060

(D) This division applies only to taxable years of a trust 98061

beginning in 2002 or thereafter. 98062

(1) The tax imposed by this section on a trust shall be 98063
computed by multiplying the Ohio modified taxable income of the 98064
trust by the rates prescribed by division (A) of this section. 98065

(2) A resident trust may claim a credit against the tax 98066
computed under division (D) of this section equal to the lesser of 98067
~~(1)(a)~~ the tax paid to another state or the District of Columbia 98068
on the resident trust's modified nonbusiness income, other than 98069
the portion of the resident trust's nonbusiness income that is 98070
qualifying investment income as defined in section 5747.012 of the 98071
Revised Code, or ~~(2)(b)~~ the effective tax rate, based on modified 98072
Ohio taxable income, multiplied by the resident trust's modified 98073
nonbusiness income other than the portion of the resident trust's 98074
nonbusiness income that is qualifying investment income. The 98075
credit applies before any other applicable credits. 98076

(3) The credits enumerated in divisions (A)(1) to ~~(10)(9)~~ and 98077
(A)~~(19)(18)~~ to ~~(21)(20)~~ of section 5747.98 of the Revised Code do 98078
not apply to a trust subject to division (D) of this section. Any 98079
credits enumerated in other divisions of section 5747.98 of the 98080
Revised Code apply to a trust subject to division (D) of this 98081
section. To the extent that the trust distributes income for the 98082
taxable year for which a credit is available to the trust, the 98083
credit shall be shared by the trust and its beneficiaries. The tax 98084
commissioner and the trust shall be guided by applicable 98085
regulations of the United States treasury regarding the sharing of 98086
credits. 98087

(E) For the purposes of this section, "trust" means any trust 98088
described in Subchapter J of Chapter 1 of the Internal Revenue 98089
Code, excluding trusts that are not irrevocable as defined in 98090
division (I)(3)(b) of section 5747.01 of the Revised Code and that 98091
have no modified Ohio taxable income for the taxable year, 98092
charitable remainder trusts, qualified funeral trusts and preneed 98093

funeral contract trusts established pursuant to sections 4717.31 98094
to 4717.38 of the Revised Code that are not qualified funeral 98095
trusts, endowment and perpetual care trusts, qualified settlement 98096
trusts and funds, designated settlement trusts and funds, and 98097
trusts exempted from taxation under section 501(a) of the Internal 98098
Revenue Code. 98099

(F) Nothing in division (A)(3) of this section shall prohibit 98100
an individual with an Ohio adjusted gross income, less taxable 98101
business income and exemptions, of ten thousand dollars or less 98102
from filing a return under this chapter to receive a refund of 98103
taxes withheld or to claim any refundable credit allowed under 98104
this chapter. 98105

Sec. 5747.031. For annual returns filed for taxable years 98106
beginning on or after January 1, 2017, the department of taxation 98107
shall determine and provide to the office of budget and management 98108
a report of the tax liability, before the application of any 98109
credits, under section 5747.02 of the Revised Code that arises 98110
from taxable business income, the tax liability, before the 98111
application of any credits, that arises from income, other than 98112
taxable business income, as measured and taxed under divisions 98113
(A)(1), (2), or (3) of that section, and the total amount of 98114
credits claimed against the tax levied under that section. 98115

In providing actual and estimates of revenue pursuant to 98116
Chapter 126. of the Revised Code, the office of budget and 98117
management shall separately list the tax liability, before the 98118
application of any credits, under section 5747.02 of the Revised 98119
Code that arises from taxable business income, the tax liability, 98120
before the application of any credits, that arises from income, 98121
other than taxable business income, as measured and taxed under 98122
divisions (A)(1), (2), or (3) of that section, and the total 98123
amount of credits claimed against the tax levied under that 98124

section. 98125

Sec. 5747.06. (A) Except as provided in division (E)(3) of 98126
this section, every employer, including the state and its 98127
political subdivisions, maintaining an office or transacting 98128
business within this state and making payment of any compensation 98129
to an employee who is a taxpayer shall deduct and withhold from 98130
such compensation for each payroll period a tax computed in such 98131
manner as to result, as far as practicable, in withholding from 98132
the employee's compensation during each calendar year an amount 98133
substantially equivalent to the tax reasonably estimated to be due 98134
from the employee under this chapter and Chapter 5748. of the 98135
Revised Code with respect to the amount of such compensation 98136
included in the employee's adjusted gross income during the 98137
calendar year. The employer shall deduct and withhold the tax on 98138
the date that the employer directly, indirectly, or constructively 98139
pays the compensation to, or credits the compensation to the 98140
benefit of, the employee. ~~The~~ 98141

The method of determining the amount to be withheld shall be 98142
prescribed by rule of the tax commissioner. Notwithstanding 98143
section 5747.02 of the Revised Code, the rule prescribed by the 98144
commissioner shall require that taxes are withheld on the first 98145
ten thousand dollars of a taxpayer's compensation at rates 98146
sufficient to ensure payment of the appropriate amount of tax 98147
reasonably estimated to be due. 98148

In addition to any other exclusions from withholding 98149
permitted under this section, no tax shall be withheld by an 98150
employer from the compensation of an employee when such 98151
compensation is paid for: 98152

(1) Agricultural labor as defined in division G of section 98153
3121 of Title 26 of the United States Code; 98154

(2) Domestic service in a private home, local college club, 98155

or local chapter of a college fraternity or sorority; 98156

(3) Service performed in any calendar quarter by an employee 98157
unless the cash remuneration paid for such service is three 98158
hundred dollars or more and such service is performed by an 98159
individual who is regularly employed by such employer to perform 98160
such service; 98161

(4) Services performed for a foreign government or an 98162
international organization; 98163

(5) Services performed by an individual under the age of 98164
eighteen in the delivery or distribution of newspapers or shopping 98165
news, not including delivery or distribution to any point for 98166
subsequent delivery or distribution, or when performed by such 98167
individual under the age of eighteen under an arrangement where 98168
newspapers or magazines are to be sold by the individual at a 98169
fixed price, the individual's compensation being based on the 98170
retention of the excess of such price over the amount at which the 98171
newspapers or magazines are charged to the individual; 98172

(6) Services not in the course of the employer's trade or 98173
business to the extent paid in any medium other than cash. 98174

(B) Every employer required to deduct and withhold tax from 98175
the compensation of an employee under this chapter shall furnish 98176
to each employee, with respect to the compensation paid by such 98177
employer to such employee during the calendar year, on or before 98178
the thirty-first day of January of the succeeding year, or, if the 98179
employee's employment is terminated before the close of such 98180
calendar year, within thirty days from the date on which the last 98181
payment of compensation was made, a written statement as 98182
prescribed by the tax commissioner showing the amount of 98183
compensation paid by the employer to the employee, the amount 98184
deducted and withheld as state income tax, any amount deducted and 98185
withheld as school district income tax for each applicable school 98186

district, and any other information as the commissioner prescribes. 98187
98188

(C) The failure of an employer to withhold tax as required by this section does not relieve an employee from the liability for the tax. The failure of an employer to remit the tax as required by law does not relieve an employee from liability for the tax if the tax commissioner ascertains that the employee colluded with the employer with respect to the failure to remit the tax. 98189
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(D) If an employer fails to deduct and withhold any tax as required, and thereafter the tax is paid, the tax so required to be deducted and withheld shall not be collected from the employer, but the employer is not relieved from liability for penalties and interest otherwise applicable in respect to the failure to deduct and withhold the tax. 98195
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(E) To ensure that taxes imposed pursuant to Chapter 5748. of the Revised Code are deducted and withheld as provided in this section: 98201
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(1) An employer shall request that each employee furnish the name of the employee's school district of residence; 98204
98205

(2) Each employee shall furnish the employer with sufficient and correct information to enable the employer to withhold the taxes imposed under Chapter 5748. of the Revised Code. The employee shall provide additional or corrected information whenever information previously provided to the employer becomes insufficient or incorrect. 98206
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(3) If the employer complies with the requirements of division (E)(1) of this section and if the employee fails to comply with the requirements of division (E)(2) of this section, the employer is not required to withhold and pay the taxes imposed under Chapter 5748. of the Revised Code and is not subject to any penalties and interest otherwise applicable for failing to deduct 98212
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and withhold such taxes. 98218

Sec. 5747.08. An annual return with respect to the tax 98219
imposed by section 5747.02 of the Revised Code and each tax 98220
imposed under Chapter 5748. of the Revised Code shall be made by 98221
every taxpayer for any taxable year for which the taxpayer is 98222
liable for the tax imposed by that section or under that chapter, 98223
unless the total credits allowed under division (E) of section 98224
5747.05 and divisions (F) and (G) of section 5747.055 of the 98225
Revised Code for the year are equal to or exceed the tax imposed 98226
by section 5747.02 of the Revised Code, in which case no return 98227
shall be required unless the taxpayer is liable for a tax imposed 98228
pursuant to Chapter 5748. of the Revised Code. 98229

(A) If an individual is deceased, any return or notice 98230
required of that individual under this chapter shall be made and 98231
filed by that decedent's executor, administrator, or other person 98232
charged with the property of that decedent. 98233

(B) If an individual is unable to make a return or notice 98234
required by this chapter, the return or notice required of that 98235
individual shall be made and filed by the individual's duly 98236
authorized agent, guardian, conservator, fiduciary, or other 98237
person charged with the care of the person or property of that 98238
individual. 98239

(C) Returns or notices required of an estate or a trust shall 98240
be made and filed by the fiduciary of the estate or trust. 98241

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 98242
of this section, any pass-through entity may file a single return 98243
on behalf of one or more of the entity's investors other than an 98244
investor that is a person subject to the tax imposed under section 98245
5733.06 of the Revised Code. The single return shall set forth the 98246
name, address, and social security number or other identifying 98247
number of each of those pass-through entity investors and shall 98248

indicate the distributive share of each of those pass-through 98249
entity investor's income taxable in this state in accordance with 98250
sections 5747.20 to 5747.231 of the Revised Code. Such 98251
pass-through entity investors for whom the pass-through entity 98252
elects to file a single return are not entitled to the exemption 98253
or credit provided for by sections 5747.02 and 5747.022 of the 98254
Revised Code; shall calculate the tax before business credits at 98255
the highest rate of tax set forth in section 5747.02 of the 98256
Revised Code for the taxable year for which the return is filed; 98257
and are entitled to only their distributive share of the business 98258
credits as defined in division (D)(2) of this section. A single 98259
check drawn by the pass-through entity shall accompany the return 98260
in full payment of the tax due, as shown on the single return, for 98261
such investors, other than investors who are persons subject to 98262
the tax imposed under section 5733.06 of the Revised Code. 98263

(b)(i) A pass-through entity shall not include in such a 98264
single return any investor that is a trust to the extent that any 98265
direct or indirect current, future, or contingent beneficiary of 98266
the trust is a person subject to the tax imposed under section 98267
5733.06 of the Revised Code. 98268

(ii) A pass-through entity shall not include in such a single 98269
return any investor that is itself a pass-through entity to the 98270
extent that any direct or indirect investor in the second 98271
pass-through entity is a person subject to the tax imposed under 98272
section 5733.06 of the Revised Code. 98273

(c) Nothing in division (D) of this section precludes the tax 98274
commissioner from requiring such investors to file the return and 98275
make the payment of taxes and related interest, penalty, and 98276
interest penalty required by this section or section 5747.02, 98277
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 98278
of this section precludes such an investor from filing the annual 98279
return under this section, utilizing the refundable credit equal 98280

to the investor's proportionate share of the tax paid by the 98281
pass-through entity on behalf of the investor under division (I) 98282
of this section, and making the payment of taxes imposed under 98283
section 5747.02 of the Revised Code. Nothing in division (D) of 98284
this section shall be construed to provide to such an investor or 98285
pass-through entity any additional deduction or credit, other than 98286
the credit provided by division (I) of this section, solely on 98287
account of the entity's filing a return in accordance with this 98288
section. Such a pass-through entity also shall make the filing and 98289
payment of estimated taxes on behalf of the pass-through entity 98290
investors other than an investor that is a person subject to the 98291
tax imposed under section 5733.06 of the Revised Code. 98292

(2) For the purposes of this section, "business credits" 98293
means the credits listed in section 5747.98 of the Revised Code 98294
excluding the following credits: 98295

(a) The retirement income credit under division (B) of 98296
section 5747.055 of the Revised Code; 98297

(b) The senior citizen credit under division (F) of section 98298
5747.055 of the Revised Code; 98299

(c) The lump sum distribution credit under division (G) of 98300
section 5747.055 of the Revised Code; 98301

(d) The dependent care credit under section 5747.054 of the 98302
Revised Code; 98303

(e) The lump sum retirement income credit under division (C) 98304
of section 5747.055 of the Revised Code; 98305

(f) The lump sum retirement income credit under division (D) 98306
of section 5747.055 of the Revised Code; 98307

(g) The lump sum retirement income credit under division (E) 98308
of section 5747.055 of the Revised Code; 98309

(h) The credit for displaced workers who pay for job training 98310

under section 5747.27 of the Revised Code;	98311
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	98312 98313
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	98314 98315
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	98316 98317
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	98318 98319
(m) The low income credit under section 5747.056 of the Revised Code;	98320 98321
(n) The earned income tax credit under section 5747.71 of the Revised Code.	98322 98323
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	98324 98325 98326 98327 98328 98329 98330 98331
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a	98332 98333 98334 98335 98336 98337 98338 98339 98340

result of the pass-through entity's making the election provided 98341
for under division (D) of this section. For the purposes of 98342
division (D) of this section, "correct tax due" means the tax that 98343
would have been paid by the pass-through entity had the single 98344
return been filed in a manner reflecting the commissioner's 98345
findings. Nothing in division (D) of this section shall be 98346
construed to make or hold a pass-through entity liable for tax 98347
attributable to a pass-through entity investor's income from a 98348
source other than the pass-through entity electing to file the 98349
single return. 98350

(E) If a husband and wife file a joint federal income tax 98351
return for a taxable year, they shall file a joint return under 98352
this section for that taxable year, and their liabilities are 98353
joint and several, but, if the federal income tax liability of 98354
either spouse is determined on a separate federal income tax 98355
return, they shall file separate returns under this section. 98356

If either spouse is not required to file a federal income tax 98357
return and either or both are required to file a return pursuant 98358
to this chapter, they may elect to file separate or joint returns, 98359
and, pursuant to that election, their liabilities are separate or 98360
joint and several. If a husband and wife file separate returns 98361
pursuant to this chapter, each must claim the taxpayer's own 98362
exemption, but not both, as authorized under section 5747.02 of 98363
the Revised Code on the taxpayer's own return. 98364

(F) Each return or notice required to be filed under this 98365
section shall contain the signature of the taxpayer or the 98366
taxpayer's duly authorized agent and of the person who prepared 98367
the return for the taxpayer, and shall include the taxpayer's 98368
social security number. Each return shall be verified by a 98369
declaration under the penalties of perjury. The tax commissioner 98370
shall prescribe the form that the signature and declaration shall 98371
take. 98372

(G) Each return or notice required to be filed under this 98373
section shall be made and filed as required by section 5747.04 of 98374
the Revised Code, on or before the fifteenth day of April of each 98375
year, on forms that the tax commissioner shall prescribe, together 98376
with remittance made payable to the treasurer of state in the 98377
combined amount of the state and all school district income taxes 98378
shown to be due on the form. 98379

Upon good cause shown, the commissioner may extend the period 98380
for filing any notice or return required to be filed under this 98381
section and may adopt rules relating to extensions. If the 98382
extension results in an extension of time for the payment of any 98383
state or school district income tax liability with respect to 98384
which the return is filed, the taxpayer shall pay at the time the 98385
tax liability is paid an amount of interest computed at the rate 98386
per annum prescribed by section 5703.47 of the Revised Code on 98387
that liability from the time that payment is due without extension 98388
to the time of actual payment. Except as provided in section 98389
5747.132 of the Revised Code, in addition to all other interest 98390
charges and penalties, all taxes imposed under this chapter or 98391
Chapter 5748. of the Revised Code and remaining unpaid after they 98392
become due, except combined amounts due of one dollar or less, 98393
bear interest at the rate per annum prescribed by section 5703.47 98394
of the Revised Code until paid or until the day an assessment is 98395
issued under section 5747.13 of the Revised Code, whichever occurs 98396
first. 98397

If the commissioner considers it necessary in order to ensure 98398
the payment of the tax imposed by section 5747.02 of the Revised 98399
Code or any tax imposed under Chapter 5748. of the Revised Code, 98400
the commissioner may require returns and payments to be made 98401
otherwise than as provided in this section. 98402

To the extent that any provision in this division conflicts 98403
with any provision in section 5747.026 of the Revised Code, the 98404

provision in that section prevails. 98405

(H) The amounts withheld by an employer pursuant to section 98406
5747.06 of the Revised Code, a casino operator pursuant to section 98407
5747.063 of the Revised Code, or a lottery sales agent pursuant to 98408
section 5747.064 of the Revised Code shall be allowed to the 98409
recipient of the compensation casino winnings, or lottery prize 98410
award as credits against payment of the appropriate taxes imposed 98411
on the recipient by section 5747.02 and under Chapter 5748. of the 98412
Revised Code. 98413

(I) If a pass-through entity elects to file a single return 98414
under division (D) of this section and if any investor is required 98415
to file the annual return and make the payment of taxes required 98416
by this chapter on account of the investor's other income that is 98417
not included in a single return filed by a pass-through entity or 98418
any other investor elects to file the annual return, the investor 98419
is entitled to a refundable credit equal to the investor's 98420
proportionate share of the tax paid by the pass-through entity on 98421
behalf of the investor. The investor shall claim the credit for 98422
the investor's taxable year in which or with which ends the 98423
taxable year of the pass-through entity. Nothing in this chapter 98424
shall be construed to allow any credit provided in this chapter to 98425
be claimed more than once. For the purpose of computing any 98426
interest, penalty, or interest penalty, the investor shall be 98427
deemed to have paid the refundable credit provided by this 98428
division on the day that the pass-through entity paid the 98429
estimated tax or the tax giving rise to the credit. 98430

(J) The tax commissioner shall ensure that each return 98431
required to be filed under this section includes a box that the 98432
taxpayer may check to authorize a paid tax preparer who prepared 98433
the return to communicate with the department of taxation about 98434
matters pertaining to the return. The return or instructions 98435
accompanying the return shall indicate that by checking the box 98436

the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return required by this section electronically.

(L) The tax commissioner may adopt rules to administer this section.

Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5902.05 of the Revised Code, the Ohio history fund created in section 149.308 of the Revised Code, the breast and cervical cancer project income tax contribution fund created in section 3701.601 of the Revised Code, the wishes for sick children income tax contribution fund created in section 3701.602 of the Revised

Code, or all of those funds may designate on the taxpayer's income 98468
tax return the amount that the taxpayer wishes to contribute to 98469
the fund or funds. A designated contribution is irrevocable upon 98470
the filing of the return and shall be made in the full amount 98471
designated if the refund found due the taxpayer upon the initial 98472
processing of the taxpayer's return, after any deductions 98473
including those required by section 5747.12 of the Revised Code, 98474
is greater than or equal to the designated contribution. If the 98475
refund due as initially determined is less than the designated 98476
contribution, the contribution shall be made in the full amount of 98477
the refund. The tax commissioner shall subtract the amount of the 98478
contribution from the amount of the refund initially found due the 98479
taxpayer and shall certify the difference to the director of 98480
budget and management and treasurer of state for payment to the 98481
taxpayer in accordance with section 5747.11 of the Revised Code. 98482
For the purpose of any subsequent determination of the taxpayer's 98483
net tax payment, the contribution shall be considered a part of 98484
the refund paid to the taxpayer. 98485

(B) The tax commissioner shall provide a space on the income 98486
tax return form in which a taxpayer may indicate that the taxpayer 98487
wishes to make a donation in accordance with this section. The tax 98488
commissioner shall also print in the instructions accompanying the 98489
income tax return form a description of the purposes for which the 98490
natural areas and preserves fund, the nongame and endangered 98491
wildlife fund, the military injury relief fund, the Ohio history 98492
fund, the breast and cervical cancer project income tax 98493
contribution fund, and the wishes for sick children income tax 98494
contribution fund were created and the use of moneys from the 98495
income tax refund contribution system established in this section. 98496
No person shall designate on the person's income tax return any 98497
part of a refund claimed under section 5747.11 of the Revised Code 98498
as a contribution to any fund other than the natural areas and 98499

preserves fund, the nongame and endangered wildlife fund, the 98500
military injury relief fund, the Ohio history fund, the breast and 98501
cervical cancer project income tax contribution fund, or the 98502
wishes for sick children income tax contribution fund. 98503

(C) The money collected under the income tax refund 98504
contribution system established in this section shall be deposited 98505
by the tax commissioner into the natural areas and preserves fund, 98506
the nongame and endangered wildlife fund, the military injury 98507
relief fund, the Ohio history fund, the breast and cervical cancer 98508
project income tax contribution fund, and the wishes for sick 98509
children income tax contribution fund in the amounts designated on 98510
the tax returns. 98511

~~(D) No later than the thirtieth day of September each year, 98512
the tax commissioner shall determine the total amount contributed 98513
to each fund under this section during the preceding eight months, 98514
any adjustments to prior months, and the cost to the department of 98515
taxation of administering the income tax refund contribution 98516
system during that eight month period. The commissioner shall make 98517
an additional determination no later than the thirty first day of 98518
January of each year of the total amount contributed to each fund 98519
under this section during the preceding four calendar months, any 98520
adjustments to prior years made during that four month period, and 98521
the cost to the department of taxation of administering the income 98522
tax contribution system during that period. The cost of 98523
administering the income tax contribution system shall be 98524
certified by the tax commissioner to the director of budget and 98525
management, who shall transfer an amount equal to one sixth of 98526
such administrative costs from each of the six funds to the income 98527
tax contribution fund, which is hereby created, provided that the 98528
moneys that the department receives to pay the cost of 98529
administering the income tax refund contribution system in any 98530
year shall not exceed two and one half per cent of the total 98531~~

~~amount contributed under that system during that year.~~ 98532

~~(E)~~ If the total amount contributed to a fund under this 98533
section ~~in each of five consecutive calendar years, as annually~~ 98534
~~determined by the tax commissioner,~~ is less than fifty thousand 98535
dollars ~~in each of five consecutive calendar years,~~ no person may 98536
designate a contribution to that fund for any taxable year ending 98537
after the last day of that five-year period. In such a case, the 98538
~~tax~~ commissioner shall remove the space dedicated to the fund on 98539
the income tax return and the description of the fund in the 98540
instructions accompanying the income tax return. 98541

~~(F)~~(E) The general assembly may authorize taxpayer refund 98542
contributions to no more than six funds under the income tax 98543
refund contribution system established in this section. If the 98544
general assembly authorizes income tax refund contributions to a 98545
fund other than the natural areas and preserves fund, the nongame 98546
and endangered wildlife fund, the military injury relief fund, the 98547
Ohio history fund, the breast and cervical cancer project income 98548
tax contribution fund, or the wishes for sick children income tax 98549
contribution fund, such contributions may be authorized only for a 98550
period of two calendar years. 98551

With the exception of the Ohio history fund, the general 98552
assembly may authorize income tax refund contributions to a fund 98553
only if all the money in the fund will be expended or distributed 98554
by a state agency as defined in section 1.60 of the Revised Code. 98555

~~(G)~~(F)(1) The director of natural resources, in January of 98556
every odd-numbered year, shall report to the general assembly on 98557
the effectiveness of the income tax refund contribution system as 98558
it pertains to the natural areas and preserves fund and the 98559
nongame and endangered wildlife fund. The report shall include the 98560
amount of money contributed to each fund in each of the previous 98561
five years, the amount of money contributed directly to each fund 98562
in addition to or independently of the income tax refund 98563

contribution system in each of the previous five years, and the 98564
purposes for which the money was expended. 98565

(2) The director of veterans services, the director of the 98566
Ohio history connection, and the director of health, in January of 98567
every odd-numbered year, each shall report to the general assembly 98568
on the effectiveness of the income tax refund contribution system 98569
as it pertains to the military injury relief fund, the Ohio 98570
history fund, the breast and cervical cancer project income tax 98571
contribution fund, and the wishes for sick children income tax 98572
contribution fund respectively. The report shall include the 98573
amount of money contributed to the fund in each of the previous 98574
five years, the amount of money contributed directly to the fund 98575
in addition to or independently of the income tax refund 98576
contribution system in each of the previous five years, and the 98577
purposes for which the money was expended. 98578

Sec. 5747.122. (A) The tax commissioner, in accordance with 98579
section 5101.184 of the Revised Code, shall cooperate with the 98580
director of job and family services to collect overpayments of 98581
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 98582
Chapter 5113., or section 5101.54 of the Revised Code from refunds 98583
of state income taxes for taxable year 1992 and thereafter that 98584
are payable to the recipients of such overpayments. 98585

(B) At the request of the department of job and family 98586
services in connection with the collection of an overpayment of 98587
assistance from a refund of state income taxes pursuant to this 98588
section and section 5101.184 of the Revised Code, the tax 98589
commissioner shall release to the department the home address and 98590
social security number of any recipient of assistance whose 98591
overpayment may be collected from a refund of state income taxes 98592
under those sections. 98593

(C) In the case of a joint income tax return for two people 98594

who were not married to each other at the time one of them 98595
received an overpayment of assistance, only the portion of a 98596
refund that is due to the recipient of the overpayment shall be 98597
available for collection of the overpayment under this section and 98598
section 5101.184 of the Revised Code. The tax commissioner shall 98599
determine such portion. A recipient's spouse who objects to the 98600
portion as determined by the commissioner may file a complaint 98601
with the commissioner within twenty-one days after receiving 98602
notice of the collection, and the commissioner shall afford the 98603
spouse an opportunity to be heard on the complaint. The 98604
commissioner shall waive or extend the twenty-one-day period if 98605
the recipient's spouse establishes that such action is necessary 98606
to avoid unjust, unfair, or unreasonable results. After the 98607
hearing, the commissioner shall make a final determination of the 98608
portion of the refund available for collection of the overpayment. 98609

(D) The welfare overpayment intercept fund is hereby created 98610
in the state treasury. The tax commissioner shall deposit amounts 98611
collected from income tax refunds under this section to the credit 98612
of the welfare overpayment intercept fund. The director of job and 98613
family services shall distribute money in the fund in accordance 98614
with appropriate federal or state laws and procedures regarding 98615
collection of welfare overpayments. 98616

Sec. 5747.50. (A) As used in this section: 98617

(1) "County's proportionate share of the calendar year 2007 98618
LGF and LGRAF distributions" means the percentage computed for the 98619
county under division (B)(1)(a) of section 5747.501 of the Revised 98620
Code. 98621

(2) "County's proportionate share of the total amount of the 98622
local government fund additional revenue formula" means each 98623
county's proportionate share of the state's population as 98624
determined for and certified to the county for distributions to be 98625

made during the current calendar year under division (B)(2)(a) of 98626
section 5747.501 of the Revised Code. If prior to the first day of 98627
January of the current calendar year the federal government has 98628
issued a revision to the population figures reflected in the 98629
estimate produced pursuant to division (B)(2)(a) of section 98630
5747.501 of the Revised Code, such revised population figures 98631
shall be used for making the distributions during the current 98632
calendar year. 98633

(3) "2007 LGF and LGRAF county distribution base available in 98634
that month" means the lesser of the amounts described in division 98635
(A)(3)(a) and (b) of this section, provided that the amount shall 98636
not be less than zero: 98637

(a) The total amount available for distribution to counties 98638
from the local government fund during the current month. 98639

(b) The total amount distributed to counties from the local 98640
government fund and the local government revenue assistance fund 98641
to counties in calendar year 2007 less the total amount 98642
distributed to counties under division (B)(1) of this section 98643
during previous months of the current calendar year. 98644

(4) "Local government fund additional revenue distribution 98645
base available during that month" means the total amount available 98646
for distribution to counties during the month from the local 98647
government fund, less any amounts to be distributed in that month 98648
from the local government fund under division (B)(1) of this 98649
section, provided that the local government fund additional 98650
revenue distribution base available during that month shall not be 98651
less than zero. 98652

(5) "Total amount available for distribution to counties" 98653
means the total amount available for distribution from the local 98654
government fund during the current month less the total amount 98655
available for distribution to municipal corporations during the 98656

current month under division (C) of this section. 98657

(B) On or before the tenth day of each month, the tax 98658
commissioner shall provide for payment to each county an amount 98659
equal to the sum of: 98660

(1) The county's proportionate share of the calendar year 98661
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 98662
LGRAF county distribution base available in that month, provided 98663
that if the 2007 LGF and LGRAF county distribution base available 98664
in that month is zero, no payment shall be made under division 98665
(B)(1) of this section for the month or the remainder of the 98666
calendar year; and 98667

(2) The county's proportionate share of the total amount of 98668
the local government fund additional revenue formula multiplied by 98669
the local government fund additional revenue distribution base 98670
available during that month. 98671

Money received into the treasury of a county under this 98672
division shall be credited to the undivided local government fund 98673
in the treasury of the county on or before the fifteenth day of 98674
each month. On or before the twentieth day of each month, the 98675
county auditor shall issue warrants against all of the undivided 98676
local government fund in the county treasury in the respective 98677
amounts allowed as provided in section 5747.51 of the Revised 98678
Code, and the treasurer shall distribute and pay such sums to the 98679
subdivision therein. 98680

(C)(1) As used in division (C) of this section: 98681

(a) "Total amount available for distribution to 98682
municipalities during the current month" means the difference 98683
obtained by subtracting one million dollars from the product 98684
obtained by multiplying the total amount available for 98685
distribution from the local government fund during the current 98686
month by the aggregate municipal share. 98687

(b) "Aggregate municipal share" means the quotient obtained 98688
by dividing the total amount distributed directly from the local 98689
government fund to municipal corporations during calendar year 98690
2007 by the total distributions from the local government fund and 98691
local government revenue assistance fund during calendar year 98692
2007. 98693

(2) On or before the tenth day of each month, the tax 98694
commissioner shall provide for payment from the local government 98695
fund to each municipal corporation an amount equal to the product 98696
derived by multiplying the municipal corporation's percentage of 98697
the total amount distributed to all such municipal corporations 98698
under this division during calendar year 2007 by the total amount 98699
available for distribution to municipal corporations during the 98700
current month. 98701

(3) Payments received by a municipal corporation under this 98702
division shall be paid into its general fund and may be used for 98703
any lawful purpose. 98704

(4) The amount distributed to municipal corporations under 98705
this division during any calendar year shall not exceed the amount 98706
distributed directly from the local government fund to municipal 98707
corporations during calendar year 2007. If that maximum amount is 98708
reached during any month, distributions to municipal corporations 98709
in that month shall be as provided in divisions (C)(1) and (2) of 98710
this section, but no further distributions shall be made to 98711
municipal corporations under division (C) of this section during 98712
the remainder of the calendar year. 98713

(5) Upon being informed of a municipal corporation's 98714
dissolution, the tax commissioner shall cease providing for 98715
payments to that municipal corporation under division (C) of this 98716
section. The proportionate shares of the total amount available 98717
for distribution to each of the remaining municipal corporations 98718
under this division shall be increased on a pro rata basis. 98719

The tax commissioner shall reduce payments under division (C) 98720
of this section to municipal corporations for which reduced 98721
payments are required under section 5747.502 or 5747.504 of the 98722
Revised Code. 98723

(D) Each municipal corporation which has in effect a tax 98724
imposed under Chapter 718. of the Revised Code shall, no later 98725
than the thirty-first day of August of each year, certify to the 98726
tax commissioner, on a form prescribed by the commissioner, the 98727
amount of income tax revenue collected and refunded by such 98728
municipal corporation pursuant to such chapter during the 98729
preceding calendar year, arranged, when possible, by the type of 98730
income from which the revenue was collected or the refund was 98731
issued. The municipal corporation shall also report the amount of 98732
income tax revenue collected and refunded on behalf of a joint 98733
economic development district or a joint economic development zone 98734
that levies an income tax administered by the municipal 98735
corporation and the amount of such revenue distributed to 98736
contracting parties during the preceding calendar year. The tax 98737
commissioner may withhold payment of local government fund moneys 98738
pursuant to division (C) of this section from any municipal 98739
corporation for failure to comply with this reporting requirement. 98740

Sec. 5747.502. (A) As used in this section: 98741

(1) "Delinquent subdivision" means a municipal corporation, 98742
township, or county that has not filed a report or signed 98743
statement under section 4511.0915 of the Revised Code, as required 98744
under that section. 98745

(2) "Noncompliant subdivision" means a municipal corporation, 98746
township, or county that files a report under division (A)(1) of 98747
section 4511.0915 of the Revised Code for the most recent calendar 98748
quarter. 98749

(B)(1)(a) Upon receiving notification of a delinquent 98750

subdivision under division (C)(2) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

(i) If the delinquent subdivision is a municipal corporation, cease providing for payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment;

(ii) Immediately notify the county auditor and county treasurer required to provide for payments to the delinquent subdivision from a county undivided local government fund that such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (B)(3)(a)(ii) of this section.

(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment.

(2)(a) Upon receiving notification that a county, township, or municipal corporation is no longer a delinquent subdivision under division (C)(3) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

(i) If the formerly delinquent subdivision is a municipal corporation, begin providing for payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment.

(ii) Immediately notify the county auditor and county treasurer who ceased payments to the formerly delinquent subdivision under division (B)(1)(b) of this section that the treasurer shall begin providing for payment from a county undivided local government fund to the formerly delinquent subdivision under section 5747.503, 5747.51, or 5747.53 of the Revised Code.

(b) A county treasurer receiving notice under division 98782
(B)(2)(a)(ii) of this section shall provide for payments to the 98783
formerly delinquent subdivision from a county undivided local 98784
government fund, beginning with the next required payment. 98785

(C)(1) Upon receiving notification of a noncompliant 98786
subdivision under division (C)(1) of section 4511.0915 of the 98787
Revised Code, the tax commissioner shall do both of the following: 98788

(a) If the ~~delinquent~~ noncompliant subdivision is a municipal 98789
corporation, reduce the amount of each of the next three local 98790
government fund payments the noncompliant subdivision would 98791
otherwise receive under division (C) of section 5747.50 of the 98792
Revised Code in an amount equal to one-third of the gross amount 98793
of fines reported by the noncompliant subdivision on the report 98794
filed for the calendar quarter. 98795

(b) If the reduction described in division (C)(1)(a) of this 98796
section exceeds the amount of money the noncompliant subdivision 98797
would otherwise receive under division (C) of section 5747.50 of 98798
the Revised Code, immediately notify the county auditor and county 98799
treasurer required to provide for payments to the noncompliant 98800
subdivision from a county undivided local government fund that 98801
each of the next three such payments are to be reduced to that 98802
subdivision in an amount equal to one-third of that excess. 98803

(2) A county treasurer receiving notice under division 98804
(C)(1)(b) of this section shall reduce the payments to the 98805
noncompliant subdivision from a county undivided local government 98806
fund as required by the notice. 98807

(D)(1) The tax commissioner shall provide for payment of an 98808
amount equal to amounts withheld from municipal corporations under 98809
divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the 98810
undivided local government fund of the county from which the 98811
municipal corporation receives payments under section 5747.503, 98812

5747.51~~1~~ or 5747.53 of the Revised Code. The county treasurer 98813
shall distribute that money among subdivisions that are not 98814
delinquent or noncompliant subdivisions and that are entitled to 98815
receive distributions under those sections by increasing each such 98816
subdivision's distribution on a pro rata basis. 98817

(2) A county treasurer shall distribute any amount withheld 98818
from a delinquent or noncompliant subdivision under division 98819
(B)(1)(b) or (C)(2) of this section among other subdivisions that 98820
are not delinquent or noncompliant subdivisions by increasing each 98821
such subdivision's distribution from the county's undivided local 98822
government fund on a pro rata basis. 98823

(E) A county, township, or municipal corporation receiving an 98824
increased distribution under division ~~(B) or (C)~~ (D) of this 98825
section shall use such money for the current operating expenses of 98826
the subdivision. 98827

Sec. 5747.503. (A) On or before the tenth day of each month, 98828
the tax commissioner shall provide for payment to each county 98829
undivided local government fund of a supplement for townships. The 98830
commissioner shall determine the amounts paid to each fund as 98831
follows: 98832

(1) An amount equal to forty-one and sixty-seven 98833
one-hundredths per cent of one million dollars shall be divided 98834
among every county fund so that each township in the state 98835
receives an equal amount. 98836

(2) An amount equal to forty-one and sixty-seven 98837
one-hundredths per cent of one million dollars shall be divided 98838
among every county fund so that each township receives a 98839
proportionate share based on the proportion that the total 98840
township road miles in the township is of the total township road 98841
miles in all townships in the state. 98842

(B)(1) As used in this division, "qualifying village" means a village with a population of less than one thousand according to the most recent federal decennial census. 98843
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(2) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county undivided local government fund of a supplement for qualifying villages. The commissioner shall determine the amounts paid to each fund as follows: 98846
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(a) An amount equal to eight and thirty-three one-hundredths per cent of one million dollars shall be divided among every county fund so that each qualifying village in the state receives an equal amount. 98851
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(b) An amount equal to eight and thirty-three one-hundredths per cent of one million dollars shall be divided among every county fund so that each qualifying village receives a proportionate share based on the proportion that the total village road miles in the qualifying village is of the total village road miles in all qualifying villages in the state. 98855
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(C) The tax commissioner shall separately identify to the county treasurer the amounts to be allocated to each township under divisions (A)(1) and (2) of this section and to each qualifying village under divisions (B)(2)(a) and (b) of this section. The treasurer shall transfer those amounts to townships and qualifying villages from the undivided local government fund. 98861
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(D) The tax commissioner shall update the road mile information used to determine payments under divisions (A) and (B) of this section at least once every five years, and may update such information more often at the commissioner's discretion. 98867
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Sec. 5747.504. (A) As used in this section: 98871

(1) "Noncompliant municipal corporation" means a qualifying 98872

municipal corporation that does either of the following: 98873

(a) Both fails to publish the plan as required under division 98874
(B) of this section by the deadline required under that division 98875
and charges rates for water and sewerage services to any 98876
nonresident different than those charged to its residents; 98877

(b) On or after January 1, 2022, charges rates for water and 98878
sewerage services to any nonresident different than those charged 98879
to its residents. 98880

(2) "Predatory municipal corporation" means a qualifying 98881
municipal corporation that does any of the following: 98882

(a) Requires, as a condition of providing water or sewerage 98883
services to territory outside of the municipal corporation, that 98884
such territory be annexed to the municipal corporation; 98885

(b) Requires, as a condition of providing water or sewerage 98886
services to territory outside of the municipal corporation, that a 98887
township or municipal corporation in which that territory is 98888
located provides direct payments in excess of those reasonably 98889
related to the cost of providing water or sewerage services in 98890
that territory to the municipal corporation that operates the 98891
water or sewerage system; 98892

(c) Requires a township or another municipal corporation to 98893
comply with any requirement not reasonably related to the cost of 98894
providing water or sewerage services in the territory of the 98895
township or other municipal corporation as a condition of 98896
providing water or sewerage services in such territory; 98897

(d) Withdraws water or sewerage service or threatens to 98898
withdraw such service from any territory of a township or another 98899
municipal corporation for failure of that township or municipal 98900
corporation to comply with any condition or make any direct 98901
payment not reasonably related to the cost of providing water or 98902
sewerage services in that territory. 98903

<u>(3) "Affected subdivision" means a township or municipal corporation that is either:</u>	98904
	98905
<u>(a) Subject to any of the conditions described in divisions (A)(2)(a) to (d) of this section imposed by a predatory municipal corporation;</u>	98906
	98907
	98908
<u>(b) Has a resident whose water or sewerage rates are different than those charged to residents of the noncompliant municipal corporation that provides such services to that resident.</u>	98909
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<u>(4) "Annexation" means any form of annexation proceeding or merger pursuant to Chapter 709. of the Revised Code.</u>	98913
	98914
<u>(5) "Qualifying municipal corporation" means a municipal corporation having a population of more than seven hundred thousand as determined by the most recent federal decennial census that operates a municipal water or sewerage system serving nonresidents and residents of the municipal corporation.</u>	98915
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<u>(B) A qualifying municipal corporation shall do both of the following within two years after the effective date of the enactment of this section:</u>	98920
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	98922
<u>(1) Develop a plan to equalize, beginning January 1, 2022, the rate for water and sewerage services the municipal corporation charges to nonresidents with the rate charged to its residents;</u>	98923
	98924
	98925
<u>(2) Publish the plan in a newspaper of general circulation within the county in which the municipal corporation is located once a week for three consecutive weeks.</u>	98926
	98927
	98928
<u>(C)(1) A noncompliant municipal corporation shall notify the tax commissioner that the municipal corporation is a noncompliant municipal corporation within ten days after the date on which the municipal corporation becomes a noncompliant municipal corporation.</u>	98929
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(2) The tax commissioner, upon receipt of a notice described in division (C)(1) of this section or upon discovery, on the basis of information in the commissioner's possession, that a municipal corporation is a noncompliant municipal corporation, shall do both of the following: 98934
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(a) Reduce by twenty per cent each payment the noncompliant municipal corporation would otherwise receive under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment, and reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code equal to twenty per cent of the amount of such payments the municipal corporation would otherwise receive under section 5747.503, 5747.51, or 5747.53 of the Revised Code, beginning with the next required payment; 98939
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(b) Immediately notify the county auditor and county treasurer that such payments are to be reduced by twenty per cent until the tax commissioner notifies the auditor and treasurer under division (C)(3)(b) of this section that the reduction shall terminate. 98948
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The county treasurer shall reduce the amount of such payments to the noncompliant municipal corporation from the undivided local government fund beginning with the payment specified by the tax commissioner. 98953
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(3) A municipal corporation subject to the reductions required under division (C)(2) of this section may notify the tax commissioner that the municipal corporation is no longer a noncompliant municipal corporation. Upon receiving that notice, the commissioner shall do both of the following if the commissioner determines that the municipal corporation is no longer a noncompliant municipal corporation: 98957
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(a) Terminate the reduction, under division (C)(2)(a) of this 98964

section, in the amount of payments to the county's undivided local government fund and in the amount of payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code beginning with the next required payments; 98965
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(b) Immediately notify the county auditor and county treasurer that the treasurer shall terminate the reduction in the amount of payments from the undivided local government fund to the municipal corporation under section 5747.503, 5747.51, or 5747.53 of the Revised Code. 98969
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The county treasurer shall provide for payments to the formerly noncompliant municipal corporation from the undivided local government fund, beginning with the payment specified by the tax commissioner. 98974
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(D)(1) A predatory municipal corporation shall notify the tax commissioner that the municipal corporation is a predatory municipal corporation within ten days after the effective date of the enactment of this section or, if the municipal corporation becomes a predatory municipal corporation after that date, within ten days after the date on which the municipal corporation becomes a predatory municipal corporation. 98978
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(2) The tax commissioner, upon receipt of a notice described in division (D)(1) of this section or upon discovery, on the basis of information in the commissioner's possession, that a municipal corporation is a predatory municipal corporation, shall do all of the following: 98985
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(a) Cease providing for payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment, and reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code equal to the amount of such payments the municipal corporation would otherwise 98990
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receive under section 5747.503, 5747.51, or 5747.53 of the Revised Code, beginning with the next required payment; 98996
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(b) Immediately notify the county auditor and county treasurer that such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (D)(3)(b) of this section that the payments are to resume. 98998
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The county treasurer shall cease providing for payments to the predatory municipal corporation from the undivided local government fund beginning with the payment specified by the tax commissioner. 99002
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(c) The tax commissioner shall notify the director of environmental protection of the identities of the predatory subdivision and any affected subdivisions and instruct the director to proceed under division (G) of this section. 99006
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(3) A municipal corporation subject to the reductions required under division (D)(2) of this section may notify the tax commissioner that the municipal corporation is no longer a predatory municipal corporation. Upon receiving that notice, the commissioner shall do both of the following if the commissioner determines that the municipal corporation is no longer a predatory municipal corporation: 99010
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(a) Resume payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, and resume payments to the county's undivided local government fund to the extent such payments were reduced under division (D)(2)(a) of this section, beginning with the next required payment; 99017
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(b) Immediately notify the county auditor and county treasurer that the treasurer shall resume payments from the undivided local government fund to the municipal corporation under section 5747.503, 5747.51, or 5747.53 of the Revised Code. 99022
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The county treasurer shall resume payments to the municipal 99026

corporation from the undivided local government fund beginning 99027
with the payment specified by the tax commissioner. 99028

(E) The tax commissioner shall provide for payment of an 99029
amount equal to amounts withheld from a noncompliant or predatory 99030
municipal corporation under divisions (C)(2)(a) and (D)(2)(a) of 99031
this section, respectively, to each affected subdivision affected 99032
by, or with a resident affected by, that municipal corporation 99033
under division (A)(3)(a) or (b) of this section. The payment to 99034
each such subdivision shall be in the proportion that the 99035
population of that subdivision bears to the total population of 99036
all such affected subdivisions, as determined by the most recent 99037
federal decennial census. 99038

(F) An affected subdivision shall use money received under 99039
division (E) of this section for the current operating expenses of 99040
the subdivision. 99041

(G) The director of environmental protection shall send a 99042
letter to each affected subdivision identified in a notice 99043
received by the director under division (D)(2)(c) of this section 99044
explaining the procedures for political subdivisions to form a 99045
regional water and sewer district under Chapter 6119. of the 99046
Revised Code. 99047

Sec. 5747.51. (A) On or before the twenty-fifth day of July 99048
of each year, the tax commissioner shall make and certify to the 99049
county auditor of each county an estimate of the amount of the 99050
local government fund to be allocated to the undivided local 99051
government fund of each county for the ensuing calendar year, 99052
adjusting the total as required to account for subdivisions 99053
receiving local government funds under section 5747.502 of the 99054
Revised Code. 99055

(B) At each annual regular session of the county budget 99056
commission convened pursuant to section 5705.27 of the Revised 99057

Code, each auditor shall present to the commission the certificate 99058
of the commissioner, the annual tax budget and estimates, and the 99059
records showing the action of the commission in its last preceding 99060
regular session. The commission, after extending to the 99061
representatives of each subdivision an opportunity to be heard, 99062
under oath administered by any member of the commission, and 99063
considering all the facts and information presented to it by the 99064
auditor, shall determine the amount of the undivided local 99065
government fund needed by and to be apportioned to each 99066
subdivision for current operating expenses, as shown in the tax 99067
budget of the subdivision. This determination shall be made 99068
pursuant to divisions (C) to (I) of this section, unless the 99069
commission has provided for a formula pursuant to section 5747.53 99070
of the Revised Code. The ~~commissioner~~ commission shall ~~reduce or~~ 99071
~~increase~~ adjust the amount of funds from the undivided local 99072
government fund to a subdivision as required ~~to receive reduced or~~ 99073
~~increased funds under~~ by section 5747.502 or 5747.504 of the 99074
Revised Code. 99075

Nothing in this section prevents the budget commission, for 99076
the purpose of apportioning the undivided local government fund, 99077
from inquiring into the claimed needs of any subdivision as stated 99078
in its tax budget, or from adjusting claimed needs to reflect 99079
actual needs. For the purposes of this section, "current operating 99080
expenses" means the lawful expenditures of a subdivision, except 99081
those for permanent improvements and except payments for interest, 99082
sinking fund, and retirement of bonds, notes, and certificates of 99083
indebtedness of the subdivision. 99084

(C) The commission shall determine the combined total of the 99085
estimated expenditures, including transfers, from the general fund 99086
and any special funds other than special funds established for 99087
road and bridge; street construction, maintenance, and repair; 99088
state highway improvement; and gas, water, sewer, and electric 99089

public utilities operated by a subdivision, as shown in the 99090
subdivision's tax budget for the ensuing calendar year. 99091

(D) From the combined total of expenditures calculated 99092
pursuant to division (C) of this section, the commission shall 99093
deduct the following expenditures, if included in these funds in 99094
the tax budget: 99095

(1) Expenditures for permanent improvements as defined in 99096
division (E) of section 5705.01 of the Revised Code; 99097

(2) In the case of counties and townships, transfers to the 99098
road and bridge fund, and in the case of municipalities, transfers 99099
to the street construction, maintenance, and repair fund and the 99100
state highway improvement fund; 99101

(3) Expenditures for the payment of debt charges; 99102

(4) Expenditures for the payment of judgments. 99103

(E) In addition to the deductions made pursuant to division 99104
(D) of this section, revenues accruing to the general fund and any 99105
special fund considered under division (C) of this section from 99106
the following sources shall be deducted from the combined total of 99107
expenditures calculated pursuant to division (C) of this section: 99108

(1) Taxes levied within the ten-mill limitation, as defined 99109
in section 5705.02 of the Revised Code; 99110

(2) The budget commission allocation of estimated county 99111
public library fund revenues to be distributed pursuant to section 99112
5747.48 of the Revised Code; 99113

(3) Estimated unencumbered balances as shown on the tax 99114
budget as of the thirty-first day of December of the current year 99115
in the general fund, but not any estimated balance in any special 99116
fund considered in division (C) of this section; 99117

(4) Revenue, including transfers, shown in the general fund 99118
and any special funds other than special funds established for 99119

road and bridge; street construction, maintenance, and repair; 99120
state highway improvement; and gas, water, sewer, and electric 99121
public utilities, from all other sources except those that a 99122
subdivision receives from an additional tax or service charge 99123
voted by its electorate or receives from special assessment or 99124
revenue bond collection. For the purposes of this division, where 99125
the charter of a municipal corporation prohibits the levy of an 99126
income tax, an income tax levied by the legislative authority of 99127
such municipal corporation pursuant to an amendment of the charter 99128
of that municipal corporation to authorize such a levy represents 99129
an additional tax voted by the electorate of that municipal 99130
corporation. For the purposes of this division, any measure 99131
adopted by a board of county commissioners pursuant to section 99132
322.02, 4504.02, or 5739.021 of the Revised Code, including those 99133
measures upheld by the electorate in a referendum conducted 99134
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 99135
Code, shall not be considered an additional tax voted by the 99136
electorate. 99137

Subject to division (G) of section 5705.29 of the Revised 99138
Code, money in a reserve balance account established by a county, 99139
township, or municipal corporation under section 5705.13 of the 99140
Revised Code shall not be considered an unencumbered balance or 99141
revenue under division (E)(3) or (4) of this section. Money in a 99142
reserve balance account established by a township under section 99143
5705.132 of the Revised Code shall not be considered an 99144
unencumbered balance or revenue under division (E)(3) or (4) of 99145
this section. 99146

If a county, township, or municipal corporation has created 99147
and maintains a nonexpendable trust fund under section 5705.131 of 99148
the Revised Code, the principal of the fund, and any additions to 99149
the principal arising from sources other than the reinvestment of 99150
investment earnings arising from such a fund, shall not be 99151

considered an unencumbered balance or revenue under division 99152
(E)(3) or (4) of this section. Only investment earnings arising 99153
from investment of the principal or investment of such additions 99154
to principal may be considered an unencumbered balance or revenue 99155
under those divisions. 99156

(F) The total expenditures calculated pursuant to division 99157
(C) of this section, less the deductions authorized in divisions 99158
(D) and (E) of this section, shall be known as the "relative need" 99159
of the subdivision, for the purposes of this section. 99160

(G) The budget commission shall total the relative need of 99161
all participating subdivisions in the county, and shall compute a 99162
relative need factor by dividing the total estimate of the 99163
undivided local government fund by the total relative need of all 99164
participating subdivisions. 99165

(H) The relative need of each subdivision shall be multiplied 99166
by the relative need factor to determine the proportionate share 99167
of the subdivision in the undivided local government fund of the 99168
county; provided, that the maximum proportionate share of a county 99169
shall not exceed the following maximum percentages of the total 99170
estimate of the undivided local government fund governed by the 99171
relationship of the percentage of the population of the county 99172
that resides within municipal corporations within the county to 99173
the total population of the county as reported in the reports on 99174
population in Ohio by the department of development as of the 99175
twentieth day of July of the year in which the tax budget is filed 99176
with the budget commission: 99177

Percentage of municipal	Percentage share of the county	99178
population within the county:	shall not exceed:	

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Less than forty-one per cent	Sixty per cent	99180
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Forty-one per cent or more but	Fifty per cent	99181
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less than eighty-one per cent		
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Eighty-one per cent or more Thirty per cent 99182

Where the proportionate share of the county exceeds the 99183
limitations established in this division, the budget commission 99184
shall adjust the proportionate shares determined pursuant to this 99185
division so that the proportionate share of the county does not 99186
exceed these limitations, and it shall increase the proportionate 99187
shares of all other subdivisions on a pro rata basis. In counties 99188
having a population of less than one hundred thousand, not less 99189
than ten per cent shall be distributed to the townships therein. 99190

(I) The proportionate share of each subdivision in the 99191
undivided local government fund determined pursuant to division 99192
(H) of this section for any calendar year shall not be less than 99193
the product of the average of the percentages of the undivided 99194
local government fund of the county as apportioned to that 99195
subdivision for the calendar years 1968, 1969, and 1970, 99196
multiplied by the total amount of the undivided local government 99197
fund of the county apportioned pursuant to former section 5735.23 99198
of the Revised Code for the calendar year 1970. For the purposes 99199
of this division, the total apportioned amount for the calendar 99200
year 1970 shall be the amount actually allocated to the county in 99201
1970 from the state collected intangible tax as levied by section 99202
5707.03 of the Revised Code and distributed pursuant to section 99203
5725.24 of the Revised Code, plus the amount received by the 99204
county in the calendar year 1970 pursuant to division (B)(1) of 99205
former section 5739.21 of the Revised Code, and distributed 99206
pursuant to former section 5739.22 of the Revised Code. If the 99207
total amount of the undivided local government fund for any 99208
calendar year is less than the amount of the undivided local 99209
government fund apportioned pursuant to former section 5739.23 of 99210
the Revised Code for the calendar year 1970, the minimum amount 99211
guaranteed to each subdivision for that calendar year pursuant to 99212
this division shall be reduced on a basis proportionate to the 99213
amount by which the amount of the undivided local government fund 99214

for that calendar year is less than the amount of the undivided 99215
local government fund apportioned for the calendar year 1970. 99216

(J) On the basis of such apportionment, the county auditor 99217
shall compute the percentage share of each such subdivision in the 99218
undivided local government fund and shall at the same time certify 99219
to the tax commissioner the percentage share of the county as a 99220
subdivision. No payment shall be made from the undivided local 99221
government fund, except in accordance with such percentage shares. 99222

Within ten days after the budget commission has made its 99223
apportionment, whether conducted pursuant to section 5747.51 or 99224
5747.53 of the Revised Code, the auditor shall publish a list of 99225
the subdivisions and the amount each is to receive from the 99226
undivided local government fund and the percentage share of each 99227
subdivision, in a newspaper or newspapers of countywide 99228
circulation, and send a copy of such allocation to the tax 99229
commissioner. 99230

The county auditor shall also send a copy of such allocation 99231
by ordinary or electronic mail to the fiscal officer of each 99232
subdivision entitled to participate in the allocation of the 99233
undivided local government fund of the county. This copy shall 99234
constitute the official notice of the commission action referred 99235
to in section 5705.37 of the Revised Code. 99236

All money received into the treasury of a subdivision from 99237
the undivided local government fund in a county treasury shall be 99238
paid into the general fund and used for the current operating 99239
expenses of the subdivision. 99240

If a municipal corporation maintains a municipal university, 99241
such municipal university, when the board of trustees so requests 99242
the legislative authority of the municipal corporation, shall 99243
participate in the money apportioned to such municipal corporation 99244
from the total local government fund, however created and 99245

constituted, in such amount as requested by the board of trustees, 99246
provided such sum does not exceed nine per cent of the total 99247
amount paid to the municipal corporation. 99248

If any public official fails to maintain the records required 99249
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 99250
issued by the tax commissioner, the auditor of state, or the 99251
treasurer of state pursuant to such sections, or fails to comply 99252
with any law relating to the enforcement of such sections, the 99253
local government fund money allocated to the county may be 99254
withheld until such time as the public official has complied with 99255
such sections or such law or the rules issued pursuant thereto. 99256

Sec. 5747.53. (A) As used in this section: 99257

(1) "City, located wholly or partially in the county, with 99258
the greatest population" means the city, located wholly or 99259
partially in the county, with the greatest population residing in 99260
the county; however, if the county budget commission on or before 99261
January 1, 1998, adopted an alternative method of apportionment 99262
that was approved by the legislative authority of the city, 99263
located partially in the county, with the greatest population but 99264
not the greatest population residing in the county, "city, located 99265
wholly or partially in the county, with the greatest population" 99266
means the city, located wholly or partially in the county, with 99267
the greatest population whether residing in the county or not, if 99268
this alternative meaning is adopted by action of the board of 99269
county commissioners and a majority of the boards of township 99270
trustees and legislative authorities of municipal corporations 99271
located wholly or partially in the county. 99272

(2) "Participating political subdivision" means a municipal 99273
corporation or township that satisfies all of the following: 99274

(a) It is located wholly or partially in the county. 99275

(b) It is not the city, located wholly or partially in the 99276
county, with the greatest population. 99277

(c) Undivided local government fund moneys are apportioned to 99278
it under the county's alternative method or formula of 99279
apportionment in the current calendar year. 99280

(B) In lieu of the method of apportionment of the undivided 99281
local government fund of the county provided by section 5747.51 of 99282
the Revised Code, the county budget commission may provide for the 99283
apportionment of the fund under an alternative method or on a 99284
formula basis as authorized by this section. The ~~commissioner~~ 99285
commission shall ~~reduce or increase~~ adjust the amount of funds 99286
from the undivided local government fund to a subdivision as 99287
required ~~to receive reduced or increased funds under~~ by section 99288
5747.502 or 5747.504 of the Revised Code. 99289

Except as otherwise provided in division (C) of this section, 99290
the alternative method of apportionment shall have first been 99291
approved by all of the following governmental units: the board of 99292
county commissioners; the legislative authority of the city, 99293
located wholly or partially in the county, with the greatest 99294
population; and a majority of the boards of township trustees and 99295
legislative authorities of municipal corporations, located wholly 99296
or partially in the county, excluding the legislative authority of 99297
the city, located wholly or partially in the county, with the 99298
greatest population. In granting or denying approval for an 99299
alternative method of apportionment, the board of county 99300
commissioners, boards of township trustees, and legislative 99301
authorities of municipal corporations shall act by motion. A 99302
motion to approve shall be passed upon a majority vote of the 99303
members of a board of county commissioners, board of township 99304
trustees, or legislative authority of a municipal corporation, 99305
shall take effect immediately, and need not be published. 99306

Any alternative method of apportionment adopted and approved 99307

under this division may be revised, amended, or repealed in the 99308
same manner as it may be adopted and approved. If an alternative 99309
method of apportionment adopted and approved under this division 99310
is repealed, the undivided local government fund of the county 99311
shall be apportioned among the subdivisions eligible to 99312
participate in the fund, commencing in the ensuing calendar year, 99313
under the apportionment provided in section 5747.52 of the Revised 99314
Code, unless the repeal occurs by operation of division (C) of 99315
this section or a new method for apportionment of the fund is 99316
provided in the action of repeal. 99317

(C) This division applies only in counties in which the city, 99318
located wholly or partially in the county, with the greatest 99319
population has a population of twenty thousand or less and a 99320
population that is less than fifteen per cent of the total 99321
population of the county. In such a county, the legislative 99322
authorities or boards of township trustees of two or more 99323
participating political subdivisions, which together have a 99324
population residing in the county that is a majority of the total 99325
population of the county, each may adopt a resolution to exclude 99326
the approval otherwise required of the legislative authority of 99327
the city, located wholly or partially in the county, with the 99328
greatest population. All of the resolutions to exclude that 99329
approval shall be adopted not later than the first Monday of 99330
August of the year preceding the calendar year in which 99331
distributions are to be made under an alternative method of 99332
apportionment. 99333

A motion granting or denying approval of an alternative 99334
method of apportionment under this division shall be adopted by a 99335
majority vote of the members of the board of county commissioners 99336
and by a majority vote of a majority of the boards of township 99337
trustees and legislative authorities of the municipal corporations 99338
located wholly or partially in the county, other than the city, 99339

located wholly or partially in the county, with the greatest 99340
population, shall take effect immediately, and need not be 99341
published. The alternative method of apportionment under this 99342
division shall be adopted and approved annually, not later than 99343
the first Monday of August of the year preceding the calendar year 99344
in which distributions are to be made under it. A motion granting 99345
approval of an alternative method of apportionment under this 99346
division repeals any existing alternative method of apportionment, 99347
effective with distributions to be made from the fund in the 99348
ensuing calendar year. An alternative method of apportionment 99349
under this division shall not be revised or amended after the 99350
first Monday of August of the year preceding the calendar year in 99351
which distributions are to be made under it. 99352

(D) In determining an alternative method of apportionment 99353
authorized by this section, the county budget commission may 99354
include in the method any factor considered to be appropriate and 99355
reliable, in the sole discretion of the county budget commission. 99356

(E) The limitations set forth in section 5747.51 of the 99357
Revised Code, stating the maximum amount that the county may 99358
receive from the undivided local government fund and the minimum 99359
amount the townships in counties having a population of less than 99360
one hundred thousand may receive from the fund, are applicable to 99361
any alternative method of apportionment authorized under this 99362
section. 99363

(F) On the basis of any alternative method of apportionment 99364
adopted and approved as authorized by this section, as certified 99365
by the auditor to the county treasurer, the county treasurer shall 99366
make distribution of the money in the undivided local government 99367
fund to each subdivision eligible to participate in the fund, and 99368
the auditor, when the amount of those shares is in the custody of 99369
the treasurer in the amounts so computed to be due the respective 99370
subdivisions, shall at the same time certify to the tax 99371

commissioner the percentage share of the county as a subdivision. 99372
All money received into the treasury of a subdivision from the 99373
undivided local government fund in a county treasury shall be paid 99374
into the general fund and used for the current operating expenses 99375
of the subdivision. If a municipal corporation maintains a 99376
municipal university, the university, when the board of trustees 99377
so requests the legislative authority of the municipal 99378
corporation, shall participate in the money apportioned to the 99379
municipal corporation from the total local government fund, 99380
however created and constituted, in the amount requested by the 99381
board of trustees, provided that amount does not exceed nine per 99382
cent of the total amount paid to the municipal corporation. 99383

(G) The actions of the county budget commission taken 99384
pursuant to this section are final and may not be appealed to the 99385
board of tax appeals, except on the issues of abuse of discretion 99386
and failure to comply with the formula. 99387

Sec. 5747.70. (A) In computing Ohio adjusted gross income, a 99388
deduction from federal adjusted gross income is allowed to a 99389
contributor for the amount contributed during the taxable year to 99390
a variable college savings program account and to a purchaser of 99391
tuition units under the Ohio college savings program created by 99392
Chapter 3334. of the Revised Code to the extent that the amounts 99393
of such contributions and purchases were not deducted in 99394
determining the contributor's or purchaser's federal adjusted 99395
gross income for the taxable year. The combined amount of 99396
contributions and purchases deducted in any taxable year by a 99397
taxpayer or the taxpayer and the taxpayer's spouse, regardless of 99398
whether the taxpayer and the taxpayer's spouse file separate 99399
returns or a joint return, is limited to ~~two~~ four thousand dollars 99400
for each beneficiary for whom contributions or purchases are made. 99401
If the combined annual contributions and purchases for a 99402
beneficiary exceed ~~two~~ four thousand dollars, the excess may be 99403

carried forward and deducted in future taxable years until the 99404
contributions and purchases have been fully deducted. 99405

(B) In computing Ohio adjusted gross income, a deduction from 99406
federal adjusted gross income is allowed for: 99407

(1) Income related to tuition units and contributions that as 99408
of the end of the taxable year have not been refunded pursuant to 99409
the termination of a tuition payment contract or variable college 99410
savings program account under section 3334.10 of the Revised Code, 99411
to the extent that such income is included in federal adjusted 99412
gross income. 99413

(2) The excess of the total purchase price of tuition units 99414
refunded during the taxable year pursuant to the termination of a 99415
tuition payment contract under section 3334.10 of the Revised Code 99416
over the amount of the refund, to the extent the amount of the 99417
excess was not deducted in determining federal adjusted gross 99418
income. Division (B)(2) of this section applies only to units for 99419
which no deduction was allowable under division (A) of this 99420
section. 99421

(C) In computing Ohio adjusted gross income, there shall be 99422
added to federal adjusted gross income the amount of loss related 99423
to tuition units and contributions that as of the end of the 99424
taxable year have not been refunded pursuant to the termination of 99425
a tuition payment contract or variable college savings program 99426
account under section 3334.10 of the Revised Code, to the extent 99427
that such loss was deducted in determining federal adjusted gross 99428
income. 99429

(D) For taxable years in which distributions or refunds are 99430
made under a tuition payment or variable college savings program 99431
contract for any reason other than payment of tuition or other 99432
higher education expenses, or the beneficiary's death, disability, 99433
or receipt of a scholarship as described in section 3334.10 of the 99434

Revised Code: 99435

(1) If the distribution or refund is paid to the purchaser or contributor or beneficiary, any portion of the distribution or refund not included in the recipient's federal adjusted gross income shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income, except that the amount added shall not exceed amounts previously deducted under division (A) of this section less any amounts added under division (D)(1) of this section in a prior taxable year. 99436
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(2) If amounts paid by a purchaser or contributor on or after January 1, 2000, are distributed or refunded to someone other than the purchaser or contributor or beneficiary, the amount of the payment not included in the recipient's federal adjusted gross income, less any amounts added under division (D) of this section in a prior taxable year, shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income. 99444
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Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order: 99452
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(1) Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section; 99456
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(2) Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section; 99459
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(3) The dependent care credit under section 5747.054 of the Revised Code; 99462
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(4) ~~The low income credit under section 5747.056 of the~~ 99464

Revised Code;	99465
(5) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	99466 99467
(6) <u>(5)</u> The campaign contribution credit under section 5747.29 of the Revised Code;	99468 99469
(7) <u>(6)</u> The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	99470 99471
(8) <u>(7)</u> The joint filing credit under division (G) of section 5747.05 of the Revised Code;	99472 99473
(9) <u>(8)</u> The earned income credit under section 5747.71 of the Revised Code;	99474 99475
(10) <u>(9)</u> The credit for adoption of a minor child under section 5747.37 of the Revised Code;	99476 99477
(11) <u>(10)</u> The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	99478 99479
(12) <u>(11)</u> The enterprise zone credit under section 5709.66 of the Revised Code;	99480 99481
(13) <u>(12)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	99482 99483
(14) <u>(13)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	99484 99485
(15) <u>(14)</u> The small business investment credit under section 5747.81 of the Revised Code;	99486 99487
(16) <u>(15)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	99488 99489
(17) <u>(16)</u> The research and development credit under section 5747.331 of the Revised Code;	99490 99491
(18) <u>(17)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	99492 99493

(19) (18) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	99494 99495
(20) (19) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	99496 99497
(21) (20) The refundable motion picture production credit under section 5747.66 of the Revised Code;	99498 99499
(22) (21) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	99500 99501
(23) (22) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	99502 99503
(24) (23) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	99504 99505 99506
(25) (24) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	99507 99508 99509
(26) (25) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	99510 99511
(27) (26) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	99512 99513 99514
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a	99515 99516 99517 99518 99519 99520 99521 99522 99523

taxpayer to claim, directly or indirectly, a credit more than once 99524
for a taxable year. 99525

Sec. 5748.10. (A) As used in this section: 99526

(1) "School district consolidation" means a consolidation of 99527
some or all of the territories of two or more school districts by 99528
transfer, merger, joinder, or creation pursuant to any of such 99529
procedures under Chapter 3311. of the Revised Code. 99530

(2) "Surviving school district" means a school district into 99531
which territory of another school district will be consolidated 99532
pursuant to a school district consolidation. 99533

(3) "Identification number" means the number designated by 99534
the tax commissioner for the purpose of enabling a taxpayer to 99535
identify the taxpayer's school district of residence pursuant to 99536
rules adopted by the commissioner in accordance with section 99537
5747.04 of the Revised Code. 99538

(B) On or before ninety days before the effective date of a 99539
school district consolidation, the board of education of a 99540
surviving school district that levies a school district income tax 99541
pursuant to a resolution that will be in effect on and after that 99542
effective date shall notify the tax commissioner in writing of all 99543
of the following: 99544

(1) The name and identification number of each of the school 99545
districts involved in the consolidation, designating which is the 99546
surviving school district; 99547

(2) The effective date of the consolidation; 99548

(3) The rate of school district income tax levied by the 99549
surviving school district and, if applicable, any of the other 99550
school districts, pursuant to a resolution levying such a tax that 99551
will be in effect on and after the effective date of the 99552
consolidation. 99553

(C) School district income tax shall be levied on the school district income of residents of a school district resulting from a school district consolidation pursuant to a resolution, if any, levying such a tax on such income of the surviving school district's residents adopted by the board of education of that district and in effect on and after that effective date. Nothing in this division prohibits the board of education of a school district from amending or adopting a resolution to levy a school district income tax in accordance with this chapter after a school district consolidation.

Sec. 5749.01. As used in this chapter: 99564

(A) "Ton" shall mean two thousand pounds as measured at the point and time of severance, after the removal of any impurities, under such rules and regulations as the tax commissioner may prescribe.

(B) "Taxpayer" means any person required to pay the tax levied by Chapter 5749. of the Revised Code.

(C) "Natural resource" means all forms of coal, salt, limestone, dolomite, sand, gravel, natural gas, and oil.

(D) "Owner" ~~has~~ and "exempt domestic well" have the same ~~meaning~~ meanings as in section 1509.01 of the Revised Code.

(E) "Person" means any individual, firm, partnership, association, joint stock company, corporation, or estate, or combination thereof.

(F) "Return" means any report or statement required to be filed pursuant to Chapter 5749. of the Revised Code used to determine the tax due.

(G) "Severance" means the extraction or other removal of a natural resource from the soil or water of this state.

(H) "Severed" means the point at which the natural resource

has been separated from the soil or water in this state. 99584

(I) "Severer" means any person who actually removes the 99585

natural resources from the soil or water in this state. 99586

Sec. 5749.02. (A) For the purpose of providing revenue to 99587
administer the state's coal mining and reclamation regulatory 99588
program, to meet the environmental and resource management needs 99589
of this state, and to reclaim land affected by mining, an excise 99590
tax is hereby levied on the privilege of engaging in the severance 99591
of natural resources from the soil or water of this state. The tax 99592
shall be imposed upon the severer at the rates prescribed by 99593
~~divisions (A)(1) to (9) of this section:~~ 99594

(1) Ten cents per ton of coal; 99595

(2) Four cents per ton of salt; 99596

(3) Two cents per ton of limestone or dolomite; 99597

(4) Two cents per ton of sand and gravel; 99598

(5) Ten cents per barrel of oil; 99599

(6) Two and one-half cents per thousand cubic feet of natural 99600
gas; 99601

(7) One cent per ton of clay, sandstone or conglomerate, 99602
shale, gypsum, or quartzite; 99603

(8) Except as otherwise provided in this division or in rules 99604
adopted by the reclamation forfeiture fund advisory board under 99605
section 1513.182 of the Revised Code, an additional fourteen cents 99606
per ton of coal produced from an area under a coal mining and 99607
reclamation permit issued under Chapter 1513. of the Revised Code 99608
for which the performance security is provided under division 99609
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 99610
2007, if at the end of a fiscal biennium the balance of the 99611
reclamation forfeiture fund created in section 1513.18 of the 99612

Revised Code is equal to or greater than ten million dollars, the 99613
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 99614
if at the end of a fiscal biennium the balance of the fund is at 99615
least five million dollars, but less than ten million dollars, the 99616
rate levied shall be fourteen cents per ton. Beginning July 1, 99617
2007, if at the end of a fiscal biennium the balance of the fund 99618
is less than five million dollars, the rate levied shall be 99619
sixteen cents per ton. Beginning July 1, 2009, not later than 99620
thirty days after the close of a fiscal biennium, the chief of the 99621
division of mineral resources management shall certify to the tax 99622
commissioner the amount of the balance of the reclamation 99623
forfeiture fund as of the close of the fiscal biennium. Any 99624
necessary adjustment of the rate levied shall take effect on the 99625
first day of the following January and shall remain in effect 99626
during the calendar biennium that begins on that date. 99627

(9) An additional one and two-tenths cents per ton of coal 99628
mined by surface mining methods. 99629

(B) After the director of budget and management transfers 99630
money from the severance tax receipts fund as required in division 99631
(H) of section 5749.06 of the Revised Code, money remaining in the 99632
severance tax receipts fund, except for money in the fund from the 99633
amounts due under section 1509.50 of the Revised Code, shall be 99634
credited as follows: 99635

(1) ~~Of All of the moneys in the fund from the tax levied in 99636~~
~~division (A)(1) of this section, ~~four and seventy-six hundredths~~ 99637~~
~~per cent shall be credited to the geological mapping fund created 99638~~
~~in section 1505.09 of the Revised Code, ~~eighty and~~ 99639~~
~~~~ninety five hundredths per cent shall be credited to the coal 99640~~~~  
~~mining administration and reclamation reserve fund created in 99641~~  
~~section 1513.181 of the Revised Code, and ~~fourteen and~~ 99642~~  
~~~~twenty nine hundredths per cent shall be credited to the 99643~~~~  
~~~~unreclaimed lands mining regulation and safety fund created in 99644~~~~

section 1513.30 of the Revised Code. 99645

(2) The money in the fund from the tax levied in division 99646  
(A)(2) of this section shall be credited to the ~~geological mapping~~ 99647  
mining regulation and safety fund. 99648

(3) Of the moneys in the fund from the tax levied in 99649  
divisions (A)(3) and (4) of this section, seven and five-tenths 99650  
per cent shall be credited to the geological mapping fund, 99651  
~~forty two and five tenths per cent shall be credited to the~~ 99652  
~~unreclaimed lands fund,~~ and the remainder shall be credited to the 99653  
~~surface~~ mining regulation and safety fund created in section 99654  
~~1514.06~~ 1513.30 of the Revised Code. 99655

(4) Of the moneys in the fund from the tax levied in 99656  
divisions (A)(5) and (6) of this section, ninety per cent shall be 99657  
credited to the oil and gas well fund ~~created in section 1509.02~~ 99658  
~~of the Revised Code~~ and ten per cent shall be credited to the 99659  
geological mapping fund. ~~All~~ 99660

(5) All of the moneys in the fund from the tax levied in 99661  
division (A)(7) of this section shall be credited to the ~~surface~~ 99662  
mining regulation and safety fund. 99663

~~(5)(6)~~ (6) All of the moneys in the fund from the tax levied in 99664  
division (A)(8) of this section shall be credited to the 99665  
reclamation forfeiture fund. 99666

~~(6)(7)~~ (7) All of the moneys in the fund from the tax levied in 99667  
division (A)(9) of this section shall be credited to the 99668  
~~unreclaimed lands~~ mining regulation and safety fund. 99669

(C) When, at the close of any fiscal year, the chief finds 99670  
that the balance of the reclamation forfeiture fund, ~~plus~~ 99671  
~~estimated transfers to it from the coal mining administration and~~ 99672  
~~reclamation reserve fund under section 1513.181 of the Revised~~ 99673  
Code, plus the estimated revenues from the tax levied by division 99674  
(A)(8) of this section for the remainder of the calendar year that 99675



includes the close of the fiscal year, are sufficient to complete 99676  
the reclamation of all lands for which the performance security 99677  
has been provided under division (C)(2) of section 1513.08 of the 99678  
Revised Code, the purposes for which the tax under division (A)(8) 99679  
of this section is levied shall be deemed accomplished at the end 99680  
of that calendar year. The chief, within thirty days after the 99681  
close of the fiscal year, shall certify those findings to the tax 99682  
commissioner, and the tax levied under division (A)(8) of this 99683  
section shall cease to be imposed for the subsequent calendar year 99684  
after the last day of that calendar year on coal produced under a 99685  
coal mining and reclamation permit issued under Chapter 1513. of 99686  
the Revised Code if the permittee has made tax payments under 99687  
division (A)(8) of this section during each of the preceding five 99688  
full calendar years. Not later than thirty days after the close of 99689  
a fiscal year, the chief shall certify to the tax commissioner the 99690  
identity of any permittees who accordingly no longer are required 99691  
to pay the tax levied under division (A)(8) of this section for 99692  
the subsequent calendar year. 99693

**Sec. 5749.03.** ~~The following~~ Natural resources severed from an 99694  
exempt domestic well shall be exempt from the tax imposed by 99695  
section 5749.02 of the Revised Code ~~and the amount due under~~ 99696  
~~section 1509.50 of the Revised Code:~~ 99697

~~The severance of natural resources from land or water in this~~ 99698  
~~state owned legally or beneficially by the severer, which natural~~ 99699  
~~resources will be used on the land from which they are taken by~~ 99700  
~~the severer as part of the improvement of or use in the severer's~~ 99701  
~~homestead and which have a yearly cumulative market value of not~~ 99702  
~~greater than one thousand dollars. When severed natural resources~~ 99703  
~~so used exceed a cumulative market value of one thousand dollars~~ 99704  
~~during any year, the further severance of natural resources shall~~ 99705  
~~be subject to the tax imposed by section 5749.02 of the Revised~~ 99706  
~~Code.~~ 99707

**Sec. 5749.04.** No severer shall sever or sell a natural resource in this state without first having obtained a ~~license or permit therefor~~ from or having registered with the department of natural resources. 99708  
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~~Unless the severer has obtained a license or permit from another department of this state, the license or permit shall be issued by the tax commissioner upon receipt of a completed application on a form which he shall prescribe. The license or permit shall become effective on the date the application is accepted by the commissioner, who shall notify the applicant in writing of the acceptance, and shall remain in effect until such time as the commissioner revokes the license or permit. The commissioner may request that the department of natural resources revoke the license or permit or registration of a severer or owner if he the commissioner finds that the applicant severer or owner has failed to fully and truthfully complete the application or has failed to pay the tax required by comply with section 1509.50 or Chapter 5749. of the Revised Code.~~ 99712  
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~~The fee charged for the license or permit shall be fifty dollars. The remittance for such fee shall accompany the application and shall be made payable to the treasurer of state for deposit in the general revenue fund Upon receipt of such a request, that officer may revoke the permit or registration.~~ 99726  
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Except as provided in section 5749.03 of the Revised Code, before severing a natural resource each severer shall file an application with the commissioner on a form prescribed by the commissioner to establish a severance tax account. The application may require the severer to disclose any information the commissioner considers necessary to establish that account. 99731  
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**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed 99737

by section 5749.02 of the Revised Code and each severer or owner 99738  
liable for the amounts due under section 1509.50 of the Revised 99739  
Code, except for any amount due under division (B)(2) of that 99740  
section, shall make and file returns with the tax commissioner in 99741  
the prescribed form and ~~as of~~ at the prescribed times, computing 99742  
and reflecting therein the tax as required by this chapter and 99743  
amounts due under section 1509.50 of the Revised Code. 99744

(2) The returns shall be filed for every ~~quarterly period,~~ 99745  
~~which periods shall end on the thirty first day of March, the~~ 99746  
~~thirtieth day of June, the thirtieth day of September, and the~~ 99747  
~~thirty first day of December of each year~~ calendar quarter, as 99748  
required by this section, unless a different return period is 99749  
prescribed for a taxpayer by the commissioner. 99750

(B)(1) A separate return shall be filed for each calendar 99751  
~~quarterly period~~ quarter, or other period, or any part thereof, 99752  
during which the severer holds a license permit or has registered 99753  
as provided by section 5749.04 of the Revised Code, or is required 99754  
to hold the license permit or registration, or during which an 99755  
owner is required to file a return. The return shall be filed 99756  
~~within forty five days after the last~~ on or before the fifteenth 99757  
~~day of each such calendar month, or other period, or any part~~ 99758  
~~thereof, for which the return is required~~ the second month 99759  
following the end of each return period. The tax due is payable 99760  
along with the return. All such returns shall contain such 99761  
information as the commissioner may require to fairly administer 99762  
the tax. 99763

(2) All returns shall be signed by the severer or owner, as 99764  
applicable, shall contain the full and complete information 99765  
requested, and shall be made under penalty of perjury. 99766

(C) If the commissioner believes that quarterly payments of 99767  
tax would result in a delay that might jeopardize the collection 99768  
of such tax payments, the commissioner may order that such 99769

payments be made weekly, or more frequently if necessary, such 99770  
payments to be made not later than seven days following the close 99771  
of the period for which the jeopardy payment is required. Such an 99772  
order shall be delivered to the taxpayer personally or by 99773  
certified mail and shall remain in effect until the commissioner 99774  
notifies the taxpayer to the contrary. 99775

(D) Upon good cause the commissioner may extend for thirty 99776  
days the period for filing any notice or return required to be 99777  
filed under this section, and may remit all or a part of penalties 99778  
that may become due under this chapter. 99779

(E) Any tax and any amount due under section 1509.50 of the 99780  
Revised Code not paid by the day the tax or amount is due shall 99781  
bear interest computed at the rate per annum prescribed by section 99782  
5703.47 of the Revised Code on that amount due from the day that 99783  
the amount was originally required to be paid to the day of actual 99784  
payment or to the day an assessment was issued under section 99785  
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 99786

(F) A severer or owner, as applicable, that fails to file a 99787  
complete return or pay the full amount due under this chapter 99788  
within the time prescribed, including any extensions of time 99789  
granted by the commissioner, shall be subject to a penalty not to 99790  
exceed the greater of fifty dollars or ten per cent of the amount 99791  
due for the period. 99792

(G)(1) A severer or owner, as applicable, shall remit 99793  
payments electronically and, if required by the commissioner, file 99794  
each return electronically. The commissioner may require that the 99795  
severer or owner use the Ohio business gateway, as defined in 99796  
section 718.01 of the Revised Code, or another electronic means to 99797  
file returns and remit payments electronically. 99798

(2) A severer or owner that is required to remit payments 99799  
electronically under this section may apply to the commissioner, 99800

in the manner prescribed by the commissioner, to be excused from 99801  
that requirement. The commissioner may excuse a severer or owner 99802  
from the requirements of division (G) of this section for good 99803  
cause. 99804

(3) If a severer or owner that is required to remit payments 99805  
or file returns electronically under this section fails to do so, 99806  
the commissioner may impose a penalty on the severer or owner not 99807  
to exceed the following: 99808

(a) For the first or second payment or return the severer or 99809  
owner fails to remit or file electronically, the greater of five 99810  
per cent of the amount of the payment that was required to be 99811  
remitted or twenty-five dollars; 99812

(b) For every payment or return after the second that the 99813  
severer or owner fails to remit or file electronically, the 99814  
greater of ten per cent of the amount of the payment that was 99815  
required to be remitted or fifty dollars. 99816

(H)(1) All amounts that the commissioner receives under this 99817  
section shall be deemed to be revenue from taxes imposed under 99818  
this chapter or from the amount due under section 1509.50 of the 99819  
Revised Code, as applicable, and shall be deposited in the 99820  
severance tax receipts fund, which is hereby created in the state 99821  
treasury. 99822

(2) The director of budget and management shall transfer from 99823  
the severance tax receipts fund, as necessary, to the tax refund 99824  
fund amounts equal to the refunds certified by the commissioner 99825  
under section 5749.08 of the Revised Code. Any amount transferred 99826  
under division (H)(2) of this section shall be derived from 99827  
receipts of the same tax or other amount from which the refund 99828  
arose. 99829

(3) After the director of budget and management makes any 99830  
transfer required by division (H)(2) of this section, but not 99831

later than the ~~fifteenth~~ twenty-fifth day of ~~the~~ each month 99832  
~~following the end of each calendar quarter,~~ the commissioner shall 99833  
certify to the director the total amount remaining in the 99834  
severance tax receipts fund organized according to the amount 99835  
attributable to each natural resource and according to the amount 99836  
attributable to a tax imposed by this chapter and the amounts due 99837  
under section 1509.50 of the Revised Code, and shall provide for 99838  
payment to the funds specified in division (B) of section 5749.02 99839  
of the Revised Code. 99840

(I) Penalties imposed under this section are in addition to 99841  
any other penalty imposed under this chapter and shall be 99842  
considered as revenue arising from the tax levied under this 99843  
chapter or the amount due under section 1509.50 of the Revised 99844  
Code, as applicable. The commissioner may collect any penalty or 99845  
interest imposed under this section in the same manner as provided 99846  
for the making of an assessment in section 5749.07 of the Revised 99847  
Code. The commissioner may abate all or a portion of such interest 99848  
or penalties and may adopt rules governing such abatements. 99849

**Sec. 5749.17.** ~~Except for purposes of enforcing Chapter 1509.~~ 99850  
~~of the Revised Code, any~~ Any information provided to the 99851  
department of natural resources by the department of taxation in 99852  
accordance with division (C)(12) of section 5703.21 of the Revised 99853  
Code shall not be disclosed publicly by the department of natural 99854  
resources. However the department of natural resources may provide 99855  
such information to the attorney general for purposes of 99856  
enforcement of Chapter 1509. of the Revised Code. 99857

**Sec. 5751.02.** (A) For the purpose of funding the needs of 99858  
this state and its local governments, there is hereby levied a 99859  
commercial activity tax on each person with taxable gross receipts 99860  
for the privilege of doing business in this state. For the 99861  
purposes of this chapter, "doing business" means engaging in any 99862

activity, whether legal or illegal, that is conducted for, or 99863  
results in, gain, profit, or income, at any time during a calendar 99864  
year. Persons on which the commercial activity tax is levied 99865  
include, but are not limited to, persons with substantial nexus 99866  
with this state. The tax imposed under this section is not a 99867  
transactional tax and is not subject to Public Law No. 86-272, 73 99868  
Stat. 555. The tax imposed under this section is in addition to 99869  
any other taxes or fees imposed under the Revised Code. The tax 99870  
levied under this section is imposed on the person receiving the 99871  
gross receipts and is not a tax imposed directly on a purchaser. 99872  
The tax imposed by this section is an annual privilege tax for the 99873  
calendar year that, in the case of calendar year taxpayers, is the 99874  
annual tax period and, in the case of calendar quarter taxpayers, 99875  
contains all quarterly tax periods in the calendar year. A 99876  
taxpayer is subject to the annual privilege tax for doing business 99877  
during any portion of such calendar year. 99878

(B) The tax imposed by this section is a tax on the taxpayer 99879  
and shall not be billed or invoiced to another person. Even if the 99880  
tax or any portion thereof is billed or invoiced and separately 99881  
stated, such amounts remain part of the price for purposes of the 99882  
sales and use taxes levied under Chapters 5739. and 5741. of the 99883  
Revised Code. Nothing in division (B) of this section prohibits: 99884

(1) A person from including in the price charged for a good 99885  
or service an amount sufficient to recover the tax imposed by this 99886  
section; or 99887

(2) A lessor from including an amount sufficient to recover 99888  
the tax imposed by this section in a lease payment charged, or 99889  
from including such an amount on a billing or invoice pursuant to 99890  
the terms of a written lease agreement providing for the recovery 99891  
of the lessor's tax costs. The recovery of such costs shall be 99892  
based on an estimate of the total tax cost of the lessor during 99893

the tax period, as the tax liability of the lessor cannot be 99894  
calculated until the end of that period. 99895

(C)(1) The commercial activities tax receipts fund is hereby 99896  
created in the state treasury and shall consist of money arising 99897  
from the tax imposed under this chapter. ~~Eighty-five~~ Seventy-five 99898  
one-hundredths of one per cent of the money credited to that fund 99899  
shall be credited to the revenue enhancement fund and shall be 99900  
used to defray the costs incurred by the department of taxation in 99901  
administering the tax imposed by this chapter and in implementing 99902  
tax reform measures. The remainder of the money in the commercial 99903  
activities tax receipts fund shall first be credited to the 99904  
commercial activity tax motor fuel receipts fund, pursuant to 99905  
division (C)(2) of this section, and the remainder shall be 99906  
credited in the following percentages each fiscal year to the 99907  
general revenue fund, to the school district tangible property tax 99908  
replacement fund, which is hereby created in the state treasury 99909  
for the purpose of making the payments described in section 99910  
5709.92 of the Revised Code, and to the local government tangible 99911  
property tax replacement fund, which is hereby created in the 99912  
state treasury for the purpose of making the payments described in 99913  
section 5709.93 of the Revised Code, in the following percentages: 99914

| Fiscal year                   | General Revenue<br>Fund | School District<br>Tangible<br>Property Tax<br>Replacement Fund | Local Government<br>Tangible<br>Property Tax<br>Replacement Fund |       |
|-------------------------------|-------------------------|-----------------------------------------------------------------|------------------------------------------------------------------|-------|
| 2014 and 2015                 | 50.0%                   | 35.0%                                                           | 15.0%                                                            | 99916 |
| 2016 and <u>2017</u>          | 75.0%                   | 20.0%                                                           | 5.0%                                                             | 99917 |
| <u>2018 and</u><br>thereafter | <u>85.0%</u>            | <u>13.0%</u>                                                    | <u>2.0%</u>                                                      | 99918 |

(2) Not later than the twentieth day of February, May, 99919  
August, and November of each year, the commissioner shall provide 99920  
for payment from the commercial activities tax receipts fund to 99921



the commercial activity tax motor fuel receipts fund an amount 99922  
that bears the same ratio to the balance in the commercial 99923  
activities tax receipts fund that (a) the taxable gross receipts 99924  
attributed to motor fuel used for propelling vehicles on public 99925  
highways as indicated by returns filed by the tenth day of that 99926  
month for a liability that is due and payable on or after July 1, 99927  
2013, for a tax period ending before July 1, 2014, bears to (b) 99928  
all taxable gross receipts as indicated by those returns for such 99929  
liabilities. 99930

(D)(1) If the total amount in the school district tangible 99931  
property tax replacement fund is insufficient to make all payments 99932  
under section 5709.92 of the Revised Code at the times the 99933  
payments are to be made, the director of budget and management 99934  
shall transfer from the general revenue fund to the school 99935  
district tangible property tax replacement fund the difference 99936  
between the total amount to be paid and the amount in the school 99937  
district tangible property tax replacement fund. 99938

(2) If the total amount in the local government tangible 99939  
property tax replacement fund is insufficient to make all payments 99940  
under section 5709.93 of the Revised Code at the times the 99941  
payments are to be made, the director of budget and management 99942  
shall transfer from the general revenue fund to the local 99943  
government tangible property tax replacement fund the difference 99944  
between the total amount to be paid and the amount in the local 99945  
government tangible property tax replacement fund. 99946

(E)(1) On or after the first day of June of each year, the 99947  
director of budget and management may transfer any balance in the 99948  
school district tangible property tax replacement fund to the 99949  
general revenue fund. 99950

(2) On or after the first day of June of each year, the 99951  
director of budget and management may transfer any balance in the 99952  
local government tangible property tax replacement fund to the 99953

general revenue fund. 99954

(F)(1) There is hereby created in the state treasury the 99955  
commercial activity tax motor fuel receipts fund. 99956

(2) On or before the fifteenth day of June of each fiscal 99957  
year beginning with fiscal year 2015, the director of the Ohio 99958  
public works commission shall certify to the director of budget 99959  
and management the amount of debt service paid from the general 99960  
revenue fund in the current fiscal year on bonds issued to finance 99961  
or assist in the financing of the cost of local subdivision public 99962  
infrastructure capital improvement projects, as provided for in 99963  
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 99964  
that are attributable to costs for construction, reconstruction, 99965  
maintenance, or repair of public highways and bridges and other 99966  
statutory highway purposes. That certification shall allocate the 99967  
total amount of debt service paid from the general revenue fund 99968  
and attributable to those costs in the current fiscal year 99969  
according to the applicable section of the Ohio Constitution under 99970  
which the bonds were originally issued. 99971

(3) On or before the thirtieth day of June of each fiscal 99972  
year beginning with fiscal year 2015, the director of budget and 99973  
management shall determine an amount up to but not exceeding the 99974  
amount certified under division (F)(2) of this section and shall 99975  
reserve that amount from the cash balance in the petroleum 99976  
activity tax public highways fund or the commercial activity tax 99977  
motor fuel receipts fund for transfer to the general revenue fund 99978  
at times and in amounts to be determined by the director. The 99979  
director shall transfer the cash balance in the petroleum activity 99980  
tax public highways fund or the commercial activity tax motor fuel 99981  
receipts fund in excess of the amount so reserved to the highway 99982  
operating fund on or before the thirtieth day of June of the 99983  
current fiscal year. 99984

**Sec. 5903.11.** (A) Any federally funded employment and 99985  
training program administered by any state agency including, but 99986  
not limited to, the ~~"Workforce Investment Act of 1998," 112 Stat.~~ 99987  
~~936, codified in scattered sections of 29 U.S.C., as amended~~ 99988  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 99989  
seq., shall include a veteran priority system to provide maximum 99990  
employment and training opportunities to veterans and eligible 99991  
persons within each targeted group as established by federal law 99992  
and state and federal policy in the service area. Disabled 99993  
veterans, veterans of the Vietnam era, other veterans, and 99994  
eligible persons shall receive preference over nonveterans within 99995  
each targeted group in the provision of employment and training 99996  
services available through these programs as required by this 99997  
section. 99998

(B) Each state agency shall refer qualified applicants to job 99999  
openings and training opportunities in programs described in 100000  
division (A) of this section in the following order of priority: 100001

- (1) Special disabled veterans; 100002
- (2) Veterans of the Vietnam era; 100003
- (3) Disabled veterans; 100004
- (4) All other veterans; 100005
- (5) Other eligible persons; 100006
- (6) Nonveterans. 100007

(C) Each state agency providing employment and training 100008  
services to veterans and eligible persons under programs described 100009  
in division (A) of this section shall submit an annual written 100010  
report to the speaker of the house of representatives and the 100011  
president of the senate on the services that it provides to 100012  
veterans and eligible persons. Each such agency shall report 100013  
separately on all entitlement programs, employment or training 100014

programs, and any other programs that it provides to each class of 100015  
persons described in divisions (B)(1) to (6) of this section. Each 100016  
such agency shall also report on action taken to ensure compliance 100017  
with statutory requirements. Compliance and reporting procedures 100018  
shall be in accordance with the reporting procedures then in 100019  
effect for all employment and training programs described in 100020  
division (A) of this section, with the addition of veterans as a 100021  
separate reporting module. 100022

(D) All state agencies that administer federally funded 100023  
employment and training programs described in division (A) of this 100024  
section for veterans and eligible persons shall do all of the 100025  
following: 100026

(1) Ensure that veterans are treated with courtesy and 100027  
respect at all state governmental facilities; 100028

(2) Give priority in referral to jobs to qualified veterans 100029  
and other eligible persons; 100030

(3) Give priority in referral to and enrollment in training 100031  
programs to qualified veterans and other eligible persons; 100032

(4) Give preferential treatment to special disabled veterans 100033  
in the provision of all needed state services; 100034

(5) Provide information and effective referral assistance to 100035  
veterans and other eligible persons regarding needed benefits and 100036  
services that may be obtained through other agencies. 100037

(E) As used in this section: 100038

(1) "Special disabled veteran" means a veteran who is 100039  
entitled to, or who but for the receipt of military pay would be 100040  
entitled to, compensation under any law administered by the 100041  
department of veterans affairs for a disability rated at thirty 100042  
per cent or more or a person who was discharged or released from 100043  
active duty because of a service-connected disability. 100044

(2) "Veteran of the Vietnam era" means an eligible veteran 100045  
who served on active duty for a period of more than one hundred 100046  
eighty days, any part of which occurred from August 5, 1964, 100047  
through May 7, 1975, and was discharged or released therefrom with 100048  
other than a dishonorable discharge or a person who was discharged 100049  
or released from active duty for a service-connected disability if 100050  
any part of the active duty was performed from August 5, 1964, 100051  
through May 7, 1975. 100052

(3) "Disabled veteran" means a veteran who is entitled to, or 100053  
who but for the receipt of military retirement pay would be 100054  
entitled to compensation, under any law administered by the 100055  
department of veterans affairs and who is not a special disabled 100056  
veteran. 100057

(4) "Eligible veteran" means a person who served on active 100058  
duty for more than one hundred eighty days and was discharged or 100059  
released from active duty with other than a dishonorable discharge 100060  
or a person who was discharged or released from active duty 100061  
because of a service-connected disability. 100062

(5) "Other eligible person" means one of the following: 100063

(a) The spouse of any person who died of a service-connected 100064  
disability; 100065

(b) The spouse of any member of the armed forces serving on 100066  
active duty who at the time of the spouse's application for 100067  
assistance under any program described in division (A) of this 100068  
section is listed pursuant to the "Act of September 6, 1966," 80 100069  
Stat. 629, 37 U.S.C.A. 556, and the regulations issued pursuant 100070  
thereto, as having been in one or more of the following categories 100071  
for a total of ninety or more days: 100072

(i) Missing in action; 100073

(ii) Captured in line of duty by a hostile force; 100074

|                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (iii) Forcibly detained or interned in line of duty by a foreign government or power.                                                                                                                                                                                                                                                                                                                               | 100075<br>100076                                                   |
| (c) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while such a disability was in existence.                                                                                                                                                                                                             | 100077<br>100078<br>100079<br>100080                               |
| (6) "Veteran" means a veteran as defined in section 5903.01 of the Revised Code who was a member of the armed forces of the United States for a period of one hundred eighty days or more; a person who was discharged or released from active duty because of a service-connected disability; or a person who served as a member of the United States merchant marine and to whom either of the following applies: | 100081<br>100082<br>100083<br>100084<br>100085<br>100086<br>100087 |
| (a) The person has an honorable report of separation from active duty military service, form DD214 or DD215; or                                                                                                                                                                                                                                                                                                     | 100088<br>100089                                                   |
| (b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.                                                                                                                                                                                                                      | 100090<br>100091<br>100092<br>100093                               |
| (7) "Employment program" means a program which provides referral of individuals to employer job openings in the federal, state, or private sector.                                                                                                                                                                                                                                                                  | 100094<br>100095<br>100096                                         |
| (8) "Training program" means any program that upgrades the employability of qualified applicants.                                                                                                                                                                                                                                                                                                                   | 100097<br>100098                                                   |
| (9) "Entitlement program" means any program that enlists specific criteria in determining eligibility, including but not limited to the existence in special segments of the general population of specific financial needs.                                                                                                                                                                                        | 100099<br>100100<br>100101<br>100102                               |
| (10) "Targeted group" means a group of persons designated by federal law or regulations or by state law to receive special                                                                                                                                                                                                                                                                                          | 100103<br>100104                                                   |

assistance under an employment and training program described in 100105  
division (A) of this section. 100106

Sec. 5907.17. (A) As used in this section, "physician" means 100107  
an individual authorized under Chapter 4731. of the Revised Code 100108  
to practice medicine and surgery or osteopathic medicine and 100109  
surgery. 100110

(B) The department of veterans services may establish a 100111  
physician recruitment program under which the department agrees to 100112  
repay all or part of the principal and interest of a governmental 100113  
or other educational loan incurred by a physician who agrees to 100114  
provide services to institutions under the department's 100115  
administration. 100116

(C) A physician is eligible to participate in the recruitment 100117  
program if the physician attended a medical or osteopathic medical 100118  
school that was, at the time of attendance, either located in the 100119  
United States and accredited by the liaison committee on medical 100120  
education or the American osteopathic association or located 100121  
outside the United States and acknowledged by the world health 100122  
organization and verified by a member state of that organization 100123  
as operating within that state's jurisdiction. 100124

(D) The department and each physician it recruits shall enter 100125  
into a contract that includes all of the following terms: 100126

(1) The physician agrees to provide a specified scope of 100127  
medical or osteopathic medical services for a specified number of 100128  
hours per week and for a specified number of years to patients of 100129  
one or more specified institutions administered by the department. 100130

(2) The department agrees to repay all or a specified portion 100131  
of the principal and interest of a governmental or other 100132  
educational loan taken by the physician for the following expenses 100133  
if the physician meets the service obligation agreed to and the 100134

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>expenses were incurred while the physician was enrolled in, for up</u> | 100135 |
| <u>to a maximum of four years, a school that qualifies the physician</u>  | 100136 |
| <u>to participate in the program:</u>                                     | 100137 |
| <u>(a) Tuition;</u>                                                       | 100138 |
| <u>(b) Other educational expenses for specific purposes,</u>              | 100139 |
| <u>including fees, books, and laboratory expenses, in amounts</u>         | 100140 |
| <u>determined to be reasonable in accordance with rules adopted under</u> | 100141 |
| <u>division (E) of this section;</u>                                      | 100142 |
| <u>(c) Room and board, in an amount determined to be reasonable</u>       | 100143 |
| <u>in accordance with rules adopted under division (E) of this</u>        | 100144 |
| <u>section.</u>                                                           | 100145 |
| <u>(3) The physician agrees to pay the department a specified</u>         | 100146 |
| <u>amount, which shall be not less than the amount already paid by</u>    | 100147 |
| <u>the department pursuant to its agreement, as damages if the</u>        | 100148 |
| <u>physician fails to complete the service obligation agreed to or</u>    | 100149 |
| <u>fails to comply with other specified terms of the contract. The</u>    | 100150 |
| <u>contract may vary the amount of damages based on the portion of</u>    | 100151 |
| <u>the physician's service obligation that remains uncompleted as</u>     | 100152 |
| <u>determined by the department.</u>                                      | 100153 |
| <u>(4) Other terms agreed upon by the parties.</u>                        | 100154 |
| <u>(E) The department shall adopt rules under Chapter 119. of</u>         | 100155 |
| <u>the Revised Code that establish all of the following:</u>              | 100156 |
| <u>(1) Criteria for designating institutions for which</u>                | 100157 |
| <u>physicians will be recruited;</u>                                      | 100158 |
| <u>(2) Criteria for selecting physicians for participation in</u>         | 100159 |
| <u>the program;</u>                                                       | 100160 |
| <u>(3) Criteria for determining the portion of a physician's</u>          | 100161 |
| <u>loan that the department will agree to repay;</u>                      | 100162 |
| <u>(4) Criteria for determining reasonable amounts of the</u>             | 100163 |
| <u>expenses described in divisions (D)(2)(b) and (c) of this section;</u> | 100164 |



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <u>(5) Procedures for monitoring compliance by physicians with</u> | 100165 |
| <u>the terms of their contracts; and</u>                           | 100166 |
| <u>(6) Any other criteria or procedures necessary to implement</u> | 100167 |
| <u>the program.</u>                                                | 100168 |
| <br>                                                               |        |
| <b>Sec. 5919.34.</b> (A) As used in this section:                  | 100169 |
| (1) "Academic term" means any one of the following:                | 100170 |
| (a) Fall term, which consists of fall semester or fall             | 100171 |
| quarter, as appropriate;                                           | 100172 |
| (b) Winter term, which consists of winter semester, winter         | 100173 |
| quarter, or spring semester, as appropriate;                       | 100174 |
| (c) Spring term, which consists of spring quarter;                 | 100175 |
| (d) Summer term, which consists of summer semester or summer       | 100176 |
| quarter, as appropriate.                                           | 100177 |
| (2) "Eligible applicant" means any individual to whom all of       | 100178 |
| the following apply:                                               | 100179 |
| (a) The individual does not possess a baccalaureate degree.        | 100180 |
| (b) The individual has enlisted, re-enlisted, or extended          | 100181 |
| current enlistment in the Ohio national guard or is an individual  | 100182 |
| to which division (F) of this section applies.                     | 100183 |
| (c) The individual is actively enrolled as a full-time or          | 100184 |
| part-time student for at least three credit hours of course work   | 100185 |
| in a semester or quarter in a two-year or four-year                | 100186 |
| degree-granting program at a state institution of higher education | 100187 |
| or a private institution of higher education, or in a              | 100188 |
| diploma-granting program at a state or private institution of      | 100189 |
| higher education that is a school of nursing.                      | 100190 |
| (d) The individual has not accumulated ninety-six eligibility      | 100191 |
| units under division (E) of this section.                          | 100192 |

(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code. 100193  
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(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code. 100201  
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(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges. 100210  
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(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program. 100214  
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(C)(1) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion. 100216  
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(2) The adjutant general shall develop and provide a written explanation that informs all eligible scholarship recipients that 100222  
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the recipient may become ineligible and liable for repayment for 100224  
an amount of scholarship payments received in accordance with 100225  
division (G) of this section. The written explanation shall be 100226  
reviewed by the scholarship recipient before acceptance of the 100227  
scholarship and before acceptance of an enlistment, warrant, 100228  
commission, or appointment for a term not less than the 100229  
recipient's remaining term in the national guard or in the active 100230  
duty component of the United States armed forces. 100231

(D)(1) Except as provided in divisions (I) and (J) of this 100232  
section, for each academic term that an eligible applicant is 100233  
approved for a scholarship under this section and either remains a 100234  
current member in good standing of the Ohio national guard or is 100235  
eligible for a scholarship under division (F)(1) of this section, 100236  
the institution of higher education in which the applicant is 100237  
enrolled shall, if the applicant's enlistment obligation extends 100238  
beyond the end of that academic term or if division (F)(1) of this 100239  
section applies, be paid on the applicant's behalf the applicable 100240  
one of the following amounts: 100241

(a) If the institution is a state institution of higher 100242  
education, an amount equal to one hundred per cent of the 100243  
institution's tuition charges; 100244

(b) If the institution is a nonprofit private institution or 100245  
a private institution exempt from regulation under Chapter 3332. 100246  
of the Revised Code as prescribed in section 3333.046 of the 100247  
Revised Code, an amount equal to one hundred per cent of the 100248  
average tuition charges of all state universities; 100249

(c) If the institution is an institution that holds a 100250  
certificate of registration from the state board of career 100251  
colleges and schools, the lesser of the following: 100252

(i) An amount equal to one hundred per cent of the 100253  
institution's tuition; 100254

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code. 100255  
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(2) The adjutant general and the chancellor of higher education may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military service. If such rules are adopted, the rules shall require that financial assistance received by a scholarship recipient under those programs be applied to all eligible expenses prior to the use of scholarship funds awarded under this section. Scholarship funds awarded under this section shall then be applied to the recipient's remaining eligible expenses. 100258  
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(3) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 100269  
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(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1) to (3) of this section. 100272  
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(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term into eligibility units in accordance with the following table: 100277  
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|               |             |               |        |
|---------------|-------------|---------------|--------|
|               | The         |               | 100282 |
| Number of     | following   | The following | 100283 |
| credit hours  | number of   | number of     | 100284 |
| of enrollment | eligibility | eligibility   | 100285 |

|                    |        |            |    |            |        |
|--------------------|--------|------------|----|------------|--------|
| in an academic     |        | units if a |    | units if a | 100286 |
| term               | equals | semester   | or | quarter    | 100287 |
|                    |        |            |    |            | 100288 |
| 12 or more hours   |        | 12 units   |    | 8 units    | 100289 |
| 9 but less than 12 |        | 9 units    |    | 6 units    | 100290 |
| 6 but less than 9  |        | 6 units    |    | 4 units    | 100291 |
| 3 but less than 6  |        | 3 units    |    | 2 units    | 100292 |

(2) A scholarship recipient under this section may continue 100293  
to apply for scholarships under this section until the recipient 100294  
has accumulated ninety-six eligibility units. 100295

(3) If a scholarship recipient withdraws from courses prior 100296  
to the end of an academic term so that the recipient's enrollment 100297  
for that academic term is less than three credit hours, no 100298  
scholarship shall be paid on behalf of that person for that 100299  
academic term. Except as provided in division (F)(3) of this 100300  
section, if a scholarship has already been paid on behalf of the 100301  
person for that academic term, the adjutant general shall add to 100302  
that person's accumulated eligibility units the number of 100303  
eligibility units for which the scholarship was paid. 100304

(F) This division applies to any eligible applicant called 100305  
into active duty on or after September 11, 2001. As used in this 100306  
division, "active duty" means active duty pursuant to an executive 100307  
order of the president of the United States, an act of the 100308  
congress of the United States, or section 5919.29 or 5923.21 of 100309  
the Revised Code. 100310

(1) For a period of up to five years from when an 100311  
individual's enlistment obligation in the Ohio national guard 100312  
ends, an individual to whom this division applies is eligible for 100313  
scholarships under this section for those academic terms that were 100314  
missed or could have been missed as a result of the individual's 100315  
call into active duty. Scholarships shall not be paid for the 100316  
academic term in which an eligible applicant's enlistment 100317

obligation ends unless an applicant is eligible under this 100318  
division for a scholarship for such academic term due to previous 100319  
active duty. 100320

(2) When an individual to whom this division applies 100321  
withdraws or otherwise fails to complete courses, for which 100322  
scholarships have been awarded under this section, because the 100323  
individual was called into active duty, the institution of higher 100324  
education shall grant the individual a leave of absence from the 100325  
individual's education program and shall not impose any academic 100326  
penalty for such withdrawal or failure to complete courses. 100327  
Division (F)(2) of this section applies regardless of whether or 100328  
not the scholarship amount was paid to the institution of higher 100329  
education. 100330

(3) If an individual to whom this division applies withdraws 100331  
or otherwise fails to complete courses because the individual was 100332  
called into active duty, and if scholarships for those courses 100333  
have already been paid, either: 100334

(a) The adjutant general shall not add to that person's 100335  
accumulated eligibility units calculated under division (E) of 100336  
this section the number of eligibility units for the academic 100337  
courses or term for which the scholarship was paid and the 100338  
institution of higher education shall repay the scholarship amount 100339  
to the state. 100340

(b) The adjutant general shall add to that individual's 100341  
accumulated eligibility units calculated under division (E) of 100342  
this section the number of eligibility units for the academic 100343  
courses or term for which the scholarship was paid if the 100344  
institution of higher education agrees to permit the individual to 100345  
complete the remainder of the academic courses in which the 100346  
individual was enrolled at the time the individual was called into 100347  
active duty. 100348

(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division.

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(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard.

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The attorney general may commence a civil action on behalf of the chancellor ~~of the Ohio board of regents~~ to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death or discharge from the national guard due to disability or the recipient's enlistment, warrant, commission, or appointment for a term not less than the recipient's remaining term in the national guard or in the active duty component of the United States armed forces.

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(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment.

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The institution shall use the roster to certify the actual 100381  
full-time or part-time enrollment of each scholarship recipient 100382  
listed as enrolled at the institution and return the roster to the 100383  
adjutant general and the chancellor. Except as provided in 100384  
division (J) of this section, the chancellor shall provide for 100385  
payment of the appropriate number and amount of scholarships to 100386  
each institution of higher education pursuant to division (D) of 100387  
this section. If an institution of higher education fails to 100388  
certify the actual enrollment of a scholarship recipient listed as 100389  
enrolled at the institution within thirty days of the end of an 100390  
academic term, the institution shall not be eligible to receive 100391  
payment from the Ohio national guard scholarship program or from 100392  
the individual enrollee. The adjutant general shall report on a 100393  
semiannual basis to the director of budget and management, the 100394  
speaker of the house of representatives, the president of the 100395  
senate, and the chancellor the number of Ohio national guard 100396  
scholarship recipients, the size of the scholarship-eligible 100397  
population, and a projection of the cost of the program for the 100398  
remainder of the biennium. 100399

(I) The chancellor and the adjutant general may adopt rules 100400  
pursuant to Chapter 119. of the Revised Code governing the 100401  
administration and fiscal management of the Ohio national guard 100402  
scholarship program and the procedure by which the chancellor and 100403  
the department of the adjutant general may modify the amount of 100404  
scholarships a member receives based on the amount of other state 100405  
financial aid a member receives. 100406

(J) The adjutant general, the chancellor, and the director, 100407  
or their designees, shall jointly estimate the costs of the Ohio 100408  
national guard scholarship program for each upcoming fiscal 100409  
biennium, and shall report that estimate prior to the beginning of 100410  
the fiscal biennium to the chairpersons of the finance committees 100411  
in the general assembly. During each fiscal year of the biennium, 100412



the adjutant general, the chancellor, and the director, or their 100413  
designees, shall meet regularly to monitor the actual costs of the 100414  
Ohio national guard scholarship program and update cost 100415  
projections for the remainder of the biennium as necessary. If the 100416  
amounts appropriated for the Ohio national guard scholarship 100417  
program and any funds in the Ohio national guard scholarship 100418  
reserve fund and the Ohio national guard scholarship donation fund 100419  
are not adequate to provide scholarships in the amounts specified 100420  
in division (D)(1) of this section for all eligible applicants, 100421  
the chancellor shall do all of the following: 100422

(1) Notify each private institution of higher education, 100423  
where a scholarship recipient is enrolled, that, by accepting the 100424  
Ohio national guard scholarship program as payment for all or part 100425  
of the institution's tuition, the institution agrees that if the 100426  
chancellor reduces the amount of each scholarship, the institution 100427  
shall provide each scholarship recipient a grant or tuition waiver 100428  
in an amount equal to the amount the recipient's scholarship was 100429  
reduced by the chancellor. 100430

(2) Reduce the amount of each scholarship under division 100431  
(D)(1)(a) of this section proportionally based on the amount of 100432  
remaining available funds. Each state institution of higher 100433  
education shall provide each scholarship recipient under division 100434  
(D)(1)(a) of this section a grant or tuition waiver in an amount 100435  
equal to the amount the recipient's scholarship was reduced by the 100436  
chancellor. 100437

(K) Notwithstanding division (A) of section 127.14 of the 100438  
Revised Code, the controlling board shall not transfer all or part 100439  
of any appropriation for the Ohio national guard scholarship 100440  
program. 100441

(L) The chancellor and the adjutant general may apply for, 100442  
and may receive and accept grants, and may receive and accept 100443  
gifts, bequests, and contributions, from public and private 100444

sources, including agencies and instrumentalities of the United States and this state, and shall deposit the grants, gifts, bequests, or contributions into the national guard scholarship donation fund.

**Sec. 5923.05.** (A)(1) Permanent public employees who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio national guard, are entitled to a leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each ~~calendar~~ federal fiscal year in which they are performing service in the uniformed services.

(2) As used in this section:

(a) "~~Calendar~~ Federal fiscal year" means the year beginning on the first day of ~~January~~ October and ending on the ~~last~~ thirtieth day of ~~December~~ September.

(b) "Month" means twenty-two eight-hour work days or one hundred seventy-six hours, or for a public safety employee, seventeen twenty-four-hour days or four hundred eight hours, within one ~~calendar~~ federal fiscal year.

(c) "Permanent public employee" means any person holding a position in public employment that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Permanent public employee" does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.

(d) "State agency" means any department, bureau, board, commission, office, or other organized body established by the

constitution or laws of this state for the exercise of any 100475  
function of state government, the general assembly, all 100476  
legislative agencies, the supreme court, the court of claims, and 100477  
the state-supported institutions of higher education. 100478

(e) "Service in the uniformed services" means the performance 100479  
of duty, on a voluntary or involuntary basis, in a uniformed 100480  
service, under competent authority, and includes active duty, 100481  
active duty for training, initial active duty for training, 100482  
inactive duty for training, full-time national guard duty, and 100483  
performance of duty or training by a member of the Ohio organized 100484  
militia pursuant to Chapter 5923. of the Revised Code. "Service in 100485  
the uniformed services" includes also the period of time for which 100486  
a person is absent from a position of public or private employment 100487  
for the purpose of an examination to determine the fitness of the 100488  
person to perform any duty described in this division. 100489

(f) "Uniformed services" means the armed forces, the Ohio 100490  
organized militia when engaged in active duty for training, 100491  
inactive duty training, or full-time national guard duty, the 100492  
commissioned corps of the public health service, and any other 100493  
category of persons designated by the president of the United 100494  
States in time of war or emergency. 100495

(g) "Public safety employee" means a permanent public 100496  
employee who is employed as a fire fighter or emergency medical 100497  
technician. 100498

(B) Except as otherwise provided in division (D) of this 100499  
section, any permanent public employee who is employed by a 100500  
political subdivision, who is entitled to the leave provided under 100501  
division (A) of this section, and who is called or ordered to the 100502  
uniformed services for longer than a month, for each ~~calendar~~ 100503  
federal fiscal year in which the employee performed service in the 100504  
uniformed services, because of an executive order issued by the 100505  
president of the United States, because of an act of congress, or 100506

because of an order to perform duty issued by the governor 100507  
pursuant to section 5919.29 of the Revised Code is entitled, 100508  
during the period designated in the order or act, to a leave of 100509  
absence and to be paid, during each monthly pay period of that 100510  
leave of absence, the lesser of the following: 100511

(1) The difference between the permanent public employee's 100512  
gross monthly wage or salary as a permanent public employee and 100513  
the sum of the permanent public employee's gross uniformed pay and 100514  
allowances received that month; 100515

(2) Five hundred dollars. 100516

(C) Except as otherwise provided in division (D) of this 100517  
section, any permanent public employee who is employed by a state 100518  
agency, who is entitled to the leave provided under division (A) 100519  
of this section, and who is called or ordered to the uniformed 100520  
services for longer than a month, for each ~~calendar~~ federal fiscal 100521  
year in which the employee performed service in the uniformed 100522  
services, because of an executive order issued by the president of 100523  
the United States, because of an act of congress, or because of an 100524  
order to perform duty issued by the governor pursuant to section 100525  
5919.29 or 5923.21 of the Revised Code is entitled, during the 100526  
period designated in the order or act, to a leave of absence and 100527  
to be paid, during each monthly pay period of that leave of 100528  
absence, the difference between the permanent public employee's 100529  
gross monthly wage or salary as a permanent public employee and 100530  
the sum of the permanent public employee's gross uniformed pay and 100531  
allowances received that month. 100532

(D) No permanent public employee shall receive payments under 100533  
division (B) or (C) of this section if the sum of the permanent 100534  
public employee's gross uniformed pay and allowances received in a 100535  
pay period exceeds the employee's gross wage or salary as a 100536  
permanent public employee for that period or if the permanent 100537  
public employee is receiving pay under division (A) of this 100538

section. 100539

(E) Any political subdivision of the state, as defined in 100540  
section 2744.01 of the Revised Code, may elect to pay any of its 100541  
permanent public employees who are entitled to the leave provided 100542  
under division (A) of this section and who are called or ordered 100543  
to the uniformed services for longer than one month, for each 100544  
~~calendar~~ federal fiscal year in which the employee performed 100545  
service in the uniformed services, because of an executive order 100546  
issued by the president or an act of congress, such payments, in 100547  
addition to those payments required by division (B) of this 100548  
section, as may be authorized by the legislative authority of the 100549  
political subdivision. 100550

(F) Each permanent public employee who is entitled to leave 100551  
provided under division (A) of this section shall submit to the 100552  
permanent public employee's appointing authority the published 100553  
order authorizing the call or order to the uniformed services or a 100554  
written statement from the appropriate military commander 100555  
authorizing that service, prior to being credited with that leave. 100556

(G) Any permanent public employee of a political subdivision 100557  
whose employment is governed by a collective bargaining agreement 100558  
with provision for the performance of service in the uniformed 100559  
services shall abide by the terms of that collective bargaining 100560  
agreement with respect to the performance of that service, except 100561  
that no collective bargaining agreement may afford fewer rights 100562  
and benefits than are conferred under this section. 100563

**Sec. 6111.03.** The director of environmental protection may do 100564  
any of the following: 100565

(A) Develop plans and programs for the prevention, control, 100566  
and abatement of new or existing pollution of the waters of the 100567  
state; 100568

(B) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, and interstate agencies and with affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter. Before adopting, amending, or rescinding a standard or rule pursuant to division (G) of this section or section 6111.041 or 6111.042 of the Revised Code, the director shall do all of the following:

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.

(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;

(D) Administer state grants for the construction of sewage and waste collection and treatment works;

(E) Encourage, participate in, or conduct studies,

investigations, research, and demonstrations relating to water 100600  
pollution, and the causes, prevention, control, and abatement 100601  
thereof, that are advisable and necessary for the discharge of the 100602  
director's duties under this chapter; 100603

(F) Collect and disseminate information relating to water 100604  
pollution and prevention, control, and abatement thereof; 100605

(G) Adopt, amend, and rescind rules in accordance with 100606  
Chapter 119. of the Revised Code governing the procedure for 100607  
hearings, the filing of reports, the issuance of permits, the 100608  
issuance of industrial water pollution control certificates, and 100609  
all other matters relating to procedure; 100610

(H) Issue, modify, or revoke orders to prevent, control, or 100611  
abate water pollution by such means as the following: 100612

(1) Prohibiting or abating discharges of sewage, industrial 100613  
waste, or other wastes into the waters of the state; 100614

(2) Requiring the construction of new disposal systems or any 100615  
parts thereof, or the modification, extension, or alteration of 100616  
existing disposal systems or any parts thereof; 100617

(3) Prohibiting additional connections to or extensions of a 100618  
sewerage system when the connections or extensions would result in 100619  
an increase in the polluting properties of the effluent from the 100620  
system when discharged into any waters of the state; 100621

(4) Requiring compliance with any standard or rule adopted 100622  
under sections 6111.01 to 6111.05 of the Revised Code or term or 100623  
condition of a permit. 100624

In the making of those orders, wherever compliance with a 100625  
rule adopted under section 6111.042 of the Revised Code is not 100626  
involved, consistent with the Federal Water Pollution Control Act, 100627  
the director shall give consideration to, and base the 100628  
determination on, evidence relating to the technical feasibility 100629

and economic reasonableness of complying with those orders and to 100630  
evidence relating to conditions calculated to result from 100631  
compliance with those orders, and their relation to benefits to 100632  
the people of the state to be derived from such compliance in 100633  
accomplishing the purposes of this chapter. 100634

(I) Review plans, specifications, or other data relative to 100635  
disposal systems or any part thereof in connection with the 100636  
issuance of orders, permits, and industrial water pollution 100637  
control certificates under this chapter; 100638

(J)(1) Issue, revoke, modify, or deny sludge management 100639  
permits and permits for the discharge of sewage, industrial waste, 100640  
or other wastes into the waters of the state, and for the 100641  
installation or modification of disposal systems or any parts 100642  
thereof in compliance with all requirements of the Federal Water 100643  
Pollution Control Act and mandatory regulations adopted 100644  
thereunder, including regulations adopted under section 405 of the 100645  
Federal Water Pollution Control Act, and set terms and conditions 100646  
of permits, including schedules of compliance, where necessary. In 100647  
issuing permits for sludge management, the director shall not 100648  
allow the placement of sewage sludge on frozen ground in conflict 100649  
with rules adopted under this chapter. Any person who discharges, 100650  
transports, or handles storm water from an animal feeding 100651  
facility, as defined in section 903.01 of the Revised Code, or 100652  
pollutants from a concentrated animal feeding operation, as both 100653  
terms are defined in that section, is not required to obtain a 100654  
permit under division (J)(1) of this section for the installation 100655  
or modification of a disposal system involving pollutants or storm 100656  
water or any parts of such a system on and after the date on which 100657  
the director of agriculture has finalized the program required 100658  
under division (A)(1) of section 903.02 of the Revised Code. In 100659  
addition, any person who discharges, transports, or handles storm 100660  
water from an animal feeding facility, as defined in section 100661



903.01 of the Revised Code, or pollutants from a concentrated animal feeding operation, as both terms are defined in that section, is not required to obtain a permit under division (J)(1) of this section for the discharge of storm water from an animal feeding facility or pollutants from a concentrated animal feeding operation on and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code.

Any permit terms and conditions set by the director shall be designed to achieve and maintain full compliance with the national effluent limitations, national standards of performance for new sources, and national toxic and pretreatment effluent standards set under that act, and any other mandatory requirements of that act that are imposed by regulation of the administrator of the United States environmental protection agency. If an applicant for a sludge management permit also applies for a related permit for the discharge of sewage, industrial waste, or other wastes into the waters of the state, the director may combine the two permits and issue one permit to the applicant.

A sludge management permit is not required for an entity that treats or transports sewage sludge or for a sanitary landfill when all of the following apply:

(a) The entity or sanitary landfill does not generate the sewage sludge.

(b) Prior to receipt at the sanitary landfill, the entity has ensured that the sewage sludge meets the requirements established in rules adopted by the director under section 3734.02 of the Revised Code concerning disposal of municipal solid waste in a sanitary landfill.

(c) Disposal of the sewage sludge occurs at a sanitary

landfill that complies with rules adopted by the director under 100693  
section 3734.02 of the Revised Code. 100694

As used in division (J)(1) of this section, "sanitary 100695  
landfill" means a sanitary landfill facility, as defined in rules 100696  
adopted under section 3734.02 of the Revised Code, that is 100697  
licensed as a solid waste facility under section 3734.05 of the 100698  
Revised Code. 100699

(2) An application for a permit or renewal thereof shall be 100700  
denied if any of the following applies: 100701

(a) The secretary of the army determines in writing that 100702  
anchorage or navigation would be substantially impaired thereby; 100703

(b) The director determines that the proposed discharge or 100704  
source would conflict with an areawide waste treatment management 100705  
plan adopted in accordance with section 208 of the Federal Water 100706  
Pollution Control Act; 100707

(c) The administrator of the United States environmental 100708  
protection agency objects in writing to the issuance or renewal of 100709  
the permit in accordance with section 402 (d) of the Federal Water 100710  
Pollution Control Act; 100711

(d) The application is for the discharge of any radiological, 100712  
chemical, or biological warfare agent or high-level radioactive 100713  
waste into the waters of the United States. 100714

(3) To achieve and maintain applicable standards of quality 100715  
for the waters of the state adopted pursuant to section 6111.041 100716  
of the Revised Code, the director shall impose, where necessary 100717  
and appropriate, as conditions of each permit, water quality 100718  
related effluent limitations in accordance with sections 301, 302, 100719  
306, 307, and 405 of the Federal Water Pollution Control Act and, 100720  
to the extent consistent with that act, shall give consideration 100721  
to, and base the determination on, evidence relating to the 100722  
technical feasibility and economic reasonableness of removing the 100723

polluting properties from those wastes and to evidence relating to 100724  
conditions calculated to result from that action and their 100725  
relation to benefits to the people of the state and to 100726  
accomplishment of the purposes of this chapter. 100727

(4) Where a discharge having a thermal component from a 100728  
source that is constructed or modified on or after October 18, 100729  
1972, meets national or state effluent limitations or more 100730  
stringent permit conditions designed to achieve and maintain 100731  
compliance with applicable standards of quality for the waters of 100732  
the state, which limitations or conditions will ensure protection 100733  
and propagation of a balanced, indigenous population of shellfish, 100734  
fish, and wildlife in or on the body of water into which the 100735  
discharge is made, taking into account the interaction of the 100736  
thermal component with sewage, industrial waste, or other wastes, 100737  
the director shall not impose any more stringent limitation on the 100738  
thermal component of the discharge, as a condition of a permit or 100739  
renewal thereof for the discharge, during a ten-year period 100740  
beginning on the date of completion of the construction or 100741  
modification of the source, or during the period of depreciation 100742  
or amortization of the source for the purpose of section 167 or 100743  
169 of the Internal Revenue Code of 1954, whichever period ends 100744  
first. 100745

(5) The director shall specify in permits for the discharge 100746  
of sewage, industrial waste, and other wastes, the net volume, net 100747  
weight, duration, frequency, and, where necessary, concentration 100748  
of the sewage, industrial waste, and other wastes that may be 100749  
discharged into the waters of the state. The director shall 100750  
specify in those permits and in sludge management permits that the 100751  
permit is conditioned upon payment of applicable fees as required 100752  
by section 3745.11 of the Revised Code and upon the right of the 100753  
director's authorized representatives to enter upon the premises 100754  
of the person to whom the permit has been issued for the purpose 100755

of determining compliance with this chapter, rules adopted 100756  
thereunder, or the terms and conditions of a permit, order, or 100757  
other determination. The director shall issue or deny an 100758  
application for a sludge management permit or a permit for a new 100759  
discharge, for the installation or modification of a disposal 100760  
system, or for the renewal of a permit, within one hundred eighty 100761  
days of the date on which a complete application with all plans, 100762  
specifications, construction schedules, and other pertinent 100763  
information required by the director is received. 100764

(6) The director may condition permits upon the installation 100765  
of discharge or water quality monitoring equipment or devices and 100766  
the filing of periodic reports on the amounts and contents of 100767  
discharges and the quality of receiving waters that the director 100768  
prescribes. The director shall condition each permit for a 100769  
government-owned disposal system or any other "treatment works" as 100770  
defined in the Federal Water Pollution Control Act upon the 100771  
reporting of new introductions of industrial waste or other wastes 100772  
and substantial changes in volume or character thereof being 100773  
introduced into those systems or works from "industrial users" as 100774  
defined in section 502 of that act, as necessary to comply with 100775  
section 402(b)(8) of that act; upon the identification of the 100776  
character and volume of pollutants subject to pretreatment 100777  
standards being introduced into the system or works; and upon the 100778  
existence of a program to ensure compliance with pretreatment 100779  
standards by "industrial users" of the system or works. In 100780  
requiring monitoring devices and reports, the director, to the 100781  
extent consistent with the Federal Water Pollution Control Act, 100782  
shall give consideration to technical feasibility and economic 100783  
reasonableness and shall allow reasonable time for compliance. 100784

(7) A permit may be issued for a period not to exceed five 100785  
years and may be renewed upon application for renewal. In renewing 100786  
a permit, the director shall consider the compliance history of 100787

the permit holder and may deny the renewal if the director 100788  
determines that the permit holder has not complied with the terms 100789  
and conditions of the existing permit. A permit may be modified, 100790  
suspended, or revoked for cause, including, but not limited to, 100791  
violation of any condition of the permit, obtaining a permit by 100792  
misrepresentation or failure to disclose fully all relevant facts 100793  
of the permitted discharge or of the sludge use, storage, 100794  
treatment, or disposal practice, or changes in any condition that 100795  
requires either a temporary or permanent reduction or elimination 100796  
of the permitted activity. No application shall be denied or 100797  
permit revoked or modified without a written order stating the 100798  
findings upon which the denial, revocation, or modification is 100799  
based. A copy of the order shall be sent to the applicant or 100800  
permit holder by certified mail. 100801

(K) Institute or cause to be instituted in any court of 100802  
competent jurisdiction proceedings to compel compliance with this 100803  
chapter or with the orders of the director issued under this 100804  
chapter, or to ensure compliance with sections 204(b), 307, 308, 100805  
and 405 of the Federal Water Pollution Control Act; 100806

~~(L) Issue, deny, revoke, or modify industrial water pollution 100807  
control certificates; 100808~~

~~(M)~~ Certify to the government of the United States or any 100809  
agency thereof that an industrial water pollution control facility 100810  
is in conformity with the state program or requirements for the 100811  
control of water pollution whenever the certification may be 100812  
required for a taxpayer under the Internal Revenue Code of the 100813  
United States, as amended; 100814

~~(N)~~(M) Issue, modify, and revoke orders requiring any 100815  
"industrial user" of any publicly owned "treatment works" as 100816  
defined in sections 212(2) and 502(18) of the Federal Water 100817  
Pollution Control Act to comply with pretreatment standards; 100818  
establish and maintain records; make reports; install, use, and 100819

maintain monitoring equipment or methods, including, where 100820  
appropriate, biological monitoring methods; sample discharges in 100821  
accordance with methods, at locations, at intervals, and in a 100822  
manner that the director determines; and provide other information 100823  
that is necessary to ascertain whether or not there is compliance 100824  
with toxic and pretreatment effluent standards. In issuing, 100825  
modifying, and revoking those orders, the director, to the extent 100826  
consistent with the Federal Water Pollution Control Act, shall 100827  
give consideration to technical feasibility and economic 100828  
reasonableness and shall allow reasonable time for compliance. 100829

~~(O)~~(N) Exercise all incidental powers necessary to carry out 100830  
the purposes of this chapter; 100831

~~(P)~~(O) Certify or deny certification to any applicant for a 100832  
federal license or permit to conduct any activity that may result 100833  
in any discharge into the waters of the state that the discharge 100834  
will comply with the Federal Water Pollution Control Act; 100835

~~(Q)~~(P) Administer and enforce the publicly owned treatment 100836  
works pretreatment program in accordance with the Federal Water 100837  
Pollution Control Act. In the administration of that program, the 100838  
director may do any of the following: 100839

(1) Apply and enforce pretreatment standards; 100840

(2) Approve and deny requests for approval of publicly owned 100841  
treatment works pretreatment programs, oversee those programs, and 100842  
implement, in whole or in part, those programs under any of the 100843  
following conditions: 100844

(a) The director has denied a request for approval of the 100845  
publicly owned treatment works pretreatment program; 100846

(b) The director has revoked the publicly owned treatment 100847  
works pretreatment program; 100848

(c) There is no pretreatment program currently being 100849

implemented by the publicly owned treatment works; 100850

(d) The publicly owned treatment works has requested the 100851  
director to implement, in whole or in part, the pretreatment 100852  
program. 100853

(3) Require that a publicly owned treatment works 100854  
pretreatment program be incorporated in a permit issued to a 100855  
publicly owned treatment works as required by the Federal Water 100856  
Pollution Control Act, require compliance by publicly owned 100857  
treatment works with those programs, and require compliance by 100858  
industrial users with pretreatment standards; 100859

(4) Approve and deny requests for authority to modify 100860  
categorical pretreatment standards to reflect removal of 100861  
pollutants achieved by publicly owned treatment works; 100862

(5) Deny and recommend approval of requests for fundamentally 100863  
different factors variances submitted by industrial users; 100864

(6) Make determinations on categorization of industrial 100865  
users; 100866

(7) Adopt, amend, or rescind rules and issue, modify, or 100867  
revoke orders necessary for the administration and enforcement of 100868  
the publicly owned treatment works pretreatment program. 100869

Any approval of a publicly owned treatment works pretreatment 100870  
program may contain any terms and conditions, including schedules 100871  
of compliance, that are necessary to achieve compliance with this 100872  
chapter. 100873

~~(R)~~(O) Except as otherwise provided in this division, adopt 100874  
rules in accordance with Chapter 119. of the Revised Code 100875  
establishing procedures, methods, and equipment and other 100876  
requirements for equipment to prevent and contain discharges of 100877  
oil and hazardous substances into the waters of the state. The 100878  
rules shall be consistent with and equivalent in scope, content, 100879

and coverage to section 311(j)(1)(c) of the Federal Water  
Pollution Control Act and regulations adopted under it. The  
director shall not adopt rules under this division relating to  
discharges of oil from oil production facilities and oil drilling  
and workover facilities as those terms are defined in that act and  
regulations adopted under it.

~~(S)~~(R)(1) Administer and enforce a program for the regulation  
of sludge management in this state. In administering the program,  
the director, in addition to exercising the authority provided in  
any other applicable sections of this chapter, may do any of the  
following:

(a) Develop plans and programs for the disposal and  
utilization of sludge and sludge materials;

(b) Encourage, participate in, or conduct studies,  
investigations, research, and demonstrations relating to the  
disposal and use of sludge and sludge materials and the impact of  
sludge and sludge materials on land located in the state and on  
the air and waters of the state;

(c) Collect and disseminate information relating to the  
disposal and use of sludge and sludge materials and the impact of  
sludge and sludge materials on land located in the state and on  
the air and waters of the state;

(d) Issue, modify, or revoke orders to prevent, control, or  
abate the use and disposal of sludge and sludge materials or the  
effects of the use of sludge and sludge materials on land located  
in the state and on the air and waters of the state;

(e) Adopt and enforce, modify, or rescind rules necessary for  
the implementation of division ~~(S)~~(R) of this section. The rules  
reasonably shall protect public health and the environment,  
encourage the beneficial reuse of sludge and sludge materials, and  
minimize the creation of nuisance odors.



The director may specify in sludge management permits the net volume, net weight, quality, and pollutant concentration of the sludge or sludge materials that may be used, stored, treated, or disposed of, and the manner and frequency of the use, storage, treatment, or disposal, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other terms and conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and rules adopted under it and, in doing so, shall consider whether the terms and conditions are consistent with the goal of encouraging the beneficial reuse of sludge and sludge materials.

The director may condition permits on the implementation of treatment, storage, disposal, distribution, or application management methods and the filing of periodic reports on the amounts, composition, and quality of sludge and sludge materials that are disposed of, used, treated, or stored.

An approval of a treatment works sludge disposal program may contain any terms and conditions, including schedules of compliance, necessary to achieve compliance with this chapter and rules adopted under it.

(2) As a part of the program established under division ~~(S)~~(R)(1) of this section, the director has exclusive authority to regulate sewage sludge management in this state. For purposes of division ~~(S)~~(R)(2) of this section, that program shall be consistent with section 405 of the Federal Water Pollution Control Act and regulations adopted under it and with this section, except that the director may adopt rules under division ~~(S)~~(R) of this section that establish requirements that are more stringent than section 405 of the Federal Water Pollution Control Act and regulations adopted under it with regard to monitoring sewage sludge and sewage sludge materials and establishing acceptable

sewage sludge management practices and pollutant levels in sewage sludge and sewage sludge materials. 100943  
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This chapter authorizes the state to participate in any national sludge management program and the national pollutant discharge elimination system, to administer and enforce the publicly owned treatment works pretreatment program, and to issue permits for the discharge of dredged or fill materials, in accordance with the Federal Water Pollution Control Act. This chapter shall be administered, consistent with the laws of this state and federal law, in the same manner that the Federal Water Pollution Control Act is required to be administered. 100945  
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~~(T)~~(S) Develop technical guidance and offer technical assistance, upon request, for the purpose of minimizing wind or water erosion of soil, and assist in compliance with permits for storm water management issued under this chapter and rules adopted under it. 100954  
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~~(U)~~(T) Study, examine, and calculate nutrient loading from point and nonpoint sources in order to determine comparative contributions by those sources and to utilize the information derived from those calculations to determine the most environmentally beneficial and cost-effective mechanisms to reduce nutrient loading to watersheds in the Lake Erie basin and the Ohio river basin. In order to evaluate nutrient loading contributions, the director or the director's designee shall conduct a study of the nutrient mass balance for both point and nonpoint sources in watersheds in the Lake Erie basin and the Ohio river basin using available data, including both of the following: 100959  
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(1) Data on water quality and stream flow; 100970

(2) Data on point source discharges into those watersheds. 100971

The director or the director's designee shall report and update the results of the study to coincide with the release of 100972  
100973

the Ohio integrated water quality monitoring and assessment report 100974  
prepared by the director. 100975

This section does not apply to residual farm products and 100976  
manure disposal systems and related management and conservation 100977  
practices subject to rules adopted pursuant to division (E)(1) of 100978  
section 939.02 of the Revised Code. For purposes of this 100979  
exclusion, "residual farm products" and "manure" have the same 100980  
meanings as in section 939.01 of the Revised Code. However, until 100981  
the date on which the United States environmental protection 100982  
agency approves the NPDES program submitted by the director of 100983  
agriculture under section 903.08 of the Revised Code, this 100984  
exclusion does not apply to animal waste treatment works having a 100985  
controlled direct discharge to the waters of the state or any 100986  
concentrated animal feeding operation, as defined in 40 C.F.R. 100987  
122.23(b)(2). On and after the date on which the United States 100988  
environmental protection agency approves the NPDES program 100989  
submitted by the director of agriculture under section 903.08 of 100990  
the Revised Code, this section does not apply to storm water from 100991  
an animal feeding facility, as defined in section 903.01 of the 100992  
Revised Code, or to pollutants discharged from a concentrated 100993  
animal feeding operation, as both terms are defined in that 100994  
section. Neither of these exclusions applies to the discharge of 100995  
animal waste into a publicly owned treatment works. 100996

Not later than December 1, 2016, a publicly owned treatment 100997  
works with a design flow of one million gallons per day or more, 100998  
or designated as a major discharger by the director, shall be 100999  
required to begin monthly monitoring of total and dissolved 101000  
reactive phosphorus pursuant to a new NPDES permit, an NPDES 101001  
permit renewal, or a director-initiated modification. The director 101002  
shall include in each applicable new NPDES permit, NPDES permit 101003  
renewal, or director-initiated modification a requirement that 101004  
such monitoring be conducted. A director-initiated modification 101005

for that purpose shall be considered and processed as a minor 101006  
modification pursuant to Ohio Administrative Code 3745-33-04. In 101007  
addition, not later than December 1, 2017, a publicly owned 101008  
treatment works with a design flow of one million gallons per day 101009  
or more that, on July 3, 2015, is not subject to a phosphorus 101010  
limit shall complete and submit to the director a study that 101011  
evaluates the technical and financial capability of the existing 101012  
treatment facility to reduce the final effluent discharge of 101013  
phosphorus to one milligram per liter using possible source 101014  
reduction measures, operational procedures, and unit process 101015  
configurations. 101016

**Sec. 6111.036.** (A) There is hereby created the water 101017  
pollution control loan fund to provide financial, technical, and 101018  
administrative assistance as follows: 101019

(1) For the construction of publicly owned wastewater 101020  
treatment works, as "construction" and "treatment works" are 101021  
defined in section 212 of the Federal Water Pollution Control Act, 101022  
by municipal corporations, other political subdivisions, state 101023  
agencies, and interstate agencies having territory in this state; 101024

(2) For the implementation of a nonpoint source pollution 101025  
management program under section 319 of that act; 101026

(3) For the development and implementation of estuary 101027  
conservation and management programs under section 320 of that 101028  
act; 101029

(4) For the construction, repair, or replacement of 101030  
decentralized wastewater treatment systems that treat municipal 101031  
wastewater or domestic sewage; 101032

(5) For measures to manage, reduce, treat, or recapture 101033  
stormwater or subsurface drainage water; 101034

(6) For measures to reduce the demand for publicly owned 101035

wastewater treatment works capacity through water conservation, 101036  
efficiency, or reuse by any municipal corporation, other political 101037  
subdivision, state agency, or interstate agency having territory 101038  
in this state; 101039

(7) For the development and implementation of watershed 101040  
projects meeting the criteria established in section 122 of that 101041  
act; 101042

(8) For measures to reduce the energy consumption needs of 101043  
publicly owned wastewater treatment works by any municipal 101044  
corporation, other political subdivision, state agency, or 101045  
interstate agency having territory in this state; 101046

(9) For reusing or recycling wastewater, stormwater, or 101047  
subsurface drainage water; 101048

(10) For measures to increase the security of publicly owned 101049  
wastewater treatment works; 101050

(11) To any qualified nonprofit entity, as determined by the 101051  
director of environmental protection, to provide assistance to 101052  
owners and operators of small and medium publicly owned wastewater 101053  
treatment works for either of the following: 101054

(a) To plan, develop, and obtain financing for eligible 101055  
projects under this division, including planning, design, and 101056  
associated preconstruction activities; 101057

(b) To assist such treatment works in achieving compliance 101058  
with the Federal Water Pollution Control Act. 101059

To the extent they are otherwise allowable as determined by 101060  
the director, the purposes identified under division (A) of this 101061  
section are intended to include activities benefiting the waters 101062  
of the state that are authorized under Chapter 3746. of the 101063  
Revised Code. 101064

The fund shall be administered by the director consistent 101065

with the Federal Water Pollution Control Act; regulations adopted 101066  
under it, including, without limitation, regulations establishing 101067  
public participation requirements applicable to the providing of 101068  
financial assistance; this section; and rules adopted under 101069  
division (O) of this section. 101070

Moneys in the water pollution control loan fund shall be 101071  
separate and apart from and not a part of the state treasury or of 101072  
the other funds of the Ohio water development authority. Subject 101073  
to the terms of the agreements provided for in divisions (B), (C), 101074  
(D), and (F) of this section, moneys in the fund shall be held in 101075  
trust by the Ohio water development authority for the purposes of 101076  
this section, shall be kept in the same manner that funds of the 101077  
authority are kept under section 6121.11 of the Revised Code, and 101078  
may be invested in the same manner that funds of the authority are 101079  
invested under section 6121.12 of the Revised Code. No withdrawals 101080  
or disbursements shall be made from the water pollution control 101081  
loan fund without the written authorization of the director or the 101082  
director's designated representative. The manner of authorization 101083  
for any withdrawals or disbursements from the fund to be made by 101084  
the authority shall be established in the agreements authorized 101085  
under division (C) of this section. 101086

(B) The director may enter into agreements to receive and 101087  
assign moneys credited or to be credited to the water pollution 101088  
control loan fund. The director may reserve capitalization grant 101089  
moneys allotted to the state under sections 601 and 604(c)(2) of 101090  
the Federal Water Pollution Control Act for the other purposes 101091  
authorized for the use of capitalization grant moneys under 101092  
sections 603(d)(7) and 604(b) of that act. 101093

(C) The director shall ensure that fiscal controls are 101094  
established for prudent administration of the water pollution 101095  
control loan fund. For that purpose, the director and the Ohio 101096  
water development authority shall enter into any necessary and 101097

appropriate agreements under which the authority may perform or provide any of the following:

(1) Fiscal controls and accounting procedures governing fund balances, receipts, and disbursements;

(2) Administration of loan accounts;

(3) Maintaining, managing, and investing moneys in the fund.

Any agreement entered into under this division shall provide for the payment of reasonable fees to the Ohio water development authority for any services it performs under the agreement and may provide for reasonable fees for the assistance of financial or accounting advisors. Payments of any such fees to the authority may be made from the water pollution control loan fund to the extent authorized by division (H)(7) of this section or from the water pollution control loan administrative fund created in division (E) of this section. The authority may enter into loan agreements with the director and recipients of financial assistance from the fund as provided in this section.

(D) The water pollution control loan fund shall consist of the moneys credited to it from all capitalization grants received under sections 601 and 604(c)(2) of the Federal Water Pollution Control Act, all moneys received as capitalization grants under section 205(m) of that act, all matching moneys credited to the fund arising from nonfederal sources, all payments of principal and interest for loans made from the fund, and all investment earnings on moneys held in the fund. On or before the date on which a quarterly capitalization grant payment will be received under that act, matching moneys equal to at least twenty per cent of the quarterly capitalization grant payment shall be credited to the fund. The Ohio water development authority may make moneys available to the director for the purpose of providing the matching moneys required by this division, subject to such terms

as the director and the authority consider appropriate, and may 101129  
pledge moneys that are held by the authority to secure the payment 101130  
of bonds or notes issued by the authority to provide those 101131  
matching moneys. The authority may make moneys available to the 101132  
director for that purpose from any funds now or hereafter 101133  
available to the authority from any source, including, without 101134  
limitation, the proceeds of bonds or notes heretofore or hereafter 101135  
issued by the authority under Chapter 6121. of the Revised Code. 101136  
Matching moneys made available to the director by the authority 101137  
from the proceeds of any such bonds or notes shall be made 101138  
available subject to the terms of the trust agreements relating to 101139  
the bonds or notes. Any such matching moneys shall be made 101140  
available to the director pursuant to a written agreement between 101141  
the director and the authority that contains such terms as the 101142  
director and the authority consider appropriate, including, 101143  
without limitation, a provision providing for repayment to the 101144  
authority of those matching moneys from moneys deposited in the 101145  
water pollution control loan fund, including, without limitation, 101146  
the proceeds of bonds or notes issued by the authority for the 101147  
benefit of the fund and payments of principal and interest on 101148  
loans made from the fund, or from any other sources now or 101149  
hereafter available to the director for the repayment of those 101150  
matching moneys. 101151

(E) All moneys credited to the water pollution control loan 101152  
fund, all interest earned on moneys in the fund, and all payments 101153  
of principal and interest for loans made from the fund shall be 101154  
dedicated in perpetuity and used and reused solely for the 101155  
purposes set forth in division (A) of this section, except as 101156  
otherwise provided in division (D) or (F) of this section. The 101157  
director may establish and collect fees to be paid by recipients 101158  
of financial assistance under this section, and all moneys arising 101159  
from the fees shall be credited to the water pollution control 101160  
loan administrative fund, which is hereby created in the state 101161



treasury, and shall be used to defray the costs of administering 101162  
this section or other water quality related programs administered 101163  
by the environmental protection agency. 101164

(F) The director and the Ohio water development authority 101165  
shall enter into trust agreements to enable the authority to issue 101166  
and refund bonds or notes for the sole benefit of the water 101167  
pollution control loan fund, including, without limitation, the 101168  
raising of the matching moneys required by division (D) of this 101169  
section. These agreements may authorize the pledge of moneys 101170  
accruing to the fund from payments of principal and interest on 101171  
loans made from the fund adequate to secure bonds or notes, the 101172  
proceeds of which bonds or notes shall be for the sole benefit of 101173  
the water pollution control loan fund. The agreements may contain 101174  
such terms as the director and the authority consider reasonable 101175  
and proper for the security of the bondholders or noteholders. 101176

(G) The director shall enter into binding commitments to 101177  
provide financial assistance from the water pollution control loan 101178  
fund in an amount equal to one hundred twenty per cent of the 101179  
amount of each capitalization grant payment received, within one 101180  
year after receiving each such grant payment. The director shall 101181  
provide the financial assistance in compliance with this section 101182  
and rules adopted under division (O) of this section. The director 101183  
shall ensure that all moneys credited to the fund are disbursed in 101184  
an expeditious and timely manner. During the second year of 101185  
operation of the water pollution control loan program, the 101186  
director also shall ensure that not less than twenty-five per cent 101187  
of the financial assistance provided under this section during 101188  
that year is provided for the purpose of division (H)(2) of this 101189  
section for the purchase or refinancing of debt obligations 101190  
incurred after March 7, 1985, but not later than July 1, 1988, 101191  
except that if the amount of money reserved during the second year 101192  
of operation of the program for the purchase or refinancing of 101193

those debt obligations exceeds the amount required for the 101194  
projects that are eligible to receive financial assistance for 101195  
that purpose, the director shall distribute the excess moneys in 101196  
accordance with the current priority system and list prepared 101197  
under division (I) of this section to provide financial assistance 101198  
for projects that otherwise would not receive assistance in that 101199  
year. 101200

(H) Moneys credited to the water pollution control loan fund 101201  
shall be used only for the following purposes: 101202

(1) To make loans, subject to all of the following 101203  
conditions: 101204

(a) The loans are made at or below market rates of interest, 101205  
including, without limitation, interest free loans. 101206

(b) Periodic payments of principal and interest, on the dates 101207  
and in the amounts approved by the director, shall commence not 101208  
later than one year after completion of the project, and all loans 101209  
shall be fully amortized not later than thirty years after project 101210  
completion. 101211

(c) Each recipient of a loan shall establish a dedicated 101212  
source of revenue for repayment of the loan. 101213

(d) All payments of principal and interest on the loans shall 101214  
be credited to the fund, except as otherwise provided in division 101215  
(D) or (F) of this section. 101216

(2) To purchase or refinance at or below market rates of 101217  
interest debt obligations incurred after March 7, 1985, by 101218  
municipal corporations, other political subdivisions, and 101219  
interstate agencies having territory in the state. If, and to the 101220  
extent allowed under the Federal Water Pollution Control Act, debt 101221  
obligations are purchased or refinanced under this section to 101222  
provide financial assistance for any of the purposes allowed under 101223  
division (A) of this section, the repayment period may extend up 101224

to forty-five years. However, the repayment period shall not  
exceed the expected useful life of any facilities that are  
financed by the obligations.

(3) To guarantee or purchase insurance for debt obligations  
of municipal corporations, other political subdivisions, and  
interstate agencies having territory within the state when the  
guarantee or insurance would improve the borrower's access to  
credit markets or would reduce the interest rate paid on those  
obligations;

(4) As a source of revenue or security for the payment of  
principal and interest on general obligation or revenue bonds or  
notes issued by this state if the proceeds of the sale of the  
bonds or notes will be deposited in the fund;

(5) To provide loan guarantees for revolving loan funds  
established by municipal corporations and other political  
subdivisions that are similar to the water pollution control loan  
fund;

(6) To earn interest on moneys credited to the fund;

(7) For the payment of the reasonable costs of administering  
the fund and conducting activities under this section, except that  
those amounts shall not exceed four per cent of the total amount  
of the capitalization grants received, four hundred thousand  
dollars per year, or one-fifth of one per cent per year of the  
current valuation of the fund, whichever amount is greater, plus  
the amount of any fees collected by the state for that purpose  
regardless of the source;

(8) To provide assistance in any manner or for any purpose  
that is consistent with Title VI of the Federal Water Pollution  
Control Act or with any other federal law related to the use of  
federal funds administered under Title VI of the Federal Water  
Pollution Control Act, including, without limitation, the awarding

of principal forgiveness assistance under that act. 101256

(I) The director periodically shall prepare in accordance 101257  
with rules adopted under division (O) of this section a state 101258  
priority system and list ranking assistance proposals principally 101259  
on the basis of their relative water quality and public health 101260  
benefits and the financial need of the applicants for assistance. 101261  
Assistance for proposed activities from the water pollution 101262  
control loan fund shall be limited to those activities appearing 101263  
on that priority list and shall be awarded based upon their 101264  
priority sequence on the list and the applicants' readiness to 101265  
proceed with their proposed activities. The director annually 101266  
shall prepare and circulate for public review and comment a plan 101267  
that defines the goals and intended uses of the fund, as required 101268  
by section 606(c) of the "Federal Water Pollution Control Act." 101269

(J) Financial assistance from the water pollution control 101270  
loan fund first shall be used to ensure maintenance of progress, 101271  
as determined by the governor, toward compliance with enforceable 101272  
deadlines, goals, and requirements under the "Federal Water 101273  
Pollution Control Act" that are pertinent to the purposes of the 101274  
fund set forth in divisions (A)(1) to (3) of this section, 101275  
including, without limitation, the municipal compliance deadline 101276  
under that act. 101277

(K) The director may provide financial assistance from the 101278  
water pollution control loan fund for a publicly owned treatment 101279  
works project only after determining that: 101280

(1) The applicant for financial assistance has the legal, 101281  
institutional, managerial, and financial capability to construct, 101282  
operate, and maintain its publicly owned treatment works. 101283

(2) The applicant will implement a financial management plan 101284  
that includes, without limitation, provisions for satisfactory 101285  
repayment of the financial assistance, a user charge system to pay 101286

the operation, maintenance, and replacement expenses of the 101287  
project, and, if appropriate in the director's judgment, an 101288  
adequate capital improvements fund. 101289

(3) The proposed disposal system of which the project is a 101290  
part is economically and nonmonetarily cost-effective, based upon 101291  
an evaluation of feasible alternatives that meet the waste water 101292  
treatment needs of the planning area in which the proposed project 101293  
is located. 101294

(4) Based upon the environmental review conducted by the 101295  
director under division (L) of this section, there are no 101296  
significant adverse environmental effects resulting from the 101297  
proposed disposal system and the system has been selected from 101298  
among environmentally sound alternatives. 101299

(5) Public participation has occurred during the process of 101300  
planning the project in compliance with applicable requirements 101301  
under the Federal Water Pollution Control Act. 101302

(6) The applicant has submitted a facilities plan for the 101303  
project that meets the applicable program requirements and that 101304  
has been approved by the director. 101305

(7) The application meets the requirements of this section 101306  
and rules adopted under division (O) of this section and is 101307  
consistent with the intent of Title VI of the Federal Water 101308  
Pollution Control Act and regulations adopted under it. 101309

(8) The application meets such other requirements as the 101310  
director considers necessary or appropriate to protect the 101311  
environment or ensure the financial integrity of the fund while 101312  
implementing this section. 101313

(L) The director shall perform and document for public review 101314  
an independent, comprehensive environmental review of the 101315  
assistance proposal for each activity receiving financial 101316  
assistance under this section. The review shall serve as the basis 101317

for the determinations to be made under division (K)(4) or (Q)(4) 101318  
of this section, as applicable, and may include, without 101319  
limitation, an environmental assessment, any necessary 101320  
supplemental studies, and an enforceable mitigation plan. The 101321  
director may establish environmental impact mitigation terms or 101322  
conditions for the implementation of an assistance proposal, 101323  
including, without limitation, the installation or modification of 101324  
a disposal system, in the director's approval of the plans for the 101325  
installation or modification as authorized by section 6111.44 of 101326  
the Revised Code or through other legally enforceable means. The 101327  
review shall be conducted in accordance with applicable rules 101328  
adopted under division (O) of this section. 101329

(M) The director, consistent with this section and applicable 101330  
rules adopted under division (O) of this section, may enter into 101331  
any agreement with an applicant that is necessary or appropriate 101332  
to provide assistance from the water pollution control loan fund. 101333  
Based upon the director's review of an assistance proposal, 101334  
including, without limitation, approval for the project under 101335  
section 6111.44 of the Revised Code, the environmental review 101336  
conducted under division (L) of this section, and the other 101337  
requirements of this section and rules adopted under it, the 101338  
director may establish in the agreement terms and conditions of 101339  
the assistance to be offered to an applicant. In addition to any 101340  
other available remedies, the director may terminate, suspend, or 101341  
require immediate repayment of financial assistance provided under 101342  
this section to, or take any other enforcement action available 101343  
under this chapter against, a recipient of financial assistance 101344  
under this section who defaults on any payment required in the 101345  
agreement for financial assistance or otherwise violates a term or 101346  
condition of the agreement or of the plan approval for the project 101347  
under section 6111.44 of the Revised Code. 101348

(N) Based upon the director's judgment as to the financial 101349

need of the applicant and as to what constitutes the most 101350  
effective allocation of funds to achieve statewide water pollution 101351  
control objectives, the director may establish the terms, 101352  
conditions, and amount of financial assistance to be offered to an 101353  
applicant from the water pollution control loan fund. The 101354  
director, to the extent consistent with the water quality 101355  
improvement priorities reflected in the current priority system 101356  
and list prepared under division (I) of this section and with the 101357  
long-term financial integrity of the fund, shall ensure each year 101358  
that financial assistance in an amount equal to the cost of the 101359  
assistance proposals of applicants having a high level of economic 101360  
need that are on the current priority list and for which funding 101361  
is available in that year is made available from the fund to those 101362  
applicants at an interest rate that is lower than that offered to 101363  
other applicants for financial assistance from the fund for 101364  
assistance proposals that are on the current priority list and for 101365  
which funding is available in that year. 101366

The director shall determine the economic need of applicants 101367  
for financial assistance in accordance with uniform criteria 101368  
established in rules adopted under division (O) of this section. 101369

(O) The director may adopt rules in accordance with Chapter 101370  
119. of the Revised Code for the implementation and administration 101371  
of this section and section 6111.037 of the Revised Code. Any such 101372  
rules governing the planning, design, and construction of water 101373  
pollution control projects, establishing an environmental review 101374  
process, establishing requirements for the preparation of 101375  
environmental impact reports and mitigation plans, governing the 101376  
establishment of priority systems for providing financial 101377  
assistance under this section and section 6111.037 of the Revised 101378  
Code, and governing the terms and conditions of assistance, shall 101379  
be consistent with the intent of Titles II and VI and sections 319 101380  
and 320 of the Federal Water Pollution Control Act. The rules 101381

governing the establishment of priority systems for financial 101382  
assistance and governing terms and conditions of assistance shall 101383  
provide for the most effective allocation of moneys from the water 101384  
pollution control loan fund to achieve water quality and public 101385  
health objectives throughout the state as determined by the 101386  
director. 101387

(P)(1) For the purpose of this section, appealable actions of 101388  
the director pursuant to section 3745.04 of the Revised Code are 101389  
limited to the following: 101390

(a) Approval of draft priority systems, draft priority lists, 101391  
and draft written program administration policies; 101392

(b) Approval or disapproval of project facility plans under 101393  
division (K)(6) of this section; 101394

(c) Approval or disapproval of plans and specifications for a 101395  
project under section 6111.44 of the Revised Code and issuance of 101396  
a permit to install in connection with a project pursuant to rules 101397  
adopted under section 6111.03 of the Revised Code; 101398

(d) Approval or disapproval of an application for assistance. 101399

(2) Notwithstanding section 119.06 of the Revised Code, the 101400  
director may take final action described in division (P)(1)(a), 101401  
(b), (c), or (d) of this section without holding an adjudication 101402  
hearing in connection with the action and without first issuing a 101403  
proposed action under section 3745.07 of the Revised Code. 101404

(3) Each action described in divisions (P)(1)(a), (b), (c), 101405  
and (d) of this section is a separate and discrete action of the 101406  
director. Appeals of any such action are limited to the issues 101407  
concerning the specific action appealed, and the appeal shall not 101408  
include issues determined under the scope of any prior action. 101409

(Q) The director may provide financial assistance for the 101410  
implementation of a nonpoint source management program activity 101411



only after determining all of the following: 101412

(1) The activity is consistent with the state's nonpoint 101413  
source management program. 101414

(2) The applicant has the legal, institutional, managerial, 101415  
and financial capability to implement, operate, and maintain the 101416  
activity. 101417

(3) The cost of the activity is reasonable considering 101418  
monetary and nonmonetary factors. 101419

(4) Based on the environmental review conducted by the 101420  
director under division (L) of this section, the activity will not 101421  
result in significant adverse environmental impacts. 101422

(5) The application meets the requirements of this section 101423  
and rules adopted under division (O) of this section and is 101424  
consistent with the intent of Title VI of the Federal Water 101425  
Pollution Control Act and regulations adopted under it. 101426

(6) The applicant will implement a financial management plan, 101427  
including, without limitation, provisions for satisfactory 101428  
repayment of the financial assistance. 101429

(7) The application meets such other requirements as the 101430  
director considers necessary or appropriate to protect the 101431  
environment and ensure the financial integrity of the fund while 101432  
implementing this section. 101433

(R) As used in this section, "Federal Water Pollution Control 101434  
Act" means the "Federal Water Pollution Control Act Amendments of 101435  
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 101436  
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 101437  
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 101438  
Wastewater Treatment Construction Grant Amendments of 1981," 95 101439  
Stat. 1623, 33 U.S.C.A. 1281, the "Water Quality Act of 1987," 101 101440  
Stat. 7, 33 U.S.C.A. 1251, and applicable portions of the 101441

"American Recovery and Reinvestment Act of 2009," Pub. L. 111-5, 101442  
123 Stat. 115, and the "Water Resources Reform and Development Act 101443  
of 2014," 128 Stat. 1227, 33 U.S.C. 2223. 101444

**Sec. 6111.04.** (A) Both of the following apply except as 101445  
otherwise provided in division (A) or (F) of this section: 101446

(1) No person shall cause pollution or place or cause to be 101447  
placed any sewage, sludge, sludge materials, industrial waste, or 101448  
other wastes in a location where they cause pollution of any 101449  
waters of the state. 101450

(2) Such an action prohibited under division (A)(1) of this 101451  
section is hereby declared to be a public nuisance. 101452

Divisions (A)(1) and (2) of this section do not apply if the 101453  
person causing pollution or placing or causing to be placed wastes 101454  
in a location in which they cause pollution of any waters of the 101455  
state holds a valid, unexpired permit, or renewal of a permit, 101456  
governing the causing or placement as provided in sections 6111.01 101457  
to 6111.08 of the Revised Code or if the person's application for 101458  
renewal of such a permit is pending. 101459

(B) If the director of environmental protection administers a 101460  
sludge management program pursuant to division ~~(S)~~(R) of section 101461  
6111.03 of the Revised Code, both of the following apply except as 101462  
otherwise provided in division (B) or (F) of this section: 101463

(1) No person, in the course of sludge management, shall 101464  
place on land located in the state or release into the air of the 101465  
state any sludge or sludge materials. 101466

(2) An action prohibited under division (B)(1) of this 101467  
section is hereby declared to be a public nuisance. 101468

Divisions (B)(1) and (2) of this section do not apply if the 101469  
person placing or releasing the sludge or sludge materials holds a 101470  
valid, unexpired permit, or renewal of a permit, governing the 101471

placement or release as provided in sections 6111.01 to 6111.08 of 101472  
the Revised Code or if the person's application for renewal of 101473  
such a permit is pending. 101474

(C) No person to whom a permit has been issued shall place or 101475  
discharge, or cause to be placed or discharged, in any waters of 101476  
the state any sewage, sludge, sludge materials, industrial waste, 101477  
or other wastes in excess of the permissive discharges specified 101478  
under an existing permit without first receiving a permit from the 101479  
director to do so. 101480

(D) No person to whom a sludge management permit has been 101481  
issued shall place on the land or release into the air of the 101482  
state any sludge or sludge materials in excess of the permissive 101483  
amounts specified under the existing sludge management permit 101484  
without first receiving a modification of the existing sludge 101485  
management permit or a new sludge management permit to do so from 101486  
the director. 101487

(E) The director may require the submission of plans, 101488  
specifications, and other information that the director considers 101489  
relevant in connection with the issuance of permits. 101490

(F) This section does not apply to any of the following: 101491

(1) Waters used in washing sand, gravel, other aggregates, or 101492  
mineral products when the washing and the ultimate disposal of the 101493  
water used in the washing, including any sewage, industrial waste, 101494  
or other wastes contained in the waters, are entirely confined to 101495  
the land under the control of the person engaged in the recovery 101496  
and processing of the sand, gravel, other aggregates, or mineral 101497  
products and do not result in the pollution of waters of the 101498  
state; 101499

(2) Water, gas, or other material injected into a well to 101500  
facilitate, or that is incidental to, the production of oil, gas, 101501  
artificial brine, or water derived in association with oil or gas 101502

production and disposed of in a well, in compliance with a permit 101503  
issued under Chapter 1509. of the Revised Code, or sewage, 101504  
industrial waste, or other wastes injected into a well in 101505  
compliance with an injection well operating permit. Division 101506  
(F)(2) of this section does not authorize, without a permit, any 101507  
discharge that is prohibited by, or for which a permit is required 101508  
by, regulation of the United States environmental protection 101509  
agency. 101510

(3) Application of any materials to land for agricultural 101511  
purposes or runoff of the materials from that application or 101512  
pollution by residual farm products, manure, or soil sediment, 101513  
including attached substances, resulting from farming, 101514  
silvicultural, or earthmoving activities regulated by Chapter 307. 101515  
or 939. of the Revised Code. Division (F)(3) of this section does 101516  
not authorize, without a permit, any discharge that is prohibited 101517  
by, or for which a permit is required by, the Federal Water 101518  
Pollution Control Act or regulations adopted under it. As used in 101519  
division (F)(3) of this section, "residual farm products" and 101520  
"manure" have the same meanings as in section 939.01 of the 101521  
Revised Code. 101522

(4) The excrement of domestic and farm animals defecated on 101523  
land or runoff therefrom into any waters of the state. Division 101524  
(F)(4) of this section does not authorize, without a permit, any 101525  
discharge that is prohibited by, or for which a permit is required 101526  
by, the Federal Water Pollution Control Act or regulations adopted 101527  
under it. 101528

(5) On and after the date on which the United States 101529  
environmental protection agency approves the NPDES program 101530  
submitted by the director of agriculture under section 903.08 of 101531  
the Revised Code, any discharge that is within the scope of the 101532  
approved NPDES program submitted by the director of agriculture; 101533

(6) The discharge of sewage, industrial waste, or other 101534

wastes into a sewerage system tributary to a treatment works. 101535  
Division (F)(6) of this section does not authorize any discharge 101536  
into a publicly owned treatment works in violation of a 101537  
pretreatment program applicable to the publicly owned treatment 101538  
works. 101539

(7) A household sewage treatment system or a small flow 101540  
on-site sewage treatment system, as applicable, as defined in 101541  
section 3718.01 of the Revised Code that is installed in 101542  
compliance with Chapter 3718. of the Revised Code and rules 101543  
adopted under it. Division (F)(7) of this section does not 101544  
authorize, without a permit, any discharge that is prohibited by, 101545  
or for which a permit is required by, regulation of the United 101546  
States environmental protection agency. 101547

(8) Exceptional quality sludge generated outside of this 101548  
state and contained in bags or other containers not greater than 101549  
one hundred pounds in capacity. As used in division (F)(8) of this 101550  
section, "exceptional quality sludge" has the same meaning as in 101551  
division (Y) of section 3745.11 of the Revised Code. 101552

(G) The holder of a permit issued under section 402 (a) of 101553  
the Federal Water Pollution Control Act need not obtain a permit 101554  
for a discharge authorized by the permit until its expiration 101555  
date. Except as otherwise provided in this division, the director 101556  
of environmental protection shall administer and enforce those 101557  
permits within this state and may modify their terms and 101558  
conditions in accordance with division (J) of section 6111.03 of 101559  
the Revised Code. On and after the date on which the United States 101560  
environmental protection agency approves the NPDES program 101561  
submitted by the director of agriculture under section 903.08 of 101562  
the Revised Code, the director of agriculture shall administer and 101563  
enforce those permits within this state that are issued for any 101564  
discharge that is within the scope of the approved NPDES program 101565  
submitted by the director of agriculture. 101566

**Sec. 6111.046.** (A) Each person who is issued an injection well operating permit or a renewal of an injection well operating permit for a class I injection well shall pay an annual permit fee of twelve thousand five hundred dollars, except that a person who is issued such a permit or renewal of such a permit for a class I injection well that disposes of any hazardous waste identified or listed in rules adopted under section 3734.12 of the Revised Code and that is located on the premises where the hazardous waste injected into the well is generated shall pay an annual permit fee of thirty thousand dollars. The appropriate permit fee shall be paid to the director of environmental protection within thirty days after the issuance of the injection well operating permit or renewal of such a permit. Annually thereafter during the term of the permit or renewal, the appropriate annual permit fee shall be paid to the director on or before the anniversary of the date of issuance of the injection well operating permit or renewal of such a permit. The director, by rules adopted in accordance with Chapter 119. of the Revised Code, shall prescribe the procedures for collecting the annual permit fees established in this section and may prescribe other requirements necessary to carry out this section.

No person shall fail to comply with this division.

(B) All moneys received by the director under division (A) of this section shall be credited to the underground injection control fund, which is hereby created in the state treasury. Beginning July 1, 1992, and annually thereafter, the director shall request the office of budget and management to, and the office shall, transfer fifteen per cent of the moneys in the fund to the ~~injection well review~~ geological mapping fund created in section ~~1501.022~~ 1505.09 of the Revised Code for the purpose of paying the expenses of the department of natural resources incurred in executing its duties under sections 6111.043 to

6111.047 of the Revised Code. The director shall use the remainder 101599  
of the moneys credited to the underground injection control fund 101600  
solely to administer and enforce the requirements of sections 101601  
6111.043 to 6111.047 of the Revised Code and rules adopted under 101602  
them pertaining to class I injection wells. 101603

**Sec. 6111.14.** The director of environmental protection may 101604  
enter into an agreement with a political subdivision or 101605  
investor-owned public utility that owns or operates a disposal 101606  
system and that intends to extend the sewerage lines of its 101607  
disposal system or to increase the number of service connections 101608  
to its sewerage system, which agreement authorizes a qualified 101609  
official or employee of the political subdivision or 101610  
investor-owned public utility, as determined by the director, to 101611  
review plans for the extension of the sewerage system or increase 101612  
in the number of service connections for compliance with this 101613  
chapter and the rules adopted under it and to certify to the 101614  
director whether the plans comply with this chapter and the rules 101615  
adopted under it. If, pursuant to such an agreement, the official 101616  
or employee of the political subdivision or investor-owned public 101617  
utility designated in the agreement certifies to the director that 101618  
the plans comply with this chapter and the rules adopted under it 101619  
and if the plans and certification are accompanied by an 101620  
administrative service fee calculated in accordance with division 101621  
(L)~~(4)~~(2) of section 3745.11 of the Revised Code, the director, by 101622  
final action, shall approve the plans without further review. The 101623  
director or the director's authorized representative may inspect 101624  
the construction or installation of an extension of a sewerage 101625  
system or additional service connections for which plans have been 101626  
approved under this section. 101627

The approval of plans by the director pursuant to this 101628  
section constitutes the approval of the plans for the purposes of 101629  
any rules adopted under division (E) of section 6111.03 of the 101630

Revised Code that require the approval of plans for extensions of 101631  
sewerage systems or increases in the number of service connections 101632  
to sewerage systems. 101633

As used in this section, "investor-owned public utility" 101634  
means a person, other than an individual, that is a sewage 101635  
disposal system company, as defined in section 4905.03 of the 101636  
Revised Code, and that is not owned or operated by a municipal 101637  
corporation or operated not-for-profit. 101638

**Sec. 6111.30.** (A) Applications for a section 401 water 101639  
quality certification required under division ~~(P)~~(O) of section 101640  
6111.03 of the Revised Code shall be submitted on forms provided 101641  
by the director of environmental protection and shall include all 101642  
information required on those forms as well as all of the 101643  
following: 101644

(1) A copy of a letter from the United States army corps of 101645  
engineers documenting its jurisdiction over the wetlands, streams, 101646  
or other waters of the state that are the subject of the section 101647  
401 water quality certification application; 101648

(2) If the project involves impacts to a wetland, a wetland 101649  
characterization analysis consistent with the Ohio rapid 101650  
assessment method; 101651

(3) If the project involves a stream for which a specific 101652  
aquatic life use designation has not been made, data sufficient to 101653  
determine the existing aquatic life use; 101654

(4) A specific and detailed mitigation proposal, including 101655  
the location and proposed real estate instrument or other 101656  
available mechanism for protecting the property long term; 101657

(5) Applicable fees; 101658

(6) Site photographs; 101659

(7) Adequate documentation confirming that the applicant has 101660



requested comments from the department of natural resources and 101661  
the United States fish and wildlife service regarding threatened 101662  
and endangered species, including the presence or absence of 101663  
critical habitat; 101664

(8) Descriptions, schematics, and appropriate economic 101665  
information concerning the applicant's preferred alternative, 101666  
nondegradation alternatives, and minimum degradation alternatives 101667  
for the design and operation of the project; 101668

(9) The applicant's investigation report of the waters of the 101669  
United States in support of a section 404 permit application 101670  
concerning the project; 101671

(10) A copy of the United States army corps of engineers' 101672  
public notice regarding the section 404 permit application 101673  
concerning the project. 101674

(B) Not later than fifteen business days after the receipt of 101675  
an application for a section 401 water quality certification, the 101676  
director shall review the application to determine if it is 101677  
complete and shall notify the applicant in writing as to whether 101678  
the application is complete. If the director fails to notify the 101679  
applicant within fifteen business days regarding the completeness 101680  
of the application, the application is considered complete. If the 101681  
director determines that the application is not complete, the 101682  
director shall include with the written notification an itemized 101683  
list of the information or materials that are necessary to 101684  
complete the application. If the applicant fails to provide the 101685  
information or materials within sixty days after the director's 101686  
receipt of the application, the director may return the incomplete 101687  
application to the applicant and take no further action on the 101688  
application. If the application is returned to the applicant 101689  
because it is incomplete, the director shall return the review fee 101690  
levied under division (A)(1), (2), or (3) of section 3745.114 of 101691  
the Revised Code to the applicant, but shall retain the 101692

application fee levied under that section. 101693

(C) Not later than twenty-one days after a determination that 101694  
an application is complete under division (B) of this section, the 101695  
applicant shall publish public notice of the director's receipt of 101696  
the complete application in a newspaper of general circulation in 101697  
the county in which the project that is the subject of the 101698  
application is located. The public notice shall be in a form 101699  
acceptable to the director. The applicant shall promptly provide 101700  
the director with proof of publication. The applicant may choose, 101701  
subject to review by and approval of the director, to include in 101702  
the public notice an advertisement for an antidegradation public 101703  
hearing on the application pursuant to section 6111.12 of the 101704  
Revised Code. There shall be a public comment period of thirty 101705  
days following the publication of the public notice. 101706

(D) If the director determines that there is significant 101707  
public interest in a public hearing as evidenced by the public 101708  
comments received concerning the application and by other requests 101709  
for a public hearing on the application, the director or the 101710  
director's representative shall conduct a public hearing 101711  
concerning the application. Notice of the public hearing shall be 101712  
published by the applicant, subject to review and approval by the 101713  
director, at least thirty days prior to the date of the hearing in 101714  
a newspaper of general circulation in the county in which the 101715  
project that is the subject of the application is to take place. 101716  
If a public hearing is requested concerning an application, the 101717  
director shall accept comments concerning the application until 101718  
five business days after the public hearing. A public hearing 101719  
conducted under this division shall take place not later than one 101720  
hundred days after the application is determined to be complete. 101721

(E) The director shall forward all public comments concerning 101722  
an application submitted under this section that are received 101723  
through the public involvement process required by rules adopted 101724

under this chapter to the applicant not later than five business days after receipt of the comments by the director.

(F) The applicant shall respond in writing to written comments or to deficiencies identified by the director during the course of reviewing the application not later than fifteen days after receiving or being notified of them.

(G) The director shall issue or deny a section 401 water quality certification not later than one hundred eighty days after the complete application for the certification is received. The director shall provide an applicant for a section 401 water quality certification with an opportunity to review the certification prior to its issuance.

(H) The director shall maintain an accessible database that includes environmentally beneficial water restoration and protection projects that may serve as potential mitigation projects for projects in the state for which a section 401 water quality certification is required. A project's inclusion in the database does not constitute an approval of the project.

(I) Mitigation required by a section 401 water quality certification may be accomplished by any of the following:

(1) Purchasing credits at a mitigation bank approved in accordance with 33 C.F.R. 332.8;

(2) Participating in an in-lieu fee mitigation program approved in accordance with 33 C.F.R. 332.8;

(3) Constructing individual mitigation projects.

Notwithstanding the mitigation hierarchy specified in section 3745-1-54 of the Administrative Code, mitigation projects shall be approved in accordance with the hierarchy specified in 33 C.F.R. 332.3 unless the director determines that the size or quality of the impacted resource necessitates reasonably identifiable,

available, and practicable mitigation conducted by the applicant. 101755  
The director shall adopt rules in accordance with Chapter 119. of 101756  
the Revised Code consistent with the mitigation hierarchy 101757  
specified in 33 C.F.R. 332.3. 101758

(J) The director may establish a program and adopt rules in 101759  
accordance with Chapter 119. of the Revised Code for the purpose 101760  
of certifying water quality professionals to assess streams to 101761  
determine existing aquatic life use and to categorize wetlands in 101762  
support of applications for section 401 water quality 101763  
certification under divisions (A)(2) and (3) of this section and 101764  
isolated wetland permits under sections 6111.022 to 6111.024 of 101765  
the Revised Code. The director shall use information submitted by 101766  
certified water quality professionals in the review of those 101767  
applications. 101768

Rules adopted under this division shall do all of the 101769  
following: 101770

(1) Provide for the certification of water quality 101771  
professionals to conduct activities in support of applications for 101772  
section 401 water quality certification and isolated wetland 101773  
permits, including work necessary to determine existing aquatic 101774  
life use of streams and categorize wetlands. Rules adopted under 101775  
division (J)(1) of this section shall do at least all of the 101776  
following: 101777

(a) Authorize the director to require an applicant for water 101778  
quality professional certification to submit information 101779  
considered necessary by the director to assess a water quality 101780  
professional's experience in conducting stream assessments and 101781  
wetlands categorizations; 101782

(b) Authorize the director to establish experience 101783  
requirements and to use tests to determine the competency of 101784  
applicants for water quality professional certification; 101785

(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements;

(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials;

(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal.

(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications;

(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section;

(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;

(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland

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permit upon the request of the director; 101817

(6) Authorize random audits by the director of documentation 101818  
developed or submitted by certified water quality professionals to 101819  
ensure compliance with requirements established in rules adopted 101820  
under division (J)(7) of this section; 101821

(7) Establish technical standards to be used by certified 101822  
water quality professionals in conducting stream assessments and 101823  
wetlands categorizations. 101824

(K) As used in this section and section 6111.31 of the 101825  
Revised Code, "section 401 water quality certification" means 101826  
certification pursuant to section 401 of the Federal Water 101827  
Pollution Control Act and this chapter and rules adopted under it 101828  
that any discharge, as set forth in section 401, will comply with 101829  
sections 301, 302, 303, 306, and 307 of the Federal Water 101830  
Pollution Control Act. 101831

Sec. 6111.61. (A) Not later than ninety days after the 101832  
effective date of this section, the governor, pursuant to 33 101833  
U.S.C. 1288, shall designate an areawide waste treatment 101834  
management organization for central Ohio called clean water 101835  
central Ohio, which is hereby created. After such designation, 101836  
clean water central Ohio shall be responsible for waste treatment 101837  
planning under 33 U.S.C. 1288 for Franklin county, and for those 101838  
portions of Delaware, Licking, Fairfield, Pickaway, and Union 101839  
counties that are served by the Columbus municipal water and 101840  
sewerage system. 101841

(B)(1) Not later than ninety days after the designation of 101842  
clean water central Ohio, the governor shall appoint an initial 101843  
governing board for it consisting of nine members. As determined 101844  
by the most recent federal decennial census, three of the initial 101845  
members shall represent the most populous municipal corporation 101846  
within clean water central Ohio's jurisdiction. The remaining 101847

initial members shall represent the next six most populous 101848  
municipal corporations within such jurisdiction. 101849

(2) Each of the initial nine members of the governing board 101850  
shall serve a two-year term. Before the expiration of the initial 101851  
terms, the governing board shall adopt a resolution specifying the 101852  
manner by which subsequent members of the governing board are 101853  
selected and the term of office for those members. The resolution 101854  
may establish additional procedures necessary for the operation of 101855  
the board. A resolution adopted under division (B)(2) of this 101856  
section may be subsequently amended. However, in all cases, the 101857  
resolution shall require three members of the board to represent 101858  
the most populous municipal corporation within clean water central 101859  
Ohio's jurisdiction and the remaining six members to equitably 101860  
represent all other municipal corporations within that 101861  
jurisdiction. 101862

(C) Clean water central Ohio shall coordinate with the 101863  
director of environmental protection to amend any existing plan 101864  
established under 33 U.S.C. 1288 that is applicable to the area 101865  
within the jurisdiction of clean water central Ohio, or create a 101866  
new plan for that area. 101867

(D) In executing its duties, clean water central Ohio shall 101868  
comply with the requirements of 33 U.S.C. 1288 and all other 101869  
applicable requirements of the "Federal Water Pollution Control 101870  
Act" and regulations promulgated under it. 101871

**Sec. 6111.62.** (A) Not later than one year after the effective 101872  
date of this section, an entity responsible for waste treatment 101873  
management planning under 33 U.S.C. 1288, including the 101874  
environmental protection agency, shall do both of the following 101875  
with regard to each waste treatment management plan over which the 101876  
entity has authority: 101877

(1) Determine if any element of each plan conflicts with or 101878

supersedes any of the authorizations or requirements established 101879  
under section 6117.38 of the Revised Code, including the authority 101880  
of a county sewer district to enter into a contract under that 101881  
section; 101882

(2) If any element of a plan does conflict with or supersede 101883  
any such authorizations or requirements, amend the plan to 101884  
eliminate the conflicting or superseding element. 101885

(B) An entity required to amend a plan under division (A) of 101886  
this section shall take all actions necessary to amend the plan, 101887  
including complying with 33 U.S.C. 1288 and any other applicable 101888  
provision of the "Federal Water Pollution Control Act" and 101889  
regulations promulgated under it. 101890

(C) On and after the effective date of this section, no 101891  
entity responsible for waste treatment management planning under 101892  
33 U.S.C. 1288, including the environmental protection agency, 101893  
shall do either of the following: 101894

(1) Adopt a plan under 33 U.S.C. 1288 that conflicts with or 101895  
supersedes any of the authorizations or requirements established 101896  
under section 6117.38 of the Revised Code, including the authority 101897  
of a county sewer district to enter into a contract under that 101898  
section; 101899

(2) Amend a plan under 33 U.S.C. 1288 so that the plan 101900  
includes an element that conflicts with or supersedes any of the 101901  
authorizations or requirements established under section 6117.38 101902  
of the Revised Code, including the authority of a county sewer 101903  
district to enter into a contract under that section. 101904

**Sec. 6117.38.** ~~(A) At any time after~~ (1) After the formation 101905  
of any county sewer district, the board of county commissioners, 101906  
~~when it considers it appropriate, on application by a person or~~ 101907  
~~public agency for the provision of sewerage or drainage to~~ 101908



~~properties of the person or public agency located outside of the~~ 101909  
~~district,~~ may contract with the a person, political subdivision, 101910  
unincorporated area, or public agency located outside of the 101911  
district for depositing any of the following: 101912

(a) Depositing sewage or drainage from ~~those properties~~ 101913  
outside of the district in facilities acquired or constructed or 101914  
to be acquired or constructed by the county to serve the district 101915  
~~and for the;~~ 101916

(b) The treatment, disposal, and disposition of the sewage or 101917  
drainage, on terms that the board considers equitable; 101918

(c) The provision of water supply services. The 101919

(2) A person, political subdivision, unincorporated area, or 101920  
public agency located outside of a county sewer district may apply 101921  
to the board of county commissioners for the provision of the 101922  
services specified in division (A)(1)(a), (b), or (c) of this 101923  
section. 101924

(3) The amount to be paid by the person, political 101925  
subdivision, unincorporated area, or public agency to reimburse 101926  
the county for costs of acquiring or constructing those facilities 101927  
shall not be less than the original or comparable assessment for 101928  
similar property within the district or, in the absence of an 101929  
original or comparable assessment, an amount that is found by the 101930  
board to be reasonable and fairly reflective of that portion of 101931  
the cost of those facilities attributable to the properties to be 101932  
served. The board shall appropriate any moneys received for that 101933  
service to and for the use and benefit of the district. The board 101934  
may collect the amount to be paid by the person, political 101935  
subdivision, unincorporated area, or public agency in full, in 101936  
cash or in installments as a part of a connection charge to be 101937  
collected in accordance with division (B) or (D) of section 101938  
6117.02 of the Revised Code, or if the properties to be served are 101939

located within the county, the same amount may be assessed against 101940  
those properties, and, in that event, the manner of making the 101941  
assessment, together with the notice of it, shall be as provided 101942  
in this chapter. 101943

(B) Whenever sanitary or drainage facilities or prevention or 101944  
replacement facilities have been acquired or constructed by, and 101945  
at the expense of, a person, political subdivision, unincorporated 101946  
area, or public agency and the board considers it appropriate to 101947  
acquire the facilities or any part of them for the purpose of 101948  
providing sewerage or drainage service to territory within a sewer 101949  
district, the county sanitary engineer, at the direction of the 101950  
board, shall examine the facilities. If the county sanitary 101951  
engineer finds the facilities properly designed and constructed, 101952  
the county sanitary engineer shall certify that fact to the board. 101953  
The board may determine to purchase the facilities or any part of 101954  
them at a cost that, after consultation with the county sanitary 101955  
engineer, it finds to be reasonable. 101956

Subject to and in accordance with this division and division 101957  
(B) or divisions (C), (D), and (E) of section 6117.06 of the 101958  
Revised Code, the board may purchase the facilities or any part of 101959  
them by negotiation. For the purpose of paying the cost of their 101960  
acquisition, the board may issue or incur public obligations and 101961  
assess the entire cost, or a lesser designated part of the cost, 101962  
of their acquisition against the benefited properties in the 101963  
manner provided in this chapter for the construction of original 101964  
or comparable facilities. 101965

(C) As used in this section, "located outside of the 101966  
district" includes an area located in a different county than the 101967  
county in which the county sewer district is located. 101968

**Sec. 6301.01.** As used in this chapter: 101969

(A) "Local area" means ~~any of the following:~~ 101970

~~(1) A municipal corporation that is authorized to administer and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, under this chapter and is not joining in partnership with any other political subdivisions in order to do so;~~ 101971  
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~~(2) A single county;~~ 101976

~~(3) A consortium of any of the following political subdivisions:~~ 101977  
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~~(a) A group of two or more counties in the state;~~ 101979

~~(b) One or more counties and one municipal corporation in the state;~~ 101980  
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~~(c) One or more counties with or without one municipal corporation in the state and one or more counties with or without one municipal corporation in another state, on the condition that those in another state share a labor market area with those in the state.~~ 101982  
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~~"Local area" does not mean a region for purposes of determinations concerning administrative incentives.~~ 101987  
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~~(B) "Municipal corporation" means a municipal corporation that is eligible for automatic or temporary designation as a local workforce investment area pursuant to section 116(a)(2) or (3) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2831(a)(2) or (3), but that does not request that the governor grant such automatic or temporary designation, and that instead elects to administer and enforce workforce development activities pursuant to this chapter.~~ 101989  
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~~(C) "County" means a county that is eligible to be designated as a local workforce investment area pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, but that does not request such designation, and instead~~ 101997  
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~~elects to administer and enforce workforce development activities pursuant to this chapter.~~ 102001  
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~~(D) "Workforce development agency" means the entity given responsibility for workforce development activities that is designated by the board of county commissioners in accordance with section 330.04 of the Revised Code, the chief elected official of a municipal corporation in accordance with section 763.05 of the Revised Code, or the chief elected officials of a local area defined in division (A)(3) of this section a local workforce development area designated under section 106 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3121, pursuant to this chapter.~~ 102003  
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~~(E)(B) "Workforce development activity" means a program, grant, or other function, the primary goal of which is to do one or more of the following:~~ 102013  
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~~(1) Help individuals maximize their employment opportunities;~~ 102016

~~(2) Help employers gain access to skilled workers;~~ 102017

~~(3) Help employers retain skilled workers;~~ 102018

~~(4) Help develop or enhance the skills of incumbent workers;~~ 102019

~~(5) Improve the quality of the state's workforce;~~ 102020

~~(6) Enhance the productivity and competitiveness of the state's economy an activity carried out through a workforce development system.~~ 102021  
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~~(F)(C) "Chief elected official or officials," when used in reference to a local area, means the ~~board of county commissioners of the county or of each county in the local area or, if the county has adopted a charter under Section 3 of Article X, Ohio Constitution, the chief governing body of that county, and the chief elected official of the municipal corporation, if the local area includes a municipal corporation, except that when the local~~~~ 102024  
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~~area is the type defined in division (A)(1) of this section,~~ 102031  
~~"chief elected officials" means the chief elected official of the~~ 102032  
~~municipal corporation~~ chief elected executive officer of a unit of 102033  
general local government in the local area or, in the case of a 102034  
local area that includes more than one unit of general local 102035  
government, the individual or individuals designated under an 102036  
agreement described in section 107 of the Workforce Innovation and 102037  
Opportunity Act, 29 U.S.C. 3122. 102038

~~(G)(D)~~ "State board" means the governor's executive workforce 102039  
board ~~established by~~ required under section 101 of the Workforce 102040  
Innovation and Opportunity Act, 29 U.S.C. 3111, and established 102041  
pursuant to section 6301.04 of the Revised Code. 102042

~~(H)(E)~~ "Local board" means a local workforce investment 102043  
development board established ~~in each local area of the state and~~ 102044  
~~certified by the governor to set policy for the portion of the~~ 102045  
~~statewide workforce investment system within the local area and~~ 102046  
~~implement the "Workforce Investment Act of 1998," 112 Stat. 936,~~ 102047  
~~29 U.S.C. 2801~~ under section 107 of the Workforce Innovation and 102048  
Opportunity Act, 29 U.S.C. 3122. 102049

~~(I)(F)~~ "OhioMeansJobs web site" means the statewide 102050  
electronic system for labor exchange and job placement activity 102051  
operated by the state. 102052

(G) "OhioMeansJobs center" means a physical one-stop center 102053  
described in section 121(e)(2) of the Workforce Innovation and 102054  
Opportunity Act, 29 U.S.C. 3151(e)(2). 102055

(H) "OhioMeansJobs center operator" means an entity or a 102056  
consortium of entities designated or certified through a 102057  
competitive process to operate a one-stop center under section 102058  
121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 102059  
3151(d). 102060

(I) "Planning region" means an area consisting of two or more 102061

local areas that are collectively aligned to engage in the 102062  
regional planning process outlined in section 106(c)(1) of the 102063  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1). 102064

(J) "Workforce Innovation and Opportunity Act" means the 102065  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 102066  
seq., or other citation as specifically provided. 102067

**Sec. 6301.02.** The director of job and family services shall 102068  
administer the Workforce Innovation and Opportunity Act, the 102069  
former "Workforce Investment Act of 1998," 112 Stat. 936, 29 102070  
U.S.C.A. 2801 Pub. L. No. 105-220, as amended, and the 102071  
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 102072  
amended, and the funds received pursuant to those acts. In 102073  
administering those acts and funds received pursuant to those 102074  
acts, the director shall assist the state board in establishing 102075  
and administering a workforce development system that is designed 102076  
to provide leadership, support, and oversight to locally designed 102077  
workforce development systems. The director shall conduct 102078  
investigations and hold hearings as necessary for the 102079  
administration of this chapter. 102080

To the extent permitted by state and federal law, the 102081  
director may adopt rules pursuant to Chapter 119. of the Revised 102082  
Code to establish any program or pilot program for the purposes of 102083  
providing workforce development activities or ~~family services to~~ 102084  
~~individuals who do not meet eligibility criteria for those~~ 102085  
~~activities or~~ services under applicable federal law. Prior to the 102086  
initiation of any program of that nature, the director of budget 102087  
and management shall certify to the governor that sufficient funds 102088  
are available to administer a program of that nature. The director 102089  
of job and family services shall advise the state board ~~shall have~~ 102090  
~~final approval~~ of any such program. 102091

Unless otherwise prohibited by state or federal law, every 102092

state agency, board, or commission shall provide to the state 102093  
board and the director all information and assistance requested by 102094  
the state board and the director in furtherance of workforce 102095  
development activities. 102096

**Sec. 6301.03.** (A) In administering the Workforce Innovation 102097  
and Opportunity Act, the former "Workforce Investment Act of 102098  
1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as 102099  
amended, and the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 102100  
U.S.C.A. 49, as amended, the funds received pursuant to those 102101  
acts, and the workforce development system, the director of job 102102  
and family services may, ~~at the direction of~~ in consultation with 102103  
the state board, make allocations and payment of funds for the 102104  
local administration of the workforce development activities 102105  
established under this chapter. 102106

(B) The director shall allocate to local areas all funds 102107  
required to be allocated to local areas pursuant to the Workforce 102108  
Innovation and Opportunity Act, and the former "Workforce 102109  
Investment Act of 1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. 102110  
No. 105-220, as amended. The director shall make allocations only 102111  
with funds available. Local areas, as defined by either section 102112  
101 of the former "Workforce Investment Act of 1998," 112 Stat. 102113  
936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as amended, or section 102114  
6301.01 of the Revised Code, and subrecipients of a local area 102115  
shall establish a workforce development fund and the entity 102116  
receiving funds shall deposit all funds received under this 102117  
section into the workforce development fund. All expenditures for 102118  
activities funded under this section shall be made from the 102119  
workforce development fund, including reimbursements to a county 102120  
public assistance fund for expenditures made for activities funded 102121  
under this section. 102122

(C) The use of funds, reporting requirements, and other 102123

administrative and operational requirements governing the use of 102124  
funds received by the director pursuant to this section shall be 102125  
governed by internal management rules adopted by ~~and approved by~~ 102126  
the ~~state board~~ director pursuant to section 111.15 of the Revised 102127  
Code. 102128

(1) A local area described in division (B) of this section 102129  
shall use the OhioMeansJobs web site as the labor exchange and job 102130  
placement system for the area. 102131

(2) No additional federal or state workforce funds shall be 102132  
used to build or maintain any labor exchange and job placement 102133  
system that is duplicative to the OhioMeansJobs web site. 102134

(D) To the extent permitted by state or federal law, the 102135  
~~director, and local areas, counties, and municipal corporations~~ 102136  
authorized to administer workforce development activities may 102137  
assess a fee for specialized services requested by an employer. 102138  
The director shall adopt rules pursuant to Chapter 119. of the 102139  
Revised Code governing the nature and amount of those types of 102140  
fees. 102141

**Sec. 6301.04.** (A) The governor shall establish a state board 102142  
~~and. The state board shall consist of the following members:~~ 102143

(1) The governor; 102144

(2) Two members of the house of representatives, appointed by 102145  
the speaker of the house of representatives; 102146

(3) Two members of the senate, appointed by the president of 102147  
the senate; 102148

(4) Members required under section 101(b)(1)(C) of the 102149  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C); 102150

(5) Any additional members appointed by the governor. 102151

(B) The governor shall appoint members to the board, who 102152



serve at the governor's pleasure, to perform duties under the 102153  
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 102154  
~~2801, as amended~~ Workforce Innovation and Opportunity Act, as 102155  
authorized by the governor. ~~The~~ 102156

(C) ~~The~~ board is not subject to sections 101.82 to 101.87 of 102157  
the Revised Code. ~~All~~ 102158

(D) ~~All~~ state agencies engaged in workforce development 102159  
activities shall assist the board in the performance of its 102160  
duties. 102161

(E) The board shall have the power and authority to do all of 102162  
the following: 102163

~~(A) Provide oversight and policy direction to ensure that the 102164  
state workforce development activities are aligned and serving the 102165  
needs of the state's employers, incumbent workers, and job 102166  
seekers;~~ 102167

~~(B) Adopt rules necessary to administer state workforce 102168  
development activities;~~ 102169

~~(C) Adopt rules necessary for the auditing and monitoring of 102170  
subrecipients of the workforce development system grant funds;~~ 102171

~~(D) Designate local workforce investment areas in accordance 102172  
with 29 U.S.C. 2831;~~ 102173

~~(E) Develop a unified budget for all state and federal 102174  
workforce funds;~~ 102175

~~(F) Establish a statewide employment and data collection 102176  
system;~~ 102177

~~(G) Develop statewide performance measures for workforce 102178  
development and investment;~~ 102179

(H)(1) Develop a, implement, and modify the state workforce 102180  
development plan; 102181

~~(I) Prepare the annual report to the United States secretary of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;~~ 102182  
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~~(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor~~ 102185  
(2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system; 102186  
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(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures; 102191  
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(4) Continue to identify and disseminate information on promising practices in the area of workforce development; 102195  
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(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor. 102197  
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**Sec. 6301.05.** The chief elected official of a local area shall enter into a written grant agreement with the director of job and family services in accordance with section 5101.20 of the Revised Code. 102200  
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A grant agreement entered into pursuant to this section shall include the responsibility of ~~municipal corporations and the board of county commissioners~~ the chief elected official or officials to be accountable to the department of job and family services for the use of funds provided through the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended~~ Workforce Innovation and Opportunity Act, including regulations issued by the United States department of labor pursuant to that act. 102204  
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~~Sec. 6301.06. (A) The chief elected official or officials of a local area shall create a local board, which shall consist of the following individuals:~~

~~(1) The chief elected official from the municipal corporation with the largest population in the local area, except that if the municipal corporation is a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, the chief elected official of that municipal corporation may determine whether to be a member of the board. Notwithstanding division (B) of section 6301.01 of the Revised Code, as used in division (A)(1) of this section, "municipal corporation" means any municipal corporation.~~

~~(2) The following individuals appointed to the board by the chief elected officials of the local area, who shall make those appointments according to all of the following specifications:~~

~~(a) At least five members of the board shall be representatives of private sector businesses in the general labor market area that includes that local area, and shall be appointed from among individuals nominated by local business organizations and business trade associations. Among these members, at least one shall represent small businesses, at least one shall represent medium-sized businesses, and at least one shall represent large businesses. When determining what constitutes small, medium-sized, and large businesses for purposes of this division, the chief elected officials of the local area shall define those sizes as those sizes are generally understood within the labor market area that includes that local area. A majority of the members of the board shall be representatives of private sector businesses.~~

~~(b) At least two members of the board shall represent organized labor and shall be appointed from nominations submitted by local federations of labor representing workers employed in the local area.~~

~~(c) At least two members of the board shall be  
representatives of local educational entities. For purposes of  
this division, "local educational entities" includes local  
educational agencies, school district boards of education,  
entities providing educational and literacy activities, and  
post-secondary educational institutions.~~

~~(d) At least one member of the board shall be a  
representative of consumers of workforce development activities.~~

~~(e) Any other individuals the chief elected officials of the  
local area determine are necessary to carry out the functions  
described in section 107(d) of the Workforce Innovation and  
Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or  
officials shall appoint members of the local board in accordance  
with the requirements of section 107(b)(2) of the Workforce  
Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2).~~

(B) Members of the local board serve at the pleasure of the  
chief elected official or officials of the local area. Members  
shall not be compensated but may be reimbursed for actual,  
reasonable, and necessary expenses incurred in the performance of  
their duties as board members. Those expenses shall be paid from  
funds allocated pursuant to section 6301.03 of the Revised Code.

The chief elected official or officials of a local area may  
provide office space, staff, or other administrative support as  
needed to the board. For purposes of section 102.02 of the Revised  
Code, members of the board are not public officials or employees.

(C) The chief elected official or officials of a local area  
~~other than a local area as defined in division (A)(1) of section  
6301.01 of the Revised Code, shall coordinate the workforce  
development activities of the county family services planning  
committees and the local boards in the local area in any manner  
that is efficient and effective to meet the needs of the local~~

~~area. The chief elected officials of the local area may, but are not required to, consolidate all boards and committees as they determine appropriate into a single board for purposes of workforce development activities. A majority of the members of that consolidated board shall represent private sector businesses. The membership of that consolidated board shall include a representative from each group granted representation as described in division (A) of this section and also a member who represents consumers of family services and a member who represents the county department of job and family services. The membership of that consolidated board may include a representative of one or more groups and entities that may be represented on a county family services planning committee, as specified in section 329.06 of the Revised Code shall adopt a process for appointing members to the local board for the local area.~~

(D)(1) The requirement in division (C) of section 121.22 of the Revised Code that a member of a public body be present in person at a meeting open to the public to be part of a quorum or to vote does not apply to the local board if the board holds the meeting by interactive video conference or by teleconference in the following manner:

(a) The board establishes a primary meeting location that is open and accessible to the public;

(b) Meeting-related materials that are available before the meeting are sent via electronic mail, facsimile, hand-delivery, or United States postal service to each board member;

(c) In the case of an interactive video conference, the board causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each board member;

(d) In the case of a teleconference, the board causes a clear

audio connection to be established that enables all meeting participants at the primary meeting location to hear each board member; 102305  
102306  
102307

(e) All board members have the capability to receive meeting-related materials that are distributed during a board meeting; 102308  
102309  
102310

(f) A roll call voice vote is recorded for each vote taken; 102311  
and 102312

(g) The minutes of the board meeting identify which board members remotely attended the meeting by interactive video conference or teleconference. 102313  
102314  
102315

If the board proceeds under this division, use of an interactive video conference is preferred, but nothing in this section prohibits the board from conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting. 102316  
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(2) The board shall adopt rules necessary to implement division (D)(1) of this section. At a minimum, the board shall do all of the following in the rules: 102321  
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102323

(a) Authorize board members to remotely attend a board meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person; 102324  
102325  
102326

(b) Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference; 102327  
102328  
102329  
102330

(c) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location; 102331  
102332  
102333

(d) Establish geographic restrictions for participation in 102334

meetings by interactive video conference and by teleconference; 102335

(e) Establish a policy for distributing and circulating 102336  
meeting-related materials to board members, the public, and the 102337  
media in advance of or during a meeting at which board members are 102338  
permitted to attend by interactive video conference or 102339  
teleconference; 102340

(f) Establish a method for verifying the identity of a board 102341  
member who remotely attends a meeting by teleconference. 102342

(E) The chief elected official or officials of a local area 102343  
may contract with the local board. The parties shall specify in 102344  
the contract the workforce development activities that the local 102345  
board is to administer and shall establish in the contract 102346  
standards, including performance standards, for the local board's 102347  
operation. The contract may include any other provisions that the 102348  
chief elected official or officials consider necessary. 102349

(F) The chief elected official or officials may contract with 102350  
any government or private entity to enhance the administration of 102351  
local workforce development activities for which the local board 102352  
is responsible. The entity with which the chief elected official 102353  
or officials contract is not required to be located in the local 102354  
area in which the chief elected official or officials serve as 102355  
chief elected executive officer. 102356

(G)(1) As used in this division, "public library" means a 102357  
library that is open to the public and that is one of the 102358  
following: 102359

(a) A library that is maintained and regulated under section 102360  
715.13 of the Revised Code; 102361

(b) A library that is created, maintained, and regulated 102362  
under Chapter 3375. of the Revised Code; 102363

(c) A library that is created and maintained by a public or 102364

private school, college, university, or other educational institution; 102365  
102366

(d) A library that is created and maintained by a historical or charitable organization, institution, association, or society. 102367  
102368

(2) Not later than September 1, 2018, and every two years thereafter, an OhioMeansJobs center operator shall enter into a memorandum of understanding with one or more public libraries to facilitate collaboration and coordination of workforce programs and education and job training resources. 102369  
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**Sec. 6301.061.** A board of county commissioners may appoint an advisory committee on workforce development. A committee appointed under this section may do both of the following: 102374  
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102376

(A) Work to further cooperation between the county and other workforce development and economic development related entities including the state, local area ~~one-stop~~ workforce development systems, and private businesses; 102377  
102378  
102379  
102380

(B) Advise the board and other interested parties on ways to maintain and improve the workforce development system of the local area in which the county is a part. 102381  
102382  
102383

**Sec. 6301.07.** (A) For purposes of this section, "performance character" means the career-essential relational attributes that build trust with others, including respect, honesty, integrity, task-excellence, responsibility, and resilience. 102384  
102385  
102386  
102387

(B) Every local board, ~~under the direction and approval of the state board and with the agreement of~~ in partnership with the chief elected official or officials of the local area, ~~and after holding public hearings that allow public comment and testimony,~~ shall ~~prepare a workforce development~~ develop and submit to the governor a comprehensive four-year local plan. The local plan shall ~~accomplish~~ support the strategy described in the state plan 102388  
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and shall contain descriptions of the activities of the local board as outlined in section 108 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3123, including all of the following: 102395  
102396  
102397

(1) ~~Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills and performance character necessary to obtain and succeed in those opportunities;~~ 102398  
102399  
102400  
Identification of strategic planning elements, including all of the following: 102401  
102402

(a) The strategic vision of the local board; 102403

(b) Goals for preparing an educated and skilled workforce; 102404

(c) The knowledge and skills, including performance character, needed to meet the employment needs of employers in the planning region, including in-demand industry sectors and occupations. 102405  
102406  
102407  
102408

(2) ~~Identify~~ A description of the workforce development system in the local area and how the local board, working with education programs and the entities that carry out core programs, will coordinate activities to expand access to employment, training, education, and supportive services to eligible individuals with barriers to employment to improve service delivery and to avoid duplication; 102409  
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(3) A determination of the local area's workforce development needs for youth, dislocated workers, adults, displaced homemakers, incumbent workers, and any other group of workers identified by the local board adult and dislocated worker employment training activities, including the type and availability of activities needed; 102416  
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102418  
102419  
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102421

~~(3) Determine the distribution of workforce development resources and funding to be distributed for each workforce development activity to meet the identified needs, utilizing the funds allocated pursuant to the "Workforce Investment Act of~~ 102422  
102423  
102424  
102425

1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended; 102426

(4) Give ~~priority to~~ An assessment of the type and 102427  
availability of youth workforce development activities carried out 102428  
in the local area, including activities for youth with 102429  
disabilities and youth receiving independent living services 102430  
pursuant to sections 2151.81 to 2151.84 of the Revised Code ~~when~~ 102431  
~~determining distribution of workforce development resources and~~ 102432  
~~workforce development activity funding;~~ 102433

(5) ~~Review the minimum curriculum required by the state board~~ 102434  
~~for certifying training providers and identify any additional~~ 102435  
~~curriculum requirements to include in contracts between the~~ 102436  
~~training providers and the chief elected officials of the local~~ 102437  
~~area;~~ 102438

~~(6) Establish performance standards for service providers~~ 102439  
~~that reflect local workforce development needs;~~ 102440

~~(7) Describe~~ A description of any other information the chief 102441  
elected official or officials of the local area require; 102442

(6) A description of any other information the governor 102443  
requires. 102444

(C)(1) The local boards of the local areas within a planning 102445  
region and the chief elected officials of those local areas shall 102446  
prepare, submit to, and obtain approval from the state for a 102447  
single regional plan that includes a description of the activities 102448  
described in section 106(c)(1) of the Workforce Innovation and 102449  
Opportunity Act, 29 U.S.C. 3121(c)(1), and that incorporates local 102450  
plans described in division (B) of this section for each local 102451  
area in that region. 102452

(2) The state shall identify regions within the state, and 102453  
designate each region it identifies as one of the following types: 102454

(a) A region consisting of one local area; 102455

(b) A planning region; 102456

(c) An interstate planning region that is contained within 102457  
two or more states and consists of labor market areas, economic 102458  
development areas, or other appropriate contiguous subareas of 102459  
those states. 102460

(D) Before the date on which a local board submits a regional 102461  
or local plan for approval, the local board shall make copies of 102462  
the proposed plan available to the public through electronic and 102463  
other means and allow members of the public to submit comments on 102464  
the proposed plan to the local board. For purposes of this 102465  
division, public hearings and presentation to local news media are 102466  
examples of other means by which a local board may make a proposed 102467  
plan available. 102468

(E) A local board may provide policy guidance and 102469  
recommendations to the chief elected official or officials of a 102470  
local area for any workforce development activities. 102471

~~(D) Nothing in this section prohibits the chief elected~~ 102472  
~~officials of a local area from assigning, through a partnership~~ 102473  
~~agreement, any duties in addition to the duties under this section~~ 102474  
~~to a local board, except that a local board cannot contract with~~ 102475  
~~itself for the direct provision of services in its local area. A~~ 102476  
~~local board may consult with the chief elected officials of its~~ 102477  
~~local area and make recommendations regarding the workforce~~ 102478  
~~development activities provided in its local area at any time.~~ 102479

**Sec. 6301.08.** Every local area shall ~~participate in a~~ 102480  
~~one-step~~ establish and administer a local workforce development 102481  
system for workforce development activities. Each board of county 102482  
~~commissioners and the~~ The chief elected official or officials of a 102483  
~~municipal corporation~~ local area shall ensure that at least one 102484  
~~delivery method~~ comprehensive OhioMeansJobs center is available in 102485  
the local area, either through a physical location, or. An 102486

OhioMeansJobs center may be supported by electronic means approved 102487  
by the ~~state board, director of job and family services~~ for the 102488  
provision of workforce development activities. 102489

~~Within six months after the effective date of this amendment,~~ 102490  
~~every local area described in division (B) of section 6301.03 of~~ 102491  
~~the Revised Code~~ Every OhioMeansJobs center shall name its 102492  
~~one stop system as~~ be named "OhioMeansJobs (name of county)" 102493  
County." 102494

~~A one stop system may~~ Every OhioMeansJobs center shall be 102495  
~~operated by a private entity or a public agency, including a~~ 102496  
~~workforce development agency, any existing facility or~~ 102497  
~~organization that is established to administer workforce~~ 102498  
~~development activities in the local area, and a county family~~ 102499  
~~services agency~~ an OhioMeansJobs center operator. 102500

~~A one stop~~ The local workforce development system shall 102501  
include representatives of all the partners required under the 102502  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 102503  
~~2801, as amended. In addition, a one stop system shall include at~~ 102504  
~~least one representative from a county department of job and~~ 102505  
~~family services~~ Workforce Innovation and Opportunity Act. 102506

**Sec. 6301.09.** The provision under division (g) of section ~~111~~ 102507  
~~of the "Workforce Investment Act of 1998," 112 Stat. 936, 29~~ 102508  
~~U.S.C.A. 2801, as amended~~ 101 of the Workforce Innovation and 102509  
Opportunity Act, 29 U.S.C. 3111, applies to the state board 102510  
created under ~~section 6301.04 of the Revised Code~~ this chapter. 102511  
The provision under division (e) of section ~~117 of the "Workforce~~ 102512  
~~Investment Act of 1998"~~ 107 of the Workforce Innovation and 102513  
Opportunity Act, 29 U.S.C. 3122 applies to the local boards 102514  
established pursuant to ~~section 6301.06 of the Revised Code~~ this 102515  
chapter. 102516

Sec. 6301.11. (A) As used in this section, "public or private institution" ~~has the same meaning as in section 3333.93 of the Revised Code~~ means any of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(3) An Ohio technical center that provides adult technical education services as recognized by the chancellor of higher education.

(B) The state board, in connection with the department of job and family services and public or private institutions, shall develop a methodology for identifying jobs that are in demand by employers operating in this state. The methodology for identifying in-demand jobs shall include an analysis of jobs that are in demand in each region of the state. The director of job and family services shall determine the regions.

(C) The department and the public or private institutions, in consultation with the state board, shall use the methodology to create a list of such in-demand jobs in the state and a list of such in-demand jobs in each region of the state. The department shall publish the lists on the web site of the department. The department and public or private institutions shall periodically update the lists to reflect evolving workforce demands in this state and its regions.

(D) Local boards, ~~workforce development agencies,~~ and other providers of workforce training shall use the lists of in-demand jobs to cultivate and prioritize workforce development activities that correspond to the employment needs of employers operating in

this state and in each of its regions and to assist individuals in 102547  
maximizing their employment opportunities. 102548

Sec. 6301.111. The governor's office of workforce 102549  
transformation, in conjunction with the department of job and 102550  
family services, shall conduct an electronic survey of employers 102551  
in this state to identify jobs that are in demand by those 102552  
employers. The office, in conjunction with the department, shall 102553  
use the survey results to update the list of in-demand jobs 102554  
required under section 6301.11 of the Revised Code, 102555  
notwithstanding the requirement in that section that the 102556  
department and public or private institutions, as defined in that 102557  
section, periodically update that list. The office shall complete 102558  
the initial survey and make the update required under this section 102559  
not later than December 31, 2018. The office shall complete a 102560  
subsequent survey and update not later than the last day of 102561  
December every two years thereafter. 102562

Sec. 6301.112. (A) The governor's office of workforce 102563  
transformation, in collaboration with the departments of higher 102564  
education and job and family services, shall create and publish on 102565  
the OhioMeansJobs web site a workforce supply tool that uses 102566  
real-time demand and supply data. The office shall provide all of 102567  
the following through the tool: 102568

(1) Businesses with historical information on graduates from 102569  
high demand fields; 102570

(2) Businesses with projections on future graduates; 102571

(3) The number of skilled workers available for work in 102572  
occupations included in the list of in-demand jobs created under 102573  
section 6301.11 of the Revised Code. 102574

(B) Not later than January 1, 2018, the governor's office of 102575  
workforce transformation, in collaboration with the departments of 102576

higher education and job and family services, shall include in the 102577  
workforce supply tool created under division (A) of this section 102578  
all in-demand jobs included in the list of in-demand jobs created 102579  
under section 6301.11 of the Revised Code. 102580

(C) Not later than December 31, 2018, the governor's office 102581  
of workforce transformation, in collaboration with the departments 102582  
of higher education and education shall establish design teams. 102583  
The design teams shall do both of the following: 102584

(1) Identify emerging skill needs based on predictive 102585  
analytics and analysis of the data from the workforce supply tool 102586  
created under division (A) of this section; 102587

(2) Periodically recommend innovations for responding to 102588  
emerging in-demand jobs and skills. 102589

**Sec. 6301.12.** (A) The office of workforce development within 102590  
the department of job and family services shall comprehensively 102591  
review the direct and indirect economic impact of businesses 102592  
engaged in the production of horizontal wells in this state and, 102593  
based on its findings, prepare an annual Ohio workforce report. 102594  
The office shall prepare the report by the thirtieth day of July 102595  
of each year. The report shall include at least all of the 102596  
following with respect to the industry: 102597

(1) The total number of jobs created or retained during the 102598  
previous year; 102599

(2) The total number of Ohio-based contractors that employ 102600  
skilled construction trades; 102601

(3) The number of employees who are residents of this state; 102602

(4) The total economic impact; 102603

(5) A review of the state's regional workforce development 102604  
plans required by the ~~"Workforce Investment Act of 1998," 112~~ 102605  
~~Stat. 936, 29 U.S.C.A. 2801, as amended,~~ Workforce Innovation and 102606

Opportunity Act that outline workforce development efforts 102607  
including goals and benchmarks toward maximizing job training, 102608  
education, and job creation opportunities in the state. 102609

(B) Upon the completion of the office's annual Ohio workforce 102610  
report, the office shall provide an electronic copy of the report 102611  
to the president and minority leader of the senate and the speaker 102612  
and minority leader of the house of representatives and post it on 102613  
the office's internet web site. 102614

**Sec. 6301.18.** (A) ~~Beginning January 1, 2016, each~~ Each 102615  
participant in an adult training or education program funded under 102616  
the "Workforce Innovation and Opportunity Act," ~~29 U.S.C. 3101,~~ 102617  
shall create an account with the OhioMeansJobs web site at the 102618  
time of enrollment in the program. 102619

(B) Division (A) of this section does not apply to any 102620  
individual who is legally prohibited from using a computer, has a 102621  
physical or visual impairment that makes the individual unable to 102622  
use a computer, or has a limited ability to read, write, speak, or 102623  
understand a language in which the OhioMeansJobs web site is 102624  
available. 102625

**Sec. 6301.20.** Not later than September 30, 2017, the 102626  
governor's office of workforce transformation, in consultation 102627  
with the departments of job and family services, higher education, 102628  
and aging and the opportunities for Ohioans with disabilities 102629  
agency, shall develop and maintain a uniform electronic 102630  
application for adult training programs funded under the 102631  
"Workforce Innovation and Opportunity Act," 128 Stat. 1425, 29 102632  
U.S.C. 3101 et seq., as amended. The application shall be 102633  
available for use not later than July 1, 2018. 102634

**Sec. 6301.21.** (A) Not later than December 31, 2017, the 102635  
governor's office of workforce transformation, the department of 102636



education, and the chancellor of higher education, in consultation 102637  
with business and economic development stakeholder groups, shall 102638  
develop a regional workforce collaboration model. The model shall 102639  
provide guidance on how the JobsOhio regional network, local 102640  
chambers of commerce, economic development organizations, 102641  
business, business associations, secondary and post-secondary 102642  
education organizations, and Ohio college tech prep regional 102643  
centers, that are jointly managed by the department of education 102644  
and the chancellor, shall collaborate to form a partnership that 102645  
provides career services to students. 102646

Career services to students may include, but are not limited 102647  
to, job shadowing, internships, co-ops, apprenticeships, career 102648  
exploration activities, and problem-based curriculum developed in 102649  
alignment with in-demand jobs. 102650

(B) The governor's office of workforce transformation shall 102651  
oversee the creation of regional workforce collaboration 102652  
partnerships based on the model created under division (A) of this 102653  
section. The partnerships shall be located in each of the six 102654  
different regions of the state, as determined by JobsOhio. 102655

(C) As used in this section, "JobsOhio" has the same meaning 102656  
as in section 187.01 of the Revised Code. 102657

**Section 101.02.** That existing sections 101.34, 102.02, 102658  
102.022, 102.03, 103.41, 103.42, 105.41, 107.031, 107.35, 109.572, 102659  
109.5721, 109.71, 109.802, 109.803, 111.42, 111.43, 111.44, 102660  
111.45, 113.061, 120.08, 120.18, 120.28, 120.33, 120.34, 120.35, 102661  
120.36, 121.40, 121.48, 122.01, 122.071, 122.08, 122.081, 122.17, 102662  
122.171, 122.174, 122.175, 122.33, 122.641, 122.85, 122.86, 102663  
122.98, 123.01, 123.20, 123.21, 124.384, 124.823, 124.93, 125.035, 102664  
125.04, 125.061, 125.18, 125.22, 125.28, 126.11, 126.22, 126.35, 102665  
131.23, 131.33, 131.35, 131.44, 131.51, 133.022, 133.06, 133.061, 102666

135.143, 135.182, 135.45, 135.63, 135.71, 143.01, 151.03, 152.08, 102667  
153.02, 154.11, 166.08, 166.11, 167.03, 173.01, 173.14, 173.15, 102668  
173.17, 173.19, 173.20, 173.21, 173.22, 173.24, 173.27, 173.28, 102669  
173.38, 173.381, 173.42, 173.424, 173.48, 173.51, 173.55, 173.99, 102670  
183.51, 191.04, 191.06, 305.05, 307.283, 307.678, 307.93, 307.984, 102671  
319.11, 319.26, 319.54, 321.26, 321.27, 321.37, 321.46, 323.01, 102672  
323.32, 329.03, 329.04, 329.051, 329.06, 340.03, 340.032, 340.033, 102673  
340.08, 341.12, 341.121, 341.25, 503.56, 505.94, 507.12, 507.13, 102674  
703.20, 703.21, 705.22, 713.01, 715.014, 718.01, 718.02, 718.06, 102675  
718.08, 718.27, 718.60, 725.01, 725.04, 733.44, 733.46, 733.78, 102676  
733.81, 763.01, 763.07, 901.04, 901.43, 909.10, 911.11, 924.01, 102677  
924.09, 927.55, 939.02, 940.15, 941.12, 941.55, 943.23, 947.06, 102678  
1121.10, 1121.24, 1121.30, 1123.01, 1123.02, 1123.03, 1155.07, 102679  
1155.10, 1163.09, 1163.13, 1181.06, 1349.21, 1503.05, 1503.141, 102680  
1505.09, 1506.23, 1509.02, 1509.071, 1509.28, 1513.18, 1513.20, 102681  
1513.25, 1513.27, 1513.28, 1513.30, 1513.31, 1513.32, 1513.33, 102682  
1513.37, 1514.03, 1514.051, 1514.06, 1514.071, 1514.11, 1514.46, 102683  
1521.06, 1521.063, 1531.01, 1531.06, 1533.11, 1533.12, 1561.14, 102684  
1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 102685  
1561.26, 1561.45, 1561.46, 1561.48, 1721.01, 1721.10, 1733.04, 102686  
1733.24, 1751.72, 1751.75, 1923.12, 1923.13, 1923.14, 2151.353, 102687  
2151.417, 2151.43, 2151.49, 2301.56, 2305.02, 2329.211, 2329.271, 102688  
2329.31, 2329.311, 2329.44, 2329.66, 2743.48, 2743.75, 2925.01, 102689  
2925.23, 2929.15, 2929.20, 2929.34, 2941.51, 2953.25, 2967.193, 102690  
3109.15, 3111.04, 3113.06, 3113.07, 3119.05, 3121.03, 3301.0710, 102691  
3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.01, 3302.03, 102692  
3302.151, 3303.20, 3304.11, 3304.12, 3304.14, 3304.15, 3304.17, 102693  
3304.171, 3304.18, 3304.182, 3304.19, 3304.20, 3304.21, 3304.22, 102694  
3304.27, 3304.28, 3304.29, 3304.30, 3304.31, 3304.41, 3309.23, 102695  
3309.374, 3309.661, 3310.16, 3310.52, 3311.06, 3311.751, 3311.86, 102696  
3313.372, 3313.411, 3313.413, 3313.46, 3313.5310, 3313.603, 102697  
3313.6012, 3313.6023, 3313.618, 3313.6110, 3313.6410, 3313.713, 102698

3313.717, 3313.751, 3313.813, 3313.89, 3313.902, 3314.016, 102699  
3314.03, 3314.08, 3314.26, 3316.20, 3317.01, 3317.013, 3317.014, 102700  
3317.017, 3317.02, 3317.021, 3317.022, 3317.024, 3317.025, 102701  
3317.0212, 3317.0218, 3317.06, 3317.16, 3318.01, 3318.011, 102702  
3318.02, 3318.021, 3318.022, 3318.024, 3318.03, 3318.031, 102703  
3318.032, 3318.033, 3318.034, 3318.035, 3318.036, 3318.04, 102704  
3318.041, 3318.042, 3318.05, 3318.051, 3318.052, 3318.054, 102705  
3318.06, 3318.061, 3318.07, 3318.08, 3318.081, 3318.082, 3318.083, 102706  
3318.084, 3318.086, 3318.091, 3318.10, 3318.11, 3318.112, 3318.12, 102707  
3318.121, 3318.13, 3318.15, 3318.16, 3318.18, 3318.22, 3318.25, 102708  
3318.26, 3318.311, 3318.351, 3318.36, 3318.362, 3318.363, 102709  
3318.364, 3318.37, 3318.371, 3318.38, 3318.40, 3318.41, 3318.42, 102710  
3318.43, 3318.46, 3318.48, 3318.49, 3318.50, 3318.60, 3318.61, 102711  
3318.62, 3318.70, 3318.71, 3319.111, 3319.22, 3319.227, 3319.26, 102712  
3319.271, 3319.291, 3319.61, 3321.19, 3323.052, 3326.01, 3326.03, 102713  
3326.032, 3326.04, 3326.09, 3326.10, 3326.101, 3326.11, 3326.33, 102714  
3326.41, 3327.08, 3333.048, 3333.121, 3333.122, 3333.31, 3333.39, 102715  
3333.91, 3333.92, 3345.061, 3345.14, 3345.35, 3345.45, 3354.01, 102716  
3354.09, 3357.01, 3357.09, 3357.19, 3358.01, 3358.08, 3365.01, 102717  
3365.03, 3365.04, 3365.05, 3365.06, 3365.07, 3365.12, 3365.15, 102718  
3503.16, 3506.01, 3506.06, 3506.07, 3513.02, 3513.30, 3513.301, 102719  
3513.312, 3517.17, 3701.021, 3701.243, 3701.601, 3701.611, 102720  
3701.65, 3701.83, 3701.881, 3702.304, 3702.307, 3702.52, 3702.72, 102721  
3704.01, 3704.035, 3704.111, 3705.07, 3705.08, 3705.09, 3705.10, 102722  
3706.05, 3706.27, 3707.58, 3710.01, 3710.02, 3710.04, 3710.05, 102723  
3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 3710.11, 102724  
3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, 3710.99, 102725  
3713.04, 3715.021, 3715.041, 3719.04, 3719.07, 3719.08, 3721.02, 102726  
3721.031, 3721.21, 3721.22, 3721.23, 3721.24, 3721.25, 3721.32, 102727  
3727.45, 3727.54, 3729.08, 3734.02, 3734.041, 3734.05, 3734.06, 102728  
3734.15, 3734.42, 3734.57, 3734.576, 3734.82, 3734.901, 3734.9011, 102729  
3735.31, 3735.33, 3735.40, 3735.41, 3735.66, 3735.661, 3735.672, 102730

3737.21, 3742.01, 3742.02, 3742.31, 3742.35, 3742.36, 3742.41, 102731  
3742.42, 3742.49, 3742.50, 3742.51, 3745.012, 3745.016, 3745.11, 102732  
3751.01, 3751.02, 3751.03, 3751.04, 3751.05, 3751.10, 3751.11, 102733  
3769.087, 3770.02, 3770.03, 3770.22, 3794.03, 3923.041, 3937.32, 102734  
4104.15, 4104.18, 4105.17, 4109.06, 4112.05, 4117.01, 4141.29, 102735  
4141.43, 4141.51, 4301.22, 4301.43, 4301.62, 4303.05, 4303.181, 102736  
4303.209, 4303.26, 4303.271, 4501.044, 4501.045, 4503.02, 102737  
4503.038, 4503.04, 4503.042, 4503.066, 4503.08, 4503.10, 4503.101, 102738  
4503.15, 4503.503, 4503.63, 4503.65, 4503.77, 4503.83, 4505.06, 102739  
4508.02, 4510.022, 4511.19, 4709.02, 4709.05, 4709.07, 4709.08, 102740  
4709.09, 4709.10, 4709.12, 4709.13, 4709.14, 4709.23, 4713.01, 102741  
4713.02, 4713.03, 4713.04, 4713.05, 4713.06, 4713.07, 4713.071, 102742  
4713.08, 4713.081, 4713.082, 4713.09, 4713.10, 4713.11, 4713.13, 102743  
4713.141, 4713.17, 4713.20, 4713.22, 4713.24, 4713.25, 4713.28, 102744  
4713.29, 4713.30, 4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 102745  
4713.39, 4713.41, 4713.44, 4713.45, 4713.48, 4713.50, 4713.51, 102746  
4713.55, 4713.56, 4713.57, 4713.58, 4713.59, 4713.61, 4713.62, 102747  
4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 4713.68, 4713.69, 102748  
4715.13, 4715.14, 4715.16, 4715.21, 4715.24, 4715.27, 4715.362, 102749  
4715.363, 4715.369, 4715.37, 4715.53, 4715.62, 4715.63, 4717.01, 102750  
4717.02, 4717.03, 4717.04, 4717.05, 4717.06, 4717.07, 4717.08, 102751  
4717.09, 4717.10, 4717.11, 4717.13, 4717.14, 4717.15, 4717.16, 102752  
4717.21, 4717.23, 4717.24, 4717.25, 4717.26, 4717.27, 4717.28, 102753  
4717.30, 4717.32, 4717.33, 4717.35, 4717.36, 4723.05, 4723.32, 102754  
4723.50, 4729.01, 4729.06, 4729.08, 4729.09, 4729.11, 4729.12, 102755  
4729.13, 4729.15, 4729.16, 4729.51, 4729.52, 4729.53, 4729.54, 102756  
4729.552, 4729.56, 4729.561, 4729.57, 4729.571, 4729.58, 4729.59, 102757  
4729.60, 4729.61, 4729.62, 4729.67, 4729.75, 4729.77, 4729.78, 102758  
4729.80, 4729.82, 4729.83, 4729.84, 4729.86, 4730.05, 4730.40, 102759  
4731.056, 4731.07, 4731.081, 4731.091, 4731.092, 4731.10, 4731.14, 102760  
4731.142, 4731.143, 4731.15, 4731.22, 4731.221, 4731.222, 102761  
4731.223, 4731.224, 4731.225, 4731.23, 4731.26, 4731.281, 102762

4731.282, 4731.291, 4731.292, 4731.293, 4731.294, 4731.295, 102763  
4731.296, 4731.298, 4731.299, 4731.341, 4731.36, 4731.41, 4731.43, 102764  
4731.51, 4731.52, 4731.531, 4731.56, 4731.573, 4731.60, 4731.61, 102765  
4731.65, 4731.66, 4731.67, 4731.68, 4731.76, 4731.82, 4731.85, 102766  
4735.01, 4736.01, 4736.02, 4736.03, 4736.05, 4736.06, 4736.07, 102767  
4736.08, 4736.09, 4736.10, 4736.11, 4736.12, 4736.13, 4736.14, 102768  
4736.15, 4736.17, 4736.18, 4745.01, 4749.031, 4751.03, 4751.04, 102769  
4751.10, 4751.14, 4751.99, 4762.14, 4765.01, 4765.02, 4776.01, 102770  
4776.02, 4776.04, 4776.20, 4781.04, 4781.07, 4781.121, 4905.02, 102771  
4906.01, 4906.10, 4906.13, 4911.021, 4921.01, 4921.19, 4921.21, 102772  
4923.02, 4923.99, 4927.13, 5101.09, 5101.16, 5101.17, 5101.18, 102773  
5101.181, 5101.184, 5101.20, 5101.201, 5101.214, 5101.23, 102774  
5101.241, 5101.26, 5101.27, 5101.28, 5101.32, 5101.33, 5101.35, 102775  
5101.36, 5101.61, 5101.802, 5107.05, 5107.10, 5108.01, 5117.10, 102776  
5119.01, 5119.22, 5119.221, 5119.34, 5119.41, 5120.035, 5120.22, 102777  
5120.55, 5122.32, 5123.01, 5123.377, 5123.378, 5123.38, 5123.47, 102778  
5123.60, 5126.0221, 5126.042, 5126.054, 5149.10, 5149.311, 102779  
5149.36, 5160.052, 5160.37, 5160.40, 5160.401, 5162.021, 5162.12, 102780  
5162.40, 5162.41, 5162.52, 5162.66, 5162.70, 5163.03, 5164.01, 102781  
5164.31, 5164.34, 5164.341, 5164.342, 5164.37, 5164.57, 5164.70, 102782  
5164.752, 5164.753, 5165.01, 5165.106, 5165.1010, 5165.15, 102783  
5165.151, 5165.153, 5165.154, 5165.157, 5165.16, 5165.17, 5165.19, 102784  
5165.192, 5165.21, 5165.23, 5165.25, 5165.34, 5165.37, 5165.41, 102785  
5165.42, 5165.52, 5166.01, 5166.121, 5166.16, 5166.22, 5166.30, 102786  
5166.40, 5166.408, 5167.01, 5167.03, 5167.04, 5167.30, 5168.01, 102787  
5168.02, 5168.06, 5168.07, 5168.09, 5168.10, 5168.11, 5168.14, 102788  
5168.26, 5168.99, 5502.01, 5502.13, 5502.68, 5503.02, 5515.07, 102789  
5575.02, 5575.03, 5577.081, 5595.03, 5595.06, 5595.13, 5703.052, 102790  
5703.053, 5703.054, 5703.056, 5703.19, 5703.21, 5703.26, 5703.371, 102791  
5703.50, 5703.57, 5703.70, 5703.75, 5705.03, 5705.16, 5709.12, 102792  
5709.17, 5709.212, 5709.45, 5709.62, 5709.63, 5709.632, 5709.64, 102793  
5709.68, 5709.92, 5713.051, 5713.31, 5713.33, 5713.34, 5715.01, 102794

5715.19, 5715.20, 5715.27, 5715.39, 5717.01, 5725.33, 5725.98, 102795  
5726.98, 5727.26, 5727.28, 5727.31, 5727.311, 5727.38, 5727.42, 102796  
5727.47, 5727.48, 5727.53, 5727.60, 5727.80, 5727.81, 5729.98, 102797  
5731.46, 5731.49, 5735.02, 5736.06, 5739.01, 5739.02, 5739.021, 102798  
5739.023, 5739.025, 5739.026, 5739.029, 5739.033, 5739.09, 102799  
5739.122, 5739.13, 5739.132, 5739.30, 5741.021, 5741.022, 5741.12, 102800  
5743.01, 5743.03, 5743.081, 5743.15, 5743.51, 5743.61, 5743.62, 102801  
5743.63, 5747.02, 5747.06, 5747.08, 5747.113, 5747.122, 5747.50, 102802  
5747.502, 5747.51, 5747.53, 5747.70, 5747.98, 5749.01, 5749.02, 102803  
5749.03, 5749.04, 5749.06, 5749.17, 5751.02, 5903.11, 5919.34, 102804  
5923.05, 6111.03, 6111.036, 6111.04, 6111.046, 6111.14, 6111.30, 102805  
6117.38, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 6301.06, 102806  
6301.061, 6301.07, 6301.08, 6301.09, 6301.11, 6301.12, and 6301.18 102807  
of the Revised Code are hereby repealed. 102808

**Section 105.01.** That sections 123.27, 152.01, 152.02, 152.04, 102809  
152.05, 152.06, 152.07, 152.09, 152.091, 152.10, 152.11, 152.12, 102810  
152.13, 152.14, 152.15, 152.16, 152.17, 152.18, 152.19, 152.21, 102811  
152.22, 152.23, 152.24, 152.241, 152.242, 152.26, 152.27, 152.28, 102812  
152.31, 152.32, 152.33, 173.53, 330.01, 330.02, 330.04, 330.05, 102813  
330.07, 340.091, 759.24, 763.02, 763.05, 901.90, 921.60, 921.61, 102814  
921.62, 921.63, 921.64, 921.65, 1181.16, 1181.17, 1181.18, 102815  
1501.022, 1506.24, 1513.181, 3301.28, 3317.018, 3317.019, 102816  
3317.026, 3317.027, 3318.19, 3318.30, 3318.31, 3319.223, 3333.13, 102817  
3704.144, 3706.26, 3712.042, 3719.02, 3719.021, 3719.03, 3719.031, 102818  
3727.33, 3727.331, 3727.34, 3727.35, 3727.36, 3727.37, 3727.38, 102819  
3727.39, 3727.391, 3727.40, 3727.41, 3734.821, 3742.43, 3742.44, 102820  
3742.45, 3742.46, 3742.47, 3742.48, 4709.04, 4709.06, 4709.26, 102821  
4709.27, 4729.14, 4731.08, 4731.09, 4731.11, 4731.12, 4731.13, 102822  
4731.141, 4731.29, 4731.53, 4731.54, 4731.55, 4731.57, 4731.571, 102823  
4736.04, 4736.16, 4921.15, 4921.16, 5115.01, 5115.02, 5115.03, 102824  
5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, 5115.23, 102825

5162.54, 5164.88, 5164.881, 5164.90, 5166.13, 5739.18, 5747.056,  
6111.033, and 6111.40 of the Revised Code are hereby repealed.

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**Section 120.10.** That sections 4713.10 and 4713.56 of the  
Revised Code be amended to read as follows:

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**Sec. 4713.10.** (A) The state ~~board of~~ cosmetology and barber  
board shall charge and collect the following fees:

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(1) For a temporary pre-examination work permit under section  
4713.22 of the Revised Code, seven dollars and fifty cents;

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(2) For initial application to take an examination under  
section 4713.24 of the Revised Code, thirty-one dollars and fifty  
cents;

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(3) For application to take an examination under section  
4713.24 of the Revised Code by an applicant who has previously  
applied to take, but failed to appear for, the examination, forty  
dollars;

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(4) For application to re-take an examination under section  
4713.24 of the Revised Code by an applicant who has previously  
appeared for, but failed to pass, the examination, thirty-one  
dollars and fifty cents;

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(5) For the issuance of a license under section 4713.28,  
4713.30, or 4713.31 of the Revised Code, forty-five dollars;

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(6) For the issuance of a license under section 4713.34 of  
the Revised Code, seventy dollars;

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(7) For renewal of a license issued under section 4713.28,  
4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five  
dollars;

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(8) For the issuance or renewal of a cosmetology school

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license, two hundred fifty dollars; 102854

(9) For the issuance of a new salon license or the change of 102855  
name or ownership of a salon license under section 4713.41 of the 102856  
Revised Code, seventy-five dollars; 102857

(10) For the renewal of a salon license under section 4713.41 102858  
of the Revised Code, sixty dollars; 102859

(11) For the restoration of an expired license that may be 102860  
restored pursuant to section 4713.63 of the Revised Code, an 102861  
amount equal to the sum of the current license renewal fee and a 102862  
lapsed renewal fee of forty-five dollars per license renewal 102863  
period that has elapsed since the license was last issued or 102864  
renewed; 102865

(12) For the issuance of a duplicate of any license, twenty 102866  
dollars; 102867

(13) For the preparation and mailing of a licensee's records 102868  
to another state for a reciprocity license, fifty dollars; 102869

(14) For the processing of any fees related to a check from a 102870  
licensee returned to the board for insufficient funds, an 102871  
additional thirty dollars. 102872

(B) The board may establish an installment plan for the 102873  
payment of fines and fees and may reduce fees as considered 102874  
appropriate by the board. 102875

(C) At the request of a person who is temporarily unable to 102876  
pay a fee imposed under division (A) of this section, or on its 102877  
own motion, the board may extend the date payment is due by up to 102878  
ninety days. If the fee remains unpaid after the date payment is 102879  
due, the amount of the fee shall be certified to the attorney 102880  
general for collection in the form and manner prescribed by the 102881  
attorney general. The attorney general may assess the collection 102882  
cost to the amount certified in such a manner and amount as 102883



prescribed by the attorney general. 102884

**Sec. 4713.56.** Every holder of a practicing license, 102885  
instructor license, independent contractor license, or boutique 102886  
service registration issued by the state ~~board of~~ cosmetology and 102887  
barber board shall maintain the board-issued, wallet-sized license 102888  
or electronically generated license certification or registration 102889  
and a current government-issued photo identification that can be 102890  
produced upon inspection or request. 102891

Every holder of a license to operate a salon issued by the 102892  
board shall display the license in a public and conspicuous place 102893  
in the salon. 102894

Every holder of a license to operate a school of cosmetology 102895  
issued by the board shall display the license in a public and 102896  
conspicuous place in the school. 102897

Every individual who provides cosmetic therapy, massage 102898  
therapy, or other professional service in a salon under section 102899  
4713.42 of the Revised Code shall maintain the individual's 102900  
professional license or certificate and a state of Ohio issued 102901  
photo identification that can be produced upon inspection or 102902  
request. 102903

**Section 120.11.** That existing sections 4713.10 and 4713.56 of 102904  
the Revised Code are hereby repealed. 102905

**Section 120.12.** Sections 120.10 and 120.11 take effect on 102906  
January 21, 2018. 102907

**Section 120.20.** That sections 329.04 and 2329.66 of the 102908  
Revised Code be amended to read as follows: 102909

**Sec. 329.04.** (A) The county department of job and family 102910

services shall have, exercise, and perform the following powers and duties: 102911  
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(1) Perform any duties assigned by the state department of job and family services or department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life: 102913  
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102915  
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(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code; 102918  
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(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code; 102920  
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(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services. 102923  
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(d) Duties assigned under section 5162.031 of the Revised Code. 102931  
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~~(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;~~ 102933  
102934  
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~~(3)~~ Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law; 102936  
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~~(4)~~(3) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such 102939  
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authorities; 102941

~~(5)~~(4) Submit an annual account of its work and expenses to 102942  
the board of county commissioners and to the state department of 102943  
job and family services and department of medicaid at the close of 102944  
each fiscal year; 102945

~~(6)~~(5) Exercise any powers and duties relating to family 102946  
services duties or workforce development activities imposed upon 102947  
the county department of job and family services by law, by 102948  
resolution of the board of county commissioners, or by order of 102949  
the governor, when authorized by law, to meet emergencies during 102950  
war or peace; 102951

~~(7)~~(6) Enter into a plan of cooperation with the board of 102952  
county commissioners under section 307.983, consult with the board 102953  
in the development of the transportation work plan developed under 102954  
section 307.985, establish with the board procedures under section 102955  
307.986 for providing services to children whose families relocate 102956  
frequently, and comply with the contracts the board enters into 102957  
under sections 307.981 and 307.982 of the Revised Code that affect 102958  
the county department; 102959

~~(8)~~(7) For the purpose of complying with a grant agreement 102960  
the board of county commissioners enters into under sections 102961  
307.98 and 5101.21 of the Revised Code, exercise the powers and 102962  
perform the duties the grant agreement assigns to the county 102963  
department; 102964

~~(9)~~(8) If the county department is designated as the 102965  
workforce development agency, provide the workforce development 102966  
activities specified in the contract required by section 330.05 of 102967  
the Revised Code. 102968

(B) The powers and duties of a county department of job and 102969  
family services are, and shall be exercised and performed, under 102970

the control and direction of the board of county commissioners. 102971  
The board may assign to the county department any power or duty of 102972  
the board regarding family services duties and workforce 102973  
development activities. If the new power or duty necessitates the 102974  
state department of job and family services or department of 102975  
medicaid changing its federal cost allocation plan, the county 102976  
department may not implement the power or duty unless the United 102977  
States department of health and human services approves the 102978  
changes. 102979

**Sec. 2329.66.** (A) Every person who is domiciled in this state 102980  
may hold property exempt from execution, garnishment, attachment, 102981  
or sale to satisfy a judgment or order, as follows: 102982

(1)(a) In the case of a judgment or order regarding money 102983  
owed for health care services rendered or health care supplies 102984  
provided to the person or a dependent of the person, one parcel or 102985  
item of real or personal property that the person or a dependent 102986  
of the person uses as a residence. Division (A)(1)(a) of this 102987  
section does not preclude, affect, or invalidate the creation 102988  
under this chapter of a judgment lien upon the exempted property 102989  
but only delays the enforcement of the lien until the property is 102990  
sold or otherwise transferred by the owner or in accordance with 102991  
other applicable laws to a person or entity other than the 102992  
surviving spouse or surviving minor children of the judgment 102993  
debtor. Every person who is domiciled in this state may hold 102994  
exempt from a judgment lien created pursuant to division (A)(1)(a) 102995  
of this section the person's interest, not to exceed one hundred 102996  
twenty-five thousand dollars, in the exempted property. 102997

(b) In the case of all other judgments and orders, the 102998  
person's interest, not to exceed one hundred twenty-five thousand 102999  
dollars, in one parcel or item of real or personal property that 103000  
the person or a dependent of the person uses as a residence. 103001

(c) For purposes of divisions (A)(1)(a) and (b) of this section, "parcel" means a tract of real property as identified on the records of the auditor of the county in which the real property is located.

(2) The person's interest, not to exceed three thousand two hundred twenty-five dollars, in one motor vehicle;

(3) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person, other than personal earnings.

(4)(a) The person's interest, not to exceed five hundred twenty-five dollars in any particular item or ten thousand seven hundred seventy-five dollars in aggregate value, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment that are held primarily for the personal, family, or household use of the person;

(b) The person's aggregate interest in one or more items of jewelry, not to exceed one thousand three hundred fifty dollars, held primarily for the personal, family, or household use of the person or any of the person's dependents.

(5) The person's interest, not to exceed an aggregate of two thousand twenty-five dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the

|                                                                                                                                                                                                                                                      |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| Revised Code;                                                                                                                                                                                                                                        | 103033                               |
| (c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;                                                                                         | 103034<br>103035<br>103036           |
| (d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;                                                          | 103037<br>103038<br>103039<br>103040 |
| (e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code. | 103041<br>103042<br>103043<br>103044 |
| (7) The person's professionally prescribed or medically necessary health aids;                                                                                                                                                                       | 103045<br>103046                     |
| (8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;                                                                                                            | 103047<br>103048<br>103049           |
| (9) The person's interest in the following:                                                                                                                                                                                                          | 103050                               |
| (a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;                                                                                                                                     | 103051<br>103052                     |
| (b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;                                                                                                                                                                       | 103053<br>103054                     |
| (c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;                                                                                                                                                          | 103055<br>103056                     |
| (d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;                                                                                                                                 | 103057<br>103058                     |
| (e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;                                                                                                              | 103059<br>103060<br>103061           |

~~(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;~~ 103062  
103063

~~(g)~~ Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 103064  
103065

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to or interests in a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's rights to or interests in a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights or interests, as exempted by section 143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's rights to or interests in benefits from the Ohio public safety officers death benefit fund; 103066  
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(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights to receive or interests in receiving a payment or other benefits under any pension, annuity, or similar plan or contract, not including a payment or benefit from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or 103088  
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(10)(a) of this section, on account of illness, disability, death, 103094  
age, or length of service, to the extent reasonably necessary for 103095  
the support of the person and any of the person's dependents, 103096  
except if all the following apply: 103097

(i) The plan or contract was established by or under the 103098  
auspices of an insider that employed the person at the time the 103099  
person's rights or interests under the plan or contract arose. 103100

(ii) The payment is on account of age or length of service. 103101

(iii) The plan or contract is not qualified under the 103102  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 103103  
amended. 103104

(c) Except for any portion of the assets that were deposited 103105  
for the purpose of evading the payment of any debt and except as 103106  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 103107  
3123.06 of the Revised Code, the person's rights or interests in 103108  
the assets held in, or to directly or indirectly receive any 103109  
payment or benefit under, any individual retirement account, 103110  
individual retirement annuity, "Roth IRA," account opened pursuant 103111  
to a program administered by a state under section 529 or 529A of 103112  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 103113  
as amended, or education individual retirement account that 103114  
provides payments or benefits by reason of illness, disability, 103115  
death, retirement, or age or provides payments or benefits for 103116  
purposes of education or qualified disability expenses, to the 103117  
extent that the assets, payments, or benefits described in 103118  
division (A)(10)(c) of this section are attributable to or derived 103119  
from any of the following or from any earnings, dividends, 103120  
interest, appreciation, or gains on any of the following: 103121

(i) Contributions of the person that were less than or equal 103122  
to the applicable limits on deductible contributions to an 103123  
individual retirement account or individual retirement annuity in 103124



the year that the contributions were made, whether or not the person was eligible to deduct the contributions on the person's federal tax return for the year in which the contributions were made;

(ii) Contributions of the person that were less than or equal to the applicable limits on contributions to a Roth IRA or education individual retirement account in the year that the contributions were made;

(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended;

(iv) Contributions by any person into any plan, fund, or account that is formed, created, or administered pursuant to, or is otherwise subject to, section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to receive any payment under, any Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, retirement, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.

(e) The person's rights to or interests in any assets held in, or to directly or indirectly receive any payment or benefit under, any individual retirement account, individual retirement annuity, "Roth IRA," account opened pursuant to a program administered by a state under section 529 or 529A of the "Internal

Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 103156  
education individual retirement account that a decedent, upon or 103157  
by reason of the decedent's death, directly or indirectly left to 103158  
or for the benefit of the person, either outright or in trust or 103159  
otherwise, including, but not limited to, any of those rights or 103160  
interests in assets or to receive payments or benefits that were 103161  
transferred, conveyed, or otherwise transmitted by the decedent by 103162  
means of a will, trust, exercise of a power of appointment, 103163  
beneficiary designation, transfer or payment on death designation, 103164  
or any other method or procedure. 103165

(f) The exemptions under divisions (A)(10)(a) to (e) of this 103166  
section also shall apply or otherwise be available to an alternate 103167  
payee under a qualified domestic relations order (QDRO) or other 103168  
similar court order. 103169

(g) A person's interest in any plan, program, instrument, or 103170  
device described in divisions (A)(10)(a) to (e) of this section 103171  
shall be considered an exempt interest even if the plan, program, 103172  
instrument, or device in question, due to an error made in good 103173  
faith, failed to satisfy any criteria applicable to that plan, 103174  
program, instrument, or device under the "Internal Revenue Code of 103175  
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 103176

(11) The person's right to receive spousal support, child 103177  
support, an allowance, or other maintenance to the extent 103178  
reasonably necessary for the support of the person and any of the 103179  
person's dependents; 103180

(12) The person's right to receive, or moneys received during 103181  
the preceding twelve calendar months from, any of the following: 103182

(a) An award of reparations under sections 2743.51 to 2743.72 103183  
of the Revised Code, to the extent exempted by division (D) of 103184  
section 2743.66 of the Revised Code; 103185

(b) A payment on account of the wrongful death of an 103186

individual of whom the person was a dependent on the date of the 103187  
individual's death, to the extent reasonably necessary for the 103188  
support of the person and any of the person's dependents; 103189

(c) Except in cases in which the person who receives the 103190  
payment is an inmate, as defined in section 2969.21 of the Revised 103191  
Code, and in which the payment resulted from a civil action or 103192  
appeal against a government entity or employee, as defined in 103193  
section 2969.21 of the Revised Code, a payment, not to exceed 103194  
twenty thousand two hundred dollars, on account of personal bodily 103195  
injury, not including pain and suffering or compensation for 103196  
actual pecuniary loss, of the person or an individual for whom the 103197  
person is a dependent; 103198

(d) A payment in compensation for loss of future earnings of 103199  
the person or an individual of whom the person is or was a 103200  
dependent, to the extent reasonably necessary for the support of 103201  
the debtor and any of the debtor's dependents. 103202

(13) Except as provided in sections 3119.80, 3119.81, 103203  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 103204  
earnings of the person owed to the person for services in an 103205  
amount equal to the greater of the following amounts: 103206

(a) If paid weekly, thirty times the current federal minimum 103207  
hourly wage; if paid biweekly, sixty times the current federal 103208  
minimum hourly wage; if paid semimonthly, sixty-five times the 103209  
current federal minimum hourly wage; or if paid monthly, one 103210  
hundred thirty times the current federal minimum hourly wage that 103211  
is in effect at the time the earnings are payable, as prescribed 103212  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 103213  
U.S.C. 206(a)(1), as amended; 103214

(b) Seventy-five per cent of the disposable earnings owed to 103215  
the person. 103216

(14) The person's right in specific partnership property, as 103217

exempted by the person's rights in a partnership pursuant to 103218  
section 1776.50 of the Revised Code, except as otherwise set forth 103219  
in section 1776.50 of the Revised Code; 103220

(15) A seal and official register of a notary public, as 103221  
exempted by section 147.04 of the Revised Code; 103222

(16) The person's interest in a tuition unit or a payment 103223  
under section 3334.09 of the Revised Code pursuant to a tuition 103224  
payment contract, as exempted by section 3334.15 of the Revised 103225  
Code; 103226

(17) Any other property that is specifically exempted from 103227  
execution, attachment, garnishment, or sale by federal statutes 103228  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 103229  
U.S.C.A. 101, as amended; 103230

(18) The person's aggregate interest in any property, not to 103231  
exceed one thousand seventy-five dollars, except that division 103232  
(A)(18) of this section applies only in bankruptcy proceedings. 103233

(B) On April 1, 2010, and on the first day of April in each 103234  
third calendar year after 2010, the Ohio judicial conference shall 103235  
adjust each dollar amount set forth in this section to reflect any 103236  
increase in the consumer price index for all urban consumers, as 103237  
published by the United States department of labor, or, if that 103238  
index is no longer published, a generally available comparable 103239  
index, for the three-year period ending on the thirty-first day of 103240  
December of the preceding year. Any adjustments required by this 103241  
division shall be rounded to the nearest twenty-five dollars. 103242

The Ohio judicial conference shall prepare a memorandum 103243  
specifying the adjusted dollar amounts. The judicial conference 103244  
shall transmit the memorandum to the director of the legislative 103245  
service commission, and the director shall publish the memorandum 103246  
in the register of Ohio. (Publication of the memorandum in the 103247  
register of Ohio shall continue until the next memorandum 103248

specifying an adjustment is so published.) The judicial conference 103249  
also may publish the memorandum in any other manner it concludes 103250  
will be reasonably likely to inform persons who are affected by 103251  
its adjustment of the dollar amounts. 103252

(C) As used in this section: 103253

(1) "Disposable earnings" means net earnings after the 103254  
garnishee has made deductions required by law, excluding the 103255  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 103256  
3121.03, or 3123.06 of the Revised Code. 103257

(2) "Insider" means: 103258

(a) If the person who claims an exemption is an individual, a 103259  
relative of the individual, a relative of a general partner of the 103260  
individual, a partnership in which the individual is a general 103261  
partner, a general partner of the individual, or a corporation of 103262  
which the individual is a director, officer, or in control; 103263

(b) If the person who claims an exemption is a corporation, a 103264  
director or officer of the corporation; a person in control of the 103265  
corporation; a partnership in which the corporation is a general 103266  
partner; a general partner of the corporation; or a relative of a 103267  
general partner, director, officer, or person in control of the 103268  
corporation; 103269

(c) If the person who claims an exemption is a partnership, a 103270  
general partner in the partnership; a general partner of the 103271  
partnership; a person in control of the partnership; a partnership 103272  
in which the partnership is a general partner; or a relative in, a 103273  
general partner of, or a person in control of the partnership; 103274

(d) An entity or person to which or whom any of the following 103275  
applies: 103276

(i) The entity directly or indirectly owns, controls, or 103277  
holds with power to vote, twenty per cent or more of the 103278

outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote. 103279 103280 103281 103282 103283

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies. 103284 103285 103286 103287 103288

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption. 103289 103290 103291 103292

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement. 103293 103294 103295

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption; 103296 103297 103298 103299

(f) A managing agent of the person who claims an exemption. 103300

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code. 103301 103302

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code. 103303 103304

(D) For purposes of this section, "interest" shall be determined as follows: 103305 103306

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 103307 103308

of the United States Code; 103309

(2) In all cases other than bankruptcy proceedings, as of the 103310  
date of an appraisal, if necessary under section 2329.68 of the 103311  
Revised Code, or the issuance of a writ of execution. 103312

An interest, as determined under division (D)(1) or (2) of 103313  
this section, shall not include the amount of any lien otherwise 103314  
valid pursuant to section 2329.661 of the Revised Code. 103315

**Section 120.21.** That existing sections 329.04 and 2329.66 of 103316  
the Revised Code are hereby repealed. 103317

**Section 120.22.** Sections 120.20 and 120.21 take effect on 103318  
December 31, 2017. 103319

**Section 120.30.** That the version of section 5735.07 of the 103320  
Revised Code that is scheduled to take effect January 1, 2018, be 103321  
amended to read as follows: 103322

**Sec. 5735.07.** The tax commissioner shall publish on the 103323  
department's web site a list of all motor fuel dealers, aviation 103324  
fuel dealers, and retail dealers that have valid licenses or 103325  
registrations issued under this chapter. The list shall contain 103326  
the name, address, and federal identification number or other 103327  
motor fuel tax account number of each such person and, for motor 103328  
fuel dealers, the number of gallons of motor fuel upon which those 103329  
dealers were required to pay the tax as reported on the report or 103330  
as determined by investigation of the commissioner. 103331

**Section 120.31.** That the existing version of section 5735.07 103332  
of the Revised Code that is scheduled to take effect January 1, 103333  
2018, is hereby repealed. 103334

**Section 120.32.** Sections 120.30 and 120.31 take effect on 103335

January 1, 2018. 103336

**Section 125.05.** That sections 103.44, 103.45, 103.46, 103.47, 103337  
103.48, 103.49, and 103.50 of the Revised Code are hereby repealed 103338  
on October 1, 2017. 103339

**Section 125.10.** That section 5166.35 of the Revised Code is 103340  
hereby repealed on January 1, 2019. 103341

**Section 130.11.** That sections 109.572, 119.06, 121.22, 103342  
2305.113, 3313.608, 3701.83, 4725.01, 4725.02, 4725.04, 4725.05, 103343  
4725.06, 4725.07, 4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 103344  
4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 103345  
4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 103346  
4725.24, 4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 103347  
4725.34, 4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 103348  
4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 103349  
4725.55, 4725.57, 4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 103350  
4731.224, 4731.24, 4731.25, 4743.05, 4745.02, 4745.04, 4747.04, 103351  
4747.05, 4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 103352  
4747.13, 4747.14, 4747.16, 4747.17, 4752.01, 4752.03, 4752.04, 103353  
4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 103354  
4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 103355  
4753.06, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 103356  
4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 103357  
4755.02, 4755.03, 4755.031, 4755.06, 4755.061, 4755.07, 4755.08, 103358  
4755.09, 4755.10, 4755.11, 4755.111, 4755.12, 4755.41, 4755.411, 103359  
4755.412, 4755.42, 4755.421, 4755.43, 4755.431, 4755.44, 4755.441, 103360  
4755.45, 4755.451, 4755.46, 4755.47, 4755.471, 4755.482, 4755.51, 103361  
4755.511, 4755.52, 4755.53, 4755.61, 4755.62, 4755.63, 4755.64, 103362  
4755.65, 4755.66, 4755.70, 4755.71, 4755.99, 4759.02, 4759.05, 103363  
4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 4759.11, 103364  
4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 4761.051, 4761.06, 103365



4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 4761.13, 103366  
4761.14, 4761.18, 4776.01, 4779.02, 4779.08, 4779.09, 4779.091, 103367  
4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.17, 4779.18, 103368  
4779.20, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.28, 103369  
4779.29, 4779.30, 4779.31, 4779.32, 4779.33, 4779.34, 5120.55, and 103370  
5123.46 be amended and sections 4725.031, 4725.032, 4725.63, 103371  
4725.64, 4725.65, 4725.66, 4725.67, 4729.021, 4744.02, 4744.06, 103372  
4744.07, 4744.10, 4744.12, 4744.14, 4744.16, 4744.18, 4744.20, 103373  
4744.24, 4744.28, 4744.30, 4744.36, 4744.40, 4744.48, 4744.50, 103374  
4744.54, 4745.021, 4747.051, 4752.22, 4752.24, 4753.061, 4759.011, 103375  
4759.051, 4761.011, and 4761.032 of the Revised Code be enacted to 103376  
read as follows: 103377

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 103378  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 103379  
a completed form prescribed pursuant to division (C)(1) of this 103380  
section, and a set of fingerprint impressions obtained in the 103381  
manner described in division (C)(2) of this section, the 103382  
superintendent of the bureau of criminal identification and 103383  
investigation shall conduct a criminal records check in the manner 103384  
described in division (B) of this section to determine whether any 103385  
information exists that indicates that the person who is the 103386  
subject of the request previously has been convicted of or pleaded 103387  
guilty to any of the following: 103388

(a) A violation of section 2903.01, 2903.02, 2903.03, 103389  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 103390  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 103391  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 103392  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 103393  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 103394  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 103395  
2925.06, or 3716.11 of the Revised Code, felonious sexual 103396

penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

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

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

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

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 103429  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 103430  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 103431  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 103432  
2925.22, 2925.23, or 3716.11 of the Revised Code; 103433

(b) An existing or former law of this state, any other state, 103434  
or the United States that is substantially equivalent to any of 103435  
the offenses listed in division (A)(2)(a) of this section. 103436

(3) On receipt of a request pursuant to section 173.27, 103437  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 103438  
or 5123.169 of the Revised Code, a completed form prescribed 103439  
pursuant to division (C)(1) of this section, and a set of 103440  
fingerprint impressions obtained in the manner described in 103441  
division (C)(2) of this section, the superintendent of the bureau 103442  
of criminal identification and investigation shall conduct a 103443  
criminal records check of the person for whom the request is made. 103444  
The superintendent shall conduct the criminal records check in the 103445  
manner described in division (B) of this section to determine 103446  
whether any information exists that indicates that the person who 103447  
is the subject of the request previously has been convicted of, 103448  
has pleaded guilty to, or (except in the case of a request 103449  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 103450  
Code) has been found eligible for intervention in lieu of 103451  
conviction for any of the following, regardless of the date of the 103452  
conviction, the date of entry of the guilty plea, or (except in 103453  
the case of a request pursuant to section 5164.34, 5164.341, or 103454  
5164.342 of the Revised Code) the date the person was found 103455  
eligible for intervention in lieu of conviction: 103456

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 103457  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 103458  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 103459  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 103460

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 103461  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 103462  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 103463  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 103464  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 103465  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 103466  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 103467  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 103468  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 103469  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 103470  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 103471  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 103472  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 103473  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 103474  
2927.12, or 3716.11 of the Revised Code; 103475

(b) Felonious sexual penetration in violation of former 103476  
section 2907.12 of the Revised Code; 103477

(c) A violation of section 2905.04 of the Revised Code as it 103478  
existed prior to July 1, 1996; 103479

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 103480  
the Revised Code when the underlying offense that is the object of 103481  
the conspiracy, attempt, or complicity is one of the offenses 103482  
listed in divisions (A)(3)(a) to (c) of this section; 103483

(e) A violation of an existing or former municipal ordinance 103484  
or law of this state, any other state, or the United States that 103485  
is substantially equivalent to any of the offenses listed in 103486  
divisions (A)(3)(a) to (d) of this section. 103487

(4) On receipt of a request pursuant to section 2151.86 of 103488  
the Revised Code, a completed form prescribed pursuant to division 103489  
(C)(1) of this section, and a set of fingerprint impressions 103490  
obtained in the manner described in division (C)(2) of this 103491

section, the superintendent of the bureau of criminal 103492  
identification and investigation shall conduct a criminal records 103493  
check in the manner described in division (B) of this section to 103494  
determine whether any information exists that indicates that the 103495  
person who is the subject of the request previously has been 103496  
convicted of or pleaded guilty to any of the following: 103497

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 103498  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 103499  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 103500  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 103501  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 103502  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 103503  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 103504  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 103505  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 103506  
of the Revised Code, a violation of section 2905.04 of the Revised 103507  
Code as it existed prior to July 1, 1996, a violation of section 103508  
2919.23 of the Revised Code that would have been a violation of 103509  
section 2905.04 of the Revised Code as it existed prior to July 1, 103510  
1996, had the violation been committed prior to that date, a 103511  
violation of section 2925.11 of the Revised Code that is not a 103512  
minor drug possession offense, two or more OVI or OVUAC violations 103513  
committed within the three years immediately preceding the 103514  
submission of the application or petition that is the basis of the 103515  
request, or felonious sexual penetration in violation of former 103516  
section 2907.12 of the Revised Code; 103517

(b) A violation of an existing or former law of this state, 103518  
any other state, or the United States that is substantially 103519  
equivalent to any of the offenses listed in division (A)(4)(a) of 103520  
this section. 103521

(5) Upon receipt of a request pursuant to section 5104.013 of 103522  
the Revised Code, a completed form prescribed pursuant to division 103523

(C)(1) of this section, and a set of fingerprint impressions 103524  
obtained in the manner described in division (C)(2) of this 103525  
section, the superintendent of the bureau of criminal 103526  
identification and investigation shall conduct a criminal records 103527  
check in the manner described in division (B) of this section to 103528  
determine whether any information exists that indicates that the 103529  
person who is the subject of the request has been convicted of or 103530  
pleaded guilty to any of the following: 103531

(a) A violation of section 2151.421, 2903.01, 2903.02, 103532  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 103533  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 103534  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 103535  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 103536  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 103537  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 103538  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 103539  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 103540  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 103541  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 103542  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 103543  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 103544  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 103545  
Revised Code, felonious sexual penetration in violation of former 103546  
section 2907.12 of the Revised Code, a violation of section 103547  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 103548  
violation of section 2919.23 of the Revised Code that would have 103549  
been a violation of section 2905.04 of the Revised Code as it 103550  
existed prior to July 1, 1996, had the violation been committed 103551  
prior to that date, a violation of section 2925.11 of the Revised 103552  
Code that is not a minor drug possession offense, a violation of 103553  
section 2923.02 or 2923.03 of the Revised Code that relates to a 103554  
crime specified in this division, or a second violation of section 103555  
4511.19 of the Revised Code within five years of the date of 103556

application for licensure or certification. 103557

(b) A violation of an existing or former law of this state, 103558  
any other state, or the United States that is substantially 103559  
equivalent to any of the offenses or violations described in 103560  
division (A)(5)(a) of this section. 103561

(6) Upon receipt of a request pursuant to section 5153.111 of 103562  
the Revised Code, a completed form prescribed pursuant to division 103563  
(C)(1) of this section, and a set of fingerprint impressions 103564  
obtained in the manner described in division (C)(2) of this 103565  
section, the superintendent of the bureau of criminal 103566  
identification and investigation shall conduct a criminal records 103567  
check in the manner described in division (B) of this section to 103568  
determine whether any information exists that indicates that the 103569  
person who is the subject of the request previously has been 103570  
convicted of or pleaded guilty to any of the following: 103571

(a) A violation of section 2903.01, 2903.02, 2903.03, 103572  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 103573  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 103574  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 103575  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 103576  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 103577  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 103578  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 103579  
felonious sexual penetration in violation of former section 103580  
2907.12 of the Revised Code, a violation of section 2905.04 of the 103581  
Revised Code as it existed prior to July 1, 1996, a violation of 103582  
section 2919.23 of the Revised Code that would have been a 103583  
violation of section 2905.04 of the Revised Code as it existed 103584  
prior to July 1, 1996, had the violation been committed prior to 103585  
that date, or a violation of section 2925.11 of the Revised Code 103586  
that is not a minor drug possession offense; 103587

(b) A violation of an existing or former law of this state, 103588

any other state, or the United States that is substantially 103589  
equivalent to any of the offenses listed in division (A)(6)(a) of 103590  
this section. 103591

(7) On receipt of a request for a criminal records check from 103592  
an individual pursuant to section 4749.03 or 4749.06 of the 103593  
Revised Code, accompanied by a completed copy of the form 103594  
prescribed in division (C)(1) of this section and a set of 103595  
fingerprint impressions obtained in a manner described in division 103596  
(C)(2) of this section, the superintendent of the bureau of 103597  
criminal identification and investigation shall conduct a criminal 103598  
records check in the manner described in division (B) of this 103599  
section to determine whether any information exists indicating 103600  
that the person who is the subject of the request has been 103601  
convicted of or pleaded guilty to a felony in this state or in any 103602  
other state. If the individual indicates that a firearm will be 103603  
carried in the course of business, the superintendent shall 103604  
require information from the federal bureau of investigation as 103605  
described in division (B)(2) of this section. Subject to division 103606  
(F) of this section, the superintendent shall report the findings 103607  
of the criminal records check and any information the federal 103608  
bureau of investigation provides to the director of public safety. 103609

(8) On receipt of a request pursuant to section 1321.37, 103610  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 103611  
Code, a completed form prescribed pursuant to division (C)(1) of 103612  
this section, and a set of fingerprint impressions obtained in the 103613  
manner described in division (C)(2) of this section, the 103614  
superintendent of the bureau of criminal identification and 103615  
investigation shall conduct a criminal records check with respect 103616  
to any person who has applied for a license, permit, or 103617  
certification from the department of commerce or a division in the 103618  
department. The superintendent shall conduct the criminal records 103619  
check in the manner described in division (B) of this section to 103620



determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed

sections to the licensing board specified by the individual in the request. 103654  
103655

(10) On receipt of a request pursuant to section 1121.23, 103656  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 103657  
Code, a completed form prescribed pursuant to division (C)(1) of 103658  
this section, and a set of fingerprint impressions obtained in the 103659  
manner described in division (C)(2) of this section, the 103660  
superintendent of the bureau of criminal identification and 103661  
investigation shall conduct a criminal records check in the manner 103662  
described in division (B) of this section to determine whether any 103663  
information exists that indicates that the person who is the 103664  
subject of the request previously has been convicted of or pleaded 103665  
guilty to any criminal offense under any existing or former law of 103666  
this state, any other state, or the United States. 103667

(11) On receipt of a request for a criminal records check 103668  
from an appointing or licensing authority under section 3772.07 of 103669  
the Revised Code, a completed form prescribed under division 103670  
(C)(1) of this section, and a set of fingerprint impressions 103671  
obtained in the manner prescribed in division (C)(2) of this 103672  
section, the superintendent of the bureau of criminal 103673  
identification and investigation shall conduct a criminal records 103674  
check in the manner described in division (B) of this section to 103675  
determine whether any information exists that indicates that the 103676  
person who is the subject of the request previously has been 103677  
convicted of or pleaded guilty or no contest to any offense under 103678  
any existing or former law of this state, any other state, or the 103679  
United States that is a disqualifying offense as defined in 103680  
section 3772.07 of the Revised Code or substantially equivalent to 103681  
such an offense. 103682

(12) On receipt of a request pursuant to section 2151.33 or 103683  
2151.412 of the Revised Code, a completed form prescribed pursuant 103684  
to division (C)(1) of this section, and a set of fingerprint 103685

impressions obtained in the manner described in division (C)(2) of 103686  
this section, the superintendent of the bureau of criminal 103687  
identification and investigation shall conduct a criminal records 103688  
check with respect to any person for whom a criminal records check 103689  
is required under that section. The superintendent shall conduct 103690  
the criminal records check in the manner described in division (B) 103691  
of this section to determine whether any information exists that 103692  
indicates that the person who is the subject of the request 103693  
previously has been convicted of or pleaded guilty to any of the 103694  
following: 103695

(a) A violation of section 2903.01, 2903.02, 2903.03, 103696  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 103697  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 103698  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 103699  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 103700  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 103701  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 103702  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 103703  
2925.22, 2925.23, or 3716.11 of the Revised Code; 103704

(b) An existing or former law of this state, any other state, 103705  
or the United States that is substantially equivalent to any of 103706  
the offenses listed in division (A)(12)(a) of this section. 103707

(13) On receipt of a request pursuant to section 3796.12 of 103708  
the Revised Code, a completed form prescribed pursuant to division 103709  
(C)(1) of this section, and a set of fingerprint impressions 103710  
obtained in a manner described in division (C)(2) of this section, 103711  
the superintendent of the bureau of criminal identification and 103712  
investigation shall conduct a criminal records check in the manner 103713  
described in division (B) of this section to determine whether any 103714  
information exists that indicates that the person who is the 103715  
subject of the request previously has been convicted of or pleaded 103716  
guilty to the following: 103717

(a) A disqualifying offense as specified in rules adopted 103718  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 103719  
the person who is the subject of the request is an administrator 103720  
or other person responsible for the daily operation of, or an 103721  
owner or prospective owner, officer or prospective officer, or 103722  
board member or prospective board member of, an entity seeking a 103723  
license from the department of commerce under Chapter 3796. of the 103724  
Revised Code; 103725

(b) A disqualifying offense as specified in rules adopted 103726  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 103727  
the person who is the subject of the request is an administrator 103728  
or other person responsible for the daily operation of, or an 103729  
owner or prospective owner, officer or prospective officer, or 103730  
board member or prospective board member of, an entity seeking a 103731  
license from the state board of pharmacy under Chapter 3796. of 103732  
the Revised Code. 103733

(14) On receipt of a request required by section 3796.13 of 103734  
the Revised Code, a completed form prescribed pursuant to division 103735  
(C)(1) of this section, and a set of fingerprint impressions 103736  
obtained in a manner described in division (C)(2) of this section, 103737  
the superintendent of the bureau of criminal identification and 103738  
investigation shall conduct a criminal records check in the manner 103739  
described in division (B) of this section to determine whether any 103740  
information exists that indicates that the person who is the 103741  
subject of the request previously has been convicted of or pleaded 103742  
guilty to the following: 103743

(a) A disqualifying offense as specified in rules adopted 103744  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 103745  
the person who is the subject of the request is seeking employment 103746  
with an entity licensed by the department of commerce under 103747  
Chapter 3796. of the Revised Code; 103748

(b) A disqualifying offense as specified in rules adopted 103749

under division (B)(14)(a) of section 3796.04 of the Revised Code 103750  
if the person who is the subject of the request is seeking 103751  
employment with an entity licensed by the state board of pharmacy 103752  
under Chapter 3796. of the Revised Code. 103753

(B) Subject to division (F) of this section, the 103754  
superintendent shall conduct any criminal records check to be 103755  
conducted under this section as follows: 103756

(1) The superintendent shall review or cause to be reviewed 103757  
any relevant information gathered and compiled by the bureau under 103758  
division (A) of section 109.57 of the Revised Code that relates to 103759  
the person who is the subject of the criminal records check, 103760  
including, if the criminal records check was requested under 103761  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 103762  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 103763  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 103764  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 103765  
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 103766  
5123.169, or 5153.111 of the Revised Code, any relevant 103767  
information contained in records that have been sealed under 103768  
section 2953.32 of the Revised Code; 103769

(2) If the request received by the superintendent asks for 103770  
information from the federal bureau of investigation, the 103771  
superintendent shall request from the federal bureau of 103772  
investigation any information it has with respect to the person 103773  
who is the subject of the criminal records check, including 103774  
fingerprint-based checks of national crime information databases 103775  
as described in 42 U.S.C. 671 if the request is made pursuant to 103776  
section 2151.86 or 5104.013 of the Revised Code or if any other 103777  
Revised Code section requires fingerprint-based checks of that 103778  
nature, and shall review or cause to be reviewed any information 103779  
the superintendent receives from that bureau. If a request under 103780  
section 3319.39 of the Revised Code asks only for information from 103781

the federal bureau of investigation, the superintendent shall not 103782  
conduct the review prescribed by division (B)(1) of this section. 103783

(3) The superintendent or the superintendent's designee may 103784  
request criminal history records from other states or the federal 103785  
government pursuant to the national crime prevention and privacy 103786  
compact set forth in section 109.571 of the Revised Code. 103787

(4) The superintendent shall include in the results of the 103788  
criminal records check a list or description of the offenses 103789  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 103790  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 103791  
whichever division requires the superintendent to conduct the 103792  
criminal records check. The superintendent shall exclude from the 103793  
results any information the dissemination of which is prohibited 103794  
by federal law. 103795

(5) The superintendent shall send the results of the criminal 103796  
records check to the person to whom it is to be sent not later 103797  
than the following number of days after the date the 103798  
superintendent receives the request for the criminal records 103799  
check, the completed form prescribed under division (C)(1) of this 103800  
section, and the set of fingerprint impressions obtained in the 103801  
manner described in division (C)(2) of this section: 103802

(a) If the superintendent is required by division (A) of this 103803  
section (other than division (A)(3) of this section) to conduct 103804  
the criminal records check, thirty; 103805

(b) If the superintendent is required by division (A)(3) of 103806  
this section to conduct the criminal records check, sixty. 103807

(C)(1) The superintendent shall prescribe a form to obtain 103808  
the information necessary to conduct a criminal records check from 103809  
any person for whom a criminal records check is to be conducted 103810  
under this section. The form that the superintendent prescribes 103811  
pursuant to this division may be in a tangible format, in an 103812

electronic format, or in both tangible and electronic formats. 103813

(2) The superintendent shall prescribe standard impression 103814  
sheets to obtain the fingerprint impressions of any person for 103815  
whom a criminal records check is to be conducted under this 103816  
section. Any person for whom a records check is to be conducted 103817  
under this section shall obtain the fingerprint impressions at a 103818  
county sheriff's office, municipal police department, or any other 103819  
entity with the ability to make fingerprint impressions on the 103820  
standard impression sheets prescribed by the superintendent. The 103821  
office, department, or entity may charge the person a reasonable 103822  
fee for making the impressions. The standard impression sheets the 103823  
superintendent prescribes pursuant to this division may be in a 103824  
tangible format, in an electronic format, or in both tangible and 103825  
electronic formats. 103826

(3) Subject to division (D) of this section, the 103827  
superintendent shall prescribe and charge a reasonable fee for 103828  
providing a criminal records check under this section. The person 103829  
requesting the criminal records check shall pay the fee prescribed 103830  
pursuant to this division. In the case of a request under section 103831  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 103832  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 103833  
the manner specified in that section. 103834

(4) The superintendent of the bureau of criminal 103835  
identification and investigation may prescribe methods of 103836  
forwarding fingerprint impressions and information necessary to 103837  
conduct a criminal records check, which methods shall include, but 103838  
not be limited to, an electronic method. 103839

(D) The results of a criminal records check conducted under 103840  
this section, other than a criminal records check specified in 103841  
division (A)(7) of this section, are valid for the person who is 103842  
the subject of the criminal records check for a period of one year 103843  
from the date upon which the superintendent completes the criminal 103844

records check. If during that period the superintendent receives 103845  
another request for a criminal records check to be conducted under 103846  
this section for that person, the superintendent shall provide the 103847  
results from the previous criminal records check of the person at 103848  
a lower fee than the fee prescribed for the initial criminal 103849  
records check. 103850

(E) When the superintendent receives a request for 103851  
information from a registered private provider, the superintendent 103852  
shall proceed as if the request was received from a school 103853  
district board of education under section 3319.39 of the Revised 103854  
Code. The superintendent shall apply division (A)(1)(c) of this 103855  
section to any such request for an applicant who is a teacher. 103856

(F)(1) Subject to division (F)(2) of this section, all 103857  
information regarding the results of a criminal records check 103858  
conducted under this section that the superintendent reports or 103859  
sends under division (A)(7) or (9) of this section to the director 103860  
of public safety, the treasurer of state, or the person, board, or 103861  
entity that made the request for the criminal records check shall 103862  
relate to the conviction of the subject person, or the subject 103863  
person's plea of guilty to, a criminal offense. 103864

(2) Division (F)(1) of this section does not limit, restrict, 103865  
or preclude the superintendent's release of information that 103866  
relates to the arrest of a person who is eighteen years of age or 103867  
older, to an adjudication of a child as a delinquent child, or to 103868  
a criminal conviction of a person under eighteen years of age in 103869  
circumstances in which a release of that nature is authorized 103870  
under division (E)(2), (3), or (4) of section 109.57 of the 103871  
Revised Code pursuant to a rule adopted under division (E)(1) of 103872  
that section. 103873

(G) As used in this section: 103874

(1) "Criminal records check" means any criminal records check 103875



conducted by the superintendent of the bureau of criminal 103876  
identification and investigation in accordance with division (B) 103877  
of this section. 103878

(2) "Minor drug possession offense" has the same meaning as 103879  
in section 2925.01 of the Revised Code. 103880

(3) "OVI or OVUAC violation" means a violation of section 103881  
4511.19 of the Revised Code or a violation of an existing or 103882  
former law of this state, any other state, or the United States 103883  
that is substantially equivalent to section 4511.19 of the Revised 103884  
Code. 103885

(4) "Registered private provider" means a nonpublic school or 103886  
entity registered with the superintendent of public instruction 103887  
under section 3310.41 of the Revised Code to participate in the 103888  
autism scholarship program or section 3310.58 of the Revised Code 103889  
to participate in the Jon Peterson special needs scholarship 103890  
program. 103891

**Sec. 119.06.** No adjudication order of an agency shall be 103892  
valid unless the agency is specifically authorized by law to make 103893  
such order. 103894

No adjudication order shall be valid unless an opportunity 103895  
for a hearing is afforded in accordance with sections 119.01 to 103896  
119.13 of the Revised Code. Such opportunity for a hearing shall 103897  
be given before making the adjudication order except in those 103898  
situations where this section provides otherwise. 103899

The following adjudication orders shall be effective without 103900  
a hearing: 103901

(A) Orders revoking a license in cases where an agency is 103902  
required by statute to revoke a license pursuant to the judgment 103903  
of a court; 103904

(B) Orders suspending a license where a statute specifically 103905

permits the suspension of a license without a hearing; 103906

(C) Orders or decisions of an authority within an agency if 103907  
the rules of the agency or the statutes pertaining to such agency 103908  
specifically give a right of appeal to a higher authority within 103909  
such agency, to another agency, or to the board of tax appeals, 103910  
and also give the appellant a right to a hearing on such appeal. 103911

When a statute permits the suspension of a license without a 103912  
prior hearing, any agency issuing an order pursuant to such 103913  
statute shall afford the person to whom the order is issued a 103914  
hearing upon request. 103915

Whenever an agency claims that a person is required by 103916  
statute to obtain a license, it shall afford a hearing upon the 103917  
request of a person who claims that the law does not impose such a 103918  
requirement. 103919

Every agency shall afford a hearing upon the request of any 103920  
person who has been refused admission to an examination where such 103921  
examination is a prerequisite to the issuance of a license unless 103922  
a hearing was held prior to such refusal. 103923

Unless a hearing was held prior to the refusal to issue the 103924  
license, every agency shall afford a hearing upon the request of a 103925  
person whose application for a license has been rejected and to 103926  
whom the agency has refused to issue a license, whether it is a 103927  
renewal or a new license, except that the following are not 103928  
required to afford a hearing to a person to whom a new license has 103929  
been refused because the person failed a licensing examination: 103930  
the state medical board, state chiropractic board, architects 103931  
board, Ohio landscape architects board, and ~~any section of the~~ 103932  
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 103933  
~~board~~ state physical health services board with respect to 103934  
licenses issued under Chapter 4755. of the Revised Code. 103935

When periodic registration of licenses is required by law, 103936

the agency shall afford a hearing upon the request of any licensee 103937  
whose registration has been denied, unless a hearing was held 103938  
prior to such denial. 103939

When periodic registration of licenses or renewal of licenses 103940  
is required by law, a licensee who has filed an application for 103941  
registration or renewal within the time and in the manner provided 103942  
by statute or rule of the agency shall not be required to 103943  
discontinue a licensed business or profession merely because of 103944  
the failure of the agency to act on the licensee's application. 103945  
Action of an agency rejecting any such application shall not be 103946  
effective prior to fifteen days after notice of the rejection is 103947  
mailed to the licensee. 103948

**Sec. 121.22.** (A) This section shall be liberally construed to 103949  
require public officials to take official action and to conduct 103950  
all deliberations upon official business only in open meetings 103951  
unless the subject matter is specifically excepted by law. 103952

(B) As used in this section: 103953

(1) "Public body" means any of the following: 103954

(a) Any board, commission, committee, council, or similar 103955  
decision-making body of a state agency, institution, or authority, 103956  
and any legislative authority or board, commission, committee, 103957  
council, agency, authority, or similar decision-making body of any 103958  
county, township, municipal corporation, school district, or other 103959  
political subdivision or local public institution; 103960

(b) Any committee or subcommittee of a body described in 103961  
division (B)(1)(a) of this section; 103962

(c) A court of jurisdiction of a sanitary district organized 103963  
wholly for the purpose of providing a water supply for domestic, 103964  
municipal, and public use when meeting for the purpose of the 103965  
appointment, removal, or reappointment of a member of the board of 103966

directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

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

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

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

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

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

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

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

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

(1) A grand jury;

|                                                                                                                                                                                                                                                                                                                                           |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;                                                                                                                                                               | 103997<br>103998<br>103999                               |
| (3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;                                                                                                                                                                  | 104000<br>104001<br>104002                               |
| (4) The organized crime investigations commission established under section 177.01 of the Revised Code;                                                                                                                                                                                                                                   | 104003<br>104004                                         |
| (5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code; | 104005<br>104006<br>104007<br>104008<br>104009<br>104010 |
| (6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;                                                                                                                                                  | 104011<br>104012<br>104013                               |
| (7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;                                                                                                                                                           | 104014<br>104015<br>104016                               |
| (8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;                                                                                                                                                                    | 104017<br>104018<br>104019                               |
| (9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;                                                                                                                                                                                         | 104020<br>104021<br>104022                               |
| (10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;                                                                                | 104023<br>104024<br>104025<br>104026                     |

(11) The board of directors of the nonprofit corporation 104027  
formed under section 187.01 of the Revised Code or any committee 104028  
thereof, and the board of directors of any subsidiary of that 104029  
corporation or a committee thereof; 104030

(12) An audit conference conducted by the audit staff of the 104031  
department of job and family services with officials of the public 104032  
office that is the subject of that audit under section 5101.37 of 104033  
the Revised Code; 104034

(13) ~~The occupational therapy section of the occupational~~ 104035  
~~therapy, physical therapy, and athletic trainers~~ state physical 104036  
health services board when determining whether to suspend a 104037  
license or limited permit without a hearing pursuant to division 104038  
(D) of section 4755.11, division (E) of section 4755.47, or 104039  
division (D) of section 4755.64 of the Revised Code; 104040

~~(14) The physical therapy section of the occupational~~ 104041  
~~therapy, physical therapy, and athletic trainers board when~~ 104042  
~~determining whether to suspend a license without a hearing~~ 104043  
~~pursuant to division (E) of section 4755.47 of the Revised Code;~~ 104044

~~(15) The athletic trainers section of the occupational~~ 104045  
~~therapy, physical therapy, and athletic trainers board when~~ 104046  
~~determining whether to suspend a license without a hearing~~ 104047  
~~pursuant to division (D) of section 4755.64 of the Revised Code.~~ 104048

(E) The controlling board, the tax credit authority, or the 104049  
minority development financing advisory board, when meeting to 104050  
consider granting assistance pursuant to Chapter 122. or 166. of 104051  
the Revised Code, in order to protect the interest of the 104052  
applicant or the possible investment of public funds, by unanimous 104053  
vote of all board or authority members present, may close the 104054  
meeting during consideration of the following information 104055  
confidentially received by the authority or board from the 104056  
applicant: 104057

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|--------------------------------------------------------------------|--------|
| (1) Marketing plans;                                               | 104058 |
| (2) Specific business strategy;                                    | 104059 |
| (3) Production techniques and trade secrets;                       | 104060 |
| (4) Financial projections;                                         | 104061 |
| (5) Personal financial statements of the applicant or members      | 104062 |
| of the applicant's immediate family, including, but not limited    | 104063 |
| to, tax records or other similar information not open to public    | 104064 |
| inspection.                                                        | 104065 |
| The vote by the authority or board to accept or reject the         | 104066 |
| application, as well as all proceedings of the authority or board  | 104067 |
| not subject to this division, shall be open to the public and      | 104068 |
| governed by this section.                                          | 104069 |
| (F) Every public body, by rule, shall establish a reasonable       | 104070 |
| method whereby any person may determine the time and place of all  | 104071 |
| regularly scheduled meetings and the time, place, and purpose of   | 104072 |
| all special meetings. A public body shall not hold a special       | 104073 |
| meeting unless it gives at least twenty-four hours' advance notice | 104074 |
| to the news media that have requested notification, except in the  | 104075 |
| event of an emergency requiring immediate official action. In the  | 104076 |
| event of an emergency, the member or members calling the meeting   | 104077 |
| shall notify the news media that have requested notification       | 104078 |
| immediately of the time, place, and purpose of the meeting.        | 104079 |
| The rule shall provide that any person, upon request and           | 104080 |
| payment of a reasonable fee, may obtain reasonable advance         | 104081 |
| notification of all meetings at which any specific type of public  | 104082 |
| business is to be discussed. Provisions for advance notification   | 104083 |
| may include, but are not limited to, mailing the agenda of         | 104084 |
| meetings to all subscribers on a mailing list or mailing notices   | 104085 |
| in self-addressed, stamped envelopes provided by the person.       | 104086 |
| (G) Except as provided in divisions (G)(8) and (J) of this         | 104087 |

section, the members of a public body may hold an executive 104088  
session only after a majority of a quorum of the public body 104089  
determines, by a roll call vote, to hold an executive session and 104090  
only at a regular or special meeting for the sole purpose of the 104091  
consideration of any of the following matters: 104092

(1) To consider the appointment, employment, dismissal, 104093  
discipline, promotion, demotion, or compensation of a public 104094  
employee or official, or the investigation of charges or 104095  
complaints against a public employee, official, licensee, or 104096  
regulated individual, unless the public employee, official, 104097  
licensee, or regulated individual requests a public hearing. 104098  
Except as otherwise provided by law, no public body shall hold an 104099  
executive session for the discipline of an elected official for 104100  
conduct related to the performance of the elected official's 104101  
official duties or for the elected official's removal from office. 104102  
If a public body holds an executive session pursuant to division 104103  
(G)(1) of this section, the motion and vote to hold that executive 104104  
session shall state which one or more of the approved purposes 104105  
listed in division (G)(1) of this section are the purposes for 104106  
which the executive session is to be held, but need not include 104107  
the name of any person to be considered at the meeting. 104108

(2) To consider the purchase of property for public purposes, 104109  
the sale of property at competitive bidding, or the sale or other 104110  
disposition of unneeded, obsolete, or unfit-for-use property in 104111  
accordance with section 505.10 of the Revised Code, if premature 104112  
disclosure of information would give an unfair competitive or 104113  
bargaining advantage to a person whose personal, private interest 104114  
is adverse to the general public interest. No member of a public 104115  
body shall use division (G)(2) of this section as a subterfuge for 104116  
providing covert information to prospective buyers or sellers. A 104117  
purchase or sale of public property is void if the seller or buyer 104118  
of the public property has received covert information from a 104119



member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

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

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

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

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

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

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

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(8) To consider confidential information related to the

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marketing plans, specific business strategy, production 104151  
techniques, trade secrets, or personal financial statements of an 104152  
applicant for economic development assistance, or to negotiations 104153  
with other political subdivisions respecting requests for economic 104154  
development assistance, provided that both of the following 104155  
conditions apply: 104156

(a) The information is directly related to a request for 104157  
economic development assistance that is to be provided or 104158  
administered under any provision of Chapter 715., 725., 1724., or 104159  
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 104160  
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 104161  
the Revised Code, or that involves public infrastructure 104162  
improvements or the extension of utility services that are 104163  
directly related to an economic development project. 104164

(b) A unanimous quorum of the public body determines, by a 104165  
roll call vote, that the executive session is necessary to protect 104166  
the interests of the applicant or the possible investment or 104167  
expenditure of public funds to be made in connection with the 104168  
economic development project. 104169

If a public body holds an executive session to consider any 104170  
of the matters listed in divisions (G)(2) to (8) of this section, 104171  
the motion and vote to hold that executive session shall state 104172  
which one or more of the approved matters listed in those 104173  
divisions are to be considered at the executive session. 104174

A public body specified in division (B)(1)(c) of this section 104175  
shall not hold an executive session when meeting for the purposes 104176  
specified in that division. 104177

(H) A resolution, rule, or formal action of any kind is 104178  
invalid unless adopted in an open meeting of the public body. A 104179  
resolution, rule, or formal action adopted in an open meeting that 104180  
results from deliberations in a meeting not open to the public is 104181

invalid unless the deliberations were for a purpose specifically 104182  
authorized in division (G) or (J) of this section and conducted at 104183  
an executive session held in compliance with this section. A 104184  
resolution, rule, or formal action adopted in an open meeting is 104185  
invalid if the public body that adopted the resolution, rule, or 104186  
formal action violated division (F) of this section. 104187

(I)(1) Any person may bring an action to enforce this 104188  
section. An action under division (I)(1) of this section shall be 104189  
brought within two years after the date of the alleged violation 104190  
or threatened violation. Upon proof of a violation or threatened 104191  
violation of this section in an action brought by any person, the 104192  
court of common pleas shall issue an injunction to compel the 104193  
members of the public body to comply with its provisions. 104194

(2)(a) If the court of common pleas issues an injunction 104195  
pursuant to division (I)(1) of this section, the court shall order 104196  
the public body that it enjoins to pay a civil forfeiture of five 104197  
hundred dollars to the party that sought the injunction and shall 104198  
award to that party all court costs and, subject to reduction as 104199  
described in division (I)(2) of this section, reasonable 104200  
attorney's fees. The court, in its discretion, may reduce an award 104201  
of attorney's fees to the party that sought the injunction or not 104202  
award attorney's fees to that party if the court determines both 104203  
of the following: 104204

(i) That, based on the ordinary application of statutory law 104205  
and case law as it existed at the time of violation or threatened 104206  
violation that was the basis of the injunction, a well-informed 104207  
public body reasonably would believe that the public body was not 104208  
violating or threatening to violate this section; 104209

(ii) That a well-informed public body reasonably would 104210  
believe that the conduct or threatened conduct that was the basis 104211  
of the injunction would serve the public policy that underlies the 104212  
authority that is asserted as permitting that conduct or 104213

threatened conduct. 104214

(b) If the court of common pleas does not issue an injunction 104215  
pursuant to division (I)(1) of this section and the court 104216  
determines at that time that the bringing of the action was 104217  
frivolous conduct, as defined in division (A) of section 2323.51 104218  
of the Revised Code, the court shall award to the public body all 104219  
court costs and reasonable attorney's fees, as determined by the 104220  
court. 104221

(3) Irreparable harm and prejudice to the party that sought 104222  
the injunction shall be conclusively and irrebuttably presumed 104223  
upon proof of a violation or threatened violation of this section. 104224

(4) A member of a public body who knowingly violates an 104225  
injunction issued pursuant to division (I)(1) of this section may 104226  
be removed from office by an action brought in the court of common 104227  
pleas for that purpose by the prosecuting attorney or the attorney 104228  
general. 104229

(J)(1) Pursuant to division (C) of section 5901.09 of the 104230  
Revised Code, a veterans service commission shall hold an 104231  
executive session for one or more of the following purposes unless 104232  
an applicant requests a public hearing: 104233

(a) Interviewing an applicant for financial assistance under 104234  
sections 5901.01 to 5901.15 of the Revised Code; 104235

(b) Discussing applications, statements, and other documents 104236  
described in division (B) of section 5901.09 of the Revised Code; 104237

(c) Reviewing matters relating to an applicant's request for 104238  
financial assistance under sections 5901.01 to 5901.15 of the 104239  
Revised Code. 104240

(2) A veterans service commission shall not exclude an 104241  
applicant for, recipient of, or former recipient of financial 104242  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 104243

and shall not exclude representatives selected by the applicant, 104244  
recipient, or former recipient, from a meeting that the commission 104245  
conducts as an executive session that pertains to the applicant's, 104246  
recipient's, or former recipient's application for financial 104247  
assistance. 104248

(3) A veterans service commission shall vote on the grant or 104249  
denial of financial assistance under sections 5901.01 to 5901.15 104250  
of the Revised Code only in an open meeting of the commission. The 104251  
minutes of the meeting shall indicate the name, address, and 104252  
occupation of the applicant, whether the assistance was granted or 104253  
denied, the amount of the assistance if assistance is granted, and 104254  
the votes for and against the granting of assistance. 104255

**Sec. 2305.113.** (A) Except as otherwise provided in this 104256  
section, an action upon a medical, dental, optometric, or 104257  
chiropractic claim shall be commenced within one year after the 104258  
cause of action accrued. 104259

(B)(1) If prior to the expiration of the one-year period 104260  
specified in division (A) of this section, a claimant who 104261  
allegedly possesses a medical, dental, optometric, or chiropractic 104262  
claim gives to the person who is the subject of that claim written 104263  
notice that the claimant is considering bringing an action upon 104264  
that claim, that action may be commenced against the person 104265  
notified at any time within one hundred eighty days after the 104266  
notice is so given. 104267

(2) An insurance company shall not consider the existence or 104268  
nonexistence of a written notice described in division (B)(1) of 104269  
this section in setting the liability insurance premium rates that 104270  
the company may charge the company's insured person who is 104271  
notified by that written notice. 104272

(C) Except as to persons within the age of minority or of 104273  
unsound mind as provided by section 2305.16 of the Revised Code, 104274

and except as provided in division (D) of this section, both of 104275  
the following apply: 104276

(1) No action upon a medical, dental, optometric, or 104277  
chiropractic claim shall be commenced more than four years after 104278  
the occurrence of the act or omission constituting the alleged 104279  
basis of the medical, dental, optometric, or chiropractic claim. 104280

(2) If an action upon a medical, dental, optometric, or 104281  
chiropractic claim is not commenced within four years after the 104282  
occurrence of the act or omission constituting the alleged basis 104283  
of the medical, dental, optometric, or chiropractic claim, then, 104284  
any action upon that claim is barred. 104285

(D)(1) If a person making a medical claim, dental claim, 104286  
optometric claim, or chiropractic claim, in the exercise of 104287  
reasonable care and diligence, could not have discovered the 104288  
injury resulting from the act or omission constituting the alleged 104289  
basis of the claim within three years after the occurrence of the 104290  
act or omission, but, in the exercise of reasonable care and 104291  
diligence, discovers the injury resulting from that act or 104292  
omission before the expiration of the four-year period specified 104293  
in division (C)(1) of this section, the person may commence an 104294  
action upon the claim not later than one year after the person 104295  
discovers the injury resulting from that act or omission. 104296

(2) If the alleged basis of a medical claim, dental claim, 104297  
optometric claim, or chiropractic claim is the occurrence of an 104298  
act or omission that involves a foreign object that is left in the 104299  
body of the person making the claim, the person may commence an 104300  
action upon the claim not later than one year after the person 104301  
discovered the foreign object or not later than one year after the 104302  
person, with reasonable care and diligence, should have discovered 104303  
the foreign object. 104304

(3) A person who commences an action upon a medical claim, 104305

dental claim, optometric claim, or chiropractic claim under the 104306  
circumstances described in division (D)(1) or (2) of this section 104307  
has the affirmative burden of proving, by clear and convincing 104308  
evidence, that the person, with reasonable care and diligence, 104309  
could not have discovered the injury resulting from the act or 104310  
omission constituting the alleged basis of the claim within the 104311  
three-year period described in division (D)(1) of this section or 104312  
within the one-year period described in division (D)(2) of this 104313  
section, whichever is applicable. 104314

(E) As used in this section: 104315

(1) "Hospital" includes any person, corporation, association, 104316  
board, or authority that is responsible for the operation of any 104317  
hospital licensed or registered in the state, including, but not 104318  
limited to, those that are owned or operated by the state, 104319  
political subdivisions, any person, any corporation, or any 104320  
combination of the state, political subdivisions, persons, and 104321  
corporations. "Hospital" also includes any person, corporation, 104322  
association, board, entity, or authority that is responsible for 104323  
the operation of any clinic that employs a full-time staff of 104324  
physicians practicing in more than one recognized medical 104325  
specialty and rendering advice, diagnosis, care, and treatment to 104326  
individuals. "Hospital" does not include any hospital operated by 104327  
the government of the United States or any of its branches. 104328

(2) "Physician" means a person who is licensed to practice 104329  
medicine and surgery or osteopathic medicine and surgery by the 104330  
state medical board or a person who otherwise is authorized to 104331  
practice medicine and surgery or osteopathic medicine and surgery 104332  
in this state. 104333

(3) "Medical claim" means any claim that is asserted in any 104334  
civil action against a physician, podiatrist, hospital, home, or 104335  
residential facility, against any employee or agent of a 104336  
physician, podiatrist, hospital, home, or residential facility, or 104337

against a licensed practical nurse, registered nurse, advanced 104338  
practice registered nurse, physical therapist, physician 104339  
assistant, emergency medical technician-basic, emergency medical 104340  
technician-intermediate, or emergency medical 104341  
technician-paramedic, and that arises out of the medical 104342  
diagnosis, care, or treatment of any person. "Medical claim" 104343  
includes the following: 104344

(a) Derivative claims for relief that arise from the plan of 104345  
care, medical diagnosis, or treatment of a person; 104346

(b) Claims that arise out of the plan of care, medical 104347  
diagnosis, or treatment of any person and to which either of the 104348  
following applies: 104349

(i) The claim results from acts or omissions in providing 104350  
medical care. 104351

(ii) The claim results from the hiring, training, 104352  
supervision, retention, or termination of caregivers providing 104353  
medical diagnosis, care, or treatment. 104354

(c) Claims that arise out of the plan of care, medical 104355  
diagnosis, or treatment of any person and that are brought under 104356  
section 3721.17 of the Revised Code; 104357

(d) Claims that arise out of skilled nursing care or personal 104358  
care services provided in a home pursuant to the plan of care, 104359  
medical diagnosis, or treatment. 104360

(4) "Podiatrist" means any person who is licensed to practice 104361  
podiatric medicine and surgery by the state medical board. 104362

(5) "Dentist" means any person who is licensed to practice 104363  
dentistry by the state dental board. 104364

(6) "Dental claim" means any claim that is asserted in any 104365  
civil action against a dentist, or against any employee or agent 104366  
of a dentist, and that arises out of a dental operation or the 104367



dental diagnosis, care, or treatment of any person. "Dental claim" 104368  
includes derivative claims for relief that arise from a dental 104369  
operation or the dental diagnosis, care, or treatment of a person. 104370

(7) "Derivative claims for relief" include, but are not 104371  
limited to, claims of a parent, guardian, custodian, or spouse of 104372  
an individual who was the subject of any medical diagnosis, care, 104373  
or treatment, dental diagnosis, care, or treatment, dental 104374  
operation, optometric diagnosis, care, or treatment, or 104375  
chiropractic diagnosis, care, or treatment, that arise from that 104376  
diagnosis, care, treatment, or operation, and that seek the 104377  
recovery of damages for any of the following: 104378

(a) Loss of society, consortium, companionship, care, 104379  
assistance, attention, protection, advice, guidance, counsel, 104380  
instruction, training, or education, or any other intangible loss 104381  
that was sustained by the parent, guardian, custodian, or spouse; 104382

(b) Expenditures of the parent, guardian, custodian, or 104383  
spouse for medical, dental, optometric, or chiropractic care or 104384  
treatment, for rehabilitation services, or for other care, 104385  
treatment, services, products, or accommodations provided to the 104386  
individual who was the subject of the medical diagnosis, care, or 104387  
treatment, the dental diagnosis, care, or treatment, the dental 104388  
operation, the optometric diagnosis, care, or treatment, or the 104389  
chiropractic diagnosis, care, or treatment. 104390

(8) "Registered nurse" means any person who is licensed to 104391  
practice nursing as a registered nurse by the board of nursing. 104392

(9) "Chiropractic claim" means any claim that is asserted in 104393  
any civil action against a chiropractor, or against any employee 104394  
or agent of a chiropractor, and that arises out of the 104395  
chiropractic diagnosis, care, or treatment of any person. 104396  
"Chiropractic claim" includes derivative claims for relief that 104397  
arise from the chiropractic diagnosis, care, or treatment of a 104398

person. 104399

(10) "Chiropractor" means any person who is licensed to 104400  
practice chiropractic by the state chiropractic board. 104401

(11) "Optometric claim" means any claim that is asserted in 104402  
any civil action against an optometrist, or against any employee 104403  
or agent of an optometrist, and that arises out of the optometric 104404  
diagnosis, care, or treatment of any person. "Optometric claim" 104405  
includes derivative claims for relief that arise from the 104406  
optometric diagnosis, care, or treatment of a person. 104407

(12) "Optometrist" means any person licensed to practice 104408  
optometry by the state ~~board of optometry~~ vision professionals 104409  
board. 104410

(13) "Physical therapist" means any person who is licensed to 104411  
practice physical therapy under Chapter 4755. of the Revised Code. 104412

(14) "Home" has the same meaning as in section 3721.10 of the 104413  
Revised Code. 104414

(15) "Residential facility" means a facility licensed under 104415  
section 5123.19 of the Revised Code. 104416

(16) "Advanced practice registered nurse" has the same 104417  
meaning as in section 4723.01 of the Revised Code. 104418

(17) "Licensed practical nurse" means any person who is 104419  
licensed to practice nursing as a licensed practical nurse by the 104420  
board of nursing pursuant to Chapter 4723. of the Revised Code. 104421

(18) "Physician assistant" means any person who is licensed 104422  
as a physician assistant under Chapter 4730. of the Revised Code. 104423

(19) "Emergency medical technician-basic," "emergency medical 104424  
technician-intermediate," and "emergency medical 104425  
technician-paramedic" means any person who is certified under 104426  
Chapter 4765. of the Revised Code as an emergency medical 104427  
technician-basic, emergency medical technician-intermediate, or 104428

emergency medical technician-paramedic, whichever is applicable. 104429

(20) "Skilled nursing care" and "personal care services" have 104430  
the same meanings as in section 3721.01 of the Revised Code. 104431

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 104432  
grade in the school year that starts July 1, 2009, and until June 104433  
30, 2013, unless the student is excused under division (C) of 104434  
section 3301.0711 of the Revised Code from taking the assessment 104435  
described in this section, for any student who does not attain at 104436  
least the equivalent level of achievement designated under 104437  
division (A)(3) of section 3301.0710 of the Revised Code on the 104438  
assessment prescribed under that section to measure skill in 104439  
English language arts expected at the end of third grade, each 104440  
school district, in accordance with the policy adopted under 104441  
section 3313.609 of the Revised Code, shall do one of the 104442  
following: 104443

(a) Promote the student to fourth grade if the student's 104444  
principal and reading teacher agree that other evaluations of the 104445  
student's skill in reading demonstrate that the student is 104446  
academically prepared to be promoted to fourth grade; 104447

(b) Promote the student to fourth grade but provide the 104448  
student with intensive intervention services in fourth grade; 104449

(c) Retain the student in third grade. 104450

(2) Beginning with students who enter third grade in the 104451  
2013-2014 school year, unless the student is excused under 104452  
division (C) of section 3301.0711 of the Revised Code from taking 104453  
the assessment described in this section, no school district shall 104454  
promote to fourth grade any student who does not attain at least 104455  
the equivalent level of achievement designated under division 104456  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 104457  
prescribed under that section to measure skill in English language 104458

arts expected at the end of third grade, unless one of the 104459  
following applies: 104460

(a) The student is a limited English proficient student who 104461  
has been enrolled in United States schools for less than three 104462  
full school years and has had less than three years of instruction 104463  
in an English as a second language program. 104464

(b) The student is a child with a disability entitled to 104465  
special education and related services under Chapter 3323. of the 104466  
Revised Code and the student's individualized education program 104467  
exempts the student from retention under this division. 104468

(c) The student demonstrates an acceptable level of 104469  
performance on an alternative standardized reading assessment as 104470  
determined by the department of education. 104471

(d) All of the following apply: 104472

(i) The student is a child with a disability entitled to 104473  
special education and related services under Chapter 3323. of the 104474  
Revised Code. 104475

(ii) The student has taken the third grade English language 104476  
arts achievement assessment prescribed under section 3301.0710 of 104477  
the Revised Code. 104478

(iii) The student's individualized education program or plan 104479  
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 104480  
355, 29 U.S.C. 794, as amended, shows that the student has 104481  
received intensive remediation in reading for two school years but 104482  
still demonstrates a deficiency in reading. 104483

(iv) The student previously was retained in any of grades 104484  
kindergarten to three. 104485

(e)(i) The student received intensive remediation for reading 104486  
for two school years but still demonstrates a deficiency in 104487  
reading and was previously retained in any of grades kindergarten 104488

to three. 104489

(ii) A student who is promoted under division (A)(2)(e)(i) of 104490  
this section shall continue to receive intensive reading 104491  
instruction in grade four. The instruction shall include an 104492  
altered instructional day that includes specialized diagnostic 104493  
information and specific research-based reading strategies for the 104494  
student that have been successful in improving reading among 104495  
low-performing readers. 104496

(B)(1) Beginning in the 2012-2013 school year, to assist 104497  
students in meeting the third grade guarantee established by this 104498  
section, each school district board of education shall adopt 104499  
policies and procedures with which it annually shall assess the 104500  
reading skills of each student, except those students with 104501  
significant cognitive disabilities or other disabilities as 104502  
authorized by the department on a case-by-case basis, enrolled in 104503  
kindergarten to third grade and shall identify students who are 104504  
reading below their grade level. The reading skills assessment 104505  
shall be completed by the thirtieth day of September for students 104506  
in grades one to three, and by the first day of November for 104507  
students in kindergarten. Each district shall use the diagnostic 104508  
assessment to measure reading ability for the appropriate grade 104509  
level adopted under section 3301.079 of the Revised Code, or a 104510  
comparable tool approved by the department of education, to 104511  
identify such students. The policies and procedures shall require 104512  
the students' classroom teachers to be involved in the assessment 104513  
and the identification of students reading below grade level. The 104514  
assessment may be administered electronically using live, two-way 104515  
video and audio connections whereby the teacher administering the 104516  
assessment may be in a separate location from the student. 104517

(2) For each student identified by the diagnostic assessment 104518  
prescribed under this section as having reading skills below grade 104519  
level, the district shall do both of the following: 104520

(a) Provide to the student's parent or guardian, in writing, 104521  
all of the following: 104522

(i) Notification that the student has been identified as 104523  
having a substantial deficiency in reading; 104524

(ii) A description of the current services that are provided 104525  
to the student; 104526

(iii) A description of the proposed supplemental 104527  
instructional services and supports that will be provided to the 104528  
student that are designed to remediate the identified areas of 104529  
reading deficiency; 104530

(iv) Notification that if the student attains a score in the 104531  
range designated under division (A)(3) of section 3301.0710 of the 104532  
Revised Code on the assessment prescribed under that section to 104533  
measure skill in English language arts expected at the end of 104534  
third grade, the student shall be retained unless the student is 104535  
exempt under division (A) of this section. The notification shall 104536  
specify that the assessment under section 3301.0710 of the Revised 104537  
Code is not the sole determinant of promotion and that additional 104538  
evaluations and assessments are available to the student to assist 104539  
parents and the district in knowing when a student is reading at 104540  
or above grade level and ready for promotion. 104541

(b) Provide intensive reading instruction services and 104542  
regular diagnostic assessments to the student immediately 104543  
following identification of a reading deficiency until the 104544  
development of the reading improvement and monitoring plan 104545  
required by division (C) of this section. These intervention 104546  
services shall include research-based reading strategies that have 104547  
been shown to be successful in improving reading among 104548  
low-performing readers and instruction targeted at the student's 104549  
identified reading deficiencies. 104550

(3) For each student retained under division (A) of this 104551

section, the district shall do all of the following: 104552

(a) Provide intense remediation services until the student is 104553  
able to read at grade level. The remediation services shall 104554  
include intensive interventions in reading that address the areas 104555  
of deficiencies identified under this section including, but not 104556  
limited to, not less than ninety minutes of reading instruction 104557  
per day, and may include any of the following: 104558

(i) Small group instruction; 104559

(ii) Reduced teacher-student ratios; 104560

(iii) More frequent progress monitoring; 104561

(iv) Tutoring or mentoring; 104562

(v) Transition classes containing third and fourth grade 104563  
students; 104564

(vi) Extended school day, week, or year; 104565

(vii) Summer reading camps. 104566

(b) Establish a policy for the mid-year promotion of a 104567  
student retained under division (A) of this section who 104568  
demonstrates that the student is reading at or above grade level; 104569

(c) Provide each student with a teacher who satisfies one or 104570  
more of the criteria set forth in division (H) of this section. 104571

The district shall offer the option for students to receive 104572  
applicable services from one or more providers other than the 104573  
district. Providers shall be screened and approved by the district 104574  
or the department of education. If the student participates in the 104575  
remediation services and demonstrates reading proficiency in 104576  
accordance with standards adopted by the department prior to the 104577  
start of fourth grade, the district shall promote the student to 104578  
that grade. 104579

(4) For each student retained under division (A) of this 104580

section who has demonstrated proficiency in a specific academic 104581  
ability field, each district shall provide instruction 104582  
commensurate with student achievement levels in that specific 104583  
academic ability field. 104584

As used in this division, "specific academic ability field" 104585  
has the same meaning as in section 3324.01 of the Revised Code. 104586

(C) For each student required to be provided intervention 104587  
services under this section, the district shall develop a reading 104588  
improvement and monitoring plan within sixty days after receiving 104589  
the student's results on the diagnostic assessment or comparable 104590  
tool administered under division (B)(1) of this section. The 104591  
district shall involve the student's parent or guardian and 104592  
classroom teacher in developing the plan. The plan shall include 104593  
all of the following: 104594

(1) Identification of the student's specific reading 104595  
deficiencies; 104596

(2) A description of the additional instructional services 104597  
and support that will be provided to the student to remediate the 104598  
identified reading deficiencies; 104599

(3) Opportunities for the student's parent or guardian to be 104600  
involved in the instructional services and support described in 104601  
division (C)(2) of this section; 104602

(4) A process for monitoring the extent to which the student 104603  
receives the instructional services and support described in 104604  
division (C)(2) of this section; 104605

(5) A reading curriculum during regular school hours that 104606  
does all of the following: 104607

(a) Assists students to read at grade level; 104608

(b) Provides scientifically based and reliable assessment; 104609

(c) Provides initial and ongoing analysis of each student's 104610



reading progress. 104611

(6) A statement that if the student does not attain at least 104612  
the equivalent level of achievement designated under division 104613  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 104614  
prescribed under that section to measure skill in English language 104615  
arts expected by the end of third grade, the student may be 104616  
retained in third grade. 104617

Each student with a reading improvement and monitoring plan 104618  
under this division who enters third grade after July 1, 2013, 104619  
shall be assigned to a teacher who satisfies one or more of the 104620  
criteria set forth in division (H) of this section. 104621

The district shall report any information requested by the 104622  
department about the reading improvement monitoring plans 104623  
developed under this division in the manner required by the 104624  
department. 104625

(D) Each school district shall report annually to the 104626  
department on its implementation and compliance with this section 104627  
using guidelines prescribed by the superintendent of public 104628  
instruction. The superintendent of public instruction annually 104629  
shall report to the governor and general assembly the number and 104630  
percentage of students in grades kindergarten through four reading 104631  
below grade level based on the diagnostic assessments administered 104632  
under division (B) of this section and the achievement assessments 104633  
administered under divisions (A)(1)(a) and (b) of section 104634  
3301.0710 of the Revised Code in English language arts, aggregated 104635  
by school district and building; the types of intervention 104636  
services provided to students; and, if available, an evaluation of 104637  
the efficacy of the intervention services provided. 104638

(E) Any summer remediation services funded in whole or in 104639  
part by the state and offered by school districts to students 104640  
under this section shall meet the following conditions: 104641

- (1) The remediation methods are based on reliable educational research. 104642  
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- (2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services. 104644  
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- (3) The parents of participating students are involved in programming decisions. 104647  
104648
- (F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction. 104649  
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- (G) This section does not create a new cause of action or a substantive legal right for any person. 104652  
104653
- (H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria: 104654  
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- (a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable. 104660  
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- (b) The teacher has completed a master's degree program with a major in reading. 104663  
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- (c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code. 104665  
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- (d) The teacher was rated "above expected value added," in 104671

reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013,

may receive reading intervention or remediation services under 104703  
this section from an individual employed as a speech-language 104704  
pathologist who holds a license issued by the state speech and 104705  
hearing professionals board of ~~speech language pathology and~~ 104706  
~~audiology~~ under Chapter 4753. of the Revised Code and a 104707  
professional pupil services license as a school speech-language 104708  
pathologist issued by the state board of education. 104709

(5) A teacher, other than a student's teacher of record, may 104710  
provide any services required under this section, so long as that 104711  
other teacher meets the requirements of division (H) of this 104712  
section and the teacher of record and the school principal agree 104713  
to the assignment. Any such assignment shall be documented in the 104714  
student's reading improvement and monitoring plan. 104715

As used in this division, "teacher of record" means the 104716  
classroom teacher to whom a student is assigned. 104717

(I) Notwithstanding division (H) of this section, a teacher 104718  
may teach reading to any student who is an English language 104719  
learner, and has been in the United States for three years or 104720  
less, or to a student who has an individualized education program 104721  
developed under Chapter 3323. of the Revised Code if that teacher 104722  
holds an alternative credential approved by the department or has 104723  
successfully completed training that is based on principles of 104724  
scientifically research-based reading instruction that has been 104725  
approved by the department. Beginning on July 1, 2014, the 104726  
alternative credentials and training described in this division 104727  
shall be aligned with the reading competencies adopted by the 104728  
state board of education under section 3301.077 of the Revised 104729  
Code. 104730

(J) If, on or after June 4, 2013, a school district or 104731  
community school cannot furnish the number of teachers needed who 104732  
satisfy one or more of the criteria set forth in division (H) of 104733  
this section for the 2013-2014 school year, the school district or 104734

community school shall develop and submit a staffing plan by June 104735  
30, 2013. The staffing plan shall include criteria that will be 104736  
used to assign a student described in division (B)(3) or (C) of 104737  
this section to a teacher, credentials or training held by 104738  
teachers currently teaching at the school, and how the school 104739  
district or community school will meet the requirements of this 104740  
section. The school district or community school shall post the 104741  
staffing plan on its web site for the applicable school year. 104742

Not later than March 1, 2014, and on the first day of March 104743  
in each year thereafter, a school district or community school 104744  
that has submitted a plan under this division shall submit to the 104745  
department a detailed report of the progress the district or 104746  
school has made in meeting the requirements under this section. 104747

A school district or community school may request an 104748  
extension of a staffing plan beyond the 2013-2014 school year. 104749  
Extension requests must be submitted to the department not later 104750  
than the thirtieth day of April prior to the start of the 104751  
applicable school year. The department may grant extensions valid 104752  
through the 2015-2016 school year. 104753

Until June 30, 2015, the department annually shall review all 104754  
staffing plans and report to the state board not later than the 104755  
thirtieth day of June of each year the progress of school 104756  
districts and community schools in meeting the requirements of 104757  
this section. 104758

(K) The department of education shall designate one or more 104759  
staff members to provide guidance and assistance to school 104760  
districts and community schools in implementing the third grade 104761  
guarantee established by this section, including any standards or 104762  
requirements adopted to implement the guarantee and to provide 104763  
information and support for reading instruction and achievement. 104764

**Sec. 3701.83.** There is hereby created in the state treasury 104765

the general operations fund. Moneys in the fund shall be used for 104766  
the purposes specified in sections 3701.04, 3701.344, 3702.20, 104767  
3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 104768  
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 104769  
3749.07, ~~4747.04~~, and 4769.09 of the Revised Code. 104770

**Sec. 4725.01.** As used in this chapter: 104771

(A)(1) The "practice of optometry" means the application of 104772  
optical principles, through technical methods and devices, in the 104773  
examination of human eyes for the purpose of ascertaining 104774  
departures from the normal, measuring their functional powers, 104775  
adapting optical accessories for the aid thereof, and detecting 104776  
ocular abnormalities that may be evidence of disease, pathology, 104777  
or injury. 104778

(2) In the case of a licensed optometrist who holds a topical 104779  
ocular pharmaceutical agents certificate, the "practice of 104780  
optometry" has the same meaning as in division (A)(1) of this 104781  
section, except that it also includes administering topical ocular 104782  
pharmaceutical agents. 104783

(3) In the case of a licensed optometrist who holds a 104784  
therapeutic pharmaceutical agents certificate, the "practice of 104785  
optometry" has the same meaning as in division (A)(1) of this 104786  
section, except that it also includes all of the following: 104787

(a) Employing, applying, administering, and prescribing 104788  
instruments, devices, and procedures, other than invasive 104789  
procedures, for purpose of examination, investigation, diagnosis, 104790  
treatment, or prevention of any disease, injury, or other abnormal 104791  
condition of the visual system; 104792

(b) Employing, applying, administering, and prescribing 104793  
topical ocular pharmaceutical agents; 104794

(c) Employing, applying, administering, and prescribing 104795

therapeutic pharmaceutical agents; 104796

(d) Assisting an individual in determining the individual's 104797  
blood glucose level by using a commercially available 104798  
glucose-monitoring device. Nothing in this section precludes a 104799  
licensed optometrist who holds a therapeutic pharmaceutical agents 104800  
certificate from using any particular type of commercially 104801  
available glucose-monitoring device. 104802

(B) "Topical ocular pharmaceutical agent" means a drug or 104803  
dangerous drug that is a topical drug and used in the practice of 104804  
optometry as follows: 104805

(1) In the case of a licensed optometrist who holds a topical 104806  
ocular pharmaceutical agents certificate, for evaluative purposes 104807  
in the practice of optometry as set forth in division (A)(1) of 104808  
this section; 104809

(2) In the case of a licensed optometrist who holds a 104810  
therapeutic pharmaceutical agents certificate, for purposes of 104811  
examination, investigation, diagnosis, treatment, or prevention of 104812  
any disease, injury, or other abnormal condition of the visual 104813  
system. 104814

(C) "Therapeutic pharmaceutical agent" means a drug or 104815  
dangerous drug that is used for examination, investigation, 104816  
diagnosis, treatment, or prevention of any disease, injury, or 104817  
other abnormal condition of the visual system in the practice of 104818  
optometry by a licensed optometrist who holds a therapeutic 104819  
pharmaceutical agents certificate, and is any of the following: 104820

(1) An oral drug or dangerous drug in one of the following 104821  
classifications: 104822

(a) Anti-infectives, including antibiotics, antivirals, 104823  
antimicrobials, and antifungals; 104824

(b) Anti-allergy agents; 104825

|                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (c) Antiglaucoma agents;                                                                                                                                                                                                                                                                                                                                                                             | 104826                                                             |
| (d) Analgesics, including only analgesic drugs that are available without a prescription, analgesic drugs or dangerous drugs that require a prescription but are not controlled substances, and, to the extent authorized by the state <del>board of optometry</del> <u>vision professionals board</u> in rules adopted under section 4725.091 of the Revised Code, analgesic controlled substances; | 104827<br>104828<br>104829<br>104830<br>104831<br>104832<br>104833 |
| (e) Anti-inflammatories, excluding all drugs or dangerous drugs classified as oral steroids other than methylpredisolone, except that methylpredisolone may be used under a therapeutic pharmaceutical agents certificate only if it is prescribed under all of the following conditions:                                                                                                            | 104834<br>104835<br>104836<br>104837<br>104838                     |
| (i) For use in allergy cases;                                                                                                                                                                                                                                                                                                                                                                        | 104839                                                             |
| (ii) For use by an individual who is eighteen years of age or older;                                                                                                                                                                                                                                                                                                                                 | 104840<br>104841                                                   |
| (iii) On the basis of an individual's particular episode of illness;                                                                                                                                                                                                                                                                                                                                 | 104842<br>104843                                                   |
| (iv) In an amount that does not exceed the amount packaged for a single course of therapy.                                                                                                                                                                                                                                                                                                           | 104844<br>104845                                                   |
| (2) Epinephrine administered by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock. Notwithstanding any provision of this section to the contrary, administration of epinephrine in this manner does not constitute performance of an invasive procedure.                                                                                              | 104846<br>104847<br>104848<br>104849<br>104850                     |
| (3) An oral drug or dangerous drug that is not included under division (C)(1) of this section, if the drug or dangerous drug is approved, exempt from approval, certified, or exempt from certification by the federal food and drug administration for ophthalmic purposes and the drug or dangerous drug is specified in                                                                           | 104851<br>104852<br>104853<br>104854<br>104855                     |



rules adopted by the ~~state board of optometry~~ under section 104856  
4725.09 of the Revised Code. 104857

(D) "Controlled substance" has the same meaning as in section 104858  
3719.01 of the Revised Code. 104859

(E) "Drug" and "dangerous drug" have the same meanings as in 104860  
section 4729.01 of the Revised Code. 104861

(F) "Invasive procedure" means any procedure that involves 104862  
cutting or otherwise infiltrating human tissue by mechanical means 104863  
including surgery, laser surgery, ionizing radiation, therapeutic 104864  
ultrasound, administering medication by injection, or the removal 104865  
of intraocular foreign bodies. 104866

(G) "Visual system" means the human eye and its accessory or 104867  
subordinate anatomical parts. 104868

(H) "Certificate of licensure" means a certificate issued by 104869  
the ~~state board of optometry~~ under section 4725.13 of the Revised 104870  
Code authorizing the holder to practice optometry as provided in 104871  
division (A)(1) of this section. 104872

(I) "Topical ocular pharmaceutical agents certificate" means 104873  
a certificate issued by the ~~state board of optometry~~ under section 104874  
4725.13 of the Revised Code authorizing the holder to practice 104875  
optometry as provided in division (A)(2) of this section. 104876

(J) "Therapeutic pharmaceutical agents certificate" means a 104877  
certificate issued by the ~~state board of optometry~~ under division 104878  
(A)(3) or (4) of section 4725.13 of the Revised Code authorizing 104879  
the holder to practice optometry as provided in division (A)(3) of 104880  
this section. 104881

**Sec. 4725.02.** (A) Except as provided in section 4725.26 of 104882  
the Revised Code, no person shall engage in the practice of 104883  
optometry, including the determination of the kind of procedure, 104884  
treatment, or optical accessories needed by a person or the 104885

examination of the eyes of any person for the purpose of fitting 104886  
the same with optical accessories, unless the person holds a 104887  
current, valid certificate of licensure from the state ~~board of~~ 104888  
~~optometry~~ vision professionals board. No person shall claim to be 104889  
the lawful holder of a certificate of licensure when in fact the 104890  
person is not such lawful holder, or impersonate any licensed 104891  
optometrist. 104892

(B) No optometrist shall administer topical ocular 104893  
pharmaceutical agents unless the optometrist holds a valid topical 104894  
ocular pharmaceutical agents certificate or therapeutic 104895  
pharmaceutical agents certificate and fulfills the other 104896  
requirements of this chapter. 104897

(C) No optometrist shall practice optometry as described in 104898  
division (A)(3) of section 4725.01 of the Revised Code unless the 104899  
optometrist holds a valid therapeutic pharmaceutical agents 104900  
certificate. 104901

(D) No optometrist shall personally furnish a therapeutic 104902  
pharmaceutical agent to any person, except that a licensed 104903  
optometrist who holds a therapeutic pharmaceutical agents 104904  
certificate may personally furnish a therapeutic pharmaceutical 104905  
agent to a patient if no charge is imposed for the agent or for 104906  
furnishing it and the amount furnished does not exceed a 104907  
seventy-two hour supply, except that if the minimum available 104908  
quantity of the agent is greater than a seventy-two hour supply, 104909  
the optometrist may furnish the minimum available quantity. 104910

**Sec. 4725.031.** (A) There is hereby created the state vision 104911  
professionals board consisting of the following members, appointed 104912  
by the governor with the advice and consent of the senate: 104913

(1) Four individuals licensed as optometrists under this 104914  
chapter; 104915

(2) Two individuals licensed as licensed dispensing opticians 104916  
under this chapter; 104917

(3) One individual representing the general public. 104918

(B) Not later than ninety days after the effective date of 104919  
this section, the governor shall make initial appointments to the 104920  
board. Of the initial appointments, three members shall serve 104921  
terms ending March 22, 2019, two members shall serve terms ending 104922  
March 22, 2020, and two members shall serve terms ending March 22, 104923  
2021. 104924

Thereafter, terms of office are three years, with each term 104925  
commencing on the twenty-third day of March and ending on the 104926  
twenty-second day of March. Each member shall hold office from the 104927  
date of appointment until the end of the term for which the member 104928  
was appointed, except that a member shall continue in office after 104929  
the expiration date of the member's term until the member's 104930  
successor takes office. No member shall serve more than three 104931  
consecutive terms. 104932

Vacancies shall be filled in the same manner as original 104933  
appointments. Any member appointed to fill a vacancy occurring 104934  
before the expiration of the term for which the member's 104935  
predecessor was appointed shall hold office for the remainder of 104936  
that term. 104937

(C) When the term of a member of the board expires or a 104938  
vacancy occurs on the board, a professional association 104939  
representing the interests of the occupation of the board position 104940  
to be filled may recommend to the governor individuals to fill the 104941  
position. The governor shall consider the recommendation in making 104942  
appointments to the board. 104943

(D) No individual may be appointed to the board who has been 104944  
convicted of or pleaded guilty to a felony under the laws of this 104945  
state, another state, or the United States. 104946

The governor may remove a member of the board for malfeasance, misfeasance, or nonfeasance after a hearing in accordance with Chapter 119. of the Revised Code. The governor shall remove, after a hearing in accordance with Chapter 119. of the Revised Code, any member who has been convicted of or pleaded guilty to a felony under the laws of this state, another state, or the United States.

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Sec. 4725.032. Whenever the term "state board of optometry" or "Ohio optical dispensers board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state vision professionals board."

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Whenever "executive director of the state board of optometry" or "executive secretary-treasurer of the Ohio optical dispensers board" is used in a statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state vision professionals board.

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Sec. 4725.04. The state vision professionals board of optometry shall organize by the election of a president and a secretary from its members, who shall hold their respective offices for one year.

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The board shall hold meetings to perform its regular duties at least four times each year. At least one of the board's regular meetings shall be held in ~~Columbus~~ Franklin county. The board may hold additional meetings as it considers necessary. The time and place of any regular or other meeting shall be fixed and published by the board at least thirty days prior to the date that it is to be held, except when the meeting to be held is an emergency or special meeting, in which case the board shall give twenty-four hours' notice or as much notice as possible under the circumstances.

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A majority of the board constitutes a quorum, ~~but a lesser~~ 104977  
~~number may adjourn from time to time.~~ 104978

**Sec. 4725.05.** The state vision professionals board ~~of~~ 104979  
~~optometry~~ shall ~~employ~~ hire an executive director. Before entering 104980  
upon the discharge of official duties of office, the executive 104981  
director shall give a bond, to be approved by the board, in the 104982  
sum of two thousand dollars conditioned for the faithful discharge 104983  
of the duties of the office. The premium for such bond shall be 104984  
paid as are other expenditures of the board. The bond, with the 104985  
approval of the board and oath of office indorsed thereon, shall 104986  
be deposited with the secretary of state and kept in the secretary 104987  
of state's office. 104988

The executive director of the board, in consultation with the 104989  
director of administrative services, may employ such assistants, 104990  
inspectors, investigators, and ~~clerical help~~ other employees as 104991  
are necessary to administer ~~and enforce sections 4725.01 to~~ 104992  
~~4725.34 of the Revised Code~~ this chapter, the expenses thereof to 104993  
be charged and paid as other expenditures of the board. 104994

**Sec. 4725.06.** Each member of the state vision professionals 104995  
board ~~of optometry~~ shall receive an amount fixed pursuant to 104996  
division (J) of section 124.15 of the Revised Code for each day 104997  
~~actually employed in the discharge of the~~ member is performing the 104998  
member's official duties ~~of the member,~~ and be reimbursed for the 104999  
actual and necessary expenses of the member incurred in performing 105000  
such duties. 105001

The board, in consultation with the director of 105002  
administrative services, shall set the compensation of its 105003  
executive director and of any employees of the board. The 105004  
executive director of the board shall receive reimbursement for 105005  
necessary expenses incurred in the discharge of the executive 105006

director's official duties. 105007

All vouchers of the board shall be approved by the board 105008  
president or executive director, or both, as authorized by the 105009  
board. 105010

**Sec. 4725.07.** The state vision professionals board of 105011  
~~optometry~~ shall adopt a seal and certificate of suitable design 105012  
and shall keep a record of its proceedings, a register of ~~persons~~ 105013  
~~who have received certificates of licensure, a register of~~ 105014  
~~licensed optometrists who have received topical ocular~~ 105015  
~~pharmaceutical agents certificates, a register of licensed~~ 105016  
~~optometrists who have received therapeutic pharmaceutical agents~~ 105017  
~~certificates~~ every individual holding a certificate, license, 105018  
registration, or endorsement issued under this chapter, and a 105019  
register of ~~persons who have been subject to the board's~~ 105020  
~~revocation of any of those certificates~~ every individual whose 105021  
certificate, license, registration, or endorsement has been 105022  
revoked under this chapter. 105023

The board shall have an office in ~~Columbus~~ Franklin county, 105024  
where all its permanent records shall be kept. ~~The~~ On request of 105025  
the board ~~may make requisition upon the proper state officials~~ 105026  
~~for,~~ the director of administrative services shall supply the 105027  
board with office ~~rooms~~ space and supplies, including stationery 105028  
and furniture. All printing and binding necessary for the work of 105029  
the board shall be done upon an order issued by the board through 105030  
its president and executive director to the department of 105031  
administrative services. 105032

Except as provided in ~~division (C) of section 4725.22 and~~ 105033  
~~division (C) of section 4725.23 of the Revised Code~~ this chapter, 105034  
the records of the board, including its registers, shall be open 105035  
to public inspection at all reasonable times. A copy of an entry 105036  
in such records, certified by the executive director under the 105037

seal of the board, shall be prima-facie evidence of the facts 105038  
therein stated. 105039

The board annually, on or before the first day of February, 105040  
shall make a report to the governor of all its official acts 105041  
during the preceding year, its receipts and disbursements, and a 105042  
complete report of the conditions of optometry and optical 105043  
dispensing in this state. The board shall submit its first report 105044  
to the governor not later than February 1, 2019. The board shall 105045  
submit its reports to the governor electronically. 105046

**Sec. 4725.08.** In the absence of fraud or bad faith, the state 105047  
vision professionals board of optometry, a current or former board 105048  
member, an agent of the board, a person formally requested by the 105049  
board to be the board's representative, or an employee of the 105050  
board shall not be held liable in damages to any person as the 105051  
result of any act, omission, proceeding, conduct, or decision 105052  
related to official duties undertaken or performed pursuant to 105053  
~~sections 4725.01 to 4725.34 of the Revised Code~~ this chapter. If 105054  
any such person asks to be defended by the state against any claim 105055  
or action arising out of any act, omission, proceeding, conduct, 105056  
or decision related to the person's official duties, and if the 105057  
request is made in writing at a reasonable time before trial and 105058  
the person requesting defense cooperates in good faith in the 105059  
defense of the claim or action, the state shall provide and pay 105060  
for the person's defense and shall pay any resulting judgment, 105061  
compromise, or settlement. At no time shall the state pay any part 105062  
of a claim or judgment that is for punitive or exemplary damages. 105063

**Sec. 4725.09.** (A) The state ~~board of optometry~~ vision 105064  
professionals board shall adopt rules as it considers necessary to 105065  
govern the practice of optometry and to administer and enforce 105066  
sections 4725.01 to 4725.34 of the Revised Code. All rules adopted 105067  
under those sections shall be adopted in accordance with Chapter 105068

119. of the Revised Code. 105069

(B) The board, in consultation with the state board of 105070  
pharmacy, shall adopt rules specifying any oral drugs or dangerous 105071  
drugs that are therapeutic pharmaceutical agents under division 105072  
(C)(3) of section 4725.01 of the Revised Code. 105073

(C) The board shall adopt rules that establish standards to 105074  
be met and procedures to be followed with respect to the 105075  
delegation by an optometrist of the performance of an optometric 105076  
task to a person who is not licensed or otherwise specifically 105077  
authorized by the Revised Code to perform the task. The rules 105078  
shall permit an optometrist who holds a topical ocular 105079  
pharmaceutical agents certificate or therapeutic pharmaceutical 105080  
agents certificate to delegate the administration of drugs 105081  
included in the optometrist's scope of practice. 105082

The rules adopted under this division shall provide for all 105083  
of the following: 105084

(1) On-site supervision when the delegation occurs in an 105085  
institution or other facility that is used primarily for the 105086  
purpose of providing health care, unless the board established a 105087  
specific exception to the on-site supervision requirement with 105088  
respect to routine administration of a topical drug; 105089

(2) Evaluation of whether delegation is appropriate according 105090  
to the acuity of the patient involved; 105091

(3) Training and competency requirements that must be met by 105092  
the person administering the drugs; 105093

(4) Other standards and procedures the board considers 105094  
relevant. 105095

(D) The ~~state board of optometry~~ shall adopt rules 105096  
establishing criminal records checks requirements for applicants 105097  
under section 4776.03 of the Revised Code. 105098



Sec. 4725.091. (A) The state ~~board of optometry~~ vision 105099  
professionals board shall adopt rules governing the authority of 105100  
licensed optometrists practicing under therapeutic pharmaceutical 105101  
agents certificates to employ, apply, administer, and prescribe 105102  
analgesic controlled substances. The rules shall be adopted in 105103  
accordance with Chapter 119. of the Revised Code and in 105104  
consultation with the state board of pharmacy. 105105

(B) All of the following apply to the state vision 105106  
professionals board ~~of optometry~~ in the adoption of rules under 105107  
this section: 105108

(1) The board shall not permit an optometrist to employ, 105109  
apply, administer, or prescribe an analgesic controlled substance 105110  
other than a drug product that is used for the treatment of pain 105111  
and meets one of the following conditions: 105112

(a) The product is a preparation that contains an amount of 105113  
codeine per dosage unit, as specified by the board, and also 105114  
contains other active, nonnarcotic ingredients, such as 105115  
acetaminophen or aspirin, in a therapeutic amount. 105116

(b) The product is a preparation that contains an amount of 105117  
hydrocodone per dosage unit, as specified by the board, and also 105118  
contains other active, nonnarcotic ingredients, such as 105119  
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 105120

(c) The product contains or consists of a drug or dangerous 105121  
drug that was an analgesic included in the practice of optometry 105122  
under a therapeutic pharmaceutical agents certificate immediately 105123  
prior to ~~the effective date of this amendment~~ March 23, 2015, was 105124  
not a controlled substance at that time, and subsequently becomes 105125  
a schedule II, III, IV, or V controlled substance. 105126

(2) The board shall limit the analgesic controlled substances 105127  
that optometrists may employ, apply, administer, or prescribe to 105128

the drugs that the board determines are appropriate for use in the 105129  
practice of optometry under a therapeutic pharmaceutical agents 105130  
certificate. 105131

(3) With regard to the prescribing of analgesic controlled 105132  
substances, the board shall establish prescribing standards to be 105133  
followed by optometrists who hold therapeutic pharmaceutical 105134  
agents certificates. The board shall take into account the 105135  
prescribing standards that exist within the health care 105136  
marketplace. 105137

(4) The board shall establish standards and procedures for 105138  
employing, applying, administering, and prescribing analgesic 105139  
controlled substances under a therapeutic pharmaceutical agents 105140  
certificate by taking into consideration and examining issues that 105141  
include the appropriate length of drug therapy, appropriate 105142  
standards for drug treatment, necessary monitoring systems, and 105143  
any other factors the board considers relevant. 105144

**Sec. 4725.092.** (A) As used in this section, "drug database" 105145  
means the database established and maintained by the state board 105146  
of pharmacy pursuant to section 4729.75 of the Revised Code. 105147

(B) The state ~~board of optometry~~ vision professionals board 105148  
shall adopt rules that establish standards and procedures to be 105149  
followed by an optometrist who holds a therapeutic pharmaceutical 105150  
agents certificate regarding the review of patient information 105151  
available through the drug database under division (A)(5) of 105152  
section 4729.80 of the Revised Code. The rules shall be adopted in 105153  
accordance with Chapter 119. of the Revised Code. 105154

(C) This section and the rules adopted under it do not apply 105155  
if the state board of pharmacy no longer maintains the drug 105156  
database. 105157

**Sec. 4725.10.** (A) The state ~~board of optometry~~ vision 105158

professionals board shall evaluate schools of optometry and grant 105159  
its approval to schools that adequately prepare their graduates 105160  
for the practice of optometry in this state. Approval shall be 105161  
granted only by an affirmative vote of a majority of the members 105162  
of the board. 105163

(B) To be approved by the board, a school of optometry shall 105164  
meet at least the following conditions: 105165

(1) Be accredited by a professional optometric accrediting 105166  
agency recognized by the board; 105167

(2) Require as a prerequisite to admission to the school's 105168  
courses in optometry at least two academic years of study with 105169  
credits of at least sixty semester hours or ninety quarter hours 105170  
in a college of arts and sciences accredited by a post-secondary 105171  
education accrediting organization recognized by the board; 105172

(3) Require a course of study of at least four academic years 105173  
with credits of at least one hundred thirty-four semester hours or 105174  
two hundred quarter hours. 105175

(C) The board may establish standards for the approval of 105176  
schools of optometry that are higher than the standards specified 105177  
in division (B) of this section. 105178

**Sec. 4725.11.** (A) The state ~~board of optometry~~ vision 105179  
professionals board shall accept as the examination that must be 105180  
passed to receive a license to practice optometry in this state 105181  
the examination prepared, administered, and graded by the national 105182  
board of examiners in optometry or an examination prepared, 105183  
administered, and graded by another professional testing 105184  
organization recognized by the board as being qualified to examine 105185  
applicants for licenses to practice optometry in this state. The 105186  
board shall periodically review its acceptance of a licensing 105187  
examination under this section to determine if the examination and 105188

the organization offering it continue to meet standards the board 105189  
considers appropriate. 105190

(B) The licensing examination accepted by the board under 105191  
this section may be divided into parts and offered as follows: 105192

(1) Part one: Tests in basic science, human biology, ocular 105193  
and visual biology, theoretical ophthalmic, physiological optics, 105194  
and physiological psychology; 105195

(2) Part two: Tests in clinical science, systemic conditions, 105196  
the treatment and management of ocular disease, refractive 105197  
oculomotor, sensory integrative conditions, perceptual conditions, 105198  
public health, the legal issues regarding the clinical practice of 105199  
optometry, and pharmacology; 105200

(3) Part three: Tests in patient care and management, 105201  
clinical skills, and the visual recognition and interpretation of 105202  
clinical signs. 105203

(C) The licensing examination accepted by the board may be 105204  
offered in a manner other than the manner specified in division 105205  
(B) of this section, but if offered in another manner, the 105206  
examination must test the person sitting for the examination in 105207  
the areas specified in division (B) of this section and may test 105208  
the person in other areas. 105209

The board may require as a condition of its acceptance of an 105210  
examination that the examination cover subject matters in addition 105211  
to those specified in division (B) of this section, if the schools 105212  
of optometry it approves under section 4725.10 of the Revised Code 105213  
include the additional subject matters in their prescribed 105214  
curriculum. 105215

(D) The board shall accept direct delivery of the results of 105216  
the licensing examination from the testing organization 105217  
administering the examination. The results shall be kept as a 105218  
permanent part of the board's records maintained pursuant to 105219

section 4725.07 of the Revised Code. 105220

(E) On request of any person seeking to practice optometry in 105221  
this state, the board shall provide information on the licensing 105222  
examination accepted by the board, including requirements that 105223  
must be met to be eligible to sit for the examination and the 105224  
dates the examination is offered. 105225

**Sec. 4725.12.** (A) Each person who desires to commence the 105226  
practice of optometry in the state shall file with the executive 105227  
director of the state ~~board of optometry a written~~ vision 105228  
professionals board an application for a certificate of licensure 105229  
and a therapeutic pharmaceutical agents certificate. The 105230  
application shall be accompanied by the fees specified under 105231  
section 4725.34 of the Revised Code and shall contain all 105232  
information the board considers necessary to determine whether an 105233  
applicant is qualified to receive the certificates. The 105234  
application shall be made upon the form prescribed by the board 105235  
and shall be verified by the oath of the applicant. 105236

(B) To receive a certificate of licensure and a therapeutic 105237  
pharmaceutical agents certificate, an applicant must meet all of 105238  
the following conditions: 105239

(1) Be at least eighteen years of age; 105240

(2) Be of good moral character; 105241

(3) Complete satisfactorily a course of study of at least six 105242  
college years; 105243

(4) Graduate from a school of optometry approved by the board 105244  
under section 4725.10 of the Revised Code; 105245

(5) Pass the licensing examination accepted by the board 105246  
under section 4725.11 of the Revised Code. 105247

**Sec. 4725.121.** (A) As used in this section, "license" and 105248

"applicant for an initial license" have the same meanings as in 105249  
section 4776.01 of the Revised Code, except that "license" as used 105250  
in both of those terms refers to the types of authorizations 105251  
otherwise issued or conferred under this chapter. 105252

(B) In addition to any other eligibility requirement set 105253  
forth in this chapter, each applicant for an initial license shall 105254  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 105255  
state ~~board of optometry~~ vision professionals board shall not 105256  
grant a license to an applicant for an initial license unless the 105257  
applicant complies with sections 4776.01 to 4776.04 of the Revised 105258  
Code and the board, in its discretion, decides that the results of 105259  
the criminal records check do not make the applicant ineligible 105260  
for a license issued pursuant to section 4725.13 or 4725.18 of the 105261  
Revised Code. 105262

**Sec. 4725.13.** (A) The state ~~board of optometry~~ vision 105263  
professionals board, by an affirmative vote of a majority of its 105264  
members, shall issue certificates under its seal as follows: 105265

(1) Every applicant who, prior to May 19, 1992, passed the 105266  
licensing examination then in effect, and who otherwise complies 105267  
with sections 4725.01 to 4725.34 of the Revised Code shall receive 105268  
from the board a certificate of licensure authorizing the holder 105269  
to engage in the practice of optometry as provided in division 105270  
(A)(1) of section 4725.01 of the Revised Code. 105271

(2) Every applicant who, prior to May 19, 1992, passed the 105272  
general and ocular pharmacology examination then in effect, and 105273  
who otherwise complies with sections 4725.01 to 4725.34 of the 105274  
Revised Code, shall receive from the board a separate topical 105275  
ocular pharmaceutical agents certificate authorizing the holder to 105276  
administer topical ocular pharmaceutical agents as provided in 105277  
division (A)(2) of section 4725.01 of the Revised Code and in 105278  
accordance with sections 4725.01 to 4725.34 of the Revised Code. 105279

(3) Every applicant who holds a valid certificate of licensure issued prior to May 19, 1992, and meets the requirements of section 4725.14 of the Revised Code shall receive from the board a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A)(3) of section 4725.01 of the Revised Code. 105280  
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(4) Every applicant who, on or after May 19, 1992, passes all parts of the licensing examination accepted by the board under section 4725.11 of the Revised Code and otherwise complies with the requirements of sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code and a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A)(3) of that section. 105287  
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(B) Each person to whom a certificate is issued pursuant to this section by the board shall keep the certificate displayed in a conspicuous place in the location at which that person practices optometry and shall whenever required exhibit the certificate to any member or agent of the board. If an optometrist practices outside of or away from the location at which the optometrist's certificate of licensure is displayed, the optometrist shall deliver to each person examined or fitted with optical accessories by the optometrist, a receipt signed by the optometrist in which the optometrist shall set forth the amounts charged, the optometrist's post-office address, and the number assigned to the optometrist's certificate of licensure. The information may be provided as part of a prescription given to the person. 105297  
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(C) A person who, on May 19, 1992, holds a valid certificate of licensure or topical ocular pharmaceutical agents certificate 105310  
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issued by the board may continue to engage in the practice of 105312  
optometry as provided by the certificate of licensure or topical 105313  
ocular pharmaceutical agents certificate if the person continues 105314  
to comply with sections 4725.01 to 4725.34 of the Revised Code as 105315  
required by the certificate of licensure or topical ocular 105316  
pharmaceutical agents certificate. 105317

**Sec. 4725.15.** If the state ~~board of optometry~~ vision 105318  
professionals board receives notice under division (D) of section 105319  
4725.11 of the Revised Code that an applicant has failed four 105320  
times the licensing examination or part of the examination that 105321  
must be passed pursuant to section 4725.12 or 4725.14 of the 105322  
Revised Code, the board shall not give further consideration to 105323  
the application until the applicant completes thirty hours of 105324  
remedial training approved by the board in the specific subject 105325  
area or areas covered by the examination or part of the 105326  
examination that was failed. 105327

**Sec. 4725.16.** (A)(1) Each certificate of licensure for the 105328  
practice of optometry, topical ocular pharmaceutical agents 105329  
certificate, and therapeutic pharmaceutical agents certificate 105330  
issued by the state ~~board of optometry~~ vision professionals board 105331  
shall expire annually on the last day of December, and may be 105332  
renewed in accordance with this section and the standard renewal 105333  
procedure established under Chapter 4745. of the Revised Code. 105334

(2) An optometrist seeking to continue to practice optometry 105335  
shall file with the board an application for license renewal. The 105336  
application shall be in such form and require such pertinent 105337  
professional biographical data as the board may require. 105338

(3)(a) Except as provided in division (A)(3)(b) of this 105339  
section, in the case of an optometrist seeking renewal who holds a 105340  
therapeutic pharmaceutical agents certificate and who prescribes 105341



or personally furnishes analgesic controlled substances authorized 105342  
pursuant to section 4725.091 of the Revised Code that are opioid 105343  
analgesics, as defined in section 3719.01 of the Revised Code, the 105344  
optometrist shall certify to the board whether the optometrist has 105345  
been granted access to the drug database established and 105346  
maintained by the state board of pharmacy pursuant to section 105347  
4729.75 of the Revised Code. 105348

(b) The requirement in division (A)(3)(a) of this section 105349  
does not apply if any of the following is the case: 105350

(i) The state board of pharmacy notifies the state ~~board of~~ 105351  
~~optometry~~ vision professionals board pursuant to section 4729.861 105352  
of the Revised Code that the certificate holder has been 105353  
restricted from obtaining further information from the drug 105354  
database. 105355

(ii) The state board of pharmacy no longer maintains the drug 105356  
database. 105357

(iii) The certificate holder does not practice optometry in 105358  
this state. 105359

(c) If an optometrist certifies to the state ~~board of~~ 105360  
~~optometry~~ vision professionals board that the optometrist has been 105361  
granted access to the drug database and the board finds through an 105362  
audit or other means that the optometrist has not been granted 105363  
access, the board may take action under section 4725.19 of the 105364  
Revised Code. 105365

(B) All licensed optometrists shall annually complete 105366  
continuing education in subjects relating to the practice of 105367  
optometry, to the end that the utilization and application of new 105368  
techniques, scientific and clinical advances, and the achievements 105369  
of research will assure comprehensive care to the public. The 105370  
board shall prescribe by rule the continuing optometric education 105371  
that licensed optometrists must complete. The length of study 105372

shall be twenty-five clock hours each year, including ten clock 105373  
hours of instruction in pharmacology to be completed by all 105374  
licensed optometrists. 105375

Unless the continuing education required under this division 105376  
is waived or deferred under division (D) of this section, the 105377  
continuing education must be completed during the twelve-month 105378  
period beginning on the first day of October and ending on the 105379  
last day of September. If the board receives notice from a 105380  
continuing education program indicating that an optometrist 105381  
completed the program after the last day of September, and the 105382  
optometrist wants to use the continuing education completed after 105383  
that day to renew the license that expires on the last day of 105384  
December of that year, the optometrist shall pay the penalty 105385  
specified under section 4725.34 of the Revised Code for late 105386  
completion of continuing education. 105387

At least once annually, the board shall post on its web site 105388  
and shall mail, or send by electronic mail, to each licensed 105389  
optometrist a list of courses approved in accordance with 105390  
standards prescribed by board rule. Upon the request of a licensed 105391  
optometrist, the executive director of the board shall supply a 105392  
list of additional courses that the board has approved subsequent 105393  
to the most recent web site posting, electronic mail transmission, 105394  
or mailing of the list of approved courses. 105395

(C)(1) Annually, not later than the first day of November, 105396  
the board shall mail or send by electronic mail a notice regarding 105397  
license renewal to each licensed optometrist who may be eligible 105398  
for renewal. The notice shall be sent to the optometrist's most 105399  
recent electronic mail or mailing address shown in the board's 105400  
records. If the board knows that the optometrist has completed the 105401  
required continuing optometric education for the year, the board 105402  
may include with the notice an application for license renewal. 105403

(2) Filing a license renewal application with the board shall 105404

serve as notice by the optometrist that the continuing optometric 105405  
education requirement has been successfully completed. If the 105406  
board finds that an optometrist has not completed the required 105407  
continuing optometric education, the board shall disapprove the 105408  
optometrist's application. The board's disapproval of renewal is 105409  
effective without a hearing, unless a hearing is requested 105410  
pursuant to Chapter 119. of the Revised Code. 105411

(3) The board shall refuse to accept an application for 105412  
renewal from any applicant whose license is not in good standing 105413  
or who is under disciplinary review pursuant to section 4725.19 of 105414  
the Revised Code. 105415

(4) Notice of an applicant's failure to qualify for renewal 105416  
shall be served upon the applicant by mail. The notice shall be 105417  
sent not later than the fifteenth day of November to the 105418  
applicant's last address shown in the board's records. 105419

(D) In cases of certified illness or undue hardship, the 105420  
board may waive or defer for up to twelve months the requirement 105421  
of continuing optometric education, except that in such cases the 105422  
board may not waive or defer the continuing education in 105423  
pharmacology required to be completed by optometrists who hold 105424  
topical ocular pharmaceutical agents certificates or therapeutic 105425  
pharmaceutical agents certificates. The board shall waive the 105426  
requirement of continuing optometric education for any optometrist 105427  
who is serving on active duty in the armed forces of the United 105428  
States or a reserve component of the armed forces of the United 105429  
States, including the Ohio national guard or the national guard of 105430  
any other state or who has received an initial certificate of 105431  
licensure during the nine-month period which ended on the last day 105432  
of September. 105433

(E) An optometrist whose renewal application has been 105434  
approved may renew each certificate held by paying to the 105435  
treasurer of state the fees for renewal specified under section 105436

4725.34 of the Revised Code. On payment of all applicable fees, 105437  
the board shall issue a renewal of the optometrist's certificate 105438  
of licensure, topical ocular pharmaceutical agents certificate, 105439  
and therapeutic pharmaceutical agents certificate, as appropriate. 105440

(F) Not later than the fifteenth day of December, the board 105441  
shall mail or send by electronic mail a second notice regarding 105442  
license renewal to each licensed optometrist who may be eligible 105443  
for renewal but did not respond to the notice sent under division 105444  
(C)(1) of this section. The notice shall be sent to the 105445  
optometrist's most recent electronic mail or mailing address shown 105446  
in the board's records. If an optometrist fails to file a renewal 105447  
application after the second notice is sent, the board shall send 105448  
a third notice regarding license renewal prior to any action under 105449  
division (I) of this section to classify the optometrist's 105450  
certificates as delinquent. 105451

(G) The failure of an optometrist to apply for license 105452  
renewal or the failure to pay the applicable annual renewal fees 105453  
on or before the date of expiration, shall automatically work a 105454  
forfeiture of the optometrist's authority to practice optometry in 105455  
this state. 105456

(H) The board shall accept renewal applications and renewal 105457  
fees that are submitted from the first day of January to the last 105458  
day of April of the year next succeeding the date of expiration. 105459  
An individual who submits such a late renewal application or fee 105460  
shall pay the late renewal fee specified in section 4725.34 of the 105461  
Revised Code. 105462

(I)(1) If the certificates issued by the board to an 105463  
individual have expired and the individual has not filed a 105464  
complete application during the late renewal period, the 105465  
individual's certificates shall be classified in the board's 105466  
records as delinquent. 105467

(2) Any optometrist subject to delinquent classification may submit ~~a written~~ an application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(a) Submit to the board evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance;

(b) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(8) of section 4725.34 of the Revised Code;

(c) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;

(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing.

(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs.

**Sec. 4725.17.** (A) An optometrist who intends not to continue practicing optometry in this state due to retirement or a decision to practice in another state or country may apply to the state ~~board of optometry~~ vision professionals board to have the certificates issued to the optometrist placed on inactive status. Application for inactive status shall consist of a written notice to the board of the optometrist's intention to no longer practice

in this state. The board may not accept an application submitted 105498  
after the applicant's certificate of licensure and any other 105499  
certificates have expired. The board may approve an application 105500  
for placement on inactive status only if the applicant's 105501  
certificates are in good standing and the applicant is not under 105502  
disciplinary review pursuant to section 4725.19 of the Revised 105503  
Code. 105504

(B) An individual whose certificates have been placed on 105505  
inactive status may submit ~~a written~~ an application to the board 105506  
for reinstatement. For reinstatement to occur, the applicant must 105507  
meet all of the following conditions: 105508

(1) Pay the renewal fees for the year in which application 105509  
for reinstatement is made and the reinstatement fee specified 105510  
under division (A)(9) of section 4725.34 of the Revised Code; 105511

(2) Pass all or part of the licensing examination accepted by 105512  
the board under section 4725.11 of the Revised Code as the board 105513  
considers appropriate, if the board considers examination 105514  
necessary to determine whether the application for reinstatement 105515  
should be approved; 105516

(3) If the applicant has been practicing optometry in another 105517  
state or country, submit evidence of being in the active practice 105518  
of optometry in the other state or country and evidence that the 105519  
applicant's license to practice in the other state or country is 105520  
in good standing. 105521

(C) The board shall approve an application for reinstatement 105522  
if the conditions specified in division (B) of this section are 105523  
met. An optometrist who receives reinstatement is subject to the 105524  
continuing education requirements specified under section 4725.16 105525  
of the Revised Code for the year in which reinstatement occurs. 105526

**Sec. 4725.171.** (A) An optometrist who discontinued practicing 105527

optometry in this state due to retirement or a decision to 105528  
practice in another state or country before the state ~~board of~~ 105529  
~~optometry~~ vision professionals board accepted applications for 105530  
placement of certificates to practice on inactive status pursuant 105531  
to section 4725.17 of the Revised Code may apply to the board to 105532  
have the optometrist's certificates reinstated. The board may 105533  
accept an application for reinstatement only if, at the time the 105534  
optometrist's certificates expired, the certificates were in good 105535  
standing and the optometrist was not under disciplinary review by 105536  
the board. 105537

(B) For reinstatement to occur, the applicant must meet all 105538  
of the following conditions: 105539

(1) Pay the renewal fees for the year in which application 105540  
for reinstatement is made and the reinstatement fee specified 105541  
under division (A)(10) of section 4725.34 of the Revised Code; 105542

(2) Pass all or part of the licensing examination accepted by 105543  
the board under section 4725.11 of the Revised Code as the board 105544  
considers appropriate, if the board considers examination 105545  
necessary to determine whether the application for reinstatement 105546  
should be approved; 105547

(3) If the applicant has been practicing optometry in another 105548  
state or country, submit evidence of being in the active practice 105549  
of optometry in the other state or country and evidence that the 105550  
applicant's license to practice in the other state or country is 105551  
in good standing. 105552

(C) The board shall approve an application for reinstatement 105553  
if the conditions specified in division (B) of this section are 105554  
met. An optometrist who receives reinstatement is subject to the 105555  
continuing education requirements specified under section 4725.16 105556  
of the Revised Code for the year in which reinstatement occurs. 105557

Sec. 4725.18. (A) The state ~~board of optometry~~ vision 105558  
professionals board may issue a certificate of licensure and 105559  
therapeutic pharmaceutical agents certificate by endorsement to an 105560  
individual licensed as an optometrist by another state or a 105561  
Canadian province if the board determines that the other state or 105562  
province has standards for the practice of optometry that are at 105563  
least as stringent as the standards established under sections 105564  
4725.01 to 4725.34 of the Revised Code and the individual meets 105565  
the conditions specified in division (B) of this section. The 105566  
certificates may be issued only by an affirmative vote of a 105567  
majority of the board's members. 105568

(B) An individual seeking a certificate of licensure and 105569  
therapeutic pharmaceutical agents certificate pursuant to this 105570  
section shall submit an application to the board. To receive the 105571  
certificates, an applicant must meet all of the following 105572  
conditions: 105573

(1) Meet the same qualifications that an individual must meet 105574  
under divisions (B)(1) to (4) of section 4725.12 of the Revised 105575  
Code to receive a certificate of licensure and therapeutic 105576  
pharmaceutical agents certificate under that section; 105577

(2) Be licensed to practice optometry by a state or province 105578  
that requires passage of a written, entry-level examination at the 105579  
time of initial licensure; 105580

(3) Be licensed in good standing by the optometry licensing 105581  
agency of the other state or province, evidenced by submission of 105582  
a letter from the licensing agency of the other state or province 105583  
attesting to the applicant's good standing; 105584

(4) Provide the board with certified reports from the 105585  
optometry licensing agencies of all states and provinces in which 105586  
the applicant is licensed or has been licensed to practice 105587  
optometry describing all past and pending actions taken by those 105588



agencies with respect to the applicant's authority to practice 105589  
optometry in those jurisdictions, including such actions as 105590  
investigations, entering into consent agreements, suspensions, 105591  
revocations, and refusals to issue or renew a license; 105592

(5) Have been actively engaged in the practice of optometry, 105593  
including the use of therapeutic pharmaceutical agents, for at 105594  
least three years immediately preceding making application under 105595  
this section; 105596

(6) Pay the nonrefundable application fees established under 105597  
section 4725.34 of the Revised Code for a certificate of licensure 105598  
and therapeutic pharmaceutical agents certificate; 105599

(7) Submit all transcripts, reports, or other information the 105600  
board requires; 105601

(8) Participate in a two-hour instruction session provided by 105602  
the board on the optometry statutes and rules of this state or 105603  
pass an Ohio optometry jurisprudence test administered by the 105604  
board; 105605

(9) Pass all or part of the licensing examination accepted by 105606  
the board under section 4725.11 of the Revised Code, if the board 105607  
determines that testing is necessary to determine whether the 105608  
applicant's qualifications are sufficient for issuance of a 105609  
certificate of licensure and therapeutic pharmaceutical agents 105610  
certificate under this section; 105611

(10) Not have been previously denied issuance of a 105612  
certificate by the board. 105613

**Sec. 4725.19.** (A) In accordance with Chapter 119. of the 105614  
Revised Code and by an affirmative vote of a majority of its 105615  
members, the state ~~board of optometry~~ vision professionals board, 105616  
for any of the reasons specified in division (B) of this section, 105617  
shall refuse to grant a certificate of licensure to practice 105618

optometry to an applicant and may, with respect to a licensed optometrist, do one or more of the following:

(1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to the optometrist;

(2) Permanently revoke any or all of the certificates;

(3) Limit or otherwise place restrictions on any or all of the certificates;

(4) Reprimand the optometrist;

(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.

(6) Require the optometrist to take corrective action courses.

The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.

(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;

(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;

- (4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed; 105649  
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- (5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed; 105651  
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- (6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board; 105654  
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- (7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate; 105657  
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- (8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees; 105662  
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- (9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established; 105666  
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- (10) Failing to maintain comprehensive patient records; 105671
- (11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public; 105672  
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- (12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of 105675  
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|                                                                      |        |
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| optometry;                                                           | 105679 |
| (13) Engaging in the practice of optometry as provided in            | 105680 |
| division (A)(2) or (3) of section 4725.01 of the Revised Code        | 105681 |
| without authority to do so or, if authorized, in a manner            | 105682 |
| inconsistent with the authority granted;                             | 105683 |
| (14) Failing to make a report to the board as required by            | 105684 |
| division (A) of section 4725.21 or section 4725.31 of the Revised    | 105685 |
| Code;                                                                | 105686 |
| (15) Soliciting patients from door to door or establishing           | 105687 |
| temporary offices, in which case the board shall suspend all         | 105688 |
| certificates held by the optometrist;                                | 105689 |
| (16) Except as provided in division (D) of this section:             | 105690 |
| (a) Waiving the payment of all or any part of a deductible or        | 105691 |
| copayment that a patient, pursuant to a health insurance or health   | 105692 |
| care policy, contract, or plan that covers optometric services,      | 105693 |
| would otherwise be required to pay if the waiver is used as an       | 105694 |
| enticement to a patient or group of patients to receive health       | 105695 |
| care services from that optometrist.                                 | 105696 |
| (b) Advertising that the optometrist will waive the payment          | 105697 |
| of all or any part of a deductible or copayment that a patient,      | 105698 |
| pursuant to a health insurance or health care policy, contract, or   | 105699 |
| plan that covers optometric services, would otherwise be required    | 105700 |
| to pay.                                                              | 105701 |
| (17) Failing to comply with the requirements in section              | 105702 |
| 3719.061 of the Revised Code before issuing for a minor a            | 105703 |
| prescription for an analgesic controlled substance authorized        | 105704 |
| pursuant to section 4725.091 of the Revised Code that is an opioid   | 105705 |
| analgesic, as defined in section 3719.01 of the Revised Code;        | 105706 |
| <u>(18) Violating the rules adopted under section 4725.66 of the</u> | 105707 |
| <u>Revised Code.</u>                                                 | 105708 |

(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

(D) Sanctions shall not be imposed under division (B)(17) of this section against any optometrist who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board.

**Sec. 4725.20.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state ~~board of optometry~~ vision professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued by the board under this chapter.

**Sec. 4725.21.** (A) If an optometrist licensed by the state ~~board of optometry~~ vision professionals board has reason to believe that another optometrist licensed currently or previously by the board has engaged in any course of treatment or other services to a patient that constitutes unprofessional conduct under section 4725.19 of the Revised Code, or has an addiction subject to board action under section 4725.19 of the Revised Code,

the optometrist shall make a report to the board. 105739

(B) Any person may report to the board in a signed writing 105740  
any information that the person may have that appears to show a 105741  
violation of any provision of sections 4725.01 to 4725.34 of the 105742  
Revised Code or the rules adopted under those sections. 105743

(C) Each complaint or allegation of a violation received by 105744  
the board shall be assigned a case number and shall be recorded by 105745  
the board. 105746

(D) In the absence of fraud or bad faith, no person who 105747  
reports to the board under this section or testifies in any 105748  
adjudication conducted under Chapter 119. of the Revised Code 105749  
shall be liable to any person for damages in a civil action as a 105750  
result of the report or testimony. 105751

**Sec. 4725.22.** (A) Each insurer providing professional 105752  
liability insurance to an optometrist licensed under this chapter, 105753  
or any other entity that seeks to indemnify the professional 105754  
liability of an optometrist licensed under this chapter, shall 105755  
notify the state ~~board of optometry~~ vision professionals board 105756  
within thirty days after the final disposition of a claim for 105757  
damages. The notice shall contain the following information: 105758

(1) The name and address of the person submitting the 105759  
notification; 105760

(2) The name and address of the insured who is the subject of 105761  
the claim; 105762

(3) The name of the person filing the written claim; 105763

(4) The date of final disposition; 105764

(5) If applicable, the identity of the court in which the 105765  
final disposition of the claim took place. 105766

(B) Each optometrist licensed under this chapter shall notify 105767

the board within thirty days of receipt of the final disposition 105768  
of a claim for damages or any action involving malpractice. The 105769  
optometrist shall notify the board by registered mail and shall 105770  
provide all reports and other information required by the board. 105771

(C) Information received under this section is not a public 105772  
record for purposes of section 149.43 of the Revised Code and 105773  
shall not be released except as otherwise required by law or a 105774  
court of competent jurisdiction. 105775

**Sec. 4725.23.** (A) The state ~~board of optometry~~ vision 105776  
professionals board shall investigate evidence that appears to 105777  
show that a person has violated any provision of sections 4725.01 105778  
to 4725.34 of the Revised Code or any rule adopted under those 105779  
sections. Investigations of alleged violations shall be supervised 105780  
by the member of the board appointed by the board to act as the 105781  
supervising member of investigations. The supervising member shall 105782  
not participate in the final vote that occurs in an adjudication 105783  
of the case. 105784

(B) In investigating a possible violation, the board may 105785  
administer oaths, order the taking of depositions, issue 105786  
subpoenas, and compel the attendance of witnesses and production 105787  
of books, accounts, papers, records, documents, and testimony. A 105788  
subpoena for patient record information shall not be issued 105789  
without consultation with the attorney general's office and 105790  
approval of the secretary of the board and the board's supervising 105791  
member of investigations. Before issuance of a subpoena for 105792  
patient record information, the secretary and supervising member 105793  
shall determine whether there is probable cause to believe that 105794  
the complaint filed alleges a violation of sections 4725.01 to 105795  
4725.34 of the Revised Code or any rule adopted under those 105796  
sections and that the records sought are relevant to the alleged 105797  
violation and material to the investigation. The subpoena may 105798

apply only to records that cover a reasonable period of time 105799  
surrounding the alleged violation. 105800

On failure to comply with any subpoena issued by the board 105801  
and after reasonable notice to the person being subpoenaed, the 105802  
board may move for an order compelling the production of persons 105803  
or records pursuant to the Rules of Civil Procedure. 105804

A subpoena issued by the board may be served by a sheriff, 105805  
the sheriff's deputy, or a board employee designated by the board. 105806  
Service of a subpoena issued by the board may be made by 105807  
delivering a copy of the subpoena to the person named therein, 105808  
reading it to the person, or leaving it at the person's usual 105809  
place of residence. When the person being served is an optometrist 105810  
licensed under this chapter, service of the subpoena may be made 105811  
by certified mail, restricted delivery, return receipt requested, 105812  
and the subpoena shall be deemed served on the date delivery is 105813  
made or the date the optometrist refuses to accept delivery. 105814

Each witness who appears before the board in obedience to a 105815  
subpoena shall receive the fees and mileage provided for under 105816  
section 119.094 of the Revised Code. 105817

(C) Information received by the board pursuant to an 105818  
investigation is confidential and not subject to discovery in any 105819  
civil action. 105820

The board shall conduct all investigations and proceedings in 105821  
a manner that protects the confidentiality of patients and persons 105822  
who file complaints with the board. The board shall not make 105823  
public the names or any other identifying information about 105824  
patients or complainants unless proper consent is given. 105825

The board may share any information it receives pursuant to 105826  
an investigation, including patient records and patient record 105827  
information, with other licensing boards and governmental agencies 105828  
that are investigating alleged professional misconduct and with 105829



law enforcement agencies and other governmental agencies that are 105830  
investigating or prosecuting alleged criminal offenses. A board or 105831  
agency that receives the information shall comply with the same 105832  
requirements regarding confidentiality as those with which the 105833  
state ~~board of optometry~~ vision professionals board must comply, 105834  
notwithstanding any conflicting provision of the Revised Code or 105835  
procedure of the board or agency that applies when the board or 105836  
agency is dealing with other information in its possession. The 105837  
information may be admitted into evidence in a criminal trial in 105838  
accordance with the Rules of Evidence, but the court shall require 105839  
that appropriate measures are taken to ensure that confidentiality 105840  
is maintained with respect to any part of the information that 105841  
contains names or other identifying information about persons 105842  
whose confidentiality was protected by the state ~~board of~~ 105843  
~~optometry~~ vision professionals board when the information was in 105844  
the board's possession. Measures to ensure confidentiality that 105845  
may be taken by the court include sealing its records or deleting 105846  
specific information from its records. 105847

**Sec. 4725.24.** If the secretary of the state ~~board of~~ 105848  
~~optometry~~ vision professionals board and the board's supervising 105849  
member of investigations determine that there is clear and 105850  
convincing evidence that an optometrist has violated division (B) 105851  
of section 4725.19 of the Revised Code and that the optometrist's 105852  
continued practice presents a danger of immediate and serious harm 105853  
to the public, they may recommend that the board suspend without a 105854  
prior hearing the optometrist's certificate of licensure and any 105855  
other certificates held by the optometrist. Written allegations 105856  
shall be prepared for consideration by the full board. 105857

The board, upon review of those allegations and by an 105858  
affirmative vote of three members other than the secretary and 105859  
supervising member may order the suspension without a prior 105860  
hearing. A telephone conference call may be utilized for reviewing 105861

the allegations and taking the vote on the summary suspension. 105862

The board shall issue a written order of suspension by 105863  
certified mail or in person in accordance with section 119.07 of 105864  
the Revised Code. The order shall not be subject to suspension by 105865  
the court during pendency of any appeal filed under section 119.12 105866  
of the Revised Code. If the individual subject to the summary 105867  
suspension requests an adjudicatory hearing by the board, the date 105868  
set for the hearing shall be within fifteen days, but not earlier 105869  
than seven days, after the individual requests the hearing, unless 105870  
otherwise agreed to by both the board and the individual. 105871

Any summary suspension imposed under this division shall 105872  
remain in effect, unless reversed on appeal, until a final 105873  
adjudicative order issued by the board pursuant to section 4725.19 105874  
of the Revised Code and Chapter 119. of the Revised Code becomes 105875  
effective. The board shall issue its final adjudicative order 105876  
within sixty days after completion of its hearing. A failure to 105877  
issue the order within sixty days shall result in dissolution of 105878  
the summary suspension order but shall not invalidate any 105879  
subsequent, final adjudicative order. 105880

**Sec. 4725.26.** Division (A) of section 4725.02 of the Revised 105881  
Code does not apply to the following: 105882

(A) Physicians authorized to practice medicine and surgery or 105883  
osteopathic medicine and surgery under Chapter 4731. of the 105884  
Revised Code; 105885

(B) Persons who sell optical accessories but do not assume to 105886  
adapt them to the eye, and neither practice nor profess to 105887  
practice optometry; 105888

(C) An instructor in a school of optometry that is located in 105889  
this state and approved by the state ~~board of optometry~~ vision 105890  
professionals board under section 4725.10 of the Revised Code who 105891

holds a valid current license to practice optometry from a 105892  
licensing body in another jurisdiction and limits the practice of 105893  
optometry to the instruction of students enrolled in the school. 105894

(D) A student enrolled in a school of optometry, located in 105895  
this or another state and approved by the board under section 105896  
4725.10 of the Revised Code, while the student is participating in 105897  
this state in an optometry training program provided or sponsored 105898  
by the school, if the student acts under the direct, personal 105899  
supervision and control of an optometrist licensed by the board or 105900  
authorized to practice pursuant to division (C) of this section. 105901

(E) An individual who is licensed or otherwise specifically 105902  
authorized by the Revised Code to engage in an activity that is 105903  
included in the practice of optometry. 105904

(F) An individual who is not licensed or otherwise 105905  
specifically authorized by the Revised Code to engage in an 105906  
activity that is included in the practice of optometry, but is 105907  
acting pursuant to the rules for delegation of optometric tasks 105908  
adopted under section 4725.09 of the Revised Code. 105909

**Sec. 4725.27.** The testimony and reports of an optometrist 105910  
licensed by the state ~~board of optometry~~ vision professionals 105911  
board under this chapter shall be received by any state, county, 105912  
municipal, school district, or other public board, body, agency, 105913  
institution, or official and by any private educational or other 105914  
institution receiving public funds as competent evidence with 105915  
respect to any matter within the scope of the practice of 105916  
optometry. No such board, body, agency, official, or institution 105917  
shall interfere with any individual's right to a free choice of 105918  
receiving services from either an optometrist or a physician. No 105919  
such board, body, agency, official, or institution shall 105920  
discriminate against an optometrist performing procedures that are 105921  
included in the practice of optometry as provided in division 105922

(A)(2) or (3) of section 4725.01 of the Revised Code if the optometrist is licensed under this chapter to perform those procedures.

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**Sec. 4725.28.** (A) As used in this section, "supplier" means any person who prepares or sells optical accessories or other vision correcting items, devices, or procedures.

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(B) A licensed optometrist, on completion of a vision examination and diagnosis, shall give each patient for whom the optometrist prescribes any vision correcting item, device, or procedure, one copy of the prescription, without additional charge to the patient. The prescription shall include the following:

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(1) The date of its issuance;

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(2) Sufficient information to enable the patient to obtain from the supplier of the patient's choice, the optical accessory or other vision correcting item, device, or procedure that has been prescribed;

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(3) In the case of contact lenses, all information specified as part of a contact lens prescription, as defined in the "Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 15 U.S.C. 7610.

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(C) Any supplier who fills a prescription for contact lenses furnished by an optometrist shall furnish the patient with written recommendations to return to the prescribing optometrist for evaluation of the contact lens fitting.

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(D) Any supplier, including an optometrist who is a supplier, may advertise to inform the general public of the price that the supplier charges for any vision correcting item, device, or procedure. Any such advertisement shall specify the following:

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(1) Whether the advertised item includes an eye examination;

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(2) In the case of lenses, whether the price applies to

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single-vision or multifocal lenses; 105953

(3) In the case of contact lenses, whether the price applies 105954  
to rigid or soft lenses and whether there is an additional charge 105955  
related to the fitting and determination of the type of contact 105956  
lenses to be worn that is not included in the price of the eye 105957  
examination. 105958

(E) The state ~~board of optometry~~ vision professionals board 105959  
shall not adopt any rule that restricts the right to advertise as 105960  
permitted by division (D) of this section. 105961

(F) Any municipal corporation code, ordinance, or regulation 105962  
or any township resolution that conflicts with a supplier's right 105963  
to advertise as permitted by division (D) of this section is 105964  
superseded by division (D) of this section and is invalid. A 105965  
municipal corporation code, ordinance, or regulation or a township 105966  
resolution conflicts with division (D) of this section if it 105967  
restricts a supplier's right to advertise as permitted by division 105968  
(D) of this section. 105969

**Sec. 4725.29.** (A) As used in this section: 105970

(1) "Regional advertisement" means an advertisement published 105971  
in more than one metropolitan statistical area in this state or 105972  
broadcast by radio or television stations in more than one 105973  
metropolitan statistical area in this state. 105974

(2) "National advertisement" means an advertisement published 105975  
in one or more periodicals or broadcast by one or more radio or 105976  
television stations in this state and also published in one or 105977  
more periodicals or broadcast by one or more radio or television 105978  
stations in another state. 105979

(B) The state ~~board of optometry~~ vision professionals board 105980  
shall not require any person who sells optical accessories at more 105981  
than one location to list in any regional or national 105982

advertisement the name of the licensed optometrist practicing at a 105983  
particular location, provided that in addition to the requirement 105984  
in division (B) of section 4725.13 of the Revised Code, the name 105985  
of the optometrist is prominently displayed at the location. 105986

**Sec. 4725.31.** An optometrist licensed by the state ~~board of~~ 105987  
~~optometry~~ vision professionals board shall promptly report to the 105988  
board any instance of a clinically significant drug-induced side 105989  
effect in a patient due to the optometrist's administering, 105990  
employing, applying, or prescribing a topical ocular or 105991  
therapeutic pharmaceutical agent to or for the patient. The board, 105992  
by rule adopted in accordance with Chapter 119. of the Revised 105993  
Code, shall establish reporting procedures and specify the types 105994  
of side effects to be reported. The information provided to the 105995  
board shall not include the name of or any identifying information 105996  
about the patient. 105997

**Sec. 4725.33.** (A) An individual whom the state ~~board of~~ 105998  
~~optometry~~ vision professionals board licenses to engage in the 105999  
practice of optometry may render the professional services of an 106000  
optometrist within this state through a corporation formed under 106001  
division (B) of section 1701.03 of the Revised Code, a limited 106002  
liability company formed under Chapter 1705. of the Revised Code, 106003  
a partnership, or a professional association formed under Chapter 106004  
1785. of the Revised Code. This division does not preclude an 106005  
optometrist from rendering professional services as an optometrist 106006  
through another form of business entity, including, but not 106007  
limited to, a nonprofit corporation or foundation, or in another 106008  
manner that is authorized by or in accordance with this chapter, 106009  
another chapter of the Revised Code, or rules of the state ~~board~~ 106010  
~~of optometry~~ vision professionals board adopted pursuant to this 106011  
chapter. 106012

(B) A corporation, limited liability company, partnership, or 106013

professional association described in division (A) of this section 106014  
may be formed for the purpose of providing a combination of the 106015  
professional services of the following individuals who are 106016  
licensed, certificated, or otherwise legally authorized to 106017  
practice their respective professions: 106018

(1) Optometrists who are authorized to practice optometry 106019  
under Chapter 4725. of the Revised Code; 106020

(2) Chiropractors who are authorized to practice chiropractic 106021  
or acupuncture under Chapter 4734. of the Revised Code; 106022

(3) Psychologists who are authorized to practice psychology 106023  
under Chapter 4732. of the Revised Code; 106024

(4) Registered or licensed practical nurses who are 106025  
authorized to practice nursing as registered nurses or as licensed 106026  
practical nurses under Chapter 4723. of the Revised Code; 106027

(5) Pharmacists who are authorized to practice pharmacy under 106028  
Chapter 4729. of the Revised Code; 106029

(6) Physical therapists who are authorized to practice 106030  
physical therapy under sections 4755.40 to 4755.56 of the Revised 106031  
Code; 106032

(7) Occupational therapists who are authorized to practice 106033  
occupational therapy under sections 4755.04 to 4755.13 of the 106034  
Revised Code; 106035

(8) Mechanotherapists who are authorized to practice 106036  
mechanotherapy under section 4731.151 of the Revised Code; 106037

(9) Doctors of medicine and surgery, osteopathic medicine and 106038  
surgery, or podiatric medicine and surgery who are authorized for 106039  
their respective practices under Chapter 4731. of the Revised 106040  
Code; 106041

(10) Licensed professional clinical counselors, licensed 106042  
professional counselors, independent social workers, social 106043

workers, independent marriage and family therapists, or marriage  
and family therapists who are authorized for their respective  
practices under Chapter 4757. of the Revised Code.

This division shall apply notwithstanding a provision of a  
code of ethics applicable to an optometrist that prohibits an  
optometrist from engaging in the practice of optometry in  
combination with a person who is licensed, certificated, or  
otherwise legally authorized to practice chiropractic, acupuncture  
through the state chiropractic board, psychology, nursing,  
pharmacy, physical therapy, occupational therapy, mechanotherapy,  
medicine and surgery, osteopathic medicine and surgery, podiatric  
medicine and surgery, professional counseling, social work, or  
marriage and family therapy, but who is not also licensed,  
certificated, or otherwise legally authorized to engage in the  
practice of optometry.

**Sec. 4725.34.** (A) The state ~~board of optometry~~ vision  
professionals board shall charge the following nonrefundable fees:

(1) One hundred thirty dollars for application for a  
certificate of licensure to practice optometry;

(2) Forty-five dollars for application for a therapeutic  
pharmaceutical agents certificate, except when the certificate is  
to be issued pursuant to division (A)(3) of section 4725.13 of the  
Revised Code, in which case the fee shall be thirty-five dollars;

(3) One hundred thirty dollars for renewal of a certificate  
of licensure to practice optometry;

(4) Forty-five dollars for renewal of a topical ocular  
pharmaceutical agents certificate;

(5) Forty-five dollars for renewal of a therapeutic  
pharmaceutical agents certificate;

(6) One hundred twenty-five dollars for late completion or



|                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| submission, or both, of continuing optometric education;                                                                                                                                                                                                                                                                                                                                                            | 106074                                                             |
| (7) One hundred twenty-five dollars for late renewal of one or more certificates that have expired;                                                                                                                                                                                                                                                                                                                 | 106075<br>106076                                                   |
| (8) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent;                                                                                                                                                                       | 106077<br>106078<br>106079<br>106080                               |
| (9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;                                                                                                                                                                                                                                                                         | 106081<br>106082<br>106083                                         |
| (10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;                                                                                                                                                                                                                                                                                         | 106084<br>106085                                                   |
| (11) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management. | 106086<br>106087<br>106088<br>106089<br>106090<br>106091<br>106092 |
| (B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in division (A) of this section if the fees do not exceed the amounts specified by more than fifty per cent.                                                                                                                                                                                 | 106093<br>106094<br>106095<br>106096                               |
| (C) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund <u>created in section 4743.05 of the Revised Code.</u>                                                                                                                                                                                                     | 106097<br>106098<br>106099<br>106100                               |
| <b>Sec. 4725.40.</b> As used in sections 4725.40 to 4725.59 of the Revised Code:                                                                                                                                                                                                                                                                                                                                    | 106101<br>106102                                                   |
| (A) "Optical aid" means both of the following:                                                                                                                                                                                                                                                                                                                                                                      | 106103                                                             |

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;

(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.

All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:

(a) Zero-powered plano contact lenses;

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;

(d) Any other contact devices determined by the ~~Ohio optical dispensers~~ state vision professionals board to be contact lenses.

(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections ~~4725.47~~ 4725.48 to 4725.51 of the Revised Code that authorizes the person to engage

in optical dispensing. Nothing in this chapter shall be construed 106134  
to permit a licensed dispensing optician to alter the 106135  
specifications of a prescription. 106136

(D) "Licensed spectacle dispensing optician" means a licensed 106137  
dispensing optician authorized to engage in both of the following: 106138

(1) The dispensing of optical aids other than contact lenses; 106139

(2) The dispensing of prepackaged soft contact lenses in 106140  
accordance with section 4725.411 of the Revised Code. 106141

(E) "Licensed contact lens dispensing optician" means a 106142  
licensed dispensing optician authorized to engage only in the 106143  
dispensing of contact lenses. 106144

(F) "Licensed spectacle-contact lens dispensing optician" 106145  
means a licensed dispensing optician authorized to engage in the 106146  
dispensing of any optical aid. 106147

(G) "Apprentice" means any person dispensing optical aids 106148  
under the direct supervision of a licensed dispensing optician. 106149

(H) "Prescription" means the written or verbal directions or 106150  
instructions as specified by a physician or optometrist licensed 106151  
by any state for preparing an optical aid for a patient. 106152

(I) "Supervision" means the provision of direction and 106153  
control through personal inspection and evaluation of work. 106154

(J) "Licensed ocularist" means a person holding a current, 106155  
valid license issued under sections 4725.48 to 4725.51 of the 106156  
Revised Code to engage in the practice of designing, fabricating, 106157  
and fitting artificial eyes or prostheses associated with the 106158  
appearance or function of the human eye. 106159

**Sec. 4725.41.** ~~Beginning one year after March 22, 1979, no~~ No 106160  
person shall engage in optical dispensing or hold ~~himself~~ self out 106161  
as being engaged in optical dispensing, ~~except as authorized under~~ 106162

~~section 4725.47 of the Revised Code, unless he~~ the person has 106163  
fulfilled the requirements of sections 4725.48 to 4725.51 of the 106164  
Revised Code and has been certified as a licensed dispensing 106165  
optician by the ~~Ohio optical dispensers~~ state vision professionals 106166  
board. 106167

No person shall engage in the designing, fabricating, and 106168  
fitting of an artificial eye or of prostheses associated with the 106169  
appearance or function of the human eye unless ~~he~~ the person is 106170  
licensed as an ocularist under ~~to~~ sections 4725.48 to 4725.51 of 106171  
the Revised Code. 106172

**Sec. 4725.411.** (A) Each licensed spectacle dispensing 106173  
optician shall complete two hours of study in prepackaged soft 106174  
contact lens dispensing approved by the ~~Ohio optical dispensers~~ 106175  
state vision professionals board under section 4725.51 of the 106176  
Revised Code. The two hours of study shall be completed as 106177  
follows: 106178

(1) Each licensed spectacle dispensing optician who holds the 106179  
license on ~~the effective date of this amendment~~ September 29, 106180  
2015, shall complete the two hours of study not later than 106181  
December 31, 2015. 106182

(2) Each licensed spectacle dispensing optician who receives 106183  
the license after ~~the effective date of this amendment~~ September 106184  
29, 2015, shall complete the two hours of study not later than the 106185  
thirty-first day of December of the year the license is issued. 106186

(B) Beginning January 1, 2016, a licensed spectacle 106187  
dispensing optician may dispense prepackaged soft contact lenses 106188  
if both of the following are the case: 106189

(1) The licensed spectacle dispensing optician has completed 106190  
two hours of study in prepackaged soft contact lens dispensing in 106191  
accordance with division (A) of this section. 106192

(2) The only action necessary is to match the description of 106193  
the contact lenses that is on the packaging to a written 106194  
prescription. 106195

**Sec. 4725.44.** (A) ~~The Ohio optical dispensers~~ state vision 106196  
professionals board shall be responsible for the administration of 106197  
sections 4725.40 to 4725.59 of the Revised Code and, in 106198  
particular, shall process applications for licensure as licensed 106199  
dispensing opticians and ocularists; schedule, administer, and 106200  
supervise the qualifying examinations for licensure or contract 106201  
with a testing service to schedule, administer, and supervise the 106202  
qualifying examination for licensure; issue licenses to qualified 106203  
individuals; and revoke and suspend licenses; ~~and maintain~~ 106204  
~~adequate records with respect to its operations and~~ 106205  
~~responsibilities.~~ 106206

(B) The board shall adopt, amend, or rescind rules, pursuant 106207  
to Chapter 119. of the Revised Code, for the licensure of 106208  
dispensing opticians and ocularists, and such other rules as are 106209  
required by or necessary to carry out the responsibilities imposed 106210  
by sections 4725.40 to 4725.59 of the Revised Code, including 106211  
rules establishing criminal records check requirements under 106212  
section 4776.03 of the Revised Code and rules establishing 106213  
disqualifying offenses for licensure as a dispensing optician or 106214  
certification as an apprentice dispensing optician pursuant to 106215  
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 106216  
Code. 106217

(C) The board shall have no authority to adopt rules 106218  
governing the employment of dispensing opticians, the location or 106219  
number of optical stores, advertising of optical products or 106220  
services, or the manner in which optical products can be 106221  
displayed. 106222

**Sec. 4725.48.** (A) Any person who desires to engage in optical dispensing, ~~except as provided in section 4725.47 of the Revised Code,~~ shall file a properly completed ~~written~~ application for an examination with the ~~Ohio optical dispensers~~ state vision professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made on a form provided by the board or testing service and shall be accompanied by an examination fee the board shall establish by rule. Applicants must return the application to the board or testing service at least sixty days prior to the date the examination is scheduled to be administered.

(B) ~~Except as provided in section 4725.47 of the Revised Code, any~~ Any person who desires to engage in optical dispensing shall file a properly completed ~~written~~ application for a license with the board with a licensure application fee of fifty dollars.

No person shall be eligible to apply for a license under this division, unless the person is at least eighteen years of age, is free of contagious or infectious disease, has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education and has successfully completed either of the following:

(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory;

(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English,

anatomy and physiology of the eye, applied optics, ophthalmic 106254  
optics, measurement and inspection of lenses, lens grinding and 106255  
edging, ophthalmic lens design, keratometry, and the fitting and 106256  
adjusting of spectacle lenses and frames and contact lenses, 106257  
including methods of fitting contact lenses and post-fitting care. 106258

(C) Any person who desires to obtain a license to practice as 106259  
an ocularist shall file a properly completed ~~written~~ application 106260  
with the board accompanied by the appropriate fee and proof that 106261  
the applicant has met the requirements for licensure. The board 106262  
shall establish, by rule, the application fee and the minimum 106263  
requirements for licensure, including education, examination, or 106264  
experience standards recognized by the board as national standards 106265  
for ocularists. The board shall issue a license to practice as an 106266  
ocularist to an applicant who satisfies the requirements of this 106267  
division and rules adopted pursuant to this division. 106268

(D)(1) Subject to divisions (D)(2), (3), and (4) of this 106269  
section, the board shall not adopt, maintain, renew, or enforce 106270  
any rule that precludes an individual from receiving or renewing a 106271  
license as a dispensing optician issued under sections 4725.40 to 106272  
4725.59 of the Revised Code due to any past criminal activity or 106273  
interpretation of moral character, unless the individual has 106274  
committed a crime of moral turpitude or a disqualifying offense as 106275  
those terms are defined in section 4776.10 of the Revised Code. If 106276  
the board denies an individual a license or license renewal, the 106277  
reasons for such denial shall be put in writing. 106278

(2) Except as otherwise provided in this division, if an 106279  
individual applying for a license has been convicted of or pleaded 106280  
guilty to a misdemeanor that is not a crime of moral turpitude or 106281  
a disqualifying offense less than one year prior to making the 106282  
application, the board may use its discretion in granting or 106283  
denying the individual a license. Except as otherwise provided in 106284  
this division, if an individual applying for a license has been 106285

convicted of or pleaded guilty to a felony that is not a crime of 106286  
moral turpitude or a disqualifying offense less than three years 106287  
prior to making the application, the board may use its discretion 106288  
in granting or denying the individual a license. The provisions in 106289  
this paragraph do not apply with respect to any offense unless the 106290  
board, prior to ~~the effective date of this amendment~~ September 28, 106291  
2012, was required or authorized to deny the application based on 106292  
that offense. 106293

In all other circumstances, the board shall follow the 106294  
procedures it adopts by rule that conform to division (D)(1) of 106295  
this section. 106296

(3) In considering a renewal of an individual's license, the 106297  
board shall not consider any conviction or plea of guilty prior to 106298  
the initial licensing. However, the board may consider a 106299  
conviction or plea of guilty if it occurred after the individual 106300  
was initially licensed, or after the most recent license renewal. 106301

(4) The board may grant an individual a conditional license 106302  
that lasts for one year. After the one-year period has expired, 106303  
the license is no longer considered conditional, and the 106304  
individual shall be considered fully licensed. 106305

(E) The board, subject to the approval of the controlling 106306  
board, may establish examination fees in excess of the amount 106307  
established by rule pursuant to this section, provided that such 106308  
fees do not exceed those amounts established in rule by more than 106309  
fifty per cent. 106310

**Sec. 4725.49.** (A) ~~The Ohio optical dispensers~~ state vision 106311  
professionals board may provide for the examination of applicants 106312  
by designing, preparing, and administering the qualifying 106313  
examinations or by contracting with a testing service that is 106314  
nationally recognized as being capable of determining competence 106315  
to dispense optical aids as a licensed spectacle dispensing 106316



optician, a licensed contact lens dispensing optician, or a 106317  
licensed spectacle-contact lens dispensing optician. Any 106318  
examination used shall be designed to measure specific performance 106319  
requirements, be professionally constructed and validated, and be 106320  
independently and objectively administered and scored in order to 106321  
determine the applicant's competence to dispense optical aids. 106322

(B) The board shall ensure that it, or the testing service it 106323  
contracts with, does all of the following: 106324

(1) Provides public notice as to the date, time, and place 106325  
for each examination at least ninety days prior to the 106326  
examination; 106327

(2) Offers each qualifying examination at least twice each 106328  
year in Columbus, except as provided in division (C) of this 106329  
section; 106330

(3) Provides to each applicant all forms necessary to apply 106331  
for examination; 106332

(4) Provides all materials and equipment necessary for the 106333  
applicant to take the examination. 106334

(C) If the number of applicants for any qualifying 106335  
examination is less than ten, the examination may be postponed. 106336  
The board or testing service shall provide the applicant with 106337  
written notification of the postponement and of the next date the 106338  
examination is scheduled to be administered. 106339

(D) No limitation shall be placed upon the number of times 106340  
that an applicant may repeat any qualifying examination, except 106341  
that, if an applicant fails an examination for a third time, the 106342  
board may require that the applicant, prior to retaking the 106343  
examination, undergo additional study in the areas of the 106344  
examination in which the applicant experienced difficulty. 106345

**Sec. 4725.50.** (A) Except for a person who qualifies for 106346

licensure as an ocularist, each person who qualifies for licensure 106347  
under sections 4725.40 to 4725.59 of the Revised Code shall 106348  
receive from the ~~Ohio optical dispensers~~ state vision 106349  
professionals board, under its seal, a certificate of licensure 106350  
entitling the person to practice as a licensed spectacle 106351  
dispensing optician, licensed contact lens dispensing optician, or 106352  
a licensed spectacle-contact lens dispensing optician. The 106353  
appropriate certificate of licensure shall be issued by the board 106354  
no later than sixty days after it has notified the applicant of 106355  
the applicant's approval for licensure. 106356

(B) Each licensed dispensing optician shall display the 106357  
licensed dispensing optician's certificate of licensure in a 106358  
conspicuous place in the licensed dispensing optician's office or 106359  
place of business. If a licensed dispensing optician maintains 106360  
more than one office or place of business, the licensed dispensing 106361  
optician shall display a duplicate copy of such certificate at 106362  
each location. The board shall issue duplicate copies of the 106363  
appropriate certificate of licensure for this purpose upon the 106364  
filing of an application form therefor and the payment of a 106365  
five-dollar fee for each duplicate copy. 106366

**Sec. 4725.501.** (A) As used in this section, "license" and 106367  
"applicant for an initial license" have the same meanings as in 106368  
section 4776.01 of the Revised Code, except that "license" as used 106369  
in both of those terms refers to the types of authorizations 106370  
otherwise issued or conferred under this chapter. 106371

(B) In addition to any other eligibility requirement set 106372  
forth in this chapter, each applicant for an initial license shall 106373  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 106374  
~~Ohio optical dispensers~~ state vision professionals board shall not 106375  
grant a license to an applicant for an initial license unless the 106376  
applicant complies with sections 4776.01 to 4776.04 of the Revised 106377

Code and the board, in its discretion, decides that the results of 106378  
the criminal records check do not make the applicant ineligible 106379  
for a license issued pursuant to section 4725.50 or 4725.57 of the 106380  
Revised Code. 106381

**Sec. 4725.51.** (A)(1) Each license issued under sections 106382  
4725.40 to 4725.59 of the Revised Code shall expire on the first 106383  
day of January in the year after it was issued. Each person 106384  
holding a valid, current license may apply to the ~~Ohio optical~~ 106385  
~~dispensers~~ state vision professionals board for the extension of 106386  
the license under the standard renewal procedures of Chapter 4745. 106387  
of the Revised Code. Each application for renewal shall be 106388  
accompanied by a renewal fee the board shall establish by rule. In 106389  
addition, except as provided in division (A)(2) of this section, 106390  
the application shall contain evidence that the applicant has 106391  
completed continuing education within the immediately preceding 106392  
one-year period as follows: 106393

(a) Licensed spectacle dispensing opticians shall have 106394  
pursued both of the following, approved by the board: 106395

(i) Four hours of study in spectacle dispensing; 106396

(ii) Two hours of study in contact lens dispensing. 106397

(b) Licensed contact lens dispensing opticians shall have 106398  
pursued eight hours of study in contact lens dispensing, approved 106399  
by the board. 106400

(c) Licensed spectacle-contact lens dispensing opticians 106401  
shall have pursued both of the following, approved by the board: 106402

(i) Four hours of study in spectacle dispensing; 106403

(ii) Eight hours of study in contact lens dispensing. 106404

(d) Licensed ocularists shall have pursued courses of study 106405  
as prescribed by rule of the board. 106406

(2) An application for the initial renewal of a license issued under sections 4725.40 to 4725.55 of the Revised Code is not required to contain evidence that the applicant has completed the continuing education requirements of division (A)(1) of this section.

(B) No person who fails to renew the person's license under division (A) of this section shall be required to take a qualifying examination under section 4725.48 of the Revised Code as a condition of renewal, provided that the application for renewal and proof of the requisite continuing education hours are submitted within ninety days from the date the license expired and the applicant pays the annual renewal fee and a penalty of seventy-five dollars. The board may provide, by rule, for an extension of the grace period for licensed dispensing opticians who are serving in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

(C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board's rules.

(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in accordance with this section.

**Sec. 4725.52.** Any licensed dispensing optician may supervise a maximum of three apprentices who shall be permitted to engage in optical dispensing only under the supervision of the licensed

dispensing optician. 106438

To serve as an apprentice, a person shall register with the 106439  
~~Ohio optical dispensers~~ state vision professionals board either on 106440  
a form provided by the board or in the form of a statement giving 106441  
the name and address of the supervising licensed dispensing 106442  
optician, the location at which the apprentice will be employed, 106443  
and any other information required by the board. For the duration 106444  
of the apprenticeship, the apprentice shall register annually on 106445  
the form provided by the board or in the form of a statement. 106446

Each apprentice shall pay an initial registration fee of 106447  
twenty dollars. For each registration renewal thereafter, each 106448  
apprentice shall pay a registration renewal fee of twenty dollars. 106449

The board shall not deny registration as an apprentice under 106450  
this section to any individual based on the individual's past 106451  
criminal history or an interpretation of moral character unless 106452  
the individual has committed a disqualifying offense or crime of 106453  
moral turpitude as those terms are defined in section 4776.10 of 106454  
the Revised Code. Except as otherwise provided in this division, 106455  
if an individual applying for a registration has been convicted of 106456  
or pleaded guilty to a misdemeanor that is not a crime of moral 106457  
turpitude or a disqualifying offense less than one year prior to 106458  
making the application, the board may use its discretion in 106459  
granting or denying the individual a registration. Except as 106460  
otherwise provided in this division, if an individual applying for 106461  
a registration has been convicted of or pleaded guilty to a felony 106462  
that is not a crime of moral turpitude or a disqualifying offense 106463  
less than three years prior to making the application, the board 106464  
may use its discretion in granting or denying the individual a 106465  
registration. The provisions in this paragraph do not apply with 106466  
respect to any offense unless the board, prior to ~~the effective~~ 106467  
~~date of this amendment~~ September 28, 2012, was required or 106468  
authorized to deny the registration based on that offense. 106469

In all other circumstances, the board shall follow the procedures it adopts by rule that conform to this section. In considering a renewal of an individual's registration, the board shall not consider any conviction or plea of guilty prior to the initial registration. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially registered, or after the most recent registration renewal. If the board denies an individual for a registration or registration renewal, the reasons for such denial shall be put in writing. Additionally, the board may grant an individual a conditional registration that lasts for one year. After the one-year period has expired, the registration is no longer considered conditional, and the individual shall be considered fully registered.

A person who is gaining experience under the supervision of a licensed optometrist or ophthalmologist that would qualify the person under division (B)(1) of section 4725.48 of the Revised Code to take the examination for optical dispensing is not required to register with the board.

**Sec. 4725.53.** (A) ~~The Ohio optical dispensers~~ state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

(1) Conviction of a crime involving moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;

(2) Obtaining or attempting to obtain a license by fraud or deception;

(3) Obtaining any fee or making any sale of an optical aid by

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| means of fraud or misrepresentation;                               | 106501 |
| (4) Habitual indulgence in the use of controlled substances        | 106502 |
| or other habit-forming drugs, or in the use of alcoholic liquors   | 106503 |
| to an extent that affects professional competency;                 | 106504 |
| (5) Finding by a court of competent jurisdiction that the          | 106505 |
| applicant or licensee is incompetent by reason of mental illness   | 106506 |
| and no subsequent finding by the court of competency;              | 106507 |
| (6) Finding by a court of law that the licensee is guilty of       | 106508 |
| incompetence or negligence in the dispensing of optical aids;      | 106509 |
| (7) Knowingly permitting or employing a person whose license       | 106510 |
| has been suspended or revoked or an unlicensed person to engage in | 106511 |
| optical dispensing;                                                | 106512 |
| (8) Permitting another person to use the licensee's license;       | 106513 |
| (9) Engaging in optical dispensing not pursuant to the             | 106514 |
| prescription of a licensed physician or licensed optometrist, but  | 106515 |
| nothing in this section shall prohibit the duplication or          | 106516 |
| replacement of previously prepared optical aids, except contact    | 106517 |
| lenses shall not be duplicated or replaced without a written       | 106518 |
| prescription;                                                      | 106519 |
| (10) Violation of sections 4725.40 to 4725.59 of the Revised       | 106520 |
| Code;                                                              | 106521 |
| (11) Waiving the payment of all or any part of a deductible        | 106522 |
| or copayment that a patient, pursuant to a health insurance or     | 106523 |
| health care policy, contract, or plan that covers optical          | 106524 |
| dispensing services, would otherwise be required to pay if the     | 106525 |
| waiver is used as an enticement to a patient or group of patients  | 106526 |
| to receive health care services from that provider-;               | 106527 |
| (12) Advertising that the licensee will waive the payment of       | 106528 |
| all or any part of a deductible or copayment that a patient,       | 106529 |
| pursuant to a health insurance or health care policy, contract, or | 106530 |

plan that covers optical dispensing services, would otherwise be required to pay;

(13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code.

(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than five hundred nor more than one thousand dollars for a subsequent occurrence, or may order the licensee to make restitution to a person who has suffered a financial loss as a result of the licensee's failure to comply with sections 4725.40 to 4725.59 of the Revised Code.

(C) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

**Sec. 4725.531.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~Ohio optical dispensers state~~ vision professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued by the board pursuant to this chapter.

**Sec. 4725.54.** (A) Any person having knowledge of a violation of sections 4725.40 to 4725.59 of the Revised Code by a licensed



dispensing optician or an apprentice, or of any other ground 106561  
specified in section 4725.53 of the Revised Code for denying, 106562  
suspending, or revoking a license, may submit a written complaint, 106563  
specifying the precise violations or grounds, to the ~~Ohio optical~~ 106564  
~~dispensers~~ state vision professionals board. If the board 106565  
determines, in accordance with the procedures of Chapter 119. of 106566  
the Revised Code, that the charges are sustained by the evidence 106567  
presented, it may suspend or revoke the license of the person 106568  
against whom the charges were preferred. 106569

(B) If the board discovers or is informed that any person is 106570  
or has been engaged in optical dispensing without having received 106571  
a license under sections 4725.40 to 4725.59 of the Revised Code, 106572  
it shall inform the prosecuting attorney for the county in which 106573  
the alleged unlicensed activity took place. The prosecuting 106574  
attorney shall take all legal action necessary to terminate such 106575  
illegal practice of optical dispensing and to prosecute the 106576  
offender under section 4725.41 of the Revised Code. 106577

(C) In addition to other remedies provided in this chapter, 106578  
the board may request the attorney general or the prosecuting 106579  
attorney of a county in which a violation of sections 4725.40 to 106580  
4725.59 of the Revised Code occurs to apply to the court of common 106581  
pleas of the county for an injunction to restrain the activity 106582  
that constitutes a violation. 106583

**Sec. 4725.55.** No person shall do any of the following: 106584

(A) Sell or barter, or offer to sell or barter, a certificate 106585  
of licensure as a dispensing optician issued under sections 106586  
4725.40 to 4725.59 of the Revised Code; 106587

(B) Use, or attempt to use, a license which is illegally 106588  
purchased or acquired under division (A) of this section, obtained 106589  
by fraud or deception, counterfeited, materially altered or 106590  
otherwise modified without prior approval of the ~~Ohio optical~~ 106591

~~dispensers~~ state vision professionals board, or suspended or 106592  
revoked under section 4725.53 or 4725.54 of the Revised Code; 106593

(C) Materially alter or otherwise modify a license in any 106594  
manner, unless authorized by the ~~Ohio optical dispensers~~ state 106595  
vision professionals board; 106596

(D) Willfully and knowingly make any false statement in an 106597  
application required under sections 4725.40 to 4725.59 of the 106598  
Revised Code. 106599

**Sec. 4725.57.** An applicant for licensure as a licensed 106600  
dispensing optician who is licensed or registered in another state 106601  
shall be accorded the full privileges of practice within this 106602  
state, upon the payment of a fifty-dollar fee and the submission 106603  
of a certified copy of the license or certificate issued by such 106604  
other state, without the necessity of examination, if the state 106605  
vision professionals board determines that the applicant meets the 106606  
remaining requirements of division (B) of section 4725.48 of the 106607  
Revised Code. The board may require that the applicant have 106608  
received a passing score, as determined by the board, on an 106609  
examination that is substantially the same as the examination 106610  
described in division (A) of section 4725.48 of the Revised Code. 106611

**Sec. 4725.61.** The state ~~board of optometry and the Ohio~~ 106612  
~~optical dispensers~~ vision professionals board shall comply with 106613  
section 4776.20 of the Revised Code. 106614

**Sec. 4725.63.** The state vision professionals board may 106615  
appoint committees or other groups to assist in fulfilling its 106616  
duties. A committee or group may consist of board members, other 106617  
individuals with appropriate backgrounds, or both board members 106618  
and other individuals with appropriate backgrounds. Any appointed 106619  
committee or group shall act under the board's direction and shall 106620  
perform its functions within the limits established by the board. 106621

Except as otherwise provided in the Revised Code, a committee or group organized under this section is advisory in nature and may not act independently of the board or act on the board's behalf. 106622  
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Members of a committee or group may be reimbursed by the board for any expenses incurred in the performance of their duties, in accordance with section 126.31 of the Revised Code and with approval from the director of administrative services. 106626  
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Sec. 4725.64. The state vision professionals board may enter into contracts with any person or government entity to implement this chapter, the rules adopted under this chapter, any other applicable statutes or rules, and any applicable federal statutes or regulations. 106630  
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Sec. 4725.65. The state vision professionals board may become a member of a national licensing organization for optometrists and dispensing opticians. The board may participate in any of the organization's activities, including reporting actions the board takes against an applicant or license holder to any data bank established by the organization. 106635  
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Sec. 4725.66. The state vision professionals board shall establish a code of ethical practice for individuals licensed, certified, or registered by the board in accordance with rules adopted under Chapter 119. of the Revised Code. In establishing the codes of ethical practice, the board shall define unprofessional conduct in the rules, which shall include engaging in a dual relationship with a client or former client, committing an act of sexual abuse, misconduct, or exploitation of a client or former client, and, except as permitted by law, violating client confidentiality. 106641  
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The codes of ethical practice may be based on any codes of 106651

ethical practice developed by national organizations representing 106652  
the interests of optometrists and dispensing opticians. The board 106653  
may establish standards in its codes of ethical practice that are 106654  
more stringent than those established by national organizations. 106655

The board may take disciplinary action against an applicant 106656  
or license holder for violating any code of ethical practice 106657  
established under this section. 106658

**Sec. 4725.67.** The state vision professionals board and any 106659  
committees established by the board shall not discriminate against 106660  
an applicant or holder of a certificate, license, registration, or 106661  
endorsement issued under this chapter because of the person's 106662  
race, color, religion, sex, national origin, disability as defined 106663  
in section 4112.01 of the Revised Code, or age. A person who files 106664  
with the board or committee a statement alleging discrimination 106665  
based on any of those reasons may request a hearing with the board 106666  
or committee, as appropriate. 106667

**Sec. 4729.021.** The state board of pharmacy shall license and 106668  
register home medical equipment services providers under Chapter 106669  
4752. of the Revised Code and shall administer and enforce that 106670  
chapter. 106671

**Sec. 4729.85.** If the state board of pharmacy establishes and 106672  
maintains a drug database pursuant to section 4729.75 of the 106673  
Revised Code, the board shall prepare reports regarding the 106674  
database and present or submit them in accordance with both of the 106675  
following: 106676

(A) The board shall present a biennial report to the standing 106677  
committees of the house of representatives and the senate that are 106678  
primarily responsible for considering health and human services 106679  
issues. Each report shall include all of the following: 106680

(1) The cost to the state of establishing and maintaining the database; 106681  
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(2) Information from the board, terminal distributors of dangerous drugs, prescribers, and retail dispensaries licensed under Chapter 3796. of the Revised Code regarding the board's effectiveness in providing information from the database; 106683  
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(3) The board's timeliness in transmitting information from the database. 106687  
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(B) The board shall submit a semiannual report to the governor, the president of the senate, the speaker of the house of representatives, the attorney general, the chairpersons of the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues, the department of public safety, the state dental board, the board of nursing, the state ~~board of optometry~~ vision professionals board, the state medical board, and the state veterinary medical licensing board. The state board of pharmacy shall make the report available to the public on its internet web site. Each report submitted shall include all of the following for the period covered by the report: 106689  
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(1) An aggregate of the information submitted to the board under section 4729.77 of the Revised Code regarding prescriptions for controlled substances containing opioids, including all of the following: 106701  
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(a) The number of prescribers who issued the prescriptions; 106705

(b) The number of patients to whom the controlled substances were dispensed; 106706  
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(c) The average quantity of the controlled substances dispensed per prescription; 106708  
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(d) The average daily morphine equivalent dose of the 106710

controlled substances dispensed per prescription. 106711

(2) An aggregate of the information submitted to the board 106712  
under section 4729.79 of the Revised Code regarding controlled 106713  
substances containing opioids that have been personally furnished 106714  
to a patient by a prescriber, other than a prescriber who is a 106715  
veterinarian, including all of the following: 106716

(a) The number of prescribers who personally furnished the 106717  
controlled substances; 106718

(b) The number of patients to whom the controlled substances 106719  
were personally furnished; 106720

(c) The average quantity of the controlled substances that 106721  
were furnished at one time; 106722

(d) The average daily morphine equivalent dose of the 106723  
controlled substances that were furnished at one time. 106724

(3) An aggregate of the information submitted to the board 106725  
under section 4729.771 of the Revised Code regarding medical 106726  
marijuana. 106727

**Sec. 4731.051.** The state medical board shall adopt rules in 106728  
accordance with Chapter 119. of the Revised Code establishing 106729  
universal blood and body fluid precautions that shall be used by 106730  
each person who performs exposure prone invasive procedures and is 106731  
authorized to practice by this chapter or Chapter 4730., 4759., 106732  
4760., 4761., 4762., or 4774. of the Revised Code. The rules shall 106733  
define and establish requirements for universal blood and body 106734  
fluid precautions that include the following: 106735

(A) Appropriate use of hand washing; 106736

(B) Disinfection and sterilization of equipment; 106737

(C) Handling and disposal of needles and other sharp 106738  
instruments; 106739

(D) Wearing and disposal of gloves and other protective 106740  
garments and devices. 106741

**Sec. 4731.07.** (A) The state medical board shall keep a record 106742  
of its proceedings. The minutes of a meeting of the board shall, 106743  
on approval by the board, constitute an official record of its 106744  
proceedings. 106745

(B) The board shall keep a register of applicants for 106746  
certificates to practice issued under this chapter and Chapters 106747  
4760., 4762., and 4774. of the Revised Code and licenses issued 106748  
under Chapters 4730., 4759., 4761., and 4778. of the Revised Code. 106749  
The register shall show the name of the applicant and whether the 106750  
applicant was granted or refused a certificate or license. With 106751  
respect to applicants to practice medicine and surgery or 106752  
osteopathic medicine and surgery, the register shall show the name 106753  
of the institution that granted the applicant the degree of doctor 106754  
of medicine or osteopathic medicine. With respect to applicants to 106755  
practice respiratory care, the register shall show the addresses 106756  
of the person's last known place of business and residence, the 106757  
effective date and identification number of the license, the name 106758  
and location of the institution that granted the person's degree 106759  
or certificate of completion of respiratory care educational 106760  
requirements, and the date the degree or certificate was issued. 106761  
The books and records of the board shall be prima-facie evidence 106762  
of matters therein contained. 106763

**Sec. 4731.071.** The state medical board shall develop and 106764  
publish on its internet web site a directory containing the names 106765  
of, and contact information for, all persons who hold current, 106766  
valid certificates or licenses issued by the board under this 106767  
chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 106768  
4778. of the Revised Code. Except as provided in section 4731.10 106769  
of the Revised Code, the directory shall be the sole source for 106770

verifying that a person holds a current, valid certificate or 106771  
license issued by the board. 106772

**Sec. 4731.224.** (A) Within sixty days after the imposition of 106773  
any formal disciplinary action taken by any health care facility, 106774  
including a hospital, health care facility operated by a health 106775  
insuring corporation, ambulatory surgical center, or similar 106776  
facility, against any individual holding a valid certificate to 106777  
practice issued pursuant to this chapter, the chief administrator 106778  
or executive officer of the facility shall report to the state 106779  
medical board the name of the individual, the action taken by the 106780  
facility, and a summary of the underlying facts leading to the 106781  
action taken. Upon request, the board shall be provided certified 106782  
copies of the patient records that were the basis for the 106783  
facility's action. Prior to release to the board, the summary 106784  
shall be approved by the peer review committee that reviewed the 106785  
case or by the governing board of the facility. As used in this 106786  
division, "formal disciplinary action" means any action resulting 106787  
in the revocation, restriction, reduction, or termination of 106788  
clinical privileges for violations of professional ethics, or for 106789  
reasons of medical incompetence, medical malpractice, or drug or 106790  
alcohol abuse. "Formal disciplinary action" includes a summary 106791  
action, an action that takes effect notwithstanding any appeal 106792  
rights that may exist, and an action that results in an individual 106793  
surrendering clinical privileges while under investigation and 106794  
during proceedings regarding the action being taken or in return 106795  
for not being investigated or having proceedings held. "Formal 106796  
disciplinary action" does not include any action taken for the 106797  
sole reason of failure to maintain records on a timely basis or 106798  
failure to attend staff or section meetings. 106799

The filing or nonfiling of a report with the board, 106800  
investigation by the board, or any disciplinary action taken by 106801  
the board, shall not preclude any action by a health care facility 106802



to suspend, restrict, or revoke the individual's clinical 106803  
privileges. 106804

In the absence of fraud or bad faith, no individual or entity 106805  
that provides patient records to the board shall be liable in 106806  
damages to any person as a result of providing the records. 106807

(B) If any individual authorized to practice under this 106808  
chapter or any professional association or society of such 106809  
individuals believes that a violation of any provision of this 106810  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 106811  
4778. of the Revised Code, or any rule of the board has occurred, 106812  
the individual, association, or society shall report to the board 106813  
the information upon which the belief is based. This division does 106814  
not require any treatment provider approved by the board under 106815  
section 4731.25 of the Revised Code or any employee, agent, or 106816  
representative of such a provider to make reports with respect to 106817  
an impaired practitioner participating in treatment or aftercare 106818  
for substance abuse as long as the practitioner maintains 106819  
participation in accordance with the requirements of section 106820  
4731.25 of the Revised Code, and as long as the treatment provider 106821  
or employee, agent, or representative of the provider has no 106822  
reason to believe that the practitioner has violated any provision 106823  
of this chapter or any rule adopted under it, other than the 106824  
provisions of division (B)(26) of section 4731.22 of the Revised 106825  
Code. This division does not require reporting by any member of an 106826  
impaired practitioner committee established by a health care 106827  
facility or by any representative or agent of a committee or 106828  
program sponsored by a professional association or society of 106829  
individuals authorized to practice under this chapter to provide 106830  
peer assistance to practitioners with substance abuse problems 106831  
with respect to a practitioner who has been referred for 106832  
examination to a treatment program approved by the board under 106833  
section 4731.25 of the Revised Code if the practitioner cooperates 106834

with the referral for examination and with any determination that 106835  
the practitioner should enter treatment and as long as the 106836  
committee member, representative, or agent has no reason to 106837  
believe that the practitioner has ceased to participate in the 106838  
treatment program in accordance with section 4731.25 of the 106839  
Revised Code or has violated any provision of this chapter or any 106840  
rule adopted under it, other than the provisions of division 106841  
(B)(26) of section 4731.22 of the Revised Code. 106842

(C) Any professional association or society composed 106843  
primarily of doctors of medicine and surgery, doctors of 106844  
osteopathic medicine and surgery, doctors of podiatric medicine 106845  
and surgery, or practitioners of limited branches of medicine that 106846  
suspends or revokes an individual's membership for violations of 106847  
professional ethics, or for reasons of professional incompetence 106848  
or professional malpractice, within sixty days after a final 106849  
decision shall report to the board, on forms prescribed and 106850  
provided by the board, the name of the individual, the action 106851  
taken by the professional organization, and a summary of the 106852  
underlying facts leading to the action taken. 106853

The filing of a report with the board or decision not to file 106854  
a report, investigation by the board, or any disciplinary action 106855  
taken by the board, does not preclude a professional organization 106856  
from taking disciplinary action against an individual. 106857

(D) Any insurer providing professional liability insurance to 106858  
an individual authorized to practice under this chapter, or any 106859  
other entity that seeks to indemnify the professional liability of 106860  
such an individual, shall notify the board within thirty days 106861  
after the final disposition of any written claim for damages where 106862  
such disposition results in a payment exceeding twenty-five 106863  
thousand dollars. The notice shall contain the following 106864  
information: 106865

(1) The name and address of the person submitting the 106866

notification; 106867

(2) The name and address of the insured who is the subject of the claim; 106868  
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(3) The name of the person filing the written claim; 106870

(4) The date of final disposition; 106871

(5) If applicable, the identity of the court in which the final disposition of the claim took place. 106872  
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(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual. 106874  
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(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order. 106884  
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The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's 106894  
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clinical privileges. The board shall indicate whether or not the 106898  
information has been verified. Information transmitted by the 106899  
board shall be subject to the same confidentiality provisions as 106900  
when maintained by the board. 106901

(G) Except for reports filed by an individual pursuant to 106902  
division (B) of this section, the board shall send a copy of any 106903  
reports or summaries it receives pursuant to this section to the 106904  
individual who is the subject of the reports or summaries. The 106905  
individual shall have the right to file a statement with the board 106906  
concerning the correctness or relevance of the information. The 106907  
statement shall at all times accompany that part of the record in 106908  
contention. 106909

(H) An individual or entity that, pursuant to this section, 106910  
reports to the board or refers an impaired practitioner to a 106911  
treatment provider approved by the board under section 4731.25 of 106912  
the Revised Code shall not be subject to suit for civil damages as 106913  
a result of the report, referral, or provision of the information. 106914

(I) In the absence of fraud or bad faith, no professional 106915  
association or society of individuals authorized to practice under 106916  
this chapter that sponsors a committee or program to provide peer 106917  
assistance to practitioners with substance abuse problems, no 106918  
representative or agent of such a committee or program, and no 106919  
member of the state medical board shall be held liable in damages 106920  
to any person by reason of actions taken to refer a practitioner 106921  
to a treatment provider approved under section 4731.25 of the 106922  
Revised Code for examination or treatment. 106923

**Sec. 4731.24.** Except as provided in sections 4731.281 and 106924  
4731.40 of the Revised Code, all receipts of the state medical 106925  
board, from any source, shall be deposited in the state treasury. 106926  
The funds shall be deposited to the credit of the state medical 106927  
board operating fund, which is hereby created. Except as provided 106928

in sections 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 106929  
4774.133, and 4778.141 of the Revised Code, all funds deposited 106930  
into the state treasury under this section shall be used solely 106931  
for the administration and enforcement of this chapter and 106932  
Chapters 4730., 4759., 4760., 4761., 4762., 4774., and 4778. of 106933  
the Revised Code by the board. 106934

**Sec. 4731.25.** The state medical board, in accordance with 106935  
Chapter 119. of the Revised Code, shall adopt and may amend and 106936  
rescind rules establishing standards for approval of physicians 106937  
and facilities as treatment providers for impaired practitioners 106938  
who are regulated under this chapter or Chapter 4730., 4759., 106939  
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 106940  
rules shall include standards for both inpatient and outpatient 106941  
treatment. The rules shall provide that in order to be approved, a 106942  
treatment provider must have the capability of making an initial 106943  
examination to determine what type of treatment an impaired 106944  
practitioner requires. Subject to the rules, the board shall 106945  
review and approve treatment providers on a regular basis. The 106946  
board, at its discretion, may withdraw or deny approval subject to 106947  
the rules. 106948

An approved impaired practitioner treatment provider shall: 106949

(A) Report to the board the name of any practitioner 106950  
suffering or showing evidence of suffering impairment as described 106951  
in division (B)(5) of section 4730.25 of the Revised Code, 106952  
division (B)(26) of section 4731.22 of the Revised Code, division 106953  
(A)(4) of section 4759.07 of the Revised Code, division (B)(6) of 106954  
section 4760.13 of the Revised Code, division (B)(6) of section 106955  
4762.13 of the Revised Code, division (B)(6) of section 4774.13 of 106956  
the Revised Code, or division (B)(6) of section 4778.14 of the 106957  
Revised Code who fails to comply within one week with a referral 106958  
for examination; 106959

(B) Report to the board the name of any impaired practitioner 106960  
who fails to enter treatment within forty-eight hours following 106961  
the provider's determination that the practitioner needs 106962  
treatment; 106963

(C) Require every practitioner who enters treatment to agree 106964  
to a treatment contract establishing the terms of treatment and 106965  
aftercare, including any required supervision or restrictions of 106966  
practice during treatment or aftercare; 106967

(D) Require a practitioner to suspend practice upon entry 106968  
into any required inpatient treatment; 106969

(E) Report to the board any failure by an impaired 106970  
practitioner to comply with the terms of the treatment contract 106971  
during inpatient or outpatient treatment or aftercare; 106972

(F) Report to the board the resumption of practice of any 106973  
impaired practitioner before the treatment provider has made a 106974  
clear determination that the practitioner is capable of practicing 106975  
according to acceptable and prevailing standards of care; 106976

(G) Require a practitioner who resumes practice after 106977  
completion of treatment to comply with an aftercare contract that 106978  
meets the requirements of rules adopted by the board for approval 106979  
of treatment providers; 106980

(H) Report the identity of any practitioner practicing under 106981  
the terms of an aftercare contract to hospital administrators, 106982  
medical chiefs of staff, and chairpersons of impaired practitioner 106983  
committees of all health care institutions at which the 106984  
practitioner holds clinical privileges or otherwise practices. If 106985  
the practitioner does not hold clinical privileges at any health 106986  
care institution, the treatment provider shall report the 106987  
practitioner's identity to the impaired practitioner committee of 106988  
the county medical society, osteopathic academy, or podiatric 106989  
medical association in every county in which the practitioner 106990

practices. If there are no impaired practitioner committees in the 106991  
county, the treatment provider shall report the practitioner's 106992  
identity to the president or other designated member of the county 106993  
medical society, osteopathic academy, or podiatric medical 106994  
association. 106995

(I) Report to the board the identity of any practitioner who 106996  
suffers a relapse at any time during or following aftercare. 106997

Any individual authorized to practice under this chapter who 106998  
enters into treatment by an approved treatment provider shall be 106999  
deemed to have waived any confidentiality requirements that would 107000  
otherwise prevent the treatment provider from making reports 107001  
required under this section. 107002

In the absence of fraud or bad faith, no person or 107003  
organization that conducts an approved impaired practitioner 107004  
treatment program, no member of such an organization, and no 107005  
employee, representative, or agent of the treatment provider shall 107006  
be held liable in damages to any person by reason of actions taken 107007  
or recommendations made by the treatment provider or its 107008  
employees, representatives, or agents. 107009

**Sec. 4743.05.** Except as otherwise provided in sections 107010  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 107011  
Revised Code, all money collected under Chapters 3773., 4701., 107012  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 107013  
4733., 4734., 4736., 4741., ~~4744.~~, ~~4747.~~, 4753., 4755., 4757., 107014  
4758., ~~4759.~~, ~~4761.~~, 4771., 4775., 4779., and 4781. of the Revised 107015  
Code shall be paid into the state treasury to the credit of the 107016  
occupational licensing and regulatory fund, which is hereby 107017  
created for use in administering such chapters. 107018

At the end of each quarter, the director of budget and 107019  
management shall transfer from the occupational licensing and 107020  
regulatory fund to the nurse education assistance fund created in 107021

section 3333.28 of the Revised Code the amount certified to the 107022  
director under division (B) of section 4723.08 of the Revised 107023  
Code. 107024

At the end of each quarter, the director shall transfer from 107025  
the occupational licensing and regulatory fund to the certified 107026  
public accountant education assistance fund created in section 107027  
4701.26 of the Revised Code the amount certified to the director 107028  
under division (H)(2) of section 4701.10 of the Revised Code. 107029

Sec. 4744.02. (A) There is hereby created the state speech 107030  
and hearing professionals board consisting of the following 107031  
members, appointed by the governor with the advice and consent of 107032  
the senate: 107033

(1) Two individuals licensed as speech-language pathologists 107034  
under Chapter 4753. of the Revised Code; 107035

(2) Three individuals licensed as audiologists under Chapter 107036  
4753. of the Revised Code; 107037

(3) Two individuals licensed as hearing aid fitters under 107038  
Chapter 4747. of the Revised Code; 107039

(4) Two individuals representing the general public. 107040

(B) Not later than ninety days after the effective date of 107041  
this section, the governor shall make initial appointments to the 107042  
board. Of the initial appointments, four members shall serve terms 107043  
ending March 22, 2019, three members shall serve terms ending 107044  
March 22, 2020, and two members shall serve terms ending March 22, 107045  
2021. 107046

Thereafter, terms of office are three years, with each term 107047  
commencing on the twenty-third day of March and ending on the 107048  
twenty-second day of March. Each member shall hold office from the 107049  
date of appointment until the end of the term for which the member 107050  
was appointed, except that a member shall continue in office after 107051



the expiration date of the member's term until the member's 107052  
successor takes office. No member shall serve more than three 107053  
consecutive terms. 107054

Vacancies shall be filled in the same manner as original 107055  
appointments. Any member appointed to fill a vacancy occurring 107056  
before the expiration of the term for which the member's 107057  
predecessor was appointed shall hold office for the remainder of 107058  
that term. 107059

(C) No individual may be appointed to the board who has been 107060  
convicted of or pleaded guilty to a felony under the laws of this 107061  
state, another state, or the United States. 107062

The governor may remove a member of the board for 107063  
malfeasance, misfeasance, or nonfeasance after a hearing in 107064  
accordance with Chapter 119. of the Revised Code. The governor 107065  
shall remove, after a hearing in accordance with Chapter 119. of 107066  
the Revised Code, any member who has been convicted of or pleaded 107067  
guilty to a felony under the laws of this state, another state, or 107068  
the United States. 107069

**Sec. 4744.06.** (A) There is hereby created the state physical 107070  
health services board consisting of the following members, 107071  
appointed by the governor with the advice and consent of the 107072  
senate: 107073

(1) One individual licensed as an occupational therapist 107074  
under Chapter 4755. of the Revised Code; 107075

(2) One individual licensed as a physical therapist under 107076  
Chapter 4755. of the Revised Code; 107077

(3) One individual licensed as an athletic trainer under 107078  
Chapter 4755. of the Revised Code; 107079

(4) Two individuals licensed as occupational therapists, 107080  
physical therapists, or athletic trainers under Chapter 4755. of 107081

the Revised Code, in any combination of those professionals; 107082

(5) One individual licensed as an orthotist or as an 107083  
orthotist and prosthetist under Chapter 4779. of the Revised Code; 107084

(6) One individual licensed as a prosthetist or as an 107085  
orthotist and prosthetist under Chapter 4779. of the Revised Code; 107086

(7) One individual licensed as a pedorthist under Chapter 107087  
4779. of the Revised Code; 107088

(8) One individual representing the general public. 107089

(B) Not later than ninety days after the effective date of 107090  
this section, the governor shall make initial appointments to the 107091  
board. Of the initial appointments, four members shall serve terms 107092  
ending August 27, 2019, three members shall serve terms ending 107093  
August 27, 2020, and two members shall serve terms ending August 107094  
27, 2021. Thereafter, terms of office are three years, with each 107095  
term commencing on the twenty-eighth day of August and ending on 107096  
the twenty-seventh day of August. Each member shall hold office 107097  
from the date of appointment until the end of the term for which 107098  
the member was appointed, except that a member shall continue in 107099  
office after the expiration date of the member's term until the 107100  
member's successor takes office. No member shall serve more than 107101  
three consecutive terms. 107102

Vacancies shall be filled in the same manner as original 107103  
appointments. Any member appointed to fill a vacancy occurring 107104  
before the expiration of the term for which the member's 107105  
predecessor was appointed shall hold office for the remainder of 107106  
that term. 107107

(C) No individual may be appointed to the board who has been 107108  
convicted of or pleaded guilty to a felony under the laws of this 107109  
state, another state, or the United States. 107110

The governor may remove a member of the board for 107111

malfeasance, misfeasance, or nonfeasance after a hearing in 107112  
accordance with Chapter 119. of the Revised Code. The governor 107113  
shall remove, after a hearing in accordance with Chapter 119. of 107114  
the Revised Code, any member who has been convicted of or pleaded 107115  
guilty to a felony under the laws of this state, another state, or 107116  
the United States. 107117

Sec. 4744.07. When the term of a member of a board organized 107118  
under this chapter expires or a vacancy occurs on the board, a 107119  
professional association representing the interests of the 107120  
occupation of the board position to be filled may recommend to the 107121  
governor individuals to fill the position. The governor shall 107122  
consider the recommendation in making appointments to the board. 107123

Sec. 4744.10. Whenever the term "hearing aid dealers and 107124  
fitters licensing board" or "board of speech-language pathology 107125  
and audiology" is used in any statute, rule, contract, or other 107126  
document, the use shall be construed to mean the "state vision and 107127  
hearing professionals board." 107128

Whenever "secretary of the hearing aid dealers and fitters 107129  
licensing board" or "executive director of the board of 107130  
speech-language pathology and audiology" is used in a statute, 107131  
rule, contract, or other document, the use shall be construed to 107132  
mean the executive director of the state vision and hearing 107133  
professionals board. 107134

Whenever the term "Ohio occupational therapy, physical 107135  
therapy, and athletic trainers board" or "state board of 107136  
orthotics, prosthetics, and pedorthics" is used in any statute, 107137  
rule, contract, or other document, the use shall be construed to 107138  
mean the "state physical health services board." 107139

Whenever the executive director of the "Ohio occupational 107140  
therapy, physical therapy, and athletic trainers board" or "state 107141

board of orthotics, prosthetics, and pedorthics" is used in any 107142  
statute, rule, contract, or other document, the use shall be 107143  
construed to mean the executive director of the state physical 107144  
health services board. 107145

**Sec. 4744.12.** (A) Each board organized under this chapter 107146  
shall annually elect from among its members a president and 107147  
secretary. Each board shall hold at least four regular meetings 107148  
each year and may hold additional meetings as it considers 107149  
necessary. At least one of the board's regular meetings shall be 107150  
held in Franklin county. The boards shall publish the time and 107151  
place of any meetings at least thirty days before the date on 107152  
which the meeting is to be held, except that in the case of an 107153  
emergency or special meeting, the board shall give 107154  
twenty-four-hours' notice or as much notice as possible. 107155

A majority of board members constitutes a quorum. 107156

(B) Each board shall do all of the following: 107157

(1) Adopt a seal and certificate of suitable design; 107158

(2) Maintain a record of its proceedings; 107159

(3) Maintain a register of every individual holding a 107160  
certificate, license, permit, registration, or endorsement issued 107161  
under Chapters 4747., 4753., 4755., and 4779. of the Revised Code, 107162  
as applicable, and every individual whose certificate, license, 107163  
permit, registration, or endorsement has been revoked under those 107164  
chapters. 107165

(C) Except as otherwise provided in the Revised Code, the 107166  
books and records of each board, including its registers, shall be 107167  
open to public inspection at all reasonable times. A copy of an 107168  
entry in those books and records, certified by the executive 107169  
director under the board's seal, is prima facie evidence of the 107170  
facts therein stated. 107171

Sec. 4744.14. Each board organized under this chapter shall 107172  
hire an executive director. Before discharging the executive 107173  
director's duties, each executive director shall give a bond, to 107174  
be approved by the board, in the amount of two thousand dollars to 107175  
ensure the faithful performance of the executive director's 107176  
duties. The board shall pay the premium of the bond in the same 107177  
manner as it pays other expenditures of the board. The bond shall 107178  
be deposited with the secretary of state and kept in the secretary 107179  
of state's office. 107180

The executive director of each board organized under this 107181  
chapter, in consultation with the director of administrative 107182  
services, may employ inspectors, investigators, assistants, and 107183  
other employees as necessary to administer and enforce Chapters 107184  
4747., 4753., 4755., and 4779. of the Revised Code, as applicable. 107185

Sec. 4744.16. Each member of a board organized under this 107186  
chapter shall receive an amount fixed under division (J) of 107187  
section 124.15 of the Revised Code for each day the member is 107188  
performing their official duties and be reimbursed for actual and 107189  
necessary expenses incurred in performing such duties. 107190

Each board, in consultation with the director of 107191  
administrative services, shall set the compensation of its 107192  
executive director and of any employees of the board. The 107193  
executive director of each board shall be reimbursed for necessary 107194  
expenses in accordance with section 126.31 of the Revised Code. 107195

All vouchers of the board shall be approved by the board's 107196  
president or executive director, or both, as authorized by the 107197  
board. 107198

Sec. 4744.18. Each board organized under this chapter shall 107199  
have an office in Franklin county, where all of the board's 107200  
permanent records shall be kept. On request of each board, the 107201

director of administrative services shall supply each board with 107202  
office space and supplies. The board's president and executive 107203  
director shall submit an order to the director of administrative 107204  
services for all printing and binding necessary for the board's 107205  
work. 107206

Sec. 4744.20. All expenses of the boards organized under this 107207  
chapter shall be paid from, and all receipts of the boards shall 107208  
be deposited in, the state treasury to the credit of the 107209  
occupational licensing and regulatory fund created in section 107210  
4743.05 of the Revised Code. 107211

Sec. 4744.24. Each board organized under this chapter shall 107212  
annually, on or before the first day of February, submit a report 107213  
to the governor of all its official acts during the preceding 107214  
year, its receipts and disbursements, and a complete report of the 107215  
conditions of the professions regulated by the board. Each board 107216  
shall submit its first report to the governor not later than 107217  
February 1, 2019. Each board shall submit the reports to the 107218  
governor electronically. 107219

Sec. 4744.28. Each board organized under this chapter may 107220  
adopt rules as necessary for the transaction of its business. 107221

Sec. 4744.30. In the absence of fraud or bad faith, any board 107222  
organized under this chapter, current or former board members, 107223  
agents of the board, persons formally requested by the board to be 107224  
the board's representative, or employees of the board shall not be 107225  
held liable in damages to any person as the result of any act, 107226  
omission, proceeding, conduct, or decision related to official 107227  
duties undertaken or performed pursuant to Chapters 4747., 4753., 107228  
4755., and 4779. of the Revised Code, as applicable. 107229

If such a person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the person's defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay any part of a claim or judgment that is for punitive or exemplary damages.

**Sec. 4744.36.** Each board organized under this chapter may appoint committees or other groups to assist in fulfilling its duties. A committee or group may consist of board members, other individuals with appropriate backgrounds, or both board members and other individuals with appropriate backgrounds. Any appointed committee or group shall act under the board's direction and shall perform its functions within the limits established by the board.

Except as otherwise provided in the Revised Code, a committee or group organized under this section is advisory in nature and may not act independently of the board or act on the board's behalf.

Members of a committee or group may be reimbursed by the board for any expenses incurred in the performance of their duties, in accordance with section 126.31 of the Revised Code and with approval from the director of administrative services.

**Sec. 4744.40.** Each board organized under this chapter may enter into contracts with any person or government entity to implement this chapter and Chapters 4747., 4753., 4755., and 4779. of the Revised Code, as applicable, the rules adopted under those chapters, any other applicable statutes or rules, and any applicable federal statutes or regulations.

Sec. 4744.48. Each board organized under this chapter may 107260  
become a member of a national licensing organization for the 107261  
professions regulated by that board. The board may participate in 107262  
any of the organization's activities, including reporting actions 107263  
the board takes against an applicant or license holder to any data 107264  
bank established by the organization. 107265

Sec. 4744.50. Each board organized under this chapter shall 107266  
establish a code of ethical practice for individuals licensed, 107267  
certified, or registered by that board in accordance with rules 107268  
adopted under Chapter 119. of the Revised Code. In establishing 107269  
the codes of ethical practice, the board shall define 107270  
unprofessional conduct in the rules, which shall include engaging 107271  
in a dual relationship with a client or former client, committing 107272  
an act of sexual abuse, misconduct, or exploitation of a client or 107273  
former client, and, except as permitted by law, violating client 107274  
confidentiality. 107275

The codes of ethical practice may be based on any codes of 107276  
ethical practice developed by national organizations representing 107277  
the interests of those professions regulated by each board. The 107278  
board may establish standards in its codes of ethical practice 107279  
that are more stringent than those established by national 107280  
organizations. 107281

The board may take disciplinary action against an applicant 107282  
or license holder for violating any code of ethical practice 107283  
established under this section. 107284

Sec. 4744.54. No board organized under this chapter or any 107285  
committees established by the board shall discriminate against an 107286  
applicant or license holder because of the person's race, color, 107287  
religion, sex, national origin, disability as defined in section 107288  
4112.01 of the Revised Code, or age. A person who files with the 107289



board or committee a statement alleging discrimination based on 107290  
any of those reasons may request a hearing with the board or 107291  
committee, as appropriate. 107292

**Sec. 4745.02.** On or before the thirtieth day prior to the 107293  
expiration of any license, each licensing agency shall ~~cause to be~~ 107294  
~~mailed~~ provide a notice ~~and application~~ for renewal to every 107295  
licensee for whom a license was issued or renewed during the 107296  
current license year or other specified period and who has been 107297  
approved for renewal by the specific licensing agency. 107298

The licensee shall complete the applicable renewal 107299  
application and ~~return it to~~ pay the applicable renewal fee. 107300  
Renewal fees paid pursuant to this section shall be deposited with 107301  
the treasurer of state ~~with a renewal fee in the amount specified~~ 107302  
~~on the renewal application.~~ 107303

Upon receipt of the correct fee by the treasurer and 107304  
acceptance of the renewal application by the licensing agency, the 107305  
applicant shall be entered as currently renewed on the records of 107306  
the particular licensing agency, and notice of the entry shall be 107307  
~~mailed~~ provided to each licensee as soon as practicable, but not 107308  
later than thirty days after receipt ~~by the treasurer~~ of the 107309  
application and renewal fee. A certification by the respective 107310  
licensing agency, with its seal affixed, of those records shall be 107311  
prima-facie evidence of renewal in all courts in the trial of any 107312  
case. 107313

**Sec. 4745.021.** Notwithstanding any provision of the Revised 107314  
Code pertaining to the timing of a license renewal to the 107315  
contrary, if a failure in any electronic license renewal system 107316  
occurs, a licensing agency may extend the date by which licenses 107317  
must be renewed. The licensing agency may extend a renewal period 107318  
for a reasonable time period after the resolution of the system 107319

failure. However, a licensing agency must obtain approval from the 107320  
director of administrative services for an extension in excess of 107321  
fourteen days beyond the resolution of the system failure. 107322

**Sec. 4745.04.** (A) As used in this section: 107323

(1) "Indigent and uninsured person" and "volunteer" have the 107324  
same meanings as in section 2305.234 of the Revised Code. 107325

(2) "Licensing agency that licenses health care 107326  
professionals" means all of the following: 107327

(a) The state dental board established under Chapter 4715. of 107328  
the Revised Code; 107329

(b) The board of nursing established under Chapter 4723. of 107330  
the Revised Code; 107331

(c) The state vision professionals board ~~of optometry~~ 107332  
established under Chapter 4725. of the Revised Code; 107333

(d) ~~The Ohio optical dispensers board established under~~ 107334  
~~Chapter 4725. of the Revised Code;~~ 107335

~~(e)~~ The state board of pharmacy established under Chapter 107336  
4729. of the Revised Code; 107337

~~(f)~~(e) The state medical board established under Chapter 107338  
4731. of the Revised Code; 107339

~~(g)~~(f) The state board of psychology established under 107340  
Chapter 4732. of the Revised Code; 107341

~~(h)~~(g) The state chiropractic board established under Chapter 107342  
4734. of the Revised Code; 107343

~~(i)~~ ~~The hearing aid dealers and fitters licensing board~~ 107344  
~~established under Chapter 4747. of the Revised Code;~~ 107345

~~(j)~~ ~~The board of speech language pathology and audiology~~ 107346  
~~established under Chapter 4753. of the Revised Code;~~ 107347

|                                                                                                                                                                                                                                                                                                          |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <del>(k)(h)</del> The Ohio <del>occupational therapy, physical therapy, and athletic trainers</del> <u>state physical health services</u> board established under Chapter <del>4755.</del> <u>4744.</u> of the Revised Code;                                                                             | 107348<br>107349<br>107350                     |
| <del>(l)(i)</del> The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised <del>ode</del> <u>Code</u> ;                                                                                                                                      | 107351<br>107352<br>107353                     |
| <del>(m)(j)</del> The chemical dependency professionals board established under Chapter 4758. of the Revised Code;                                                                                                                                                                                       | 107354<br>107355                               |
| <del>(n)</del> The Ohio board of dietetics established under Chapter 4759. of the Revised Code;                                                                                                                                                                                                          | 107356<br>107357                               |
| <del>(o)</del> The Ohio respiratory care board established under Chapter 4761. of the Revised Code;                                                                                                                                                                                                      | 107358<br>107359                               |
| <del>(p)(k)</del> The state board of emergency medical services established under Chapter 4765. of the Revised Code;                                                                                                                                                                                     | 107360<br>107361                               |
| <del>(q)</del> The state board of orthotics, prosthetics, and pedorthics established under Chapter 4779. of the Revised Code;                                                                                                                                                                            | 107362<br>107363                               |
| <del>(r)(l)</del> The state <u>speech and hearing professionals board</u> established under Chapter 4744. of the Revised Code;                                                                                                                                                                           | 107364<br>107365                               |
| <u>(m)</u> Any other licensing agency that considers its licensees to be health care professionals.                                                                                                                                                                                                      | 107366<br>107367                               |
| (B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply: | 107368<br>107369<br>107370<br>107371<br>107372 |
| (1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.                                                                                                                          | 107373<br>107374<br>107375                     |
| (2) The licensee provides the health care services to an indigent and uninsured person.                                                                                                                                                                                                                  | 107376<br>107377                               |

(3) The licensee provides the health care services as a volunteer. 107378  
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(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section. 107380  
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(5) The health care services provided are within the scope of authority of the licensee renewing the license. 107383  
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(C) A licensing agency that licenses health care professionals shall permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing health care services as a volunteer. A licensing agency that licenses health care professionals shall permit a licensee to earn continuing education credits at the rate of one credit hour for each sixty minutes spent providing health care services as a volunteer. 107385  
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(D) A licensing agency that licenses health care professionals shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 107393  
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(E) Continuing education credit received under this section for providing health care services is not compensation or any other form of remuneration for purposes of section 2305.234 of the Revised Code and does not make the provider of those services ineligible for the immunity from liability granted under that section. 107397  
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**Sec. 4747.04.** ~~The state speech and hearing aid dealers and fitters licensing board shall meet annually to elect a chairperson and a vice chairperson, who shall act as chairperson in the absence of the chairperson. A majority of the board constitutes a quorum. The board shall meet when called by the chairperson. The~~ 107403  
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professionals board shall: 107408

(A) ~~Adopt rules for the transaction of its business;~~ 107409

~~(B)~~ Design and prepare qualifying examinations for licensing 107410  
of hearing aid dealers, fitters, and trainees; 107411

~~(C)~~(B) Determine whether persons holding similar valid 107412  
licenses from other states or jurisdictions shall be required to 107413  
take and successfully pass the appropriate qualifying examination 107414  
as a condition for licensing in this state; 107415

~~(D)~~(C) Determine whether charges made against any licensee 107416  
warrant a hearing before the board; 107417

~~(E)~~(D) Hold hearings to determine the truth and circumstances 107418  
of all charges filed in writing with the board against any 107419  
licensee and determine whether any license held by any person 107420  
shall be revoked, suspended, or reissued; 107421

~~(F)~~(E) Determine and specify the length of time each license 107422  
that is suspended or revoked shall remain suspended or revoked; 107423

~~(G)~~(F) Advise and assist the department of health in all 107424  
matters relating to this chapter; 107425

~~(H)~~(G) Deposit all payments collected under this chapter into 107426  
the ~~general operations~~ state treasury to the credit of the 107427  
occupational licensing and regulatory fund created ~~under in~~ 107428  
section ~~3701.83~~ 4743.05 of the Revised Code ~~to be used in~~ 107429  
~~administering and enforcing this chapter;~~ 107430

~~(I)~~(H) Establish a list of disqualifying offenses for 107431  
licensure as a hearing aid dealer or fitter, or for a hearing aid 107432  
dealer or fitter trainee permit, pursuant to sections 4747.05, 107433  
4747.10, 4747.12, and 4776.10 of the Revised Code. 107434

Nothing in this section shall be interpreted as granting to 107435  
the ~~hearing aid dealers and fitters licensing~~ board the right to 107436  
restrict advertising which is not false or misleading, or to 107437

prohibit or in any way restrict a hearing aid dealer or fitter 107438  
from renting or leasing space from any person, firm or corporation 107439  
in a mercantile establishment for the purpose of using such space 107440  
for the lawful sale of hearing aids or to prohibit a mercantile 107441  
establishment from selling hearing aids if the sale would be 107442  
otherwise lawful under this chapter. 107443

**Sec. 4747.05.** (A) The state speech and hearing aid dealers 107444  
~~and fitters licensing~~ professionals board shall issue to each 107445  
applicant, within sixty days of receipt of a properly completed 107446  
application and payment of two hundred sixty-two dollars, a 107447  
hearing aid dealer's or fitter's license if the applicant, ~~if an~~ 107448  
~~individual:~~ 107449

(1) ~~Is~~ In the case of an individual, the individual is at 107450  
least eighteen years of age. 107451

~~(2) Has,~~ has not committed a disqualifying offense or a crime 107452  
of moral turpitude, as those terms are defined in section 4776.10 107453  
of the Revised Code. 107454

~~(3) Is,~~ is free of contagious or infectious disease. 107455

~~(4) Has,~~ and has successfully passed a qualifying examination 107456  
specified and administered by the board. 107457

~~(B) If the applicant is~~ (2) In the case of a firm, 107458  
partnership, association, or corporation, the application, in 107459  
addition to such information as the board requires, ~~shall be~~ is 107460  
accompanied by an application for a license for each person, 107461  
whether owner or employee, of the firm, partnership, association, 107462  
or corporation, who engages in dealing in or fitting of hearing 107463  
aids, or ~~shall contain~~ contains a statement that such applications 107464  
are submitted separately. No firm, partnership, association, or 107465  
corporation licensed pursuant to this chapter shall permit any 107466  
unlicensed person to sell or fit hearing aids. 107467

~~(C)~~(B)(1) Subject to divisions ~~(C)~~(B)(2), (3), and (4) of 107468  
this section, the board shall not adopt, maintain, renew, or 107469  
enforce any rule that precludes an individual from receiving or 107470  
renewing a license issued under this chapter due to any past 107471  
criminal activity or interpretation of moral character, unless the 107472  
individual has committed a crime of moral turpitude or a 107473  
disqualifying offense as those terms are defined in section 107474  
4776.10 of the Revised Code. If the board denies an individual a 107475  
license or license renewal, the reasons for such denial shall be 107476  
put in writing. 107477

(2) Except as otherwise provided in this division, if an 107478  
individual applying for a license has been convicted of or pleaded 107479  
guilty to a misdemeanor that is not a crime of moral turpitude or 107480  
a disqualifying offense less than one year prior to making the 107481  
application, the board may use the board's discretion in granting 107482  
or denying the individual a license. Except as otherwise provided 107483  
in this division, if an individual applying for a license has been 107484  
convicted of or pleaded guilty to a felony that is not a crime of 107485  
moral turpitude or a disqualifying offense less than three years 107486  
prior to making the application, the board may use the board's 107487  
discretion in granting or denying the individual a license. The 107488  
provisions in this paragraph do not apply with respect to any 107489  
offense unless the board, prior to ~~the effective date of this~~ 107490  
~~amendment~~ September 28, 2012, was required or authorized to deny 107491  
the application based on that offense. 107492

In all other circumstances, the board shall follow the 107493  
procedures it adopts by rule that conform to division ~~(C)~~(B)(1) of 107494  
this section. 107495

(3) In considering a renewal of an individual's license, the 107496  
board shall not consider any conviction or plea of guilty prior to 107497  
the initial licensing. However, the board may consider a 107498  
conviction or plea of guilty if it occurred after the individual 107499

was initially licensed, or after the most recent license renewal. 107500

(4) The board may grant an individual a conditional license 107501  
that lasts for one year. After the one-year period has expired, 107502  
the license is no longer considered conditional, and the 107503  
individual shall be considered fully licensed. 107504

~~(D)~~(C) Each license issued expires on the thirtieth day of 107505  
January of the year following that in which it was issued. 107506

**Sec. 4747.051.** (A) As used in this section, "license" and 107507  
"applicant for an initial license" have the same meanings as in 107508  
section 4776.01 of the Revised Code, except that "license" as used 107509  
in both of those terms refers to the types of authorizations 107510  
otherwise issued or conferred under this chapter. 107511

(B) In addition to any other eligibility requirement set 107512  
forth in this chapter, each applicant for an initial license shall 107513  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 107514  
state speech and hearing professionals board shall not grant a 107515  
license to an applicant for an initial license unless the 107516  
applicant complies with sections 4776.01 to 4776.04 of the Revised 107517  
Code and the board, in its discretion, decides that the results of 107518  
the criminal records check do not make the applicant ineligible 107519  
for a license issued pursuant to section 4747.05 or 4747.10 of the 107520  
Revised Code. 107521

**Sec. 4747.06.** (A) Each person engaged in the practice of 107522  
dealing in or fitting of hearing aids who holds a valid hearing 107523  
aid dealer's or fitter's license shall apply annually to the state 107524  
speech and hearing aid dealers and fitters licensing professionals 107525  
board for renewal of such license under the standard renewal 107526  
procedure specified in Chapter 4745. of the Revised Code. The 107527  
board shall issue to each applicant, on proof of completion of the 107528  
continuing education required by division (B) of this section and 107529



payment of one hundred fifty-seven dollars on or before the first 107530  
day of February, one hundred eighty-three dollars on or before the 107531  
first day of March, or two hundred ten dollars thereafter, a 107532  
renewed hearing aid dealer's or fitter's license. No person who 107533  
applies for renewal of a hearing aid dealer's or fitter's license 107534  
that has expired shall be required to take any examination as a 107535  
condition of renewal provided application for renewal is made 107536  
within two years of the date such license expired. 107537

(B) Each person engaged in the practice of dealing in or 107538  
fitting of hearing aids who holds a valid hearing aid dealer's or 107539  
fitter's license shall complete each year not less than ten hours 107540  
of continuing professional education approved by the board. On a 107541  
form provided by the board, the person shall certify to the board, 107542  
at the time of license renewal pursuant to division (A) of this 107543  
section, that in the preceding year the person has completed 107544  
continuing education in compliance with this division and shall 107545  
submit any additional information required by rule of the board 107546  
regarding the continuing education. The board shall adopt rules in 107547  
accordance with Chapter 119. of the Revised Code establishing the 107548  
standards continuing education programs must meet to obtain board 107549  
approval and continuing education reporting requirements. 107550

Continuing education may be applied to meet the requirement 107551  
of this division if it is provided or certified by any of the 107552  
following: 107553

(1) The national institute of hearing instruments studies 107554  
committee of the international hearing society; 107555

(2) The American speech-language hearing association; 107556

(3) The American academy of audiology. 107557

The board may excuse persons licensed under this chapter, as 107558  
a group or as individuals, from all or any part of the 107559  
requirements of this division because of an unusual circumstance, 107560

emergency, or special hardship. 107561

**Sec. 4747.07.** Each person who holds a hearing aid dealer's or 107562  
fitter's license and engages in the practice of dealing in and 107563  
fitting of hearing aids shall display such license in a 107564  
conspicuous place in the person's office or place of business at 107565  
all times. Each person who maintains more than one office or place 107566  
of business shall post a duplicate copy of the license at each 107567  
location. The ~~state speech and hearing aid dealers and fitters~~ 107568  
~~licensing~~ professionals board shall issue duplicate copies of a 107569  
license upon receipt of a properly completed application and 107570  
payment of sixteen dollars for each copy requested. 107571

**Sec. 4747.08.** After July 1, 1970, no person shall be issued a 107572  
hearing aid dealer's or fitter's license unless such person has 107573  
successfully taken and passed a qualifying examination. The 107574  
qualifying examination shall be a thorough testing of knowledge 107575  
required for the proper selecting, fitting, and sale of hearing 107576  
aids, but shall not be such that a medical or surgical education 107577  
is required for successful completion. It shall consist of written 107578  
and practical portions which shall include, but not be limited to, 107579  
the following areas: 107580

(A) Basic physics of sound; 107581

(B) The anatomy and physiology of the human ear; 107582

(C) The function and purpose of hearing aids; 107583

(D) Pure tone audiometry, including air conduction and bone 107584  
conduction testing; 107585

(E) Live voice or recorded voice speech audiometry, including 107586  
speech reception threshold testing and speech discrimination 107587  
testing; 107588

(F) Masking techniques; 107589

(G) Recording and evaluation of audiograms and speech 107590  
audiometry to determine proper selection and adaptation of hearing 107591  
aids; 107592

(H) Earmold impression techniques. 107593

The ~~state speech and hearing aid dealers and fitters~~ 107594  
~~licensing professionals~~ board shall design, prepare, and revise 107595  
such qualifying examinations as are determined necessary by the 107596  
board pursuant to this chapter. It shall administer all such 107597  
qualifying examinations and shall designate the time, place, and 107598  
date the examinations are held. The board shall also furnish all 107599  
materials and equipment necessary for the conducting of all 107600  
qualifying examinations. 107601

**Sec. 4747.10.** Each person currently engaged in training to 107602  
become a licensed hearing aid dealer or fitter shall apply to the 107603  
~~state speech and hearing aid dealers and fitters licensing~~ 107604  
~~professionals~~ board for a hearing aid dealer's and fitter's 107605  
trainee permit. The board shall issue to each applicant within 107606  
thirty days of receipt of a properly completed application and 107607  
payment of one hundred fifty dollars, a trainee permit if such 107608  
applicant meets all of the following criteria: 107609

(A) Is at least eighteen years of age; 107610

(B) Is the holder of a diploma from an accredited high school 107611  
or a certificate of high school equivalence issued by the 107612  
department of education; 107613

(C) Has not committed a disqualifying offense or a crime of 107614  
moral turpitude, as those terms are defined in section 4776.10 of 107615  
the Revised Code; 107616

(D) Is free of contagious or infectious disease. 107617

Subject to the next paragraph, the board shall not deny a 107618  
trainee permit issued under this section to any individual based 107619

on the individual's past criminal history or an interpretation of 107620  
moral character unless the individual has committed a 107621  
disqualifying offense or crime of moral turpitude as those terms 107622  
are defined in section 4776.10 of the Revised Code. Except as 107623  
otherwise provided in this paragraph, if an individual applying 107624  
for a trainee permit has been convicted of or pleaded guilty to a 107625  
misdemeanor that is not a crime of moral turpitude or a 107626  
disqualifying offense less than one year prior to making the 107627  
application, the board may use the board's discretion in granting 107628  
or denying the individual a trainee permit. Except as otherwise 107629  
provided in this paragraph, if an individual applying for a 107630  
trainee permit has been convicted of or pleaded guilty to a felony 107631  
that is not a crime of moral turpitude or a disqualifying offense 107632  
less than three years prior to making the application, the board 107633  
may use the board's discretion in granting or denying the 107634  
individual a trainee permit. The provisions in this paragraph do 107635  
not apply with respect to any offense unless the board, prior to 107636  
September 28, 2012, was required or authorized to deny the 107637  
application based on that offense. 107638

In all other circumstances not described in the preceding 107639  
paragraph, the board shall follow the procedures it adopts by rule 107640  
that conform to this section. 107641

In considering a renewal of an individual's trainee permit, 107642  
the board shall not consider any conviction or plea of guilty 107643  
prior to the issuance of the initial trainee permit. However, the 107644  
board may consider a conviction or plea of guilty if it occurred 107645  
after the individual was initially granted the trainee permit, or 107646  
after the most recent trainee permit renewal. If the board denies 107647  
an individual for a trainee permit or renewal, the reasons for 107648  
such denial shall be put in writing. Additionally, the board may 107649  
grant an individual a conditional trainee permit that lasts for 107650  
one year. After the one-year period has expired, the permit is no 107651

longer considered conditional, and the individual shall be 107652  
considered to be granted a full trainee permit. 107653

Each trainee permit issued by the board expires one year from 107654  
the date it was first issued, and may be renewed once if the 107655  
trainee has not successfully completed the qualifying requirements 107656  
for licensing as a hearing aid dealer or fitter before the 107657  
expiration date of such permit. The board shall issue a renewed 107658  
permit to each applicant upon receipt of a properly completed 107659  
application and payment of one hundred five dollars. No person 107660  
holding a trainee permit shall engage in the practice of dealing 107661  
in or fitting of hearing aids except while under supervision by a 107662  
licensed hearing aid dealer or fitter. 107663

**Sec. 4747.11.** Each person who holds a hearing aid dealer's or 107664  
fitter's license or trainee permit shall notify the state speech 107665  
and hearing aid dealers and fitters licensing professionals board 107666  
in writing of the place or places where ~~he~~ the person engages or 107667  
intends to engage in the practice of dealing in and fitting of 107668  
hearing aids, and shall immediately notify the board in writing of 107669  
any change in such address or addresses. The board shall keep a 107670  
record of the past and current place of business of each person 107671  
who holds a license or permit. 107672

Any notice that is required to be given by the board to a 107673  
person holding a license or permit pursuant to the provisions of 107674  
this chapter shall be mailed to such person by certified mail to 107675  
the address of ~~his~~ the person's current or most recent place of 107676  
business as revealed in the records of the board. 107677

**Sec. 4747.12.** The state speech and hearing aid dealers and 107678  
fitters licensing professionals board may revoke or suspend a 107679  
license or permit if the person who holds such license or permit: 107680

(A) Is convicted of a disqualifying offense or a crime of 107681

moral turpitude as those terms are defined in section 4776.10 of 107682  
the Revised Code. The record of conviction, or a copy thereof 107683  
certified by the clerk of the court or by the judge in whose court 107684  
the conviction occurs, is conclusive evidence of such conviction; 107685

(B) Procured a license or permit by fraud or deceit practiced 107686  
upon the board; 107687

(C) Obtained any fee or made any sale of a hearing aid by 107688  
fraud or misrepresentation; 107689

(D) Knowingly employed any person without a license or a 107690  
person whose license was suspended or revoked to engage in the 107691  
fitting or sale of hearing aids; 107692

(E) Used or caused or promoted the use of any advertising 107693  
matter, promotional literature, testimonial, guarantee, warranty, 107694  
label, brand, insignia, or any other representation, however 107695  
disseminated or published, which is misleading, deceptive, or 107696  
untruthful; 107697

(F) Advertised a particular model or type of hearing aid for 107698  
sale when purchasers or prospective purchasers responding to the 107699  
advertisement cannot purchase the specified model or type of 107700  
hearing aid; 107701

(G) Represented or advertised that the service or advice of a 107702  
person licensed to practice medicine will be used or made 107703  
available in the selection, fitting, adjustment, maintenance, or 107704  
repair of hearing aids when such is not true, or using the words 107705  
"doctor," "clinic," or similar words, abbreviations, or symbols 107706  
which connote the medical profession when such use is not 107707  
accurate; 107708

(H) Is found by the board to be a person of habitual 107709  
intemperance or gross immorality; 107710

(I) Advertised a manufacturer's product or used a 107711

manufacturer's name or trademark in a manner which suggested the 107712  
existence of a relationship with the manufacturer which did not or 107713  
does not exist; 107714

(J) Fitted or sold, or attempted to fit or sell, a hearing 107715  
aid to a person without first utilizing the appropriate procedures 107716  
and instruments required for proper fitting of hearing aids; 107717

(K) Engaged in the fitting and sale of hearing aids under a 107718  
false name or an alias; 107719

(L) Engaged in the practice of dealing in or fitting of 107720  
hearing aids while suffering from a contagious or infectious 107721  
disease; 107722

(M) Was found by the board to be guilty of gross incompetence 107723  
or negligence in the fitting or sale of hearing aids; 107724

(N) Permitted another person to use the licensee's license; 107725

(O) Violate the code of ethical practice adopted under 107726  
section 4744.50 of the Revised Code. 107727

**Sec. 4747.13.** (A) Any person who wishes to make a complaint 107728  
against any person, firm, partnership, association, or corporation 107729  
licensed pursuant to this chapter shall submit such complaint in 107730  
writing to the state speech and hearing aid dealers and fitters 107731  
licensing professionals board within one year from the date of the 107732  
action or event upon which the complaint is based. The ~~hearing aid~~ 107733  
~~dealers and fitters~~ board shall determine whether the charges in 107734  
the complaint are of a sufficiently serious nature to warrant a 107735  
hearing before the board to determine whether the license or 107736  
permit held by the person complained against shall be revoked or 107737  
suspended. If the board determines that a hearing is warranted, 107738  
then it shall fix the time and place of such hearing and deliver 107739  
or cause to have delivered, either in person or by registered 107740  
mail, at least twenty days before the date of such hearing, an 107741

order instructing the licensee complained against of the date, 107742  
time, and place where the licensee shall appear before the board. 107743  
Such order shall include a copy of the complaint against the 107744  
licensee. 107745

The board, and the licensee after receipt of the order and a 107746  
copy of the complaint made against the licensee, may take 107747  
depositions in advance of the hearing, provided that each party 107748  
taking depositions shall give at least five days notice to the 107749  
other party of the time, date, and place where such depositions 107750  
shall be taken. Each party shall have the right to attend with 107751  
counsel the taking of such depositions and may cross-examine the 107752  
deponent or deponents. Each licensee appearing before the board 107753  
may be represented by counsel. No person shall have the person's 107754  
license or permit revoked or suspended without an opportunity to 107755  
present the person's case at a hearing before the board, and the 107756  
board shall grant a continuance or adjournment of a hearing date 107757  
for good cause. Each person whose license or permit is suspended 107758  
or revoked by the board may appeal such action to the court of 107759  
common pleas. 107760

(B) The board shall petition the court of common pleas of the 107761  
county in which a person, firm, partnership, or corporation 107762  
engages in the sale, practice of dealing in or fitting of hearing 107763  
aids, advertises or assumes such practice, or engages in training 107764  
to become a licensed hearing aid dealer or fitter without first 107765  
being licensed, for an order enjoining any such acts or practices. 107766  
The court may grant such injunctive relief upon a showing that the 107767  
respondent named in the petition is engaging in such acts or 107768  
practices without being licensed under this chapter. 107769

**Sec. 4747.14.** No person, firm, partnership, association, or 107770  
corporation shall: 107771

(A) Sell or barter or offer to sell or barter a hearing aid 107772



dealers or fitters license or trainee permit issued by the state 107773  
speech and hearing aid dealers and fitters licensing professionals 107774  
board pursuant to sections 4747.05, 4747.06, and 4747.10 of the 107775  
Revised Code; 107776

(B) Purchase or procure or attempt to purchase or procure a 107777  
hearing aid dealers or fitters license or trainee permit with 107778  
intent to use such license or permit as evidence of the holder's 107779  
qualification to engage in the practice of dealing in or fitting 107780  
of hearing aids; 107781

(C) Use or attempt to use as a valid license or permit a 107782  
license or permit which has been purchased, fraudulently obtained, 107783  
counterfeited, materially altered, or suspended or revoked; 107784

(D) Alter a license or permit in any way, shape, or form, 107785  
except as may be specified by the board; 107786

(E) Willfully and knowingly make a false statement in an 107787  
application for issuance or renewal of a license or permit. 107788

**Sec. 4747.16.** On receipt of a notice pursuant to section 107789  
3123.43 of the Revised Code, the state speech and hearing aid 107790  
~~dealers and fitters licensing~~ professionals board shall comply 107791  
with sections 3123.41 to 3123.50 of the Revised Code and any 107792  
applicable rules adopted under section 3123.63 of the Revised Code 107793  
with respect to a license issued pursuant to this chapter. 107794

**Sec. 4747.17.** The state speech and hearing aid dealers and 107795  
~~fitters licensing~~ professionals board shall comply with section 107796  
4776.20 of the Revised Code. 107797

**Sec. 4752.01.** As used in this chapter: 107798

(A) "Authorized health care professional" means a person 107799  
authorized under Chapter 4731. of the Revised Code to practice 107800  
medicine and surgery or osteopathic medicine and surgery or 107801

otherwise authorized under Ohio law to prescribe the use of home 107802  
medical equipment by a patient. 107803

(B) "Home medical equipment" means equipment that can stand 107804  
repeated use, is primarily and customarily used to serve a medical 107805  
purpose, is not useful to a person in the absence of illness or 107806  
injury, is appropriate for use in the home, and is one or more of 107807  
the following: 107808

(1) Life-sustaining equipment prescribed by an authorized 107809  
health care professional that mechanically sustains, restores, or 107810  
supplants a vital bodily function, such as breathing; 107811

(2) Technologically sophisticated medical equipment 107812  
prescribed by an authorized health care professional that requires 107813  
individualized adjustment or regular maintenance by a home medical 107814  
equipment services provider to maintain a patient's health care 107815  
condition or the effectiveness of the equipment; 107816

(3) An item specified by the ~~Ohio respiratory care board~~ 107817  
state board of pharmacy in rules adopted under division (B) of 107818  
section 4752.17 of the Revised Code. 107819

(C) "Home medical equipment services" means the sale, 107820  
delivery, installation, maintenance, replacement, or demonstration 107821  
of home medical equipment. 107822

(D) "Home medical equipment services provider" means a person 107823  
engaged in offering home medical equipment services to the public. 107824

(E) "Hospital" has the same meaning as in section 3727.01 of 107825  
the Revised Code. 107826

(F) "Sell or rent" means to transfer ownership or the right 107827  
to use property, whether in person or through an agent, employee, 107828  
or other person, in return for compensation. 107829

**Sec. 4752.03.** (A) A person seeking to comply with division 107830  
(A) of section 4752.02 of the Revised Code shall do either of the 107831

following: 107832

(1) Apply for a license issued under this chapter; 107833

(2) Apply for a certificate of registration issued under this 107834  
chapter on the basis of being accredited by the joint commission 107835  
on accreditation of healthcare organizations or another national 107836  
accrediting body recognized by the ~~Ohio respiratory care board~~ 107837  
state board of pharmacy, as specified in rules adopted under 107838  
section 4752.17 of the Revised Code. 107839

(B) A person intending to provide home medical equipment 107840  
services from more than one facility shall apply for a separate 107841  
license or certificate of registration for each facility. 107842

**Sec. 4752.04.** A person seeking a license to provide home 107843  
medical equipment services shall apply to the ~~Ohio respiratory~~ 107844  
~~care board~~ state board of pharmacy on a form the board shall 107845  
prescribe and provide. The application must be accompanied by the 107846  
license application fee established in rules adopted under section 107847  
4752.17 of the Revised Code, except that the board may waive all 107848  
or part of the fee if the board determines that an applicant's 107849  
license will be issued in the last six months of the biennial 107850  
licensing period established under section 4752.05 of the Revised 107851  
Code. 107852

In the application, the applicant shall specify the name and 107853  
location of the facility from which services will be provided. 107854

**Sec. 4752.05.** (A) The ~~Ohio respiratory care board~~ state board 107855  
of pharmacy shall issue a license to provide home medical 107856  
equipment services to each applicant under section 4752.04 of the 107857  
Revised Code that meets either of the following requirements: 107858

(1) Meets the standards established by the board in rules 107859  
adopted under section 4752.17 of the Revised Code; 107860

(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand dollars or more per year from selling or renting home medical equipment.

(B) During the period ending one year after September 16, 2004, an applicant that does not meet either of the requirements of division (A) of this section shall be granted a provisional license if for at least twelve months prior to September 16, 2004, the applicant was engaged in the business of providing home medical equipment services. The provisional license expires one year following the date on which it is issued and is not subject to renewal under section 4752.06 of the Revised Code.

(C) The board may conduct a personal interview of an applicant, or an applicant's representative, to determine the applicant's qualifications for licensure.

(D) A license issued under division (A) of this section expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.

(E) Any license issued under this section is valid only for the facility named in the application.

**Sec. 4752.06.** Except for a provisional license issued under section 4752.05 of the Revised Code, a license issued under this chapter shall be renewed by the ~~Ohio respiratory care board~~ state board of pharmacy if the license holder is in compliance with the applicable requirements of this chapter.

An application for license renewal shall be accompanied by the renewal fee established in rules adopted under section 4752.17

of the Revised Code and, except as provided in division (B) of 107891  
section 4752.07 of the Revised Code, by documentation satisfactory 107892  
to the board that the continuing education requirements of section 107893  
4752.07 of the Revised Code have been met. Renewals shall be made 107894  
in accordance with the standard renewal procedure established 107895  
under Chapter 4745. of the Revised Code and the renewal procedures 107896  
established in rules adopted under section 4752.17 of the Revised 107897  
Code. 107898

**Sec. 4752.08.** (A) ~~The Ohio respiratory care board~~ state board 107899  
of pharmacy may inspect the operations and facility, subpoena the 107900  
records, and compel testimony of employees of any home medical 107901  
equipment services provider licensed under this chapter. 107902  
Inspections shall be conducted as provided in rules adopted by the 107903  
board under section 4752.17 of the Revised Code. 107904

(B) The board shall employ investigators who shall, under the 107905  
direction of the executive director of the board, investigate 107906  
complaints and conduct inspections. Pursuant to an investigation 107907  
or inspection, investigators may review and audit records during 107908  
normal business hours at the place of business of the person being 107909  
investigated. The board and its employees shall not disclose 107910  
confidential information obtained during an investigation, except 107911  
pursuant to a court order. 107912

(C) The board shall send the provider a report of the results 107913  
of an inspection. If the board determines that the provider is not 107914  
in compliance with any requirement of this chapter applicable to 107915  
providers licensed under this chapter, the board may direct the 107916  
provider to attain compliance. Failure of the provider to comply 107917  
with the directive is grounds for action by the board under 107918  
division (A)(1) of section 4752.09 of the Revised Code. 107919

(D) A provider that disputes the results of an inspection may 107920  
file an appeal with the board not later than ninety days after 107921

receiving the inspection report. The board shall review the 107922  
inspection report and, at the request of the provider, conduct a 107923  
new inspection. 107924

**Sec. 4752.09.** (A) The ~~Ohio respiratory care board~~ state board 107925  
of pharmacy may, in accordance with Chapter 119. of the Revised 107926  
Code, suspend or revoke a license issued under this chapter or 107927  
discipline a license holder by imposing a fine of not more than 107928  
five thousand dollars or taking other disciplinary action on any 107929  
of the following grounds: 107930

(1) Violation of any provision of this chapter or an order or 107931  
rule of the board, as those provisions, orders, or rules are 107932  
applicable to persons licensed under this chapter; 107933

(2) A plea of guilty to or a judicial finding of guilt of a 107934  
felony or a misdemeanor that involves dishonesty or is directly 107935  
related to the provision of home medical equipment services; 107936

(3) Making a material misstatement in furnishing information 107937  
to the board; 107938

(4) Professional incompetence; 107939

(5) Being guilty of negligence or gross misconduct in 107940  
providing home medical equipment services; 107941

(6) Aiding, assisting, or willfully permitting another person 107942  
to violate any provision of this chapter or an order or rule of 107943  
the board, as those provisions, orders, or rules are applicable to 107944  
persons licensed under this chapter; 107945

(7) Failing, within sixty days, to provide information in 107946  
response to a written request by the board; 107947

(8) Engaging in conduct likely to deceive, defraud, or harm 107948  
the public; 107949

(9) Denial, revocation, suspension, or restriction of a 107950

license to provide home medical equipment services, for any reason 107951  
other than failure to renew, in another state or jurisdiction; 107952

(10) Directly or indirectly giving to or receiving from any 107953  
person a fee, commission, rebate, or other form of compensation 107954  
for services not rendered; 107955

(11) Knowingly making or filing false records, reports, or 107956  
billings in the course of providing home medical equipment 107957  
services, including false records, reports, or billings prepared 107958  
for or submitted to state and federal agencies or departments; 107959

(12) Failing to comply with federal rules issued pursuant to 107960  
the medicare program established under Title XVIII of the "Social 107961  
Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, 107962  
relating to operations, financial transactions, and general 107963  
business practices of home medical services providers. 107964

(B) The ~~respiratory care board~~ state board of pharmacy 107965  
immediately may suspend a license without a hearing if it 107966  
determines that there is evidence that the license holder is 107967  
subject to actions under this section and that there is clear and 107968  
convincing evidence that continued operation by the license holder 107969  
presents an immediate and serious harm to the public. The 107970  
president and executive director of the board shall make a 107971  
preliminary determination and describe, by telephone conference or 107972  
any other method of communication, the evidence on which they made 107973  
their determination to the other members of the board. The board 107974  
may by resolution designate another board member to act in place 107975  
of the president of the board or another employee to act in the 107976  
place of the executive director, in the event that the board 107977  
president or executive director is unavailable or unable to act. 107978  
On review of the evidence, the board may by a vote of not less 107979  
than seven of its members, suspend a license without a prior 107980  
hearing. The board may vote on the suspension by way of a 107981  
telephone conference call. 107982

Immediately following the decision to suspend a license under 107983  
this division, the board shall issue a written order of suspension 107984  
and cause it to be delivered in accordance with section 119.07 of 107985  
the Revised Code. The order shall not be subject to suspension by 107986  
the court during the pendency of any appeal filed under section 107987  
119.12 of the Revised Code. If the license holder requests an 107988  
adjudication hearing, the date set for the hearing shall be within 107989  
fifteen days but not earlier than seven days after the license 107990  
holder requests the hearing, unless another date is agreed to by 107991  
the license holder and the board. The suspension shall remain in 107992  
effect, unless reversed by the board, until a final adjudication 107993  
order issued by the board pursuant to this section and Chapter 107994  
119. of the Revised Code becomes effective. The board shall issue 107995  
its final adjudication order not later than ninety days after 107996  
completion of the hearing. The board's failure to issue the order 107997  
by that day shall cause the summary suspension to end, but shall 107998  
not affect the validity of any subsequent final adjudication 107999  
order. 108000

**Sec. 4752.11.** (A) A person seeking a certificate of 108001  
registration to provide home medical equipment services shall 108002  
apply to the ~~Ohio respiratory care board~~ state board of pharmacy 108003  
on a form the board shall prescribe and provide. The application 108004  
must be accompanied by the registration fee established in rules 108005  
adopted under section 4752.17 of the Revised Code, except that the 108006  
board may waive all or part of the fee if the board determines 108007  
that an applicant's certificate of registration will be issued in 108008  
the last six months of the biennial registration period 108009  
established under section 4752.12 of the Revised Code. 108010

(B) The applicant shall specify in the application all of the 108011  
following: 108012

(1) The name of the facility from which services will be 108013



provided; 108014

(2) The facility's address; 108015

(3) The facility's telephone number; 108016

(4) A person who may be contacted with regard to the 108017  
facility; 108018

(5) The name of the national accrediting body that issued the 108019  
accreditation on which the application is based; 108020

(6) The applicant's accreditation number and the expiration 108021  
date of the accreditation; 108022

(7) A telephone number that may be used twenty-four hours a 108023  
day, seven days a week, to obtain information related to the 108024  
facility's provision of home medical equipment services. 108025

**Sec. 4752.12.** (A) The ~~Ohio respiratory care board~~ state board 108026  
of pharmacy shall issue a certificate of registration to provide 108027  
home medical equipment services to each applicant who submits a 108028  
complete application under section 4752.11 of the Revised Code. 108029  
For purposes of this division, an application is complete only if 108030  
the board finds that the applicant holds accreditation from the 108031  
joint commission on accreditation of healthcare organizations or 108032  
another national accrediting body recognized by the board, as 108033  
specified in rules adopted under section 4752.17 of the Revised 108034  
Code. 108035

(B) A certificate of registration issued under this section 108036  
expires at the end of the registration period for which it is 108037  
issued and may be renewed in accordance with section 4752.13 of 108038  
the Revised Code. For purposes of renewing certificates of 108039  
registration, the board shall use a biennial registration period 108040  
that begins on the first day of July of each even-numbered year 108041  
and ends on the thirtieth day of June of the next succeeding 108042  
even-numbered year. 108043

(C) A certificate of registration issued under this section 108044  
is valid only for the facility named in the application. 108045

**Sec. 4752.13.** A certificate of registration issued under this 108046  
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 108047  
board of pharmacy if the certificate holder is accredited by the 108048  
joint commission on accreditation of healthcare organizations or 108049  
another national accrediting body recognized by the board, as 108050  
specified in rules adopted under section 4752.17 of the Revised 108051  
Code. 108052

An application for renewal of a certificate of registration 108053  
shall be accompanied by the renewal fee established in rules 108054  
adopted under section 4752.17 of the Revised Code. Renewals shall 108055  
be made in accordance with the standard renewal procedure 108056  
established under Chapter 4745. of the Revised Code and the 108057  
renewal procedures established in rules adopted under section 108058  
4752.17 of the Revised Code. 108059

**Sec. 4752.14.** The ~~Ohio respiratory care board~~ state board of 108060  
pharmacy shall enter into a cooperative agreement with each of the 108061  
national accrediting bodies it recognizes in rules adopted under 108062  
section 4752.17 of the Revised Code for purposes of issuing 108063  
certificates of registration under this chapter. The board shall 108064  
ensure that each cooperative agreement establishes or specifies 108065  
standards or procedures regarding a complaint process, patient 108066  
safety and care, and any other matter the board considers 108067  
appropriate for home medical equipment services providers that 108068  
receive certificates of registration under this chapter. 108069

**Sec. 4752.15.** (A) The ~~Ohio respiratory care board~~ state board 108070  
of pharmacy shall, in accordance with Chapter 119. of the Revised 108071  
Code, suspend or revoke a certificate of registration issued under 108072  
this chapter if it learns from any source that the accreditation 108073

on which the certificate of registration was issued has been 108074  
revoked or suspended or is otherwise no longer valid. 108075

(B) If the status of the accreditation on which a certificate 108076  
of registration is issued under this chapter changes for any 108077  
reason, the holder of the certificate shall notify the board. On 108078  
receipt of the notice, the board shall take action under division 108079  
(A) of this section, if appropriate. 108080

**Sec. 4752.17.** (A) The ~~Ohio respiratory care board~~ state board 108081  
of pharmacy shall adopt rules to implement and administer this 108082  
chapter. The rules shall do all of the following: 108083

(1) Specify items considered to be home medical equipment for 108084  
purposes of divisions (B)(1) and (2) of section 4752.01 of the 108085  
Revised Code; 108086

(2) Establish procedures for issuance and renewal of licenses 108087  
and certificates of registration under this chapter, including the 108088  
duties that may be fulfilled by the board's executive director and 108089  
other board employees; 108090

(3) Specify the national accrediting bodies the board 108091  
recognizes for purposes of issuing certificates of registration 108092  
under this chapter; 108093

(4) Establish standards an applicant must meet to be eligible 108094  
to be granted a license under section 4752.05 of the Revised Code; 108095

(5) Establish standards for personnel policies, equipment 108096  
storage, equipment maintenance, and record keeping to be followed 108097  
by home medical equipment services providers licensed under this 108098  
chapter; 108099

(6) Establish standards for continuing education programs in 108100  
home medical equipment services for individuals who provide home 108101  
medical equipment services while employed by or under the control 108102

of a home medical equipment services provider licensed under this chapter; 108103  
108104

(7) Establish standards and procedures for inspection of home medical equipment providers licensed under this chapter and the facilities from which their home medical equipment services are provided and for appeal of inspection results; 108105  
108106  
108107  
108108

(8) Establish fees for issuing and renewing licenses under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the licensing program; 108109  
108110  
108111

(9) Establish fees for conducting inspections of home medical equipment services providers licensed under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the inspection program; 108112  
108113  
108114  
108115

(10) Establish fees for issuing and renewing certificates of registration under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the registration program; 108116  
108117  
108118  
108119

(11) Establish any other standards, requirements, or procedures the board considers necessary for the implementation or administration of this chapter. 108120  
108121  
108122

(B) The board may adopt rules specifying items that are considered home medical equipment for purposes of division (B)(3) of section 4752.01 of the Revised Code. 108123  
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(C) Rules shall be adopted under this chapter in accordance with Chapter 119. of the Revised Code. Prior to adopting any rule, the board shall consult with representatives of any association of home medical equipment services providers that do business in this state. 108126  
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**Sec. 4752.18.** All moneys the ~~Ohio respiratory care board~~ state board of pharmacy receives under this chapter, from any 108131  
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source, shall be deposited into the state treasury to the credit 108133  
of the occupational licensing and regulatory fund created under 108134  
section 4743.05 of the Revised Code. 108135

**Sec. 4752.19.** (A) At the request of the ~~Ohio respiratory care~~ 108136  
~~board~~ state board of pharmacy, the attorney general may bring a 108137  
civil action for appropriate relief, including a temporary 108138  
restraining order, preliminary or permanent injunction, and civil 108139  
penalties, in the court of common pleas of the county in which a 108140  
violation has occurred, is occurring, or is threatening to occur 108141  
against any person who has violated, is violating, or threatens to 108142  
violate section 4752.02 of the Revised Code. In accordance with 108143  
the Rules of Civil Procedure, the court of common pleas in which 108144  
an action for injunction is filed has jurisdiction to grant, and 108145  
shall grant, a temporary restraining order and preliminary and 108146  
permanent injunctive relief upon a showing that the person against 108147  
whom the action is brought has violated, is violating, or 108148  
threatens to violate section 4752.02 of the Revised Code. In an 108149  
action for a civil penalty, the court may impose upon a person 108150  
found to have violated section 4752.02 of the Revised Code a civil 108151  
penalty of not less than five hundred and not more than two 108152  
thousand five hundred dollars for each day of violation. Moneys 108153  
resulting from civil penalties imposed under this section shall be 108154  
deposited into the state treasury to the credit of the 108155  
occupational licensing and regulatory fund created under section 108156  
4743.05 of the Revised Code. 108157

(B) The remedies provided in this section are in addition to 108158  
remedies otherwise available under any federal or state law or 108159  
ordinance of a municipal corporation. 108160

**Sec. 4752.20.** The ~~Ohio respiratory care board~~ state pharmacy 108161  
board shall comply with section 4776.20 of the Revised Code. 108162

Sec. 4752.22. Whenever the term "Ohio respiratory care board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state board of pharmacy," with respect to implementing Chapter 4752. of the Revised Code. 108163  
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Whenever the executive director of the Ohio respiratory care board is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state board of pharmacy, with respect to implementing Chapter 4752. of the Revised Code. 108167  
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Sec. 4752.24. The state board of pharmacy shall appoint a home medical equipment services advisory council for the purpose of advising the board on issues relating to providing home medical equipment services. The advisory council shall consist of not more than seven individuals knowledgeable in the provision of home medical equipment services. 108172  
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Not later than ninety days after the effective date of this section, the board shall make initial appointments to the council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the board. 108178  
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With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for actual and necessary expenses incurred in performing those duties. 108182  
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Sec. 4753.05. (A) The state speech and hearing professionals board of ~~speech language pathology and audiology~~ may make reasonable rules necessary for the administration of this chapter. The board shall adopt rules to ensure ethical standards of practice by ~~speech language pathologists and audiologists licensed or permitted pursuant to this chapter.~~ All rules adopted under 108187  
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this chapter shall be adopted in accordance with Chapter 119. of 108193  
the Revised Code. 108194

(B) The board shall determine the nature and scope of 108195  
examinations to be administered to applicants for licensure 108196  
pursuant to this chapter in the practices of speech-language 108197  
pathology and audiology, and shall evaluate the qualifications of 108198  
all applicants. Written examinations may be supplemented by such 108199  
practical and oral examinations as the board shall determine by 108200  
rule. The board shall determine by rule the minimum examination 108201  
score for licensure. Licensure shall be granted independently in 108202  
speech-language pathology and audiology. ~~The board shall maintain~~ 108203  
~~a current public record of all persons licensed, to be made~~ 108204  
~~available upon request.~~ 108205

(C) The board shall publish and make available, upon request, 108206  
the licensure and permit standards prescribed by this chapter and 108207  
rules adopted pursuant thereto. 108208

~~(D) The board shall submit to the governor each year a report~~ 108209  
~~of all its official actions during the preceding year together~~ 108210  
~~with any recommendations and findings with regard to the~~ 108211  
~~improvement of the professions of audiology and speech language~~ 108212  
~~pathology.~~ 108213

~~(E)~~ The board shall investigate all alleged irregularities in 108214  
the practices of speech-language pathology and audiology by 108215  
persons licensed or permitted pursuant to this chapter and any 108216  
violations of this chapter or rules adopted by the board. The 108217  
board shall not investigate the practice of any person 108218  
specifically exempted from licensure under this chapter by section 108219  
4753.12 of the Revised Code, as long as the person is practicing 108220  
within the scope of the person's license or is carrying out 108221  
responsibilities as described in division (G) or (H) of section 108222  
4753.12 of the Revised Code and does not claim to be a 108223  
speech-language pathologist or audiologist. 108224

In conducting investigations under this division, the board 108225  
may administer oaths, order the taking of depositions, issue 108226  
subpoenas, and compel the attendance of witnesses and the 108227  
production of books, accounts, papers, records, documents, and 108228  
testimony. In any case of disobedience or neglect of any subpoena 108229  
served on any person or the refusal of any witness to testify to 108230  
any matter regarding which the witness may lawfully be 108231  
interrogated, the court of common pleas of any county where such 108232  
disobedience, neglect, or refusal occurs or any judge thereof, on 108233  
application by the board, shall compel obedience by attachment 108234  
proceedings for contempt, as in the case of disobedience of the 108235  
requirements of a subpoena issued from such court, or a refusal to 108236  
testify therein. 108237

~~(F)(E)~~ The board shall conduct such hearings and keep such 108238  
~~records and minutes~~ as are necessary to carry out this chapter. 108239

~~(G)~~ The board shall adopt a seal by which it shall 108240  
~~authenticate its proceedings. Copies of the proceedings, records,~~ 108241  
~~and acts signed by the chairperson or executive director and~~ 108242  
~~authenticated by such seal shall be prima facie evidence thereof~~ 108243  
~~in all courts of this state.~~ 108244

**Sec. 4753.06.** No person is eligible for licensure as a 108245  
speech-language pathologist or audiologist unless: 108246

(A) The person has obtained a broad general education to 108247  
serve as a background for the person's specialized academic 108248  
training and preparatory professional experience. Such background 108249  
may include study from among the areas of human psychology, 108250  
sociology, psychological and physical development, the physical 108251  
sciences, especially those that pertain to acoustic and biological 108252  
phenomena, and human anatomy and physiology, including 108253  
neuroanatomy and neurophysiology. 108254

(B) If the person seeks licensure as a speech-language 108255



pathologist, the person submits to the state speech and hearing 108256  
professionals board of ~~speech language pathology and audiology~~ an 108257  
official transcript demonstrating that the person has at least a 108258  
master's degree in speech-language pathology or the equivalent as 108259  
determined by the board. The person's academic credit must include 108260  
course work accumulated in the completion of a well-integrated 108261  
course of study approved by the board and delineated by rule 108262  
dealing with the normal aspects of human communication, 108263  
development and disorders thereof, and clinical techniques for the 108264  
evaluation and the improvement or eradication of such disorders. 108265  
The course work must have been completed at colleges or 108266  
universities accredited by regional or national accrediting 108267  
organizations recognized by the board. 108268

(C) Except as provided in division (F)(1)(b) of this section, 108269  
if the person seeks licensure as an audiologist, the person 108270  
submits to the board an official transcript demonstrating that the 108271  
person has at least a doctor of audiology degree or the equivalent 108272  
as determined by the board. The person's academic credit must 108273  
include course work accumulated in the completion of a 108274  
well-integrated course of study approved by the board and 108275  
delineated by rules dealing with the normal aspects of human 108276  
hearing, balance, and related development and clinical evaluation, 108277  
audiologic diagnosis, and treatment of disorders of human hearing, 108278  
balance, and related development. The course work must have been 108279  
completed in an audiology program that is accredited by an 108280  
organization recognized by the United States department of 108281  
education and operated by a college or university accredited by a 108282  
regional or national accrediting organization recognized by the 108283  
board. 108284

(D) The person submits to the board evidence of the 108285  
completion of appropriate, supervised clinical experience in the 108286  
professional area, speech-language pathology or audiology, for 108287

which licensure is requested, dealing with a variety of 108288  
communication disorders. The appropriateness of the experience 108289  
shall be determined under rules of the board. This experience 108290  
shall have been obtained in an accredited college or university, 108291  
in a cooperating program of an accredited college or university, 108292  
or in another program approved by the board. 108293

(E) The person submits to the board evidence that the person 108294  
has passed the examination for licensure to practice 108295  
speech-language pathology or audiology pursuant to division (B) of 108296  
section 4753.05 of the Revised Code. 108297

(F)(1) In the case of either of the following, the person 108298  
presents to the board written evidence that the person has 108299  
obtained professional experience: 108300

(a) The person seeks licensure as a speech-language 108301  
pathologist; 108302

(b) The person seeks licensure as an audiologist and does not 108303  
meet the requirements of division (C) of this section regarding a 108304  
doctor of audiology degree, but before January 1, 2006, the person 108305  
met the requirements of division (B) of this section regarding a 108306  
master's degree in audiology as that division existed on December 108307  
31, 2005. 108308

(2) The professional experience shall be appropriately 108309  
supervised as determined by board rule. The amount of professional 108310  
experience shall be determined by board rule and shall be bona 108311  
fide clinical work that has been accomplished in the major 108312  
professional area, speech-language pathology or audiology, in 108313  
which licensure is being sought. If the person seeks licensure as 108314  
a speech-language pathologist, this experience shall not begin 108315  
until the requirements of divisions (B), (D), and (E) of this 108316  
section have been completed unless approved by the board. If the 108317  
person seeks licensure as an audiologist, this experience shall 108318

not begin until the requirements of division (B) of this section, 108319  
as that division existed on December 31, 2005, and divisions (D) 108320  
and (E) of this section have been completed unless approved by the 108321  
board. Before beginning the supervised professional experience 108322  
pursuant to this section, the applicant for licensure to practice 108323  
speech-language pathology or audiology shall obtain a conditional 108324  
license pursuant to section 4753.071 of the Revised Code. 108325

Sec. 4753.061. (A) As used in this section, "license" and 108326  
"applicant for an initial license" have the same meanings as in 108327  
section 4776.01 of the Revised Code, except that "license" as used 108328  
in both of those terms refers to the types of authorizations 108329  
otherwise issued or conferred under this chapter. 108330

(B) In addition to any other eligibility requirement set 108331  
forth in this chapter, each applicant for an initial license shall 108332  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 108333  
state speech and hearing professionals board shall not grant a 108334  
license to an applicant for an initial license unless the 108335  
applicant complies with sections 4776.01 to 4776.04 of the Revised 108336  
Code and the board, in its discretion, decides that the results of 108337  
the criminal records check do not make the applicant ineligible 108338  
for a license issued pursuant to section 4753.06 or 4753.07 of the 108339  
Revised Code. 108340

Sec. 4753.07. The state speech and hearing professionals 108341  
board of speech language pathology and audiology shall issue under 108342  
its seal a license or conditional license to every applicant who 108343  
has passed the appropriate examinations designated by the board 108344  
and who otherwise complies with the licensure requirements of this 108345  
chapter. The license or conditional license entitles the holder to 108346  
practice speech-language pathology or audiology. Each licensee 108347  
shall display the license or conditional license or an official 108348  
duplicate in a conspicuous place where the licensee practices 108349

speech-language pathology or audiology or both. 108350

**Sec. 4753.071.** A person who is required to meet the 108351  
supervised professional experience requirement of division (F) of 108352  
section 4753.06 of the Revised Code shall submit to the state 108353  
speech and hearing professionals board of ~~speech language~~ 108354  
~~pathology and audiology~~ an application for a conditional license. 108355  
The application shall include a plan for the content of the 108356  
supervised professional experience on a form the board shall 108357  
prescribe. The board shall issue the conditional license to the 108358  
applicant if the applicant meets the requirements of section 108359  
4753.06 of the Revised Code, other than the requirement to have 108360  
obtained the supervised professional experience, and pays to the 108361  
board the appropriate fee for a conditional license. An applicant 108362  
may not begin employment until the conditional license has been 108363  
issued. 108364

A conditional license authorizes an individual to practice 108365  
speech-language pathology or audiology while completing the 108366  
supervised professional experience as required by division (F) of 108367  
section 4753.06 of the Revised Code. A person holding a 108368  
conditional license may practice speech-language pathology or 108369  
audiology while working under the supervision of a person fully 108370  
licensed in accordance with this chapter. A conditional license is 108371  
valid for eighteen months unless suspended or revoked pursuant to 108372  
section 3123.47 or 4753.10 of the Revised Code. 108373

A person holding a conditional license may perform services 108374  
for which payment will be sought under the medicare program or the 108375  
medicaid program but all requests for payment for such services 108376  
shall be made by the person who supervises the person performing 108377  
the services. 108378

**Sec. 4753.072.** The state speech and hearing professionals 108379

board of ~~speech language pathology and audiology~~ shall establish 108380  
by rule pursuant to Chapter 119. of the Revised Code the 108381  
qualifications for persons seeking licensure as a speech-language 108382  
pathology aide or an audiology aide. The qualifications shall be 108383  
less than the standards for licensure as a speech-language 108384  
pathologist or audiologist. An aide shall not act independently 108385  
and shall work under the direction and supervision of a 108386  
speech-language pathologist or audiologist licensed by the board. 108387  
An aide shall not dispense hearing aids. An applicant shall not 108388  
begin employment until the license has been approved. 108389

**Sec. 4753.073.** (A)~~(1)~~ The state speech and hearing 108390  
professionals board of ~~speech language pathology and audiology~~ 108391  
shall issue under its seal a speech-language pathology student 108392  
permit to any applicant who submits a plan that has been approved 108393  
by the applicant's university graduate program in speech-language 108394  
pathology and that conforms to requirements determined by the 108395  
board by rule and who meets all of the following requirements: 108396

~~(a)~~(1) Is enrolled in a graduate program at an educational 108397  
institution located in this state that is accredited by the 108398  
council on academic accreditation in audiology and speech-language 108399  
pathology of the American speech-language-hearing association; 108400

~~(b)~~(2) Has completed at least one year of postgraduate 108401  
training in speech-language pathology, or equivalent coursework as 108402  
determined by the board, and any student clinical experience the 108403  
board may require by rule; 108404

~~(2)~~(B) The speech-language pathology student permit 108405  
authorizes the holder to practice speech-language pathology within 108406  
limits determined by the board by rule, which shall include the 108407  
following: 108408

~~(a)~~(1) The permit holder's caseload shall be limited in a 108409  
manner to be determined by the board by rule. 108410

~~(b)~~(2) The permit holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. The rule shall consider the coursework and clinical experience that has been completed by the permit holder and the recommendation of the applicant's university graduate program in speech-language pathology.

~~(e)~~(3) The permit holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board and acting under the approval and direction of the applicant's university graduate program in speech-language pathology. The board shall determine by rule the manner of supervision.

~~(3)~~(C) A permit issued under this section shall expire two years after the date of issuance. Student permits may be renewed in a manner to be determined by the board by rule.

~~(4)~~(D) Each permit holder shall display the permit or an official duplicate in a conspicuous place where the permit holder practices speech-language pathology.

**Sec. 4753.08.** The state speech and hearing professionals board of ~~speech language pathology and audiology~~ shall waive the examination, educational, and professional experience requirements for any applicant who meets any of the following requirements:

(A) On September 26, 1975, ~~has~~ had at least a bachelor's degree with a major in speech-language pathology or audiology from an accredited college or university, or ~~who has been~~ was employed as a speech-language pathologist or audiologist for at least nine months at any time within the three years prior to September 26, 1975, if an application providing bona fide proof of such degree or employment ~~is~~ was filed with the former board of speech-language pathology and audiology within one year after ~~September 26, 1975~~ that date, and ~~is~~ was accompanied by the

application fee as prescribed in division (A) of section 4753.11 108442  
of the Revised Code; 108443

(B) Presents proof to the state speech and hearing 108444  
professionals board of current certification or licensure in good 108445  
standing in the area in which licensure is sought in a state that 108446  
has standards at least equal to the standards for licensure that 108447  
are in effect in this state at the time the applicant applies for 108448  
the license; 108449

(C) Presents proof to the state speech and hearing 108450  
professionals board of both of the following: 108451

(1) Having current certification or licensure in good 108452  
standing in audiology in a state that has standards at least equal 108453  
to the standards for licensure as an audiologist that were in 108454  
effect in this state on December 31, 2005; 108455

(2) Having first obtained that certification or licensure not 108456  
later than December 31, 2007. 108457

(D) Presents proof to the state speech and hearing 108458  
professionals board of a current certificate of clinical 108459  
competence in speech-language pathology or audiology that is in 108460  
good standing and received from the American 108461  
speech-language-hearing association in the area in which licensure 108462  
is sought. 108463

**Sec. 4753.09.** Except as provided in this section and in 108464  
section 4753.10 of the Revised Code, a license issued by the state 108465  
speech and hearing professionals board ~~of speech-language~~ 108466  
~~pathology and audiology~~ shall be renewed biennially in accordance 108467  
with the standard renewal procedure contained in Chapter 4745. of 108468  
the Revised Code. If the application for renewal is made one year 108469  
or longer after the renewal application is due, the person shall 108470  
apply for licensure as provided in section 4753.06 or division 108471

(B), (C), or (D) of section 4753.08 of the Revised Code. The board shall not renew a conditional license; however, the board may grant an applicant a second conditional license.

The board shall establish by rule adopted pursuant to Chapter 119. of the Revised Code the qualifications for license renewal. Applicants shall demonstrate continued competence, which may include continuing education, examination, self-evaluation, peer review, performance appraisal, or practical simulation. The board may establish other requirements as a condition for license renewal as considered appropriate by the board.

The board may renew a license which expires while the license is suspended, but the renewal shall not affect the suspension. The board shall not renew a license which has been revoked. If a revoked license is reinstated under section 4753.10 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in the amount equal to the renewal fee in effect on the last preceding regular renewal date on which it is reinstated, plus any delinquent fees accrued from the time of the revocation, if such a fee is prescribed by the board by rule.

**Sec. 4753.091.** (A) A person licensed under this chapter may apply to the state speech and hearing professionals board ~~of speech language pathology and audiology~~ to have the person's license classified as inactive. If a fee is charged under division (B) of this section, the person shall include the fee with the application.

If the person's license is in good standing, the person is not the subject of any complaint, the person is not the subject of an investigation or disciplinary action by the board, and the person meets any other requirements established by the board in rules adopted under this section, the board shall classify the



license as inactive. The inactive classification shall become 108503  
effective on the date immediately following the date that the 108504  
person's license is scheduled to expire. 108505

(B) The board may charge a fee for classifying a license as 108506  
inactive. 108507

(C) During the period that a license is classified as 108508  
inactive, the person may not engage in the practice of 108509  
speech-language pathology or the practice of audiology, as 108510  
applicable, in this state or make any representation to the public 108511  
indicating that the person is actively licensed under this 108512  
chapter. 108513

(D) A person whose license has been classified as inactive 108514  
may apply to the board to have the license reactivated. The board 108515  
shall reactivate the license if the person meets the requirements 108516  
established by the board in rules adopted under this section. 108517

(E) The board's jurisdiction to take disciplinary action 108518  
under this chapter is not removed or limited when a person's 108519  
license is classified as inactive under this section. 108520

(F) The board shall adopt rules as necessary for classifying 108521  
a license as inactive and reactivating an inactive license. The 108522  
rules shall be adopted in accordance with Chapter 119. of the 108523  
Revised Code. 108524

**Sec. 4753.10.** In accordance with Chapter 119. of the Revised 108525  
Code, the state speech and hearing professionals board ~~of~~ 108526  
~~speech-language pathology and audiology~~ may reprimand or place on 108527  
probation a speech-language pathologist or audiologist or suspend, 108528  
revoke, or refuse to issue or renew the license of a 108529  
speech-language pathologist or audiologist. Disciplinary actions 108530  
may be taken by the board for conduct that may result from but not 108531  
necessarily be limited to: 108532

|                                                                                                                                                                                                                                      |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (A) Fraud, deception, or misrepresentation in obtaining or attempting to obtain a license;                                                                                                                                           | 108533<br>108534                     |
| (B) Fraud, deception, or misrepresentation in using a license;                                                                                                                                                                       | 108535<br>108536                     |
| (C) Altering a license;                                                                                                                                                                                                              | 108537                               |
| (D) Aiding or abetting unlicensed practice;                                                                                                                                                                                          | 108538                               |
| (E) Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including:                                                                                                           | 108539<br>108540                     |
| (1) Making or filing a false report or record in the practice of speech-language pathology or audiology;                                                                                                                             | 108541<br>108542                     |
| (2) Submitting a false statement to collect a fee;                                                                                                                                                                                   | 108543                               |
| (3) Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others.                                                              | 108544<br>108545<br>108546           |
| (F) Using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation; | 108547<br>108548<br>108549<br>108550 |
| (G) Falsely representing the use or availability of services or advice of a physician;                                                                                                                                               | 108551<br>108552                     |
| (H) Misrepresenting the applicant, licensee, or holder by using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution;          | 108553<br>108554<br>108555<br>108556 |
| (I) Committing any act of dishonorable, immoral, or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;                                                                                 | 108557<br>108558<br>108559           |
| (J) Engaging in illegal, incompetent, or habitually negligent practice;                                                                                                                                                              | 108560<br>108561                     |

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| (K) Providing professional services while:                               | 108562 |
| (1) Mentally incompetent;                                                | 108563 |
| (2) Under the influence of alcohol;                                      | 108564 |
| (3) Using any narcotic or controlled substance or other drug             | 108565 |
| that is in excess of therapeutic amounts or without valid medical        | 108566 |
| indication.                                                              | 108567 |
| (L) Providing services or promoting the sale of devices,                 | 108568 |
| appliances, or products to a person who cannot reasonably be             | 108569 |
| expected to benefit from such services, devices, appliances, or          | 108570 |
| products in accordance with results obtained utilizing appropriate       | 108571 |
| assessment procedures and instruments;                                   | 108572 |
| (M) Violating this chapter or any lawful order given or rule             | 108573 |
| adopted by the board;                                                    | 108574 |
| (N) Being convicted of or pleading guilty or nolo contendere             | 108575 |
| to a felony or to a crime involving moral turpitude, whether or          | 108576 |
| not any appeal or other proceeding is pending to have the                | 108577 |
| conviction or plea set aside;                                            | 108578 |
| (O) Being disciplined by a licensing or disciplinary                     | 108579 |
| authority of this or any other state or country or convicted or          | 108580 |
| disciplined by a court of this or any other state or country for         | 108581 |
| an act that would be grounds for disciplinary action under this          | 108582 |
| section.                                                                 | 108583 |
| After revocation of a license under this section, application            | 108584 |
| may be made to the board for reinstatement. The board, in                | 108585 |
| accordance with an order of revocation as issued under Chapter           | 108586 |
| 119. of the Revised Code, may require an examination for <del>such</del> | 108587 |
| reinstatement.                                                           | 108588 |
| If any person has engaged in any practice which constitutes              | 108589 |
| an offense under the provisions of this chapter or rules                 | 108590 |
| promulgated thereunder by the board, the board may apply to the          | 108591 |

court of common pleas of the county for an injunction or other 108592  
appropriate order restraining such conduct, and the court may 108593  
issue such order. 108594

Any person who wishes to make a complaint against any person 108595  
licensed pursuant to this chapter shall submit the complaint in 108596  
writing to the board within one year from the date of the action 108597  
or event upon which the complaint is based. The board shall 108598  
determine whether the allegations in the complaint are of a 108599  
sufficiently serious nature to warrant formal disciplinary charges 108600  
against the licensee pursuant to this section. If the board 108601  
determines that formal disciplinary charges are warranted, it 108602  
shall proceed in accordance with the procedures established in 108603  
Chapter 119. of the Revised Code. 108604

**Sec. 4753.101.** The state speech and hearing professionals 108605  
~~board of speech language pathology and audiology~~, in accordance 108606  
with Chapter 119. of the Revised Code, may establish rules to 108607  
govern any disciplinary action to be taken against a student 108608  
issued a permit under section 4753.073 of the Revised Code. The 108609  
rules established by the board are not subject to the adjudication 108610  
procedure requirements of sections 119.06 to 119.13 of the Revised 108611  
Code. 108612

**Sec. 4753.11.** (A) For all types of licenses and permits, the 108613  
state speech and hearing professionals ~~board of speech language~~ 108614  
~~pathology and audiology~~ shall charge a nonrefundable licensure or 108615  
permit fee, to be determined by board rule, which shall be paid at 108616  
the time the application is filed with the board. 108617

(B) On or before the thirty-first day of January of every 108618  
other year, the board shall charge a biennial licensure renewal 108619  
fee which shall be determined by board rule and used to defray 108620  
costs of the board. 108621

(C) The board may, by rule, provide for the waiver of all or 108622  
part of such fees when the license is issued less than one hundred 108623  
days before the date on which it will expire. 108624

(D) After the last day of the month designated by the board 108625  
for renewal, the board shall charge a late fee to be determined by 108626  
board rule in addition to the biennial licensure renewal fee. 108627

(E) No municipal corporation shall levy an occupational or 108628  
similar excise tax on any person licensed under this chapter. 108629

(F) All fees collected under this section and section 4753.09 108630  
of the Revised Code shall be paid into the state treasury to the 108631  
credit of the occupational licensing and regulatory fund created 108632  
in section 4743.05 of the Revised Code. 108633

**Sec. 4753.12.** Nothing in this chapter shall be construed to: 108634

(A) Prohibit a person other than an individual from engaging 108635  
in the business of speech-language pathology or audiology without 108636  
licensure if it employs a licensed individual in the direct 108637  
practice of speech-language pathology and audiology. Such entity 108638  
shall file a statement with the state speech and hearing 108639  
professionals board, on a form approved by the board for this 108640  
purpose, swearing that it submits itself to the rules of the board 108641  
and the provisions of this chapter which the board determines 108642  
applicable. 108643

(B) Prevent or restrict the practice of a person employed as 108644  
a speech-language pathologist or audiologist by any agency of the 108645  
federal government. 108646

(C) Restrict the activities and services of a student or 108647  
intern in speech-language pathology or audiology from pursuing a 108648  
course of study leading to a degree in these areas at a college or 108649  
university accredited by a recognized regional or national 108650  
accrediting body or in one of its cooperating clinical training 108651

facilities, if these activities and services are supervised by a person licensed in the area of study or certified by the American speech-language-hearing association in the area of study and if the student is designated by a title such as "speech-language pathology intern," "audiology intern," "trainee," or other such title clearly indicating the training status.

(D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section 4753.06 of the Revised Code and that person has been issued a conditional license pursuant to section 4753.071 of the Revised Code.

(E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.

(F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person's residence or certified by the American speech-language-hearing association and files a statement as prescribed by the board in advance of providing these services. Such person shall be subject to the rules of the board and the provisions of this chapter.

(G) Restrict a person licensed under Chapter 4747. of the Revised Code from engaging in the duties as defined in that chapter related to measuring, testing, and counseling for the purpose of identifying or modifying hearing conditions in

connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or advertise the practice of dealing in hearing aids in accordance with Chapter 4747. of the Revised Code.

(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.

(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.

(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.

(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.

(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.

**Sec. 4753.15.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state speech and hearing

~~professionals~~ board of ~~speech language pathology and audiology~~ 108714  
shall comply with sections 3123.41 to 3123.50 of the Revised Code 108715  
and any applicable rules adopted under section 3123.63 of the 108716  
Revised Code with respect to a license issued pursuant to this 108717  
chapter. 108718

**Sec. 4753.16.** The state speech and hearing professionals 108719  
board of ~~speech language pathology and audiology~~ shall comply with 108720  
section 4776.20 of the Revised Code. 108721

**Sec. 4755.02.** (A) The ~~appropriate section of the Ohio~~ 108722  
~~occupational therapy, physical therapy, and athletic trainers~~ 108723  
state physical health services board shall investigate compliance 108724  
with this chapter or any rule or order issued under this chapter 108725  
and shall investigate alleged grounds for the suspension, 108726  
revocation, or refusal to issue or renew licenses or limited 108727  
permits under section 3123.47, 4755.11, 4755.47, or 4755.64 of the 108728  
Revised Code. The ~~appropriate section~~ board may subpoena witnesses 108729  
and documents in connection with its investigations. 108730

(B) Through the attorney general or an appropriate 108731  
prosecuting attorney, the ~~appropriate section~~ board may apply to 108732  
an appropriate court for an order enjoining the violation of this 108733  
chapter. On the filing of a verified petition, the court shall 108734  
conduct a hearing on the petition and give the same preference to 108735  
the proceeding as is given to all proceedings under Chapter 119. 108736  
of the Revised Code, irrespective of the position of the 108737  
proceeding on the court's calendar. On a showing that a person has 108738  
violated or is about to violate this chapter, the court shall 108739  
grant an injunction, restraining order, or other order as 108740  
appropriate. The injunction proceedings provided by this division 108741  
are in addition to all penalties and other remedies provided in 108742  
this chapter. 108743



(C) When requested by the ~~appropriate section~~ board, the prosecuting attorney of a county, or the village solicitor or city director of law of a municipal corporation, where a violation of this chapter allegedly occurs, shall take charge of and conduct the prosecution.

(D) ~~The appropriate section may employ investigators who~~ Investigators employed by the board pursuant to section 4744.14 of the Revised Code shall investigate complaints, conduct inspections, and make inquiries as in the judgment of the ~~section board~~ board are appropriate to enforce sections 3123.41 to 3123.50 of the Revised Code or this chapter. These investigators have the right to review, obtain copies, and audit the patient records and personnel files of licensees and limited permit holders at the place of business of the licensees or limited permit holders or any other place where such documents may be and shall be given access to such documents during normal business hours.

(E)(1) Subject to division (E)(2) of this section, information and records received or generated by the board pursuant to an investigation are confidential, are not public records as defined in section 149.43 of the Revised Code, and are not subject to discovery in any civil or administrative action.

(2) For good cause, the board may disclose information gathered pursuant to an investigation to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents engaging in an investigation the board believes is within the agency's jurisdiction. An agency that receives confidential information shall comply with the same requirements regarding confidentiality as those with which the board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency that applies when the agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance

with the Rules of Evidence, or in an administrative hearing 108776  
conducted by an agency, but the court or agency shall require that 108777  
appropriate measures be taken to ensure that confidentiality is 108778  
maintained with respect to any part of the information that 108779  
contains names or other identifying information about patients, 108780  
complainants, or others whose confidentiality was protected by the 108781  
board when the information was in the board's possession. Measures 108782  
to ensure confidentiality that may be taken by the court or agency 108783  
include sealing its records or redacting specific information from 108784  
its records. 108785

(F) The ~~appropriate section~~ board shall conduct hearings, 108786  
keep records and minutes, and enforce the relevant sections of 108787  
this chapter. 108788

(G) ~~Each section of the~~ The board shall publish and make 108789  
available, upon request and for a fee not to exceed the actual 108790  
cost of printing and mailing, the licensure standards prescribed 108791  
by the relevant sections of this chapter and the Administrative 108792  
Code. 108793

~~(H) The board shall submit to the governor and to the general 108794  
assembly each year a report of all its official actions during the 108795  
preceding year, together with any recommendations and findings 108796  
with regard to the status of the professions of physical therapy, 108797  
occupational therapy, and athletic training. 108798~~

**Sec. 4755.03.** Except as provided in section 4755.99 of the 108799  
Revised Code, all fees and fines collected and assessed under this 108800  
chapter by the ~~appropriate section of the Ohio occupational 108801  
therapy, physical therapy, and athletic trainers~~ state physical 108802  
health services board, shall be deposited into the state treasury 108803  
to the credit of the occupational licensing and regulatory fund 108804  
created in section 4743.05 of the Revised Code. 108805

**Sec. 4755.031.** A person sanctioned under section 4755.11, 108806  
4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a fee 108807  
in the amount of the actual cost of the administrative hearing, 108808  
including the cost of the court reporter, the hearing officer, 108809  
transcripts, and any witness fees for lodging and travel, as 108810  
determined by the ~~appropriate section of the~~ state physical health 108811  
services board. The fee shall be collected by the ~~appropriate~~ 108812  
~~section~~ board. 108813

**Sec. 4755.06.** The ~~occupational therapy section of the Ohio~~ 108814  
~~occupational therapy, physical therapy, and athletic trainers~~ 108815  
state physical health services board may make reasonable rules in 108816  
accordance with Chapter 119. of the Revised Code relating to, but 108817  
not limited to, the following: 108818

(A) The form and manner for filing applications for licensure 108819  
under sections 4755.04 to 4755.13 of the Revised Code; 108820

(B) The issuance, suspension, and revocation of the licenses 108821  
and the conducting of investigations and hearings; 108822

(C) Standards for approval of courses of study relative to 108823  
the practice of occupational therapy; 108824

(D) The time and form of examination for the licensure; 108825

~~(E) Standards of ethical conduct in the practice of~~ 108826  
~~occupational therapy;~~ 108827

~~(F)~~ The form and manner for filing applications for renewal 108828  
and a schedule of deadlines for renewal; 108829

~~(G)~~(F) The conditions under which a license of a licensee who 108830  
files a late application for renewal will be reinstated; 108831

~~(H)~~(G) Placing an existing license in escrow; 108832

~~(I)~~(H) The amount, scope, and nature of continuing education 108833  
activities required for license renewal, including waivers of the 108834

continuing education requirements; 108835

~~(J)~~(I) Guidelines for limited permits; 108836

~~(K)~~(J) Requirements for criminal records checks of applicants 108837  
under section 4776.03 of the Revised Code; 108838

~~(L)~~(K) Subject to section 4755.061 of the Revised Code, the 108839  
amount for each fee specified in section 4755.12 of the Revised 108840  
Code ~~that the section charges~~; 108841

~~(M)~~(L) The amount and content of corrective action courses 108842  
required by the board under section 4755.11 of the Revised Code. 108843

The ~~section board~~ may hear testimony in matters relating to 108844  
the duties imposed upon it, and the ~~chairperson president~~ and 108845  
secretary of the ~~section board~~ may administer oaths. The ~~section~~ 108846  
~~board~~ may require proof, beyond the evidence found in the 108847  
application, of the honesty, truthfulness, and good reputation of 108848  
any person named in an application for licensure, before admitting 108849  
the applicant to an examination or issuing a license. 108850

**Sec. 4755.061.** If the ~~occupational therapy section of the~~ 108851  
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 108852  
~~state physical health services~~ board adopts rules pursuant to 108853  
section 4755.06 of the Revised Code relating to the amounts of the 108854  
fees that the ~~section board~~ may charge for the late renewal of 108855  
licenses and the review of continuing education activities, as 108856  
provided in divisions (A)(5) and ~~(A)~~(6) of section 4755.12 of the 108857  
Revised Code, the ~~section board~~ shall not establish fee amounts 108858  
for those services that exceed the actual costs the ~~section board~~ 108859  
incurs in providing the services to a licensee. 108860

**Sec. 4755.07.** No person shall qualify for licensure as an 108861  
occupational therapist or as an occupational therapy assistant 108862  
unless the person has shown to the satisfaction of the 108863  
~~occupational therapy section of the Ohio occupational therapy,~~ 108864

~~physical therapy, and athletic trainers~~ state physical health 108865  
services board that the person: 108866

(A) Is of good moral character; 108867

(B) Has successfully completed the academic requirements of 108868  
an educational program recognized by the ~~section~~ board, including 108869  
a concentration of instruction in basic human sciences, the human 108870  
development process, occupational tasks and activities, the 108871  
health-illness-health continuum, and occupational therapy theory 108872  
and practice; 108873

(C) Has successfully completed a period of supervised field 108874  
work experience at a recognized educational institution or a 108875  
training program approved by the educational institution where the 108876  
person met the academic requirements. For an occupational 108877  
therapist, a minimum of six months of supervised field work 108878  
experience is required. For an occupational therapy assistant, a 108879  
minimum of two months of supervised field work experience is 108880  
required. 108881

(D) Has successfully passed a written examination testing the 108882  
person's knowledge of the basic and clinical sciences relating to 108883  
occupational therapy, and occupational therapy theory and 108884  
practice, including the applicant's professional skills and 108885  
judgment in the utilization of occupational therapy techniques and 108886  
methods, and such other subjects as the ~~section~~ board may consider 108887  
useful to determine the applicant's fitness to practice. The 108888  
~~section~~ board may require separate examinations of applicants for 108889  
licensure as occupational therapy assistants and applicants for 108890  
licensure as occupational therapists. 108891

Applicants for licensure shall be examined at a time and 108892  
place and under such supervision as the ~~section~~ board determines. 108893

**Sec. 4755.08.** ~~The occupational therapy section of the Ohio~~ 108894

~~occupational therapy, physical therapy, and athletic trainers~~ 108895  
state physical health services board shall issue a license to 108896  
every applicant who has passed the appropriate examination 108897  
designated by the ~~section~~ board and who otherwise complies with 108898  
the licensure requirements of sections 4755.04 to 4755.13 of the 108899  
Revised Code. The license entitles the holder to practice 108900  
occupational therapy or to assist in the practice of occupational 108901  
therapy. The licensee shall display the license in a conspicuous 108902  
place at the licensee's principal place of business. 108903

The ~~section~~ board may issue a limited permit to persons who 108904  
have satisfied the requirements of divisions (A) to (C) of section 108905  
4755.07 of the Revised Code. This permit allows the person to 108906  
practice as an occupational therapist or occupational therapy 108907  
assistant under the supervision of a licensed occupational 108908  
therapist and is valid until the date on which the results of the 108909  
examination are made public. This limited permit shall not be 108910  
renewed if the applicant has failed the examination. 108911

**Sec. 4755.09.** The ~~occupational therapy section of the Ohio~~ 108912  
~~occupational therapy, physical therapy, and athletic trainers~~ 108913  
state physical health services board may waive the examination 108914  
requirement under section 4755.07 of the Revised Code for any 108915  
applicant for licensure as an occupational therapist or 108916  
occupational therapy assistant who either has met educational, 108917  
training, and job experience requirements established by the 108918  
~~section~~ board, or presents proof of current certification or 108919  
licensure in another state that requires standards for licensure 108920  
at least equal to those for licensure in this state. 108921

The ~~section~~ board may waive the educational requirements 108922  
under section 4755.07 of the Revised Code for any applicant who 108923  
has met job experience requirements established by the ~~section~~ 108924  
board. 108925

Sec. 4755.10. Each license issued under section 4755.08 of 108926  
the Revised Code is valid without further recommendation or 108927  
examination until revoked or suspended or until the license 108928  
expires for failure to file an application for renewal as provided 108929  
for in this section. 108930

Licenses shall be renewed biennially in accordance with the 108931  
schedule established in rules adopted by the ~~occupational therapy~~ 108932  
~~section of the Ohio occupational therapy, physical therapy, and~~ 108933  
~~athletic trainers~~ state physical health services board under 108934  
section 4755.06 of the Revised Code. Applicants for renewal shall 108935  
file the fee for renewal as provided in section 4755.12 of the 108936  
Revised Code, an application for renewal on a form prescribed by 108937  
the ~~occupational therapy section~~ board, and proof of completion of 108938  
continuing education requirements as provided in rules adopted by 108939  
the ~~section~~ board under section 4755.06 of the Revised Code. An 108940  
application for renewal shall be mailed by the ~~section~~ board to 108941  
the licensee in accordance with the schedule established in rules 108942  
adopted by the ~~section~~ board under section 4755.06 of the Revised 108943  
Code. In all other respects the renewal process is as provided in 108944  
section 4745.02 of the Revised Code. 108945

The license of any licensee who fails to file an application 108946  
for renewal on or before the deadline established in rules adopted 108947  
by the ~~section~~ board under section 4755.06 of the Revised Code 108948  
shall expire automatically, unless the ~~section~~ board, for good 108949  
cause shown, determines that the application for renewal could not 108950  
have been filed by such day. 108951

Except as provided in sections 3123.41 to 3123.50 of the 108952  
Revised Code and any applicable rules adopted under section 108953  
3123.63 of the Revised Code, the ~~section~~ board may renew a license 108954  
while the license is suspended, but the renewal shall not affect 108955  
the suspension. The ~~section~~ board shall not renew a license that 108956

has been revoked. If a revoked license is reinstated under section 108957  
4755.11 of the Revised Code after it has expired, the licensee, as 108958  
a condition of reinstatement, shall pay a reinstatement fee equal 108959  
to the renewal fee in effect on the last preceding regular renewal 108960  
date before the reinstatement date, plus any delinquent fees 108961  
accrued from the time of the revocation, if such fees are 108962  
prescribed by the ~~section~~ board by rule. 108963

**Sec. 4755.11.** (A) In accordance with Chapter 119. of the 108964  
Revised Code, the ~~occupational therapy section of the Ohio~~ 108965  
~~occupational therapy, physical therapy, and athletic trainers~~ 108966  
state physical health services board may suspend, revoke, or 108967  
refuse to issue or renew an occupational therapist license, 108968  
occupational therapy assistant license, occupational therapist 108969  
limited permit, occupational therapy assistant limited permit, or 108970  
reprimand, fine, place a license or limited permit holder on 108971  
probation, or require the license or limited permit holder to take 108972  
corrective action courses, for any of the following: 108973

(1) Conviction of an offense involving moral turpitude or a 108974  
felony, regardless of the state or country in which the conviction 108975  
occurred; 108976

(2) Violation of any provision of sections 4755.04 to 4755.13 108977  
of the Revised Code; 108978

(3) Violation of any lawful order or rule of the ~~occupational~~ 108979  
~~therapy section~~ board; 108980

(4) Obtaining or attempting to obtain a license or limited 108981  
permit issued by the ~~occupational therapy section~~ board by fraud 108982  
or deception, including the making of a false, fraudulent, 108983  
deceptive, or misleading ~~statements~~ statement in relation to these 108984  
activities; 108985

(5) Negligence, unprofessional conduct, or gross misconduct 108986



|                                                                                                                                                                                                                                                                                                                                                                   |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| in the practice of the profession of occupational therapy;                                                                                                                                                                                                                                                                                                        | 108987 |
| (6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;                                                                                                                                                                                                                                                 | 108988 |
| (7) Communicating, without authorization, information received in professional confidence;                                                                                                                                                                                                                                                                        | 108990 |
| (8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder;                                                                | 108992 |
| (9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;                                                                                                                                                                                                                                                           | 108997 |
| (10) Failing the licensing or Ohio jurisprudence examination;                                                                                                                                                                                                                                                                                                     | 108999 |
| (11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;                                                                                                                                                                                                                                                                 | 109000 |
| (12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;                                                                                                                                    | 109002 |
| (13) Except as provided in division (B) of this section:                                                                                                                                                                                                                                                                                                          | 109006 |
| (a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; | 109007 |
| (b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required                                                                                                  | 109013 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| to pay.                                                                                                                                                                                                                                                                                                                                                                                                                              | 109017                                                   |
| (14) Working or representing oneself as an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder without a current and valid license or limited permit issued by the <del>occupational therapy section</del> <u>board</u> ;                                                                                                  | 109018<br>109019<br>109020<br>109021<br>109022           |
| (15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;                                                                                                                                                                                                                                                                                                                                      | 109023<br>109024                                         |
| (16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified <del>by the occupational therapy section</del> <u>pursuant to section 4744.50 of the Revised Code</u> ;                                                                                                                                                                                                                     | 109025<br>109026<br>109027                               |
| (17) A departure from, or the failure to conform to, minimal standards of care required of licensees or limited permit holders, whether or not actual injury to a patient is established;                                                                                                                                                                                                                                            | 109028<br>109029<br>109030                               |
| (18) An adjudication by a court that the applicant, licensee, or limited permit holder is incompetent for the purpose of holding a license or limited permit and has not thereafter been restored to legal capacity for that purpose;                                                                                                                                                                                                | 109031<br>109032<br>109033<br>109034                     |
| (19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the <del>occupational therapy section</del> <u>board</u> , including failure to comply with a subpoena or orders issued by the <del>section</del> <u>board</u> or failure to answer truthfully a question presented by the <del>section</del> <u>board</u> at a deposition or in written interrogatories. | 109035<br>109036<br>109037<br>109038<br>109039<br>109040 |
| (b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.                                                                                                                                                           | 109041<br>109042<br>109043<br>109044<br>109045           |
| (20) Conviction of a misdemeanor reasonably related to the                                                                                                                                                                                                                                                                                                                                                                           | 109046                                                   |

practice of occupational therapy, regardless of the state or 109047  
country in which the conviction occurred; 109048

(21) Inability to practice according to acceptable and 109049  
prevailing standards of care because of mental or physical 109050  
illness, including physical deterioration that adversely affects 109051  
cognitive, motor, or perception skills; 109052

(22) Violation of conditions, limitations, or agreements 109053  
placed by the ~~occupational therapy section~~ board on a license or 109054  
limited permit to practice; 109055

(23) Making a false, fraudulent, deceptive, or misleading 109056  
statement in the solicitation of or advertising for patients in 109057  
relation to the practice of occupational therapy; 109058

(24) Failure to complete continuing education requirements as 109059  
prescribed in rules adopted by the ~~occupational therapy section~~ 109060  
board under section 4755.06 of the Revised Code. 109061

(B) Sanctions shall not be imposed under division (A)(13) of 109062  
this section against any individual who waives deductibles and 109063  
copayments as follows: 109064

(1) In compliance with the health benefit plan that expressly 109065  
allows such a practice. Waiver of the deductibles or copayments 109066  
shall be made only with the full knowledge and consent of the plan 109067  
purchaser, payer, and third-party administrator. Documentation of 109068  
the consent shall be made available to the ~~section~~ board upon 109069  
request. 109070

(2) For professional services rendered to any other person 109071  
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 109072  
Code to the extent allowed by those sections and the rules of the 109073  
~~occupational therapy section~~ board. 109074

(C) Except as provided in division (D) of this section, the 109075  
suspension or revocation of a license or limited permit under this 109076

section is not effective until either the order for suspension or 109077  
revocation has been affirmed following an adjudication hearing, or 109078  
the time for requesting a hearing has elapsed. 109079

When a license or limited permit is revoked under this 109080  
section, application for reinstatement may not be made sooner than 109081  
one year after the date of revocation. The ~~occupational therapy~~ 109082  
~~section board~~ may accept or refuse an application for 109083  
reinstatement and may require that the applicant pass an 109084  
examination as a condition of reinstatement. 109085

When a license or limited permit holder is placed on 109086  
probation under this section, the ~~occupational therapy section's~~ 109087  
~~board's~~ probation order shall be accompanied by a statement of the 109088  
conditions under which the individual may be removed from 109089  
probation and restored to unrestricted practice. 109090

(D) On receipt of a complaint that a person who holds a 109091  
license or limited permit issued by the ~~occupational therapy~~ 109092  
~~section board~~ has committed any of the prohibited actions listed 109093  
in division (A) of this section, the ~~section board~~ may immediately 109094  
suspend the license or limited permit prior to holding a hearing 109095  
in accordance with Chapter 119. of the Revised Code if it 109096  
determines, based on the complaint, that the licensee or limited 109097  
permit holder poses an immediate threat to the public. The ~~section~~ 109098  
~~board~~ may review the allegations and vote on the suspension by 109099  
telephone conference call. If the ~~section board~~ votes to suspend a 109100  
license or limited permit under this division, the ~~section board~~ 109101  
shall issue a written order of summary suspension to the licensee 109102  
or limited permit holder in accordance with section 119.07 of the 109103  
Revised Code. If the individual whose license or limited permit is 109104  
suspended fails to make a timely request for an adjudication under 109105  
Chapter 119. of the Revised Code, the ~~section board~~ shall enter a 109106  
final order permanently revoking the individual's license or 109107  
limited permit. Notwithstanding section 119.12 of the Revised 109108

Code, a court of common pleas shall not grant a suspension of the ~~section's board's~~ order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the ~~section board~~ pursuant to division (A) of this section becomes effective. The ~~section board~~ shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(E) If any person other than a person who holds a license or limited permit issued under section 4755.08 of the Revised Code has engaged in any practice that is prohibited under sections 4755.04 to 4755.13 of the Revised Code or the rules of the ~~occupational therapy section board~~, the ~~section board~~ may apply to the court of common pleas of the county in which the violation occurred, for an injunction or other appropriate order restraining this conduct, and the court shall issue this order.

**Sec. 4755.111.** (A) An individual whom the ~~occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers~~ state physical health services board licenses, certificates, or otherwise legally authorizes to engage in the practice of occupational therapy may render the professional services of an occupational therapist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. This division does not preclude an individual of that nature from rendering professional services as an occupational therapist

through another form of business entity, including, but not 109141  
limited to, a nonprofit corporation or foundation, or in another 109142  
manner that is authorized by or in accordance with sections 109143  
4755.04 to 4755.13 of the Revised Code, another chapter of the 109144  
Revised Code, or rules of the ~~Ohio occupational therapy, physical~~ 109145  
~~therapy, and athletic trainers~~ state physical health services 109146  
board adopted pursuant to sections 4755.04 to 4755.13 of the 109147  
Revised Code. 109148

(B) A corporation, limited liability company, partnership, or 109149  
professional association described in division (A) of this section 109150  
may be formed for the purpose of providing a combination of the 109151  
professional services of the following individuals who are 109152  
licensed, certificated, or otherwise legally authorized to 109153  
practice their respective professions: 109154

(1) Optometrists who are authorized to practice optometry 109155  
under Chapter 4725. of the Revised Code; 109156

(2) Chiropractors who are authorized to practice chiropractic 109157  
or acupuncture under Chapter 4734. of the Revised Code; 109158

(3) Psychologists who are authorized to practice psychology 109159  
under Chapter 4732. of the Revised Code; 109160

(4) Registered or licensed practical nurses who are 109161  
authorized to practice nursing as registered nurses or as licensed 109162  
practical nurses under Chapter 4723. of the Revised Code; 109163

(5) Pharmacists who are authorized to practice pharmacy under 109164  
Chapter 4729. of the Revised Code; 109165

(6) Physical therapists who are authorized to practice 109166  
physical therapy under sections 4755.40 to 4755.56 of the Revised 109167  
Code; 109168

(7) Occupational therapists who are authorized to practice 109169  
occupational therapy under sections 4755.04 to 4755.13 of the 109170

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 109171                                                                                                               |
| (8) Mechanotherapists who are authorized to practice<br>mechanotherapy under section 4731.151 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 109172<br>109173                                                                                                     |
| (9) Doctors of medicine and surgery, osteopathic medicine and<br>surgery, or podiatric medicine and surgery who are authorized for<br>their respective practices under Chapter 4731. of the Revised<br>Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 109174<br>109175<br>109176<br>109177                                                                                 |
| (10) Licensed professional clinical counselors, licensed<br>professional counselors, independent social workers, social<br>workers, independent marriage and family therapists, or marriage<br>and family therapists who are authorized for their respective<br>practices under Chapter 4757. of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 109178<br>109179<br>109180<br>109181<br>109182                                                                       |
| This division shall apply notwithstanding a provision of a<br>code of ethics applicable to an occupational therapist that<br>prohibits an occupational therapist from engaging in the practice<br>of occupational therapy in combination with a person who is<br>licensed, certificated, or otherwise legally authorized to<br>practice optometry, chiropractic, acupuncture through the state<br>chiropractic board, psychology, nursing, pharmacy, physical<br>therapy, mechanotherapy, medicine and surgery, osteopathic<br>medicine and surgery, podiatric medicine and surgery, professional<br>counseling, social work, or marriage and family therapy but who is<br>not also licensed, certificated, or otherwise legally authorized<br>to engage in the practice of occupational therapy. | 109183<br>109184<br>109185<br>109186<br>109187<br>109188<br>109189<br>109190<br>109191<br>109192<br>109193<br>109194 |
| <b>Sec. 4755.12.</b> (A) <del>The occupational therapy section of the<br/>Ohio occupational therapy, physical therapy, and athletic trainers<br/>state physical health services board</del> may charge any or all of the<br>following fees:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 109195<br>109196<br>109197<br>109198                                                                                 |
| (1) A nonrefundable examination fee, which is to be paid at<br>the time of application for licensure;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 109199<br>109200                                                                                                     |

|                                                                                                                                                                                                                                                                                                                                 |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (2) An application fee for an initial license;                                                                                                                                                                                                                                                                                  | 109201                                         |
| (3) An initial licensure fee;                                                                                                                                                                                                                                                                                                   | 109202                                         |
| (4) A fee for biennial renewal of a license;                                                                                                                                                                                                                                                                                    | 109203                                         |
| (5) A fee for late renewal of a license;                                                                                                                                                                                                                                                                                        | 109204                                         |
| (6) A fee for the review of continuing education activities;                                                                                                                                                                                                                                                                    | 109205                                         |
| (7) A fee for a limited permit;                                                                                                                                                                                                                                                                                                 | 109206                                         |
| (8) A fee for verification of a license.                                                                                                                                                                                                                                                                                        | 109207                                         |
| (B) Any person who is qualified to practice occupational<br>therapy as certified by the <del>section</del> <u>board</u> , but who is not in the<br>active practice, as defined by <del>section</del> <u>board</u> rule, may register<br>with the <del>section</del> <u>board</u> as a nonactive licensee at a biennial fee.     | 109208<br>109209<br>109210<br>109211           |
| (C) The <del>section</del> <u>board</u> may, by rule, provide for the waiver of<br>all or part of a fee when the license is issued less than one<br>hundred days before the date on which it will expire.                                                                                                                       | 109212<br>109213<br>109214                     |
| (D) Except when all or part of a fee is waived under division<br>(C) of this section, the amount charged by the <del>occupational<br/>therapy</del> <del>section</del> <u>board</u> for each of its fees shall be the applicable<br>amount established in rules adopted under section 4755.06 of the<br>Revised Code.           | 109215<br>109216<br>109217<br>109218<br>109219 |
| <b>Sec. 4755.41.</b> (A) The <del>physical therapy section of the Ohio<br/>occupational therapy, physical therapy, and athletic trainers<br/>state physical health services</del> <u>board</u> shall license persons<br>desiring to practice physical therapy or to practice as physical<br>therapist assistants in this state. | 109220<br>109221<br>109222<br>109223<br>109224 |
| (B) An investigation, inquiry, or hearing which the <del>section</del><br><u>board</u> is authorized to undertake or hold may be undertaken or held<br>in accordance with section 4755.02 of the Revised Code. Any<br>finding or order shall be confirmed or approved by the <del>section</del><br><u>board</u> .               | 109225<br>109226<br>109227<br>109228<br>109229 |



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| (C) The <del>physical therapy section</del> <u>board</u> shall <u>do both of the</u>                 | 109230 |
| <u>following:</u>                                                                                    | 109231 |
| (1) <del>Keep a record of its proceedings;</del>                                                     | 109232 |
| (2) <del>Keep a register of applicants showing the name and</del>                                    | 109233 |
| <del>location of the institution granting the applicant's degree or</del>                            | 109234 |
| <del>certificate in physical therapy and whether or not a license was</del>                          | 109235 |
| <del>issued;</del>                                                                                   | 109236 |
| (3) <del>Maintain a register of every physical therapist and</del>                                   | 109237 |
| <del>physical therapist assistant in this state, including the</del>                                 | 109238 |
| <del>licensee's last known place of business, the licensee's last known</del>                        | 109239 |
| <del>residence, and the date and number of the licensee's license;</del>                             | 109240 |
| (4) Deposit all fees collected by the <del>section</del> <u>board</u> in                             | 109241 |
| accordance with section 4755.03 of the Revised Code;                                                 | 109242 |
| (5)(2) On receipt of an application for a license to practice                                        | 109243 |
| as a physical therapist or physical therapist assistant, provide                                     | 109244 |
| to the applicant the <del>section's</del> <u>board's</u> address, dates of upcoming                  | 109245 |
| <del>section</del> <u>board</u> meetings, and a list of names of the <del>section</del> <u>board</u> | 109246 |
| members.                                                                                             | 109247 |
| <b>Sec. 4755.411.</b> The <del>physical therapy section of the Ohio</del>                            | 109248 |
| <del>occupational therapy, physical therapy, and athletic trainers</del>                             | 109249 |
| <u>state physical health services</u> board shall adopt rules in                                     | 109250 |
| accordance with Chapter 119. of the Revised Code pertaining to the                                   | 109251 |
| following:                                                                                           | 109252 |
| (A) Fees for the verification of a license and license                                               | 109253 |
| reinstatement, and other fees established by the <del>section</del> <u>board</u> ;                   | 109254 |
| (B) <del>Provisions for the section's government and control of</del>                                | 109255 |
| <del>its actions and business affairs;</del>                                                         | 109256 |
| (C) Minimum curricula for physical therapy education programs                                        | 109257 |
| that prepare graduates to be licensed in this state as physical                                      | 109258 |
| therapists and physical therapist assistants;                                                        | 109259 |

|                                                                                                                                                                                                                                                                                                    |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <del>(D)</del> (C) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;                                                                                                                                                                 | 109260<br>109261                     |
| <del>(E)</del> (D) The form and manner for filing applications for licensure with the <del>section</del> <u>board</u> ;                                                                                                                                                                            | 109262<br>109263                     |
| <del>(F)</del> (E) For purposes of section 4755.46 of the Revised Code, all of the following:                                                                                                                                                                                                      | 109264<br>109265                     |
| (1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;                                                                                                                                                              | 109266<br>109267<br>109268           |
| (2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;                                                                                                                                                                  | 109269<br>109270<br>109271           |
| (3) The conditions under which the license of a person who files a late application for renewal will be reinstated.                                                                                                                                                                                | 109272<br>109273                     |
| <del>(G)</del> (F) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;                                                                                                                                                                           | 109274<br>109275                     |
| <del>(H) Appropriate ethical conduct in the practice of physical therapy;</del>                                                                                                                                                                                                                    | 109276<br>109277                     |
| <del>(I)</del> (G) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;                                                                                                                                    | 109278<br>109279<br>109280           |
| <del>(J)</del> (H) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;                                                                                                                                             | 109281<br>109282<br>109283           |
| <del>(K)</del> (I) For purposes of section 4755.45 of the Revised Code, both of the following:                                                                                                                                                                                                     | 109284<br>109285                     |
| (1) Identification of the credentialing organizations from which the <del>section</del> <u>board</u> will accept equivalency evaluations for foreign physical therapist education. The <del>physical therapy section</del> <u>board</u> shall identify only those credentialing organizations that | 109286<br>109287<br>109288<br>109289 |

use a course evaluation tool or form approved by the ~~physical~~ 109290  
~~therapy section~~ board. 109291

(2) Evidence, other than the evaluations described in 109292  
division ~~(K)~~(I)(1) of this section, that the ~~section~~ board will 109293  
consider for purposes of evaluating whether an applicant's 109294  
education is reasonably equivalent to the educational requirements 109295  
that were in force for licensure in this state as a physical 109296  
therapist on the date of the applicant's initial licensure or 109297  
registration in another state or country. 109298

~~(I)~~(J) Standards of conduct for physical therapists and 109299  
physical therapist assistants, including requirements for 109300  
supervision, delegation, and practicing with or without referral 109301  
or prescription; 109302

~~(M)~~(K) Appropriate display of a license; 109303

~~(N)~~(L) Procedures for a licensee to follow in notifying the 109304  
~~section~~ board within thirty days of a change in name or address, 109305  
or both; 109306

~~(O)~~(M) The amount and content of corrective action courses 109307  
required by the board under section 4755.47 of the Revised Code. 109308

**Sec. 4755.412.** The ~~physical therapy section of the Ohio~~ 109309  
~~occupational therapy, physical therapy, and athletic trainers~~ 109310  
state physical health services board, subject to the approval of 109311  
the controlling board, may establish fees in excess of the amounts 109312  
provided by sections 4755.42, 4755.421, 4755.45, 4755.451, and 109313  
4755.46 of the Revised Code, provided that such fees do not exceed 109314  
those amounts by more than fifty per cent. 109315

**Sec. 4755.42.** (A) Each person who desires to practice 109316  
physical therapy shall file with the ~~secretary of the physical~~ 109317  
~~therapy section of the Ohio occupational therapy, physical~~ 109318  
~~therapy, and athletic trainers~~ state physical health services 109319

board ~~a notarized~~ an application that includes the following: 109320

(1) Name; 109321

(2) Current address; 109322

(3) Physical description and photograph; 109323

(4) Proof of completion of a master's or doctorate program of 109324  
physical therapy education that is accredited by a national 109325  
physical therapy accreditation agency recognized by the United 109326  
States department of education and that includes: 109327

(a) A minimum of one hundred twenty academic semester credits 109328  
or its equivalent, including courses in the biological and other 109329  
physical sciences; 109330

(b) A course in physical therapy education that has provided 109331  
instruction in basic sciences, clinical sciences, and physical 109332  
therapy theory and procedures. 109333

(B) On making application under division (A) of this section, 109334  
the applicant shall pay a fee of not more than one hundred 109335  
twenty-five dollars for the license. 109336

(C) The ~~physical therapy section~~ board shall approve an 109337  
application to sit for the examination required under division (A) 109338  
of section 4755.43 of the Revised Code not later than one hundred 109339  
twenty days after receiving an application that the ~~section~~ board 109340  
considers complete unless the board has done either of the 109341  
following: 109342

(1) Requested documents relevant to the ~~section's~~ board's 109343  
evaluation of the application; 109344

(2) Notified the applicant in writing of the ~~section's~~ 109345  
board's intent to deny a license and the applicant's right to 109346  
request a hearing in accordance with Chapter 119. of the Revised 109347  
Code to appeal the ~~section's~~ board's intent to deny a license. 109348

(D) If the ~~section~~ board fails to comply with division (C) of 109349

this section, the ~~section~~ board shall refund one-half of the 109350  
application fee to the applicant. 109351

**Sec. 4755.421.** (A) Each applicant seeking licensure as a 109352  
physical therapist assistant shall file with the ~~secretary of the~~ 109353  
~~physical therapy section of the Ohio occupational therapy,~~ 109354  
~~physical therapy, and athletic trainers~~ state physical health 109355  
services board a ~~notarized~~ an application that includes the 109356  
following: 109357

(1) Name; 109358

(2) Current address; 109359

(3) Physical description and photograph; 109360

(4) Proof of completion of a two-year program of education 109361  
that is accredited by a national physical therapy accreditation 109362  
agency recognized by the United States department of education. 109363

(B) On making application under division (A) of this section, 109364  
the applicant shall pay a fee of not more than one hundred 109365  
twenty-five dollars for the license. 109366

(C)(1) The ~~physical therapy section~~ board shall approve an 109367  
applicant to sit for the examination required under division (A) 109368  
of section 4755.431 of the Revised Code not later than one hundred 109369  
twenty days after receiving an application that the ~~section~~ board 109370  
considers complete unless the board has done either of the 109371  
following: 109372

(a) Requested documents relevant to the ~~section's~~ board's 109373  
evaluation of the application; 109374

(b) Notified the applicant in writing of the ~~section's~~ 109375  
board's intent to deny a license and the applicant's right to 109376  
request a hearing in accordance with Chapter 119. of the Revised 109377  
Code to appeal the ~~section's~~ board's intent to deny a license. 109378

(2) If the ~~section~~ board fails to comply with division (C)(1) 109379  
of this section, the ~~section~~ board shall refund half of the 109380  
application fee to the applicant. 109381

**Sec. 4755.43.** Except as provided in section 4755.45 of the 109382  
Revised Code, to be eligible to receive a license to practice as a 109383  
physical therapist, an applicant must pass both of the following: 109384

(A) A national physical therapy examination for physical 109385  
therapists approved by the ~~physical therapy section of the Ohio~~ 109386  
~~occupational therapy, physical therapy, and athletic trainers~~ 109387  
state physical health services board that tests the applicant's 109388  
knowledge of the basic and applied sciences as they relate to 109389  
physical therapy and physical therapy theory and procedures. 109390

(B) A jurisprudence examination on Ohio's laws and rules 109391  
governing the practice of physical therapy that is approved by the 109392  
~~physical therapy section~~ board. 109393

**Sec. 4755.431.** Except as provided in section 4755.451 of the 109394  
Revised Code, to be eligible to receive a license to practice as a 109395  
physical therapist assistant, an applicant must pass both of the 109396  
following: 109397

(A) A national physical therapy examination for physical 109398  
therapist assistants approved by the ~~physical therapy section of~~ 109399  
~~the Ohio occupational therapy, physical therapy, and athletic~~ 109400  
~~trainers~~ state physical health services board. 109401

(B) A jurisprudence examination approved by the ~~physical~~ 109402  
~~therapy section~~ board on Ohio's laws and rules governing the 109403  
practice of physical therapy. 109404

**Sec. 4755.44.** If an applicant passes the examination or 109405  
examinations required under section 4755.43 of the Revised Code 109406  
and pays the fee required by division (B) of section 4755.42 of 109407

the Revised Code, the ~~physical therapy section of the Ohio~~ 109408  
~~occupational therapy, physical therapy, and athletic trainers~~ 109409  
state physical health services board shall issue a license, 109410  
attested by the seal of the board, to the applicant to practice as 109411  
a physical therapist. 109412

**Sec. 4755.441.** If an applicant passes the examination or 109413  
examinations required under section 4755.431 of the Revised Code 109414  
and pays the fee required by division (B) of section 4755.421 of 109415  
the Revised Code, the ~~physical therapy section of the Ohio~~ 109416  
~~occupational therapy, physical therapy, and athletic trainers~~ 109417  
state physical health services board shall issue a license, 109418  
attested by the seal of the board, to the applicant to practice as 109419  
physical therapist assistant. 109420

**Sec. 4755.45.** (A) The ~~physical therapy section of the Ohio~~ 109421  
~~occupational therapy, physical therapy, and athletic trainers~~ 109422  
state physical health services board shall issue to an applicant a 109423  
license to practice as a physical therapist without requiring the 109424  
applicant to have passed the national examination for physical 109425  
therapists described in division (A) of section 4755.43 of the 109426  
Revised Code within one year of filing an application described in 109427  
section 4755.42 of the Revised Code if all of the following are 109428  
true: 109429

(1) The applicant presents evidence satisfactory to the 109430  
~~physical therapy section~~ board that the applicant received a score 109431  
on the national physical therapy examination described in division 109432  
(A) of section 4755.43 of the Revised Code that would have been a 109433  
passing score according to the board in the year the applicant sat 109434  
for the examination; 109435

(2) The applicant presents evidence satisfactory to the 109436  
~~physical therapy section~~ board that the applicant passed the 109437

jurisprudence examination described in division (B) of section 109438  
4755.43 of the Revised Code; 109439

(3) The applicant holds a current and valid license or 109440  
registration to practice physical therapy in another state or 109441  
country; 109442

(4) Subject to division (B) of this section, the applicant 109443  
can demonstrate that the applicant's education is reasonably 109444  
equivalent to the educational requirements that were in force for 109445  
licensure in this state on the date of the applicant's initial 109446  
licensure or registration in the other state or country; 109447

(5) The applicant pays the fee described in division (B) of 109448  
section 4755.42 of the Revised Code; 109449

(6) The applicant is not in violation of any section of this 109450  
chapter or rule adopted under it. 109451

(B) For purposes of division (A)(4) of this section, if, 109452  
after receiving the results of an equivalency evaluation from a 109453  
credentialing organization identified by the ~~section~~ board 109454  
pursuant to rules adopted under section 4755.411 of the Revised 109455  
Code, the ~~section~~ board determines that regardless of the results 109456  
of the evaluation the applicant's education is not reasonably 109457  
equivalent to the educational requirements that were in force for 109458  
licensure in this state on the date of the applicant's initial 109459  
licensure or registration in another state or foreign country, the 109460  
~~section~~ board shall send a written notice to the applicant stating 109461  
that the ~~section~~ board is denying the applicant's application and 109462  
stating the specific reason why the ~~section~~ board is denying the 109463  
applicant's application. The ~~section~~ board shall send the notice 109464  
to the applicant through certified mail within thirty days after 109465  
the ~~section~~ board makes that determination. 109466

**Sec. 4755.451.** The ~~physical therapy section of the Ohio~~ 109467



~~occupational therapy, physical therapy, and athletic trainers~~ 109468  
state physical health services board shall issue to an applicant a 109469  
license as a physical therapist assistant without requiring the 109470  
applicant to have passed the national examination for physical 109471  
therapist assistants described in division (A) of section 4755.431 109472  
of the Revised Code within one year of filing an application 109473  
described in section 4755.421 of the Revised Code if all of the 109474  
following are true: 109475

(A) The applicant presents evidence satisfactory to the 109476  
~~physical therapy section~~ board that the applicant received a score 109477  
on the national physical therapy examination described in division 109478  
(A) of section 4755.431 of the Revised Code that would have been a 109479  
passing score according to the board in the year the applicant sat 109480  
for the examination; 109481

(B) The applicant presents evidence satisfactory to the 109482  
~~physical therapy section~~ board that the applicant passed the 109483  
jurisprudence examination described in division (B) of section 109484  
4755.431 of the Revised Code; 109485

(C) The applicant holds a current and valid license or 109486  
registration to practice as a physical therapist assistant in 109487  
another state; 109488

(D) The applicant can demonstrate that the applicant's 109489  
education is reasonably equivalent to the educational requirements 109490  
that were in force for licensure in this state on the date of the 109491  
applicant's initial licensure or registration in the other state; 109492

(E) The applicant pays the fee described in division (B) of 109493  
section 4755.421 of the Revised Code; 109494

(F) The applicant is not in violation of any section of this 109495  
chapter or rule adopted under it. 109496

**Sec. 4755.46.** (A) Every license to practice as a physical 109497

therapist or physical therapist assistant expires biennially in 109498  
accordance with the schedule established in rules adopted by the 109499  
~~physical therapy section of the Ohio occupational therapy,~~ 109500  
~~physical therapy, and athletic trainers~~ state physical health 109501  
services board under section 4755.411 of the Revised Code. 109502

Each individual holding a valid and current license may apply 109503  
to the ~~physical therapy section~~ board to renew the license in 109504  
accordance with rules adopted by the board under section 4755.411 109505  
of the Revised Code. Each application for license renewal shall be 109506  
accompanied by a biennial renewal fee of not more than one hundred 109507  
twenty-five dollars and, if applicable, the applicant's signed 109508  
statement that the applicant completed the continuing education 109509  
required under section 4755.51 or 4755.551 of the Revised Code 109510  
within the time frame established in rules adopted by the ~~physical~~ 109511  
~~therapy section~~ board under section 4755.411 of the Revised Code. 109512

A license that is not renewed by the last day for renewal 109513  
established in rules shall automatically expire on that date. 109514

(B) Each licensee shall report to the ~~section~~ board in 109515  
writing a change in name, business address, or home address not 109516  
later than thirty days after the date of the change. 109517

**Sec. 4755.47.** (A) In accordance with Chapter 119. of the 109518  
Revised Code, the ~~physical therapy section of the Ohio~~ 109519  
~~occupational therapy, physical therapy, and athletic trainers~~ 109520  
state physical health services board may refuse to grant a license 109521  
to an applicant for an initial or renewed license as a physical 109522  
therapist or physical therapist assistant or, by an affirmative 109523  
vote of not less than five members, may limit, suspend, or revoke 109524  
the license of a physical therapist or physical therapist 109525  
assistant or reprimand, fine, place a license holder on probation, 109526  
or require the license holder to take corrective action courses, 109527  
on any of the following grounds: 109528

- (1) Habitual indulgence in the use of controlled substances, 109529  
other habit-forming drugs, or alcohol to an extent that affects 109530  
the individual's professional competency; 109531
- (2) Conviction of a felony or a crime involving moral 109532  
turpitude, regardless of the state or country in which the 109533  
conviction occurred; 109534
- (3) Obtaining or attempting to obtain a license issued by the 109535  
~~physical therapy section~~ board by fraud or deception, including 109536  
the making of a false, fraudulent, deceptive, or misleading 109537  
statement; 109538
- (4) An adjudication by a court, as provided in section 109539  
5122.301 of the Revised Code, that the applicant or licensee is 109540  
incompetent for the purpose of holding the license and has not 109541  
thereafter been restored to legal capacity for that purpose; 109542
- (5) Subject to section 4755.471 of the Revised Code, 109543  
violation of the code of ethics adopted ~~by the physical therapy~~ 109544  
~~section~~ under section 4744.50 of the Revised Code; 109545
- (6) Violating or attempting to violate, directly or 109546  
indirectly, or assisting in or abetting the violation of or 109547  
conspiring to violate sections 4755.40 to 4755.56 of the Revised 109548  
Code or any order issued or rule adopted under those sections; 109549
- (7) Failure of one or both of the examinations required under 109550  
section 4755.43 or 4755.431 of the Revised Code; 109551
- (8) Permitting the use of one's name or license by a person, 109552  
group, or corporation when the one permitting the use is not 109553  
directing the treatment given; 109554
- (9) Denial, revocation, suspension, or restriction of 109555  
authority to practice a health care occupation, including physical 109556  
therapy, for any reason other than a failure to renew, in Ohio or 109557  
another state or jurisdiction; 109558

- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;
- (11) Willful betrayal of a professional confidence;
- (12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;
- (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;
- (14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (15) Violation of the conditions of limitation or agreements placed by the ~~physical therapy section~~ board on a license to practice;
- (16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;
- (17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;
- (18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;
- (19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense

or department of veterans affairs; 109589

(20) Termination or suspension from participation in the 109590  
medicare or medicaid program established under Title XVIII and 109591  
Title XIX, respectively, of the "Social Security Act," 49 Stat. 109592  
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 109593  
constitute a violation of sections 4755.40 to 4755.56 of the 109594  
Revised Code; 109595

(21) Failure of a physical therapist to maintain supervision 109596  
of a student, physical therapist assistant, unlicensed support 109597  
personnel, other assistant personnel, or a license applicant in 109598  
accordance with the requirements of sections 4755.40 to 4755.56 of 109599  
the Revised Code and rules adopted under those sections; 109600

(22) Failure to complete continuing education requirements as 109601  
prescribed in section 4755.51 or 4755.511 of the Revised Code or 109602  
to satisfy any rules applicable to continuing education 109603  
requirements that are adopted by the ~~physical therapy section~~ 109604  
board; 109605

(23) Conviction of a misdemeanor when the act that 109606  
constitutes the misdemeanor occurs during the practice of physical 109607  
therapy; 109608

(24)(a) Except as provided in division (A)(24)(b) of this 109609  
section, failure to cooperate with an investigation conducted by 109610  
the ~~physical therapy section~~ board, including failure to comply 109611  
with a subpoena or orders issued by the ~~section~~ board or failure 109612  
to answer truthfully a question presented by the ~~section~~ board at 109613  
a deposition or in written interrogatories. 109614

(b) Failure to cooperate with an investigation does not 109615  
constitute grounds for discipline under this section if a court of 109616  
competent jurisdiction issues an order that either quashes a 109617  
subpoena or permits the individual to withhold the testimony or 109618  
evidence at issue. 109619

(25) Regardless of whether the contact or verbal behavior is 109620  
consensual, engaging with a patient other than the spouse of the 109621  
physical therapist or physical therapist assistant, in any of the 109622  
following: 109623

(a) Sexual contact, as defined in section 2907.01 of the 109624  
Revised Code; 109625

(b) Verbal behavior that is sexually demeaning to the patient 109626  
or may be reasonably interpreted by the patient as sexually 109627  
demeaning. 109628

(26) Failure to notify the ~~physical therapy section~~ board of 109629  
a change in name, business address, or home address within thirty 109630  
days after the date of change; 109631

(27) Except as provided in division (B) of this section: 109632

(a) Waiving the payment of all or any part of a deductible or 109633  
copayment that a patient, pursuant to a health insurance or health 109634  
care policy, contract, or plan that covers physical therapy, would 109635  
otherwise be required to pay if the waiver is used as an 109636  
enticement to a patient or group of patients to receive health 109637  
care services from that provider; 109638

(b) Advertising that the individual will waive the payment of 109639  
all or any part of a deductible or copayment that a patient, 109640  
pursuant to a health insurance or health care policy, contract, or 109641  
plan that covers physical therapy, would otherwise be required to 109642  
pay; 109643

(28) Violation of any section of this chapter or rule adopted 109644  
under it. 109645

(B) Sanctions shall not be imposed under division (A)(27) of 109646  
this section against any individual who waives deductibles and 109647  
copayments as follows: 109648

(1) In compliance with the health benefit plan that expressly 109649

allows such a practice. Waiver of the deductibles or copayments 109650  
shall be made only with the full knowledge and consent of the plan 109651  
purchaser, payer, and third-party administrator. Documentation of 109652  
the consent shall be made available to the ~~physical therapy~~ 109653  
~~section board~~ upon request. 109654

(2) For professional services rendered to any other person 109655  
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 109656  
Code to the extent allowed by those sections and the rules of the 109657  
~~physical therapy section board~~. 109658

(C) When a license is revoked under this section, application 109659  
for reinstatement may not be made sooner than one year after the 109660  
date of revocation. The ~~physical therapy section board~~ may accept 109661  
or refuse an application for reinstatement and may require that 109662  
the applicant pass an examination as a condition for 109663  
reinstatement. 109664

When a license holder is placed on probation under this 109665  
section, the physical therapy section's order for placement on 109666  
probation shall be accompanied by a statement of the conditions 109667  
under which the individual may be removed from probation and 109668  
restored to unrestricted practice. 109669

(D) When an application for an initial or renewed license is 109670  
refused under this section, the ~~physical therapy section board~~ 109671  
shall notify the applicant in writing of the ~~section's board's~~ 109672  
decision to refuse issuance of a license and the reason for its 109673  
decision. 109674

(E) On receipt of a complaint that a person licensed by the 109675  
~~physical therapy section board~~ has committed any of the actions 109676  
listed in division (A) of this section, the ~~physical therapy~~ 109677  
~~section board~~ may immediately suspend the license of the physical 109678  
therapist or physical therapist assistant prior to holding a 109679  
hearing in accordance with Chapter 119. of the Revised Code if it 109680

determines, based on the complaint, that the person poses an 109681  
immediate threat to the public. The ~~physical therapy section board~~ 109682  
may review the allegations and vote on the suspension by telephone 109683  
conference call. If the ~~physical therapy section board~~ votes to 109684  
suspend a license under this division, the ~~physical therapy~~ 109685  
~~section board~~ shall issue a written order of summary suspension to 109686  
the person in accordance with section 119.07 of the Revised Code. 109687  
If the person fails to make a timely request for an adjudication 109688  
under Chapter 119. of the Revised Code, the ~~physical therapy~~ 109689  
~~section board~~ shall enter a final order permanently revoking the 109690  
person's license. Notwithstanding section 119.12 of the Revised 109691  
Code, a court of common pleas shall not grant a suspension of the 109692  
~~physical therapy section's board's~~ order of summary suspension 109693  
pending the determination of an appeal filed under that section. 109694  
Any order of summary suspension issued under this division shall 109695  
remain in effect, unless reversed on appeal, until a final 109696  
adjudication order issued by the ~~physical therapy section board~~ 109697  
pursuant to division (A) of this section becomes effective. The 109698  
~~physical therapy section board~~ shall issue its final adjudication 109699  
order regarding an order of summary suspension issued under this 109700  
division not later than ninety days after completion of its 109701  
hearing. Failure to issue the order within ninety days shall 109702  
result in immediate dissolution of the suspension order, but shall 109703  
not invalidate any subsequent, final adjudication order. 109704

**Sec. 4755.471.** (A) An individual whom the ~~physical therapy~~ 109705  
~~section of the Ohio occupational therapy, physical therapy, and~~ 109706  
~~athletic trainers~~ state physical health services board licenses, 109707  
certificates, or otherwise legally authorizes to engage in the 109708  
practice of physical therapy may render the professional services 109709  
of a physical therapist within this state through a corporation 109710  
formed under division (B) of section 1701.03 of the Revised Code, 109711  
a limited liability company formed under Chapter 1705. of the 109712



Revised Code, a partnership, or a professional association formed 109713  
under Chapter 1785. of the Revised Code. This division does not 109714  
preclude an individual of that nature from rendering professional 109715  
services as a physical therapist through another form of business 109716  
entity, including, but not limited to, a nonprofit corporation or 109717  
foundation, or in another manner that is authorized by or in 109718  
accordance with sections 4755.40 to 4755.53 of the Revised Code, 109719  
another chapter of the Revised Code, or rules of the Ohio 109720  
~~occupational therapy, physical therapy, and athletic trainers~~ 109721  
state physical health services board adopted pursuant to sections 109722  
4755.40 to 4755.53 of the Revised Code. 109723

(B) A corporation, limited liability company, partnership, or 109724  
professional association described in division (A) of this section 109725  
may be formed for the purpose of providing a combination of the 109726  
professional services of the following individuals who are 109727  
licensed, certificated, or otherwise legally authorized to 109728  
practice their respective professions: 109729

(1) Optometrists who are authorized to practice optometry 109730  
under Chapter 4725. of the Revised Code; 109731

(2) Chiropractors who are authorized to practice chiropractic 109732  
or acupuncture under Chapter 4734. of the Revised Code; 109733

(3) Psychologists who are authorized to practice psychology 109734  
under Chapter 4732. of the Revised Code; 109735

(4) Registered or licensed practical nurses who are 109736  
authorized to practice nursing as registered nurses or as licensed 109737  
practical nurses under Chapter 4723. of the Revised Code; 109738

(5) Pharmacists who are authorized to practice pharmacy under 109739  
Chapter 4729. of the Revised Code; 109740

(6) Physical therapists who are authorized to practice 109741  
physical therapy under sections 4755.40 to 4755.56 of the Revised 109742  
Code; 109743

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;

(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;

(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;

(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.

This division shall apply notwithstanding a provision of a code of ethics applicable to a physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of physical therapy.

**Sec. 4755.482.** (A) Except as otherwise provided in divisions (B) and (C) of this section, a person shall not teach a physical therapy theory and procedures course in physical therapy education without obtaining a license as a physical therapist from the ~~physical therapy section of the Ohio occupational therapy,~~

~~physical therapy, and athletic trainers~~ state physical health 109775  
services board. 109776

(B) A person who is registered or licensed as a physical 109777  
therapist under the laws of another state shall not teach a 109778  
physical therapy theory and procedures course in physical therapy 109779  
education for more than one year without obtaining a license as a 109780  
physical therapist from the ~~physical therapy section~~ board. 109781

(C) A person who is registered or licensed as a physical 109782  
therapist under the laws of a foreign country and is not 109783  
registered or licensed as a physical therapist in any state who 109784  
wishes to teach a physical therapy theory and procedures course in 109785  
physical therapy education in this state, or an institution that 109786  
wishes the person to teach such a course at the institution, may 109787  
apply to the ~~physical therapy section~~ board to request 109788  
authorization for the person to teach such a course for a period 109789  
of not more than one year. Any member of the ~~physical therapy~~ 109790  
~~section~~ board may approve the person's or institution's 109791  
application. No person described in this division shall teach such 109792  
a course for longer than one year without obtaining a license from 109793  
the ~~physical therapy section~~ board. 109794

(D) The ~~physical therapy section~~ board may investigate any 109795  
person who allegedly has violated this section. The ~~physical~~ 109796  
~~therapy section~~ board has the same powers to investigate an 109797  
alleged violation of this section as those powers specified in 109798  
section 4755.02 of the Revised Code. If, after investigation, the 109799  
~~physical therapy section~~ board determines that reasonable evidence 109800  
exists that a person has violated this section, within seven days 109801  
after that determination, the ~~physical therapy section~~ board shall 109802  
send a written notice to that person in the same manner as 109803  
prescribed in section 119.07 of the Revised Code for licensees, 109804  
except that the notice shall specify that a hearing will be held 109805

and specify the date, time, and place of the hearing. 109806

The ~~physical therapy section~~ board shall hold a hearing 109807  
regarding the alleged violation in the same manner prescribed for 109808  
an adjudication hearing under section 119.09 of the Revised Code. 109809  
If the ~~physical therapy section~~ board, after the hearing, 109810  
determines a violation has occurred, the ~~physical therapy section~~ 109811  
board may discipline the person in the same manner as the ~~physical~~ 109812  
~~therapy section~~ board disciplines licensees under section 4755.47 109813  
of the Revised Code. The ~~physical therapy section's~~ board's 109814  
determination is an order that the person may appeal in accordance 109815  
with section 119.12 of the Revised Code. 109816

If a person who allegedly committed a violation of this 109817  
section fails to appear for a hearing, the ~~physical therapy~~ 109818  
~~section~~ board may request the court of common pleas of the county 109819  
where the alleged violation occurred to compel the person to 109820  
appear before the ~~physical therapy section~~ board for a hearing. If 109821  
the ~~physical therapy section~~ board assesses a person a civil 109822  
penalty for a violation of this section and the person fails to 109823  
pay that civil penalty within the time period prescribed by the 109824  
~~physical therapy section~~ board, the ~~physical therapy section~~ board 109825  
shall forward to the attorney general the name of the person and 109826  
the amount of the civil penalty for the purpose of collecting that 109827  
civil penalty. In addition to the civil penalty assessed pursuant 109828  
to this section, the person also shall pay any fee assessed by the 109829  
attorney general for collection of the civil penalty. 109830

**Sec. 4755.51.** Except in the case of a first license renewal, 109831  
a physical therapist is eligible for renewal of the physical 109832  
therapist's license only if the physical therapist has completed 109833  
twenty-four units of continuing education in one or more courses, 109834  
activities, or programs approved by the ~~physical therapy section~~ 109835  
of the ~~Ohio occupational therapy, physical therapy, and athletic~~ 109836

~~trainers~~ state physical health services board. 109837

On request of the ~~physical therapy section~~ board, an 109838  
applicant for license renewal shall submit evidence satisfactory 109839  
to the ~~section~~ board of completion of the required continuing 109840  
physical therapy education. 109841

**Sec. 4755.511.** Except in the case of a first license renewal, 109842  
a physical therapist assistant is eligible for renewal of the 109843  
physical therapist assistant's license only if the physical 109844  
therapist assistant has completed twelve units of continuing 109845  
education in one or more courses, activities, or programs approved 109846  
by the ~~physical therapy section of the Ohio occupational therapy,~~ 109847  
~~physical therapy, and athletic trainers~~ state physical health 109848  
services board. 109849

On request of the ~~physical therapy section~~ board, an 109850  
applicant for license renewal shall submit evidence satisfactory 109851  
to the ~~section~~ board of completion of the required continuing 109852  
physical therapist assistant education. 109853

**Sec. 4755.52.** (A) In accordance with Chapter 119. of the 109854  
Revised Code, the ~~physical therapy section of the Ohio~~ 109855  
~~occupational therapy, physical therapy, and athletic trainers~~ 109856  
state physical health services board shall adopt rules specifying 109857  
standards, in addition to the standards specified by division (B) 109858  
of this section, for approval of continuing education courses, 109859  
programs, and activities for physical therapists and physical 109860  
therapist assistants. 109861

(B) To be eligible for approval by the ~~physical therapy~~ 109862  
~~section~~ board, a continuing education course, program, or activity 109863  
shall meet all of the following requirements: 109864

(1) Include significant intellectual or practical content, 109865  
the primary objective of which is to improve the professional 109866

competence of the participant; 109867

(2) Be an organized program of learning dealing with matters 109868  
directly related to the practice of physical therapy, professional 109869  
responsibility, ethical obligations, or similar subjects that the 109870  
~~section board~~ determines maintain and improve the quality of 109871  
physical therapy services in this state; 109872

(3) Consist of in-person instruction or other methods of 109873  
instruction, including the use of self-study materials prepared 109874  
and conducted by an individual or a group qualified by practical 109875  
or academic experience as determined by the ~~section board~~; 109876

(4) Be presented in a setting physically suited to the 109877  
educational activity of the course, program, or activity; 109878

(5) Include thorough, high-quality written material; 109879

(6) Meet any other standards established by rule of the 109880  
~~section board~~ adopted under division (A) of this section. 109881

(C) The ~~physical therapy section board~~ shall review physical 109882  
therapy continuing education programs, courses, and activities and 109883  
grant approval to those that meet the standards established under 109884  
divisions (A) and (B) of this section. If the ~~section board~~ denies 109885  
approval of a course, program, or activity, it shall give a 109886  
written explanation of the reason for denial to the person 109887  
requesting approval. 109888

The ~~physical therapy section board~~ may approve continuing 109889  
education courses, programs, and activities that have been 109890  
approved by an agency in another state that governs the licensure 109891  
of physical therapists and physical therapist assistants if the 109892  
~~section board~~ determines that the standards for continuing 109893  
education courses established by the agency are comparable to 109894  
those established pursuant to this section. 109895

The ~~physical therapy section~~ may contract with the Ohio 109896

~~chapter of the American physical therapy association for~~ 109897  
~~assistance in performance of the section's duties under this~~ 109898  
~~section.~~ 109899

**Sec. 4755.53.** (A) Subject to division (B) of this section, 109900  
the ~~physical therapy section of the Ohio occupational therapy,~~ 109901  
~~physical therapy, and athletic trainers~~ state physical health 109902  
services board shall grant continuing education units to a 109903  
licensed physical therapist or physical therapist assistant as 109904  
follows: 109905

(1) For completing an approved continuing education course, 109906  
program, or activity, one unit for each hour of instruction 109907  
received; 109908

(2) For teaching as a faculty member of an institution of 109909  
higher education a course that is part of the curriculum of the 109910  
institution, one-half unit for each semester hour of the course, 109911  
or an equivalent portion of a unit, as determined by the ~~section~~ 109912  
board, for each quarter or trimester hour of the course; 109913

(3) For teaching an approved course that is part of the 109914  
curriculum of an institution of higher education other than as a 109915  
faculty member, one unit for each hour of teaching the course; 109916

(4) For teaching an approved course, program, or activity, 109917  
other than a course that is part of the curriculum of an 109918  
institution of higher education, three units for each hour of 109919  
teaching the course, program, or activity the first time and 109920  
one-half unit for each hour of teaching the course, program, or 109921  
activity any time after the first time; 109922

(5) For authoring a published article or book, up to ten 109923  
units as determined by the ~~physical therapy section~~ board. 109924

(B) The ~~physical therapy section~~ board shall grant no more 109925  
than twelve units of continuing education for teaching during a 109926

biennial renewal period. 109927

~~(C) The physical therapy section may contract with the Ohio chapter of the American physical therapy association for assistance in performance of the section's duties under this section.~~ 109928  
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**Sec. 4755.61.** (A) ~~The athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall:~~ 109932  
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(1) Adopt rules, not inconsistent with this chapter, for the licensure of athletic trainers, including rules that specify the application form and educational course work and clinical experience requirements for licensure and rules that prescribe requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 109935  
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(2) Establish and deposit fees in accordance with division (B) of this section and section 4755.03 of the Revised Code; 109941  
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(3) ~~Conduct hearings, keep records of its proceedings,~~ and do all things necessary and proper to administer and enforce sections 4755.60 to 4755.65 of the Revised Code; 109943  
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(4) Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, the requirements for the issuance of an athletic trainers license under this chapter and the rules adopted under it; 109946  
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(5) ~~Maintain a register of every person licensed to practice athletic training in this state, including the addresses of the licensee's last known place of business and residence, and the effective date and identification number of the person's license. The section shall make this list available to any person upon request and payment of a fee not to exceed the actual cost of printing and mailing.~~ 109950  
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~~(6)~~ Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, a list of persons who passed the examination required under section 4755.62 of the Revised Code;

~~(7)~~(6) Investigate complaints concerning alleged violations of section 4755.62 of the Revised Code or other grounds for the suspension, revocation, or refusal to issue a license under section 3123.47 or 4755.64 of the Revised Code. In connection with its investigations, the ~~athletic trainers section~~ board may subpoena witnesses, issue subpoenas, examine witnesses, administer oaths, and, under the direction of the executive director of the board, investigate complaints and make inspections and other inquiries as in the judgment of the section are appropriate to enforce sections 3123.41 to 3123.50 and this chapter of the Revised Code. The ~~section~~ board may review and audit the records of any licensee during normal business hours at the licensee's place of business or at any other place where the licensee's records are kept. Notwithstanding section 149.43 of the Revised Code, the ~~athletic trainers section~~ board and its employees, except pursuant to a court order, shall maintain in confidence all information obtained.

~~(8)~~(7) Adopt rules governing the nature and scope of the examination required under section 4755.62 of the Revised Code and the reexamination required under section 4755.63 of the Revised Code and the minimum examination score for licensure or renewal thereof. The rules for the examination required under section 4755.62 of the Revised Code shall ensure the testing of the applicant's knowledge of the basic and clinical sciences relating to athletic training theory and practice, including professional skills and judgment in the utilization of athletic training techniques and such other subjects as the ~~athletic trainers section~~ board considers useful in determining competency to

practice athletic training. 109989

~~(9)~~(8) Conduct the examination required under section 4755.62 109990  
of the Revised Code at least twice a year at a time and place and 109991  
under such supervision as the ~~athletic trainers section~~ board 109992  
determines; 109993

~~(10)~~(9) Adopt rules to determine which states' standards for 109994  
licensure are equal to or greater than this state's for the 109995  
purpose of waiving requirements under division (D) of section 109996  
4755.62 of the Revised Code; 109997

~~(11)~~(10) Adopt rules to determine which examinations meet the 109998  
requirements of division (E) of section 4755.62 of the Revised 109999  
Code; 110000

~~(12) Adopt rules establishing the standards of ethical 110001  
conduct for licensed athletic trainers under this chapter;~~ 110002

~~(13)~~(11) Adopt rules specifying the scope and nature of the 110003  
continuing education courses that are acceptable to the ~~athletic 110004  
trainers section~~ board and the number of courses that must be 110005  
completed to comply with the requirement for renewal of a license 110006  
under section 4755.63 of the Revised Code. ~~i~~ 110007

~~(14)~~(12) Adopt rules establishing the schedule when licenses 110008  
to practice as an athletic trainer expire during a biennium for 110009  
purposes of section 4755.63 of the Revised Code. 110010

(B) The fees adopted by the ~~athletic trainers section~~ board 110011  
pursuant to division (A)(2) of this section shall be established 110012  
and adjusted as required to provide sufficient revenues to meet 110013  
the expenses of the section in administering sections 4755.60 to 110014  
4755.66 of the Revised Code. The fees shall include the following: 110015

(1) A nonrefundable examination fee, not to exceed the amount 110016  
necessary to cover the expense of administering the examination; 110017

(2) An initial license fee; 110018

(3) A biennial license renewal fee; 110019

(4) A late renewal penalty, not to exceed fifty per cent of 110020  
the renewal fee. 110021

The ~~athletic trainers section~~ board may, by rule, provide for 110022  
the waiver of all or part of a license fee if the license is 110023  
issued less than one hundred days before its expiration date. 110024

(C) All rules under sections 4755.60 to 4755.65 of the 110025  
Revised Code shall be adopted by the ~~athletic trainers section~~ 110026  
board in accordance with Chapter 119. of the Revised Code. 110027

**Sec. 4755.62.** (A) No person shall claim to the public to be 110028  
an athletic trainer or imply by words, actions, or letters that 110029  
the person is an athletic trainer, or otherwise engage in the 110030  
practice of athletic training, unless the person is licensed as an 110031  
athletic trainer pursuant to this chapter. 110032

(B) Except as otherwise provided in division (B) of section 110033  
4755.65 of the Revised Code, no educational institution, 110034  
partnership, association, or corporation shall advertise or 110035  
otherwise offer to provide or convey the impression that it is 110036  
providing athletic training unless an individual licensed as an 110037  
athletic trainer pursuant to this chapter is employed by, or under 110038  
contract to, the educational institution, partnership, 110039  
association, or corporation and will be performing the athletic 110040  
training services to which reference is made. 110041

(C) To qualify for an athletic trainers license, a person 110042  
shall: 110043

(1) Have satisfactorily completed an application for 110044  
licensure in accordance with rules adopted by the ~~athletic~~ 110045  
~~trainers section of the Ohio occupational therapy, physical~~ 110046  
~~therapy, and athletic trainers~~ state physical health services 110047  
board under section 4755.61 of the Revised Code; 110048

(2) Have paid the examination fee required under this section; 110049  
110050

(3) Be of good moral character; 110051

(4) Have shown, to the satisfaction of the ~~athletic trainers~~ section board, that the applicant has received a baccalaureate or higher degree from an institution of higher education, approved by the ~~athletic trainers section board~~ of the board and the federal regional accreditation agency and recognized by the council on postsecondary accreditation, and has satisfactorily completed the educational course work requirements established by rule of the ~~athletic trainers section board~~ under section 4755.61 of the Revised Code. 110052  
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(5) In addition to educational course work requirements, have obtained supervised clinical experience that meets the requirements established in rules adopted by the ~~athletic trainers section board~~ under section 4755.61 of the Revised Code; 110061  
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(6) Have passed an examination adopted by the ~~athletic trainers section board~~ under division (A)~~(8)~~(7) of section 4755.61 of the Revised Code. Each applicant for licensure shall pay, at the time of application, the nonrefundable examination fee set by the ~~athletic trainers section board~~. 110065  
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(D) The ~~section board~~ may waive the requirements of division (C) of this section for any applicant who presents proof of current licensure in another state whose standards for licensure, as determined by the ~~section board~~, are equal to or greater than those in effect in this state on the date of application. 110070  
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(E) The ~~section board~~ shall issue a license to every applicant who complies with the requirements of division (C) of this section, files the required application form, and pays the fees required by section 4755.61 of the Revised Code. A license issued under this section entitles the holder to engage in the 110075  
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practice of athletic training, claim to the public to be an 110080  
athletic trainer, or to imply by words or letters that the 110081  
licensee is an athletic trainer. Each licensee shall display the 110082  
licensee's license in a conspicuous place at the licensee's 110083  
principal place of employment. 110084

**Sec. 4755.63.** Each license issued under section 4755.62 of 110085  
the Revised Code expires biennially in accordance with the 110086  
schedule established in rules adopted by the ~~athletic trainers~~ 110087  
~~section of the Ohio occupational therapy, physical therapy, and~~ 110088  
~~athletic trainers~~ state physical health services board under 110089  
section 4755.61 of the Revised Code, but each person holding a 110090  
valid, unexpired license may apply to the ~~athletic trainers~~ 110091  
~~section~~ board, on forms approved by the ~~section~~ board, for license 110092  
renewal. The ~~section~~ board shall renew a license upon the payment 110093  
of the license renewal fee prescribed by section 4755.61 of the 110094  
Revised Code, submission of the renewal application, and 110095  
submission to the ~~section~~ board of proof of satisfactory 110096  
completion of the required number of continuing education courses, 110097  
as specified in rules adopted by the ~~section~~ board under section 110098  
4755.61 of the Revised Code. 110099

**Sec. 4755.64.** (A) In accordance with Chapter 119. of the 110100  
Revised Code, the ~~athletic trainers section of the Ohio~~ 110101  
~~occupational therapy, physical therapy, and athletic trainers~~ 110102  
state physical health services board may suspend, revoke, or 110103  
refuse to issue or renew an athletic trainers license, or 110104  
reprimand, fine, or place a licensee on probation, for any of the 110105  
following: 110106

(1) Conviction of a felony or offense involving moral 110107  
turpitude, regardless of the state or country in which the 110108  
conviction occurred; 110109

|                                                                                                                                                                                                                                                                                                                                                                                             |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;                                                                                                                                                                                                                                                                            | 110110<br>110111                                         |
| (3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;                                                                                                                                                                                                                                                                                | 110112<br>110113                                         |
| (4) Negligence or gross misconduct in the practice of athletic training;                                                                                                                                                                                                                                                                                                                    | 110114<br>110115                                         |
| (5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section <del>4755.61</del> <u>4744.50</u> of the Revised Code;                                                                                                                                                                                        | 110116<br>110117<br>110118                               |
| (6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;                                                                                                                                                                                                                                            | 110119<br>110120<br>110121                               |
| (7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter; | 110122<br>110123<br>110124<br>110125<br>110126<br>110127 |
| (8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;                                                                                                                                                                                                   | 110128<br>110129<br>110130                               |
| (9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;                                                                                                                                                                                      | 110131<br>110132<br>110133<br>110134                     |
| (10) Failing the licensing examination;                                                                                                                                                                                                                                                                                                                                                     | 110135                                                   |
| (11) Aiding or abetting the unlicensed practice of athletic training;                                                                                                                                                                                                                                                                                                                       | 110136<br>110137                                         |
| (12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic                                                                                                                                                                                                                                                                   | 110138<br>110139                                         |

training, for any reason other than a failure to renew, in Ohio or 110140  
another state or jurisdiction. 110141

(B) If the ~~athletic trainers section~~ board places a licensee 110142  
on probation under division (A) of this section, the ~~section's~~ 110143  
board's order for placement on probation shall be accompanied by a 110144  
written statement of the conditions under which the person may be 110145  
removed from probation and restored to unrestricted practice. 110146

(C) A licensee whose license has been revoked under division 110147  
(A) of this section may apply to the ~~athletic trainers section~~ 110148  
board for reinstatement of the license one year following the date 110149  
of revocation. The ~~athletic trainers section~~ board may accept or 110150  
deny the application for reinstatement and may require that the 110151  
applicant pass an examination as a condition for reinstatement. 110152

(D) On receipt of a complaint that a person licensed by the 110153  
~~athletic trainers section~~ board has committed any of the 110154  
prohibited actions listed in division (A) of this section, the 110155  
~~section~~ board may immediately suspend the license of a licensed 110156  
athletic trainer prior to holding a hearing in accordance with 110157  
Chapter 119. of the Revised Code if it determines, based on the 110158  
complaint, that the licensee poses an immediate threat to the 110159  
public. The ~~section~~ board may review the allegations and vote on 110160  
the suspension by telephone conference call. If the ~~section~~ board 110161  
votes to suspend a license under this division, the ~~section~~ board 110162  
shall issue a written order of summary suspension to the licensed 110163  
athletic trainer in accordance with section 119.07 of the Revised 110164  
Code. If the individual whose license is suspended fails to make a 110165  
timely request for an adjudication under Chapter 119. of the 110166  
Revised Code, the ~~section~~ board shall enter a final order 110167  
permanently revoking the individual's license. Notwithstanding 110168  
section 119.12 of the Revised Code, a court of common pleas shall 110169  
not grant a suspension of the ~~section's~~ board's order of summary 110170  
suspension pending the determination of an appeal filed under that 110171

section. Any order of summary suspension issued under this 110172  
division shall remain in effect, unless reversed on appeal, until 110173  
a final adjudication order issued by the ~~section~~ board pursuant to 110174  
division (A) of this section becomes effective. The ~~section~~ board 110175  
shall issue its final adjudication order regarding an order of 110176  
summary suspension issued under this division not later than 110177  
ninety days after completion of its hearing. Failure to issue the 110178  
order within ninety days shall result in immediate dissolution of 110179  
the suspension order, but shall not invalidate any subsequent, 110180  
final adjudication order. 110181

**Sec. 4755.65.** (A) Nothing in sections 4755.61 to 4755.64 of 110182  
the Revised Code shall be construed to prevent or restrict the 110183  
practice, services, or activities of any person who: 110184

(1) Is an individual authorized under Chapter 4731. of the 110185  
Revised Code to practice medicine and surgery, osteopathic 110186  
medicine and surgery, or podiatry, a dentist licensed under 110187  
Chapter 4715. of the Revised Code, a chiropractor licensed under 110188  
Chapter 4734. of the Revised Code, a dietitian licensed under 110189  
Chapter 4759. of the Revised Code, a physical therapist licensed 110190  
under this chapter, or a qualified member of any other occupation 110191  
or profession practicing within the scope of the person's license 110192  
or profession and who does not claim to the public to be an 110193  
athletic trainer; 110194

(2) Is employed as an athletic trainer by an agency of the 110195  
United States government and provides athletic training solely 110196  
under the direction or control of the agency by which the person 110197  
is employed; 110198

(3) Is a student in an athletic training education program 110199  
approved by the ~~athletic trainers section~~ state physical health 110200  
services board leading to a baccalaureate or higher degree from an 110201  
accredited college or university and is performing duties that are 110202



a part of a supervised course of study; 110203

(4) Is not an individual licensed as an athletic trainer in 110204  
this state who practices or offers to practice athletic training 110205  
while traveling with a visiting team or organization from outside 110206  
the state or an event approved by the ~~section~~ board for the 110207  
purpose of providing athletic training to the visiting team, 110208  
organization, or event; 110209

(5) Provides athletic training only to relatives or in 110210  
medical emergencies; 110211

(6) Provides gratuitous care to friends or members of the 110212  
person's family; 110213

(7) Provides only self-care. 110214

(B) Nothing in this chapter shall be construed to prevent any 110215  
person licensed under Chapter 4723. of the Revised Code and whose 110216  
license is in good standing, any person authorized under Chapter 110217  
4731. of the Revised Code to practice medicine and surgery or 110218  
osteopathic medicine and surgery and whose certificate to practice 110219  
is in good standing, any person authorized under Chapter 4731. of 110220  
the Revised Code to practice podiatry and whose certificate to 110221  
practice is in good standing, any person licensed under Chapter 110222  
4734. of the Revised Code to practice chiropractic and whose 110223  
license is in good standing, any person licensed as a dietitian 110224  
under Chapter 4759. of the Revised Code to practice dietetics and 110225  
whose license is in good standing, any person licensed as a 110226  
physical therapist under this chapter to practice physical therapy 110227  
and whose license is in good standing, or any association, 110228  
corporation, or partnership from advertising, describing, or 110229  
offering to provide athletic training, or billing for athletic 110230  
training if the athletic training services are provided by a 110231  
person licensed under this chapter and practicing within the scope 110232  
of the person's license, by a person licensed under Chapter 4723. 110233

of the Revised Code and practicing within the scope of the 110234  
person's license, by a person authorized under Chapter 4731. of 110235  
the Revised Code to practice podiatry, by a person authorized 110236  
under Chapter 4731. of the Revised Code to practice medicine and 110237  
surgery or osteopathic medicine and surgery, by a person licensed 110238  
under Chapter 4734. of the Revised Code to practice chiropractic, 110239  
or by a person licensed under Chapter 4759. of the Revised Code to 110240  
practice dietetics. 110241

(C) Nothing in this chapter shall be construed as authorizing 110242  
a licensed athletic trainer to practice medicine and surgery, 110243  
osteopathic medicine and surgery, podiatry, or chiropractic. 110244

**Sec. 4755.66.** On receipt of a notice pursuant to section 110245  
3123.43 of the Revised Code, the ~~appropriate section of the Ohio~~ 110246  
~~occupational therapy, physical therapy, and athletic trainers~~ 110247  
state physical health services board shall comply with sections 110248  
3123.41 to 3123.50 of the Revised Code and any applicable rules 110249  
adopted under section 3123.63 of the Revised Code with respect to 110250  
a license issued pursuant to this chapter. 110251

**Sec. 4755.70.** (A) As used in this section, "license" and 110252  
"applicant for an initial license" have the same meanings as in 110253  
section 4776.01 of the Revised Code, except that "license" as used 110254  
in both of those terms refers to the types of authorizations 110255  
otherwise issued or conferred under this chapter. 110256

(B) In addition to any other eligibility requirement set 110257  
forth in this chapter, each applicant for an initial license shall 110258  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 110259  
~~occupational therapy section, the physical therapy section, and~~ 110260  
~~the athletic trainers section of the Ohio occupational therapy,~~ 110261  
~~physical therapy, and athletic trainers~~ state physical health 110262  
services board shall not grant a license to an applicant for an 110263

initial license unless the applicant complies with sections 110264  
4776.01 to 4776.04 of the Revised Code and the board, in its 110265  
discretion, decides that the results of the criminal records check 110266  
do not make the applicant ineligible for a license issued pursuant 110267  
to section 4755.07, 4755.09, 4755.44, 4755.441, 4755.45, 4755.451, 110268  
or 4755.62 of the Revised Code. 110269

**Sec. 4755.71.** ~~The Ohio occupational therapy, physical~~ 110270  
~~therapy, and athletic trainers~~ state physical health services 110271  
board shall comply with section 4776.20 of the Revised Code. 110272

**Sec. 4755.99.** (A) Whoever violates ~~sections~~ section 4755.05 110273  
or 4755.62 or ~~divisions~~ division (A), (B), (C), (D), or (H) of 110274  
section 4755.48 of the Revised Code is guilty of a minor 110275  
misdemeanor. If the offender has previously been convicted of an 110276  
offense under that section, the offender is guilty of a 110277  
misdemeanor of the third degree on a first offense and a 110278  
misdemeanor of the first degree on each subsequent offense. 110279

(B)(1) One-half of all fines collected for violation of 110280  
~~section~~ sections 4755.05, 4755.48, and 4755.62 of the Revised Code 110281  
shall be distributed to the ~~occupational therapy section of the~~ 110282  
~~Ohio occupational therapy, physical therapy, and athletic trainers~~ 110283  
state physical health services board and then paid into the state 110284  
treasury to the credit of the occupational licensing and 110285  
regulatory fund created in section 4743.05 of the Revised Code, 110286  
and one-half to the treasury of the municipal corporation in which 110287  
the offense was committed, or if the offense was committed outside 110288  
the limits of a municipal corporation, to the treasury of the 110289  
county. 110290

~~(2) One half of all fines collected for violation of section~~ 110291  
~~4755.48 of the Revised Code shall be distributed to the physical~~ 110292  
~~therapy section of the Ohio occupational therapy, physical~~ 110293

~~therapy, and athletic trainers board and then paid into the state 110294  
treasury to the credit of the occupational licensing and 110295  
regulatory fund, and one half to the treasury of the municipal 110296  
corporation in which the offense was committed, or if the offense 110297  
was committed outside the limits of a municipal corporation, to 110298  
the treasury of the county. 110299~~

~~(3) One half of all fines collected for violation of section 110300  
4755.62 of the Revised Code shall be distributed to the athletic 110301  
trainers section of the Ohio occupational therapy, physical 110302  
therapy, and athletic trainers board and then paid into the state 110303  
treasury to the credit of the occupational licensing and 110304  
regulatory fund, and one half to the treasury of the municipal 110305  
corporation in which the offense was committed, or if the offense 110306  
was committed outside the limits of a municipal corporation, to 110307  
the treasury of the county. 110308~~

Sec. 4759.011. Whenever the term "Ohio board of dietetics" is 110309  
used in any statute, rule, contract, or other document, the use 110310  
shall be construed to mean the "state medical board," with respect 110311  
to implementing Chapter 4759. of the Revised Code. 110312

Whenever the executive secretary of the Ohio board of 110313  
dietetics is used in any statute, rule, contract, or other 110314  
document, the use shall be construed to mean the executive 110315  
director of the state medical board, with respect to implementing 110316  
Chapter 4759. of the Revised Code. 110317

**Sec. 4759.02.** (A) Except as otherwise provided in this 110318  
section or in section 4759.10 of the Revised Code, no person shall 110319  
practice, offer to practice, or hold ~~himself~~ self forth to 110320  
practice dietetics unless ~~he~~ the person has been licensed under 110321  
section 4759.06 of the Revised Code. 110322

(B) Except for a licensed dietitian holding an inactive 110323

license who does not practice or offer to practice dietetics, or a 110324  
person licensed under section 4759.06 of the Revised Code, or as 110325  
otherwise provided in this section or in section 4759.10 of the 110326  
Revised Code: 110327

(1) No person shall use the title "dietitian"; and 110328

(2) No person except for a person licensed under Chapters 110329  
4701. to 4755. of the Revised Code, when acting within the scope 110330  
of their practice, shall use any other title, designation, words, 110331  
letters, abbreviation, or insignia or combination of any title, 110332  
designation, words, letters, abbreviation, or insignia tending to 110333  
indicate that the person is practicing dietetics. 110334

(C) Notwithstanding division (B) of this section, a person 110335  
who is a dietitian registered by the commission on dietetic 110336  
registration and who does not violate division (A) of this section 110337  
may use the designation "registered dietitian" and the 110338  
abbreviation "R.D." 110339

(D) Division (A) of this section does not apply to: 110340

(1) A student enrolled in an academic program that is in 110341  
compliance with division (A)(5) of section 4759.06 of the Revised 110342  
Code who is engaging in the practice of dietetics under the 110343  
supervision of a dietitian licensed under section 4759.06 of the 110344  
Revised Code or a dietitian registered by the commission on 110345  
dietetic registration, as part of the academic program; 110346

(2) A person participating in the pre-professional experience 110347  
required by division (A)(6) of section 4759.06 of the Revised 110348  
Code; 110349

(3) A person holding a limited permit under division (F) of 110350  
section 4759.06 of the Revised Code. 110351

(E) Divisions (A) and (B) of this section do not apply to a 110352  
person who performs no more than fifteen days of dietetic practice 110353

in the state and who meets at least one of the following 110354  
requirements: 110355

(1) The ~~Ohio state medical~~ board of ~~dietetics~~ determines that 110356  
~~he~~ the person is licensed in another state with licensure 110357  
requirements equivalent to or more stringent than those set forth 110358  
in this chapter; 110359

(2) ~~He~~ The person is a dietitian registered by the commission 110360  
on dietetic registration and resides in another state that either 110361  
has no dietitian licensure requirements or has licensure 110362  
requirements less stringent than those set forth in this chapter. 110363

**Sec. 4759.05.** The ~~Ohio state medical~~ board of ~~dietetics~~ 110364  
shall: 110365

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. 110366  
of the Revised Code to carry out the provisions of this chapter, 110367  
including rules governing the following: 110368

(1) Selection and approval of a dietitian licensure 110369  
examination offered by the commission on dietetic registration or 110370  
any other examination; 110371

(2) The examination of applicants for licensure as a 110372  
dietitian, to be held at least twice annually, as required under 110373  
division (A) of section 4759.06 of the Revised Code; 110374

(3) Requirements for pre-professional dietetic experience of 110375  
applicants for licensure as a dietitian that are at least 110376  
equivalent to the requirements adopted by the commission on 110377  
dietetic registration; 110378

(4) Requirements for a person holding a limited permit under 110379  
division (F) of section 4759.06 of the Revised Code, including the 110380  
duration of validity of a limited permit; 110381

(5) Requirements for a licensed dietitian who places a 110382  
license in inactive status under division (G) of section 4759.06 110383

of the Revised Code, including a procedure for changing inactive status to active status; 110384  
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(6) Continuing education requirements for renewal of a license, except that the board may adopt rules to waive the requirements for a person who is unable to meet the requirements due to illness or other reasons. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration. 110386  
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(7) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure; 110392  
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(8) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics; 110395  
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(9) Formulation of ~~a written~~ an application form for licensure or license renewal that includes the statement that any applicant who knowingly makes a false statement on the application is guilty of a misdemeanor of the first degree under section 2921.13 of the Revised Code; 110399  
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(10) Procedures for license renewal; 110404

(11) Establishing a time period after the notification of a violation of section 4759.02 of the Revised Code, by which the person notified must request a hearing by the board under section 4759.09 of the Revised Code; 110405  
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(12) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code. 110409  
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(B) Investigate alleged violations of sections 4759.02 to 4759.10 of the Revised Code. In making its investigations, the board may issue subpoenas, examine witnesses, and administer 110411  
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110413

oaths. 110414

(C) ~~Adopt a seal;~~ 110415

~~(D)~~ Conduct meetings and keep records as are necessary to 110416  
carry out the provisions of this chapter; 110417

~~(E)~~(D) Publish, and make available to the public, upon 110418  
request and for a fee not to exceed the actual cost of printing 110419  
and mailing, the board's rules and requirements for licensure 110420  
adopted under division (A) of this section ~~and a record of all~~ 110421  
~~persons licensed under section 4759.06 of the Revised Code.~~ 110422

**Sec. 4759.051.** (A) The state medical board shall appoint a 110423  
dietetics advisory council for the purpose of advising the board 110424  
on issues relating to the practice of dietetics and the 110425  
investigation of complaints regarding the practice of dietetics. 110426  
The advisory council shall consist of not more than seven 110427  
individuals knowledgeable in the area of dietetics. A majority of 110428  
the council members shall be individuals actively engaged in the 110429  
practice of dietetics who meet the requirements for licensure 110430  
under section 4759.06 of the Revised Code. The board shall include 110431  
on the council one educator with a doctoral degree who holds a 110432  
regular faculty appointment in a program that prepares students to 110433  
meet the requirements of division (A)(5) of section 4759.06 of the 110434  
Revised Code and one member who is not affiliated with any health 110435  
care profession, who shall be appointed to represent the interest 110436  
of consumers. 110437

The Ohio academy of nutrition and dietetics, or its successor 110438  
organization, may nominate the names of up to three qualified 110439  
individuals for consideration by the board in making appointments 110440  
for each vacancy on the council. 110441

(B) Not later than ninety days after the effective date of 110442  
this section, the board shall make initial appointments to the 110443



council. Members shall serve three-year staggered terms of office 110444  
in accordance with rules adopted by the board. Thereafter, terms 110445  
of office shall be for three years, with each term ending on the 110446  
same day of the same month as did the term that it succeeds. A 110447  
council member shall continue in office subsequent to the 110448  
expiration date of the member's term until a successor is 110449  
appointed and takes office, or until a period of sixty days has 110450  
elapsed, whichever occurs first. Each council member shall hold 110451  
office from the date of appointment until the end of the term for 110452  
which the member was appointed. 110453

(C) With approval from the director of administrative 110454  
services, members may receive an amount fixed under division (J) 110455  
of section 124.15 of the Revised Code for each day the member is 110456  
performing the member's official duties and be reimbursed for 110457  
actual and necessary expenses incurred in performing those duties. 110458

(D) The council shall meet at least four times per year and 110459  
at such other times as may be necessary to carry out its 110460  
responsibilities. 110461

(E) The council shall submit to the board recommendations 110462  
concerning all of the following: 110463

(1) Requirements for issuing a license to practice as a 110464  
dietician or as a limited permit holder, including the educational 110465  
and experience requirements that must be met to receive the 110466  
license or limited permit; 110467

(2) Existing and proposed rules pertaining to the practice of 110468  
dietetics and the administration and enforcement of this chapter; 110469

(3) Standards for the approval of educational programs 110470  
required to qualify for licensure and continuing education 110471  
programs for licensure renewal; 110472

(4) Procedures for the issuance and renewal of licenses and 110473  
limited permits; 110474

|                                                                                                                                                                                                                                                                                                                                                                       |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>(5) Fees for the issuance and renewal of a license to practice dietetics as a licensee or as a limited permit holder;</u>                                                                                                                                                                                                                                          | 110475 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110476 |
| <u>(6) Standards of practice and ethical conduct in the practice of dietetics;</u>                                                                                                                                                                                                                                                                                    | 110477 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110478 |
| <u>(7) Complaints concerning alleged violation of sections 4759.02 to 4759.10 of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses or limited permits;</u>                                                                                                                                           | 110479 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110480 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110481 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110482 |
| <u>(8) The safe and effective practice of dietetics.</u>                                                                                                                                                                                                                                                                                                              | 110483 |
| <br>                                                                                                                                                                                                                                                                                                                                                                  |        |
| <b>Sec. 4759.06.</b> (A) <del>The Ohio state medical board of dietetics</del> shall issue or renew a license to practice dietetics to an applicant who:                                                                                                                                                                                                               | 110484 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110485 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110486 |
| (1) Has satisfactorily completed an application for licensure in accordance with division (A) of section 4759.05 of the Revised Code;                                                                                                                                                                                                                                 | 110487 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110488 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110489 |
| (2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;                                                                                                                                                                                                                                                                              | 110490 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110491 |
| (3) Is a resident of the state or performs or plans to perform dietetic services within the state;                                                                                                                                                                                                                                                                    | 110492 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110493 |
| (4) Is of good moral character;                                                                                                                                                                                                                                                                                                                                       | 110494 |
| (5) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics; | 110495 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110496 |
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|                                                                                                                                                                                                                                                                                                                                                                       | 110499 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110500 |
| (6) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A)(3) of section                                                                                                                                                                        | 110501 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110502 |
|                                                                                                                                                                                                                                                                                                                                                                       | 110503 |

4759.05 of the Revised Code; 110504

(7) Has passed the examination approved by the board under 110505  
division (A)(1) of section 4759.05 of the Revised Code; 110506

(8) Is an applicant for renewal of a license, and has 110507  
fulfilled the continuing education requirements adopted under 110508  
division (A)(6) of section 4759.05 of the Revised Code. 110509

(B) The board shall waive the requirements of divisions 110510  
(A)(5), (6), and (7) of this section and any rules adopted under 110511  
division (A)(7) of section 4759.05 of the Revised Code if the 110512  
applicant presents satisfactory evidence to the board of current 110513  
registration as a registered dietitian with the commission on 110514  
dietetic registration. 110515

(C) The board shall waive the requirements of division (A)(7) 110516  
of this section if the application for renewal is made within two 110517  
years after the date of license expiration. 110518

(D) The board may waive the requirements of division (A)(5), 110519  
(6), or (7) of this section or any rules adopted under division 110520  
(A)(7) of section 4759.05 of the Revised Code, if the applicant 110521  
presents satisfactory evidence of education, experience, or 110522  
passing an examination in another state or a foreign country, that 110523  
the board considers the equivalent of the requirements stated in 110524  
those divisions or rules. 110525

(E) The board shall issue an initial license to practice 110526  
dietetics to an applicant who meets the requirements of division 110527  
(A) of this section. An initial license shall be valid from the 110528  
date of issuance through the thirtieth day of June following 110529  
issuance of the license. Each subsequent license shall be valid 110530  
from the first day of July through the thirtieth day of June. The 110531  
board shall renew the license of an applicant who is licensed to 110532  
practice dietetics and who meets the continuing education 110533  
requirements of division (A)(6) of section 4759.05 of the Revised 110534

Code. The renewal shall be pursuant to the standard renewal 110535  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 110536

(F) The board may grant a limited permit to a person who has 110537  
completed the education and pre-professional requirements of 110538  
divisions (A)(5) and (6) of this section and who presents evidence 110539  
to the board of having applied to take the examination approved by 110540  
the board under division (A)(1) of section 4759.05 of the Revised 110541  
Code. A person holding a limited permit who has failed the 110542  
examination shall practice only under the direct supervision of a 110543  
licensed dietitian. 110544

(G) A licensed dietitian may place the license in inactive 110545  
status. 110546

**Sec. 4759.061.** (A) As used in this section, "license" and 110547  
"applicant for an initial license" have the same meanings as in 110548  
section 4776.01 of the Revised Code, except that "license" as used 110549  
in both of those terms refers to the types of authorizations 110550  
otherwise issued or conferred under this chapter. 110551

(B) In addition to any other eligibility requirement set 110552  
forth in this chapter, each applicant for an initial license shall 110553  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 110554  
~~Ohio state medical board of dietetics~~ shall not grant a license to 110555  
an applicant for an initial license unless the applicant complies 110556  
with sections 4776.01 to 4776.04 of the Revised Code and the 110557  
board, in its discretion, decides that the results of the criminal 110558  
records check do not make the applicant ineligible for a license 110559  
issued pursuant to section 4759.06 of the Revised Code. 110560

**Sec. 4759.07.** (A) The ~~Ohio state medical board of dietetics~~ 110561  
may, in accordance with Chapter 119. of the Revised Code, refuse 110562  
to issue, review, or renew, or may suspend, revoke, or impose 110563  
probationary conditions upon any license or permit to practice 110564

dietetics, if the applicant has: 110565

(1) Violated sections 4759.02 to 4759.10 of the Revised Code 110566  
or rules adopted under those sections; 110567

(2) Knowingly made a false statement in ~~his~~ an application 110568  
for licensure or license renewal; 110569

(3) Been convicted of any crime constituting a felony in this 110570  
or any other state; 110571

(4) Been impaired in ~~his~~ ability to perform as a licensed 110572  
dietitian due to the use of a controlled substance or alcoholic 110573  
beverage; 110574

(5) Been convicted of a misdemeanor committed in the course 110575  
of ~~his~~ work as a dietitian in this or any other state; 110576

(6) A record of incompetent or negligent conduct in ~~his~~ the 110577  
practice of dietetics. 110578

(B) For purposes of this division, any individual who holds a 110579  
license or permit issued under this chapter, or applies for a 110580  
license or permit to practice dietetics, is deemed to have given 110581  
consent to submit to a mental or physical examination when 110582  
directed to do so in writing by the board and to have waived all 110583  
objections to the admissibility of testimony or examination 110584  
reports that constitute a privileged communication. 110585

For purposes of division (A)(4) of this section, if the board 110586  
has reason to believe that any individual who holds a license or 110587  
permit issued under this chapter or any applicant for a license or 110588  
permit suffers such impairment, the board may compel the 110589  
individual to submit to a mental or physical examination, or both. 110590  
The expense of the examination is the responsibility of the 110591  
individual compelled to be examined. Any mental or physical 110592  
examination required under this division shall be undertaken by a 110593  
treatment provider or physician qualified to conduct such 110594

examination and chosen by the board. 110595

Failure to submit to a mental or physical examination ordered 110596  
by the board constitutes an admission of the allegations against 110597  
the individual unless the failure is due to circumstances beyond 110598  
the individual's control, and a default and final order may be 110599  
entered without the taking of testimony or presentation of 110600  
evidence. If the board determines that the individual's ability to 110601  
practice is impaired, the board shall suspend the individual's 110602  
license or permit or deny the individual's application and shall 110603  
require the individual, as a condition for initial, continued, 110604  
reinstated, or renewed licensure, to submit to treatment. 110605

Before being eligible to apply for reinstatement of a license 110606  
or permit suspended under this division, the dietitian shall 110607  
demonstrate to the board the ability to resume practice in 110608  
compliance with acceptable and prevailing standards of care. The 110609  
demonstration shall include the following: 110610

(1) Certification from a treatment provider approved under 110611  
section 4731.25 of the Revised Code that the individual has 110612  
successfully completed any required inpatient treatment; 110613

(2) Evidence of continuing full compliance with an aftercare 110614  
contract or consent agreement; 110615

(3) Two written reports indicating that the individual's 110616  
ability to practice has been assessed and that the individual has 110617  
been found capable of practicing according to acceptable and 110618  
prevailing standards of care. The reports shall be made by 110619  
individuals or providers approved by the board for making such 110620  
assessments and shall describe the basis for their determination. 110621

The board may reinstate a license or permit suspended under 110622  
this division after such demonstration and after the individual 110623  
has entered into a written consent agreement. 110624

When the impaired dietitian resumes practice, the board shall 110625

require continued monitoring of the dietitian. The monitoring 110626  
shall include compliance with the written consent agreement 110627  
entered into before reinstatement or with conditions imposed by 110628  
board order after a hearing, and, upon termination of the consent 110629  
agreement, submission to the board for at least two years of 110630  
annual written progress reports made under penalty of 110631  
falsification stating whether the dietitian has maintained 110632  
sobriety. 110633

(C) One year or more after the date of suspension or 110634  
revocation of a license or permit under division (A)(1), (2), (3), 110635  
(5), or (6) of this section, an application for reinstatement of 110636  
the license or permit may be made to the board. The board shall 110637  
grant or deny reinstatement with a hearing, at the request of the 110638  
applicant, in accordance with Chapter 119. of the Revised Code and 110639  
may impose conditions upon the reinstatement, including the 110640  
requirement of passing an examination approved by the board. 110641

**Sec. 4759.08.** (A) The ~~Ohio~~ state medical board ~~of dietetics~~ 110642  
shall charge and collect fees as described in this section for 110643  
issuing the following: 110644

(1) An application for an initial dietitian license, or an 110645  
application for reactivation of an inactive license, one hundred 110646  
twenty-five dollars, and for reinstatement of a lapsed, revoked, 110647  
or suspended license, one hundred eighty dollars; 110648

(2) License renewal, ninety-five dollars; 110649

(3) A limited permit, and renewal of the permit, sixty-five 110650  
dollars; 110651

(4) A duplicate license or permit, twenty dollars; 110652

(5) For processing a late application for renewal of any 110653  
license or permit, an additional fee equal to fifty per cent of 110654  
the fee for the renewal. 110655

(B) The board shall not require a licensed dietitian holding 110656  
an inactive license to pay the renewal fee. 110657

(C) Subject to the approval of the controlling board, the 110658  
~~Ohio state medical board of dietetics~~ may establish fees in excess 110659  
of the amounts provided in division (A) of this section, provided 110660  
that the fees do not exceed the amounts by greater than fifty per 110661  
cent. 110662

(D) The board may adopt rules pursuant to Chapter 119. of the 110663  
Revised Code to waive all or part of the fee for an initial 110664  
license if the license is issued within one hundred days of the 110665  
date of expiration of the license. 110666

(E) All receipts of the board shall be deposited in the state 110667  
treasury to the credit of the ~~occupational licensing and~~ 110668  
~~regulatory fund. All vouchers of the board shall be approved by~~ 110669  
~~the chairperson or secretary of the board, or both, as authorized~~ 110670  
~~by the board~~ state medical board operating fund in accordance with 110671  
section 4731.24 of the Revised Code. 110672

**Sec. 4759.09.** The ~~Ohio state medical board of dietetics~~ shall 110673  
notify in writing any person determined by the board to be in 110674  
violation of section 4759.02 of the Revised Code. The notification 110675  
shall state that the person may request a hearing by the board 110676  
within the amount of time specified by the board pursuant to 110677  
division (A) of section 4759.05 of the Revised Code. If the person 110678  
fails to request the hearing, or if the board determines from the 110679  
hearing that the person is in violation of section 4759.02 of the 110680  
Revised Code, the board may apply to the court of common pleas of 110681  
the county in which the violation is occurring for an injunction 110682  
or other appropriate restraining order to prohibit the continued 110683  
violation of section 4759.02 of the Revised Code. 110684

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Sec. 4759.10. Sections 4759.01 to 4759.09 of the Revised Code 110686  
do not apply to any of the following: 110687

(A) A person licensed under Chapters 4701. to 4755. of the 110688  
Revised Code who is acting within the scope of the person's 110689  
profession, provided that the person complies with division (B) of 110690  
section 4759.02 of the Revised Code; 110691

(B) A person who is a graduate of an associate degree program 110692  
approved by the academy of nutrition and dietetics or the ~~Ohio~~ 110693  
state medical board ~~of dietetics~~ who is working as a dietetic 110694  
technician under the supervision of a dietitian licensed under 110695  
section 4759.06 of the Revised Code or registered by the 110696  
commission on dietetic registration, except that the person is 110697  
subject to division (B) of section 4759.02 of the Revised Code if 110698  
the person uses a title other than "dietetic technician"; 110699

(C) A person who practices dietetics related to employment in 110700  
the armed forces, veteran's administration, or the public health 110701  
service of the United States; 110702

(D) Persons employed by a nonprofit agency approved by the 110703  
board or by a federal, state, municipal or county government, or 110704  
by any other political subdivision, elementary or secondary 110705  
school, or an institution of higher education approved by the 110706  
board or by a regional agency recognized by the council on 110707  
postsecondary accreditation, who performs only nutritional 110708  
education activities and such other nutritional activities as the 110709  
state medical board ~~of dietetics~~, by rule, permits, provided the 110710  
person does not violate division (B) of section 4759.02 of the 110711  
Revised Code; 110712

(E) A person who has completed a program meeting the academic 110713  
standards set for dietitians by the academy of nutrition and 110714  
dietetics, received a baccalaureate or higher degree from a 110715  
school, college, or university approved by a regional 110716

accreditation agency recognized by the council on postsecondary 110717  
accreditation, works under the supervision of a licensed dietitian 110718  
or registered dietitian, and does not violate division (B) of 110719  
section 4759.02 of the Revised Code; 110720

(F) A person when acting, under the direction and supervision 110721  
of a person licensed under Chapters 4701. to 4755. of the Revised 110722  
Code, in the execution of a plan of treatment authorized by the 110723  
licensed person, provided the person complies with division (B) of 110724  
section 4759.02 of the Revised Code; 110725

(G) The free dissemination of literature in the state; 110726

(H) Provided that the persons involved in the sale, 110727  
promotion, or explanation of the sale of food, food materials, or 110728  
dietary supplements do not violate division (B) of section 4759.02 110729  
of the Revised Code, the sale of food, food materials, or dietary 110730  
supplements and the marketing and distribution of food, food 110731  
materials, or dietary supplements and the promotion or explanation 110732  
of the use of food, food materials, or dietary supplements 110733  
provided that the promotion or explanation does not violate 110734  
Chapter 1345. of the Revised Code; 110735

(I) A person who offers dietary supplements for sale and who 110736  
makes the following statements about the product if the statements 110737  
are consistent with the dietary supplement's label or labeling: 110738

(1) Claim a benefit related to a classical nutrient 110739  
deficiency disease and disclose the prevalence of the disease in 110740  
the United States; 110741

(2) Describe the role of a nutrient or dietary ingredient 110742  
intended to affect the structure or function of the human body; 110743

(3) Characterize the documented mechanism by which a nutrient 110744  
or dietary ingredient acts to maintain the structure or function 110745  
of the human body; 110746

(4) Describe general well-being from the consumption of a nutrient or dietary ingredient. 110747  
110748

(J) Provided that the persons involved in presenting a general program of instruction for weight control do not violate division (B) of section 4759.02 of the Revised Code, a general program of instruction for weight control approved in writing by a licensed dietitian, a physician licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine or surgery, a person licensed in another state that the board considers to have substantially equivalent licensure requirements as this state, or a registered dietitian; 110749  
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(K) The continued practice of dietetics at a hospital by a person employed at that same hospital to practice dietetics for the twenty years immediately prior to July 1, 1987, so long as the person works under the supervision of a dietitian licensed under section 4759.06 of the Revised Code and does not violate division (B) of section 4759.02 of the Revised Code. This division does not apply to any person who has held a license issued under this chapter to practice dietetics. As used in this division, "hospital" has the same meaning as in section 3727.01 of the Revised Code. 110758  
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**Sec. 4759.11.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board ~~of dietetics~~ shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter. 110768  
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**Sec. 4759.12.** The ~~Ohio~~ state medical board ~~of dietetics~~ shall comply with section 4776.20 of the Revised Code. 110774  
110775

**Sec. 4761.011.** Whenever the term "Ohio respiratory care 110776

board" is used in any statute, rule, contract, or other document, 110777  
the use shall be construed to mean the "state medical board," with 110778  
respect to implementing Chapter 4761. of the Revised Code. 110779

Whenever the executive director of the Ohio respiratory care 110780  
board is used in any statute, rule, contract, or other document, 110781  
the use shall be construed to mean the executive director of the 110782  
state medical board, with respect to implementing Chapter 4761. of 110783  
the Revised Code. 110784

**Sec. 4761.03.** ~~The Ohio respiratory care board~~ state medical 110785  
board shall regulate the practice of respiratory care in this 110786  
state and the persons to whom the board issues licenses and 110787  
limited permits under this chapter ~~and shall license and register~~ 110788  
~~home medical equipment services providers under Chapter 4752. of~~ 110789  
~~the Revised Code.~~ Rules adopted under this chapter that deal with 110790  
the provision of respiratory care in a hospital, other than rules 110791  
regulating the issuance of licenses or limited permits, shall be 110792  
consistent with the conditions for participation under medicare, 110793  
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 110794  
U.S.C.A. 1395, as amended, and with the respiratory care 110795  
accreditation standards of the joint commission on accreditation 110796  
of healthcare organizations or the American osteopathic 110797  
association. 110798

The board shall: 110799

(A) Adopt, and may rescind or amend, rules in accordance with 110800  
Chapter 119. of the Revised Code to carry out the purposes of this 110801  
chapter, including rules prescribing: 110802

(1) The form and manner for filing applications for licensure 110803  
and renewal, limited permits, and limited permit extensions under 110804  
sections 4761.05 and 4761.06 of the Revised Code; 110805

(2) The form, scoring, and scheduling of examinations and 110806

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| reexaminations for licensure and license renewal;                    | 110807 |
| (3) Standards for the approval of educational programs               | 110808 |
| required to qualify for licensure and continuing education           | 110809 |
| programs required for license renewal;                               | 110810 |
| (4) Continuing education courses and the number of hour              | 110811 |
| requirements necessary for license renewal, in accordance with       | 110812 |
| section 4761.06 of the Revised Code;                                 | 110813 |
| (5) Procedures for the issuance and renewal of licenses and          | 110814 |
| limited permits, including the duties that may be fulfilled by the   | 110815 |
| board's executive director and other board employees;                | 110816 |
| (6) Procedures for the denial, suspension, permanent                 | 110817 |
| revocation, refusal to renew, and reinstatement of licenses and      | 110818 |
| limited permits, the conduct of hearings, and the imposition of      | 110819 |
| finances for engaging in conduct that is grounds for such action and | 110820 |
| hearings under section 4761.09 of the Revised Code;                  | 110821 |
| (7) Standards of ethical conduct for the practice of                 | 110822 |
| respiratory care;                                                    | 110823 |
| (8) Conditions under which the license renewal fee and               | 110824 |
| continuing education requirements may be waived at the request of    | 110825 |
| a licensee who is not in active practice;                            | 110826 |
| (9) The respiratory care tasks that may be performed by an           | 110827 |
| individual practicing as a polysomnographic technologist pursuant    | 110828 |
| to division (B)(3) of section 4761.10 of the Revised Code;           | 110829 |
| (10) Procedures for registering out-of-state respiratory care        | 110830 |
| providers authorized to practice in this state under division        | 110831 |
| (A)(4) of section 4761.11 of the Revised Code;                       | 110832 |
| (11) Requirements for criminal records checks of applicants          | 110833 |
| under section 4776.03 of the Revised Code;                           | 110834 |
| (12) Procedures for accepting and storing copies of                  | 110835 |
| hyperbaric technologist certifications filed with the board          | 110836 |

pursuant to division (A)(11) of section 4761.11 of the Revised Code. 110837  
110838

(B) Determine the sufficiency of an applicant's 110839  
qualifications for admission to the licensing examination or a 110840  
reexamination, and for the issuance or renewal of a license or 110841  
limited permit; 110842

(C) Determine the respiratory care educational programs that 110843  
are acceptable for fulfilling the requirements of division (A) of 110844  
section 4761.04 of the Revised Code; 110845

(D) Schedule, administer, and score the licensing examination 110846  
or any reexamination for license renewal or reinstatement. The 110847  
board shall administer the licensing examinations at least twice a 110848  
year and notify applicants of the time and place of the 110849  
examinations. 110850

(E) Investigate complaints concerning alleged violations of 110851  
section 4761.10 of the Revised Code or grounds for the suspension, 110852  
permanent revocation, or refusal to issue licenses or limited 110853  
permits under section 3123.47 or 4761.09 of the Revised Code. The 110854  
board shall employ investigators who shall, under the direction of 110855  
the executive director of the board, investigate complaints and 110856  
make inspections and other inquiries as, in the judgment of the 110857  
board, are appropriate to enforce sections 3123.41 to 3123.50, 110858  
4761.09, and 4761.10 of the Revised Code. Pursuant to an 110859  
investigation and inspection, the investigators may review and 110860  
audit records during normal business hours at the place of 110861  
business of a licensee or person who is the subject of a complaint 110862  
filed with the board or at any place where the records are kept. 110863

Except when required by court order, the board and its 110864  
employees shall not disclose confidential information obtained 110865  
during an investigation or identifying information about any 110866  
person who files a complaint with the board. 110867

The board may hear testimony in matters relating to the 110868  
duties imposed upon it and issue subpoenas pursuant to an 110869  
investigation. The president and secretary of the board may 110870  
administer oaths. 110871

(F) Conduct hearings, keep records of its proceedings, and do 110872  
other things as are necessary and proper to carry out and enforce 110873  
the provisions of this chapter; 110874

(G) Maintain, publish, and make available upon request, for a 110875  
fee not to exceed the actual cost of printing and mailing: 110876

(1) The requirements for the issuance of licenses and limited 110877  
permits under this chapter and rules adopted by the board; 110878

~~(2) A current register of every person licensed to practice 110879  
respiratory care in this state, to include the addresses of the 110880  
person's last known place of business and residence, the effective 110881  
date and identification number of the license, the name and 110882  
location of the institution that granted the person's degree or 110883  
certificate of completion of respiratory care educational 110884  
requirements, and the date the degree or certificate was issued;~~ 110885

~~(3) A list of the names and locations of the institutions 110886  
that each year granted degrees or certificates of completion in 110887  
respiratory care; 110888~~

~~(4)(3) After the administration of each examination, a list 110889  
of persons who passed the examination. 110890~~

(H) Submit to the governor and to the general assembly each 110891  
year a report of all of its official actions during the preceding 110892  
year, together with any findings and recommendations with regard 110893  
to the improvement of the profession of respiratory care; 110894

~~(I) Administer and enforce Chapter 4752. of the Revised Code. 110895~~

**Sec. 4761.031.** The ~~Ohio respiratory care board~~ state medical 110896  
board may share any information it receives pursuant to an 110897

investigation conducted under division (E) of section 4761.03 of 110898  
the Revised Code, including patient records and patient record 110899  
information, with other licensing boards and governmental agencies 110900  
that are investigating alleged professional misconduct and with 110901  
law enforcement agencies and other governmental agencies that are 110902  
investigating or prosecuting alleged criminal offenses. A board or 110903  
agency that receives the information shall comply with the same 110904  
requirements regarding confidentiality as those with which the 110905  
~~Ohio respiratory care board~~ state medical board must comply, 110906  
notwithstanding any conflicting provision of the Revised Code or 110907  
procedure of the board or agency that applies when the board or 110908  
agency is dealing with other information in its possession. The 110909  
information may be admitted into evidence in a criminal trial in 110910  
accordance with the Rules of Evidence, but the court shall require 110911  
that appropriate measures are taken to ensure that confidentiality 110912  
is maintained with respect to any part of the information that 110913  
contains names or other identifying information about persons 110914  
whose confidentiality was protected by the ~~Ohio respiratory care~~ 110915  
~~board~~ state medical board when the information was in the board's 110916  
possession. Measures to ensure confidentiality that may be taken 110917  
by the court include sealing its records or deleting specific 110918  
information from its records. 110919

**Sec. 4761.032.** The state medical board shall appoint a 110920  
respiratory care advisory council for the purpose of advising the 110921  
board on issues relating to the practice of respiratory care. The 110922  
advisory council shall consist of not more than seven individuals 110923  
knowledgeable in the area of respiratory care. 110924

Not later than ninety days after the effective date of this 110925  
section, the board shall make initial appointments to the council. 110926  
Members shall serve three-year staggered terms of office in 110927  
accordance with rules adopted by the board. 110928



With approval from the director of administrative services, 110929  
members may receive an amount fixed under division (J) of section 110930  
124.15 of the Revised Code for each day the member is performing 110931  
the member's official duties and be reimbursed for actual and 110932  
necessary expenses incurred in performing those duties. 110933

**Sec. 4761.04.** (A) Except as provided in division (B) of this 110934  
section, no person is eligible for licensure as a respiratory care 110935  
professional unless the person has shown, to the satisfaction of 110936  
the ~~Ohio respiratory care board~~ state medical board, all of the 110937  
following: 110938

(1) That the person is of good moral character; 110939

(2) That the person has successfully completed the 110940  
requirements of an educational program approved by the board that 110941  
includes instruction in the biological and physical sciences, 110942  
pharmacology, respiratory care theory, procedures, and clinical 110943  
practice, and cardiopulmonary rehabilitation techniques; 110944

(3) That the person has passed an examination administered by 110945  
the board that tests the applicant's knowledge of the basic and 110946  
clinical sciences relating to respiratory care theory and 110947  
practice, professional skills and judgment in the utilization of 110948  
respiratory care techniques, and such other subjects as the board 110949  
considers useful in determining fitness to practice. 110950

(B) The board may waive the requirements of division (A) of 110951  
this section with respect to any applicant who presents proof of 110952  
current licensure in another state whose standards for licensure 110953  
are at least equal to those in effect in this state on the date of 110954  
application. The board may waive the requirements of divisions 110955  
(A)(2) and (3) of this section with respect to any applicant who 110956  
presents proof of having successfully completed any examination 110957  
recognized by the board as meeting the requirements of division 110958  
(A)(3) of this section. 110959

Sec. 4761.05. (A) The ~~Ohio respiratory care board~~ state 110960  
medical board shall issue a license to any applicant who complies 110961  
with the requirements of section 4761.04 of the Revised Code, 110962  
files the prescribed application form, and pays the fee or fees 110963  
required under section 4761.07 of the Revised Code. The license 110964  
entitles the holder to practice respiratory care. The licensee 110965  
shall display the license in a conspicuous place at the licensee's 110966  
principal place of business. 110967

(B)(1) The board shall issue a limited permit to any 110968  
applicant who meets the requirements of division (A)(1) of section 110969  
4761.04 of the Revised Code, files the prescribed application 110970  
form, pays the fee required under section 4761.07 of the Revised 110971  
Code, and meets either of the following requirements: 110972

(a) Is enrolled in and is in good standing in a respiratory 110973  
care educational program approved by the board that meets the 110974  
requirements of division (A)(2) of section 4761.04 of the Revised 110975  
Code leading to a degree or certificate of completion or is a 110976  
graduate of the program; 110977

(b) Is employed as a provider of respiratory care in this 110978  
state and was employed as a provider of respiratory care in this 110979  
state prior to March 14, 1989. 110980

(2) The limited permit authorizes the holder to provide 110981  
respiratory care under the supervision of a respiratory care 110982  
professional. A person issued a limited permit under division 110983  
(B)(1)(a) of this section may practice respiratory care under the 110984  
limited permit for not more than the earliest of the following: 110985

(a) Three years after the date the limited permit is issued; 110986

(b) One year following the date of receipt of a certificate 110987  
of completion from a board-approved respiratory care education 110988  
program; 110989

(c) Until the holder discontinues participation in the educational program. 110990  
110991

The board may extend the term of a limited permit in cases of unusual hardship. The holder seeking an extension shall petition the board in the form and manner prescribed by the board in rules adopted under section 4761.03 of the Revised Code. This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a limited permit to perform any duties that are part of the required course of study. 110992  
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(3) A person issued a limited permit under division (B)(1)(b) of this section may practice under a limited permit for not more than three years, except that this restriction does not apply to a permit holder who, on March 14, 1989, has been employed as a provider of respiratory care for an average of not less than twenty-five hours per week for a period of not less than five years by a hospital. 111000  
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(C) All holders of licenses and limited permits issued under this section shall display, in a conspicuous place on their persons, information that identifies the type of authorization under which they practice. 111007  
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**Sec. 4761.051.** (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter. 111011  
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(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The ~~Ohio respiratory care board~~ state medical board shall not grant a license to an applicant for an initial license unless the 111016  
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applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4761.05 of the Revised Code.

**Sec. 4761.06.** (A) Each license to practice respiratory care shall be renewed biennially. Each limited permit to practice respiratory care shall be renewed annually. Each person holding a license or limited permit to practice respiratory care shall apply to the ~~Ohio respiratory care board~~ state medical board on the form and according to the schedule prescribed by the board for renewal of the license or limited permit. Licenses and limited permits shall be renewed in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The board shall renew a license upon the payment of the license renewal fee prescribed under section 4761.07 of the Revised Code and proof of satisfactory completion of the continuing education or reexamination requirements of division (B) of this section. The board shall renew a limited permit upon payment of the limited permit renewal fee prescribed under section 4761.07 of the Revised Code and submission of one of the following:

(1) If the limited permit was issued on the basis of division (B)(1)(a) of section 4761.05 of the Revised Code, proof acceptable to the board of enrollment and good standing in an educational program that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code or of graduation from such a program;

(2) If the limited permit was issued on the basis of division (B)(1)(b) of section 4761.05 of the Revised Code, proof acceptable to the board of employment as a provider of respiratory care.

(B) On and after March 14, 1991, and every year thereafter, on or before the annual renewal date, the holder of a limited

permit issued under division (B)(1)(b) of section 4761.05 of the Revised Code shall submit proof to the board that the holder has satisfactorily completed the number of hours of continuing education required by the board, which shall not be less than three nor more than ten hours of continuing education acceptable to the board.

On or before the biennial renewal date, a license holder shall submit proof to the board that the license holder has satisfactorily completed the number of hours of continuing education required by the board, which shall be not less than six nor more than twenty hours of continuing education acceptable to the board, or has passed a reexamination in accordance with the board's renewal requirements. The board may waive all or part of the continuing education requirement for a license holder who has held the license for less than two years.

**Sec. 4761.07.** (A) The ~~Ohio respiratory care board state~~ medical board shall charge any license applicant or holder who is to take an examination required under division (A)(3) of section 4761.04 or a reexamination required under division (B) of section 4761.06 of the Revised Code for license renewal or under section 4761.09 of the Revised Code for license reinstatement, a nonrefundable examination fee, not to exceed the amount necessary to cover the expense of administering the examination. The license applicant or holder shall pay the fee at the time of application for licensure or renewal.

(B) The board shall establish the following additional nonrefundable fees and penalty:

(1) An initial license fee, not to exceed seventy-five dollars;

(2) A biennial license renewal fee, not to exceed one hundred dollars;

(3) A limited permit fee, not to exceed twenty dollars; 111083

(4) A limited permit renewal fee, not to exceed ten dollars; 111084

(5) A late renewal penalty, not to exceed fifty per cent of  
the renewal fee; 111085  
111086

(6) A fee for accepting and storing hyperbaric technologist 111087  
certifications filed with the board under division (A)(11) of 111088  
section 4761.11 of the Revised Code, not to exceed twenty dollars. 111089

(C) Notwithstanding division (B)(4) of this section, after 111090  
the third renewal of a limited permit that meets the exception in 111091  
division (B)(3) of section 4761.05 of the Revised Code, the 111092  
limited permit renewal fee shall be one-half the amount of the 111093  
biennial license renewal fee established under division (B)(2) of 111094  
this section and section 4761.08 of the Revised Code. 111095

(D) The board shall adjust the fees biennially and within the 111096  
limits established by division (B) of this section to provide 111097  
sufficient revenues to meet its expenses. 111098

(E) The board may, by rule, provide for the waiver of all or 111099  
part of a license fee when the license is issued less than 111100  
eighteen months before its expiration date. 111101

(F) All fees received by the board shall be deposited into 111102  
the state treasury to the credit of the ~~occupational licensing and~~ 111103  
~~regulatory fund~~ state medical board operating fund pursuant to 111104  
section 4731.24 of the Revised Code. 111105

**Sec. 4761.08.** The ~~Ohio respiratory care board~~ state medical 111106  
board, subject to the approval of the controlling board, may 111107  
establish fees, except fees established at amounts adequate to 111108  
cover designated expenses, in excess of the amounts provided in 111109  
this chapter. The fees shall not exceed the amounts specified by 111110  
more than fifty per cent. 111111

**Sec. 4761.09.** (A) The ~~Ohio respiratory care board~~ state 111112  
medical board may refuse to issue or renew a license or a limited 111113  
permit, may issue a reprimand, may suspend or permanently revoke a 111114  
license or limited permit, or may place a license or limited 111115  
permit holder on probation, on any of the following grounds: 111116

(1) A plea of guilty to, a judicial finding of guilt of, or a 111117  
judicial finding of eligibility for intervention in lieu of 111118  
conviction for an offense involving moral turpitude or of a 111119  
felony, in which case a certified copy of the court record shall 111120  
be conclusive evidence of the matter; 111121

(2) Violating any provision of this chapter or an order or 111122  
rule of the board; 111123

(3) Assisting another person in that person's violation of 111124  
any provision of this chapter or an order or rule of the board; 111125

(4) Obtaining a license or limited permit by means of fraud, 111126  
false or misleading representation, or concealment of material 111127  
facts or making any other material misrepresentation to the board; 111128

(5) Being guilty of negligence or gross misconduct in the 111129  
practice of respiratory care; 111130

(6) Violating the standards of ethical conduct adopted by the 111131  
board, in the practice of respiratory care; 111132

(7) Engaging in dishonorable, unethical, or unprofessional 111133  
conduct of a character likely to deceive, defraud, or harm the 111134  
public; 111135

(8) Using any dangerous drug, as defined in section 4729.01 111136  
of the Revised Code, or alcohol to the extent that the use impairs 111137  
the ability to practice respiratory care at an acceptable level of 111138  
competency; 111139

(9) Practicing respiratory care while mentally incompetent; 111140

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| (10) Accepting commissions, rebates, or other forms of remuneration for patient referrals;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 111141<br>111142                                                                                                                         |
| (11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 111143<br>111144<br>111145                                                                                                               |
| (12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 111146<br>111147<br>111148                                                                                                               |
| (13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 111149<br>111150<br>111151                                                                                                               |
| (14) Assisting suicide as defined in section 3795.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 111152<br>111153                                                                                                                         |
| Before the board may take any action under this section, other than issuance of a summary suspension order under division (C) of this section, the executive director of the board shall prepare and file written charges with the board. Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no effect. | 111154<br>111155<br>111156<br>111157<br>111158<br>111159<br>111160<br>111161<br>111162<br>111163<br>111164<br>111165<br>111166<br>111167 |
| (B) If the board orders a license or limited permit holder placed on probation, the order shall be accompanied by a written statement of the conditions under which the person may be restored to practice.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 111168<br>111169<br>111170<br>111171                                                                                                     |



The person may reapply to the board for original issuance of 111172  
a license after one year following the date the license was 111173  
denied. 111174

A Except as otherwise provided in division (D) of this 111175  
section, a person may apply to the board for the reinstatement of 111176  
a license or limited permit after one year following the date of 111177  
suspension or refusal to renew. The board may accept or refuse the 111178  
application for reinstatement and may require that the applicant 111179  
pass a reexamination as a condition of eligibility for 111180  
reinstatement. 111181

(C) If the president and secretary of the board determine 111182  
that there is clear and convincing evidence that a license or 111183  
limited permit holder has committed an act that is grounds for 111184  
board action under division (A) of this section and that continued 111185  
practice by the license or permit holder presents a danger of 111186  
immediate and serious harm to the public, the president and 111187  
secretary may recommend that the board suspend the license or 111188  
limited permit without a prior hearing. The president and 111189  
secretary shall submit in writing to the board the allegations 111190  
causing them to recommend the suspension. 111191

On review of the allegations, the board, by a vote of not 111192  
less than seven of its members, may suspend a license or limited 111193  
permit without a prior hearing. The board may review the 111194  
allegations and vote on the suspension by a telephone conference 111195  
call. 111196

If the board votes to suspend a license or limited permit 111197  
under this division, the board shall issue a written order of 111198  
summary suspension to the license or limited permit holder in 111199  
accordance with section 119.07 of the Revised Code. If the license 111200  
or limited permit holder requests a hearing by the board, the 111201  
board shall conduct the hearing in accordance with Chapter 119. of 111202  
the Revised Code. Notwithstanding section 119.12 of the Revised 111203

Code, a court of common pleas shall not grant a suspension of the 111204  
board's order of summary suspension pending determination of an 111205  
appeal filed under that section. 111206

Any order of summary suspension issued under this division 111207  
shall remain in effect until a final adjudication order issued by 111208  
the board pursuant to division (A) of this section becomes 111209  
effective. The board shall issue its final adjudication order 111210  
regarding an order of summary suspension issued under this 111211  
division not later than sixty days after completion of its 111212  
hearing. Failure to issue the order within sixty days shall result 111213  
in immediate dissolution of the suspension order, but shall not 111214  
invalidate any subsequent, final adjudication order. 111215

(D) For purposes of this division, any individual who holds a 111216  
license or permit issued under this chapter, or applies for a 111217  
license or permit to practice respiratory care, is deemed to have 111218  
given consent to submit to a mental or physical examination when 111219  
directed to do so in writing by the board and to have waived all 111220  
objections to the admissibility of testimony or examination 111221  
reports that constitute a privileged communication. 111222

For purposes of division (A)(8) of this section, if the board 111223  
has reason to believe that any individual who holds a license or 111224  
permit issued under this chapter or any applicant for a license or 111225  
permit suffers such impairment, the board may compel the 111226  
individual to submit to a mental or physical examination, or both. 111227  
The expense of the examination is the responsibility of the 111228  
individual compelled to be examined. Any mental or physical 111229  
examination required under this division shall be undertaken by a 111230  
treatment provider or physician qualified to conduct such 111231  
examination and chosen by the board. 111232

Failure to submit to a mental or physical examination ordered 111233  
by the board constitutes an admission of the allegations against 111234  
the individual unless the failure is due to circumstances beyond 111235

the individual's control, and a default and final order may be 111236  
entered without the taking of testimony or presentation of 111237  
evidence. If the board determines that the individual's ability to 111238  
practice is impaired, the board shall suspend the individual's 111239  
license or permit or deny the individual's application and shall 111240  
require the individual, as a condition for initial, continued, 111241  
reinstated, or renewed licensure, to submit to treatment. 111242

Before being eligible to apply for reinstatement of a license 111243  
or permit suspended under this division, the respiratory care 111244  
professional shall demonstrate to the board the ability to resume 111245  
practice in compliance with acceptable and prevailing standards of 111246  
care. The demonstration shall include the following: 111247

(1) Certification from a treatment provider approved under 111248  
section 4731.25 of the Revised Code that the individual has 111249  
successfully completed any required inpatient treatment; 111250

(2) Evidence of continuing full compliance with an aftercare 111251  
contract or consent agreement; 111252

(3) Two written reports indicating that the individual's 111253  
ability to practice has been assessed and that the individual has 111254  
been found capable of practicing according to acceptable and 111255  
prevailing standards of care. The reports shall be made by 111256  
individuals or providers approved by the board for making such 111257  
assessments and shall describe the basis for their determination. 111258

The board may reinstate a license or permit suspended under 111259  
this division after such demonstration and after the individual 111260  
has entered into a written consent agreement. 111261

When the impaired respiratory care professional resumes 111262  
practice, the board shall require continued monitoring of the 111263  
respiratory care professional. The monitoring shall include 111264  
compliance with the written consent agreement entered into before 111265  
reinstatement or with conditions imposed by board order after a 111266

hearing, and, upon termination of the consent agreement, 111267  
submission to the board for at least two years of annual written 111268  
progress reports made under penalty of falsification stating 111269  
whether the respiratory care professional has maintained sobriety. 111270

**Sec. 4761.10.** (A) No person shall offer or render respiratory 111271  
care services, or represent that the person is a respiratory care 111272  
professional, respiratory therapist, respiratory technologist, 111273  
respiratory care technician, respiratory practitioner, inhalation 111274  
therapist, inhalation technologist, or inhalation therapy 111275  
technician, or to have any similar title or to provide these 111276  
services under a similar description, unless the person holds a 111277  
license or limited permit issued under this chapter. No 111278  
partnership, association, or corporation shall advertise or 111279  
otherwise offer to provide or convey the impression that it is 111280  
providing respiratory care unless an individual holding a license 111281  
or limited permit issued under this chapter is employed by or 111282  
under contract with the partnership, association, or corporation 111283  
and will be performing the respiratory care services to which 111284  
reference is made. 111285

(B) Notwithstanding the provisions of division (A) of this 111286  
section, all of the following apply: 111287

(1) In the case of a hospital or nursing facility, some 111288  
limited aspects of respiratory care services such as measuring 111289  
blood pressure and taking blood samples may be performed by 111290  
persons demonstrating current competence in such procedures, as 111291  
long as the person acts under the direction of a physician or the 111292  
delegation of a registered nurse and the person does not represent 111293  
that the person is engaged in the practice of respiratory care. 111294  
The above limited aspects of respiratory care do not include any 111295  
of the following: the administration of aerosol medication, the 111296  
maintenance of patients on mechanical ventilators, aspiration, and 111297

the application and maintenance of artificial airways. 111298

(2) In the case of a facility, institution, or other setting 111299  
that exists for a purpose substantially other than the provision 111300  
of health care, if nursing tasks are delegated by a registered 111301  
nurse as provided in Chapter 4723. of the Revised Code and the 111302  
rules adopted under it, respiratory care tasks may be performed 111303  
under that delegation by persons demonstrating current competence 111304  
in performing the tasks, as long as the person does not represent 111305  
that the person is engaged in the practice of respiratory care. 111306

(3) A polysomnographic technologist credentialed by an 111307  
organization the ~~Ohio respiratory care board~~ state medical board 111308  
recognizes, a trainee under the direct supervision of a 111309  
polysomnographic technologist credentialed by an organization the 111310  
board recognizes, or a person the board recognizes as being 111311  
eligible to be credentialed as a polysomnographic technologist may 111312  
perform the respiratory care tasks specified in rules adopted 111313  
under section 4761.03 of the Revised Code, as long as both of the 111314  
following apply: 111315

(a) The tasks are performed in the diagnosis and therapeutic 111316  
intervention of sleep-related breathing disorders and under the 111317  
general supervision of a physician. 111318

(b) The person performing the tasks does not represent that 111319  
the person is engaged in the practice of respiratory care. 111320

(c) If the ~~Ohio respiratory care board~~ state medical board 111321  
finds that any person, including any partnership, association, or 111322  
corporation, has engaged or is engaging in any activity or conduct 111323  
that is prohibited under division (A) of this section or rules of 111324  
the board, or that is grounds for the denial, suspension, or 111325  
permanent revocation of a person's license under section 4761.09 111326  
of the Revised Code, it may apply to the court of common pleas in 111327  
the county in which the violation occurred for an order 111328

restraining the unlawful activity or conduct, including the 111329  
continued practice of respiratory care. Upon a showing that the 111330  
law or rule has been violated, or the person has engaged in 111331  
conduct constituting such grounds, the court may issue an 111332  
injunction or other appropriate restraining order. 111333

**Sec. 4761.11.** (A) Nothing in this chapter shall be construed 111334  
to prevent or restrict the practice, services, or activities of 111335  
any person who: 111336

(1) Is a health care professional licensed by this state 111337  
providing respiratory care services included in the scope of 111338  
practice established by the license held, as long as the person 111339  
does not represent that the person is engaged in the practice of 111340  
respiratory care; 111341

(2) Is employed as a respiratory care professional by an 111342  
agency of the United States government and provides respiratory 111343  
care solely under the direction or control of the employing 111344  
agency; 111345

(3) Is a student enrolled in ~~an Ohio respiratory care~~ 111346  
~~board-approved~~ a respiratory care education program approved by 111347  
the state medical board leading to a certificate of completion in 111348  
respiratory care and is performing duties that are part of a 111349  
supervised course of study; 111350

(4) Is a nonresident of this state practicing or offering to 111351  
practice respiratory care, if the respiratory care services are 111352  
offered for not more than thirty days in a year, services are 111353  
provided under the supervision of a respiratory care professional 111354  
licensed under this chapter, and the nonresident registers with 111355  
the board in accordance with rules adopted by the board under 111356  
section 4761.03 of the Revised Code and meets either of the 111357  
following requirements: 111358

|                                                                                                                                                                                                                                                                                                                                  |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (a) Qualifies for licensure under this chapter, except for passage of the examination required under division (A)(3) of section 4761.04 of the Revised Code;                                                                                                                                                                     | 111359<br>111360<br>111361                     |
| (b) Holds a valid license issued by a state that has licensure requirements considered by the board to be comparable to those of this state and has not been issued a license in another state that has been revoked or is currently under suspension or on probation.                                                           | 111362<br>111363<br>111364<br>111365<br>111366 |
| (5) Provides respiratory care only to relatives or in medical emergencies;                                                                                                                                                                                                                                                       | 111367<br>111368                               |
| (6) Provides gratuitous care to friends or personal family members;                                                                                                                                                                                                                                                              | 111369<br>111370                               |
| (7) Provides only self care;                                                                                                                                                                                                                                                                                                     | 111371                                         |
| (8) Is employed in the office of a physician and renders medical assistance under the physician's direct supervision without representing that the person is engaged in the practice of respiratory care;                                                                                                                        | 111372<br>111373<br>111374<br>111375           |
| (9) Is employed in a clinical chemistry or arterial blood gas laboratory and is supervised by a physician without representing that the person is engaged in the practice of respiratory care;                                                                                                                                   | 111376<br>111377<br>111378                     |
| (10) Is engaged in the practice of respiratory care as an employee of a person or governmental entity located in another state and provides respiratory care services for less than seventy-two hours to patients being transported into, out of, or through this state;                                                         | 111379<br>111380<br>111381<br>111382<br>111383 |
| (11) Is employed as a certified hyperbaric technologist, has filed with the board a copy of the person's current certification as a hyperbaric technologist in accordance with the rules adopted by the board under section 4761.03 of the Revised Code, has paid the fee established pursuant to section 4761.07 of the Revised | 111384<br>111385<br>111386<br>111387<br>111388 |

Code, and administers hyperbaric oxygen therapy under the direct 111389  
supervision of a physician, a podiatrist acting in compliance with 111390  
section 4731.511 of the Revised Code, a physician assistant, or an 111391  
advanced practice registered nurse and without representing that 111392  
the person is engaged in the practice of respiratory care. 111393

(B) Nothing in this chapter shall be construed to prevent any 111394  
person from advertising, describing, or offering to provide 111395  
respiratory care or billing for respiratory care when the 111396  
respiratory care services are provided by a health care 111397  
professional licensed by this state practicing within the scope of 111398  
practice established by the license held. Nothing in this chapter 111399  
shall be construed to prevent a hospital or nursing facility from 111400  
advertising, describing, or offering to provide respiratory care, 111401  
or billing for respiratory care rendered by a person licensed 111402  
under this chapter or persons who may provide limited aspects of 111403  
respiratory care or respiratory care tasks pursuant to division 111404  
(B) of section 4761.10 of the Revised Code. 111405

(C) Notwithstanding division (A) of section 4761.10 of the 111406  
Revised Code, in a life-threatening situation, in the absence of 111407  
licensed personnel, unlicensed persons shall not be prohibited 111408  
from taking life-saving measures. 111409

(D) Nothing in this chapter shall be construed as authorizing 111410  
a respiratory care professional to practice medicine and surgery 111411  
or osteopathic medicine and surgery. This division does not 111412  
prohibit a respiratory care professional from administering 111413  
topical or intradermal medications for the purpose of producing 111414  
localized decreased sensation as part of a procedure or task that 111415  
is within the scope of practice of a respiratory care 111416  
professional. 111417

**Sec. 4761.12.** On receipt of a notice pursuant to section 111418  
3123.43 of the Revised Code, the ~~respiratory care board~~ state 111419



medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or permit issued pursuant to this chapter.

**Sec. 4761.13.** (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) The prosecutor in any case against any respiratory care professional or an individual holding a limited permit issued under this chapter shall promptly notify the ~~Ohio respiratory care board~~ state medical board of any of the following:

(1) A plea of guilty to, or a finding of guilt by a jury or court of, a felony, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a felony charge;

(2) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor committed in the course of practice, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor, if the alleged act was committed in the course of practice;

(3) A plea of guilty to, or a finding of guilt by a jury or court of, a misdemeanor involving moral turpitude, or a case in which the trial court issues an order of dismissal upon technical or procedural grounds of a charge of a misdemeanor involving moral turpitude.

(C) The report shall include the name and address of the respiratory care professional or person holding a limited permit, the nature of the offense for which the action was taken, and the certified court documents recording the action. The board may prescribe and provide forms for prosecutors to make reports under this section. The form may be the same as the form required to be

provided under section 2929.42 of the Revised Code. 111450

**Sec. 4761.14.** An employer that disciplines or terminates the 111451  
employment of a respiratory care professional or individual 111452  
holding a limited permit issued under this chapter because of 111453  
conduct that would be grounds for disciplinary action under 111454  
section 4761.09 of the Revised Code shall report the action to the 111455  
~~Ohio respiratory care board~~ state medical board. The report shall 111456  
state the name of the respiratory care professional or individual 111457  
holding the limited permit and the reason the employer took the 111458  
action. If an employer fails to report to the board, the board may 111459  
seek an order from a court of competent jurisdiction compelling 111460  
submission of the report. 111461

**Sec. 4761.18.** The ~~Ohio respiratory care board~~ state medical 111462  
board shall comply with section 4776.20 of the Revised Code. 111463

**Sec. 4776.01.** As used in this chapter: 111464

(A) "License" means an authorization evidenced by a license, 111465  
certificate, registration, permit, card, or other authority that 111466  
is issued or conferred by a licensing agency to a licensee or to 111467  
an applicant for an initial license by which the licensee or 111468  
initial license applicant has or claims the privilege to engage in 111469  
a profession, occupation, or occupational activity, or, except in 111470  
the case of the state dental board, to have control of and operate 111471  
certain specific equipment, machinery, or premises, over which the 111472  
licensing agency has jurisdiction. 111473

(B) Except as provided in section 4776.20 of the Revised 111474  
Code, "licensee" means the person to whom the license is issued by 111475  
a licensing agency. 111476

(C) Except as provided in section 4776.20 of the Revised 111477  
Code, "licensing agency" means any of the following: 111478

(1) The board authorized by Chapters 4701., 4717., 4725., 111479  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 111480  
4755., 4757., 4759., 4760., 4761., 4762., 4779., and 4783. of the 111481  
Revised Code to issue a license to engage in a specific 111482  
profession, occupation, or occupational activity, or to have 111483  
charge of and operate certain specified equipment, machinery, or 111484  
premises. 111485

(2) The state dental board, relative to its authority to 111486  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 111487  
4715.27 of the Revised Code. 111488

(D) "Applicant for an initial license" includes persons 111489  
seeking a license for the first time and persons seeking a license 111490  
by reciprocity, endorsement, or similar manner of a license issued 111491  
in another state. 111492

(E) "Applicant for a restored license" includes persons 111493  
seeking restoration of a certificate under section 4730.14, 111494  
4731.281, 4760.06, or 4762.06 of the Revised Code. 111495

(F) "Criminal records check" has the same meaning as in 111496  
section 109.572 of the Revised Code. 111497

**Sec. 4779.02.** (A) Except as provided in division (B) of this 111498  
section, no person shall practice or represent that the person is 111499  
authorized to practice orthotics, prosthetics, or pedorthics 111500  
unless the person holds a current, valid license issued or renewed 111501  
under this chapter. 111502

(B) Division (A) of this section does not apply to any of the 111503  
following: 111504

(1) An individual who holds a current, valid license, 111505  
certificate, or registration issued under Chapter 4723., 4729., 111506  
4730., 4731., 4734., or 4755. of the Revised Code and is 111507  
practicing within the individual's scope of practice under 111508

statutes and rules regulating the individual's profession; 111509

(2) An individual who practices orthotics, prosthetics, or 111510  
pedorthics as an employee of the federal government and is engaged 111511  
in the performance of duties prescribed by statutes and 111512  
regulations of the United States; 111513

(3) An individual who provides orthotic, prosthetic, or 111514  
pedorthic services under the supervision of a licensed orthotist, 111515  
prosthetist, or pedorthist in accordance with section 4779.04 of 111516  
the Revised Code; 111517

(4) An individual who provides orthotic, prosthetic, or 111518  
pedorthic services as part of an educational, certification, or 111519  
residency program approved by the state physical health services 111520  
~~board of orthotics, prosthetics, and pedorthics~~ under sections 111521  
4779.25 to 4779.27 of the Revised Code; 111522

(5) An individual who provides orthotic, prosthetic, or 111523  
pedorthic services under the direct supervision of an individual 111524  
authorized under Chapter 4731. of the Revised Code to practice 111525  
medicine and surgery or osteopathic medicine and surgery. 111526

**Sec. 4779.08.** (A) The state physical health services board ~~of~~ 111527  
~~orthotics, prosthetics, and pedorthics~~ shall adopt rules in 111528  
accordance with Chapter 119. of the Revised Code to carry out the 111529  
purposes of this chapter, including rules prescribing all of the 111530  
following: 111531

(1) The form and manner of filing of applications to be 111532  
admitted to examinations and for licensure and license renewal; 111533

(2) Standards and procedures for formulating, evaluating, 111534  
approving, and administering licensing examinations or recognizing 111535  
other entities that conduct examinations; 111536

(3) The form, scoring, and scheduling of licensing 111537  
examinations; 111538

|                                                                                                                                                                                                                                                                                                                                                            |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (4) Fees for examinations and applications for licensure and license renewal;                                                                                                                                                                                                                                                                              | 111539<br>111540                               |
| (5) Fees for approval of continuing education courses;                                                                                                                                                                                                                                                                                                     | 111541                                         |
| (6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;                                                                                                                                                                                                                                     | 111542<br>111543                               |
| <del>(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;</del>                                                                                                                                                                                                                                    | 111544<br>111545                               |
| <del>(8)</del> Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;                                                                                                                                                                                                                                     | 111546<br>111547                               |
| <del>(9)</del> <u>(8)</u> Fines for violations of this chapter;                                                                                                                                                                                                                                                                                            | 111548                                         |
| <del>(10)</del> <u>(9)</u> Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;                                                                                                                                                                   | 111549<br>111550<br>111551                     |
| <del>(11)</del> <u>(10)</u> Standards for continuing education programs required for license renewal;                                                                                                                                                                                                                                                      | 111552<br>111553                               |
| <del>(12) Provisions for making available the information described in section 4779.22 of the Revised Code;</del>                                                                                                                                                                                                                                          | 111554<br>111555                               |
| <del>(13)</del> <u>(11)</u> Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.                                                                                                                                                                                                                              | 111556<br>111557                               |
| (B) The board may adopt any other rules necessary for the administration of this chapter.                                                                                                                                                                                                                                                                  | 111558<br>111559                               |
| (C) <del>The</del> <u>All</u> fees <del>prescribed</del> <u>received</u> by the board under this section shall be <del>paid to the treasurer of</del> <u>deposited in the</u> state, <del>who shall deposit the fees in treasury to the credit of the</del> occupational licensing and regulatory fund established in section 4743.05 of the Revised Code. | 111560<br>111561<br>111562<br>111563<br>111564 |
| <b>Sec. 4779.09.</b> An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the state <u>physical health services</u> board <del>of</del>                                                                                                                                                  | 111565<br>111566<br>111567                     |

~~orthotics, prosthetics, and pedorthics~~ in accordance with rules 111568  
adopted under section 4779.08 of the Revised Code and pay the 111569  
application fee specified in the rules. The board shall issue a 111570  
license to an applicant who is eighteen years of age or older, of 111571  
good moral character, and meets either the requirements of 111572  
divisions (A) and (B) of this section or the requirements of 111573  
section ~~4779.16~~ or 4779.17 of the Revised Code. 111574

(A) The applicant must pass an examination conducted pursuant 111575  
to section 4779.15 of the Revised Code; 111576

(B) The applicant must meet the requirements of one of the 111577  
following: 111578

(1) In the case of an applicant for a license to practice 111579  
orthotics, the requirements of section 4779.10 of the Revised 111580  
Code; 111581

(2) In the case of an applicant for a license to practice 111582  
prosthetics, the requirements of section 4779.11 of the Revised 111583  
Code; 111584

(3) In the case of an applicant for a license to practice 111585  
orthotics and prosthetics, the requirements of section 4779.12 of 111586  
the Revised Code; 111587

(4) In the case of an applicant for a license to practice 111588  
pedorthics, the requirements of section 4779.13 of the Revised 111589  
Code. 111590

**Sec. 4779.091.** (A) As used in this section, "license" and 111591  
"applicant for an initial license" have the same meanings as in 111592  
section 4776.01 of the Revised Code, except that "license" as used 111593  
in both of those terms refers to the types of authorizations 111594  
otherwise issued or conferred under this chapter. 111595

(B) In addition to any other eligibility requirement set 111596  
forth in this chapter, each applicant for an initial license shall 111597

comply with sections 4776.01 to 4776.04 of the Revised Code. The 111598  
state physical health services board of ~~orthotics, prosthetics,~~ 111599  
~~and pedorthics~~ shall not grant a license to an applicant for an 111600  
initial license unless the applicant complies with sections 111601  
4776.01 to 4776.04 of the Revised Code and the board, in its 111602  
discretion, decides that the results of the criminal records check 111603  
do not make the applicant ineligible for a license issued pursuant 111604  
to section 4779.09, ~~4779.16,~~ 4779.17, or 4779.18 of the Revised 111605  
Code. 111606

**Sec. 4779.10.** To be eligible for a license to practice 111607  
orthotics, an applicant must meet the following requirements ~~of~~ 111608  
~~division (A) of this section, or, if the application is made on or~~ 111609  
~~before January 1, 2008, the requirements of either division (A) or~~ 111610  
~~(B) of this section:~~ 111611

(A) ~~The requirements of this division are met if the~~ 111612  
~~applicant is in compliance with divisions (A)(1), (2), and (3) of~~ 111613  
~~this section.~~ 111614

~~(1)~~ On the date of application, the applicant has practiced 111615  
orthotics for not less than eight months under the supervision of 111616  
an individual licensed under this chapter to practice orthotics~~;~~ 111617

~~(2)~~(B) The applicant has completed an orthotics residency 111618  
program approved by the state physical health services board under 111619  
section 4779.27 of the Revised Code~~;~~ 111620

~~(3)~~(C) One of the following is the case: 111621

~~(a)~~(1) The applicant holds a bachelor's degree in orthotics 111622  
and prosthetics from an accredited college or university whose 111623  
orthotics and prosthetics program is recognized by the ~~state~~ board 111624  
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of 111625  
the Revised Code or an equivalent educational credential from a 111626  
foreign educational institution recognized by the board~~;~~ 111627

~~(b)(2) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code.~~

~~(B) This division applies to applications made on or before January 1, 2008. The requirements of this division are met if the applicant is in compliance with division (B)(1) or (B)(2)(a) or (b) of this section:~~

~~(1) If application is made on or before January 1, 2006, the applicant meets all of the following requirements:~~

~~(a) Holds an associate's degree or higher from an accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~

~~(b) Has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;~~

~~(c) Has three years of documented, full-time experience practicing or teaching orthotics.~~

~~(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B)(2)(a) or (b) of this section:~~

~~(a)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~

~~(ii) The applicant holds a valid certificate in orthotics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;~~

~~(iii) The applicant has completed three years of documented,~~



~~full-time experience practicing or teaching orthotics.~~ 111658

~~(b)(i) The applicant holds a bachelor's degree or higher from  
a nationally accredited college or university or an equivalent  
credential from a foreign educational institution recognized by  
the board;~~ 111659  
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~~(ii) The applicant has completed a certificate program in  
orthotics recognized by the board under section 4779.26 of the  
Revised Code;~~ 111663  
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~~(iii) The applicant has completed a residency program in  
orthotics recognized by the board under section 4779.27 of the  
Revised Code or has three years of documented, full-time  
experience practicing or teaching orthotics.~~ 111666  
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**Sec. 4779.11.** To be eligible for a license to practice 111670  
prosthetics, an applicant must meet the following requirements of 111671  
division (A) of this section, or, if the application is made on or 111672  
before January 1, 2008, the requirements of either division (A) or 111673  
(B) of this section: 111674

~~(A) The requirements of this division are met if the  
applicant is in compliance with divisions (A)(1), (2), and (3) of  
this section.~~ 111675  
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~~(1) On the date of application, the applicant has practiced  
prosthetics for not less than eight months under the supervision  
of an individual licensed under this chapter to practice  
prosthetics.~~ 111678  
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~~(2)(B) The applicant has completed a prosthetics residency  
program approved by the state physical health services board under  
section 4779.27 of the Revised Code.~~ 111682  
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~~(3)(C) One of the following is the case:~~ 111685

~~(a)(1) The applicant holds a bachelor's degree in orthotics  
and prosthetics from an accredited college or university whose~~ 111686  
111687

orthotics and prosthetics program is recognized by the ~~state~~ board 111688  
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of 111689  
the Revised Code or an equivalent educational credential from a 111690  
foreign educational institution recognized by the board~~;~~. 111691

~~(b)(2)~~ The applicant holds a bachelor's degree in a subject 111692  
other than orthotics and prosthetics or an equivalent educational 111693  
credential from a foreign educational institution recognized by 111694  
the board and has completed a certificate program in prosthetics 111695  
recognized by the board under section 4779.26 of the Revised Code. 111696

~~(B)~~ This division applies to applications made on or before 111697  
January 1, 2008. The requirements of this division are met if the 111698  
applicant is in compliance with division (B)(1) or (B)(2)(a) or 111699  
~~(b)~~ of this section~~;~~ 111700

~~(1)~~ If application is made on or before January 1, 2006, the 111701  
applicant meets all of the following requirements~~;~~ 111702

~~(a)~~ Holds an associate's degree or higher from an accredited 111703  
college or university or an equivalent credential from a foreign 111704  
educational institution recognized by the board~~;~~ 111705

~~(b)~~ Has completed a certificate program in prosthetics 111706  
recognized by the board under section 4779.26 of the Revised Code~~;~~ 111707

~~(c)~~ Has three years of documented, full-time experience 111708  
practicing or teaching prosthetics~~;~~ 111709

~~(2)~~ If the application is made on or before January 1, 2008, 111710  
the applicant meets the requirements of division (B)(2)(a) or (b) 111711  
of this section~~;~~ 111712

~~(a)(i)~~ The applicant holds a bachelor's degree or higher from 111713  
a nationally accredited college or university or an equivalent 111714  
credential from a foreign educational institution recognized by 111715  
the board~~;~~ 111716

~~(ii)~~ The applicant holds a valid certificate in prosthetics 111717

~~issued by the American board for certification in orthotics and 111718  
prosthetics, the board for orthotist/prosthetist certification, or 111719  
an equivalent successor organization recognized by the board; 111720~~

~~(iii) The applicant has completed three years of documented, 111721  
full time experience practicing or teaching prosthetics. 111722~~

~~(b)(i) The applicant holds a bachelor's degree or higher from 111723  
a nationally accredited college or university or an equivalent 111724  
credential from a foreign educational institution recognized by 111725  
the board; 111726~~

~~(ii) The applicant has completed a certificate program in 111727  
prosthetics recognized by the board under section 4779.26 of the 111728  
Revised Code; 111729~~

~~(iii) The applicant has completed a residency program in 111730  
prosthetics recognized by the board under section 4779.27 of the 111731  
Revised Code or has three years of documented, full time 111732  
experience practicing or teaching prosthetics. 111733~~

**Sec. 4779.12.** To be eligible for a license to practice 111734  
orthotics and prosthetics, an applicant must meet the following 111735  
requirements ~~of division (A) of this section, or, if the 111736  
application is made on or before January 1, 2008, the requirements 111737  
of either division (A) or (B) of this section: 111738~~

~~(A) The requirements of this division are met if the 111739  
applicant is in compliance with divisions (A)(1), (2), and (3) of 111740  
this section. 111741~~

~~(1) On the date of application, the applicant has practiced 111742  
orthotics and prosthetics for not less than eight months under the 111743  
supervision of an individual licensed under this chapter to 111744  
practice orthotics and prosthetics. 111745~~

~~(2)(B) The applicant has completed an orthotics and 111746  
prosthetics residency program approved by the state physical 111747~~

health services board under section 4779.27 of the Revised Code~~;~~ 111748

~~(3)(C)~~ One of the following is the case: 111749

~~(a)(1)~~ The applicant holds a bachelor's degree in orthotics 111750  
and prosthetics from an accredited college or university whose 111751  
orthotics and prosthetics program is recognized by the ~~state~~ board 111752  
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of 111753  
the Revised Code or an equivalent educational credential from a 111754  
foreign educational institution recognized by the board~~;~~ 111755

~~(b)(2)~~ The applicant holds a bachelor's degree in a subject 111756  
other than orthotics and prosthetics or an equivalent educational 111757  
credential from a foreign educational institution recognized by 111758  
the board and has completed a certificate program in orthotics and 111759  
prosthetics recognized by the board under section 4779.26 of the 111760  
Revised Code. 111761

~~(B)~~ This division applies to applications made on or before 111762  
January 1, 2008. The requirements of this division are met if the 111763  
applicant is in compliance with division (B)(1) or (B)(2)(a) or 111764  
~~(b)~~ of this section: 111765

~~(1)~~ If application is made on or before January 1, 2006, the 111766  
applicant meets all of the following requirements: 111767

~~(a)~~ Holds an associate's degree or higher from an accredited 111768  
college or university or an equivalent credential from a foreign 111769  
educational institution recognized by the board; 111770

~~(b)~~ Has completed a certificate program in orthotics and 111771  
prosthetics recognized by the board under section 4779.26 of the 111772  
Revised Code; 111773

~~(c)~~ Has six years of documented, full-time experience 111774  
practicing or teaching orthotics or prosthetics. 111775

~~(2)~~ If the application is made on or before January 1, 2008, 111776  
the applicant meets the requirements of division (B)(2)(a) or (b) 111777

~~of this section:~~ 111778

~~(a)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 111779  
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~~(ii) The applicant holds a valid certificate in orthotics and prosthetics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;~~ 111783  
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~~(iii) The applicant has completed six years of documented, full-time experience practicing or teaching orthotics or prosthetics.~~ 111788  
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~~(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 111791  
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~~(ii) The applicant has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code;~~ 111795  
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~~(iii) The applicant has completed a residency program in orthotics and prosthetics recognized by the board under section 4779.27 of the Revised Code or has six years of documented, full-time experience practicing or teaching orthotics or prosthetics.~~ 111798  
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**Sec. 4779.13.** To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements: 111803  
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(A) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an individual 111806  
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licensed under this chapter to practice pedorthics; 111808

(B) Holds a high school diploma or certificate of high school 111809  
equivalence issued by the department of education, or a 111810  
primary-secondary education or higher education agency of another 111811  
state; 111812

(C) Has completed the education, training, and experience 111813  
required to take the certification examination developed by the 111814  
state physical health services board for certification in 111815  
pedorthics or an equivalent successor organization recognized by 111816  
the board. 111817

**Sec. 4779.15.** Except as provided in ~~sections 4779.16 and~~ 111818  
section 4779.17 of the Revised Code, the state physical health 111819  
services board ~~of orthotics, prosthetics, and pedorthics~~ shall 111820  
examine or cause to be examined each individual who seeks to 111821  
practice orthotics, prosthetics, orthotics and prosthetics, or 111822  
pedorthics in this state. 111823

To be eligible to take an examination conducted by the board 111824  
or an entity recognized by the board for the purpose of this 111825  
section, an individual must file an application and pay an 111826  
examination fee as specified in rules adopted by the board under 111827  
section 4779.08 of the Revised Code and meet all the requirements 111828  
of section 4779.09 of the Revised Code other than the requirement 111829  
of having passed the examination. 111830

Examinations shall be conducted at least once a year in 111831  
accordance with rules adopted by the board under section 4779.08 111832  
of the Revised Code. Each applicant shall be examined in such 111833  
subjects as the board requires. 111834

The board may use as its examination all or part of a 111835  
standard orthotics, prosthetics, orthotics and prosthetics, or 111836  
pedorthics licensing examination established for the purpose of 111837

determining the competence of individuals to practice orthotics, 111838  
prosthetics, or pedorthics in the United States. In lieu of 111839  
conducting examinations, the board may accept the results of 111840  
examinations conducted by entities recognized by the board. 111841

**Sec. 4779.17.** The state physical health services board ~~of~~ 111842  
~~orthotics, prosthetics, and pedorthics~~ shall issue a license under 111843  
section 4779.09 of the Revised Code to practice orthotics, 111844  
prosthetics, orthotics and prosthetics, or pedorthics without 111845  
examination to an applicant who meets all of the following 111846  
requirements: 111847

(A) Applies to the board in accordance with section 4779.09 111848  
of the Revised Code; 111849

(B) Holds a license to practice orthotics, prosthetics, 111850  
orthotics and prosthetics, or pedorthics issued by the appropriate 111851  
authority of another state; 111852

(C) One of the following applies: 111853

(1) In the case of an applicant for a license to practice 111854  
orthotics, the applicant meets the requirements in divisions 111855  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.10 of the Revised Code. 111856

(2) In the case of an applicant for a license to practice 111857  
prosthetics, the applicant meets the requirements in divisions 111858  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.11 of the Revised Code. 111859

(3) In the case of an applicant for a license to practice 111860  
orthotics and prosthetics, the applicant meets the requirements in 111861  
divisions ~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.12 of the Revised 111862  
Code. 111863

(4) In the case of an applicant for a license to practice 111864  
pedorthics, the applicant meets the requirements in divisions (B) 111865  
and (C) of section 4779.13 of the Revised Code. 111866

(D) ~~The~~ All fees ~~prescribed~~ received by the board under this 111867

section shall be ~~paid to the treasurer of~~ deposited in the state, 111868  
~~who shall deposit the fees in treasury to the credit of the~~ 111869  
occupational licensing and regulatory fund established in section 111870  
4743.05 of the Revised Code. 111871

**Sec. 4779.18.** (A) The state physical health services board ~~of~~ 111872  
~~orthotics, prosthetics, and pedorthics~~ shall issue a temporary 111873  
license to an individual who meets all of the following 111874  
requirements: 111875

(1) Applies to the board in accordance with rules adopted 111876  
under section 4779.08 of the Revised Code and pays the application 111877  
fee specified in the rules; 111878

(2) Is eighteen years of age or older; 111879

(3) Is of good moral character; 111880

(4) One of the following applies: 111881

(a) In the case of an applicant for a license to practice 111882  
orthotics, the applicant meets the requirements in divisions 111883  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.10 of the Revised Code. 111884

(b) In the case of an applicant for a license to practice 111885  
prosthetics, the applicant meets the requirements in divisions 111886  
~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.11 of the Revised Code. 111887

(c) In the case of an applicant for a license to practice 111888  
orthotics and prosthetics, the applicant meets the requirements in 111889  
divisions ~~(A)-(2)(B)~~ and ~~(3)(C)~~ of section 4779.12 of the Revised 111890  
Code. 111891

(d) In the case of an applicant for a license to practice 111892  
pedorthics, the applicant meets the requirements in divisions (B) 111893  
and (C) of section 4779.13 of the Revised Code. 111894

(B) A temporary license issued under this section is valid 111895  
for one year and may be renewed once in accordance with rules 111896



adopted by the board under section 4779.08 of the Revised Code. 111897

An individual who holds a temporary license may practice 111898  
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 111899  
only under the supervision of an individual who holds a license 111900  
issued under section 4779.09 of the Revised Code in the same area 111901  
of practice. 111902

(C) ~~The All fees prescribed received by the board under this~~ 111903  
~~section shall be paid to the treasurer of deposited in the state,~~ 111904  
~~who shall deposit the fees in treasury to the credit of the~~ 111905  
occupational licensing and regulatory fund established in section 111906  
4743.05 of the Revised Code. 111907

**Sec. 4779.20.** (A) An individual seeking to renew a license 111908  
issued under section 4779.09 of the Revised Code shall, on or 111909  
before the day the license expires pursuant to section 4779.19 of 111910  
the Revised Code, apply for renewal. The state physical health 111911  
services board of orthotics, prosthetics, and pedorthics shall 111912  
send renewal notices at least one month prior to the expiration 111913  
date. 111914

Applications shall be submitted to the board on forms the 111915  
board prescribes and furnishes. Each application shall be 111916  
accompanied by a renewal fee specified in rules adopted by the 111917  
board under section 4779.08 of the Revised Code, except that the 111918  
board may waive part of the renewal fee for the first renewal of 111919  
an initial license that expires one hundred days or less after it 111920  
is issued. 111921

(B) Beginning with the fourth renewal and every third renewal 111922  
thereafter, a license holder must certify to the board one of the 111923  
following: 111924

(1) In the case of an individual licensed as an orthotist or 111925  
prosthetist, the individual has completed within the preceding 111926

three years forty-five continuing education units granted by the 111927  
board under section 4779.24 of the Revised Code; 111928

(2) In the case of an individual licensed as a prosthetist 111929  
and orthotist, the individual has completed within the preceding 111930  
three years seventy-five continuing education units granted by the 111931  
board under section 4779.24 of the Revised Code; 111932

(3) In the case of an individual licensed as a pedorthist, 111933  
the individual has completed within the previous three years the 111934  
continuing education courses required by the board for 111935  
certification in pedorthics or an equivalent organization 111936  
recognized by the board. 111937

**Sec. 4779.23.** (A) To be eligible for approval by the state 111938  
physical health services board of ~~orthotics, prosthetics, and~~ 111939  
~~pedorthics~~, a continuing education course must satisfy all of the 111940  
following requirements: 111941

(1) Include significant intellectual or practical content and 111942  
be designed to improve the professional competence of 111943  
participants; 111944

(2) Deal with matters directly related to the practice of 111945  
orthotics, prosthetics, or pedorthics, including professional 111946  
responsibility, ethical obligations, or similar subjects that the 111947  
board considers necessary to maintain and improve the quality of 111948  
orthotic and prosthetic services in this state; 111949

(3) Involve in-person instruction, except that a course may 111950  
use self-study materials if the materials are prepared and 111951  
presented by a group with appropriate practical experience; 111952

(4) Be presented in a setting that is physically suited to 111953  
the course; 111954

(5) Include thorough, high-quality written material; 111955

(6) Meet any other requirements the board considers 111956

appropriate. 111957

(B) The board shall, in accordance with the standards in 111958  
division (A) of this section, review and approve continuing 111959  
education courses. If the board does not approve a course, it 111960  
shall provide a written explanation of the reason for the denial 111961  
to the person that requested approval. The board may approve 111962  
continuing education courses approved by boards of other states 111963  
that regulate orthotics, prosthetics, and pedorthics if the other 111964  
board's standards for approving continuing education courses are 111965  
equivalent to the standards established pursuant to division (A) 111966  
of this section. 111967

**Sec. 4779.24.** The state physical health services board ~~of~~ 111968  
~~orthotics, prosthetics, and pedorthics~~ shall grant continuing 111969  
education units to individuals licensed under this chapter on the 111970  
following basis: 111971

(A) For completing a continuing education course approved by 111972  
the board under section 4779.23 of the Revised Code, one unit for 111973  
each hour of instruction received; 111974

(B) For teaching as a faculty member a course in orthotics, 111975  
prosthetics, or pedorthics that is part of the curriculum of an 111976  
institution of higher education, one-half unit for each semester 111977  
hour of the course, or an equivalent unit for each quarter or 111978  
trimester hour of the course; 111979

(C) For teaching other than as a faculty member a course that 111980  
is part of an institution of higher education's orthotics, 111981  
prosthetics, or pedorthics curriculum, one unit for each hour 111982  
teaching the course; 111983

(D) For teaching a continuing education course that is 111984  
approved by the board under section 4779.23 of the Revised Code 111985  
that is not part of an institution of higher education's 111986

orthotics, prosthetics, or pedorthics curriculum, three units for 111987  
each hour teaching the course for the first time and one-half unit 111988  
for each hour teaching the course each time thereafter. 111989

**Sec. 4779.25.** The state physical health services board of 111990  
~~orthotics, prosthetics, and pedorthics~~ shall recognize an 111991  
institution of higher education's bachelor's degree program in 111992  
orthotics and prosthetics if the program satisfies all of the 111993  
following requirements: 111994

(A) Provides not less than two semesters or three quarters of 111995  
instruction in orthotics and two semesters or three quarters of 111996  
instruction in prosthetics; 111997

(B) Requires as a condition of entry a high school diploma or 111998  
certificate of high school equivalence; 111999

(C) Includes a written description of the program that 112000  
includes learning goals, course objectives, and competencies for 112001  
graduation; 112002

(D) Requires frequent, documented evaluation of students to 112003  
assess their acquisition of knowledge, problem identification and 112004  
solving skills, and psychomotor, behavioral, and clinical 112005  
competencies; 112006

(E) Requires as a condition of entry successful completion of 112007  
courses in biology, chemistry, physics, psychology, computer 112008  
science, algebra or higher math, human anatomy with a laboratory 112009  
section, and physiology with a laboratory section; 112010

(F) Requires formal instruction in biomechanics, gait 112011  
analysis and pathometrics, kinesiology, pathology, materials 112012  
science, research methods, and diagnostic imaging techniques; 112013

(G) Requires students as a condition of graduation to 112014  
demonstrate orthotics skills, including measurement, 112015  
impression-taking, model rectification, and fitting and alignment 112016

|                                                                         |        |
|-------------------------------------------------------------------------|--------|
| of orthoses for the lower limbs, upper limbs, and spines;               | 112017 |
| (H) Requires students as a condition of graduation to                   | 112018 |
| complete training in orthotic systems, including foot orthosis,         | 112019 |
| ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis,           | 112020 |
| hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis,             | 112021 |
| cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral            | 112022 |
| orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO,        | 112023 |
| standing frames, and seating;                                           | 112024 |
| (I) Requires students as a condition of graduation to                   | 112025 |
| demonstrate prosthetic skills that include measurement,                 | 112026 |
| impression-taking, model rectification, diagnostic fitting,             | 112027 |
| definitive fitting, postoperative management, external power, and       | 112028 |
| static and dynamic alignment of sockets related to various              | 112029 |
| amputation levels, including partial foot, Syme's below knee,           | 112030 |
| above knee, below elbow, above elbow, and the various joint             | 112031 |
| disarticulations;                                                       | 112032 |
| (J) Requires as a condition of graduation students to                   | 112033 |
| complete not less than five hundred hours of supervised clinical        | 112034 |
| experience that focus on patient-related activities, including          | 112035 |
| recommendation, measurement, impression-taking, model                   | 112036 |
| rectification, fabrication, fitting, and evaluating patients in         | 112037 |
| the use and function of orthotics and prosthetics;                      | 112038 |
| (K) Provides for the evaluation of the program's compliance             | 112039 |
| with the requirements of this section through regular, on-site          | 112040 |
| visits conducted by a team of qualified individuals from a              | 112041 |
| nationally recognized orthotic, prosthetic, or orthotic and             | 112042 |
| prosthetic certifying body;                                             | 112043 |
| (L) Meets any other standards adopted by the board under                | 112044 |
| section 4779.08 of the Revised Code.                                    | 112045 |
| <b>Sec. 4779.26.</b> The state <u>physical health services</u> board of | 112046 |

~~orthotics, prosthetics, and pedorthics~~ shall recognize a 112047  
certificate program in orthotics, prosthetics, or orthotics and 112048  
prosthetics if the program satisfies all of the following 112049  
requirements: 112050

(A) Meets the requirements in divisions (B), (C), (D), (E), 112051  
(F), (K), and (L) of section 4779.25 of the Revised Code; 112052

(B) In the case of a certificate program in orthotics, the 112053  
program does all of the following: 112054

(1) Provides not less than two semesters or three quarters of 112055  
instruction in orthotics; 112056

(2) Requires students to complete not less than two hundred 112057  
fifty hours of supervised clinical experience that focuses on 112058  
patient-related activities, recommendation, measurement, 112059  
impression-taking, model rectification, fabrication, fitting, and 112060  
evaluating patients in the use and function of orthotics; 112061

(3) Meets the requirements in divisions (G) and (H) of 112062  
section 4779.25 of the Revised Code. 112063

(C) In the case of a certificate program in prosthetics, the 112064  
program does all of the following: 112065

(1) Provides not less than two semesters or three quarters of 112066  
instruction in prosthetics; 112067

(2) Requires students to complete not less than two hundred 112068  
fifty hours of supervised clinical experience that focuses on 112069  
patient-related activities, recommendation, measurement, 112070  
impression-taking, model rectification, fabrication, fitting, and 112071  
evaluating patients in the use and function of prosthetics; 112072

(3) Meets the requirements in divisions (F) and (I) of 112073  
section 4779.25 of the Revised Code. 112074

(D) In the case of a certificate program in orthotics and 112075  
prosthetics, the program does both of the following: 112076

(1) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(2) Meets the requirements in divisions (H) and (I) of section 4779.25 of the Revised Code.

**Sec. 4779.27.** The state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall approve a residency program in orthotics, prosthetics, or orthotics and prosthetics if the program does all of the following:

(A) Requires a bachelor's degree as a condition of entry;

(B) Does one of the following:

(1) In the case of a residency program in orthotics, provides two semesters or three quarters of instruction in orthotics;

(2) In the case of a residency program in prosthetics, provides two semesters or three quarters of instruction in prosthetics;

(3) In the case of a residency program in orthotics and prosthetics, provides two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics.

(C) Meets the requirements in divisions (K) and (L) of section 4779.25 of the Revised Code;

(D) Provides residents with a sufficient variety and volume of clinical experiences to give them adequate educational experience in the acute, rehabilitative, and chronic aspects of orthotics and prosthetics, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;

(E) Provides residents with sufficient training in clinical 112106  
assessment, patient management, technical implementation, practice 112107  
management, and professional responsibility. 112108

**Sec. 4779.28.** (A) The state physical health services board 112109  
may, pursuant to an adjudication under Chapter 119. of the Revised 112110  
Code ~~and by a vote of not fewer than four of its members~~, limit, 112111  
revoke, or suspend a license issued under this chapter, refuse to 112112  
issue a license to an applicant, or reprimand or place on 112113  
probation a license holder for any of the following reasons: 112114

(1) Conviction of, or a plea of guilty to, a misdemeanor or 112115  
felony involving moral turpitude; 112116

(2) Any violation of this chapter; 112117

(3) Committing fraud, misrepresentation, or deception in 112118  
applying for or securing a license issued under this chapter; 112119

(4) Habitual use of drugs or intoxicants to the extent that 112120  
it renders the person unfit to practice; 112121

(5) Violation of any rule adopted by the board under section 112122  
4779.08 of the Revised Code; 112123

(6) A departure from, or failure to conform to, minimal 112124  
standards of care of similar orthotists, prosthetists, 112125  
orthotists-prosthetists, or pedorthists under the same or similar 112126  
circumstances, regardless of whether actual injury to a patient is 112127  
established; 112128

(7) Obtaining or attempting to obtain money or anything of 112129  
value by fraudulent misrepresentation in the course of practice; 112130

(8) Publishing a false, fraudulent, deceptive, or misleading 112131  
statement; 112132

(9) Waiving the payment of all or part of a deductible or 112133  
copayment that a patient, pursuant to a health insurance or health 112134



care policy, contract, or plan, would otherwise be required to 112135  
pay, if the waiver is used as an enticement to a patient or group 112136  
of patients to receive health care services from a person who 112137  
holds a license issued under this chapter; 112138

(10) Advertising that a person who holds a license issued 112139  
under this chapter will waive the payment of all or part of a 112140  
deductible or copayment that a patient, pursuant to a health 112141  
insurance or health care policy, contract, or plan, that covers 112142  
the person's services, would otherwise be required to pay. 112143

(B) For the purpose of investigating whether a person is 112144  
engaging or has engaged in conduct described in division (A) of 112145  
this section, the board may administer oaths, order the taking of 112146  
depositions, issue subpoenas, examine witnesses, and compel the 112147  
attendance of witnesses and production of books, accounts, papers, 112148  
records, documents, and testimony. 112149

**Sec. 4779.29.** If the state physical health services board 112150  
determines that there is clear and convincing evidence that an 112151  
individual licensed under this chapter is engaging or has engaged 112152  
in conduct described in division (A) of section 4779.28 of the 112153  
Revised Code and that the license holder's continued practice 112154  
presents a danger of immediate and serious harm to the public, the 112155  
board may suspend the individual's license without an adjudicatory 112156  
hearing. A telephone conference call may be used for reviewing the 112157  
matter and taking the vote. 112158

If the board votes to suspend an individual's license, the 112159  
board shall issue a written order of suspension by certified mail 112160  
or in person in accordance with section 119.07 of the Revised 112161  
Code. The order is not subject to suspension by a court during 112162  
~~pendancy~~ pendency of any appeal filed under section 119.12 of the 112163  
Revised Code. If the license holder requests an adjudicatory 112164  
hearing by the board, the date set for the hearing shall be not 112165

later than fifteen days, but not earlier than seven days, after 112166  
the request, unless otherwise agreed to by the board and the 112167  
license holder. 112168

Any suspension imposed under this section shall remain in 112169  
effect, unless reversed on appeal, until a final adjudicative 112170  
order issued by the board pursuant to section 119.12 of the 112171  
Revised Code becomes effective. The board shall issue its final 112172  
adjudicative order within sixty days after completion of its 112173  
hearing. A failure to issue an order within sixty days shall 112174  
result in the dissolution of the summary suspension order, but 112175  
shall not invalidate any subsequent, final adjudicative order. 112176

**Sec. 4779.30.** If the state physical health services board ~~of~~ 112177  
~~orthotics, prosthetics, and pedorthics~~ has reason to believe that 112178  
a person who holds a license issued under this chapter is mentally 112179  
ill or mentally incompetent, it may file in the probate court of 112180  
the county in which the person has a legal residence an affidavit 112181  
in the form prescribed in section 5122.11 of the Revised Code and 112182  
signed by the secretary of the board, whereupon the same 112183  
proceeding shall be had as provided in Chapter 5122. of the 112184  
Revised Code. The attorney general may represent the board in any 112185  
proceeding commenced under this section. 112186

If an individual who has been granted a license under this 112187  
chapter is adjudicated by a probate court to be mentally ill or 112188  
mentally incompetent, the individual's license shall be 112189  
automatically suspended until the individual has filed with the 112190  
board a certified copy of an adjudication by a probate court of 112191  
the individual's subsequent restoration to competency or has 112192  
submitted to the board proof, satisfactory to the board, of having 112193  
been restored to competency in the manner and form provided in 112194  
section 5122.38 of the Revised Code. The judge of the court shall 112195  
immediately notify the board of an adjudication of incompetence 112196

and note any suspension of a license in the margin of the court's 112197  
record of the certificate. ~~In the absence of fraud or bad faith,~~ 112198  
~~neither the board nor any agent, representative, or employee of~~ 112199  
~~the board shall be held liable in damages by any person by reason~~ 112200  
~~of the filing of the affidavit referred to in this section.~~ 112201

**Sec. 4779.31.** Before reinstating a license issued under this 112202  
chapter that has been suspended for more than two years, the state 112203  
physical health services board may require an individual to pass 112204  
the appropriate licensing examination. 112205

**Sec. 4779.32.** If any person makes an allegation against an 112206  
individual who holds a license issued under this chapter, the 112207  
allegation shall be reduced to writing and verified by a person 112208  
who is familiar with the facts underlying the allegation. The 112209  
person making the allegation shall file ~~three copies of the~~ 112210  
allegation with the state physical health services board ~~of~~ 112211  
~~orthotics, prosthetics, and pedorthics~~. If a person alleges that a 112212  
license holder is engaging or has engaged in conduct described in 112213  
division (A) of section 4779.28 of the Revised Code, the board may 112214  
proceed with an adjudication hearing under Chapter 119. of the 112215  
Revised Code. The board shall retain the information filed under 112216  
this section in accordance with rules adopted by the board under 112217  
section 4779.08 of the Revised Code. 112218

**Sec. 4779.33.** The ~~secretary of the state~~ physical health 112219  
services board ~~of orthotics, prosthetics, and pedorthics~~ shall 112220  
enforce the laws relating to the practice of orthotics, 112221  
prosthetics, and pedorthics. If the secretary of the board has 112222  
knowledge of a violation, the secretary shall investigate the 112223  
violation and notify the prosecuting attorney of the proper 112224  
county. 112225

Sec. 4779.34. The state physical health services board of 112226  
~~orthotics, prosthetics, and pedorthics~~ shall comply with section 112227  
4776.20 of the Revised Code. 112228

Sec. 5120.55. (A) As used in this section, "licensed health 112229  
professional" means any or all of the following: 112230

(1) A dentist who holds a current, valid license issued under 112231  
Chapter 4715. of the Revised Code to practice dentistry; 112232

(2) A licensed practical nurse who holds a current, valid 112233  
license issued under Chapter 4723. of the Revised Code that 112234  
authorizes the practice of nursing as a licensed practical nurse; 112235

(3) An optometrist who holds a current, valid certificate of 112236  
licensure issued under Chapter 4725. of the Revised Code that 112237  
authorizes the holder to engage in the practice of optometry; 112238

(4) A physician who is authorized under Chapter 4731. of the 112239  
Revised Code to practice medicine and surgery, osteopathic 112240  
medicine and surgery, or podiatric medicine and surgery; 112241

(5) A psychologist who holds a current, valid license issued 112242  
under Chapter 4732. of the Revised Code that authorizes the 112243  
practice of psychology as a licensed psychologist; 112244

(6) A registered nurse who holds a current, valid license 112245  
issued under Chapter 4723. of the Revised Code that authorizes the 112246  
practice of nursing as a registered nurse, including such a nurse 112247  
who is also licensed to practice as an advanced practice 112248  
registered nurse as defined in section 4723.01 of the Revised 112249  
Code. 112250

(B)(1) The department of rehabilitation and correction may 112251  
establish a recruitment program under which the department, by 112252  
means of a contract entered into under division (C) of this 112253  
section, agrees to repay all or part of the principal and interest 112254

of a government or other educational loan incurred by a licensed 112255  
health professional who agrees to provide services to inmates of 112256  
correctional institutions under the department's administration. 112257

(2)(a) For a physician to be eligible to participate in the 112258  
program, the physician must have attended a school that was, 112259  
during the time of attendance, a medical school or osteopathic 112260  
medical school in this country accredited by the liaison committee 112261  
on medical education or the American osteopathic association, a 112262  
college of podiatry in this country recognized as being in good 112263  
standing under section 4731.53 of the Revised Code, or a medical 112264  
school, osteopathic medical school, or college of podiatry located 112265  
outside this country that was acknowledged by the world health 112266  
organization and verified by a member state of that organization 112267  
as operating within that state's jurisdiction. 112268

(b) For a nurse to be eligible to participate in the program, 112269  
the nurse must have attended a school that was, during the time of 112270  
attendance, a nursing school in this country accredited by the 112271  
commission on collegiate nursing education or the national league 112272  
for nursing accrediting commission or a nursing school located 112273  
outside this country that was acknowledged by the world health 112274  
organization and verified by a member state of that organization 112275  
as operating within that state's jurisdiction. 112276

(c) For a dentist to be eligible to participate in the 112277  
program, the dentist must have attended a school that was, during 112278  
the time of attendance, a dental college that enabled the dentist 112279  
to meet the requirements specified in section 4715.10 of the 112280  
Revised Code to be granted a license to practice dentistry. 112281

(d) For an optometrist to be eligible to participate in the 112282  
program, the optometrist must have attended a school of optometry 112283  
that was, during the time of attendance, approved by the state 112284  
~~board of optometry~~ vision professionals board. 112285

(e) For a psychologist to be eligible to participate in the program, the psychologist must have attended an educational institution that, during the time of attendance, maintained a specific degree program recognized by the state board of psychology as acceptable for fulfilling the requirement of division (B)(3) of section 4732.10 of the Revised Code.

(C) The department shall enter into a contract with each licensed health professional it recruits under this section. Each contract shall include at least the following terms:

(1) The licensed health professional agrees to provide a specified scope of medical, osteopathic medical, podiatric, optometric, psychological, nursing, or dental services to inmates of one or more specified state correctional institutions for a specified number of hours per week for a specified number of years.

(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the licensed health professional for the following expenses to attend, for up to a maximum of four years, a school that qualifies the licensed health professional to participate in the program:

(a) Tuition;

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section;

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section.

(3) The licensed health professional agrees to pay the department a specified amount, which shall be no less than the

amount already paid by the department pursuant to its agreement, 112317  
as damages if the licensed health professional fails to complete 112318  
the service obligation agreed to or fails to comply with other 112319  
specified terms of the contract. The contract may vary the amount 112320  
of damages based on the portion of the service obligation that 112321  
remains uncompleted. 112322

(4) Other terms agreed upon by the parties. 112323

The licensed health professional's lending institution or the 112324  
~~Ohio board~~ department of regents, higher education may be a party 112325  
to the contract. The contract may include an assignment to the 112326  
department of rehabilitation and correction of the licensed health 112327  
professional's duty to repay the principal and interest of the 112328  
loan. 112329

(D) If the department of rehabilitation and correction elects 112330  
to implement the recruitment program, it shall adopt rules in 112331  
accordance with Chapter 119. of the Revised Code that establish 112332  
all of the following: 112333

(1) Criteria for designating institutions for which licensed 112334  
health professionals will be recruited; 112335

(2) Criteria for selecting licensed health professionals for 112336  
participation in the program; 112337

(3) Criteria for determining the portion of a loan which the 112338  
department will agree to repay; 112339

(4) Criteria for determining reasonable amounts of the 112340  
expenses described in divisions (C)(2)(b) and (c) of this section; 112341

(5) Procedures for monitoring compliance by a licensed health 112342  
professional with the terms of the contract the licensed health 112343  
professional enters into under this section; 112344

(6) Any other criteria or procedures necessary to implement 112345  
the program. 112346

**Sec. 5123.46.** All rules adopted under sections 5123.41 to 112347  
5123.45 and section 5123.452 of the Revised Code shall be adopted 112348  
in consultation with the board of nursing, the Ohio nurses 112349  
association, the ~~Ohio respiratory care~~ state medical board, and 112350  
the Ohio society for respiratory care. The rules shall be adopted 112351  
in accordance with Chapter 119. of the Revised Code. 112352

**Section 130.12.** That existing sections 109.572, 119.06, 112353  
121.22, 2305.113, 3313.608, 3701.83, 4725.01, 4725.02, 4725.04, 112354  
4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.091, 4725.092, 112355  
4725.10, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 112356  
4725.17, 4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 112357  
4725.23, 4725.24, 4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 112358  
4725.33, 4725.34, 4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 112359  
4725.49, 4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 112360  
4725.54, 4725.55, 4725.57, 4725.61, 4729.85, 4731.051, 4731.07, 112361  
4731.071, 4731.224, 4731.24, 4731.25, 4743.05, 4745.02, 4745.04, 112362  
4747.04, 4747.05, 4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 112363  
4747.12, 4747.13, 4747.14, 4747.16, 4747.17, 4752.01, 4752.03, 112364  
4752.04, 4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 112365  
4752.13, 4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 112366  
4753.05, 4753.06, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 112367  
4753.09, 4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 112368  
4753.16, 4755.02, 4755.03, 4755.031, 4755.06, 4755.061, 4755.07, 112369  
4755.08, 4755.09, 4755.10, 4755.11, 4755.111, 4755.12, 4755.41, 112370  
4755.411, 4755.412, 4755.42, 4755.421, 4755.43, 4755.431, 4755.44, 112371  
4755.441, 4755.45, 4755.451, 4755.46, 4755.47, 4755.471, 4755.482, 112372  
4755.51, 4755.511, 4755.52, 4755.53, 4755.61, 4755.62, 4755.63, 112373  
4755.64, 4755.65, 4755.66, 4755.70, 4755.71, 4755.99, 4759.02, 112374  
4759.05, 4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 112375  
4759.11, 4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 4761.051, 112376  
4761.06, 4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 112377



4761.13, 4761.14, 4761.18, 4776.01, 4779.02, 4779.08, 4779.09, 112378  
4779.091, 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.17, 112379  
4779.18, 4779.20, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 112380  
4779.28, 4779.29, 4779.30, 4779.31, 4779.32, 4779.33, 4779.34, 112381  
5120.55, and 5123.46 of the Revised Code are hereby repealed. 112382

**Section 130.13.** That sections 4725.03, 4725.42, 4725.43, 112383  
4725.45, 4725.46, 4725.47, 4747.03, 4753.03, 4753.04, 4755.01, 112384  
4759.03, 4759.04, 4761.02, 4761.15, 4761.16, 4779.05, 4779.06, 112385  
4779.07, 4779.16, 4779.21, and 4779.22 of the Revised Code are 112386  
hereby repealed. 112387

**Section 130.14.** Sections 109.572, 119.06, 121.22, 2305.113, 112388  
3313.608, 3701.83, 4725.01, 4725.02, 4725.09, 4725.091, 4725.092, 112389  
4725.10, 4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 112390  
4725.17, 4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 112391  
4725.23, 4725.24, 4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 112392  
4725.33, 4725.34, 4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 112393  
4725.49, 4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 112394  
4725.54, 4725.55, 4725.57, 4725.61, 4729.021, 4729.85, 4731.051, 112395  
4731.07, 4731.071, 4731.224, 4731.24, 4731.25, 4743.05, 4745.02, 112396  
4745.021, 4745.04, 4747.04, 4747.05, 4747.051, 4747.06, 4747.07, 112397  
4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 4747.16, 112398  
4747.17, 4752.01, 4752.03, 4752.04, 4752.05, 4752.06, 4752.08, 112399  
4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 4752.15, 4752.17, 112400  
4752.18, 4752.19, 4752.20, 4752.22, 4752.24, 4753.05, 4753.06, 112401  
4753.061, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 112402  
4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 112403  
4755.02, 4755.03, 4755.031, 4755.06, 4755.061, 4755.07, 4755.08, 112404  
4755.09, 4755.10, 4755.11, 4755.111, 4755.12, 4755.41, 4755.411, 112405  
4755.412, 4755.42, 4755.421, 4755.43, 4755.431, 4755.44, 4755.441, 112406  
4755.45, 4755.451, 4755.46, 4755.47, 4755.471, 4755.482, 4755.51, 112407

4755.511, 4755.52, 4755.53, 4755.61, 4755.62, 4755.63, 4755.64, 112408  
4755.65, 4755.66, 4755.70, 4755.71, 4755.99, 4759.011, 4759.02, 112409  
4759.05, 4759.051, 4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 112410  
4759.10, 4759.11, 4759.12, 4761.011, 4761.03, 4761.031, 4761.032, 112411  
4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.08, 4761.09, 112412  
4761.10, 4761.11, 4761.12, 4761.13, 4761.14, 4761.18, 4776.01, 112413  
4779.02, 4779.08, 4779.09, 4779.091, 4779.10, 4779.11, 4779.12, 112414  
4779.13, 4779.15, 4779.17, 4779.18, 4779.20, 4779.23, 4779.24, 112415  
4779.25, 4779.26, 4779.27, 4779.28, 4779.29, 4779.30, 4779.31, 112416  
4779.32, 4779.33, 4779.34, 5120.55, and 5123.46 of the Revised 112417  
Code as amended or enacted by Section 130.11 of this act and the 112418  
repeal of sections 4725.03, 4725.42, 4725.43, 4725.45, 4725.46, 112419  
4725.47, 4747.03, 4753.03, 4753.04, 4755.01, 4759.03, 4759.04, 112420  
4761.02, 4761.15, 4761.16, 4779.05, 4779.06, 4779.07, and 4779.16 112421  
of the Revised Code by Section 130.13 of this act take effect on 112422  
January 21, 2018. 112423

**Section 130.21.** That sections 102.02, 109.572, 111.15, 112424  
119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 135.321, 112425  
135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 755.141, 112426  
902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 1101.03, 112427  
1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 1103.07, 112428  
1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 1103.16, 112429  
1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 1105.03, 112430  
1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 1107.07, 112431  
1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 1109.03, 112432  
1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 1109.22, 112433  
1109.23, 1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 1109.33, 112434  
1109.34, 1109.35, 1109.36, 1109.39, 1109.40, 1109.43, 1109.44, 112435  
1109.45, 1109.47, 1109.48, 1109.49, 1109.53, 1109.54, 1109.55, 112436  
1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 1109.69, 1111.01, 112437  
1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 1111.09, 112438

1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 1115.01, 112439  
1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 1115.15, 112440  
1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 112441  
1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 1121.05, 112442  
1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 1121.17, 112443  
1121.18, 1121.21, 1121.23, 1121.24, 1121.26, 1121.30, 1121.33, 112444  
1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 1121.48, 112445  
1121.50, 1121.56, 1123.01, 1123.02, 1123.03, 1125.01, 1125.03, 112446  
1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 112447  
1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 112448  
1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 1125.28, 112449  
1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 112450  
1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 1181.25, 112451  
1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 1901.31, 112452  
2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 be amended; 112453  
sections 1103.01 (1113.01), 1103.06 (1113.04), 1103.08 (1113.12), 112454  
1103.09 (1113.13), 1103.11 (1113.11), 1103.13 (1113.14), 1103.14 112455  
(1113.15), 1103.15 (1113.16), 1103.16 (1113.17), 1103.21 112456  
(1117.07), and 1113.01 (1113.02) be amended for the purpose of 112457  
adopting new section numbers as shown in parentheses; and new 112458  
section 1121.52 and sections 1101.05, 1103.99, 1109.021, 1109.04, 112459  
1109.151, 1109.441, 1109.62, 1114.01, 1114.02, 1114.03, 1114.04, 112460  
1114.05, 1114.06, 1114.07, 1114.08, 1114.09, 1114.10, 1114.11, 112461  
1114.12, 1114.16, 1115.02, 1115.03, 1115.24, 1116.01, 1116.02, 112462  
1116.05, 1116.06, 1116.07, 1116.08, 1116.09, 1116.10, 1116.11, 112463  
1116.12, 1116.13, 1116.16, 1116.18, 1116.19, 1116.20, 1116.21, 112464  
1121.19, and 1121.29 of the Revised Code be enacted to read as 112465  
follows: 112466

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 112467  
(H) of this section, all of the following shall file with the 112468  
appropriate ethics commission the disclosure statement described 112469  
in this division on a form prescribed by the appropriate 112470

commission: every person who is elected to or is a candidate for a 112471  
state, county, or city office and every person who is appointed to 112472  
fill a vacancy for an unexpired term in such an elective office; 112473  
all members of the state board of education; the director, 112474  
assistant directors, deputy directors, division chiefs, or persons 112475  
of equivalent rank of any administrative department of the state; 112476  
the president or other chief administrative officer of every state 112477  
institution of higher education as defined in section 3345.011 of 112478  
the Revised Code; the executive director and the members of the 112479  
capitol square review and advisory board appointed or employed 112480  
pursuant to section 105.41 of the Revised Code; all members of the 112481  
Ohio casino control commission, the executive director of the 112482  
commission, all professional employees of the commission, and all 112483  
technical employees of the commission who perform an internal 112484  
audit function; the individuals set forth in division (B)(2) of 112485  
section 187.03 of the Revised Code; the chief executive officer 112486  
and the members of the board of each state retirement system; each 112487  
employee of a state retirement board who is a state retirement 112488  
system investment officer licensed pursuant to section 1707.163 of 112489  
the Revised Code; the members of the Ohio retirement study council 112490  
appointed pursuant to division (C) of section 171.01 of the 112491  
Revised Code; employees of the Ohio retirement study council, 112492  
other than employees who perform purely administrative or clerical 112493  
functions; the administrator of workers' compensation and each 112494  
member of the bureau of workers' compensation board of directors; 112495  
the bureau of workers' compensation director of investments; the 112496  
chief investment officer of the bureau of workers' compensation; 112497  
all members of the board of commissioners on grievances and 112498  
discipline of the supreme court and the ethics commission created 112499  
under section 102.05 of the Revised Code; every business manager, 112500  
treasurer, or superintendent of a city, local, exempted village, 112501  
joint vocational, or cooperative education school district or an 112502  
educational service center; every person who is elected to or is a 112503

candidate for the office of member of a board of education of a 112504  
city, local, exempted village, joint vocational, or cooperative 112505  
education school district or of a governing board of an 112506  
educational service center that has a total student count of 112507  
twelve thousand or more as most recently determined by the 112508  
department of education pursuant to section 3317.03 of the Revised 112509  
Code; every person who is appointed to the board of education of a 112510  
municipal school district pursuant to division (B) or (F) of 112511  
section 3311.71 of the Revised Code; all members of the board of 112512  
directors of a sanitary district that is established under Chapter 112513  
6115. of the Revised Code and organized wholly for the purpose of 112514  
providing a water supply for domestic, municipal, and public use, 112515  
and that includes two municipal corporations in two counties; 112516  
every public official or employee who is paid a salary or wage in 112517  
accordance with schedule C of section 124.15 or schedule E-2 of 112518  
section 124.152 of the Revised Code; members of the board of 112519  
trustees and the executive director of the southern Ohio 112520  
agricultural and community development foundation; all members 112521  
appointed to the Ohio livestock care standards board under section 112522  
904.02 of the Revised Code; all entrepreneurs in residence 112523  
assigned by the LeanOhio office in the department of 112524  
administrative services under section 125.65 of the Revised Code 112525  
and every other public official or employee who is designated by 112526  
the appropriate ethics commission pursuant to division (B) of this 112527  
section. 112528

(2) The disclosure statement shall include all of the 112529  
following: 112530

(a) The name of the person filing the statement and each 112531  
member of the person's immediate family and all names under which 112532  
the person or members of the person's immediate family do 112533  
business; 112534

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 112535

section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(ii) If the person filing the statement is a member of the general assembly, the statement shall identify every source of

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

(iii) Except as otherwise provided in division (A)(2)(b)(iii) of this section, division (A)(2)(b)(i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were

sought, or would reveal an otherwise privileged communication 112602  
involving the client, patient, or other recipient of professional 112603  
services. Division (A)(2)(b)(i) of this section does not require 112604  
an attorney, physician, or other professional subject to a 112605  
confidentiality requirement as described in division 112606  
(A)(2)(b)(iii) of this section to disclose in the brief 112607  
description of the nature of services required by division 112608  
(A)(2)(b)(i) of this section any information pertaining to 112609  
specific professional services rendered for a client, patient, or 112610  
other recipient of professional services that would reveal details 112611  
of the subject matter for which legal, medical, or professional 112612  
advice was sought or would reveal an otherwise privileged 112613  
communication involving the client, patient, or other recipient of 112614  
professional services. 112615

(c) The name of every corporation on file with the secretary 112616  
of state that is incorporated in this state or holds a certificate 112617  
of compliance authorizing it to do business in this state, trust, 112618  
business trust, partnership, or association that transacts 112619  
business in this state in which the person filing the statement or 112620  
any other person for the person's use and benefit had during the 112621  
preceding calendar year an investment of over one thousand dollars 112622  
at fair market value as of the thirty-first day of December of the 112623  
preceding calendar year, or the date of disposition, whichever is 112624  
earlier, or in which the person holds any office or has a 112625  
fiduciary relationship, and a description of the nature of the 112626  
investment, office, or relationship. Division (A)(2)(c) of this 112627  
section does not require disclosure of the name of any bank, 112628  
savings and loan association, credit union, or building and loan 112629  
association with which the person filing the statement has a 112630  
deposit or a withdrawable share account. 112631

(d) All fee simple and leasehold interests to which the 112632  
person filing the statement holds legal title to or a beneficial 112633



interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

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

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

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

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

(i) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a

meeting or convention of a national or state organization to which 112698  
any state agency, including, but not limited to, any legislative 112699  
agency or state institution of higher education as defined in 112700  
section 3345.011 of the Revised Code, pays membership dues, or any 112701  
political subdivision or any office or agency of a political 112702  
subdivision pays membership dues, that are incurred in connection 112703  
with the person's official duties and that exceed one hundred 112704  
dollars aggregated per calendar year; 112705

(j) If the disclosure statement is filed by a public official 112706  
or employee described in division (B)(2) of section 101.73 of the 112707  
Revised Code or division (B)(2) of section 121.63 of the Revised 112708  
Code who receives a statement from a legislative agent, executive 112709  
agency lobbyist, or employer that contains the information 112710  
described in division (F)(2) of section 101.73 of the Revised Code 112711  
or division (G)(2) of section 121.63 of the Revised Code, all of 112712  
the nondisputed information contained in the statement delivered 112713  
to that public official or employee by the legislative agent, 112714  
executive agency lobbyist, or employer under division (F)(2) of 112715  
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 112716

(3) A person may file a statement required by this section in 112717  
person, by mail, or by electronic means. 112718

(4) A person who is required to file a statement under this 112719  
section shall file that statement according to the following 112720  
deadlines, as applicable: 112721

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 112722  
and (d) of this section, the person shall file the statement not 112723  
later than the fifteenth day of May of each year. 112724

(b) A person who is a candidate for elective office shall 112725  
file the statement no later than the thirtieth day before the 112726  
primary, special, or general election at which the candidacy is to 112727  
be voted on, whichever election occurs soonest, except that a 112728

person who is a write-in candidate shall file the statement no 112729  
later than the twentieth day before the earliest election at which 112730  
the person's candidacy is to be voted on. 112731

(c) A person who is appointed to fill a vacancy for an 112732  
unexpired term in an elective office shall file the statement 112733  
within fifteen days after the person qualifies for office. 112734

(d) A person who is appointed or employed after the fifteenth 112735  
day of May, other than a person described in division (A)(4)(c) of 112736  
this section, shall file an annual statement within ninety days 112737  
after appointment or employment. 112738

(5) No person shall be required to file with the appropriate 112739  
ethics commission more than one statement or pay more than one 112740  
filing fee for any one calendar year. 112741

(6) The appropriate ethics commission, for good cause, may 112742  
extend for a reasonable time the deadline for filing a statement 112743  
under this section. 112744

(7) A statement filed under this section is subject to public 112745  
inspection at locations designated by the appropriate ethics 112746  
commission except as otherwise provided in this section. 112747

(B) The Ohio ethics commission, the joint legislative ethics 112748  
committee, and the board of commissioners on grievances and 112749  
discipline of the supreme court, using the rule-making procedures 112750  
of Chapter 119. of the Revised Code, may require any class of 112751  
public officials or employees under its jurisdiction and not 112752  
specifically excluded by this section whose positions involve a 112753  
substantial and material exercise of administrative discretion in 112754  
the formulation of public policy, expenditure of public funds, 112755  
enforcement of laws and rules of the state or a county or city, or 112756  
the execution of other public trusts, to file an annual statement 112757  
under division (A) of this section. The appropriate ethics 112758  
commission shall send the public officials or employees written 112759

notice of the requirement not less than thirty days before the 112760  
applicable filing deadline unless the public official or employee 112761  
is appointed after that date, in which case the notice shall be 112762  
sent within thirty days after appointment, and the filing shall be 112763  
made not later than ninety days after appointment. 112764

Disclosure statements filed under this division with the Ohio 112765  
ethics commission by members of boards, commissions, or bureaus of 112766  
the state for which no compensation is received other than 112767  
reasonable and necessary expenses shall be kept confidential. 112768  
Disclosure statements filed with the Ohio ethics commission under 112769  
division (A) of this section by business managers, treasurers, and 112770  
superintendents of city, local, exempted village, joint 112771  
vocational, or cooperative education school districts or 112772  
educational service centers shall be kept confidential, except 112773  
that any person conducting an audit of any such school district or 112774  
educational service center pursuant to section 115.56 or Chapter 112775  
117. of the Revised Code may examine the disclosure statement of 112776  
any business manager, treasurer, or superintendent of that school 112777  
district or educational service center. Disclosure statements 112778  
filed with the Ohio ethics commission under division (A) of this 112779  
section by the individuals set forth in division (B)(2) of section 112780  
187.03 of the Revised Code shall be kept confidential. The Ohio 112781  
ethics commission shall examine each disclosure statement required 112782  
to be kept confidential to determine whether a potential conflict 112783  
of interest exists for the person who filed the disclosure 112784  
statement. A potential conflict of interest exists if the private 112785  
interests of the person, as indicated by the person's disclosure 112786  
statement, might interfere with the public interests the person is 112787  
required to serve in the exercise of the person's authority and 112788  
duties in the person's office or position of employment. If the 112789  
commission determines that a potential conflict of interest 112790  
exists, it shall notify the person who filed the disclosure 112791  
statement and shall make the portions of the disclosure statement 112792

that indicate a potential conflict of interest subject to public 112793  
inspection in the same manner as is provided for other disclosure 112794  
statements. Any portion of the disclosure statement that the 112795  
commission determines does not indicate a potential conflict of 112796  
interest shall be kept confidential by the commission and shall 112797  
not be made subject to public inspection, except as is necessary 112798  
for the enforcement of Chapters 102. and 2921. of the Revised Code 112799  
and except as otherwise provided in this division. 112800

(C) No person shall knowingly fail to file, on or before the 112801  
applicable filing deadline established under this section, a 112802  
statement that is required by this section. 112803

(D) No person shall knowingly file a false statement that is 112804  
required to be filed under this section. 112805

(E)(1) Except as provided in divisions (E)(2) and (3) of this 112806  
section, the statement required by division (A) or (B) of this 112807  
section shall be accompanied by a filing fee of sixty dollars. 112808

(2) The statement required by division (A) of this section 112809  
shall be accompanied by the following filing fee to be paid by the 112810  
person who is elected or appointed to, or is a candidate for, any 112811  
of the following offices: 112812

|                                          |      |        |
|------------------------------------------|------|--------|
| For state office, except member of the   |      | 112813 |
| state board of education                 | \$95 | 112814 |
| For office of member of general assembly | \$40 | 112815 |
| For county office                        | \$60 | 112816 |
| For city office                          | \$35 | 112817 |
| For office of member of the state board  |      | 112818 |
| of education                             | \$35 | 112819 |
| For office of member of a city, local,   |      | 112820 |
| exempted village, or cooperative         |      | 112821 |
| education board of                       |      | 112822 |
| education or educational service         |      | 112823 |

|                                                                    |      |        |
|--------------------------------------------------------------------|------|--------|
| center governing board                                             | \$30 | 112824 |
| For position of business manager,                                  |      | 112825 |
| treasurer, or superintendent of a                                  |      | 112826 |
| city, local, exempted village, joint                               |      | 112827 |
| vocational, or cooperative education                               |      | 112828 |
| school district or                                                 |      | 112829 |
| educational service center                                         | \$30 | 112830 |
| (3) No judge of a court of record or candidate for judge of a      |      | 112831 |
| court of record, and no referee or magistrate serving a court of   |      | 112832 |
| record, shall be required to pay the fee required under division   |      | 112833 |
| (E)(1) or (2) or (F) of this section.                              |      | 112834 |
| (4) For any public official who is appointed to a nonelective      |      | 112835 |
| office of the state and for any employee who holds a nonelective   |      | 112836 |
| position in a public agency of the state, the state agency that is |      | 112837 |
| the primary employer of the state official or employee shall pay   |      | 112838 |
| the fee required under division (E)(1) or (F) of this section.     |      | 112839 |
| (F) If a statement required to be filed under this section is      |      | 112840 |
| not filed by the date on which it is required to be filed, the     |      | 112841 |
| appropriate ethics commission shall assess the person required to  |      | 112842 |
| file the statement a late filing fee of ten dollars for each day   |      | 112843 |
| the statement is not filed, except that the total amount of the    |      | 112844 |
| late filing fee shall not exceed two hundred fifty dollars.        |      | 112845 |
| (G)(1) The appropriate ethics commission other than the Ohio       |      | 112846 |
| ethics commission and the joint legislative ethics committee shall |      | 112847 |
| deposit all fees it receives under divisions (E) and (F) of this   |      | 112848 |
| section into the general revenue fund of the state.                |      | 112849 |
| (2) The Ohio ethics commission shall deposit all receipts,         |      | 112850 |
| including, but not limited to, fees it receives under divisions    |      | 112851 |
| (E) and (F) of this section, investigative or other fees, costs,   |      | 112852 |
| or other funds it receives as a result of court orders, and all    |      | 112853 |
| moneys it receives from settlements under division (G) of section  |      | 112854 |
| 102.06 of the Revised Code, into the Ohio ethics commission fund,  |      | 112855 |

which is hereby created in the state treasury. All moneys credited 112856  
to the fund shall be used solely for expenses related to the 112857  
operation and statutory functions of the commission. 112858

(3) The joint legislative ethics committee shall deposit all 112859  
receipts it receives from the payment of financial disclosure 112860  
statement filing fees under divisions (E) and (F) of this section 112861  
into the joint legislative ethics committee investigative fund. 112862

(H) Division (A) of this section does not apply to a person 112863  
elected or appointed to the office of precinct, ward, or district 112864  
committee member under Chapter 3517. of the Revised Code; a 112865  
presidential elector; a delegate to a national convention; village 112866  
or township officials and employees; any physician or psychiatrist 112867  
who is paid a salary or wage in accordance with schedule C of 112868  
section 124.15 or schedule E-2 of section 124.152 of the Revised 112869  
Code and whose primary duties do not require the exercise of 112870  
administrative discretion; or any member of a board, commission, 112871  
or bureau of any county or city who receives less than one 112872  
thousand dollars per year for serving in that position. 112873

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 112874  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 112875  
a completed form prescribed pursuant to division (C)(1) of this 112876  
section, and a set of fingerprint impressions obtained in the 112877  
manner described in division (C)(2) of this section, the 112878  
superintendent of the bureau of criminal identification and 112879  
investigation shall conduct a criminal records check in the manner 112880  
described in division (B) of this section to determine whether any 112881  
information exists that indicates that the person who is the 112882  
subject of the request previously has been convicted of or pleaded 112883  
guilty to any of the following: 112884

(a) A violation of section 2903.01, 2903.02, 2903.03, 112885  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 112886



2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 112887  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 112888  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 112889  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 112890  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 112891  
2925.06, or 3716.11 of the Revised Code, felonious sexual 112892  
penetration in violation of former section 2907.12 of the Revised 112893  
Code, a violation of section 2905.04 of the Revised Code as it 112894  
existed prior to July 1, 1996, a violation of section 2919.23 of 112895  
the Revised Code that would have been a violation of section 112896  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 112897  
had the violation been committed prior to that date, or a 112898  
violation of section 2925.11 of the Revised Code that is not a 112899  
minor drug possession offense; 112900

(b) A violation of an existing or former law of this state, 112901  
any other state, or the United States that is substantially 112902  
equivalent to any of the offenses listed in division (A)(1)(a) of 112903  
this section; 112904

(c) If the request is made pursuant to section 3319.39 of the 112905  
Revised Code for an applicant who is a teacher, any offense 112906  
specified in section 3319.31 of the Revised Code. 112907

(2) On receipt of a request pursuant to section 3712.09 or 112908  
3721.121 of the Revised Code, a completed form prescribed pursuant 112909  
to division (C)(1) of this section, and a set of fingerprint 112910  
impressions obtained in the manner described in division (C)(2) of 112911  
this section, the superintendent of the bureau of criminal 112912  
identification and investigation shall conduct a criminal records 112913  
check with respect to any person who has applied for employment in 112914  
a position for which a criminal records check is required by those 112915  
sections. The superintendent shall conduct the criminal records 112916  
check in the manner described in division (B) of this section to 112917  
determine whether any information exists that indicates that the 112918

person who is the subject of the request previously has been 112919  
convicted of or pleaded guilty to any of the following: 112920

(a) A violation of section 2903.01, 2903.02, 2903.03, 112921  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 112922  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 112923  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 112924  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 112925  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 112926  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 112927  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 112928  
2925.22, 2925.23, or 3716.11 of the Revised Code; 112929

(b) An existing or former law of this state, any other state, 112930  
or the United States that is substantially equivalent to any of 112931  
the offenses listed in division (A)(2)(a) of this section. 112932

(3) On receipt of a request pursuant to section 173.27, 112933  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 112934  
or 5123.169 of the Revised Code, a completed form prescribed 112935  
pursuant to division (C)(1) of this section, and a set of 112936  
fingerprint impressions obtained in the manner described in 112937  
division (C)(2) of this section, the superintendent of the bureau 112938  
of criminal identification and investigation shall conduct a 112939  
criminal records check of the person for whom the request is made. 112940  
The superintendent shall conduct the criminal records check in the 112941  
manner described in division (B) of this section to determine 112942  
whether any information exists that indicates that the person who 112943  
is the subject of the request previously has been convicted of, 112944  
has pleaded guilty to, or (except in the case of a request 112945  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 112946  
Code) has been found eligible for intervention in lieu of 112947  
conviction for any of the following, regardless of the date of the 112948  
conviction, the date of entry of the guilty plea, or (except in 112949  
the case of a request pursuant to section 5164.34, 5164.341, or 112950

5164.342 of the Revised Code) the date the person was found 112951  
eligible for intervention in lieu of conviction: 112952

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 112953  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 112954  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 112955  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 112956  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 112957  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 112958  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 112959  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 112960  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 112961  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 112962  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 112963  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 112964  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 112965  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 112966  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 112967  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 112968  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 112969  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 112970  
2927.12, or 3716.11 of the Revised Code; 112971

(b) Felonious sexual penetration in violation of former 112972  
section 2907.12 of the Revised Code; 112973

(c) A violation of section 2905.04 of the Revised Code as it 112974  
existed prior to July 1, 1996; 112975

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 112976  
the Revised Code when the underlying offense that is the object of 112977  
the conspiracy, attempt, or complicity is one of the offenses 112978  
listed in divisions (A)(3)(a) to (c) of this section; 112979

(e) A violation of an existing or former municipal ordinance 112980  
or law of this state, any other state, or the United States that 112981

is substantially equivalent to any of the offenses listed in 112982  
divisions (A)(3)(a) to (d) of this section. 112983

(4) On receipt of a request pursuant to section 2151.86 of 112984  
the Revised Code, a completed form prescribed pursuant to division 112985  
(C)(1) of this section, and a set of fingerprint impressions 112986  
obtained in the manner described in division (C)(2) of this 112987  
section, the superintendent of the bureau of criminal 112988  
identification and investigation shall conduct a criminal records 112989  
check in the manner described in division (B) of this section to 112990  
determine whether any information exists that indicates that the 112991  
person who is the subject of the request previously has been 112992  
convicted of or pleaded guilty to any of the following: 112993

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 112994  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 112995  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 112996  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 112997  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 112998  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 112999  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 113000  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 113001  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 113002  
of the Revised Code, a violation of section 2905.04 of the Revised 113003  
Code as it existed prior to July 1, 1996, a violation of section 113004  
2919.23 of the Revised Code that would have been a violation of 113005  
section 2905.04 of the Revised Code as it existed prior to July 1, 113006  
1996, had the violation been committed prior to that date, a 113007  
violation of section 2925.11 of the Revised Code that is not a 113008  
minor drug possession offense, two or more OVI or OVUAC violations 113009  
committed within the three years immediately preceding the 113010  
submission of the application or petition that is the basis of the 113011  
request, or felonious sexual penetration in violation of former 113012  
section 2907.12 of the Revised Code; 113013

(b) A violation of an existing or former law of this state, 113014  
any other state, or the United States that is substantially 113015  
equivalent to any of the offenses listed in division (A)(4)(a) of 113016  
this section. 113017

(5) Upon receipt of a request pursuant to section 5104.013 of 113018  
the Revised Code, a completed form prescribed pursuant to division 113019  
(C)(1) of this section, and a set of fingerprint impressions 113020  
obtained in the manner described in division (C)(2) of this 113021  
section, the superintendent of the bureau of criminal 113022  
identification and investigation shall conduct a criminal records 113023  
check in the manner described in division (B) of this section to 113024  
determine whether any information exists that indicates that the 113025  
person who is the subject of the request has been convicted of or 113026  
pleaded guilty to any of the following: 113027

(a) A violation of section 2151.421, 2903.01, 2903.02, 113028  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 113029  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 113030  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 113031  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 113032  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 113033  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 113034  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 113035  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 113036  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 113037  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 113038  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 113039  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 113040  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 113041  
Revised Code, felonious sexual penetration in violation of former 113042  
section 2907.12 of the Revised Code, a violation of section 113043  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 113044  
violation of section 2919.23 of the Revised Code that would have 113045

been a violation of section 2905.04 of the Revised Code as it 113046  
existed prior to July 1, 1996, had the violation been committed 113047  
prior to that date, a violation of section 2925.11 of the Revised 113048  
Code that is not a minor drug possession offense, a violation of 113049  
section 2923.02 or 2923.03 of the Revised Code that relates to a 113050  
crime specified in this division, or a second violation of section 113051  
4511.19 of the Revised Code within five years of the date of 113052  
application for licensure or certification. 113053

(b) A violation of an existing or former law of this state, 113054  
any other state, or the United States that is substantially 113055  
equivalent to any of the offenses or violations described in 113056  
division (A)(5)(a) of this section. 113057

(6) Upon receipt of a request pursuant to section 5153.111 of 113058  
the Revised Code, a completed form prescribed pursuant to division 113059  
(C)(1) of this section, and a set of fingerprint impressions 113060  
obtained in the manner described in division (C)(2) of this 113061  
section, the superintendent of the bureau of criminal 113062  
identification and investigation shall conduct a criminal records 113063  
check in the manner described in division (B) of this section to 113064  
determine whether any information exists that indicates that the 113065  
person who is the subject of the request previously has been 113066  
convicted of or pleaded guilty to any of the following: 113067

(a) A violation of section 2903.01, 2903.02, 2903.03, 113068  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113069  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 113070  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 113071  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 113072  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 113073  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 113074  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 113075  
felonious sexual penetration in violation of former section 113076  
2907.12 of the Revised Code, a violation of section 2905.04 of the 113077

Revised Code as it existed prior to July 1, 1996, a violation of 113078  
section 2919.23 of the Revised Code that would have been a 113079  
violation of section 2905.04 of the Revised Code as it existed 113080  
prior to July 1, 1996, had the violation been committed prior to 113081  
that date, or a violation of section 2925.11 of the Revised Code 113082  
that is not a minor drug possession offense; 113083

(b) A violation of an existing or former law of this state, 113084  
any other state, or the United States that is substantially 113085  
equivalent to any of the offenses listed in division (A)(6)(a) of 113086  
this section. 113087

(7) On receipt of a request for a criminal records check from 113088  
an individual pursuant to section 4749.03 or 4749.06 of the 113089  
Revised Code, accompanied by a completed copy of the form 113090  
prescribed in division (C)(1) of this section and a set of 113091  
fingerprint impressions obtained in a manner described in division 113092  
(C)(2) of this section, the superintendent of the bureau of 113093  
criminal identification and investigation shall conduct a criminal 113094  
records check in the manner described in division (B) of this 113095  
section to determine whether any information exists indicating 113096  
that the person who is the subject of the request has been 113097  
convicted of or pleaded guilty to a felony in this state or in any 113098  
other state. If the individual indicates that a firearm will be 113099  
carried in the course of business, the superintendent shall 113100  
require information from the federal bureau of investigation as 113101  
described in division (B)(2) of this section. Subject to division 113102  
(F) of this section, the superintendent shall report the findings 113103  
of the criminal records check and any information the federal 113104  
bureau of investigation provides to the director of public safety. 113105

(8) On receipt of a request pursuant to section 1321.37, 113106  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 113107  
Code, a completed form prescribed pursuant to division (C)(1) of 113108  
this section, and a set of fingerprint impressions obtained in the 113109

manner described in division (C)(2) of this section, the 113110  
superintendent of the bureau of criminal identification and 113111  
investigation shall conduct a criminal records check with respect 113112  
to any person who has applied for a license, permit, or 113113  
certification from the department of commerce or a division in the 113114  
department. The superintendent shall conduct the criminal records 113115  
check in the manner described in division (B) of this section to 113116  
determine whether any information exists that indicates that the 113117  
person who is the subject of the request previously has been 113118  
convicted of or pleaded guilty to any of the following: a 113119  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 113120  
2925.03 of the Revised Code; any other criminal offense involving 113121  
theft, receiving stolen property, embezzlement, forgery, fraud, 113122  
passing bad checks, money laundering, or drug trafficking, or any 113123  
criminal offense involving money or securities, as set forth in 113124  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 113125  
the Revised Code; or any existing or former law of this state, any 113126  
other state, or the United States that is substantially equivalent 113127  
to those offenses. 113128

(9) On receipt of a request for a criminal records check from 113129  
the treasurer of state under section 113.041 of the Revised Code 113130  
or from an individual under section 4701.08, 4715.101, 4717.061, 113131  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 113132  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 113133  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 113134  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 113135  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 113136  
accompanied by a completed form prescribed under division (C)(1) 113137  
of this section and a set of fingerprint impressions obtained in 113138  
the manner described in division (C)(2) of this section, the 113139  
superintendent of the bureau of criminal identification and 113140  
investigation shall conduct a criminal records check in the manner 113141  
described in division (B) of this section to determine whether any 113142



information exists that indicates that the person who is the 113143  
subject of the request has been convicted of or pleaded guilty to 113144  
any criminal offense in this state or any other state. Subject to 113145  
division (F) of this section, the superintendent shall send the 113146  
results of a check requested under section 113.041 of the Revised 113147  
Code to the treasurer of state and shall send the results of a 113148  
check requested under any of the other listed sections to the 113149  
licensing board specified by the individual in the request. 113150

(10) On receipt of a request pursuant to section 1121.23, 113151  
~~1155.03, 1163.05,~~ 1315.141, 1733.47, or 1761.26 of the Revised 113152  
Code, a completed form prescribed pursuant to division (C)(1) of 113153  
this section, and a set of fingerprint impressions obtained in the 113154  
manner described in division (C)(2) of this section, the 113155  
superintendent of the bureau of criminal identification and 113156  
investigation shall conduct a criminal records check in the manner 113157  
described in division (B) of this section to determine whether any 113158  
information exists that indicates that the person who is the 113159  
subject of the request previously has been convicted of or pleaded 113160  
guilty to any criminal offense under any existing or former law of 113161  
this state, any other state, or the United States. 113162

(11) On receipt of a request for a criminal records check 113163  
from an appointing or licensing authority under section 3772.07 of 113164  
the Revised Code, a completed form prescribed under division 113165  
(C)(1) of this section, and a set of fingerprint impressions 113166  
obtained in the manner prescribed in division (C)(2) of this 113167  
section, the superintendent of the bureau of criminal 113168  
identification and investigation shall conduct a criminal records 113169  
check in the manner described in division (B) of this section to 113170  
determine whether any information exists that indicates that the 113171  
person who is the subject of the request previously has been 113172  
convicted of or pleaded guilty or no contest to any offense under 113173  
any existing or former law of this state, any other state, or the 113174

United States that is a disqualifying offense as defined in 113175  
section 3772.07 of the Revised Code or substantially equivalent to 113176  
such an offense. 113177

(12) On receipt of a request pursuant to section 2151.33 or 113178  
2151.412 of the Revised Code, a completed form prescribed pursuant 113179  
to division (C)(1) of this section, and a set of fingerprint 113180  
impressions obtained in the manner described in division (C)(2) of 113181  
this section, the superintendent of the bureau of criminal 113182  
identification and investigation shall conduct a criminal records 113183  
check with respect to any person for whom a criminal records check 113184  
is required under that section. The superintendent shall conduct 113185  
the criminal records check in the manner described in division (B) 113186  
of this section to determine whether any information exists that 113187  
indicates that the person who is the subject of the request 113188  
previously has been convicted of or pleaded guilty to any of the 113189  
following: 113190

(a) A violation of section 2903.01, 2903.02, 2903.03, 113191  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113192  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 113193  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 113194  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 113195  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 113196  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 113197  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 113198  
2925.22, 2925.23, or 3716.11 of the Revised Code; 113199

(b) An existing or former law of this state, any other state, 113200  
or the United States that is substantially equivalent to any of 113201  
the offenses listed in division (A)(12)(a) of this section. 113202

(13) On receipt of a request pursuant to section 3796.12 of 113203  
the Revised Code, a completed form prescribed pursuant to division 113204  
(C)(1) of this section, and a set of fingerprint impressions 113205  
obtained in a manner described in division (C)(2) of this section, 113206

the superintendent of the bureau of criminal identification and 113207  
investigation shall conduct a criminal records check in the manner 113208  
described in division (B) of this section to determine whether any 113209  
information exists that indicates that the person who is the 113210  
subject of the request previously has been convicted of or pleaded 113211  
guilty to the following: 113212

(a) A disqualifying offense as specified in rules adopted 113213  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 113214  
the person who is the subject of the request is an administrator 113215  
or other person responsible for the daily operation of, or an 113216  
owner or prospective owner, officer or prospective officer, or 113217  
board member or prospective board member of, an entity seeking a 113218  
license from the department of commerce under Chapter 3796. of the 113219  
Revised Code; 113220

(b) A disqualifying offense as specified in rules adopted 113221  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 113222  
the person who is the subject of the request is an administrator 113223  
or other person responsible for the daily operation of, or an 113224  
owner or prospective owner, officer or prospective officer, or 113225  
board member or prospective board member of, an entity seeking a 113226  
license from the state board of pharmacy under Chapter 3796. of 113227  
the Revised Code. 113228

(14) On receipt of a request required by section 3796.13 of 113229  
the Revised Code, a completed form prescribed pursuant to division 113230  
(C)(1) of this section, and a set of fingerprint impressions 113231  
obtained in a manner described in division (C)(2) of this section, 113232  
the superintendent of the bureau of criminal identification and 113233  
investigation shall conduct a criminal records check in the manner 113234  
described in division (B) of this section to determine whether any 113235  
information exists that indicates that the person who is the 113236  
subject of the request previously has been convicted of or pleaded 113237  
guilty to the following: 113238

(a) A disqualifying offense as specified in rules adopted 113239  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 113240  
the person who is the subject of the request is seeking employment 113241  
with an entity licensed by the department of commerce under 113242  
Chapter 3796. of the Revised Code; 113243

(b) A disqualifying offense as specified in rules adopted 113244  
under division (B)(14)(a) of section 3796.04 of the Revised Code 113245  
if the person who is the subject of the request is seeking 113246  
employment with an entity licensed by the state board of pharmacy 113247  
under Chapter 3796. of the Revised Code. 113248

(B) Subject to division (F) of this section, the 113249  
superintendent shall conduct any criminal records check to be 113250  
conducted under this section as follows: 113251

(1) The superintendent shall review or cause to be reviewed 113252  
any relevant information gathered and compiled by the bureau under 113253  
division (A) of section 109.57 of the Revised Code that relates to 113254  
the person who is the subject of the criminal records check, 113255  
including, if the criminal records check was requested under 113256  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 113257  
~~1155.03, 1163.05~~, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 113258  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 113259  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 113260  
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 113261  
5123.169, or 5153.111 of the Revised Code, any relevant 113262  
information contained in records that have been sealed under 113263  
section 2953.32 of the Revised Code; 113264

(2) If the request received by the superintendent asks for 113265  
information from the federal bureau of investigation, the 113266  
superintendent shall request from the federal bureau of 113267  
investigation any information it has with respect to the person 113268  
who is the subject of the criminal records check, including 113269  
fingerprint-based checks of national crime information databases 113270

as described in 42 U.S.C. 671 if the request is made pursuant to 113271  
section 2151.86 or 5104.013 of the Revised Code or if any other 113272  
Revised Code section requires fingerprint-based checks of that 113273  
nature, and shall review or cause to be reviewed any information 113274  
the superintendent receives from that bureau. If a request under 113275  
section 3319.39 of the Revised Code asks only for information from 113276  
the federal bureau of investigation, the superintendent shall not 113277  
conduct the review prescribed by division (B)(1) of this section. 113278

(3) The superintendent or the superintendent's designee may 113279  
request criminal history records from other states or the federal 113280  
government pursuant to the national crime prevention and privacy 113281  
compact set forth in section 109.571 of the Revised Code. 113282

(4) The superintendent shall include in the results of the 113283  
criminal records check a list or description of the offenses 113284  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 113285  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 113286  
whichever division requires the superintendent to conduct the 113287  
criminal records check. The superintendent shall exclude from the 113288  
results any information the dissemination of which is prohibited 113289  
by federal law. 113290

(5) The superintendent shall send the results of the criminal 113291  
records check to the person to whom it is to be sent not later 113292  
than the following number of days after the date the 113293  
superintendent receives the request for the criminal records 113294  
check, the completed form prescribed under division (C)(1) of this 113295  
section, and the set of fingerprint impressions obtained in the 113296  
manner described in division (C)(2) of this section: 113297

(a) If the superintendent is required by division (A) of this 113298  
section (other than division (A)(3) of this section) to conduct 113299  
the criminal records check, thirty; 113300

(b) If the superintendent is required by division (A)(3) of 113301

this section to conduct the criminal records check, sixty. 113302

(C)(1) The superintendent shall prescribe a form to obtain 113303  
the information necessary to conduct a criminal records check from 113304  
any person for whom a criminal records check is to be conducted 113305  
under this section. The form that the superintendent prescribes 113306  
pursuant to this division may be in a tangible format, in an 113307  
electronic format, or in both tangible and electronic formats. 113308

(2) The superintendent shall prescribe standard impression 113309  
sheets to obtain the fingerprint impressions of any person for 113310  
whom a criminal records check is to be conducted under this 113311  
section. Any person for whom a records check is to be conducted 113312  
under this section shall obtain the fingerprint impressions at a 113313  
county sheriff's office, municipal police department, or any other 113314  
entity with the ability to make fingerprint impressions on the 113315  
standard impression sheets prescribed by the superintendent. The 113316  
office, department, or entity may charge the person a reasonable 113317  
fee for making the impressions. The standard impression sheets the 113318  
superintendent prescribes pursuant to this division may be in a 113319  
tangible format, in an electronic format, or in both tangible and 113320  
electronic formats. 113321

(3) Subject to division (D) of this section, the 113322  
superintendent shall prescribe and charge a reasonable fee for 113323  
providing a criminal records check under this section. The person 113324  
requesting the criminal records check shall pay the fee prescribed 113325  
pursuant to this division. In the case of a request under section 113326  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 113327  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 113328  
the manner specified in that section. 113329

(4) The superintendent of the bureau of criminal 113330  
identification and investigation may prescribe methods of 113331  
forwarding fingerprint impressions and information necessary to 113332  
conduct a criminal records check, which methods shall include, but 113333

not be limited to, an electronic method. 113334

(D) The results of a criminal records check conducted under 113335  
this section, other than a criminal records check specified in 113336  
division (A)(7) of this section, are valid for the person who is 113337  
the subject of the criminal records check for a period of one year 113338  
from the date upon which the superintendent completes the criminal 113339  
records check. If during that period the superintendent receives 113340  
another request for a criminal records check to be conducted under 113341  
this section for that person, the superintendent shall provide the 113342  
results from the previous criminal records check of the person at 113343  
a lower fee than the fee prescribed for the initial criminal 113344  
records check. 113345

(E) When the superintendent receives a request for 113346  
information from a registered private provider, the superintendent 113347  
shall proceed as if the request was received from a school 113348  
district board of education under section 3319.39 of the Revised 113349  
Code. The superintendent shall apply division (A)(1)(c) of this 113350  
section to any such request for an applicant who is a teacher. 113351

(F)(1) Subject to division (F)(2) of this section, all 113352  
information regarding the results of a criminal records check 113353  
conducted under this section that the superintendent reports or 113354  
sends under division (A)(7) or (9) of this section to the director 113355  
of public safety, the treasurer of state, or the person, board, or 113356  
entity that made the request for the criminal records check shall 113357  
relate to the conviction of the subject person, or the subject 113358  
person's plea of guilty to, a criminal offense. 113359

(2) Division (F)(1) of this section does not limit, restrict, 113360  
or preclude the superintendent's release of information that 113361  
relates to the arrest of a person who is eighteen years of age or 113362  
older, to an adjudication of a child as a delinquent child, or to 113363  
a criminal conviction of a person under eighteen years of age in 113364  
circumstances in which a release of that nature is authorized 113365

under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section.

(G) As used in this section:

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

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

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

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

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

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to



Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

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

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

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

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

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

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section

106.03 of the Revised Code. This paragraph does not apply to a 113427  
rule of a state college or university, community college district, 113428  
technical college district, or state community college. 113429

If an agency in adopting a rule designates an effective date 113430  
that is later than the effective date provided for by division 113431  
(B)(1) of this section, the rule if filed as required by such 113432  
division shall become effective on the later date designated by 113433  
the agency. 113434

Any rule that is required to be filed under division (B)(1) 113435  
of this section is also subject to division (D) of this section if 113436  
not exempted by that division. 113437

If a rule incorporates a text or other material by reference, 113438  
the agency shall comply with sections 121.71 to 121.76 of the 113439  
Revised Code. 113440

(2) A rule of an emergency nature necessary for the immediate 113441  
preservation of the public peace, health, or safety shall state 113442  
the reasons for the necessity. The emergency rule, in final form 113443  
and in compliance with division (B)(3) of this section, shall be 113444  
filed in electronic form with the secretary of state, the director 113445  
of the legislative service commission, and the joint committee on 113446  
agency rule review. The emergency rule is effective immediately 113447  
upon completion of the latest filing, except that if the agency in 113448  
adopting the emergency rule designates an effective date, or date 113449  
and time of day, that is later than the effective date and time 113450  
provided for by division (B)(2) of this section, the emergency 113451  
rule if filed as required by such division shall become effective 113452  
at the later date, or later date and time of day, designated by 113453  
the agency. 113454

An emergency rule becomes invalid at the end of the one 113455  
hundred twentieth day it is in effect. Prior to that date, the 113456  
agency may file the emergency rule as a nonemergency rule in 113457

compliance with division (B)(1) of this section. The agency may 113458  
not refile the emergency rule in compliance with division (B)(2) 113459  
of this section so that, upon the emergency rule becoming invalid 113460  
under such division, the emergency rule will continue in effect 113461  
without interruption for another one hundred twenty-day period. 113462

(3) An agency shall file a rule under division (B)(1) or (2) 113463  
of this section in compliance with the following standards and 113464  
procedures: 113465

(a) The rule shall be numbered in accordance with the 113466  
numbering system devised by the director for the Ohio 113467  
administrative code. 113468

(b) The rule shall be prepared and submitted in compliance 113469  
with the rules of the legislative service commission. 113470

(c) The rule shall clearly state the date on which it is to 113471  
be effective and the date on which it will expire, if known. 113472

(d) Each rule that amends or rescinds another rule shall 113473  
clearly refer to the rule that is amended or rescinded. Each 113474  
amendment shall fully restate the rule as amended. 113475

If the director of the legislative service commission or the 113476  
director's designee gives an agency notice pursuant to section 113477  
103.05 of the Revised Code that a rule filed by the agency is not 113478  
in compliance with the rules of the legislative service 113479  
commission, the agency shall within thirty days after receipt of 113480  
the notice conform the rule to the rules of the commission as 113481  
directed in the notice. 113482

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 113483  
of this section shall be recorded by the secretary of state and 113484  
the director under the title of the agency adopting the rule and 113485  
shall be numbered according to the numbering system devised by the 113486  
director. The secretary of state and the director shall preserve 113487  
the rules in an accessible manner. Each such rule shall be a 113488

public record open to public inspection and may be transmitted to 113489  
any law publishing company that wishes to reproduce it. 113490

(D) At least sixty-five days before a board, commission, 113491  
department, division, or bureau of the government of the state 113492  
files a rule under division (B)(1) of this section, it shall file 113493  
the full text of the proposed rule in electronic form with the 113494  
joint committee on agency rule review, and the proposed rule is 113495  
subject to legislative review and invalidation under section 113496  
106.021 of the Revised Code. If a state board, commission, 113497  
department, division, or bureau makes a revision in a proposed 113498  
rule after it is filed with the joint committee, the state board, 113499  
commission, department, division, or bureau shall promptly file 113500  
the full text of the proposed rule in its revised form in 113501  
electronic form with the joint committee. A state board, 113502  
commission, department, division, or bureau shall also file the 113503  
rule summary and fiscal analysis prepared under section 127.18 of 113504  
the Revised Code in electronic form along with a proposed rule, 113505  
and along with a proposed rule in revised form, that is filed 113506  
under this division. If a proposed rule has an adverse impact on 113507  
businesses, the state board, commission, department, division, or 113508  
bureau also shall file the business impact analysis, any 113509  
recommendations received from the common sense initiative office, 113510  
and the associated memorandum of response, if any, in electronic 113511  
form along with the proposed rule, or the proposed rule in revised 113512  
form, that is filed under this division. 113513

A proposed rule that is subject to legislative review under 113514  
this division may not be adopted and filed in final form under 113515  
division (B)(1) of this section unless the proposed rule has been 113516  
filed with the joint committee on agency rule review under this 113517  
division and the time for the joint committee to review the 113518  
proposed rule has expired without recommendation of a concurrent 113519  
resolution to invalidate the proposed rule. 113520

As used in this division, "commission" includes the public 113521  
utilities commission when adopting rules under a federal or state 113522  
statute. 113523

This division does not apply to any of the following: 113524

(1) A proposed rule of an emergency nature; 113525

(2) A rule proposed under section 1121.05, 1121.06, ~~1155.18,~~ 113526  
~~1163.22,~~ 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 113527  
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 113528  
Code; 113529

(3) A rule proposed by an agency other than a board, 113530  
commission, department, division, or bureau of the government of 113531  
the state; 113532

(4) A proposed internal management rule of a board, 113533  
commission, department, division, or bureau of the government of 113534  
the state; 113535

(5) Any proposed rule that must be adopted verbatim by an 113536  
agency pursuant to federal law or rule, to become effective within 113537  
sixty days of adoption, in order to continue the operation of a 113538  
federally reimbursed program in this state, so long as the 113539  
proposed rule contains both of the following: 113540

(a) A statement that it is proposed for the purpose of 113541  
complying with a federal law or rule; 113542

(b) A citation to the federal law or rule that requires 113543  
verbatim compliance. 113544

(6) An initial rule proposed by the director of health to 113545  
impose safety standards and quality-of-care standards with respect 113546  
to a health service specified in section 3702.11 of the Revised 113547  
Code, or an initial rule proposed by the director to impose 113548  
quality standards on a facility listed in division (A)(4) of 113549  
section 3702.30 of the Revised Code, if section 3702.12 of the 113550

Revised Code requires that the rule be adopted under this section; 113551

(7) A rule of the state lottery commission pertaining to 113552  
instant game rules. 113553

If a rule is exempt from legislative review under division 113554  
(D)(5) of this section, and if the federal law or rule pursuant to 113555  
which the rule was adopted expires, is repealed or rescinded, or 113556  
otherwise terminates, the rule is thereafter subject to 113557  
legislative review under division (D) of this section. 113558

Whenever a state board, commission, department, division, or 113559  
bureau files a proposed rule or a proposed rule in revised form 113560  
under division (D) of this section, it shall also file the full 113561  
text of the same proposed rule or proposed rule in revised form in 113562  
electronic form with the secretary of state and the director of 113563  
the legislative service commission. A state board, commission, 113564  
department, division, or bureau shall file the rule summary and 113565  
fiscal analysis prepared under section 127.18 of the Revised Code 113566  
in electronic form along with a proposed rule or proposed rule in 113567  
revised form that is filed with the secretary of state or the 113568  
director of the legislative service commission. 113569

**Sec. 119.01.** As used in sections 119.01 to 119.13 of the 113570  
Revised Code: 113571

(A)(1) "Agency" means, except as limited by this division, 113572  
any official, board, or commission having authority to promulgate 113573  
rules or make adjudications in the civil service commission, the 113574  
division of liquor control, the department of taxation, the 113575  
industrial commission, the bureau of workers' compensation, the 113576  
functions of any administrative or executive officer, department, 113577  
division, bureau, board, or commission of the government of the 113578  
state specifically made subject to sections 119.01 to 119.13 of 113579  
the Revised Code, and the licensing functions of any 113580  
administrative or executive officer, department, division, bureau, 113581

board, or commission of the government of the state having the 113582  
authority or responsibility of issuing, suspending, revoking, or 113583  
canceling licenses. 113584

Sections 119.01 to 119.13 of the Revised Code do not apply to 113585  
the public utilities commission. Sections 119.01 to 119.13 of the 113586  
Revised Code do not apply to the utility radiological safety 113587  
board; to the controlling board; to actions of the superintendent 113588  
of financial institutions and the superintendent of insurance in 113589  
the taking possession of, and rehabilitation or liquidation of, 113590  
the business and property of banks, savings and loan associations, 113591  
savings banks, credit unions, insurance companies, associations, 113592  
reciprocal fraternal benefit societies, and bond investment 113593  
companies; to any action taken by the division of securities under 113594  
section 1707.201 of the Revised Code; or to any action that may be 113595  
taken by the superintendent of financial institutions under 113596  
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 113597  
~~1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18,~~ 113598  
1349.33, 1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 113599

Sections 119.01 to 119.13 of the Revised Code do not apply to 113600  
actions of the industrial commission or the bureau of workers' 113601  
compensation under sections 4123.01 to 4123.94 of the Revised Code 113602  
with respect to all matters of adjudication, or to the actions of 113603  
the industrial commission, bureau of workers' compensation board 113604  
of directors, and bureau of workers' compensation under division 113605  
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 113606  
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 113607  
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 113608  
(E) of section 4131.14 of the Revised Code with respect to all 113609  
matters concerning the establishment of premium, contribution, and 113610  
assessment rates. 113611

(2) "Agency" also means any official or work unit having 113612  
authority to promulgate rules or make adjudications in the 113613

department of job and family services, but only with respect to 113614  
both of the following: 113615

(a) The adoption, amendment, or rescission of rules that 113616  
section 5101.09 of the Revised Code requires be adopted in 113617  
accordance with this chapter; 113618

(b) The issuance, suspension, revocation, or cancellation of 113619  
licenses. 113620

(B) "License" means any license, permit, certificate, 113621  
commission, or charter issued by any agency. "License" does not 113622  
include any arrangement whereby a person or government entity 113623  
furnishes medicaid services under a provider agreement with the 113624  
department of medicaid. 113625

(C) "Rule" means any rule, regulation, or standard, having a 113626  
general and uniform operation, adopted, promulgated, and enforced 113627  
by any agency under the authority of the laws governing such 113628  
agency, and includes any appendix to a rule. "Rule" does not 113629  
include any internal management rule of an agency unless the 113630  
internal management rule affects private rights and does not 113631  
include any guideline adopted pursuant to section 3301.0714 of the 113632  
Revised Code. 113633

(D) "Adjudication" means the determination by the highest or 113634  
ultimate authority of an agency of the rights, duties, privileges, 113635  
benefits, or legal relationships of a specified person, but does 113636  
not include the issuance of a license in response to an 113637  
application with respect to which no question is raised, nor other 113638  
acts of a ministerial nature. 113639

(E) "Hearing" means a public hearing by any agency in 113640  
compliance with procedural safeguards afforded by sections 119.01 113641  
to 119.13 of the Revised Code. 113642

(F) "Person" means a person, firm, corporation, association, 113643  
or partnership. 113644



(G) "Party" means the person whose interests are the subject of an adjudication by an agency. 113645  
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(H) "Appeal" means the procedure by which a person, aggrieved by a finding, decision, order, or adjudication of any agency, invokes the jurisdiction of a court. 113647  
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(I) "Internal management rule" means any rule, regulation, or standard governing the day-to-day staff procedures and operations within an agency. 113650  
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**Sec. 121.07.** (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not subject to the control of the department or the director of commerce. In the absence of the superintendent of financial institutions, the director of commerce ~~may~~ shall, for a limited period of time, perform or exercise any of those functions, powers, or duties or authorize the deputy superintendent for banks to perform or exercise any of the functions, power, or duties vested by Title XI and sections 1315.01 to 1315.18 of the Revised Code in the superintendent and the deputy superintendent for credit unions to perform or exercise any of the functions, powers, or duties vested by Chapters 1733. and 1761. of the Revised Code in the superintendent. 113653  
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(B) With the approval of the governor, the director of each 113675

department shall establish divisions within the department, and 113676  
distribute the work of the department among such divisions. Each 113677  
officer created by section 121.04 of the Revised Code shall be the 113678  
head of such a division. 113679

With the approval of the governor, the director of each 113680  
department may consolidate any two or more of the offices created 113681  
in the department by section 121.04 of the Revised Code, or reduce 113682  
the number of or create new divisions therein. 113683

The director of each department may prescribe rules for the 113684  
government of the department, the conduct of its employees, the 113685  
performance of its business, and the custody, use, and 113686  
preservation of the records, papers, books, documents, and 113687  
property pertaining thereto. 113688

**Sec. 131.11.** No money held or controlled by any probate 113689  
court, juvenile court, clerk of the court of common pleas, clerk 113690  
of a county court, sheriff, county recorder, director of a county 113691  
department of job and family services, clerk or bailiff of a 113692  
municipal court, prosecuting attorney, resident or division deputy 113693  
director of highways, or treasurer of a university receiving state 113694  
aid, in excess of that covered by federal deposit insurance as 113695  
hereinafter described ~~or in excess of that covered by federal~~ 113696  
~~savings and loan insurance~~, shall be deposited in any bank, or 113697  
~~trust company, or building and loan association as defined in~~ 113698  
~~section 1151.01 of the Revised Code~~ until there is a hypothecation 113699  
of securities as provided for in section 135.18 of the Revised 113700  
Code, or until there is executed by the bank, or trust company, ~~or~~ 113701  
~~building and loan association~~ selected, a good and sufficient 113702  
undertaking, payable to the depositor, in such sum as the 113703  
depositor directs, but not less than the excess of the sum that is 113704  
deposited in the depository, at any one time over and above the 113705  
portion or amount of the sum as is at any time insured by the 113706

federal deposit insurance corporation created pursuant to "The 113707  
Banking Act of 1933," or by ~~the federal savings and loan insurance~~ 113708  
~~corporation created pursuant to the "Home Owners' Loan Act of~~ 113709  
~~1933," 40 Stat. 128, 12 U.S.C.A. 1461, or by~~ any other agency or 113710  
instrumentality of the federal government, pursuant to such acts 113711  
or any acts of congress amendatory thereof. 113712

Any funds or securities in the possession or custody of any 113713  
county official in an official capacity or any funds or securities 113714  
the possession or custody of which is charged to any county 113715  
official, including funds or securities in transit to or from any 113716  
bank or trust company, may be insured by the board of county 113717  
commissioners in such amount as is found necessary in the public 113718  
interest. All costs of such insurance shall be paid by the county 113719  
as provided in section 307.55 of the Revised Code. 113720

With respect to any insured or secured deposit mentioned in 113721  
this section which is active as defined by section 135.01 of the 113722  
Revised Code, any depositor named in this section may pay a 113723  
service charge which is the same as that customarily made by the 113724  
institution or institutions receiving money on deposit subject to 113725  
check in the city or village where the bank or trust company 113726  
accepting such active deposit is located. 113727

**Sec. 135.03.** Any national bank, any bank doing business under 113728  
authority granted by the superintendent of financial institutions, 113729  
or any bank doing business under authority granted by the 113730  
regulatory authority of another state of the United States, 113731  
located in this state, is eligible to become a public depository, 113732  
subject to sections 135.01 to 135.21 of the Revised Code. No bank 113733  
shall receive or have on deposit at any one time public moneys, 113734  
including public moneys as defined in section 135.31 of the 113735  
Revised Code, in an aggregate amount in excess of thirty per cent 113736  
of its total assets, as shown in its latest report to the 113737

comptroller of the currency, the superintendent of financial 113738  
institutions, the federal deposit insurance corporation, or the 113739  
board of governors of the federal reserve system. 113740

Any federal savings association, ~~any savings and loan~~ 113741  
~~association or savings bank doing business under authority granted~~ 113742  
~~by the superintendent of financial institutions,~~ or any savings 113743  
and loan association or savings bank doing business under 113744  
authority granted by the regulatory authority of another state of 113745  
the United States, located in this state, and authorized to accept 113746  
deposits is eligible to become a public depository, subject to 113747  
sections 135.01 to 135.21 of the Revised Code. No savings 113748  
association, savings and loan association, or savings bank shall 113749  
receive or have on deposit at any one time public moneys, 113750  
including public moneys as defined in section 135.31 of the 113751  
Revised Code, in an aggregate amount in excess of thirty per cent 113752  
of its total assets, as shown in its latest report to the former 113753  
office of thrift supervision, the comptroller of the currency, the 113754  
superintendent of financial institutions, the federal deposit 113755  
insurance corporation, or the board of governors of the federal 113756  
reserve system. 113757

**Sec. 135.032.** No ~~bank or savings and loan association~~ 113758  
institution mentioned in section 135.03 of the Revised Code is 113759  
eligible to become a public depository or to receive any new 113760  
public deposits pursuant to sections 135.01 to 135.21 of the 113761  
Revised Code, if: 113762

~~(A) In the case of a bank,~~ the ~~bank~~ institution or any of its 113763  
directors, officers, employees, or controlling shareholders or 113764  
persons is currently a party to an active final or temporary 113765  
cease-and-desist order issued ~~under section 1121.32 of the Revised~~ 113766  
~~Code;~~ 113767

~~(B) In the case of an association, the association or any of~~ 113768

~~its directors, officers, employees, or controlling persons is~~ 113769  
~~currently a party to an active final or summary cease and desist~~ 113770  
~~order issued under section 1155.02 of the Revised Code to ensure~~ 113771  
~~the safety and soundness of the institution.~~ 113772

**Sec. 135.182.** (A) As used in this section: 113773

(1) "Public depository" means that term as defined in section 113774  
135.01 of the Revised Code, but also means an institution that 113775  
receives or holds any public deposits as defined in section 135.31 113776  
of the Revised Code. 113777

(2) "Public depositor" means that term as defined in section 113778  
135.01 of the Revised Code, but also includes a county and any 113779  
municipal corporation that has adopted a charter under Article 113780  
XVIII, Ohio Constitution. 113781

(3) "Public deposits," "public moneys," and "treasurer" mean 113782  
those terms as defined in section 135.01 of the Revised Code, but 113783  
also have the same meanings as are set forth in section 135.31 of 113784  
the Revised Code. 113785

(B)(1) Not later than July 1, 2017, the treasurer of state 113786  
shall create the Ohio pooled collateral program. Under this 113787  
program, each institution designated as a public depository that 113788  
selects the pledging method prescribed in division (A)(2) of 113789  
section 135.18 or division (A)(2) of section 135.37 of the Revised 113790  
Code shall pledge to the treasurer of state a single pool of 113791  
eligible securities for the benefit of all public depositors at 113792  
the public depository to secure the repayment of all uninsured 113793  
public deposits at the public depository, provided that at all 113794  
times the total market value of the securities so pledged is at 113795  
least equal to either of the following: 113796

(a) One hundred two per cent of the total amount of all 113797  
uninsured public deposits; 113798

(b) An amount determined by rules adopted by the treasurer of state that set forth the criteria for determining the aggregate market value of the pool of eligible securities pledged by a public depository pursuant to division (B) of this section. Such criteria shall include, but are not limited to, prudent capital and liquidity management by the public depository and the safety and soundness of the public depository as determined by a third-party rating organization.

(2) The treasurer of state shall monitor the eligibility, market value, and face value of the pooled securities pledged by the public depository. Each public depository shall carry in its accounting records at all times a general ledger or other appropriate account of the total amount of all public deposits to be secured by the pool, as determined at the opening of business each day, and the total market value of securities pledged to secure such deposits, and report such information to the treasurer of state in a manner and frequency as determined by the treasurer of state pursuant to rules adopted by the treasurer of state. A public depositor shall be responsible for periodically confirming the accuracy of its account balances with the treasurer of state; otherwise, the treasurer of state shall be the sole public depositor responsible for monitoring and ensuring the sufficiency of securities pledged under this section.

(C) The public depository shall designate a qualified trustee approved by the treasurer of state and place with such trustee for safekeeping the eligible securities pledged pursuant to division (B) of this section. The trustee shall hold the eligible securities in an account indicating the treasurer of state's security interest in the eligible securities. The treasurer of state shall give written notice of the trustee to all public depositors for which such securities are pledged. The trustee shall report to the treasurer of state information relating to the

securities pledged to secure such public deposits in a manner and 113831  
frequency as determined by the treasurer of state. 113832

(D) In order for a public depository to receive public moneys 113833  
under this section, the public depository and the treasurer of 113834  
state shall first execute an agreement that sets forth the entire 113835  
arrangement among the parties and that meets the requirements 113836  
described in 12 U.S.C. 1823(e). In addition, the agreement shall 113837  
authorize the treasurer of state to obtain control of the 113838  
collateral pursuant to division (D) of section 1308.24 of the 113839  
Revised Code. 113840

(E) The securities or other obligations described in division 113841  
(D) of section 135.18 of the Revised Code shall be eligible as 113842  
collateral for the purposes of division (B) of this section, 113843  
provided no such securities or obligations pledged as collateral 113844  
are at any time in default as to either principal or interest. 113845

(F) Any federal reserve bank or branch thereof located in 113846  
this state or federal home loan bank, without compliance with 113847  
Chapter 1111. of the Revised Code and without becoming subject to 113848  
any other law of this state relative to the exercise by 113849  
corporations of trust powers generally, is qualified to act as 113850  
trustee for the safekeeping of securities, under this section. Any 113851  
institution mentioned in section 135.03 or 135.32 of the Revised 113852  
Code that holds a certificate of qualification issued by the 113853  
superintendent of financial institutions or any institution 113854  
complying with sections 1111.04, 1111.05, and 1111.06 of the 113855  
Revised Code is qualified to act as trustee for the safekeeping of 113856  
securities under this section, other than those belonging to 113857  
itself or to an affiliate as defined in section 1101.01 of the 113858  
Revised Code. 113859

(G) The public depository may substitute, exchange, or 113860  
release eligible securities deposited with the qualified trustee 113861  
pursuant to this section, provided that such substitution, 113862

exchange, or release is effectuated pursuant to written 113863  
authorization from the treasurer of state, and such action does 113864  
not reduce the total market value of the securities to an amount 113865  
that is less than the amount established pursuant to division (B) 113866  
of this section. 113867

(H) Notwithstanding the fact that a public depository is 113868  
required to pledge eligible securities in certain amounts to 113869  
secure public deposits, a qualified trustee has no duty or 113870  
obligation to determine the eligibility, market value, or face 113871  
value of any securities deposited with the trustee by a public 113872  
depository. This applies in all situations including, but not 113873  
limited to, a substitution or exchange of securities, but 113874  
excluding those situations effectuated by division (I) of this 113875  
section in which the trustee is required to determine face and 113876  
market value. 113877

(I) The qualified trustee shall enter into a custodial 113878  
agreement with the treasurer of state and public depository in 113879  
which the trustee agrees to comply with entitlement orders 113880  
originated by the treasurer of state without further consent by 113881  
the public depository or, in the case of collateral held by the 113882  
public depository in an account at a federal reserve bank, the 113883  
treasurer of state shall have the treasurer's security interest 113884  
marked on the books of the federal reserve bank where the account 113885  
for the collateral is maintained. If the public depository fails 113886  
to pay over any part of the public deposits made therein as 113887  
provided by law and secured pursuant to division (B) of this 113888  
section, the treasurer of state shall give written notice of this 113889  
failure to the qualified trustee holding the pool of securities 113890  
pledged against the public deposits, and at the same time shall 113891  
send a copy of this notice to the public depository. Upon receipt 113892  
of this notice, the trustee shall transfer to the treasurer of 113893  
state for sale, the pooled securities that are necessary to 113894



produce an amount equal to the public deposits made by the public 113895  
depositor and not paid over, less the portion of the deposits 113896  
covered by any federal deposit insurance, plus any accrued 113897  
interest due on the deposits. The treasurer of state shall sell 113898  
any of the bonds or other securities so transferred. When a sale 113899  
of bonds or other securities has been so made and upon payment to 113900  
the public depositor of the purchase money, the treasurer of state 113901  
shall transfer such bonds or securities whereupon the absolute 113902  
ownership of such bonds or securities shall pass to the 113903  
purchasers. Any surplus after deducting the amount due to the 113904  
public depositor and expenses of sale shall be paid to the public 113905  
depository. 113906

(J) Any charges or compensation of a qualified trustee for 113907  
acting as such under this section shall be paid by the public 113908  
depository and in no event shall be chargeable to the public 113909  
depositor or to any officer of the public depositor. The charges 113910  
or compensation shall not be a lien or charge upon the securities 113911  
deposited for safekeeping prior or superior to the rights to and 113912  
interests in the securities of the public depositor. The treasurer 113913  
and the treasurer's bonders or surety shall be relieved from any 113914  
liability to the public depositor or to the public depository for 113915  
the loss or destruction of any securities deposited with a 113916  
qualified trustee pursuant to this section. 113917

(K)(1) The following information is confidential and not a 113918  
public record under section 149.43 of the Revised Code: 113919

(a) All reports or other information obtained or created 113920  
about a public depository for purposes of division (B)(1)(b) of 113921  
this section; 113922

(b) The identity of a public depositor's public depository; 113923

(c) The identity of a public depository's public depositors. 113924

(2) Nothing in this section prevents the treasurer of state 113925

from releasing or exchanging such confidential information as 113926  
required by law or for the operation of the pooled collateral 113927  
program. 113928

**Sec. 135.32.** (A) Any national bank, any bank doing business 113929  
under authority granted by the superintendent of financial 113930  
institutions, or any bank doing business under authority granted 113931  
by the regulatory authority of another state of the United States, 113932  
located in this state, is eligible to become a public depository, 113933  
subject to sections 135.31 to 135.40 of the Revised Code. No bank 113934  
shall receive or have on deposit at any one time public moneys, 113935  
including public moneys as defined in section 135.01 of the 113936  
Revised Code, in an aggregate amount in excess of thirty per cent 113937  
of its total assets, as shown in its latest report to the 113938  
comptroller of the currency, the superintendent of financial 113939  
institutions, the federal deposit insurance corporation, or the 113940  
board of governors of the federal reserve system. 113941

(B) Any federal savings association, ~~any savings and loan~~ 113942  
~~association or savings bank doing business under authority granted~~ 113943  
~~by the superintendent of financial institutions,~~ or any savings 113944  
and loan association or savings bank doing business under 113945  
authority granted by the regulatory authority of another state of 113946  
the United States, located in this state, and authorized to accept 113947  
deposits is eligible to become a public depository, subject to 113948  
sections 135.31 to 135.40 of the Revised Code. No savings 113949  
association, savings and loan association, or savings bank shall 113950  
receive or have on deposit at any one time public moneys, 113951  
including public moneys as defined in section 135.01 of the 113952  
Revised Code, in an aggregate amount in excess of thirty per cent 113953  
of its total assets, as shown in its latest report to the former 113954  
office of thrift supervision, the comptroller of the currency, the 113955  
superintendent of financial institutions, the federal deposit 113956  
insurance corporation, or the board of governors of the federal 113957

reserve system. 113958

**Sec. 135.321.** No ~~bank or savings and loan association~~ 113959  
institution mentioned in section 135.32 of the Revised Code is 113960  
eligible to become a public depository or to receive any new 113961  
public deposits pursuant to sections 135.31 to 135.40 of the 113962  
Revised Code, if+ 113963

~~(A) In the case of a bank,~~ the ~~bank~~ institution or any of its 113964  
directors, officers, employees, or controlling shareholders or 113965  
persons is currently a party to an active final or temporary 113966  
cease-and-desist order issued ~~under section 1121.32 of the Revised~~ 113967  
~~Code.~~ 113968

~~(B) In the case of an association,~~ the ~~association or any of~~ 113969  
~~its directors, officers, employees, or controlling persons is~~ 113970  
~~currently a party to an active final or summary cease and desist~~ 113971  
~~order issued under section 1155.02 of the Revised Code~~ to ensure 113972  
the safety and soundness of the institution. 113973

**Sec. 135.51.** In case of any default on the part of a bank ~~or~~ 113974  
~~domestic building and loan association~~ in its capacity as 113975  
depository of the money of any county, municipal corporation, 113976  
township, or school district, the board of county commissioners, 113977  
the legislative authority of such municipal corporation, the board 113978  
of township trustees, and the board of education of such school 113979  
district, in lieu of immediately selling the securities received 113980  
and held as security for the deposit of such money under authority 113981  
of any section of the Revised Code, may retain the same, collect 113982  
the interest and any installments of principal thereafter falling 113983  
due on such securities, and refund, exchange, sell, or otherwise 113984  
dispose of any of them, at such times and in such manner as such 113985  
board of county commissioners, legislative authority, board of 113986  
township trustees, or board of education determines to be 113987

advisable with a view to conserving the value of such securities 113988  
for the benefit of such county, municipal corporation, township, 113989  
or school district, and for the benefit of the depositors, 113990  
creditors, and stockholders or other owners of such bank ~~or~~ 113991  
~~building and loan association.~~ 113992

**Sec. 135.52.** In anticipation of the collection of the 113993  
principal and interest of securities, or other disposition of 113994  
them, as authorized by section 135.51 of the Revised Code, and of 113995  
the payment of dividends in the liquidation of the depository bank 113996  
~~or domestic savings and loan association,~~ and for the purpose of 113997  
providing public money immediately available for the needs of the 113998  
county, municipal corporation, township, or school district, the 113999  
taxing authority may issue bonds of the county, municipal 114000  
corporation, township, or school district, in an amount not 114001  
exceeding the moneys on deposit in the depository bank ~~or savings~~ 114002  
~~and loan association,~~ the payment of which is secured by such 114003  
securities, after crediting to such moneys the amount realized 114004  
from the sale or other disposition of any other securities pledged 114005  
or deposited for such moneys, or in an amount not exceeding the 114006  
value or amount ultimately to be realized from such securities to 114007  
be determined by valuation made under oath by two persons who are 114008  
conversant with the value of the assets represented by such 114009  
securities, whichever amount is the lesser, plus an amount equal 114010  
to the interest accruing on such securities during one year from 114011  
and after the date of default of such bank ~~or savings and loan~~ 114012  
~~association~~ in its capacity as a depository. The maturity of such 114013  
bonds shall not exceed ten years and they shall bear interest at a 114014  
rate not exceeding the rate determined as provided in section 9.95 114015  
of the Revised Code. Such bonds shall be the general obligations 114016  
of the county, municipal corporation, township, or school district 114017  
issuing them. The legislation under which such bonds are issued 114018  
shall comply with Section 11 of Article XII, Ohio Constitution. 114019

The amount of such bonds issued or outstanding shall not be 114020  
considered in ascertaining any of the limitations on the net 114021  
indebtedness of such county, municipal corporation, township, or 114022  
school district prescribed by law. In all other respects, the 114023  
issuance, maturities, and sale of such bonds shall be subject to 114024  
Chapter 133. of the Revised Code. 114025

A sufficient amount of the moneys received from principal on 114026  
the sale of such bonds to cover the interest accruing on such 114027  
securities for one year, to the extent determined by the authority 114028  
issuing such bonds in the resolution or ordinance of issuance 114029  
under this section, shall be paid into the bond retirement fund 114030  
from which the bonds are to be redeemed, together with premiums 114031  
and accrued interest. The balance of such principal shall be 114032  
credited to the funds to which the moneys represented by such 114033  
depository balance belong, and in the respective amounts of such 114034  
funds. 114035

**Sec. 135.53.** All principal and interest collected by the 114036  
proper officer or agent of the county, municipal corporation, 114037  
township, or school district, on account of the securities 114038  
mentioned in section 135.51 of the Revised Code, the proceeds of 114039  
any sale or other disposition of any of such securities, and any 114040  
dividends received from the liquidation of the defaulting bank ~~or~~ 114041  
~~domestic building and loan association~~, shall be paid into the 114042  
bond retirement fund from which the bonds provided for in section 114043  
135.52 of the Revised Code are to be redeemed, until the aggregate 114044  
of such payments equals the requirements of such fund, whereupon 114045  
such securities, and any remaining depository balance, not 114046  
anticipated by such bonds, to the extent then retained by such 114047  
county, municipal corporation, township, or school district, shall 114048  
be assigned and delivered to the defaulting bank ~~or building and~~ 114049  
~~loan association~~, to its liquidating officer, or to its successor 114050  
or assignee, together with a release or other instrument showing 114051

full satisfaction of the claim of such county, municipal 114052  
corporation, township, or school district against such bank, 114053  
~~building and loan association,~~ or officer. 114054

**Sec. 323.134.** As used in this section, "financial 114055  
institution" means a bank as defined in section 1101.01 of the 114056  
Revised Code, ~~a building and loan association as defined in~~ 114057  
~~section 1151.01 of the Revised Code,~~ or any other person regularly 114058  
engaging in the business of making or brokering residential 114059  
mortgage loans on security located in this state. 114060

The county treasurer may request any financial institution to 114061  
enter into an agreement with the treasurer for information 114062  
exchanges limited exclusively to the purpose of real property tax 114063  
billing and payment, including, but not limited to, the sharing of 114064  
information that is part of a data processing system. With the 114065  
approval of the county automatic data processing board or if the 114066  
county has no board, with the approval of the county auditor, the 114067  
county treasurer may enter such an agreement with any consenting 114068  
financial institution. Where such an agreement enables the 114069  
treasurer to collect the proper amounts of such taxes due without 114070  
preparing and sending the tax bills required by section 323.13 of 114071  
the Revised Code, the treasurer need not prepare and send such 114072  
bills for any entries of real property upon which taxes are 114073  
properly computed and paid by the use of such information 114074  
exchange. 114075

**Sec. 339.06.** (A) The board of county hospital trustees, upon 114076  
completion of construction or leasing and equipping of a county 114077  
hospital, shall assume and continue the operation of the hospital. 114078

(B) The board of county hospital trustees shall have the 114079  
entire management and control of the county hospital. The board 114080  
may in writing delegate its management and control of the county 114081

hospital to the administrator of the county hospital employed 114082  
under section 339.07 of the Revised Code. The board shall 114083  
establish such rules for the hospital's government, management, 114084  
control, and the admission of persons as are expedient. 114085

(C) The board of county hospital trustees has control of the 114086  
property of the county hospital, including management and disposal 114087  
of surplus property other than real estate or an interest in real 114088  
estate. 114089

(D) With respect to the use of funds by the board of county 114090  
hospital trustees and its accounting for the use of funds, all of 114091  
the following apply: 114092

(1) The board of county hospital trustees has control of all 114093  
funds used in the county hospital's operation, including moneys 114094  
received from the operation of the hospital, moneys appropriated 114095  
for its operation by the board of county commissioners, and moneys 114096  
resulting from special levies submitted by the board of county 114097  
commissioners as provided for in section 5705.22 of the Revised 114098  
Code. 114099

(2) Of the funds used in the county hospital's operation, all 114100  
or part of any amount determined not to be necessary to meet 114101  
current demands on the hospital may be invested by the board of 114102  
county hospital trustees or its designee in any classifications of 114103  
securities and obligations eligible for deposit or investment of 114104  
county moneys pursuant to section 135.35 of the Revised Code, 114105  
subject to the approval of the board's written investment policy 114106  
by the county investment advisory committee established pursuant 114107  
to section 135.341 of the Revised Code. If a county hospital is 114108  
based in a county that has adopted a charter under Section 3 of 114109  
Article X, Ohio Constitution, such funds may be invested by the 114110  
board of county hospital trustees as provided in this division or 114111  
in an ordinance adopted by the legislative authority of the 114112  
county, in either case subject to approval by the county 114113

investment advisory committee, or as provided in section 339.061 114114  
of the Revised Code. 114115

(3) Annually, not later than sixty days before the end of the 114116  
fiscal year used by the county hospital, the board of county 114117  
hospital trustees shall submit its proposed budget for the ensuing 114118  
fiscal year to the board of county commissioners for that board's 114119  
review. The board of county commissioners shall review and approve 114120  
the proposed budget by the first day of the fiscal year to which 114121  
the budget applies. If the board of county commissioners has not 114122  
approved the budget by the first day of the fiscal year to which 114123  
the budget applies, the budget is deemed to have been approved by 114124  
the board on the first day of that fiscal year. 114125

(4) The board of county hospital trustees shall not expend 114126  
funds received from taxes collected pursuant to any tax levied 114127  
under section 5705.22 of the Revised Code or the amount 114128  
appropriated to the county hospital by the board of county 114129  
commissioners in the annual appropriation measure for the county 114130  
until its budget for the applicable fiscal year is approved in 114131  
accordance with division (C)(3) of this section. At any time the 114132  
amount received from those sources differs from the amount shown 114133  
in the approved budget, the board of county commissioners may 114134  
require the board of county hospital trustees to revise the county 114135  
hospital budget accordingly. 114136

(5) Funds under the control of the board of county hospital 114137  
trustees may be disbursed by the board, consistent with the 114138  
approved budget, for the uses and purposes of the county hospital; 114139  
for the replacement of necessary equipment; for the acquisition, 114140  
leasing, or construction of permanent improvements to county 114141  
hospital property; or for making a donation authorized by division 114142  
(E) of this section. Each disbursement of funds shall be made on a 114143  
voucher signed by signatories designated and approved by the board 114144  
of county hospital trustees. 114145



(6) The head of a board of county hospital trustees is not required to file an estimate of contemplated revenue and expenditures for the ensuing fiscal year under section 5705.28 of the Revised Code unless the board of county commissioners levies a tax for the county hospital, or such a tax is proposed, or the board of county hospital trustees desires that the board of county commissioners make an appropriation to the county hospital for the ensuing fiscal year.

(7) All moneys appropriated by the board of county commissioners or from special levies by the board of county commissioners for the operation of the hospital, when collected shall be paid to the board of county hospital trustees on a warrant of the county auditor and approved by the board of county commissioners.

(8) The board of county hospital trustees shall provide for the conduct of an annual financial audit of the county hospital. Not later than thirty days after it receives the final report of an annual financial audit, the board shall file a copy of the report with the board of county commissioners.

(E) For the public purpose of improving the health, safety, and general welfare of the community, the board of county hospital trustees may donate to a nonprofit entity any of the following:

(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;

(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;

(3) Services rendered by the hospital.

(F)(1) For purposes of division (F)(2) of this section:

~~(a) "Bank", "bank" has the same meaning as in section 1101.01~~

of the Revised Code. 114176

~~(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.~~ 114177  
114178

~~(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.~~ 114179  
114180

(2) The board of county hospital trustees may enter into a 114181  
contract for a secured line of credit with a bank, ~~savings and~~ 114182  
~~loan association, or savings bank~~ if the contract meets all of the 114183  
following requirements: 114184

(a) The term of the contract does not exceed one year, except 114185  
that the contract may provide for the automatic renewal of the 114186  
contract for up to four additional one-year periods if, on the 114187  
date of automatic renewal, the aggregate outstanding draws 114188  
remaining unpaid under the secured line of credit do not exceed 114189  
fifty per cent of the maximum amount that can be drawn under the 114190  
secured line of credit. 114191

(b) The contract provides that the bank, ~~savings and loan~~ 114192  
~~association, or savings bank~~ shall not commence a civil action 114193  
against the board of county commissioners, any member of the 114194  
board, or the county to recover the principal, interest, or any 114195  
charges or other amounts that remain outstanding on the secured 114196  
line of credit at the time of any default by the board of county 114197  
hospital trustees. 114198

(c) The contract provides that no assets other than those of 114199  
the county hospital can be used to secure the line of credit. 114200

(d) The terms and conditions of the contract comply with all 114201  
state and federal statutes and rules governing the extension of a 114202  
secured line of credit. 114203

(3) Any obligation incurred by a board of county hospital 114204  
trustees under division (F)(2) of this section is an obligation of 114205

that board only and not a general obligation of the board of 114206  
county commissioners or the county within the meaning of division 114207  
(Q) of section 133.01 of the Revised Code. 114208

(4) Notwithstanding anything to the contrary in the Revised 114209  
Code, the board of county hospital trustees may secure the line of 114210  
credit authorized under division (F)(2) of this section by the 114211  
grant of a security interest in any part or all of its tangible 114212  
personal property and intangible personal property, including its 114213  
deposit accounts, accounts receivable, or both. 114214

(5) No board of county hospital trustees shall at any time 114215  
have more than one secured line of credit under division (F)(2) of 114216  
this section. 114217

(G) The board of county hospital trustees shall establish a 114218  
schedule of charges for all services and treatment rendered by the 114219  
county hospital. It may provide for the free treatment in the 114220  
hospital of soldiers, sailors, and marines of the county, under 114221  
such conditions and rules as it prescribes. 114222

(H) The board of county hospital trustees may designate the 114223  
amounts and forms of insurance protection to be provided, and the 114224  
board of county commissioners shall assist in obtaining such 114225  
protection. The expense of providing the protection shall be paid 114226  
from hospital operating funds. 114227

(I) The board of county hospital trustees may authorize a 114228  
county hospital and each of its units, hospital board members, 114229  
designated hospital employees, and medical staff members to be a 114230  
member of and maintain membership in any local, state, or national 114231  
group or association organized and operated for the promotion of 114232  
the public health and welfare or advancement of the efficiency of 114233  
hospital administration and in connection therewith to use tax 114234  
funds for the payment of dues and fees and related expenses but 114235  
nothing in this section prohibits the board from using receipts 114236

from hospital operation, other than tax funds, for the payment of 114237  
such dues and fees. 114238

(J) The following apply to the board of county hospital 114239  
trustees in relation to its employees and the employees of the 114240  
county hospital: 114241

(1) The board shall adopt the wage and salary schedule for 114242  
employees. 114243

(2) The board may employ the hospital's administrator 114244  
pursuant to section 339.07 of the Revised Code, and the 114245  
administrator may employ individuals for the hospital in 114246  
accordance with that section. 114247

(3) The board may employ assistants as necessary to perform 114248  
its clerical work, superintend properly the construction of the 114249  
county hospital, and pay the hospital's expenses. Such employees 114250  
may be paid from funds provided for the county hospital. 114251

(4) The board may hire, by contract or as salaried employees, 114252  
such management consultants, accountants, attorneys, engineers, 114253  
architects, construction managers, and other professional advisors 114254  
as it determines are necessary and desirable to assist in the 114255  
management of the programs and operation of the county hospital. 114256  
Such professional advisors may be paid from county hospital 114257  
operating funds. 114258

(5) Notwithstanding section 325.19 of the Revised Code, the 114259  
board may grant to employees any fringe benefits the board 114260  
determines to be customary and usual in the nonprofit hospital 114261  
field in its community, including, but not limited to: 114262

(a) Additional vacation leave with full pay for full-time 114263  
employees, including full-time hourly rate employees, after 114264  
service of one year; 114265

(b) Vacation leave and holiday pay for part-time employees on 114266

|                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| a pro rata basis;                                                                                                                                                                                                                                                                                                                                                                                                                       | 114267                                                             |
| (c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave;                                                                                                                                                                                                                                                                                        | 114268<br>114269<br>114270                                         |
| (d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                   | 114271<br>114272                                                   |
| (e) Moving expenses for new employees;                                                                                                                                                                                                                                                                                                                                                                                                  | 114273                                                             |
| (f) Discounts on hospital supplies and services.                                                                                                                                                                                                                                                                                                                                                                                        | 114274                                                             |
| (6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.                                                                                                                                                                                                                            | 114275<br>114276<br>114277<br>114278                               |
| (7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.                                                                                                                                                                                                                                                                                                                           | 114279<br>114280                                                   |
| (8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.                                                                                                                                                                                             | 114281<br>114282<br>114283<br>114284                               |
| (9) The board may provide employee recognition awards and hold employee recognition dinners.                                                                                                                                                                                                                                                                                                                                            | 114285<br>114286                                                   |
| (10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.                                                                                                                                                                                                                                                                                                              | 114287<br>114288                                                   |
| (K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees. | 114289<br>114290<br>114291<br>114292<br>114293<br>114294<br>114295 |
| The board of county hospital trustees may pay reasonable                                                                                                                                                                                                                                                                                                                                                                                | 114296                                                             |

expenses for recruiting or retaining physicians and other 114297  
appropriate health care practitioners. 114298

(L) The board of county hospital trustees may retain counsel 114299  
and institute legal action in its own name for the collection of 114300  
delinquent accounts. The board may also employ any other lawful 114301  
means for the collection of delinquent accounts. 114302

**Sec. 513.17.** (A) The board of hospital governors shall, with 114303  
the consent and approval of the joint township district hospital 114304  
board and as provided by sections 513.07 to 513.18 of the Revised 114305  
Code, prepare plans and specifications, and may employ technical 114306  
assistance if necessary, and proceed to erect, furnish, and equip 114307  
necessary buildings for a joint township general hospital. Except 114308  
where the hospital of the district is leased pursuant to section 114309  
513.171 of the Revised Code, such board of governors shall appoint 114310  
and fix the compensation of a suitable person to be superintendent 114311  
of the hospital for such period of time as it determines, and 114312  
shall employ and fix the compensation for such nurses and other 114313  
employees as are necessary for the proper conduct of the hospital. 114314  
Subject to the direction of the board of governors and to the 114315  
rules prescribed by it, any such superintendent shall have 114316  
complete charge and control of the operation of such hospital. The 114317  
superintendent shall prepare and submit to the board of governors, 114318  
quarterly, a statement showing the average daily per capita cost 114319  
for the current expense of maintaining and operating such 114320  
hospital, including the cost of ordinary repairs. 114321

(B)(1) For purposes of ~~this~~ division+ 114322

~~(a) "Bank"~~ (B)(2) of this section, "bank" has the same 114323  
meaning as in section 1101.01 of the Revised Code. 114324

~~(b) "Savings and loan association" has the same meaning as in~~ 114325  
~~section 1151.01 of the Revised Code.~~ 114326

~~(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.~~ 114327  
114328

(2) The board of hospital governors may enter into a contract for a secured line of credit with a bank, ~~savings and loan association, or savings bank~~ if the contract meets all of the following requirements: 114329  
114330  
114331  
114332

(a) The term of the contract does not exceed one hundred eighty days. 114333  
114334

(b) The contract provides that any amount extended must be repaid in full before any additional credit can be extended. 114335  
114336

(c) The contract provides that the bank, ~~savings and loan association, or savings bank~~ shall not commence a civil action against the joint township district hospital board, any member of the board, board of township trustees, township, or board of county commissioners to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of hospital governors. 114337  
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(d) The contract provides that no assets other than those of the hospital can be used to secure the line of credit. 114345  
114346

(e) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit. 114347  
114348  
114349

(3) Any obligation incurred by a board of hospital governors under this division is an obligation of that board only and not a general obligation of the joint township district hospital board, board of county commissioners, county, board of township trustees, or township within the meaning of division (Q) of section 133.01 of the Revised Code. 114350  
114351  
114352  
114353  
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(4) No board of hospital governors shall at any time have 114356

more than one secured line of credit under this section. 114357

(C) The board of hospital governors may grant to its 114358  
employees such of the following as it determines to be customary 114359  
and usual in the nonprofit hospital field in its community: 114360

(1) Paid vacation and holiday leave, for holidays listed in 114361  
section 511.10 of the Revised Code, and other benefits for 114362  
full-time employees; 114363

(2) Vacation leave and holiday pay for part-time employees on 114364  
a pro rata basis; 114365

(3) Leave with full pay due to death in the employee's 114366  
immediate family, which shall not be deducted from the employee's 114367  
accumulated sick leave; 114368

(4) Premium pay for working on holidays listed in section 114369  
511.10 of the Revised Code; 114370

(5) Moving expenses for new employees; 114371

(6) Discounts on purchases from the hospital pharmacy; 114372

(7) Discounts on hospital supplies and services. 114373

The board of hospital governors may provide employee 114374  
recognition awards and hold employee recognition dinners. 114375

The board of hospital governors may provide scholarships for 114376  
education in the health care professions, tuition reimbursement, 114377  
and other staff development programs to enhance the skills of 114378  
health care professionals for the purpose of recruiting or 114379  
retaining qualified employees. 114380

The board of hospital governors may pay reasonable expenses 114381  
for recruiting physicians into the district or for retaining them 114382  
if all or part of the district has been designated as an area with 114383  
a shortage of personal health services under the "Health 114384  
Maintenance Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 114385  
300e, as amended. 114386



(D) The members of the board of governors shall serve without 114387  
compensation, but their necessary expenses, when engaged in the 114388  
business of the hospital board, shall be paid by the joint 114389  
township district hospital board. 114390

(E) The board of hospital governors with the approval of the 114391  
county commissioners may employ counsel and institute legal action 114392  
in its own name for the collection of delinquent accounts. The 114393  
board may also employ any other lawful means for the collection of 114394  
delinquent accounts. Counsel employed under this section shall be 114395  
paid from the hospital's funds. 114396

**Sec. 749.081.** (A) For purposes of this section: 114397

~~(1) "Bank", "bank" has the same meaning as in section 1101.01 114398  
of the Revised Code. 114399~~

~~(2) "Savings and loan association" has the same meaning as in 114400  
section 1151.01 of the Revised Code. 114401~~

~~(3) "Savings bank" has the same meaning as in section 1161.01 114402  
of the Revised Code. 114403~~

(B) The board of hospital commissioners may enter into a 114404  
contract for a secured line of credit with a bank, ~~savings and 114405  
loan association, or savings bank~~ if the contract meets all of the 114406  
following requirements: 114407

(1) The term of the contract does not exceed one hundred 114408  
eighty days; 114409

(2) The board's secured line of credit does not exceed five 114410  
hundred thousand dollars; 114411

(3) The contract provides that any amount extended must be 114412  
repaid in full before any additional credit can be extended; 114413

(4) The contract provides that the bank, ~~savings and loan 114414  
association, or savings bank~~ shall not commence a civil action 114415

against the legislative authority of a municipal corporation or 114416  
any member thereof, or the municipal corporation to recover the 114417  
principal, interest, or any charges or other amounts that remain 114418  
outstanding on the secured line of credit at the time of any 114419  
default by the board of hospital commissioners; 114420

(5) The contract provides that no assets other than those of 114421  
the hospital can be used to secure the line of credit; 114422

(6) The terms and conditions of the contract comply with all 114423  
state and federal statutes and rules governing the extension of a 114424  
secured line of credit. 114425

(C) Any obligation incurred by a board of hospital 114426  
commissioners under division (B) of this section is an obligation 114427  
of that board only and not a general obligation of the legislative 114428  
authority of a municipal corporation or the municipal corporation 114429  
within the meaning of division (Q) of section 133.01 of the 114430  
Revised Code. 114431

(D) No board of hospital commissioners shall at any time have 114432  
more than one secured line of credit under division (B) of this 114433  
section. 114434

**Sec. 755.141.** If a park or recreational facility owned, 114435  
operated, or maintained by a joint recreation district created 114436  
under division (C) of section 755.14 of the Revised Code is the 114437  
site where an exhibition sanctioned by the United States 114438  
Christopher Columbus quincentenary jubilee commission is being or 114439  
has been held and the exhibition is or was sponsored by the 114440  
organization that is also sponsoring or has sponsored an 114441  
exhibition sanctioned by the international association of 114442  
horticulture producers, the following provisions shall apply, in 114443  
addition to the provisions of sections 755.12 to 755.18 of the 114444  
Revised Code: 114445

(A) The governor, speaker of the house of representatives, 114446  
and president of the senate shall each appoint one member to the 114447  
board of trustees of the district. These members may be members of 114448  
the general assembly, but any members of the general assembly 114449  
appointed to the board of trustees shall be nonvoting members and 114450  
shall serve only while they remain members of the general 114451  
assembly. Members appointed under this division shall serve terms 114452  
of three years and serve without pay, and all vacancies in their 114453  
positions on the board, whether for an unexpired term or at the 114454  
end of a term, shall be filled in the same manner as the original 114455  
appointments. 114456

(B) The board of trustees of a joint recreation district may 114457  
designate the amounts and forms of property and casualty insurance 114458  
protection to be provided. The expense of providing the protection 114459  
shall be paid from operating funds of the joint recreation 114460  
district. 114461

(C) The board of trustees of a joint recreation district may 114462  
acquire, construct, maintain, and operate horticultural 114463  
facilities, public banquet facilities, greenhouses, and such other 114464  
facilities as are authorized in section 755.16 of the Revised 114465  
Code. 114466

(D)(1) By resolution of its board of trustees, the joint 114467  
recreation district may issue revenue bonds beyond the limit of 114468  
bonded indebtedness provided by law, for the acquisition, 114469  
construction, furnishing, or equipping of any real or personal 114470  
property, or any combination thereof which it is authorized to 114471  
acquire, construct, furnish, or equip, including all costs in 114472  
connection with or incidental thereto. 114473

(2) The revenue bonds of the joint recreation district shall 114474  
be secured only by a pledge of and a lien on the revenues of the 114475  
joint recreation district that are designated in the resolution, 114476  
including, but not limited to, any property to be acquired, 114477

constructed, furnished, or equipped with the proceeds of the bond 114478  
issue, after provision only for the reasonable cost of operating, 114479  
maintaining, and repairing the property of the joint recreation 114480  
district so designated. The bonds may further be secured by the 114481  
covenant of the joint recreation district to maintain rates or 114482  
charges that will produce revenues sufficient to meet the costs of 114483  
operating, maintaining, and repairing such property and to meet 114484  
the interest and principal requirements of the bonds and to 114485  
establish and maintain reserves for the foregoing purposes. The 114486  
board of trustees of the joint recreation district, by resolution, 114487  
may provide for the issuance of additional revenue bonds from time 114488  
to time, to be secured equally and ratably, without preference, 114489  
priority, or distinction, with outstanding revenue bonds, but 114490  
subject to the terms and limitations of any trust agreement 114491  
described in this section, and of any resolution authorizing bonds 114492  
then outstanding. The board of trustees, by resolution, may 114493  
designate additional property of the district, the revenues of 114494  
which shall be pledged and be subject to a lien for the payment of 114495  
the debt charges on revenue bonds theretofore authorized by 114496  
resolution of the board of trustees, to the same extent as the 114497  
revenues above described. 114498

(3) In the discretion of the board of trustees, the revenue 114499  
bonds of the district may be secured by a trust agreement between 114500  
the joint recreation district and a corporate trustee, that may be 114501  
any trust company or bank having powers of a trust company, within 114502  
or without the state. 114503

(4) The trust agreement may provide for the pledge or 114504  
assignment of the revenues to be received, but shall not pledge 114505  
the general credit and taxing power of the joint recreation 114506  
district. The trust agreement or the resolution providing for the 114507  
issuance of revenue bonds may set forth the rights and remedies of 114508  
the bondholders and trustees, and may contain other provisions for 114509

protecting and enforcing their rights and remedies that are 114510  
determined in the discretion of the board of trustees to be 114511  
reasonable and proper. The agreement or resolution may provide for 114512  
the custody, investment, and disbursement of all moneys derived 114513  
from the sale of such bonds, or from the revenues of the joint 114514  
recreation district, other than those moneys received from taxes 114515  
levied pursuant to section 755.171 of the Revised Code, and may 114516  
provide for the deposit of such funds without regard to Chapter 114517  
135. of the Revised Code. 114518

(5) All bonds issued under authority of this section, 114519  
regardless of form or terms and regardless of any other law to the 114520  
contrary, shall have all qualities and incidents of negotiable 114521  
instruments, subject to provisions for registration, and may be 114522  
issued in coupon, fully registered, or other form, or any 114523  
combination thereof, as the board of trustees determines. 114524  
Provision may be made for the registration of any coupon bonds as 114525  
to principal alone or as to both principal and interest, and for 114526  
the conversion into coupon bonds of any fully registered bonds or 114527  
bonds registered as to both principal and interest. 114528

(6) The revenue bonds shall bear interest at such rate or 114529  
rates, shall bear such date or dates, and shall mature within 114530  
thirty years following the date of issuance and in such amount, at 114531  
such time or times, and in such number of installments, as may be 114532  
provided in or pursuant to the resolution authorizing their 114533  
issuance. Any original issue of revenue bonds shall mature not 114534  
later than thirty years from their date of issue. Such resolution 114535  
also shall provide for the execution of the bonds, which may be by 114536  
facsimile signatures unless prohibited by the resolution, and the 114537  
manner of sale of the bonds. The resolution shall provide for, or 114538  
provide for the determination of, any other terms and conditions 114539  
relative to the issuance, sale, and retirement of the bonds that 114540  
the board of trustees in its discretion determines to be 114541

reasonable and proper. 114542

(7) Whenever a joint recreation district considers it 114543  
expedient, it may issue renewal notes and refund any bonds, 114544  
whether the bonds to be refunded have or have not matured. The 114545  
final maturity of any notes, including any renewal notes, shall 114546  
not be later than five years from the date of issue of the 114547  
original issue of notes. The final maturity of any refunding bonds 114548  
shall not be later than the later of thirty years from the date of 114549  
issue of the original issue of bonds or the date by which it is 114550  
expected, at the time of issuance of the refunding bonds, that the 114551  
useful life of all of the property, other than interests in land, 114552  
refinanced with proceeds of the bonds will have expired. The 114553  
refunding bonds shall be sold and the proceeds applied to the 114554  
purchase, redemption, or payment of the bonds to be refunded and 114555  
the costs of issuance of the refunding bonds. The bonds and notes 114556  
issued under this section, their transfer, and the income 114557  
therefrom, shall at all times be free from taxation within the 114558  
state. 114559

(E) A joint recreation district described in this section may 114560  
do all of the following: 114561

(1) Operate or appoint agents to operate, or otherwise 114562  
provide for the operation of, its properties and its facilities, 114563  
activities, and programs and to enter into agreements and 114564  
arrangements related thereto, and to receive and apply the net 114565  
proceeds thereof solely to the management, operation, development, 114566  
maintenance, and repair of its properties, its buildings, 114567  
facilities, improvements, and grounds; 114568

(2) Impose and collect a charge for admission for selective 114569  
events, exhibits, and facilities; 114570

(3) Offer memberships of various denominations for selective 114571  
activities or facilities; 114572

(4) Form advisory and other support committees to the board 114573  
of trustees to provide counsel and assistance to the board in the 114574  
management, operation, and development of its properties, 114575  
buildings, facilities, improvements, and grounds; 114576

(5) Grant licenses, or enter into leases or contracts, for 114577  
the use of any part of its properties, facilities, buildings, and 114578  
grounds for such length of time and upon such terms and conditions 114579  
as the board of trustees deems appropriate and necessary, and 114580  
grant easements in, through, or over its property; 114581

(6) Receive and accept from any federal, state, county, 114582  
municipal, or local government or agency, any grant or 114583  
contribution of money, property, labor, or other things of value, 114584  
to be held, used, and applied for the purpose for which such 114585  
grants and contributions are made; and 114586

(7) Accept and expend gifts, grants, devises, and bequests of 114587  
money and property on behalf of the board of trustees and hold, 114588  
use, and apply such gifts, grants, devises, and bequests according 114589  
to the terms thereof. 114590

(F)(1) For purposes of division (F)(2) of this section+ 114591

~~(a) "Bank", "bank" has the same meaning as in section 1101.01 114592  
of the Revised Code. 114593~~

~~(b) "Savings and loan association" has the same meaning as in 114594  
section 1151.01 of the Revised Code. 114595~~

~~(c) "Savings bank" has the same meaning as in section 1161.01 114596  
of the Revised Code. 114597~~

(2) The board of trustees may enter into a contract for a 114598  
secured line of credit with a bank, ~~savings and loan association,~~ 114599  
~~or savings bank~~ if the contract meets all of the following 114600  
requirements: 114601

(a) The term of the contract does not exceed one year, except 114602

that the contract may provide for the automatic renewal of the 114603  
contract for up to four additional one-year periods. 114604

(b) The contract provides that the bank, ~~savings and loan~~ 114605  
~~association, or savings bank~~ shall not commence a civil action 114606  
against the board, any member of the board, or the county or the 114607  
municipal corporation to recover the principal, interest, or any 114608  
charges or other amounts that remain outstanding on the secured 114609  
line of credit at the time of any default by the board. 114610

(c) The contract provides that no assets other than those of 114611  
the joint recreation district can be used to secure the line of 114612  
credit. 114613

(d) The terms and conditions of the contract comply with all 114614  
state and federal statutes and rules governing the extension of a 114615  
secured line of credit. 114616

(3) Any obligation incurred by a board of trustees of a joint 114617  
recreation district pursuant to division (B) of this section is an 114618  
obligation of that board only and not a general obligation of the 114619  
board of county commissioners, the county, or the municipal 114620  
corporation within the meaning of division (Q) of section 133.01 114621  
of the Revised Code. 114622

(G)(1) For purposes of division (G)(2) of this section, 114623  
"lease-purchase agreement" has the same meaning as a lease with an 114624  
option to purchase. 114625

(2) For any purpose for which a board of trustees of a joint 114626  
recreation district described in this section is authorized to 114627  
acquire real or personal property, that board may enter into a 114628  
lease-purchase agreement in accordance with this section to 114629  
acquire the property. 114630

The lease-purchase agreement shall provide for a series of 114631  
terms in which no term extends beyond the end of the fiscal year 114632  
of the joint recreation district in which that term commences. In 114633



total, the terms provided for in the agreement shall be for not 114634  
more than the useful life of the real or personal property that is 114635  
the subject of the agreement. A property's useful life shall be 114636  
determined either by the maximum number of installment payments 114637  
permitted under the statute that authorizes the board to acquire 114638  
the property or, if there is no such provision, by the maximum 114639  
number of years to maturity provided for the issuance of bonds in 114640  
division (B) of section 133.20 of the Revised Code if bonds were 114641  
to be issued by a subdivision under that section to finance such 114642  
facilities. If the useful life cannot be determined under either 114643  
of those statutes, it shall be estimated as provided in division 114644  
(C) of section 133.20 of the Revised Code. 114645

The lease-purchase agreement shall provide that, at the end 114646  
of the final term in the agreement, if all obligations of the 114647  
joint recreation district have been satisfied, the title to the 114648  
leased property shall vest in the joint recreation district if 114649  
that title has not vested in the joint recreation district before 114650  
or during the lease terms; except that the lease-purchase 114651  
agreement may require the joint recreation district to pay an 114652  
additional lump sum payment as a condition of obtaining that 114653  
title. 114654

(3) A board of trustees of a joint recreation district that 114655  
enters into a lease-purchase agreement under this section may do 114656  
any of the following with the property that is the subject of the 114657  
agreement: 114658

(a) If the property is personal property, assign the board's 114659  
rights to that property; 114660

(b) Grant the lessor a security interest in the property; 114661

(c) If the property is real property, grant leases, 114662  
easements, or licenses for underlying land or facilities under the 114663  
board's control for terms not exceeding five years beyond the 114664

final term of the lease-purchase agreement. 114665

(4) The authority granted in division (G) of this section is 114666  
in addition to and not in derogation of, any other financing 114667  
authority provided by law. 114668

(H) The board of trustees of a joint recreation district 114669  
described in this section may exercise such other powers as shall 114670  
have been granted to it in the agreement between the municipal 114671  
corporation and the board of county commissioners establishing the 114672  
joint recreation district entered into pursuant to division (C) of 114673  
section 755.14 of the Revised Code. 114674

**Sec. 902.01.** As used in this chapter: 114675

(A) "Bonds" means bonds, notes, or other forms of evidences 114676  
of obligation issued in temporary or definitive form, including 114677  
refunding bonds and notes and bonds and notes issued in 114678  
anticipation of the issuance of bonds and renewal notes. 114679

(B) "Bond proceedings" means the resolution or ordinance or 114680  
the trust agreement or indenture of mortgage, or combination 114681  
thereof, authorizing or providing for the terms and conditions 114682  
applicable to bonds issued under authority of this chapter. 114683

(C) "Borrower" means the recipient of a loan or the lessee or 114684  
purchaser of a project under this chapter and is limited to a sole 114685  
proprietor, or to a partnership, joint venture, firm, association, 114686  
or corporation, a majority of whose stockholders, partners, 114687  
members, or associates are persons or the spouses of persons 114688  
related to each other within the fourth degree of kinship, 114689  
according to law, provided that the sole proprietor or at least 114690  
one of such related persons resides or will reside on or is or 114691  
will actively operate the project or the farm or agricultural 114692  
enterprise composed, in whole or in part, of the project, and 114693  
provided further that the sole proprietor or all of the 114694

stockholders, members, partners, or associates are natural 114695  
persons. The agricultural financing commission may establish 114696  
procedures for the determination of the eligibility of borrowers 114697  
under this chapter which determinations are conclusive in relation 114698  
to the validity and enforceability of bonds issued under bond 114699  
proceedings authorized in connection therewith, and in relation to 114700  
security interests given and leases, subleases, sale agreements, 114701  
loan agreements, and other agreements made in connection 114702  
therewith, all in accordance with their terms. 114703

(D) "Composite financing arrangement" means the sale of a 114704  
single issue of bonds to finance two or more projects, including, 114705  
but not limited to, a single issue of bonds for a group of loans 114706  
submitted by or through a single lending institution or with 114707  
credit enhancement from a single lending institution, or the sale 114708  
by or on behalf of one or more issuers of two or more issues or 114709  
lots of bonds under or pursuant to a single sale agreement, single 114710  
marketing arrangement, or single official statement, offering 114711  
circular, or other marketing document. 114712

(E) "Issuer" means the state, or any county or municipal 114713  
corporation of the state. 114714

(F) "Issuing authority" means in the case of a municipal 114715  
corporation, the legislative authority thereof; and in the case of 114716  
a county, the board of county commissioners or whatever officers, 114717  
board, commission, council, or other body might succeed to or 114718  
assume the legislative powers of the board of county 114719  
commissioners. 114720

(G) "Lending institution" means ~~any domestic building and~~ 114721  
~~loan association as defined in section 1151.01 of the Revised~~ 114722  
~~Code, any service corporation the entire stock of which is owned~~ 114723  
~~by one or more such building and loan associations, a bank which~~ 114724  
that has its principal place of business located in this state, a 114725  
bank subsidiary corporation that is wholly owned by a bank having 114726

its principal place of business located in this state, any state 114727  
or federal governmental agency or instrumentality including 114728  
without limitation the federal land bank, production credit 114729  
association, or bank for cooperatives, or any of their local 114730  
associations, or any other financial institution or entity 114731  
authorized to make mortgage loans and qualified to do business in 114732  
this state. 114733

(H) "Loan" includes a loan made to or through, or a deposit 114734  
with, a lending institution or a loan made directly to the owner 114735  
or operator of a project to finance one or more projects. 114736  
Notwithstanding any other provision of this chapter, loans from 114737  
proceeds of bonds issued under a composite financing arrangement 114738  
shall be made only to or through, or by a deposit with, a lending 114739  
institution, including the purchase of loans from lending 114740  
institutions, or be made in any other manner in which a lending 114741  
institution has been or is involved in the origination or credit 114742  
enhancement of the loan. 114743

(I) "Mortgage loan" means a loan secured by a mortgage, deed 114744  
of trust, or other security interest. 114745

(J) "Pledged facilities" means the project or projects 114746  
mortgaged or facilities the rentals, revenues, and other income, 114747  
charges, and moneys from which are pledged, or both, for the 114748  
payment of the principal of and interest on the bonds issued under 114749  
authority of section 902.04 of the Revised Code, and includes a 114750  
project for which a loan has been made under authority of this 114751  
chapter, in which case, references in this chapter to revenues of 114752  
such pledged facilities or from the disposition thereof include 114753  
payments made or to be made to or for the account of the issuer 114754  
pursuant to such loan. 114755

(K) "Project" means real or personal property, or both, 114756  
including undivided and other interests therein, acquired by gift 114757  
or purchase, constructed, reconstructed, enlarged, improved, 114758

furnished, or equipped, or any combination thereof, by an issuer, 114759  
or by others from the proceeds of bonds, located within the 114760  
boundaries of the issuer, and used or to be used by a borrower for 114761  
agricultural purposes as provided in division (D) of this section. 114762  
A project is hereby determined to qualify as facilities for 114763  
industry, commerce, distribution, or research described in Section 114764  
13 of Article VIII, Ohio Constitution. 114765

(L) "Purchase" means, with respect to loans, the purchase of 114766  
loans from, or other acquisition by an issuer of loans of, lending 114767  
institutions. 114768

(M) "Revenues" means the rentals, revenues, payments, 114769  
repayments, income, charges, and moneys derived or to be derived 114770  
from the use, lease, sublease, rental, sale, including installment 114771  
sale or conditional sale, or other disposition of pledged 114772  
facilities, or derived or to be derived pursuant to a loan made 114773  
for a project, bond proceeds to the extent provided in the bond 114774  
proceedings for the payment of principal of, or premium, if any, 114775  
or interest on the bonds, proceeds from any insurance, 114776  
condemnation, or guaranty pertaining to pledged facilities or the 114777  
financing thereof, any income and profit from the investment of 114778  
the proceeds of bonds or of any revenues, any fees and charges 114779  
received by or on behalf of an issuer for the services of or 114780  
commitments by the issuer, and moneys received in repayment of and 114781  
for interest on any loan made or purchased by an issuer, moneys 114782  
received by an issuer upon the sale of any bonds of the issuer 114783  
under section 902.04 of the Revised Code, any moneys received from 114784  
investment of funds of an issuer or from the sale of collateral 114785  
securing loans made or purchased by the issuer, including 114786  
collateral acquired by foreclosure or other action to enforce a 114787  
security interest, and any moneys received in payment of a claim 114788  
under insurance, guarantees, letters of credit, or otherwise with 114789  
respect to any loans made or purchased by an issuer or any 114790

collateral held by the issuer of any bonds issued under this 114791  
chapter. 114792

(N) "Security interest" means a mortgage, lien, or other 114793  
encumbrance on, or pledge or assignment of, or other security 114794  
interest with respect to all or any part of pledged facilities, 114795  
revenues, reserve funds, or other funds established under the bond 114796  
proceedings, or on, of, or with respect to, a lease, sublease, 114797  
sale, conditional sale, or installment sale agreement, loan 114798  
agreement, or any other agreement pertaining to the lease, 114799  
sublease, sale, or other disposition of a project or pertaining to 114800  
a loan made for a project, or any guaranty or insurance agreement 114801  
made with respect thereto, or any interest of the issuer therein, 114802  
or any other interest granted, assigned, purchased, or released to 114803  
secure payments of the principal of, premium, if any, or interest 114804  
on any bonds or to secure any other payments to be made by an 114805  
issuer under the bond proceedings. Any security interest under 114806  
this chapter may be prior or subordinate to or on a parity with 114807  
any other mortgage, lien, encumbrance, pledge, assignment, or 114808  
other security interest. 114809

**Sec. 924.10.** (A) There is hereby established in the state 114810  
treasury a fund for each marketing program that is established by 114811  
the director of agriculture pursuant to this chapter. Except as 114812  
authorized in division (B) of this section, all moneys collected 114813  
by the department of agriculture from each marketing program 114814  
pursuant to section 924.09 of the Revised Code shall be paid into 114815  
the fund for the marketing program and shall be disbursed only 114816  
pursuant to a voucher approved by the director for use in 114817  
defraying the costs of administration of the marketing program and 114818  
for carrying out sections 924.02, 924.03, and 924.13 of the 114819  
Revised Code. 114820

(B) In lieu of deposits in the fund established pursuant to 114821

division (A) of this section, the operating committee of any 114822  
marketing program established pursuant to this chapter may deposit 114823  
all moneys collected pursuant to section 924.09 of the Revised 114824  
Code with a bank ~~or a savings and loan association~~ as defined in 114825  
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 114826  
moneys collected pursuant to section 924.09 of the Revised Code 114827  
and deposited pursuant to this division also shall be used only in 114828  
defraying the costs of administration of the marketing program and 114829  
for carrying out sections 924.02, 924.03, and 924.13 of the 114830  
Revised Code. 114831

(C) Each operating committee shall establish a fiscal year 114832  
for its marketing program and shall publish within sixty days of 114833  
the end of each fiscal year an activity and financial report and 114834  
make such report available to each producer who pays an assessment 114835  
or otherwise contributes to the marketing program which the 114836  
committee administers, and to other interested persons. 114837

(D) In addition to the reports required by division (C) of 114838  
this section, any marketing program that deposits moneys in 114839  
accordance with division (B) of this section shall submit to the 114840  
director both of the following: 114841

(1) Annually, a financial statement prepared by a certified 114842  
public accountant holding a live permit from the accountancy board 114843  
issued pursuant to Chapter 4701. of the Revised Code. The 114844  
marketing program shall file the financial statement with the 114845  
director not more than sixty days after the end of each fiscal 114846  
year. 114847

(2) Monthly, an unaudited financial statement. 114848

**Sec. 924.26.** (A) The grain marketing program operating 114849  
committee shall levy on producers and, as provided in division (B) 114850  
of this section, handlers the following assessments, as 114851  
applicable: 114852

(1) One-half of one per cent of the per-bushel price of wheat 114853  
at the first point of sale; 114854

(2) One-half of one per cent of the per-bushel price of 114855  
barley at the first point of sale; 114856

(3) One-half of one per cent of the per-bushel price of rye 114857  
at the first point of sale; 114858

(4) One-half of one per cent of the per-bushel price of oats 114859  
at the first point of sale. 114860

(B) The director may require a handler to withhold 114861  
assessments from any amounts that the handler owes to producers 114862  
and to remit them to the operating committee. A handler who pays 114863  
for a producer an assessment that is levied under this section may 114864  
deduct the amount of the assessment from any money that the 114865  
handler owes to the producer. 114866

(C) The operating committee shall deposit all money collected 114867  
under this section with a bank ~~or savings and loan association~~ as 114868  
defined in ~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised 114869  
Code. All money so collected and deposited shall be used only for 114870  
defraying the costs of administration of the marketing program and 114871  
for carrying out sections 924.20 to 924.30 of the Revised Code. 114872  
The operating committee shall not use any assessments that it 114873  
levies for any political or legislative purpose or for 114874  
preferential treatment of one person to the detriment of any other 114875  
person affected by the grain marketing program. 114876

(D) The operating committee shall refund to a producer the 114877  
assessments that it collects from the producer not later than 114878  
thirty days after receipt of a valid application by the producer 114879  
for a refund, provided that the producer complies with the 114880  
procedures for a refund established by the committee under section 114881  
924.24 of the Revised Code. 114882

An application for a refund shall be made on a form provided 114883



by the director. The operating committee shall ensure that refund 114884  
forms are available where assessments for the grain marketing 114885  
program are collected. 114886

**Sec. 924.45.** (A)(1) After a marketing agreement takes effect, 114887  
a board of directors that will administer the marketing agreement 114888  
shall be established in accordance with the terms of the marketing 114889  
agreement. Except for the director of agriculture or the 114890  
director's designee who shall serve as an ex officio member of the 114891  
board of directors, members of the board shall be selected only 114892  
from individuals who are producers that signed the marketing 114893  
agreement. 114894

(2) The provisional board of directors created pursuant to 114895  
division (B)(1) of section 924.42 of the Revised Code shall verify 114896  
that the board of directors is established in accordance with the 114897  
terms of the marketing agreement. If the provisional board of 114898  
directors determines that the board of directors was not 114899  
established in accordance with the terms of the marketing 114900  
agreement, the provisional board shall notify the director who 114901  
shall take appropriate actions to ensure that the board of 114902  
directors is established in accordance with the terms of the 114903  
marketing agreement. If the provisional board of directors 114904  
determines that the board of directors was established in 114905  
accordance with the terms of the marketing agreement, the 114906  
provisional board shall cease to exist. 114907

(B) A board of directors that is established to administer a 114908  
marketing agreement shall do all of the following: 114909

(1) Establish priorities of the board that are consistent 114910  
with the estimated financial resources that will be generated 114911  
under the terms of the marketing agreement and with the scope of 114912  
the marketing agreement; 114913

(2) Prepare a budget that is consistent with the estimated 114914

financial resources that will be generated under the terms of the 114915  
marketing agreement and with the scope of the marketing agreement; 114916

(3) Deposit all money collected pursuant to the marketing 114917  
agreement with a bank as defined in section 1101.01 of the Revised 114918  
Code ~~or with a savings and loan association as defined in section~~ 114919  
~~1151.01 of the Revised Code.~~ The board shall use the money only to 114920  
pay the costs of the board in administering the marketing 114921  
agreement and of the activities authorized under the marketing 114922  
agreement and under sections 924.40 to 924.45 of the Revised Code. 114923

(4) Establish a fiscal year for purposes of marketing 114924  
activities performed under the terms of the marketing agreement; 114925

(5) Publish an activity and financial report not later than 114926  
sixty days after the end of a fiscal year. The board shall make 114927  
the report available to each producer that signed the marketing 114928  
agreement and to other interested parties. 114929

(6) Provide annually to the director of agriculture and to 114930  
each producer that signed the marketing agreement a financial 114931  
statement that is prepared by a person who holds a current 114932  
certificate as a certified public accountant issued under Chapter 114933  
4701. of the Revised Code. The board shall provide the financial 114934  
statement to the director not later than sixty days after the end 114935  
of a fiscal year. 114936

(7) Reimburse the department of agriculture for actual 114937  
administrative costs incurred by the department in the 114938  
administration of sections 924.40 to 924.45 of the Revised Code. 114939  
However, the amount reimbursed in a fiscal year shall not exceed 114940  
ten per cent of the total amount of money collected in that fiscal 114941  
year by the board of directors under the authority of the 114942  
marketing agreement. 114943

(8) Perform all other acts and exercise all other powers that 114944  
are reasonably necessary, proper, or advisable to effectuate the 114945

purposes of sections 924.40 to 924.45 of the Revised Code. 114946

(C) A board of directors that is established to administer a 114947  
marketing agreement may do all of the following: 114948

(1) Propose to the director rules that are necessary for the 114949  
board to perform its duties under the requirements of the 114950  
marketing agreement and under sections 924.40 to 924.45 of the 114951  
Revised Code; 114952

(2) Hire personnel and contract for services that are 114953  
necessary for the implementation and administration of the 114954  
marketing agreement; 114955

(3) Receive and investigate, or cause to be investigated, a 114956  
complaint concerning an alleged violation of a term of the 114957  
marketing agreement. If the board determines that such a violation 114958  
has occurred, the board shall refer the matter to the director for 114959  
enforcement. 114960

(4) Amend the marketing agreement in accordance with the 114961  
terms of the marketing agreement and with sections 924.40 to 114962  
924.45 of the Revised Code; 114963

(5) Terminate the marketing agreement with the approval of a 114964  
majority of the participating producers that are signatories to 114965  
the marketing agreement. If the marketing agreement is terminated, 114966  
the board shall distribute any remaining unobligated money 114967  
collected under the authority of the marketing agreement to each 114968  
participating producer in the same proportion that the producer 114969  
paid assessments under the marketing agreement. 114970

**Sec. 1101.01.** As used in Chapters 1101. to 1127. of the 114971  
Revised Code, unless the context requires otherwise: 114972

(A) "Affiliate" has the same meaning as in division (A)(1) of 114973  
section 1109.53 of the Revised Code and includes a subsidiary of a 114974  
bank. 114975

(B) "Bank" or "banking corporation" means a ~~corporation~~ an entity that solicits, receives, or accepts money or its equivalent for deposit as a business, whether the deposit is made by check or is evidenced by a certificate of deposit, passbook, note, receipt, ledger card, or otherwise. "Bank" ~~also~~ or "banking corporation" includes a state bank or a ~~corporation~~ any entity doing business as a bank ~~or~~, savings bank, or savings association under authority granted by the office of the comptroller of the currency or the former office of thrift supervision, the appropriate bank regulatory authority of another state of the United States, or the appropriate bank regulatory authority of another country, but does not include a ~~savings association, savings bank, or~~ credit union.

(C) "Bank holding company" has the same meaning as in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, as amended.

(D) "Banking office" means an office or other place established by a bank at which a the bank receives money or its equivalent from the public for deposit and conducts a general banking business. "Banking office" does not include any of the following:

(1) Any location at which a bank receives, but does not accept, cash or other items for subsequent deposit, such as by mail or armored car service or at a lock box or night depository;

(2) Any structure located within five hundred yards of a an approved banking office of a bank and operated as an extension of the services of the banking office;

(3) Any automated teller machine, remote service unit, or other money transmission device owned, leased, or operated by a bank;

(4) Any facility located within the geographical limits of a military installation at which a bank only accepts deposits and

cashes checks; 115007

(5) Any location at which a bank takes and processes 115008  
applications for loans and may disburse loan proceeds, but does 115009  
not accept deposits; 115010

(6) Any location at which a bank is engaged solely in 115011  
providing administrative support services for its own operations 115012  
or for other depository institutions. 115013

~~(D)~~(E) "Branch" means a banking office that is not also the 115014  
bank's principal place of business consistent with its articles of 115015  
incorporation or articles of association. 115016

~~(E)~~ "Capital" (F)(1) With respect to a stock state bank, 115017  
"capital" means the sum of a the bank's: 115018

~~(1)~~(a) Paid-in capital and surplus relating to common stock; 115019

~~(2)~~(b) To the extent permitted by the superintendent of 115020  
financial institutions, paid-in capital and surplus relating to 115021  
preferred stock; 115022

~~(3)~~(c) Undivided profits; and 115023

~~(4)~~(d) To the extent permitted by the superintendent the 115024  
proceeds of the sale of debt securities and other assets and 115025  
reserves. 115026

~~(F)~~(2) With respect to a mutual state bank, "capital" means 115027  
either of the following: 115028

(a) Retained earnings; 115029

(b) At the discretion of the superintendent, any other form 115030  
of capital, subject to any applicable federal and state laws. 115031

(G) "Code of regulations" includes a constitution adopted by 115032  
a state bank for similar purposes. 115033

(H) "Control" has the same meaning as in division (H) of 115034  
section 1109.53 of the Revised Code. 115035

~~(G)~~ "Controlling shareholder" means a person who, directly or indirectly, controls a bank. 115036  
115037

~~(H)~~(I) "Debt securities" means obligations issued by a bank the holders of which, in the event of the insolvency or liquidation of the bank, are subordinated in right of payment to the bank's depositors and general creditors. 115038  
115039  
115040  
115041

~~(I)~~(J) "Deposit" has the same meaning as in 12 C.F.R. 204.2, as amended. 115042  
115043

(K) "Entity" has the same meaning as in section 1701.01 of the Revised Code. 115044  
115045

(L) "Federal savings association" means a federal savings and loan association or a federal savings bank doing business under authority granted by the office of the comptroller of the currency or the former office of thrift supervision. 115046  
115047  
115048  
115049

~~(J)~~(M) "Mutual holding company" means either of the following: 115050  
115051

(1) A mutual state bank or an affiliate of a mutual state bank reorganized in accordance with Chapter 1116. of the Revised Code to hold all or part of the shares of the capital stock of a subsidiary state bank; 115052  
115053  
115054  
115055

(2) A mutual holding company organized in accordance with 12 U.S.C. 1467a(o) that has converted to a mutual holding company under Chapter 1116. of the Revised Code. 115056  
115057  
115058

(N) "Mutual state bank" means a state bank without stock that has governing documents consisting of articles of incorporation and code of regulations adopted by its members and bylaws adopted by its board of directors. 115059  
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115061  
115062

(O) "National bank" means a bank doing business under authority granted by the office of the comptroller of the currency. 115063  
115064  
115065

~~(K)~~(P) "Net income" means all income realized or earned less all expenses realized or accrued. 115066  
115067

~~(L)~~(O) "Paid-in capital" means the aggregate par value of all of a stock state bank's outstanding shares of all classes. 115068  
115069

~~(M)~~(R) "Person" means an individual, sole proprietorship, partnership, joint venture, association, trust, estate, business trust, limited liability company, corporation, or any similar entity or organization. 115070  
115071  
115072  
115073

(S) "Remote service unit" means an automated facility, operated by a customer of a bank, that conducts banking functions, such as receiving deposits, paying withdrawals, or lending money. 115074  
115075  
115076

(T) "Reorganization" means a consolidation, merger, or transfer of assets and liabilities pursuant to Chapter 1115. or 1116. of the Revised Code. 115077  
115078  
115079

~~(N)~~(U) "Savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a. 115080  
115081

(V) "Savings association" means a savings and loan association doing business under authority granted by the ~~superintendent of financial institutions pursuant to Chapter 1151.~~ "Savings association" also includes a state bank that elects to operate as a savings and loan association under section 1109.021 of the Revised Code. 115082  
115083  
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~~(O)~~(W) "Savings bank" means a savings bank doing business under authority granted by the ~~superintendent of financial institutions pursuant to Chapter 1161.~~ of the Revised Code ~~or a savings bank doing business under authority granted by the regulatory authority of another state.~~ 115090  
115091  
115092  
115093  
115094

~~(P)~~(X) "Shares" means any equity interest, including a 115095

limited partnership interest and any other equity interest in 115096  
which liability is limited to the amount of the investment. 115097  
"Shares" does not include a general partnership interest or any 115098  
other interest involving general liability. 115099

(Y) "State bank" means a bank doing business under authority 115100  
granted by the superintendent of financial institutions. "State 115101  
bank" includes a state bank that elects to operate as a savings 115102  
and loan association under section 1109.021 of the Revised Code. 115103

(Q)(Z) "Stock state bank" means a state bank that has an 115104  
ownership structure represented by shares of stock. 115105

(AA) "Subsidiary" has the same meaning as in section 1109.53 115106  
of the Revised Code. 115107

(R)(BB) "Surplus" means the total of amounts paid for shares 115108  
in excess of their respective par values, amounts contributed 115109  
other than for shares, and amounts transferred from undivided 115110  
profits, less amounts transferred to stated capital. 115111

(S)(CC) "Trust company" means ~~a corporation~~ an entity 115112  
qualified and licensed under section 1111.06 of the Revised Code 115113  
to solicit or engage in trust business in this state, or a person 115114  
that is required by Chapter 1111. of the Revised Code to be a 115115  
~~corporation~~ an entity qualified and licensed under section 1111.06 115116  
of the Revised Code to solicit or engage in trust business in this 115117  
state. 115118

(T)(DD) "Undivided profits" means the cumulative 115119  
undistributed amount of a bank's net income not otherwise 115120  
allocated. 115121

**Sec. 1101.02.** It is hereby declared to be the purpose of the 115122  
general assembly in enacting Chapters 1101. to 1127. of the 115123  
Revised Code to do all of the following: 115124

(A) Delegate to the division of financial institutions 115125



rule-making power and administrative discretion, subject to 115126  
Chapters 1101. to 1127. of the Revised Code, to assure the 115127  
supervision and regulation of banks chartered under the laws of 115128  
this state may be flexible and readily responsive to changes in 115129  
economic conditions, banking practices, and the financial services 115130  
industry; 115131

(B) Provide for the protection of the interests of 115132  
depositors, creditors, shareholders, members, and the general 115133  
public in banks doing business in this state; 115134

(C) Permit banks to effectively serve the convenience and 115135  
needs of their depositors, borrowers, and others, and permit the 115136  
continued improvement of the products and services banks provide; 115137

(D) Provide the opportunity for the boards and management of 115138  
banks to exercise their business judgment, subject to the 115139  
provisions of Chapters 1101. to 1127. and 1701. of the Revised 115140  
Code; 115141

(E) Provide state banks with competitive parity with other 115142  
types of financial institutions doing business in this state; 115143

(F) Sustain the viability of the state bank charter option 115144  
and the dual banking system in this state and the United States; 115145

~~(F)~~(G) Clarify and modernize the laws governing banking. 115146

**Sec. 1101.03.** (A) Except as otherwise provided in this 115147  
section, every bank existing on or incorporated after ~~January 1,~~ 115148  
~~1997,~~ the effective date of this amendment is subject to Chapters 115149  
1101. to 1127. of the Revised Code. 115150

(B) Except as otherwise provided in this section, Chapters 115151  
1101. to 1127. of the Revised Code do not affect the legality of 115152  
banks organized, loans or investments made or committed to be 115153  
made, or transactions completed or committed before ~~January 1,~~ 115154  
~~1997~~ the effective date of this amendment. 115155

(C) Except as otherwise provided in this section, Chapters 1101. to 1127. of the Revised Code do not affect the status of any bank organized, or any banking office established or authorized, before ~~January 1, 1997~~ the effective date of this amendment. 115156  
115157  
115158  
115159

(D) Chapters 1101. to 1127. of the Revised Code do not apply to persons in their fiduciary capacities, as follows: 115160  
115161

(1) Any person who, on ~~January 1, 1997~~ the effective date of this amendment, is serving as a fiduciary under a trust instrument, will, or other document executed before ~~January 1, 1997~~ the effective date of this amendment; 115162  
115163  
115164  
115165

(2) Any person who is named or nominated as a potential, prospective, or successor fiduciary in a trust instrument, will, or other document executed before ~~January 1, 1997~~ the effective date of this amendment. 115166  
115167  
115168  
115169

(E) Both of the following apply to every savings bank and savings and loan association that is organized under the laws of this state and is in existence as of the effective date of this amendment: 115170  
115171  
115172  
115173

(1) The powers, privileges, duties, and restrictions conferred and imposed in the charter or act of incorporation of such an institution are hereby abridged, enlarged, or otherwise modified so that each charter or act of incorporation conforms to the provisions of this title. 115174  
115175  
115176  
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115178

(2) Notwithstanding any contrary provision in its charter or act of incorporation, every such institution possesses the powers, rights, and privileges and is subject to the duties, restrictions, and liabilities conferred and imposed by this title. 115179  
115180  
115181  
115182

(F) Any state bank that wishes to become or remain an affiliate of a savings and loan holding company may do so by complying with section 1109.021 of the Revised Code. 115183  
115184  
115185

Sec. 1101.05. Except as otherwise expressly provided, the 115186  
provisions of Chapters 1101. to 1127. of the Revised Code and any 115187  
rules adopted under those chapters: 115188

(A) Are enforceable only by the superintendent of financial 115189  
institutions, the superintendent's designee, the federal deposit 115190  
insurance corporation, the federal reserve, or, with respect to 115191  
Chapter 1127. of the Revised Code, a prosecuting attorney; and 115192

(B) Do not create or provide a private right of action or 115193  
defense for or on behalf of any party other than the 115194  
superintendent or the superintendent's designee. 115195

**Sec. 1101.15.** (A)(1) Except as provided in division (A)(2) of 115196  
this section, no person other than a bank doing business under 115197  
authority granted by the superintendent of financial institutions, 115198  
the bank chartering authority of another state, the office of the 115199  
comptroller of the currency, or the bank chartering authority of a 115200  
foreign country shall do either of the following: 115201

(a) Use "bank," "banker," ~~or~~ "banking," "savings 115202  
association," "savings and loan," "building and loan," or "savings 115203  
bank," or a word or combination of words of similar meaning in any 115204  
other language, in a designation or name, or as any part of a 115205  
designation or name, under which business is or may be conducted 115206  
in this state; 115207

(b) Represent itself as a bank. 115208

~~(2)(a) A corporation doing business under Chapter 1151. of 115209  
the Revised Code may use the word "bank," "banker," or "banking," 115210  
or a word or words of similar meaning in any other language, in or 115211  
as part of a designation or name under which business is or may be 115212  
conducted in this state, as provided in section 1151.07 of the 115213  
Revised Code. 115214~~

~~(b) A corporation doing business under Chapter 1161. of the 115215~~

~~Revised Code may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted in this state, as provided in section 1161.09 of the Revised Code.~~

~~(c) A corporation doing business under authority granted by the office of thrift supervision may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted in this state.~~

~~(d) A person, whether operating for profit or not, may use the word words "bank," "banker," ~~or~~ "banking," "savings association," "savings and loan," "building and loan," or "savings bank," or a word or combination of words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted if the superintendent determines the name, on its face, is not likely to mislead the public and authorizes the use of the name.~~

(B)(1) Except as provided in division (B)(2) of this section, no person, other than a corporation licensed in accordance with authority granted in Chapter 1111. of the Revised Code as a trust company, a national bank with trust powers, or a federal savings association with trust powers, shall do either of the following:

(a) Use the word "trust," or a word or words of similar meaning in any other language, in a designation or name, or as any part of a designation or name, under which business is or may be conducted in this state;

(b) Otherwise represent itself as a fiduciary or trust company.

(2)(a) A person that is not required to be licensed under Chapter 1111. of the Revised Code may serve as a fiduciary and,

when acting in that fiduciary capacity, otherwise represent such 115247  
person as a fiduciary. 115248

(b) A person licensed by another state to serve as a 115249  
fiduciary and exempt from licensure under Chapter 1111. of the 115250  
Revised Code may serve as a fiduciary to the extent permitted by 115251  
the exemption. 115252

~~(c) A savings and loan association may serve as a trustee to 115253  
the extent authorized by section 1151.191 of the Revised Code. 115254~~

~~(d) A savings bank may serve as a trustee to the extent 115255  
authorized by section 1161.24 of the Revised Code. 115256~~

~~(e)~~ A charitable trust, business trust, real estate 115257  
investment trust, personal trust, or other bona fide trust may use 115258  
the word "trust" or a word or words of similar meaning in any 115259  
other language, in a designation or name, or as part of a 115260  
designation or name, under which business is or may be conducted. 115261

~~(f)~~(d) A person, whether operating for profit or not, may use 115262  
"trust" or a word or words of similar meaning in any other 115263  
language, in a designation or name, or as part of a designation or 115264  
name, under which business is or may be conducted, if the 115265  
superintendent determines the name, on its face, is not likely to 115266  
mislead the public and authorizes the use of the name. 115267

(C) No bank or trust company shall use "state" as part of a 115268  
designation or name under which it transacts business in this 115269  
state, unless the bank or trust company is doing business under 115270  
authority granted by the superintendent or the bank chartering 115271  
authority of another state. 115272

**Sec. 1101.16.** (A) No person shall solicit, receive, or accept 115273  
~~deposits money or its equivalent for deposit as a business~~ in this 115274  
state, except a state bank, ~~a domestic association as defined in~~ 115275  
~~section 1151.01 of the Revised Code, a savings bank as defined in~~ 115276

~~section 1161.01 of the Revised Code an entity doing business as a 115277  
bank, savings bank, or savings association under authority granted 115278  
by the bank regulatory authority of the United States, another 115279  
state of the United States, or another country, or a credit union 115280  
as defined in section 1733.01 of the Revised Code that is 115281  
authorized to accept deposits in this state, ~~and except as~~ 115282  
~~provided in sections 1115.05, 1117.01, 1151.052, 1151.053,~~ 115283  
~~1151.60, 1161.07, 1161.071, and 1161.76 of the Revised Code.~~ 115284~~

~~(B) No bank or bank holding company incorporated under the 115285  
laws of another state or having its principal place of business in 115286  
another state shall solicit, receive, or accept deposits in this 115287  
state unless it has established or acquired a banking office 115288  
pursuant to section 1117.01 of the Revised Code or a transaction 115289  
under section 1115.05 of the Revised Code, or transact any banking 115290  
business of any kind in this state other than lending money, trust 115291  
business in accordance with Chapter 1111. of the Revised Code, or 115292  
through or as an agent pursuant to section 1117.05 of the Revised 115293  
Code.~~ 115294

~~(C) No bank having its principal place of business in a 115295  
foreign country shall solicit, receive, or accept deposits or 115296  
transact any banking business of any kind in this state, except in 115297  
accordance with Chapter 1115. or 1119. of the Revised Code. 115298~~

~~(D) Nothing in this section prohibits a person from making a 115299  
deposit in that person's own account with a depository institution 115300  
outside this state by means of an automated teller machine or 115301  
other money transmission device in this state. However, no 115302  
depository institution outside this state shall establish a 115303  
deposit account with or for a person in this state by means of an 115304  
automated teller machine or other money transmission device in 115305  
this state.~~ 115306

**Sec. 1103.02.** When the articles of incorporation and the 115307

superintendent of financial institutions' certificate of approval 115308  
are filed with the secretary of state, the persons who have 115309  
subscribed them or their successors and assigns shall become a 115310  
body corporate by the name designated in the articles of 115311  
incorporation, with succession. The legal existence of the state 115312  
bank begins upon the filing of the articles of incorporation and, 115313  
unless the articles of incorporation otherwise provide, its period 115314  
of existence is perpetual. 115315

**Sec. 1103.03.** Except where the law of this state, the 115316  
articles of incorporation, or the code of regulations require 115317  
action to be authorized or taken by shareholders, all of the 115318  
authority of a state bank shall be exercised by or under the 115319  
direction of the board of directors in accordance with Chapter 115320  
1105. of the Revised Code. 115321

**Sec. 1103.07.** (A) The name of a state bank: 115322

(1) Shall include "~~bank,~~" either of the following: 115323

(a) "Bank," "banking," "company," or "co.;" 115324

(b) "Savings," "loan," "savings and loan," "building and 115325  
loan," or "thrift." 115326

(2) May include the word "state," "federal," "association," 115327  
or, if approved by the superintendent of financial institutions, 115328  
another term; 115329

(3) Shall not, as determined by the superintendent ~~of~~ 115330  
~~financial institutions,~~ be likely to mislead the public as to the 115331  
bank's character or purpose; 115332

(4) Shall, as determined by the superintendent, be 115333  
distinguishable from all names already recorded by existing 115334  
financial institutions in this state or for which reservations 115335  
under this section are in effect, unless the existing financial 115336

institution that earliest recorded a name from which the proposed 115337  
name is not distinguishable, or the person that reserved a name 115338  
from which the proposed name is not distinguishable, has filed its 115339  
written consent with the superintendent and with the secretary of 115340  
state pursuant to division (C) of section 1701.05 of the Revised 115341  
Code. 115342

(B) To reserve a name for a state bank to be organized under 115343  
Chapter 1113. or 1114. of the Revised Code or for an existing 115344  
state bank, a person shall submit to the superintendent a written 115345  
application for the exclusive right to use a specified name. If 115346  
the superintendent finds that the specified name satisfies the 115347  
requirements for a state bank name and is available for use in 115348  
accordance with this section, the superintendent shall endorse 115349  
approval on the application and forward the reservation to the 115350  
secretary of state for filing. 115351

(C)(1) Reservation of a name pursuant to division (B) of this 115352  
section gives the applicant the exclusive right to use the name as 115353  
follows: 115354

(a) If the reservation application is submitted to the 115355  
superintendent prior to submitting an application to incorporate a 115356  
new state bank or amended articles of incorporation or an 115357  
amendment to the articles of incorporation, for one hundred eighty 115358  
days after the date on which the secretary of state filed the 115359  
reservation endorsed by the superintendent, and for one year after 115360  
the date on which the secretary of state filed the reservation 115361  
endorsed by the superintendent if the superintendent extends the 115362  
reservation; 115363

(b) If an application to incorporate a new state bank or 115364  
amended articles of incorporation or an amendment to the articles 115365  
of incorporation for an existing state bank is submitted to the 115366  
superintendent concurrently with the reservation application or 115367  
during the time a previously filed reservation remains in effect, 115368



from the date on which the secretary of state filed the 115369  
reservation endorsed by the superintendent until the 115370  
superintendent approves or disapproves the incorporation of the 115371  
new state bank or the amended articles of incorporation or 115372  
amendment to the articles of incorporation for an existing state 115373  
bank. 115374

(2) The superintendent shall, on behalf of a state bank or 115375  
other person that has reserved a name pursuant to this section, 115376  
endorse and forward to the secretary of state any additional name 115377  
reservations required to maintain the reservation of the name 115378  
under section 1701.05 of the Revised Code for as long as the name 115379  
reservation is in effect pursuant to division (C)(1) of this 115380  
section. 115381

(D) For purposes of this section, a name is recorded if it is 115382  
either of the following: 115383

(1) The name of a ~~financial institution~~ bank, savings bank, 115384  
or savings association in its articles of incorporation or 115385  
articles of association on the records of the secretary of state, 115386  
superintendent of financial institutions, office of the 115387  
comptroller of the currency, ~~office of thrift supervision,~~ or any 115388  
of their successors; 115389

(2) Registered as, or as part of, a trade name or service 115390  
mark with the secretary of state. 115391

(E)(1) Absent the express written permission of the state 115392  
bank, no person shall use the name of a state bank in an 115393  
advertisement, solicitation, promotional, or other material in a 115394  
way that may mislead another person, or cause another person to be 115395  
misled, into believing that the person issuing the advertisement, 115396  
solicitation, promotional, or other material is associated or 115397  
affiliated with the state bank. 115398

(2) A state bank injured by a violation of division (E)(1) of 115399

this section may bring an action in law or equity for recovery of 115400  
damages, a temporary restraining order, an injunction, or any 115401  
other available remedy. 115402

**Sec. 1103.18.** (A) Instead of a treasurer, as required by 115403  
section 1701.64 of the Revised Code, a state bank may have a 115404  
cashier, controller, comptroller, or other officer whose authority 115405  
and duties the superintendent of financial institutions determines 115406  
are essentially equivalent to those of a treasurer. 115407

(B) For any state bank that has a cashier, controller, 115408  
comptroller, or other officer instead of a treasurer, as 115409  
authorized by division (A) of this section, the cashier, 115410  
controller, comptroller, or other officer may execute, 115411  
acknowledge, or verify any instrument or take any other action 115412  
that by law a treasurer of the state bank would be authorized to 115413  
execute, acknowledge, verify, or take. 115414

**Sec. 1103.19.** When the signatures of two ~~officers~~ authorized 115415  
representatives of a state bank are required, as for a certificate 115416  
for an amendment of the state bank's articles of incorporation or 115417  
amended articles of incorporation pursuant to section ~~1103.08~~ ~~or~~ 115418  
~~1103.09~~ 1113.12, 1113.13, or 1114.11 of the Revised Code or for 115419  
certification of a conversion pursuant to section 1115.01 of the 115420  
Revised Code, a consolidation or merger pursuant to section 115421  
1115.11 of the Revised Code, or a transfer of assets and 115422  
liabilities pursuant to section 1115.14 of the Revised Code, one 115423  
of the ~~officers~~ authorized representatives signing shall be the 115424  
chairperson of the board of directors, the president, or a 115425  
vice-president, as determined by the board of directors. The other 115426  
~~officer~~ authorized representative signing shall be the secretary 115427  
or an assistant secretary, as determined by the board of 115428  
directors. 115429

**Sec. 1103.20.** (A) When any provision in Chapters 1101. to 115430  
1127. or Chapter 1701. of the Revised Code requires a document 115431  
regarding an existing, previously existing, or proposed state bank 115432  
to be filed with the secretary of state, all of the following 115433  
apply: 115434

(1) The person responsible for producing the document shall 115435  
deliver the document, properly completed, to the superintendent of 115436  
financial institutions, along with payment for any fee required 115437  
for filing the document with the secretary of state. 115438

(2) The superintendent shall file the document, and any 115439  
required approval by the superintendent, with the secretary of 115440  
state. 115441

(3) The secretary of state shall send a certified copy of the 115442  
document to both the superintendent and the state bank or other 115443  
person on whose behalf the superintendent filed the document. 115444

(B) If the person responsible for producing the document to 115445  
be filed fails to comply with division (A)(1) of this section, the 115446  
action or transaction to which the document relates is not 115447  
authorized or effective. 115448

**Sec. 1103.99.** Whoever violates division (E)(1) of section 115449  
1103.07 of the Revised Code shall be subject to a civil penalty of 115450  
up to ten thousand dollars for each day the violation is 115451  
committed, repeated, or continued. 115452

**Sec. 1105.01.** (A) Except where the Revised Code, the articles 115453  
of incorporation, or the code of regulations require action to be 115454  
authorized or taken by shareholders or members, all of the 115455  
authority of a state bank shall be exercised by or under the 115456  
direction of the bank's board of directors. The board of directors 115457  
shall consist of not less than five directors. 115458

(B) Unless the articles of incorporation or the code of regulations provide for a different term, which may not exceed three years from the date of the director's election and until the director's successor is elected and qualified, each director shall hold office until the next annual meeting of the shareholders or members and until the director's successor is elected and qualified, or until the director's earlier resignation, removal from office, or death.

(C) The articles of incorporation or the code of regulations may provide for the classification of directors into either two or three classes consisting of not less than ~~three~~ two directors each. The terms of office of the several classes need not be uniform, except that no term shall exceed the maximum time specified in division (B) of this section.

**Sec. 1105.02.** (A)(1) Of the directors on the board of directors of a state bank:

(a) A majority of the directors shall be outside directors. However, in the case of a stock state bank, if eighty per cent or more of any class of the bank's voting shares are owned by a company, a majority of the directors may be officers or directors of one or more affiliates of the bank.

~~(b) A majority of the directors shall be residents of this state or live within one hundred miles of this state~~ For purposes of this section, anyone who is not an employee of the state bank or the bank holding company shall be considered an outside director.

(2)(a) If during a term of office a director causes the total membership of the board to be ~~in violation of~~ out of compliance with division (A)(1)(a) ~~or (b)~~ of this section, the director forfeits the directorship, and the director's office is then vacant.

(b) ~~If the membership of a board of directors of a bank on July 14, 1987, is composed in violation of division (A)(1)(a) or (b) of this section, the directors who are holding office on that date may continue to hold office, and may be reelected or reappointed if there is no interruption in their respective service.~~

~~(e)~~ No new director, or former director who is elected or appointed to the board after an interruption in service, shall be elected or appointed in violation of if it causes the total membership of the board to be out of compliance with division (A)(1)(a) ~~or (b)~~ of this section.

(B)(1) No person who has been convicted of, or has pleaded guilty to, a felony or any crime involving an act of fraud, dishonesty or, breach of trust, theft, or money laundering shall ~~take office~~ serve as a director of a bank or a subsidiary or affiliate of a bank. The superintendent of financial institutions may waive this restriction if the crime the person was convicted of or pleaded guilty to was a misdemeanor or minor misdemeanor or the equivalent thereof.

(2) If during a term of office any director is convicted of, or pleads guilty to, a ~~felony~~ crime described under division (B)(1) of this section, the director forfeits the directorship, and the director's office is then vacant.

**Sec. 1105.03.** (A) To qualify as a director, each person elected or appointed to the board of directors shall, within sixty days after election or appointment, take and subscribe an oath to diligently and honestly perform the duties of a director and to not knowingly violate or permit to be violated any federal banking law or any provision of Chapters 1101. to 1127. of the Revised Code.

(B) Promptly upon execution, and within sixty days of the

person's election or appointment, the oath shall be filed with the 115521  
secretary of the state bank. 115522

**Sec. 1105.04.** Each officer and employee of a state bank, 115523  
prior to the discharge of the officer's or employee's duties, 115524  
shall be covered by an individual, schedule, or blanket fidelity 115525  
bond in favor of the bank, with terms and issuing insurer approved 115526  
by the board of directors. The amount of the bond shall be set by 115527  
the board of directors, and shall be reasonable given the size of 115528  
the bank and nature of its business. The board of directors are 115529  
not required to provide a bond covering their duties as directors. 115530

**Sec. 1105.08.** (A)(1) A state bank's board of directors shall 115531  
meet monthly unless the bank's code of regulations provides for a 115532  
different frequency of meetings, which shall not be less than 115533  
quarterly. 115534

(2) Division (A)(1) of this section does not prohibit either 115535  
of the following: 115536

(a) A state bank's board of directors meeting more frequently 115537  
than required by division (A)(1) of this section or the bank's 115538  
code of regulations; 115539

(b) The superintendent of financial institutions requiring a 115540  
state bank's board of directors to meet more frequently than 115541  
required by division (A)(1) of this section or the bank's code of 115542  
regulations if the superintendent determines more frequent 115543  
meetings are appropriate because of circumstances regarding the 115544  
bank. 115545

(B) Unless prohibited by the articles of incorporation, the 115546  
code of regulations, or, in the case of a committee of the board 115547  
of directors, an order of the board of directors, meetings of the 115548  
board of directors or a committee of the board of directors may be 115549  
held ~~through~~ in any manner permitted by the laws of this state, 115550

including by communications equipment, if all persons 115551  
participating can communicate with each of the others. 115552  
Participation in a meeting in accordance with this division 115553  
constitutes presence at the meeting. 115554

(C) Minutes shall be kept of all meetings of a state bank's 115555  
board of directors and of any committees of the board of 115556  
directors, and shall be recorded in a readable and reproducible 115557  
form and kept at the bank. The minutes shall show the action of 115558  
the board of directors or any committee of the board of directors 115559  
on loans, discounts, and investments made or authorized. The 115560  
minutes of all committees of the board of directors shall be 115561  
submitted to the board of directors for review at each meeting of 115562  
the board of directors. 115563

**Sec. 1105.10.** (A) Once elected or appointed, a director may 115564  
be removed ~~by~~ as follows: 115565

(1) By the board of directors or the superintendent of 115566  
financial institutions if either any of the following applies: 115567

~~(1)(a)~~ (a) The director has filed for relief or is a debtor in a 115568  
case filed under Title XI of the United States Code; 115569

~~(2)(b)~~ (b) A court has determined the director is incompetent; 115570

(c) The director has been removed in accordance with federal 115571  
law. 115572

(2) By the board of directors for any of the grounds set 115573  
forth in the state bank's code of regulations or bylaws; 115574

(3) By a majority of the disinterested directors if they 115575  
determine the director has a conflict of interest. 115576

(B)(1)(a) Except as provided in division (B)(1)(b) of this 115577  
section, unless the articles of incorporation or the code of 115578  
regulations of the state bank expressly provide that removal of 115579  
members of the board of directors shall require a greater vote, 115580

the shareholders or members may remove all the directors, all the 115581  
directors of a particular class, or any individual director from 115582  
office, without assigning any cause, by the vote of the holders of 115583  
a majority of the voting power entitling them to elect directors 115584  
in place of those to be removed. 115585

(b) If the shareholders or members have the right to vote 115586  
cumulatively in the election of directors of the bank, unless all 115587  
the directors or all the directors of a particular class are 115588  
removed, the vote of shareholders or members does not remove an 115589  
individual director if the votes cast against the director's 115590  
removal, if cumulatively voted at an election of all the directors 115591  
or all the directors of a particular class, as the case may be, 115592  
would be sufficient to elect at least one director. 115593

(2) If one or more directors is removed pursuant to division 115594  
(B)(1) of this section, the shareholders or members may elect a 115595  
new director at the same meeting for the unexpired term of each 115596  
director removed. Failure of the shareholders or members to elect 115597  
a director to fill the unexpired term of any director removed is 115598  
deemed to create a vacancy in the board. 115599

(C) Unless the articles of incorporation or the code of 115600  
regulations otherwise provide, the remaining directors, though 115601  
less than a majority of the whole authorized number of directors, 115602  
may, by the vote of a majority of their number, fill any vacancy 115603  
in the board for the unexpired term. 115604

(1) A vacancy exists if the shareholders or members increase 115605  
the authorized number of directors but fail at the meeting at 115606  
which the increase is authorized, or an adjournment of the 115607  
meeting, to elect the additional directors provided for, or if the 115608  
shareholders or members fail at any time to elect the whole 115609  
authorized number of directors. 115610

(2) The office of a member of the board of directors becomes 115611



vacant if the director dies ~~or~~, resigns, or is removed. A 115612  
resignation takes effect immediately unless the director specifies 115613  
another time. 115614

(D) If a vacancy created on the board of directors causes the 115615  
number of directors to be less than that fixed by the articles of 115616  
incorporation or code of regulations, the vacancy shall not be 115617  
required to be filled until such time as an appropriate candidate 115618  
is identified and duly appointed or elected. 115619

(E) Notwithstanding divisions (B) and (C) of this section, 115620  
the requirement for a quorum set forth in section 1701.62 of the 115621  
Revised Code applies to a state bank's board of directors. 115622

**Sec. 1105.11.** Any (A) A director, officer, employee, or other 115623  
institution-affiliated party of a bank who knowingly violates or 115624  
knowingly permits any of the officers, agents, or employees of the 115625  
bank to violate any provision of Chapters 1101. to 1127. of the 115626  
Revised Code shall not be liable personally and individually 115627  
liable for all direct or indirect damages the bank, its 115628  
shareholders or members, or any other person sustains in 115629  
consequence of the a violation of or failure to comply with any 115630  
provision of Chapters 1101. to 1127. of the Revised Code or the 115631  
rules adopted under those chapters, including any civil money 115632  
penalties, unless it can be shown that the director, officer, 115633  
employee, or other institution-affiliated party knowingly violated 115634  
or failed to comply with that provision of law or, with respect to 115635  
a director's liability, that the director knowingly permitted any 115636  
of the officers, employees, or other institution-affiliated 115637  
parties to violate or fail to comply with any such provision. 115638

(B) Nothing in this section shall be construed to deprive a 115639  
director of the defenses set forth in section 1701.59 of the 115640  
Revised Code. 115641

**Sec. 1107.03.** No state bank shall operate without adequate capital as determined by the superintendent of financial institutions. In evaluating the adequacy of a state bank's capital, the superintendent may consider any of the following:

- (A) The nature and volume of the bank's business;
- (B) The amount, nature, quality, and liquidity of the bank's assets;
- (C) The amount and nature of the bank's liabilities, including those that are not presently due or are contingent;
- (D) The amount and nature of the bank's fixed costs;
- (E) The history of and prospects for the bank to earn and retain income;
- (F) The quality of the bank's operations, including risk management;
- (G) The quality of the bank's management;
- (H) The nature and quality of the bank's ownership;
- (I) Any other factor the superintendent finds to be relevant under the circumstances.

**Sec. 1107.05.** (A) A state bank may issue debt securities at the times, in the amounts, and subject to the terms approved in writing by the superintendent of financial institutions.

(B) ~~The~~ In the case of a stock state bank, the terms of debt securities may include either of the following:

- (1) Options to subscribe to or purchase the bank's shares at not less than par value;
- (2) The right to convert the debt securities to the bank's shares, if the par value of the shares resulting from the conversion does not exceed the value on the bank's books of the

debt securities being converted. 115670

(C) The terms of any option granted in connection with the 115671  
issuance of debt securities or any right to convert debt 115672  
securities to shares shall not permit or require the holders of 115673  
the debt securities to be held individually responsible for the 115674  
state bank's debts, contracts, or engagements, ~~or for assessments~~ 115675  
~~for restoration of the bank's paid-in capital,~~ on the basis of 115676  
their status as holders of the debt securities. 115677

**Sec. 1107.07.** ~~(A)~~ All stock state bank shares shall have par 115678  
value, whether they are common shares or preferred shares. 115679

~~(B)(1) Except as otherwise provided in division (B)(2) of~~ 115680  
~~this section:~~ 115681

~~(a) Bank shares still held as treasury shares one year after~~ 115682  
~~being acquired are deemed retired and to be authorized and~~ 115683  
~~unissued shares.~~ 115684

~~(b) Authorized and unissued bank shares that are not issued~~ 115685  
~~or reissued and fully paid in one year after being authorized or~~ 115686  
~~otherwise becoming authorized and unissued shares are deemed~~ 115687  
~~anceled.~~ 115688

~~(2) Division (B)(1) of this section does not apply to bank~~ 115689  
~~shares authorized or acquired and held as treasury shares for~~ 115690  
~~purposes of meeting conversion rights or options, employee stock~~ 115691  
~~purchase or ownership plans, mergers, consolidations, other~~ 115692  
~~reorganizations, or acquisitions, purchases of real estate the~~ 115693  
~~board of directors considers necessary or convenient for~~ 115694  
~~transaction of the bank's business, or any other specific purpose,~~ 115695  
~~in accordance with division (D) of section 1103.08 or division~~ 115696  
~~(A)(1) of section 1103.09 of the Revised Code.~~ 115697

~~(C) Preferred shares retired by a bank shall be canceled and~~ 115698  
~~not reissued, whether or not provision for cancellation is made in~~ 115699

~~the bank's articles of incorporation.~~ 115700

~~(D) Both common shares and preferred shares of a bank shall 115701  
be assessable, on a pro rata basis, for restoration of the bank's 115702  
paid-in capital.~~ 115703

**Sec. 1107.09.** (A) A stock state bank may, with the approval 115704  
of the bank's board of directors, the holders of a majority of the 115705  
bank's voting shares, and the superintendent of financial 115706  
institutions, adopt and carry out plans for the offering or sale 115707  
of, the grant of, or the grant of options on, the bank's shares to 115708  
any or all employees, officers, or directors of the bank or any of 115709  
the bank's subsidiaries or affiliates, or to other parties, or to 115710  
a trustee on their behalf. For purposes of this section, "other 115711  
parties" means any person that has provided, or will provide, a 115712  
service or a benefit to the bank, as determined by the board of 115713  
directors. 115714

(B) A plan may be adopted under this section for any unissued 115715  
shares, treasury shares, or shares to be purchased or granted. A 115716  
plan may provide for the payment or issuance of the shares at one 115717  
time or in installments or for the establishment of special funds 115718  
in which employees or other parties approved under division (A) of 115719  
this section may participate. 115720

(C) Shares otherwise subject to pre-emptive rights may be 115721  
offered or sold under a plan only when released from pre-emptive 115722  
rights. Shares authorized for the purpose of carrying out a plan 115723  
adopted under this section shall, ~~in accordance with division (D)~~ 115724  
~~of section 1103.08 of the Revised Code,~~ be deemed released from 115725  
pre-emptive rights. 115726

**Sec. 1107.11.** (A) Unless otherwise provided in the articles 115727  
of incorporation, the holders of any class of a stock state bank's 115728  
shares, other than shares that are limited as to dividend rate and 115729

liquidation price, shall, upon the offering or sale for cash of 115730  
shares of the same class, have the right, during a reasonable time 115731  
and on reasonable terms fixed by the directors, to purchase the 115732  
shares in proportion to their respective holdings of shares of 115733  
that class, at not less than par value, unless the shares offered 115734  
or sold are any of the following: 115735

(1) Treasury shares; 115736

(2) Released from pre-emptive rights by the affirmative vote 115737  
or written consent of the holders of either of the following: 115738

(a) Two-thirds of the shares entitled to the pre-emptive 115739  
rights; 115740

(b) A majority of the shares entitled to the pre-emptive 115741  
rights, if for offering and sale or granting options to any or all 115742  
employees of the bank or any of the bank's subsidiaries or to a 115743  
trustee on their behalf, under a plan adopted under section 115744  
1107.09 of the Revised Code; 115745

(3) Offered to shareholders in satisfaction of their 115746  
pre-emptive rights and not purchased by the shareholders, and 115747  
thereupon issued or agreed to be issued for a consideration not 115748  
less than that at which the shares were offered to the 115749  
shareholders, less reasonable expenses, compensation, or discount 115750  
paid or allowed for the sale, underwriting, or purchase of the 115751  
shares. 115752

(B) An action arising from the offering or sale of shares 115753  
under division (A) of this section shall be brought within two 115754  
years after the date on which written notice or other 115755  
communication of the transaction is mailed or otherwise given to 115756  
the person entitled to bring the action. In no event shall any 115757  
such action be brought later than four years after the cause of 115758  
action accrued. 115759

(C) Pre-emptive rights with respect to shares issued by a 115760

stock state bank chartered on or after the effective date of this 115761  
amendment shall be governed by section 1701.15 of the Revised 115762  
Code. 115763

**Sec. 1107.13.** ~~(A) A~~ With the prior written approval of the 115764  
superintendent of financial institutions, a stock state bank may 115765  
purchase its own shares ~~only in the following circumstances:~~ 115766

~~(1) To avoid the issuance of, or to eliminate, fractional~~ 115767  
~~shares;~~ 115768

~~(2) From a shareholder who, by reason of dissent, is entitled~~ 115769  
~~to be paid the fair cash value of the shares;~~ 115770

~~(3) With the approval of the superintendent of financial~~ 115771  
~~institutions, pursuant to authority in the bank's articles of~~ 115772  
~~incorporation to purchase its shares accordance with section~~ 115773  
~~1701.35 of the Revised Code.~~ 115774

(B) A stock state bank that acquires shares of its stock 115775  
shall retire or dispose of the shares at the time and in the 115776  
manner required by the superintendent. 115777

**Sec. 1107.15.** A stock state bank's board of directors may 115778  
declare dividends and distributions on the bank's outstanding 115779  
shares, subject to all of the following conditions: 115780

(A) Except as otherwise provided in division (B) of this 115781  
section, payment of a dividend or distribution may only be funded 115782  
from undivided profits or, subject to the approval of the 115783  
superintendent of financial institutions, from a special reserve 115784  
created from proceeds from the sale of bank stock. 115785

(B) A dividend or distribution may be funded, in whole or in 115786  
part, from surplus with the approval of both of the following: 115787

(1) The holders of at least two-thirds of the outstanding 115788  
shares of each class of the bank's stock; 115789

(2) The superintendent ~~of financial institutions~~. 115790

(C) A dividend or distribution may be paid in treasury shares 115791  
or in authorized but unissued shares, if the board makes the 115792  
required transfers to surplus and paid-in capital. 115793

(D) The approval of the superintendent is required for the 115794  
declaration of dividends and distributions if the total of all 115795  
dividends and distributions declared on the bank's shares in any 115796  
year, and not paid in shares, exceeds the total of its net income 115797  
for that year combined with its retained net income of the 115798  
preceding two years. 115799

(E) Prior to the declaration of any dividend or distribution 115800  
the bank has made all required allocations to reserves for losses 115801  
or contingencies. 115802

**Sec. 1109.01.** (A) A state bank may use, exercise, and enjoy 115803  
all of the powers, rights, and privileges of a corporation as set 115804  
forth in section 1701.13 of the Revised Code, unless otherwise 115805  
provided in its articles of incorporation and except as otherwise 115806  
expressly limited by Chapters 1101. to 1127. of the Revised Code. 115807  
The powers authorized under this division include the power to 115808  
receive any property of any description, or any interest in 115809  
property, by gift, devise, or bequest, and to make donations for 115810  
the public welfare or for charitable, scientific, or educational 115811  
purposes. 115812

(B) A state bank may perform all acts necessary to carry into 115813  
effect the powers authorized by Title XI of the Revised Code and 115814  
the purposes for which the bank was created. 115815

**Sec. 1109.02.** (A) In addition to exercising the powers and 115816  
performing the acts authorized under Chapters 1101. to 1127. of 115817  
the Revised Code, a state bank has and may exercise all powers and 115818  
perform all acts attendant to the business of banking as set forth 115819

in those chapters. 115820

(B) A state bank has and may exercise all powers, perform all 115821  
acts, and provide all services that are otherwise a part of or 115822  
incidental to the business of banking. 115823

(C) In addition to what is otherwise authorized under 115824  
Chapters 1101. to 1127. of the Revised Code, a state bank has and 115825  
may exercise all powers, perform all acts, and provide all 115826  
services that are permitted for national banks and federal savings 115827  
associations, other than those dealing with interest rates, 115828  
regardless of the date the corresponding parity rule adopted by 115829  
the superintendent of financial institutions under section 1121.05 115830  
of the Revised Code takes effect. If a state bank intends to take 115831  
any such action before the adoption of the corresponding parity 115832  
rule, the bank shall provide the superintendent with prior written 115833  
notice of the action and the basis for the action. The 115834  
superintendent, within ninety days after receipt of that notice, 115835  
may prohibit the bank from taking such action if the 115836  
superintendent determines it would be unsafe or unsound for the 115837  
bank. 115838

**Sec. 1109.021.** (A) As used in this section, "portfolio 115839  
assets" and "qualified thrift investments" have the same meanings 115840  
as in 12 U.S.C. 1467a, as amended. 115841

(B) A state bank may elect to operate as a savings and loan 115842  
association by filing a written notice of that election with the 115843  
superintendent of financial institutions. 115844

(C) Upon filing an election notice, a state bank shall be 115845  
considered a savings and loan association if both of the following 115846  
conditions are met: 115847

(1) Its qualified thrift investments equal or exceed 115848  
sixty-five per cent of its portfolio assets. 115849



(2) Its qualified thrift investments continue to equal or 115850  
exceed sixty-five per cent of its assets on a monthly average 115851  
basis in nine out of every twelve months. 115852

(D) A state bank may revoke its election notice at any time 115853  
by submitting a written notice thereof to the superintendent. 115854

**Sec. 1109.03.** (A) No bank shall transact business in this 115855  
state unless its deposit accounts are insured by the federal 115856  
deposit insurance corporation, except a bank that by the terms of 115857  
its articles of incorporation or articles of association is not 115858  
permitted to solicit or accept deposits other than trust funds. 115859  
Each bank whose deposit accounts are insured by the federal 115860  
deposit insurance corporation shall maintain that insurance as a 115861  
condition of doing business in this state. 115862

(B) Each bank doing business in this state shall comply with 115863  
the reserve requirements of the "Federal Reserve Act of 1913," as 115864  
amended. 115865

(C) Any bank doing business in this state may become a member 115866  
of the federal reserve system as permitted under federal law and 115867  
do all things necessary to maintain that membership in accordance 115868  
with the "Federal Reserve Act of 1913," as amended. 115869

(D) Any bank doing business in this state may become a member 115870  
of a federal home loan bank and do all things necessary to 115871  
maintain that membership in accordance with the "Federal Home Loan 115872  
Bank Act of 1932," 47 Stat. 725, 12 U.S.C.A. 1421, as amended. A 115873  
bank may purchase and hold stock in a federal home loan bank in 115874  
excess of the amount required for membership, if that purchase and 115875  
holding of stock is consistent with the financial condition of the 115876  
bank and prudent banking practice. 115877

**Sec. 1109.04.** (A) A bank may, in good faith, rely: 115878

(1) On any and all information, agreements, documents, and 115879

signatures provided by its customers as being true, accurate, 115880  
complete, and authentic and representing what they purport to 115881  
represent; and 115882

(2) That the persons signing have full capacity and complete 115883  
authority to execute and deliver any and all such documents and 115884  
agreements and to act in such capacity as may be represented to 115885  
the bank. 115886

As used in this division, "good faith" has the same meaning 115887  
as in section 1301.201 of the Revised Code. 115888

(B) A bank may, with the customer's consent, provide 115889  
electronically any statement, notice, or report required to be 115890  
provided customers under this chapter. A customer's consent may be 115891  
obtained electronically or in writing. 115892

(C) A bank customer may, with the bank's consent, provide 115893  
electronically any notice required to be provided to the bank 115894  
under this chapter. A bank's consent may be obtained 115895  
electronically or in writing. 115896

**Sec. 1109.05.** (A) A bank may receive money on deposit and may 115897  
establish the terms and conditions of each deposit contract. A 115898  
bank may receive demand deposits subject to withdrawal or to 115899  
payment upon the depositor's check, order, or other authorization. 115900

(B) At the time of opening a deposit account, a bank shall 115901  
provide the depositor a statement containing the existing terms 115902  
and conditions of the deposit contract. The statement may be set 115903  
forth on the depositor's signature card, which card may be 115904  
electronic or in writing. Before effecting any change in the terms 115905  
and conditions of a deposit contract, a bank shall ~~send written~~ 115906  
provide notice, in written or electronic form, of the change to 115907  
each depositor with whom the bank has a deposit contract of the 115908  
kind to be changed. Depositors and any other owners of interests 115909

in deposit accounts shall be bound by all changes banks make in 115910  
their deposit contracts. 115911

(C) For each deposit account a bank shall, at minimum, do 115912  
either of the following: 115913

(1) Periodically ~~send~~ make available to each deposit customer 115914  
a ~~written~~ report, in written or electronic form, of the customer's 115915  
deposit account activity since the last report was provided, 115916  
unless the account is a certificate of deposit with no activity 115917  
except for compounding interest; 115918

(2) Issue a passbook on which deposits, interest, payments, 115919  
and withdrawals can be recorded. 115920

(D) A bank may secure deposits in the manner and to the 115921  
extent provided or authorized by law or any lawful order of a 115922  
court having custody of money and ordering money to be deposited. 115923

(E)(1) A bank may serve as a depository for public funds of 115924  
this state, other states of the United States, political 115925  
subdivisions of this state and other states of the United States, 115926  
the United States, agencies of the United States, foreign nations, 115927  
political subdivisions of foreign nations, multinational 115928  
organizations, and subdivisions of multinational organizations. 115929

(2)(a) A bank may provide security for the public funds 115930  
described in division (E)(1) of this section if that is a 115931  
condition imposed by law for their deposit. 115932

(b) Depositors of public funds that are collateralized by 115933  
securities pledged by a bank in accordance with Chapter 135. of 115934  
the Revised Code and any applicable federal law shall have and 115935  
maintain a first and best lien and security interest in and to 115936  
such securities, any substitute securities, and the proceeds of 115937  
those securities, in favor of such depositors. 115938

**Sec. 1109.08.** (A) A bank may provide safes, vaults, safe 115939

deposit boxes, night depositories, and other secure receptacles 115940  
for the uses, purposes, and benefits of its customers, on the 115941  
terms and conditions the bank prescribes. 115942

(B) A bank may, on the terms and conditions the bank 115943  
prescribes, receive tangible property and evidence of tangible or 115944  
intangible property for safekeeping using any of the following: 115945

(1) The bank's safes, vaults, and other secure receptacles; 115946

(2) The safes, vaults, and other secure receptacles of 115947  
another bank or of a safekeeping agent or custodian that is 115948  
qualified under rules adopted by the superintendent of financial 115949  
institutions; 115950

(3) The bank's own safekeeping system or the safekeeping 115951  
system of another bank or of a safekeeping agent or custodian that 115952  
is qualified under rules adopted by the superintendent; 115953

(4) A recognized title or registration system, on the terms 115954  
and conditions the bank prescribes. 115955

(C) Unless agreed to in writing by the bank, nothing in this 115956  
section creates a bailment between a customer and the bank. 115957

**Sec. 1109.10.** If any claim not clearly consistent with the 115958  
terms of any applicable authority on file with a bank is made to 115959  
any deposit, safe deposit box, property held in safekeeping, 115960  
security, obligation, or other property in the bank's possession 115961  
or control, in whole or in part, by any person, including any 115962  
depositor, individual, or group of individuals, whether or not 115963  
authorized to draw on or exercise any right or control with 115964  
respect to the property, the bank is not required to recognize the 115965  
claim without one of the following: 115966

(A) A court order, issued by a court of competent 115967  
jurisdiction and served on the bank, enjoining or restraining the 115968  
bank from taking any action with respect to the property or 115969

instructing the bank to pay some or all of the balance of the 115970  
account, provide access to the safe deposit box, or deliver the 115971  
property as provided in the order; 115972

(B) A bond in the form and amount and with sureties 115973  
satisfactory to the bank, indemnifying the bank against any 115974  
liabilities, loss, and expenses it might incur because of its 115975  
recognition of the claim or because of its refusal, due to the 115976  
claim, to honor or recognize any right with respect to the 115977  
property. 115978

**Sec. 1109.15.** (A)(1) Subject to the restrictions and 115979  
limitations of the Revised Code, a state bank may do any of the 115980  
following: 115981

(a) Loan money, with or without security, and payable on 115982  
demand, at maturity, in installments, or by any combination of 115983  
these; 115984

(b) Issue, advise, and confirm letters of credit authorizing 115985  
the beneficiaries of the letters to draw upon the bank or its 115986  
correspondents; 115987

(c) Purchase open accounts, whether or not the accounts 115988  
represent an evidence of debt. 115989

(2) Subject to the margin requirements the superintendent of 115990  
financial institutions may prescribe by rule, a state bank may 115991  
make loans secured by stocks, bonds, or other securities. 115992

(B) Subject to sections 1109.22, 1109.32, and 1109.47 of the 115993  
Revised Code and any rules the superintendent prescribes, a state 115994  
bank may purchase obligations of any kind with or without 115995  
recourse. 115996

(C) A state bank may acquire personal property for lease to 115997  
others, if the transaction, as a whole, has the character of an 115998  
extension of credit. 115999

(D)(1) Subject to division (D)(2) of this section, any other 116000  
restrictions and limitations of the Revised Code, and any 116001  
conditions, restrictions, or requirements established by the 116002  
superintendent, a state bank may enter into a debt suspension 116003  
agreement or debt cancellation contract with a borrower or 116004  
borrowers in connection with any loan or extension of credit. 116005

(2) A state bank shall not offer or finance, directly or 116006  
indirectly, a debt suspension agreement or debt cancellation 116007  
contract requiring a lump sum, single payment for the agreement or 116008  
contract payable at the outset of the agreement or contract, if 116009  
the debt subject to the agreement or contract is secured by one to 116010  
four family, residential real property. 116011

(3) For purposes of division (D) of this section, "debt 116012  
cancellation contract" and "debt suspension agreement" have the 116013  
same meanings as in 12 C.F.R part 37, as amended. 116014

~~(E) Unless otherwise expressly agreed in writing, the 116015  
relationship between a bank and its obligor, with respect to any 116016  
extension of credit, is that of a creditor and debtor, and creates 116017  
no fiduciary or other relationship between the parties. 116018~~

**Sec. 1109.151.** Unless otherwise expressly agreed to in 116019  
writing by the bank, the relationship between a bank and its 116020  
obligor, or a bank and its customer, creates no fiduciary or other 116021  
relationship between the parties or any special duty on the part 116022  
of the bank to the customer or any other party. 116023

**Sec. 1109.16.** (A) The superintendent of financial 116024  
institutions shall adopt rules prescribing standards for 116025  
extensions of credit that are either of the following: 116026

(1) Secured by liens on interests in real estate; 116027

(2) Made for the purpose of financing the construction of 116028  
either a building or improvements to real estate. 116029

(B) In prescribing the standards required by division (A) of this section, the superintendent shall consider all of the following:

(1) The risk the extensions of credit pose to the federal deposit insurance funds;

(2) The need for state banks to operate in a safe and sound manner;

(3) The availability of credit;

(4) Any other factors the superintendent considers appropriate.

(C) In prescribing the standards required by division (A) of this section, the superintendent may differentiate among types of loans on the basis of any of the following:

(1) Statutory requirements;

(2) Risk to the federal deposit insurance funds;

(3) The safety and soundness of state banks.

(D) The superintendent shall not adversely evaluate an investment or a loan made by a state bank, or consider a loan to be nonperforming, solely because the loan is secured by or the investment is in commercial, residential, or industrial property, unless the investment or loan may affect the bank's safety and soundness.

**Sec. 1109.17.** (A)(1) A state bank may accept drafts or bills of exchange drawn on it and may purchase acceptances of drafts or bills of exchange issued by other banks and participations in acceptances of drafts or bills of exchange issued by other banks, subject to the following limitations:

(a) For acceptances of drafts or bills of exchange described in division (B)(1) of this section, the limitations in division

(B)(2) of this section apply. 116059

(b) For acceptances of drafts or bills of exchange satisfying 116060  
the requirements of division (C)(1) of this section, the 116061  
limitations in division (C)(2) apply. 116062

(c) For all other acceptances of drafts or bills of exchange, 116063  
the limitations on loans and extensions of credit to a person in 116064  
section 1109.22 of the Revised Code apply to both of the 116065  
following: 116066

(i) A state bank's total outstanding obligations for any one 116067  
person on acceptances of drafts or bills of exchange that the bank 116068  
has issued and on acceptances of drafts or bills of exchange and 116069  
participations in acceptances of drafts or bills of exchange 116070  
issued by other banks and that the bank has purchased; 116071

(ii) A state bank's total outstanding obligations on 116072  
acceptances of drafts or bills of exchange issued by any one other 116073  
bank. 116074

(2) For purposes of applying the limitations imposed by 116075  
division (A)(1) of this section, a state bank's obligation on an 116076  
acceptance of a draft or bill of exchange does not include the 116077  
portion of an acceptance of a draft or bill of exchange issued by 116078  
the bank that is covered by a participation agreement sold to 116079  
another. 116080

(B)(1) Subject to the limitations in division (B)(2) of this 116081  
section, a state bank may accept drafts or bills of exchange drawn 116082  
upon it having not more than six months' sight to run, exclusive 116083  
of days of grace, that are any of the following: 116084

(a) From transactions involving the importation or 116085  
exportation of goods; 116086

(b) From transactions involving the domestic shipment of 116087  
goods; 116088



(c) Secured at the time of acceptance by a warehouse receipt 116089  
or other documentation conveying or securing title covering 116090  
readily marketable staples. 116091

(2)(a) Except as provided in division (B)(2)(b) of this 116092  
section, no state bank shall accept drafts or bills of exchange, 116093  
or be obligated for a participation share for drafts or bills of 116094  
exchange under division (B)(1) of this section, in an amount equal 116095  
at any time in the aggregate to more than one hundred fifty per 116096  
cent of the bank's capital. 116097

(b) The superintendent of financial institutions, under 116098  
conditions the superintendent may prescribe, may authorize a state 116099  
bank to accept or be obligated for a participation share in drafts 116100  
or bills of exchange under division (B)(1) of this section, in an 116101  
amount not exceeding at any time in the aggregate two hundred per 116102  
cent of the bank's capital. 116103

(3) Notwithstanding division (B)(2) of this section, a state 116104  
bank's aggregate acceptances of drafts or bills of exchange, 116105  
including obligations for a participation share in drafts or bills 116106  
of exchange, under division (B)(1) of this section, that arise 116107  
from domestic transactions shall not exceed fifty per cent of the 116108  
aggregate of all acceptances of drafts or bills of exchange, 116109  
including obligations for a participation share in drafts or bills 116110  
of exchange, the bank is permitted under division (B) of this 116111  
section. 116112

(4) No state bank shall accept drafts or bills of exchange or 116113  
be obligated for a participation share in drafts or bills of 116114  
exchange under division (B)(1) of this section, whether from a 116115  
foreign or domestic transaction, for any one person, partnership, 116116  
corporation, association, or other entity in an amount equal at 116117  
any time in the aggregate to more than ten per cent of the bank's 116118  
capital, unless the bank is secured either by attached documents 116119  
or by some other actual security arising from the same transaction 116120

as the acceptance. 116121

(C)(1) Subject to the limitations set forth in division 116122  
(C)(2) of this section, a state bank may accept drafts or bills of 116123  
exchange drawn upon it having not more than three months' sight to 116124  
run, exclusive of days of grace, and drawn under conditions the 116125  
superintendent may prescribe, by banks or bankers in foreign 116126  
countries or dependencies or insular possessions of the United 116127  
States, for the purpose of furnishing dollar exchange as required 116128  
by the usages of trade in the respective countries, dependencies, 116129  
or insular possessions. 116130

(2)(a) No state bank shall accept drafts or bills of exchange 116131  
under division (C)(1) of this section for any one bank in an 116132  
aggregate amount exceeding ten per cent of the accepting bank's 116133  
capital, unless the draft or bill of exchange is accompanied by 116134  
documents conveying or securing title or other adequate security. 116135

(b) No state bank shall accept drafts or bills of exchange 116136  
under division (C)(1) of this section in an aggregate amount 116137  
exceeding fifty per cent of the accepting bank's capital. 116138

**Sec. 1109.22.** (A) As used in this section: 116139

(1) "Derivative transaction" includes any transaction that is 116140  
a contract, agreement, swap, warrant, note, or option that is 116141  
based, in whole or in part, on the value of, any interest in, or 116142  
any quantitative measure or the occurrence of any event relating 116143  
to, one or more commodities, securities, currencies, interest or 116144  
other rates, indices, or other assets. 116145

(2) "Loans and extensions of credit" shall include all of the 116146  
following: 116147

(a) All direct or indirect advances of funds made on the 116148  
basis of any obligation of a person to repay the funds or 116149  
repayable from specific property pledged by or on behalf of the 116150

person; 116151

(b) To the extent specified by the superintendent of 116152  
financial institutions, any liability of a bank to advance funds 116153  
to or on behalf of a person pursuant to a contractual commitment; 116154

(c) Any credit exposure to a person arising from a derivative 116155  
transaction between the person and a bank. 116156

(3) "Person" includes an individual; sole proprietorship; 116157  
partnership; joint venture; association; trust; estate; business 116158  
trust; corporation; government; agency, instrumentality, or 116159  
political subdivision of a government; limited liability company; 116160  
or any similar entity or organization. 116161

(B) Except as provided in divisions (C), (D), (E), and (F) of 116162  
this section: 116163

(1) The total loans and extensions of credit by a state bank 116164  
to a person outstanding at any one time and not fully secured, as 116165  
determined in a manner consistent with division (B)(2) of this 116166  
section, by collateral having a market value at least equal to the 116167  
amount of the loans and extensions of credit to that person that 116168  
are outstanding shall not exceed fifteen per cent of the 116169  
unimpaired capital of the bank. 116170

(2) The total loans and extensions of credit by a state bank 116171  
to a person outstanding at one time and fully secured by readily 116172  
marketable collateral having a market value, as determined by 116173  
reliable and continuously available price quotations, at least 116174  
equal to the amount of the loans and extensions of credit to that 116175  
person that are outstanding shall not exceed ten per cent of the 116176  
unimpaired capital of the bank. 116177

(3) The limitation set forth in division (B)(2) of this 116178  
section is separate from and in addition to the limitation set 116179  
forth in division (B)(1) of this section. 116180

(4) Notwithstanding the limitations set forth in divisions (B)(1) and (2) of this section, any state bank may grant one or more loans in an aggregate amount of up to five hundred thousand dollars to one person, subject to any applicable restrictions under federal law. 116181  
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(C) No limitation based on capital applies to loans and extensions of credit by a bank to a person that are any of the following types: 116186  
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(1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse; 116189  
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(2) The purchase of bankers' acceptances of the kinds described in division (B) or (C) of section 1109.17 of the Revised Code and issued by other banks; 116192  
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(3) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, treasury bills of the United States, or other obligations fully guaranteed as to principal and interest by the United States; 116195  
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(4) Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned, directly or indirectly, by the United States; 116199  
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(5) Loans or extensions of credit secured by a segregated deposit account in the lending bank; 116204  
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(6) Loans or extensions of credit to any financial institution or to any receiver, conservator, superintendent of financial institutions, or other agent in charge of the business and property of a financial institution, when the loans or extensions of credit are approved by the superintendent of financial institutions of this state; 116206  
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(7) Loans or extensions of credit to the student loan marketing association. 116212  
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(D) A state bank may make loans and extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples subject to the general limitations of division (B) of this section, and may make additional loans and extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples, if all of the following apply: 116214  
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(1) The market value of the staples securing each additional loan or extension of credit at all times equals or exceeds one hundred fifteen per cent of the outstanding amount of the loan or extension of credit. 116222  
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(2) The staples are fully covered by insurance whenever it is customary to insure staples of that kind. 116226  
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(3) The total amount of the bank's additional loans and extensions of credit outstanding to one person at any time does not exceed thirty-five per cent of the bank's capital. 116228  
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(E) Subject to divisions (E)(1) and (2) of this section, a state bank may make loans and extensions of credit arising from the discount of negotiable or nonnegotiable installment consumer paper. 116231  
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(1) If the paper carries a full recourse endorsement or unconditional guarantee by the person transferring the paper, the total amount of the installment consumer paper transferred by one person a state bank may hold at one time shall not exceed twenty-five per cent of the bank's capital, and the collateral requirements of division (B)(2) of this section do not apply. 116235  
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(2) The limitations set forth in division (B) of this section apply only to the loans and extensions of credit of each maker of 116241  
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negotiable or nonnegotiable installment consumer paper, and not to 116243  
obligations arising from any full or partial recourse endorsement 116244  
or guarantee by the transferor discounting the consumer paper to 116245  
the state bank, if both of the following apply: 116246

(a) The state bank's files are, or the knowledge of its 116247  
officers of the financial condition of each maker of the consumer 116248  
paper is, reasonably adequate. 116249

(b) An officer of the state bank designated for that purpose 116250  
by the bank's board of directors certifies in writing that the 116251  
bank is relying primarily upon the responsibility of each maker 116252  
for payment of the loans or extensions of credit and not upon any 116253  
full or partial recourse endorsement or guarantee by the 116254  
transferor. 116255

(F) Without regard to the collateral requirements of division 116256  
(B) of this section, a state bank may have loans and extensions of 116257  
credit to one person outstanding at one time not exceeding 116258  
twenty-five per cent of the bank's capital of the following types: 116259

(1) Loans and extensions of credit secured by shipping 116260  
documents or instruments transferring or securing title covering 116261  
livestock or giving a lien on livestock, when the market value of 116262  
the livestock securing the obligation is not at any time less than 116263  
one hundred fifteen per cent of the face amount of the note 116264  
covered; 116265

(2) Loans and extensions of credit that arise from the 116266  
discount by dealers in dairy cattle of paper given in payment for 116267  
dairy cattle, if the paper carries a full recourse endorsement or 116268  
unconditional guarantee of the seller, and the loans and 116269  
extensions of credit are secured by the cattle being sold. 116270

(G)(1) The superintendent may adopt rules to administer and 116271  
carry out the purposes of this section, including, but not limited 116272  
to, the following: 116273

|                                                                                                                                                                                                                                                                                                                          |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (a) Rules defining or further defining terms used in this section, including expanding or limiting the definition of "person" defined in division (A) of this section;                                                                                                                                                   | 116274<br>116275<br>116276                     |
| (b) Rules establishing limits or requirements other than those specified in this section for particular classes or categories of loans or extensions of credit;                                                                                                                                                          | 116277<br>116278<br>116279                     |
| (c) Rules relating to credit exposure arising from derivative transactions.                                                                                                                                                                                                                                              | 116280<br>116281                               |
| (2) The superintendent may determine when a loan putatively made to a person is, for purposes of this section, to be attributed to another person.                                                                                                                                                                       | 116282<br>116283<br>116284                     |
| <b>Sec. 1109.23.</b> (A) No <u>state</u> bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, except as authorized by this section <u>and, with respect to executive officers, as authorized by section 1109.24 of the Revised Code.</u> | 116285<br>116286<br>116287<br>116288<br>116289 |
| (B)(1) A <u>state</u> bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, only if all of the following apply to the extension of credit:                                                                                                | 116290<br>116291<br>116292<br>116293           |
| (a) The extension of credit is made on substantially the same terms, including interest rates and collateral, as those terms prevailing at the time for comparable transactions by the bank with persons who are not executive officers, directors, principal shareholders, or employees of the bank.                    | 116294<br>116295<br>116296<br>116297<br>116298 |
| (b) The extension of credit does not involve more than the normal risk of repayment or present other unfavorable features.                                                                                                                                                                                               | 116299<br>116300                               |
| (c) The bank follows credit underwriting procedures that are not less stringent than those applicable to comparable transactions by the bank with persons who are not executive                                                                                                                                          | 116301<br>116302<br>116303                     |

officers, directors, principal shareholders, or employees of the bank. 116304  
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(2) Nothing in division (B)(1) of this section shall be construed to prohibit any extension of credit made pursuant to a benefit or compensation program that meets both of the following conditions: 116306  
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(a) The program is ~~widely~~ available to all employees of the bank; 116310  
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(b) The program does not give preference to any officer, director, or principal shareholder of the bank, or to any related interest of an officer, director, or principal shareholder, over other employees of the bank. 116312  
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(C) A state bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, in an amount that, when aggregated with the amount of all outstanding extensions of credit by the bank to the executive officer, director, or principal shareholder and that person's related interests, would exceed an amount prescribed by the superintendent of financial institutions, only if both of the following conditions are met: 116316  
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(1) The extension of credit has been approved in advance by a majority vote of the bank's entire board of directors. 116324  
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(2) The executive officer, director, or principal shareholder, who or whose related interest would be obligated on the extension of credit, has abstained from participating, directly or indirectly, in the deliberations or voting on the extension of credit. 116326  
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(D) A state bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, only if the extension of credit is in an amount that, when aggregated with the amount of all outstanding 116331  
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extensions of credit by the bank to the executive officer, 116335  
director, or principal shareholder and that person's related 116336  
interests, would not exceed the limit on loans to a single 116337  
borrower established by section 1109.22 of the Revised Code. 116338

(E)(1) A state bank may extend credit to any of its executive 116339  
officers, directors, or principal shareholders, or to any of their 116340  
related interests, if the extension of credit is in an amount 116341  
that, when aggregated with the amount of all outstanding 116342  
extensions of credit by the bank to all of its executive officers, 116343  
directors, principal shareholders, and their related interests, 116344  
would not exceed the bank's unimpaired capital. 116345

(2) The superintendent may prescribe a limit that is more 116346  
stringent than the limit contained in division (E)(1) of this 116347  
section. 116348

(3) The superintendent may make exceptions to division (E)(1) 116349  
of this section for state banks with less than one hundred million 116350  
dollars in deposits, if the superintendent determines that the 116351  
exceptions are important to avoid constricting the availability of 116352  
credit in small communities or to attract directors to those 116353  
banks. In no case may the aggregate amount of all outstanding 116354  
extensions of credit by a state bank to all of its executive 116355  
officers, directors, principal shareholders, and their related 116356  
interests, be more than two times the bank's unimpaired capital. 116357

(F)(1) If any executive officer or director of a state bank 116358  
has an account at the bank, the bank may not pay from that account 116359  
an amount exceeding the funds on deposit in the account. 116360

(2) Division (F)(1) does not prohibit the bank from paying 116361  
funds in accordance with either of the following: 116362

(a) A written, preauthorized, interest-bearing extension of 116363  
credit specifying a method of repayment; 116364

(b) A written preauthorized transfer of funds from another 116365

account of the executive officer or director at that bank. 116366

(G) No executive officer, director, or principal shareholder 116367  
shall knowingly receive, or knowingly permit any of that person's 116368  
related interests to receive, from a state bank, directly or 116369  
indirectly, any extension of credit not authorized under this 116370  
section. 116371

(H)(1) Subject to division (H)(2) of this section, for 116372  
purposes of this section, any executive officer, director, or 116373  
principal shareholder of any company of which the state bank is a 116374  
subsidiary, or of any other subsidiary of that company, is deemed 116375  
to be an executive officer, director, or principal shareholder, 116376  
respectively, of the bank. 116377

(2) The superintendent may make exceptions to the application 116378  
of division (H)(1) of this section for any person who is an 116379  
executive officer or director of a subsidiary of a company that 116380  
controls a state bank, if both of the following apply: 116381

(a) The person does not have authority to participate, and 116382  
does not participate, in major policymaking functions of the bank. 116383

(b) The assets of the subsidiary do not exceed ten per cent 116384  
of the consolidated assets of the company that controls the bank, 116385  
and the subsidiary is not controlled by any other company. 116386

(I) For purposes of this section: 116387

(1) ~~Bank~~ "State bank" includes any subsidiary of a state 116388  
bank. 116389

(2)(a) "Company" means any corporation, limited liability 116390  
company, partnership, business or other trust, association, joint 116391  
venture, pool syndicate, sole proprietorship, unincorporated 116392  
organization, or other business entity. 116393

(b) "Company" does not include either of the following: 116394

(i) A bank, savings bank, or savings association, the 116395

deposits of which are insured by the federal deposit insurance corporation; 116396  
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(ii) A corporation the majority of the shares of which are owned by the United States or by any state of the United States. 116398  
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(3) "Control" of a company or state bank by a person means the person, directly or indirectly, or acting through or in concert with one or more persons, meets any of the following: 116400  
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(a) The person owns, controls, or has the power to vote twenty-five per cent or more of any class of the company's or, in the case of a stock state bank, the bank's voting securities. 116403  
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(b) The person controls in any manner the election of a majority of the company's or state bank's directors. 116406  
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(c) The person has the power to exercise a controlling influence over the company's or state bank's management or policies. 116408  
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(4) "Executive officer" means a person who participates or has the authority to participate, other than as a director, in major policymaking functions of a company or state bank. 116411  
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(5) To "extend credit" or to make an "extension of credit" means to make or renew any loan, to grant a line of credit, or to enter into any similar transaction as a result of which an executive officer, director, or principal shareholder, or any of that person's related interests, becomes obligated, directly, indirectly, or by any means whatsoever, to pay money or its equivalent to the state bank. 116414  
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(6) "Principal shareholder" means a person who, directly or indirectly, or acting through or in concert with one or more persons, owns, controls, or has the power to vote more than ten per cent of any class of voting securities of a stock state bank or company, other than a company of which the bank is a 116421  
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subsidiary. 116426

(7) "Related interest" of a person means either of the 116427  
following: 116428

(a) Any company controlled by that person; 116429

(b) Any political committee or campaign committee that is 116430  
controlled by that person or the funds or services of which will 116431  
benefit that person. 116432

(8) "Subsidiary" means any company of which a state bank or 116433  
company meets any of the following: 116434

(a) The bank or company owns twenty-five per cent or more of 116435  
the voting shares of the company. 116436

(b) The bank or company controls in any manner the election 116437  
of a majority of the directors of the company. 116438

(c) The bank or company has the power, directly or 116439  
indirectly, to exercise a controlling influence with respect to 116440  
the management or policies of the company. 116441

**Sec. 1109.24.** (A) Except as authorized by this section or 116442  
section 1109.23 of the Revised Code, no state bank may extend 116443  
credit in any manner to any of its own executive officers. No 116444  
executive officer of a state bank may become indebted to that bank 116445  
except by means of an extension of credit the bank is authorized 116446  
by this section to make. Any extension of credit made pursuant to 116447  
this section shall be promptly reported to the bank's board of 116448  
directors and may be made only if all of the following apply: 116449

(1) The state bank would be authorized to make the extension 116450  
of credit to other borrowers. 116451

(2) The extension of credit is on terms that are not more 116452  
favorable than those afforded to other non-executive borrowers. 116453

(3) The executive officer has submitted a detailed, current 116454

financial statement. 116455

(4) The extension of credit is made on the condition that it 116456  
shall become due and payable on demand of the state bank at any 116457  
time when the executive officer is indebted to any other bank or 116458  
banks on account of extensions of credit of any one of the three 116459  
categories referred to in divisions (B), (C), and (D) of this 116460  
section in an aggregate amount greater than the amount of credit 116461  
of the same category the state bank being served as an executive 116462  
officer could extend to the executive officer. 116463

(B) With the specific prior approval of its board of 116464  
directors, a state bank may make a loan to any of its executive 116465  
officers if, at the time the loan is made, both of the following 116466  
apply: 116467

(1) The loan is secured by a first lien on a dwelling that is 116468  
expected, after the loan is made, to be owned by the executive 116469  
officer and used as the executive officer's residence. 116470

(2) No other loan by the bank to the executive officer under 116471  
the authority of this division is outstanding. 116472

(C) A state bank may make extensions of credit to any 116473  
executive officer of the bank to finance the education of the 116474  
executive officer's children. 116475

(D) A state bank may make extensions of credit not otherwise 116476  
specifically authorized by this section to any of the bank's 116477  
executive officers in an amount prescribed by the superintendent 116478  
of financial institutions. 116479

(E) Except to the extent permitted by division (D) of this 116480  
section, a state bank may not extend credit to a partnership in 116481  
which one or more of the bank's executive officers are partners 116482  
having, individually or together, a majority interest. For 116483  
purposes of division (D) of this section, the full amount of the 116484  
credit extended shall be considered to have been extended to each 116485

executive officer of the bank who is a member of the partnership. 116486

~~(F) Whenever an executive officer of a bank becomes indebted 116487  
to any bank or banks, other than the bank served as an executive 116488  
officer, on account of extensions of credit of any one of the 116489  
categories referred to in divisions (B), (C), and (D) of this 116490  
section in an aggregate amount greater than the aggregate amount 116491  
of credit of the same category that could lawfully be extended to 116492  
the executive officer by the bank served as an executive officer, 116493  
the executive officer shall make a written report to the board of 116494  
directors of the bank stating all of the following: 116495~~

~~(1) The date and amount of each extension of credit by any 116496  
other bank or banks to the executive officer; 116497~~

~~(2) The security for each extension of credit; 116498~~

~~(3) The purposes for which the proceeds of the extensions of 116499  
credit have been or are to be used. 116500~~

~~(G) This section does not prohibit any executive officer of a 116501  
state bank from endorsing or guaranteeing any loan or other asset 116502  
previously acquired by the bank in good faith, for the protection 116503  
of the bank, or incurring any indebtedness to the bank for the 116504  
purpose of either protecting the bank against loss or giving 116505  
financial assistance to the bank. 116506~~

~~(H)(G) Each state bank shall include with, but not as part 116507  
of, each report of condition made to the superintendent pursuant 116508  
to section 1121.21 of the Revised Code, a report of all loans made 116509  
under the authority of this section by the bank since the bank's 116510  
previous report of condition. 116511~~

~~(I)(H) Each day any extension of credit in violation of this 116512  
section exists is a continuation of the violation for purposes of 116513  
section 1121.35 of the Revised Code. 116514~~

**Sec. 1109.25.** (A) No stock state bank shall lend money on the 116515

security of shares of its own stock or accept shares of its own 116516  
stock in satisfaction of a debt, unless necessary to prevent loss 116517  
on a debt previously contracted in good faith. 116518

(B) A stock state bank that accepts shares of its own stock 116519  
as allowed by division (A) of this section shall retire or dispose 116520  
of the shares at the time and in the manner required by the 116521  
superintendent of financial institutions. 116522

(C) For purposes of this section, the superintendent may 116523  
determine that stock of a person that controls a stock state bank, 116524  
if the stock is not readily marketable, is the functional 116525  
equivalent of stock of the bank and, therefore, subject to 116526  
divisions (A) and (B) of this section. 116527

**Sec. 1109.26.** (A)(1) A state bank may own or hold for not 116528  
more than five years any real estate it acquires by foreclosure, 116529  
conveyance in lieu of foreclosure, or other legal proceedings 116530  
relating to loan security interests or otherwise in satisfaction 116531  
of a debt previously contracted. The superintendent of financial 116532  
institutions may, upon application by a state bank, grant the bank 116533  
the power to hold the real estate for a longer time. 116534

(2) The superintendent may, at any time, require a state bank 116535  
to obtain an independent qualified appraisal of real estate the 116536  
bank owns or holds in accordance with division (A)(1) of this 116537  
section. 116538

(3) Real estate sold on contract, but with title remaining in 116539  
the name of the state bank, shall not be considered real estate 116540  
held by the bank for the purpose of divisions (A)(1) and (2) of 116541  
this section. 116542

(B)(1) A state bank may own or hold for not more than five 116543  
years ~~stock~~ shares of companies either acquired in securing 116544  
satisfaction of a debt previously contracted in good faith or 116545

taken on a refinancing plan involving an investment that was legal 116546  
at the time it was made. The superintendent may, upon application 116547  
by a state bank, grant the bank the power to hold the ~~stock~~ shares 116548  
for a longer time. 116549

(2) The superintendent may, at any time, require a state bank 116550  
to obtain an independent qualified appraisal of the ~~stock~~ shares 116551  
the bank owns or holds in accordance with ~~this~~ division (B) of 116552  
this section. 116553

(C) The limitations set forth in this section shall not apply 116554  
to real estate or shares owned or held by a state bank affiliate, 116555  
except for a company that is a subsidiary of the state bank. 116556

**Sec. 1109.31.** (A) A state bank may purchase, acquire by 116557  
lease, or otherwise invest in the real estate and interests in 116558  
real estate the board of directors considers necessary or 116559  
convenient for transaction of the bank's business, including by 116560  
ownership of ~~stock of a wholly owned subsidiary corporation an~~ 116561  
entity having as its exclusive authority the ownership and 116562  
management of the bank's real estate interests. 116563

(B) A state bank may invest an amount equal to the greater of 116564  
the bank's capital or ten per cent of its total assets in any 116565  
other real estate. This limitation does not apply, however, to 116566  
real estate acquired by foreclosure, conveyance in lieu of 116567  
foreclosure, or other legal proceedings relating to loan security 116568  
interests or otherwise in satisfaction of a debt previously 116569  
contracted. 116570

**Sec. 1109.32.** (A) A state bank may invest in any of the 116571  
following: 116572

(1) Bonds, bills, notes, or other debt securities of the 116573  
United States or for which the full faith and credit of the ~~united~~ 116574  
~~states~~ United States is pledged for payment of principal and 116575



interest; 116576

(2) Bonds, notes, or other debt securities issued by this 116577  
state, or any state of the United States, that are the direct 116578  
obligation of the issuer and for which the full faith and credit 116579  
of the issuer is pledged to provide payment of the principal and 116580  
interest; 116581

(3) Bonds, notes, or other debt securities of any county, 116582  
municipal corporation, township, school district, improvement 116583  
district, sewer district, or other subdivision of this state or 116584  
any other state of the United States, that are the direct 116585  
obligation of the county or the subdivision issuing them and for 116586  
which the full faith and credit of the issuing county or 116587  
subdivision is pledged to provide payment of principal and 116588  
interest; 116589

(4) Bonds or other debt obligations issued or guaranteed by 116590  
agencies or instrumentalities of the United States, regardless of 116591  
the guarantee of payment of principal and interest by the United 116592  
States; 116593

(5) Subject to conditions and restrictions the superintendent 116594  
of financial institutions may prescribe, bonds, debentures, and 116595  
other debt securities issued by any country or multinational 116596  
organization that are the direct obligation of the issuing country 116597  
or multinational organization and for which the full faith and 116598  
credit of the issuing country or multinational organization is 116599  
pledged to provide payment of principal and interest; 116600

(6) Bankers' acceptances of the kinds described in divisions 116601  
(B) and (C) of section 1109.17 of the Revised Code; 116602

(7) Subject to conditions and restrictions the superintendent 116603  
may prescribe, bonds, debentures, and other debt securities and 116604  
obligations of any state or political subdivision of a state, a 116605  
public corporation, or governmental agency that are payable solely 116606

out of anticipated revenues, commonly referred to as revenue 116607  
bonds; 116608

(8) As defined and restricted by the superintendent, 116609  
marketable obligations evidencing the indebtedness of any 116610  
corporation in the form of bonds, notes, debentures, or equipment 116611  
trust certificates, commonly referred to as investment securities. 116612

(B) In addition to any other provision of this chapter 116613  
authorizing state banks to invest in bonds, debentures, or other 116614  
debt securities, ~~the superintendent a state bank~~ may ~~approve~~ 116615  
~~banks' investment~~ invest in bonds, debentures, and other debt 116616  
securities and obligations in which national banks, savings banks, 116617  
and savings associations insured by the federal deposit insurance 116618  
corporation are permitted to invest. 116619

**Sec. 1109.33.** A state bank may apply to the superintendent of 116620  
financial institutions for permission to invest, subject to the 116621  
conditions and requirements prescribed by the superintendent, an 116622  
amount, in the aggregate, not exceeding ten per cent of ~~the a~~ 116623  
stock state bank's paid-in capital and surplus or a mutual state 116624  
bank's retained earnings in the stock of banks or corporations 116625  
chartered or incorporated under the laws of the United States, 116626  
including section 25a of the "Federal Reserve Act of 1913," 12 116627  
U.S.C. 611, as amended, and principally engaged in international 116628  
or foreign banking, or in banking in a dependency or insular 116629  
possession of the United States, either directly or through the 116630  
agency, ownership, or control of local institutions in foreign 116631  
countries, dependencies, or insular possessions. 116632

**Sec. 1109.34.** (A) A state bank may invest in the securities 116633  
of a domestic insurance company organized under Chapter 3907. or 116634  
3925. of the Revised Code, regulated by the superintendent of 116635  
insurance under Title XXXIX of the Revised Code and engaged 116636

exclusively in the business of reinsuring risks, to the extent 116637  
permitted by and subject to limitations and restrictions imposed 116638  
by the superintendent of financial institutions by rules adopted 116639  
in accordance with Chapter 119. of the Revised Code. 116640

(B)(1) The total amount any state bank may invest in the 116641  
common and preferred stock, obligations, and other securities of 116642  
domestic insurance companies pursuant to division (A) of this 116643  
section shall not exceed ten per cent of the bank's assets. 116644

(2) A state bank may file an application with the 116645  
superintendent of financial institutions for permission to invest, 116646  
subject to the conditions and requirements prescribed by the 116647  
superintendent of financial institutions, an amount in excess of 116648  
ten per cent of the bank's capital in the common and preferred 116649  
stock, bonds, debentures, and other obligations of one domestic 116650  
insurance company pursuant to division (A) of this section. 116651

(C) A state bank making investments pursuant to division (A) 116652  
of this section shall report the investments annually on the first 116653  
day of March to the superintendent of financial institutions and 116654  
the superintendent of insurance. The report shall include, for 116655  
each reinsurer in which the bank has made an investment, 116656  
information as to the amount of reinsurance written in this state 116657  
by each line of insurance designated by the superintendent of 116658  
insurance. 116659

**Sec. 1109.35.** (A)(1) As used in ~~this~~ division (A) of this 116660  
section: 116661

(a) "Venture capital firm" means any corporation, 116662  
partnership, proprietorship, limited liability company, or other 116663  
entity, the principal business of which is or will be the making 116664  
of investments in small businesses. 116665

(b) "Small business" means any corporation, partnership, 116666

proprietorship, limited liability company, or other entity that 116667  
either does not have more than four hundred employees, or would 116668  
qualify as a small business for the purpose of receiving financial 116669  
assistance from small business investment companies licensed under 116670  
the "Small Business Investment Act of 1958," 72 Stat. 689, 15 116671  
U.S.C. 661, as amended, and rules of the small business 116672  
administration. 116673

~~(c) "Shares" means any equity interest, including a limited 116674  
partnership interest and other equity interest in which liability 116675  
is limited to the amount of the investment, but does not include a 116676  
general partnership interest or other interests involving general 116677  
liability. 116678~~

(2) A stock state bank may invest, in the aggregate, five per 116679  
cent of its paid-in capital and surplus, and a mutual state bank 116680  
may invest, in the aggregate, five per cent of its retained 116681  
earnings, in shares issued by the following: 116682

(a) Venture capital firms organized under the laws of the 116683  
United States or of this state and having an office within this 116684  
state, if, as a condition of a bank making an investment in a 116685  
venture capital firm, the firm agrees to use its best efforts to 116686  
make investments, in an aggregate amount at least equal to the 116687  
investment to be made by the bank in that venture capital firm, in 116688  
small businesses having their principal office within this state 116689  
and having either more than one-half of their assets within this 116690  
state or more than one-half of their employees employed within 116691  
this state; 116692

(b) Small businesses having more than half of their assets or 116693  
employees within this state. 116694

(B)(1) A state bank may invest in the following: 116695

(a) The stocks, bonds, debentures, notes, or other evidences 116696  
of indebtedness of any of the following: 116697

(i) A community improvement corporation, organized under Chapters 1702. and 1724. of the Revised Code for the sole purpose of advancing, encouraging, and promoting the industrial, economic, commercial, and civic development of a community or area;

(ii) A development corporation, organized under Chapter 1726. of the Revised Code to promote agricultural, industrial, and business developments within the state;

(iii) A community urban redevelopment corporation, organized under Chapter 1701. or 1702. of the Revised Code and qualified to operate under Chapter 1728. of the Revised Code to initiate and conduct projects for the clearance, replanning, development, and redevelopment of blighted areas within municipal corporations.

(b) Other investments similar to the investments described in division (B)(1)(a) of this section and acceptable to the superintendent of financial institutions.

(2) A state bank's investment in any one corporation or other entity pursuant to division (B)(1) of this section shall not exceed five per cent of the bank's capital, unless the superintendent determines additional investment does not pose significant risk to the bank. A state bank's investments pursuant to division (B)(1) of this section shall not in the aggregate exceed ten per cent of the bank's capital.

**Sec. 1109.36.** To the extent permitted by and subject to any limitations and restrictions the superintendent of financial institutions may impose, a state bank may underwrite and deal in investments in the form of bonds, notes, debentures, or other debt securities that are any of the following:

(A) The direct obligation of or guaranteed by the United States;

(B) The direct obligation of or guaranteed by any state of

the United States or any political subdivision of any state of the United States; 116728  
116729

(C) Acceptable to the superintendent. 116730

**Sec. 1109.39.** In addition to the specific investments 116731  
authorized in this chapter, a state bank may also invest, in the 116732  
aggregate, no more than ten per cent of its assets in the common 116733  
or preferred stock, obligations, or other securities of any 116734  
corporations, as authorized by the bank's board of directors. 116735

**Sec. 1109.40.** (A) In addition to the other loan and 116736  
investment authority provided for banks in Chapter 1109. of the 116737  
Revised Code, but subject to all other provisions of the Revised 116738  
Code, a state bank may invest up to fifteen per cent of its total 116739  
assets in loans or investments authorized by the bank's board of 116740  
directors. 116741

(B) If a loan or other investment is authorized under more 116742  
than one section of Chapter 1109. of the Revised Code, a state 116743  
bank may designate under which section the loan or investment has 116744  
been or will be made. The loan or investment may be apportioned 116745  
among appropriate categories, and may be moved in whole or in part 116746  
from one category to another. 116747

**Sec. 1109.43.** (A) For purposes of this section: 116748

(1) "Bankers' bank" means a bank organized to engage 116749  
exclusively in providing services to other depository institutions 116750  
and depository institution holding companies and their officers, 116751  
directors, and employees. 116752

(2) "Bankers' bank holding company" means a corporation that 116753  
owns or controls, directly or indirectly, a majority of the shares 116754  
of the capital stock of a bankers' bank, or controls in any manner 116755  
the election of a majority of the directors of a bankers' bank. 116756

(3) "Depository institution" means a bank, savings ~~and loan~~ 116757  
association, savings bank, or credit union. 116758

(B) A state bank may invest, in the aggregate, up to ten per 116759  
cent of its capital in shares of ~~a~~ bankers' ~~bank~~ banks or ~~a~~ 116760  
bankers' bank holding ~~company, or both~~ companies. 116761

(C)(1) The voting shares of a bankers' bank shall be owned by 116762  
twenty or more depository institutions or depository institution 116763  
holding companies, and no depository institution or depository 116764  
institution holding company shall own, directly or indirectly, 116765  
more than fifteen per cent of the voting shares of a bankers' 116766  
bank. 116767

(2) The voting shares of a bankers' bank shall be owned, 116768  
directly or indirectly, exclusively by depository institutions, 116769  
depository institution holding companies, and persons who hold the 116770  
shares under, or initially acquired them through, a plan for the 116771  
benefit of the bankers' bank's officers and employees. 116772

~~(D) No bank or affiliate of a bank shall, directly,~~ 116773  
~~indirectly, or acting through one or more other persons, own or~~ 116774  
~~control or have the power to vote shares of any of the following:~~ 116775

~~(1) More than one bankers' bank;~~ 116776

~~(2) More than one bankers' bank holding company;~~ 116777

~~(3) Both a bankers' bank and a bankers' bank holding company,~~ 116778  
~~unless the bankers' bank is an affiliate of that bankers' bank~~ 116779  
~~holding company.~~ 116780

**Sec. 1109.44.** (A) A state bank may invest, in the aggregate, 116781  
twenty-five per cent of its assets in the stock, obligations, and 116782  
other securities of bank subsidiary corporations and bank service 116783  
corporations. 116784

(B) A state bank shall obtain the approval of the 116785  
superintendent of financial institutions prior to investing in, 116786

acquiring, or establishing a bank subsidiary corporation or bank  
service corporation, or performing any new activities in a bank  
subsidiary corporation or bank service corporation.

(C)(1) A bank subsidiary corporation that is a wholly owned  
subsidiary of the state bank may engage in any activities, except  
taking deposits, that are a part or an extension of the business  
of banking.

(2) A bank service corporation shall be owned solely by one  
or more ~~depository institutions~~ banks, and may, at any location,  
do any of the following:

(a) Provide clerical, bookkeeping, accounting, statistical,  
or similar services;

(b) Engage in any activities, except taking deposits, that  
all of its owner ~~depository institutions~~ banks are authorized to  
engage in;

(c) Engage in any activity, except taking deposits, the board  
of governors of the federal reserve system has determined to be  
permissible for a ~~bank~~ financial holding company under section  
4~~(e)(8)(k)(1)~~ of the "Bank Holding Company Act of 1956," as  
amended, 70 Stat. 133, 12 U.S.C.A. 1843~~(e)(8)(k)(1)~~.

(D) Bank subsidiary corporations and bank service  
corporations are subject to examination and regulation by the  
superintendent.

(E) ~~Only if the company in which the investment is to be made  
qualifies as either a~~ A bank subsidiary corporation or a bank  
service corporation ~~under this section~~ may a bank invest in  
~~securities pursuant to section 1109.39 of the Revised Code or make  
investments pursuant to section 1109.40 of the Revised Code that  
result in any of the following:~~

~~(1) The bank, directly or indirectly, or acting through one~~



~~or more other persons, owns, controls, or has the power to vote  
twenty five per cent or more of any class of voting securities of  
the company in which the investment is being made.~~

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~~(2) The bank controls in any manner the election of a  
majority of the directors or trustees of the company in which the  
investment is being made.~~

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~~(3) As determined by the superintendent after notice and  
opportunity for a hearing, the bank directly or indirectly  
exercises a controlling influence over the management or policies  
of the company in which the investment is being made a lower-tier  
bank subsidiary corporation or bank service corporation, subject  
to the requirements of this section.~~

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Sec. 1109.441. Only for investments made under section  
1109.44 of the Revised Code may a state bank invest in securities  
pursuant to section 1109.39 of the Revised Code or make  
investments pursuant to section 1109.40 of the Revised Code that  
result in any of the following:

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(A) The state bank, directly or indirectly, or acting through  
one or more other persons, owning, controlling, or having the  
power to vote twenty-five per cent or more of any class of voting  
securities of the company in which the investment is being made;

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(B) The state bank controlling in any manner the election of  
a majority of the directors or trustees of the company in which  
the investment is being made;

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(C) As determined by the superintendent of financial  
institutions after notice and opportunity for a hearing, the state  
bank directly or indirectly exercising a controlling influence  
over the management or policies of the company in which the  
investment is being made.

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Sec. 1109.45. A state bank may invest in the shares of a

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clearing corporation as defined by section 1308.01 of the Revised Code. 116847  
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**Sec. 1109.47.** (A) Except as provided in division (B) of this section, a state bank shall not invest more than fifteen per cent of its capital in the ~~stock~~ shares, obligations, or other securities of any one issuer. 116849  
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(B) Division (A) of this section does not apply to any of the following: 116853  
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(1) Bonds or other obligations enumerated in divisions (A)(1) to (6) of section 1109.32 of the Revised Code; 116855  
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(2) Investment in a bank subsidiary corporation engaged solely in the business of holding title to real estate described in division (A) of section 1109.31 of the Revised Code; 116857  
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(3) Obligations or securities, other than stock, of the federal national mortgage association, the student loan marketing association, the government national mortgage association, or the federal home loan mortgage corporation, or their successors; 116860  
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(4) Common and preferred stock, obligations, and other securities of one domestic reinsurance company with the written permission of the superintendent of financial institutions as required by division (B) of section 1109.34 of the Revised Code; 116864  
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(5) Shares, obligations, securities, or other interests of any other issuer with the written approval of the superintendent. 116868  
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(C) For purposes of this section, no purchase by a state bank of stock in a federal reserve bank or federal home loan bank is an investment. 116870  
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(D) If a state or political subdivision of a state issues securities, acting solely as a conduit for the transmission of the proceeds of the sale of the securities to one or more private entities for economic development purposes and to be repaid solely 116873  
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by the private entity or entities that received the proceeds of 116877  
the sale of the securities, then both of the following apply for 116878  
purposes of determining the amount a state bank may invest in 116879  
accordance with division (A) of this section: 116880

(1) The securities are obligations of the private entity or 116881  
entities in proportion to their receipt of the proceeds. 116882

(2) The securities are not obligations of the issuing state 116883  
or political subdivision. 116884

**Sec. 1109.48.** In exercising its investment authority, a state 116885  
bank shall give equal consideration to investments that involve 116886  
firms owned and controlled by minorities and firms owned and 116887  
controlled by women, either alone or in joint venture with other 116888  
firms, where the investments offer quality, return, and safety 116889  
comparable to other investments currently available to the bank. 116890  
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**Sec. 1109.49.** A state bank investing in the securities of a 116892  
bank or corporation pursuant to this chapter shall furnish 116893  
information concerning the financial condition of the bank or 116894  
corporation to the superintendent of financial institutions upon 116895  
the superintendent's demand. 116896

**Sec. 1109.53.** For purposes of this section and sections 116897  
1109.54, 1109.55, and 1109.56 of the Revised Code: 116898

(A)(1) "Affiliate" means any of the following: 116899

(a) A company that controls the state bank and any other 116900  
company controlled by the company that controls the state bank; 116901

(b) A bank subsidiary of the state bank; 116902

(c) A company that is controlled directly or indirectly, by a 116903  
trust or otherwise, by or for the benefit of shareholders who 116904

beneficially or otherwise control, directly or indirectly, by 116905  
trust or otherwise, the state bank or any company that controls 116906  
the state bank; 116907

(d) A company in which a majority of the directors or 116908  
trustees constitute a majority of the directors or trustees of the 116909  
state bank or any company that controls the state bank; 116910

(e) A company, including a real estate investment trust, that 116911  
is sponsored and advised on a contractual basis by the state bank 116912  
or a subsidiary of the state bank; 116913

(f) An investment company to which the state bank or one of 116914  
its affiliates is an investment advisor as defined in section 116915  
2(a)(20) of the "Investment Company Act of 1940," 54 Stat. 789, 15 116916  
U.S.C. 80a-2(a)(20), as amended; 116917

(g) A company the superintendent of financial institutions 116918  
determines by rule or order to have a relationship with the state 116919  
bank or one of its subsidiaries or affiliates such that covered 116920  
transactions by the state bank or its subsidiary with that company 116921  
may be affected by the relationship to the detriment of the state 116922  
bank or its subsidiary. 116923

(2) "Affiliate" does not include any of the following: 116924

(a) A company, other than a bank, that is a subsidiary of a 116925  
state bank, unless a determination is made under division 116926  
(A)(1)(g) of this section not to exclude the subsidiary company 116927  
from the definition of affiliate; 116928

(b) A company engaged solely in holding the premises of the 116929  
state bank; 116930

(c) A company engaged solely in conducting a safe-deposit 116931  
business; 116932

(d) A company engaged solely in holding obligations of the 116933  
United States or its agencies or instrumentalities or obligations 116934

fully guaranteed as to principal and interest by the United States 116935  
or its agencies or instrumentalities; 116936

(e) A company where control results from the exercise of 116937  
rights arising out of a bona fide debt previously contracted, but 116938  
only for a period of two years from the date the rights are 116939  
exercised, subject to extensions granted by the superintendent of 116940  
not more than one year at a time nor three years in the aggregate. 116941

(B) "Aggregate covered transactions" means the amount of the 116942  
covered transactions about to be engaged in added to the current 116943  
amount of all outstanding covered transactions. 116944

(C) "Company" means a corporation, limited liability company, 116945  
partnership, business, trust, association, or similar organization 116946  
and, unless specifically excluded by this section or section 116947  
1109.54, 1109.55, or 1109.56 of the Revised Code, a bank. 116948

(D)(1) "Covered transaction" means, with respect to an 116949  
affiliate of a state bank, any of the following: 116950

(a) A loan or extension of credit to the affiliate; 116951

(b) A purchase of or an investment in securities issued by 116952  
the affiliate; 116953

(c) A purchase of assets, including assets subject to an 116954  
agreement to repurchase, from the affiliate, except the purchase 116955  
of real or personal property as specifically exempted by the 116956  
superintendent by rule or order; 116957

(d) The acceptance of securities issued by the affiliate as 116958  
collateral security for a loan or extension of credit to any 116959  
person or company; 116960

(e) The issuance of a guarantee, acceptance, or letter of 116961  
credit, including an endorsement or standby letter of credit to 116962  
any person or company. 116963

(2) "Covered transaction" does not include any of the 116964

|                                                                                                                                                                                                       |        |
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| following:                                                                                                                                                                                            | 116965 |
| (a) A transaction with another bank if either of the following apply:                                                                                                                                 | 116966 |
| (i) One of the banks controls eighty per cent or more of the voting shares of the other bank.                                                                                                         | 116967 |
| (ii) The same company controls eighty per cent or more of the voting shares of both banks.                                                                                                            | 116968 |
| (b) Making deposits in an affiliated bank or affiliated foreign bank in the ordinary course of correspondent business, subject to any restrictions the superintendent may prescribe by rule or order; | 116969 |
| (c) Giving immediate credit to an affiliate for uncollected items received in the ordinary course of business;                                                                                        | 116970 |
| (d) Making a loan or extension of credit to, or issuing a guarantee, acceptance, or letter of credit on behalf of, an affiliate that is fully secured by one of the following:                        | 116971 |
| (i) Obligations of the United States or its agencies or instrumentalities;                                                                                                                            | 116972 |
| (ii) Obligations fully guaranteed as to principal and interest by the United States or its agencies or instrumentalities;                                                                             | 116973 |
| (iii) A segregated, earmarked deposit account with the <u>state</u> bank.                                                                                                                             | 116974 |
| (e) Purchasing securities issued by a company engaged solely in one or more of the following activities:                                                                                              | 116975 |
| (i) Holding or operating properties used or to be used wholly or substantially by any bank subsidiary of a company that controls the <u>state</u> bank in the operations of the bank subsidiary;      | 116976 |
| (ii) Conducting a safe-deposit business;                                                                                                                                                              | 116977 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |        |
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| (iii) Furnishing services to or performing services for a company that controls the <u>state</u> bank or its subsidiaries;                                                                                                                                                                                                                                                                                                                                                                    | 116994 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 116995 |
| (iv) Liquidating assets acquired from a company that controls the <u>state</u> bank or its banking subsidiaries.                                                                                                                                                                                                                                                                                                                                                                              | 116996 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 116997 |
| (f) Purchasing assets having a readily identifiable and publicly available market quotation and purchased at that market quotation or purchasing loans on a nonrecourse basis from affiliated banks;                                                                                                                                                                                                                                                                                          | 116998 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 116999 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117000 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117001 |
| (g) Purchasing from an affiliate a loan or extension of credit that was originated by the <u>state</u> bank and sold to the affiliate subject to a repurchase agreement or with recourse.                                                                                                                                                                                                                                                                                                     | 117002 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117003 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117004 |
| (E) "Low quality asset" means an asset that is one or more of the following:                                                                                                                                                                                                                                                                                                                                                                                                                  | 117005 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117006 |
| (1) An asset classified as "substandard," "doubtful," or "loss," or treated as "other loans especially mentioned" in the most recent report of examination or inspection of an affiliate prepared by any of the federal deposit insurance corporation, the federal reserve, the office of the comptroller of the currency, <del>the office of thrift supervision,</del> the division of financial institutions, or the financial institution regulators of other states of the United States; | 117007 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117008 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117009 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117010 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117013 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117014 |
| (2) An asset in a nonaccrual status;                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 117015 |
| (3) An asset on which principal or interest payments are more than thirty days past due;                                                                                                                                                                                                                                                                                                                                                                                                      | 117016 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117017 |
| (4) An asset whose terms have been renegotiated or compromised due to the deteriorating financial condition of the obligor.                                                                                                                                                                                                                                                                                                                                                                   | 117018 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117019 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117020 |
| (F) "Securities" means, except as provided in section 1109.55 of the Revised Code, stocks, bonds, debentures, notes, or other similar obligations.                                                                                                                                                                                                                                                                                                                                            | 117021 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117022 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 117023 |

(G) "Subsidiary" means, with respect to a specified company, 117024  
a company that is controlled by the specified company. 117025

(H)(1) Subject to division (H)(2) of this section, a company 117026  
or shareholder is deemed to have control over another company, if 117027  
any of the following apply: 117028

(a) The company or shareholder, directly or indirectly, or 117029  
acting through one or more other persons, owns, controls, or has 117030  
the power to vote twenty-five per cent or more of any class of 117031  
voting securities of the other company. 117032

(b) The company or shareholder controls in any manner the 117033  
election of a majority of the directors or trustees of the other 117034  
company. 117035

(c) The superintendent determines, after notice and 117036  
opportunity for a hearing, the company or shareholder, directly or 117037  
indirectly, exercises a controlling influence over the management 117038  
or policies of the other company. 117039

(2) No company shall be found to own or control another 117040  
company by virtue of the ownership or control of securities in a 117041  
fiduciary capacity, except either as provided in divisions 117042  
(A)(1)(c) and (d) of this section or if the company owning or 117043  
controlling the securities is a business trust. 117044

(I) Any transaction by a state bank with any person shall be 117045  
considered a transaction with an affiliate to the extent the 117046  
proceeds of the transaction are used for the benefit of, or 117047  
transferred to, an affiliate. 117048

**Sec. 1109.54.** (A) A state bank and its subsidiaries may 117049  
engage in a covered transaction with an affiliate only if both of 117050  
the following apply: 117051

(1) The aggregate amount of covered transactions by the bank 117052  
and its subsidiaries with the particular affiliate will not exceed 117053



ten per cent of the bank's capital. 117054

(2) The aggregate amount of all covered transactions by the 117055  
bank and its subsidiaries with all of the bank's affiliates will 117056  
not exceed twenty per cent of the bank's capital. 117057

(B) A state bank and its subsidiaries may not purchase a low 117058  
quality asset from an affiliate unless the bank or its subsidiary, 117059  
pursuant to an independent credit evaluation, committed itself to 117060  
purchase the asset prior to the time the asset was acquired by the 117061  
affiliate. 117062

(C) Any covered transactions and any transactions between a 117063  
state bank and an affiliate shall be on terms and conditions that 117064  
are consistent with safe and sound banking practices. 117065

(D) Except as provided in division (E)(4) of this section, 117066  
any loan or extension of credit to, or guarantee, acceptance, or 117067  
letter of credit issued on behalf of, an affiliate by a state bank 117068  
or its subsidiary shall be secured at the time of the transaction 117069  
by collateral having a market value equal to any of the following: 117070

(1) One hundred per cent of the amount of the loan or 117071  
extension of credit, guarantee, acceptance, or letter of credit, 117072  
if the collateral is composed of any of the following: 117073

(a) Obligations of the United States or its agencies or 117074  
instrumentalities; 117075

(b) Obligations fully guaranteed as to principal and interest 117076  
by the United States or its agencies or instrumentalities; 117077

(c) Notes, drafts, bills of exchange, or bankers' acceptances 117078  
described in division (B) or ~~(C)~~(C) of section 1109.17 of the 117079  
Revised Code; 117080

(d) A segregated, earmarked deposit account with the bank. 117081

(2) One hundred ten per cent of the amount of the loan or 117082  
extension of credit, guarantee, acceptance, or letter of credit, 117083

if the collateral is composed of obligations of any state or 117084  
political subdivision of any state; 117085

(3) One hundred twenty per cent of the amount of the loan or 117086  
extension of credit, guarantee, acceptance, or letter of credit, 117087  
if the collateral is composed of other debt instruments, including 117088  
receivables; 117089

(4) One hundred thirty per cent of the amount of the loan or 117090  
extension of credit, guarantee, acceptance, or letter of credit, 117091  
if the collateral is composed of stock, leases, or other real or 117092  
personal property. 117093

(E) For purposes of division (D) of this section: 117094

(1) Any collateral that is subsequently retired or amortized 117095  
shall be replaced by additional eligible collateral as needed to 117096  
keep the percentage of the collateral value relative to the amount 117097  
of the outstanding loan or extension of credit, guarantee, 117098  
acceptance, or letter of credit equal to the minimum percentage 117099  
required at the inception of the transaction. 117100

(2) A low quality asset is not acceptable as collateral for a 117101  
loan or extension of credit to, or guarantee, acceptance, or 117102  
letter of credit issued on behalf of, an affiliate. 117103

(3) The securities issued by an affiliate of the state bank 117104  
are not acceptable as collateral for a loan or extension of credit 117105  
to, or guarantee, acceptance, or letter of credit issued on behalf 117106  
of, that affiliate or any other affiliate of the bank. 117107

(4) The collateral requirements set forth in divisions (D) 117108  
and (E)(1) of this section do not apply to any acceptance that is 117109  
fully secured by either attached documents or other property that 117110  
is involved in the transaction and that has an ascertainable 117111  
market value. 117112

**Sec. 1109.55.** (A) A state bank and its subsidiaries may 117113

engage in any of the transactions described in division (B) of 117114  
this section only if one of the following applies: 117115

(1) The transaction is on terms and under circumstances, 117116  
including credit standards, that are substantially the same, or at 117117  
least as favorable to the bank or its subsidiary, as those 117118  
prevailing at the time for comparable transactions with or 117119  
involving other nonaffiliated companies. 117120

(2) In the absence of comparable transactions, the 117121  
transaction is on terms and under circumstances, including credit 117122  
standards, that in good faith would be offered to, or would apply 117123  
to, nonaffiliated companies. 117124

(B) Division (A) of this section applies to all of the 117125  
following: 117126

(1) A covered transaction with an affiliate; 117127

(2) The sale of securities or other assets to an affiliate, 117128  
including assets subject to an agreement to repurchase; 117129

(3) The payment of money or the furnishing of services to an 117130  
affiliate under contract, lease, or otherwise; 117131

(4) Any transaction in which an affiliate acts as an agent or 117132  
broker or receives a fee for its services to the bank or to any 117133  
other person. 117134

(C) No state bank or its subsidiary shall do either of the 117135  
following: 117136

(1) Purchase as fiduciary any securities or other assets from 117137  
an affiliate unless the purchase is permitted by one of the 117138  
following: 117139

(a) The instrument creating the fiduciary relationship; 117140

(b) A court order; 117141

(c) The law of the jurisdiction governing the fiduciary 117142

relationship. 117143

(2) Whether acting as principal or fiduciary, knowingly 117144  
purchase or otherwise acquire, during the existence of any 117145  
underwriting or selling syndicate, any security if a principal 117146  
underwriter of the security is an affiliate. 117147

Division (C)(2) of this section does not apply if the 117148  
purchase or acquisition of the securities has been approved, 117149  
before the securities are initially offered for sale to the 117150  
public, by a majority of the directors of the bank who are not 117151  
officers or employees of the bank or any of its affiliates. 117152

(D) No state bank or affiliate or subsidiary of a state bank 117153  
shall publish any advertisement or enter into any agreement 117154  
stating or suggesting the bank shall in any way be responsible for 117155  
the obligations of its affiliates. 117156

(E) For purposes of division (C) of this section: 117157

(1) "Principal underwriter" means any underwriter, in 117158  
connection with a primary distribution of securities, that is any 117159  
of the following: 117160

(a) In privity of contract with the issuer or an affiliated 117161  
person of the issuer; 117162

(b) Acting alone or in concert with one or more other 117163  
persons, initiates or directs the formation of an underwriting 117164  
syndicate; 117165

(c) Allowed a rate of gross commission, spread, or other 117166  
profit greater than the rate allowed another underwriter 117167  
participating in the distribution. 117168

(2) "Security" has the same meaning as in section 3(a)(10) of 117169  
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 117170  
78c(a)(10), as amended. 117171

**Sec. 1109.59.** A state bank may borrow money in any sum 117172  
consistent with safety and soundness. Borrowing by means of the 117173  
issuance of debt securities is subject to the approval of the 117174  
superintendent of financial institutions in accordance with 117175  
section 1107.05 of the Revised Code. 117176

**Sec. 1109.61.** No state bank shall contract to pay, or pay to 117177  
any person, any fees for management or consulting services, 117178  
including fees for legal, accounting, brokerage, or other similar 117179  
professional services, that do not have a direct relationship to 117180  
the value of the services rendered or to be rendered, based on 117181  
reasonable costs consistent with current market values for 117182  
services of the kind contracted for. 117183

**Sec. 1109.62.** A state bank may engage in the business of 117184  
selling insurance through a subsidiary insurance agency subject to 117185  
licensing under the law of this state and the law of every other 117186  
state in which services are provided by the bank or its 117187  
subsidiary. 117188

**Sec. 1109.63.** A state bank may buy, sell, and exchange coin 117189  
and bullion. 117190

**Sec. 1109.64.** Subject to the limitations and restrictions of 117191  
Chapters 1101. to 1127. of the Revised Code, a state bank shall 117192  
have the power to do both of the following: 117193

(A) Operate travel agencies; 117194

(B) Engage in the sale of tickets for passage on common 117195  
carriers, such as airlines, railroads, ships, and buses, to points 117196  
within and outside the United States. 117197

**Sec. 1109.65.** In order to protect its interest in a property, 117198

a state bank may purchase a tax certificate under section 5721.32 117199  
or 5721.33 of the Revised Code. 117200

**Sec. 1109.69.** (A) ~~Every~~ Unless a longer record retention 117201  
period is required by applicable federal law or regulation, each 117202  
bank shall retain or preserve the following bank records and 117203  
supporting documents for only the following periods of time: 117204

(1) For one year: 117205

(a) Broker's confirmations, invoices, and statements relating 117206  
to security transactions of the bank or for or with its customers, 117207  
after date of transaction; 117208

(b) Corporate resolutions, partnership authorizations, and 117209  
similar authorizations relating to closed accounts, loans that 117210  
have been paid, or other completed transactions, after date of 117211  
closing, payment, or completion; 117212

(c) Ledger records of safe deposit accounts, after date of 117213  
last entry on the ledger; 117214

(d) Night depository records, after their date; 117215

(e) Records relating to closed Christmas club or similar 117216  
limited duration special purpose accounts, after date of closing; 117217

(f) Records relating to customer collection accounts, after 117218  
date of transaction; 117219

(g) Stop payment orders, after their date; 117220

(h) All records relating to closed consumer credit loans and 117221  
discounts, after date of closing; 117222

(i) Deposit tickets relating to demand deposit accounts, 117223  
after their date; 117224

(2) For six years: 117225

(a) Deposit and withdrawal tickets relating to open or closed 117226

|                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| savings accounts, after their date;                                                                                                                                                                                                                                                                                                                                                                                                                        | 117227                                                             |
| (b) Individual ledger sheets or other records serving the same purpose that show a zero balance and that relate to demand, time, or savings deposit accounts, and safekeeping accounts, after date of last entry, or, where the ledger sheets or other records show an open balance, after date of transfer of the amount of the balance to another ledger sheet or record;                                                                                | 117228<br>117229<br>117230<br>117231<br>117232<br>117233           |
| (c) Official checks, drafts, money orders, and other instruments for the payment of money issued by the bank and that have been canceled, after date of issue;                                                                                                                                                                                                                                                                                             | 117234<br>117235<br>117236                                         |
| (d) Records relating to closed escrow accounts, after date of closing;                                                                                                                                                                                                                                                                                                                                                                                     | 117237<br>117238                                                   |
| (e) Records, other than corporate resolutions, partnership authorizations, and similar authorizations relating to closed loans and discounts other than consumer credit loans and discounts, after date of closing;                                                                                                                                                                                                                                        | 117239<br>117240<br>117241<br>117242                               |
| (f) Safe deposit access tickets and correspondence or documents relating to access, after their date;                                                                                                                                                                                                                                                                                                                                                      | 117243<br>117244                                                   |
| (g) Lease or contract records relating to closed safe deposit accounts, after date of closing;                                                                                                                                                                                                                                                                                                                                                             | 117245<br>117246                                                   |
| (h) Signature cards relating to closed demand, savings, or time accounts, closed safe deposit accounts, and closed safekeeping accounts, after date of closing;                                                                                                                                                                                                                                                                                            | 117247<br>117248<br>117249                                         |
| (i) Undelivered statements for demand deposit, negotiable order of withdrawal, savings, agency, brokerage, or other accounts for which customer statements are prepared, and canceled checks or other items, after date of statement, provided the bank has attempted to send the statements and checks or other items to its customer, has held them pursuant to the instructions of or an agreement with its customer, or has made them available to its | 117250<br>117251<br>117252<br>117253<br>117254<br>117255<br>117256 |

customer. 117257

(B) The superintendent of financial institutions may 117258  
designate a retention period of either one year or six years for 117259  
any record maintained by a bank but not listed in division (A) of 117260  
this section. Records that are not listed in division (A) of this 117261  
section and for which the superintendent has not designated a 117262  
retention period shall be retained or preserved for six years from 117263  
the date of completion of the transaction to which the record 117264  
relates or, if the last entry has been transferred to a new record 117265  
showing the continuation of a transaction not yet completed, from 117266  
the date of the last entry. 117267

(C) The requirements of divisions (A) and (B) of this section 117268  
may be complied with by the preservation of records in the manner 117269  
prescribed in section 1109.68 of the Revised Code. 117270

(D) In construing the terms set forth in division (A) of this 117271  
section, reference may be made to general banking usage. 117272

(E) A bank may dispose of any records that have been retained 117273  
or preserved for the period set forth in divisions (A) and (B) of 117274  
this section. 117275

(F) Any action by or against a bank based on, or the 117276  
determination of which would depend on, the contents of records 117277  
for which a period of retention or preservation is set forth in 117278  
divisions (A) and (B) of this section shall be brought within the 117279  
time for which the record must be retained or preserved. 117280

(G) Where a record may be classified under either division 117281  
(A)(1) or (2) of this section, the record shall be retained or 117282  
preserved for the period set forth in division (A)(2) of this 117283  
section. 117284

(H) The provisions of this section do not apply to those 117285  
records maintained by a bank in its capacity as a trust company. 117286



Sec. 1111.01. As used in this chapter: 117287

(A) "Charitable trust" means a charitable remainder annuity 117288  
trust as defined in section 664(d) of the Internal Revenue Code, a 117289  
charitable remainder unitrust as defined in section 664(d) of the 117290  
Internal Revenue Code, a charitable lead or other split interest 117291  
trust subject to the governing instrument requirements of section 117292  
508(e) of the Internal Revenue Code, a pooled income fund as 117293  
defined in section 642(c) of the Internal Revenue Code, a trust 117294  
that is a private foundation as defined in section 509 of the 117295  
Internal Revenue Code, or a trust of which each beneficiary is a 117296  
charity. 117297

For purposes of this division and division (B) of this 117298  
section, "Internal Revenue Code" means the "Internal Revenue Code 117299  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 117300

(B) "Charity" means a state university as defined in section 117301  
3345.011 of the Revised Code, a community college as defined in 117302  
section 3354.01 of the Revised Code, a technical college as 117303  
defined in section 3357.01 of the Revised Code, a state community 117304  
college as defined in section 3358.01 of the Revised Code, a 117305  
private college or university that possesses a certificate of 117306  
authorization issued ~~by the Ohio board of regents~~ pursuant to 117307  
Chapter 1713. of the Revised Code, a trust or organization exempt 117308  
from taxation under section 501(c)(3) or section 501(c)(13) of the 117309  
Internal Revenue Code, or a corporation, trust, or organization 117310  
described in section 170(c)(2) of the Internal Revenue Code. The 117311  
term "charities" means more than one trust or organization that is 117312  
a charity. 117313

(C) "Collective investment fund" means a fund established by 117314  
a trust company or an affiliate of a trust company for the 117315  
collective investment of assets held in a fiduciary capacity, 117316  
either alone or with one or more cofiduciaries, by the 117317

establishing trust company and its affiliates. 117318

(D) "Fiduciary investment company" means a corporation that 117319  
is both of the following: 117320

(1) An investment company; 117321

(2) Incorporated, owned, and operated in accordance with 117322  
rules adopted by the superintendent of financial institutions for 117323  
the investment of funds held by trust companies in a fiduciary 117324  
capacity and for true fiduciary purposes, either alone or with one 117325  
or more cofiduciaries. 117326

(E) "Home" has the same meaning as in section 3721.10 of the 117327  
Revised Code. 117328

(F) "Instrument" includes any will, declaration of trust, 117329  
agreement of trust, agency, or custodianship, or court order 117330  
creating a fiduciary relationship. 117331

(G) "Residential facility" has the same meaning as in section 117332  
5123.19 of the Revised Code. 117333

(H) "Investment company" means any investment company as 117334  
defined in section 3 and registered under section 8 of the 117335  
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 117336  
and 80a-8, as amended. 117337

(I) "Trust business" means accepting and executing trusts of 117338  
property, serving as a trustee, executor, administrator, guardian, 117339  
receiver, or conservator, and providing fiduciary services as a 117340  
business. "Trust business" does not include any of the following: 117341

(1) Any natural person acting as a trustee, executor, 117342  
administrator, guardian, receiver, or conservator pursuant to 117343  
appointment by a court of competent jurisdiction; 117344

(2) Any natural person serving as a trustee who does not hold 117345  
self out to the public as willing to act as a trustee for hire. 117346  
For purposes of division (I) of this section, the solicitation or 117347

advertisement of legal or accounting services by a person licensed 117348  
in this state as an attorney or a person holding an Ohio permit to 117349  
practice public accounting issued under division (A) of section 117350  
4701.10 of the Revised Code shall not be considered to be the act 117351  
of holding self out to the public as willing to act as a trustee 117352  
for hire. 117353

(3) A charity, an officer or employee of a charity, or a 117354  
person affiliated with a charity, serving as trustee of a 117355  
charitable trust of which the charity, or another charity with a 117356  
similar purpose, is a beneficiary; 117357

(4) Any natural person, home, or residential facility serving 117358  
as trustee or taking other actions relative to a qualified income 117359  
trust described in section 1917(d)(4)(B) of the "Social Security 117360  
Act," 42 U.S.C. 1396p(d)(4)(B), as amended; 117361

(5) Other fiduciary activities the superintendent determines 117362  
are not undertaken as a business. 117363

**Sec. 1111.02.** (A) Except as provided in ~~divisions~~ division 117364  
(B) ~~and (C)~~ of this section, no person shall solicit or engage in 117365  
trust business in this state except a corporation that is one of 117366  
the following: 117367

(1) A corporation licensed under section 1111.06 of the 117368  
Revised Code that is one of the following: 117369

(a) A state bank ~~doing business under authority granted by~~ 117370  
~~the superintendent of financial institutions;~~ 117371

(b) A ~~savings and loan association doing business under~~ 117372  
~~authority granted by the superintendent of financial institutions;~~ 117373

(c) A ~~savings bank doing business under authority granted by~~ 117374  
~~the superintendent of financial institutions;~~ 117375

(~~d~~) A bank authorized to accept and execute trusts and doing 117376  
business under authority granted by the bank chartering authority 117377

of another state or country; 117378

~~(e)(c)~~ A corporation organized under the laws of another 117379  
state or country and authorized to accept and execute trusts in 117380  
that state or country. 117381

(2) A national bank or federal savings association authorized 117382  
to accept and execute trusts and doing business under authority 117383  
granted by the office of the comptroller of the currency; 117384

~~(3) A savings association authorized to accept and execute 117385  
trusts and doing business under authority granted by the office of 117386  
thrift supervision. 117387~~

(B) This chapter shall not apply to ~~any of the following~~: 117388

~~(1) A savings and loan association serving as a trustee to 117389  
the extent authorized by section 1151.191 of the Revised Code; 117390~~

~~(2) A savings bank serving as a trustee to the extent 117391  
authorized by section 1161.24 of the Revised Code; 117392~~

~~(3) A a corporation that is incorporated under the laws of 117393  
another state or the United States, has its principal place of 117394  
business in another state, is currently qualified to do and is 117395  
engaging in trust business in the state where the corporation has 117396  
its principal place of business, and is doing any of the 117397  
following: 117398~~

~~(a)(1)~~ Serving as ancillary executor or administrator of 117399  
property in this state that is in the estate of a decedent, after 117400  
appointment as executor or administrator of the estate by the 117401  
courts of the decedent's state of residence; 117402

~~(b)(2)~~ As trustee, acquiring, holding, or transferring a 117403  
security interest in lands or other property in this state, by 117404  
mortgage, deed of trust, or other instrument, to secure any 117405  
evidence of indebtedness; 117406

~~(e)(3)~~ Certifying to any evidence of indebtedness. 117407

~~(C) The following persons shall not be subject to this chapter until July 1, 1997:~~ 117408  
117409

~~(1) Any person, other than a person described in division (A) or (B) of this section, that is serving as a fiduciary under a trust instrument, will, or other document executed before July 1, 1997:~~ 117410  
117411  
117412  
117413

~~(2) Any person, other than a person described in division (A) or (B) of this section, that is named as a fiduciary in, or is nominated as a fiduciary under, a trust instrument, will, or other document executed before July 1, 1997.~~ 117414  
117415  
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117417

**Sec. 1111.03.** (A) Notwithstanding any other provision of the Revised Code, any national bank or federal savings association that has been granted fiduciary powers by the office of the comptroller of the currency ~~or any federal savings association that has been granted fiduciary powers by the office of thrift supervision~~ may act in this state as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, or in any other fiduciary capacity in which trust companies qualified and licensed under section 1111.06 of the Revised Code are authorized to act in this state. For such purpose, a national bank or federal savings association shall have the same powers and rights, including but not limited to, the same right to make and accept transfers of fiduciary appointments, as are granted by the laws of this state to trust companies qualified and licensed under section 1111.06 of the Revised Code, and may solicit trust business, accept trust deposits, and maintain nonbranch trust offices in this state. A national bank or federal savings association shall not, by virtue of conducting such trust activity in this state, be subject to examination or inspection by the superintendent of financial institutions, nor shall it be required to obtain any approval, authorization, licenses, or 117418  
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certification from, or pay any fee or assessment to, the 117439  
superintendent in order to conduct trust activities in this state. 117440

(B) Notwithstanding the provisions of division (A) of this 117441  
section, section 1111.04, division (B) of section 1111.07, and 117442  
section 1111.08 of the Revised Code shall apply to national banks 117443  
and federal savings associations. 117444

**Sec. 1111.04.** (A) Prior to soliciting or engaging in trust 117445  
business in this state, a trust company shall pledge to the 117446  
treasurer of state interest bearing securities authorized in 117447  
division (B) of this section, having a par value, not including 117448  
unaccrued interest, of one hundred thousand dollars, and approved 117449  
by the superintendent of financial institutions. The trust company 117450  
may pledge the securities either by delivery to the treasurer of 117451  
state or by placing the securities with a qualified trustee for 117452  
safekeeping to the account of the treasurer of state, the 117453  
corporate fiduciary, and any other person having an interest in 117454  
the securities under Chapter 1109. of the Revised Code, as their 117455  
respective interests may appear and be asserted by written notice 117456  
to or demand upon the qualified trustee or by order of judgment of 117457  
a court. 117458

(B) Securities pledged by a trust company to satisfy the 117459  
requirements of division (A) of this section shall be one or more 117460  
of the following: 117461

(1) Bonds, notes, or other obligations of or guaranteed by 117462  
the United States or for which the full faith and credit of the 117463  
United States is pledged for the payment of principal and 117464  
interest; 117465

(2) Bonds, notes, debentures, or other obligations or 117466  
securities issued by any agency or instrumentality of the United 117467  
States; 117468

(3) General obligations of this or any other state of the United States or any subdivision of this or any other state of the United States.

(C) The treasurer of state shall accept delivery of securities pursuant to this section when accompanied by the superintendent's approval of the securities or the written receipt of a qualified trustee describing the securities and showing the superintendent's approval of the securities, and shall issue a written acknowledgment of the delivery of the securities or the qualified trustee's receipt and the superintendent's approval to the trust company.

(D) The superintendent shall approve securities to be pledged by a trust company pursuant to this section if the securities are all of the following:

(1) Interest bearing and of the value required by division (A) of this section;

(2) Of one or more of the kinds authorized by division (B) of this section and not a derivative of or merely an interest in any of those securities;

(3) Not in default.

(E) The treasurer of state shall, with the approval of the superintendent, permit a trust company to pledge securities in substitution for securities pledged pursuant to this section and the withdrawal of the securities substituted for so long as the securities remaining pledged satisfy the requirements of division (A) of this section. The treasurer of state shall permit a trust company to collect interest paid on securities pledged pursuant to this section so long as the trust company is solvent. The treasurer of state shall, with the approval of the superintendent, permit a trust company to withdraw securities pledged pursuant to this section when the trust company has ceased to solicit or

engage in trust business in this state. 117500

(F) For purposes of this section, a qualified trustee is a 117501  
federal reserve bank, a federal home loan bank, a trust company as 117502  
defined in section 1101.01 of the Revised Code, or a national bank 117503  
or federal savings association that has pledged securities 117504  
pursuant to this section, is authorized to accept and execute 117505  
trusts, and is doing business under authority granted by the 117506  
office of the comptroller of the currency,~~or a savings~~ 117507  
~~association that has pledged securities pursuant to this section,~~ 117508  
~~is authorized to accept and execute trusts, and is doing business~~ 117509  
~~under authority granted by the office of thrift supervision except~~ 117510  
~~that.~~ However, a national bank or federal savings association 117511  
doing business under authority granted by the office of the 117512  
comptroller of the currency,~~a savings association doing business~~ 117513  
~~under authority granted by the office of thrift supervision,~~ or a 117514  
trust company may not act as a qualified trustee for securities it 117515  
or any of its affiliates is pledging pursuant to this section. 117516

(G) The superintendent, with the approval of the treasurer of 117517  
state and the attorney general, shall prescribe the form of all 117518  
receipts and acknowledgments provided for by this section, and 117519  
upon request shall furnish a copy of each form, with the 117520  
superintendent's certification attached, to each qualified trustee 117521  
eligible to hold securities for safekeeping under this section. 117522

**Sec. 1111.06.** (A) Any person, other than a national bank with 117523  
trust powers or a federal savings association with trust powers, 117524  
proposing to solicit or engage in trust business in this state 117525  
shall apply to the superintendent of financial institutions to be 117526  
licensed as a trust company. The superintendent shall approve or 117527  
disapprove the application within sixty days after accepting it. 117528

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(B) In determining whether to approve or disapprove an 117530



application for a trust company license, the superintendent shall 117531  
consider all of the following: 117532

(1) Whether the applicant is a corporation described in 117533  
division (A)(1) of section 1111.02 of the Revised Code; 117534

(2) Whether the applicant's articles of incorporation or 117535  
association authorize the applicant to serve as a trustee; 117536

(3) If the applicant is not a state bank, ~~savings and loan~~ 117537  
~~association, or savings bank doing business under authority~~ 117538  
~~granted by the superintendent,~~ whether the applicant is currently 117539  
qualified to do and is engaging in trust business in the state or 117540  
country under the laws of which the applicant is organized; 117541

(4) Whether the applicant satisfies the requirements of 117542  
section 1111.05 of the Revised Code; 117543

(5) Whether it is reasonable to believe the applicant will 117544  
comply with applicable laws and observe sound fiduciary standards 117545  
in conducting trust business in this state; 117546

(6) If the applicant is not a state bank, ~~savings and loan~~ 117547  
~~association, or savings bank doing business under authority~~ 117548  
~~granted by the superintendent,~~ whether the applicant is subject to 117549  
comprehensive supervision and regulation of its fiduciary 117550  
activities by appropriate authorities of the state or country 117551  
under the laws of which the applicant is organized. 117552

(C) In approving an application for a trust company license, 117553  
the superintendent may impose any condition the superintendent 117554  
determines to be appropriate. 117555

(D) When an applicant has satisfied all prior conditions 117556  
imposed by the superintendent in approving the applicant's 117557  
application for a trust company license and has pledged securities 117558  
as required by section 1111.04 of the Revised Code, the 117559  
superintendent shall issue the applicant a trust company license. 117560

A license issued pursuant to this section shall remain in force 117561  
and effect until surrendered by the licensee pursuant to section 117562  
1111.31 of the Revised Code or suspended or revoked by the 117563  
superintendent pursuant to section 1111.32 of the Revised Code. 117564

**Sec. 1111.07.** (A) A trust company's license to solicit or 117565  
engage in trust business in this state is not transferable or 117566  
assignable. 117567

(B) Subject to section 2109.28 of the Revised Code, if any 117568  
trust company enters into a merger or consolidation in which the 117569  
trust company is not the surviving corporation, or transfers all 117570  
or substantially all of its assets and liabilities to another 117571  
corporation, the resulting, surviving, or transferee corporation 117572  
shall succeed the trust company as fiduciary as a matter of law 117573  
and without necessity to do anything further, if the resulting, 117574  
surviving, or transferee corporation is a trust company, or a 117575  
national bank or federal savings association authorized to accept 117576  
and execute trusts and doing business under authority granted by 117577  
the office of the comptroller of the currency, ~~or a federal~~ 117578  
~~savings association authorized to accept and execute trusts and~~ 117579  
~~doing business under authority granted by the office of thrift~~ 117580  
~~supervision~~. If the trust company is not the surviving corporation 117581  
of a merger, enters a consolidation, or after transferring 117582  
substantially all of its assets and liabilities ceases to solicit 117583  
or engage in trust business in this state, the trust company shall 117584  
surrender its trust company license in accordance with section 117585  
1111.31 of the Revised Code. 117586

**Sec. 1111.08.** (A) A trust company, or a national bank or 117587  
federal savings association authorized to accept and execute 117588  
trusts and doing business under authority granted by the office of 117589  
the comptroller of the currency, ~~or a federal savings association~~ 117590  
~~authorized to accept and execute trusts and doing business under~~ 117591

~~authority granted by the office of thrift supervision~~ may transfer 117592  
all or part of its trust business in this state to another trust 117593  
company, or to a national bank or federal savings association 117594  
authorized to accept and execute trusts and doing business under 117595  
authority granted by the office of the comptroller of the 117596  
currency, ~~or to a federal savings association authorized to accept~~ 117597  
~~and execute trusts and doing business under authority granted by~~ 117598  
~~the office of thrift supervision,~~ if all of the following have 117599  
occurred: 117600

(1) Not less than sixty days before consummation of the 117601  
transfer, either the transferor or transferee, or both, for each 117602  
fiduciary account or relationship to be transferred, has given 117603  
written notice, by regular mail to the most recent address shown 117604  
on the records of the transferor, to all of the following that 117605  
apply: 117606

(a) Each court having jurisdiction over the fiduciary account 117607  
or relationship; 117608

(b) Each cofiduciary of the fiduciary account or 117609  
relationship; 117610

(c) Each surviving settlor of the trust; 117611

(d) Each person that, alone or in conjunction with others, 117612  
has the power to remove the trust company as fiduciary or appoint 117613  
a successor fiduciary; 117614

(e) Except in the case of a trust described in section 401(a) 117615  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 117616  
U.S.C.A. 401(a), as amended, each adult beneficiary currently 117617  
receiving or entitled as a matter of right to receive a 117618  
distribution of principal or income from the trust, estate, or 117619  
fund; 117620

(f) In the case of a trust described in section 401(a) of the 117621  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 117622

401(a), as amended, the employer or employee organization, or 117623  
both, responsible for the maintenance of the trust. 117624

(2) The transferor has filed a certified copy of the 117625  
agreement for the sale with the superintendent of financial 117626  
institutions. 117627

(B)(1) The transfer of a fiduciary account or relationship 117628  
pursuant to division (A) of this section results in the transferee 117629  
being substituted for the transferor as fiduciary as a matter of 117630  
law and without necessity to do anything further. 117631

(2) The transfer of a fiduciary account or relationship 117632  
pursuant to division (A) of this section does neither of the 117633  
following: 117634

(a) Impair the right of any person that, alone or in 117635  
conjunction with others, has the power to remove a fiduciary or 117636  
appoint a successor fiduciary; 117637

(b) Absolve or discharge a transferor from any liability 117638  
arising out of its breach of any fiduciary duty or obligation to 117639  
the account prior to the transfer. 117640

**Sec. 1111.09.** (A)(1) A trust service office is any location 117641  
established by a trust company as a place for either of the 117642  
following: 117643

(a) Persons seeking the services of the trust company, or 117644  
information about those services, to contact representatives of 117645  
the trust company regarding the trust company's business. 117646

(b) The trust company's representatives to contact the trust 117647  
company's customers, or potential customers, and their 117648  
representatives. 117649

(2) None of the following is a trust service office: 117650

(a) Any location where a trust company conducts its 117651

operations but does not provide facilities for contact with its customers or contact by the public with the trust company;

(b) Any location that is the home or place of work or business or used for the convenience of the trust company's customer, potential customer, or a representative of a customer or potential customer where the trust company's representative's contact with its customer, potential customer, or a representative of a customer or potential customer is merely incidental to the purposes for which the location is maintained and to the activities conducted there;

(c) Any location where another person, including a financial institution, conducts its business and persons inquiring about trust services are merely referred to a trust company, even if referrals to a particular trust company are by exclusive arrangement and compensated.

(B) A trust company may, consistent with the trust company's safe and sound operation and the law, establish and maintain trust service offices at any location, including the following:

(1) If clearly identified and distinguished, at a location where another person, including a financial institution, also conducts business;

(2) If the trust company is a bank, savings and loan association, or savings bank, at any of its approved banking offices or main office or branches.

(C)(1) A trust company shall give notice in writing to the superintendent of financial institutions prior to establishing, relocating, or closing a trust service office in this state.

(2) A trust company that is a state bank ~~doing business under authority granted by the superintendent~~ also shall give notice in writing to the superintendent prior to establishing, relocating, or closing a trust service office outside this state.

~~Sec. 1103.01~~ 1113.01. A stock state banking corporation shall 117683  
be created, organized, and governed, ~~and~~ its business shall be 117684  
conducted, and its directors shall be chosen, in all respects in 117685  
the same manner as is provided by Chapters 1701. and 1704. of the 117686  
Revised Code, for corporations generally, to the extent that is 117687  
not inconsistent with this chapter, ~~Chapter~~ Chapters 1101. to 117688  
1111., and Chapters ~~1105.~~ 1114. to 1127. of the Revised Code. 117689

~~Sec. 1113.01~~ 1113.02. (A) Five or more natural persons, at 117690  
least one of whom is a resident of this state, may, with the 117691  
approval of the superintendent of financial institutions, 117692  
incorporate a stock state bank. 117693

(B) The persons proposing to incorporate a stock state bank 117694  
shall apply for approval of the proposed bank by submitting the 117695  
application prescribed by the superintendent, which application 117696  
shall include all of the following: 117697

(1) The proposed articles of incorporation and code of 117698  
regulations; 117699

(2) An application for reservation of a name in accordance 117700  
with section 1103.07 of the Revised Code, if reservation is 117701  
desired by the incorporators and has not been previously filed; 117702

(3) The location and a description of the proposed initial 117703  
banking office; 117704

(4) Information to demonstrate the proposed bank will satisfy 117705  
the requirements of division (C) of section 1113.03 and any other 117706  
provision of the Revised Code identified by the superintendent; 117707

(5) Any other information the superintendent requires. 117708

(C) Notwithstanding division (A) of this section, a 117709  
corporation may act as the sole incorporator of a stock state bank 117710  
if either of the following applies: 117711

(1) The corporation is registered with the board of governors 117712  
of the federal reserve system as a bank holding company; 117713

(2) The superintendent determines the corporation is 117714  
intending to form either of the following: 117715

(a) A stock state bank that functions solely in a trust or 117716  
fiduciary capacity and that meets all of the requirements set 117717  
forth in section 2(c)(2)(D) of the "Bank Holding Company Act of 117718  
1956," 70 Stat. 133, 12 U.S.C. 1841(c)(2)(D), as amended; 117719

(b) A stock state bank that engages only in credit card 117720  
operations, does not accept demand deposits or deposits that the 117721  
depositor may withdraw by check or similar means for payment to 117722  
third parties or others, does not accept any savings or time 117723  
deposit of less than one hundred thousand dollars, maintains only 117724  
one office that accepts deposits, and does not engage in the 117725  
business of making commercial loans. 117726

**Sec. 1113.03.** (A) Within ten days after receipt from the 117727  
superintendent of financial institutions of notice of acceptance 117728  
of an application for approval to incorporate a stock state bank, 117729  
the incorporators shall publish notice of the proposed 117730  
incorporation in a newspaper of general circulation in the county 117731  
where the bank's initial banking office is to be located. The 117732  
incorporators shall publish the notice once a week for two weeks 117733  
and furnish a certified copy of it to the superintendent. The 117734  
notice shall specify the name of the proposed bank, its location, 117735  
the amount of the proposed capital, the names of the 117736  
incorporators, the address of the superintendent, and the date by 117737  
which comments on the application must be filed with the 117738  
superintendent, which date shall be thirty days after the date of 117739  
the first publication of the notice. 117740

(B) If any comments on the application are filed with the 117741  
superintendent within the thirty-day period prescribed in division 117742

(A) of this section, the superintendent shall determine whether 117743  
the comments are relevant to the requirements for incorporation of 117744  
a stock state bank and, if so, investigate the comments in the 117745  
manner the superintendent considers appropriate. 117746

(C) The superintendent shall examine all of the facts 117747  
connected with the application to determine if all of the 117748  
following requirements are met: 117749

(1) The proposed articles of incorporation and code of 117750  
regulations, application for reservation of name, applicable fees, 117751  
and other items required meet the requirements of the Revised 117752  
Code. 117753

(2) The convenience and needs of the public will be served by 117754  
the proposed bank. 117755

(3) The population and economic characteristics of the area 117756  
primarily to be served afford reasonable promise of adequate 117757  
support for the proposed bank. 117758

(4) The competence, experience, and integrity of the proposed 117759  
directors and officers are such as to command the confidence of 117760  
the community and warrant the belief that the business of the 117761  
proposed bank will be honestly and efficiently conducted. 117762

(5) The capital of the proposed bank is adequate in relation 117763  
to the amount and character of the anticipated business of the 117764  
bank and the safety of prospective depositors. 117765

(D) Within one hundred eighty days following the date of 117766  
acceptance of the application, the superintendent shall approve or 117767  
disapprove the incorporation of the proposed bank upon the basis 117768  
of the examination. In giving approval, the superintendent may 117769  
impose conditions to be met prior to the issuance of a certificate 117770  
of authority to commence business under section 1113.09 of the 117771  
Revised Code. 117772



(E) If the superintendent approves the application, the superintendent shall make a certificate to that effect and forward the certificate and the articles of incorporation of the proposed bank to the secretary of state for filing.

**Sec. ~~1103.06~~ 1113.04.** (A) A stock state bank's articles of incorporation shall contain all of the following:

(1) The name of the bank;

(2) The place in this state where the bank's principal place of business is to be located;

(3) The purpose or purposes for which the bank is formed;

(4) The maximum number and the par value of shares the bank is authorized to have outstanding and their express terms, if any. The articles of incorporation shall not authorize shares without par value. If the shares are to be classified, the designation of each class, the number and par value of the shares of each class, and the express terms, if any, of the shares of each class shall be included.

(B) The articles of incorporation may also set forth any lawful provision for the purpose of defining, limiting, or regulating the exercise of the authority of the stock state bank, the incorporators, the directors, the officers, the shareholders, or the holders of any class of shares, and any provision that may be set forth in the bank's code of regulations.

**Sec. 1113.05.** (A) Before any subscription to shares has been received, the incorporators may, by unanimous written action and subject to ~~division (E)~~ the requirements of this section, adopt amendments to the stock state bank's articles of incorporation or amended articles of incorporation to change any provision of, or add any provision that may properly be included in, the articles of incorporation.

(B) Amended articles of incorporation shall set forth all provisions required in, and only provisions that may properly be in, original articles of incorporation or amendments to articles of incorporation at the time the amended articles of incorporation are adopted, and shall state that they supersede the existing articles of incorporation.

(C)(1) If the incorporators propose the adoption of any amendment to a stock state bank's articles of incorporation or amended articles of incorporation, the bank shall send to the superintendent of financial institutions a copy of the proposed amendment or amended articles of incorporation for review and approval prior to adoption by the incorporators.

(2) Upon receiving a proposed amendment or amended articles of incorporation, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if both of the following conditions are satisfied:

(a) The proposed amendment or amended articles of incorporation comply with the requirements of the Revised Code.

(b) The proposed amendment or amended articles of incorporation will not adversely affect the interests of the bank's depositors and creditors and the convenience and needs of the public.

(3) Within forty-five days after receiving the proposed amendment or amended articles of incorporation, the superintendent shall notify the bank of the superintendent's approval or disapproval unless the superintendent determines additional information is required. In that event, the superintendent shall request the information in writing within twenty days after the date the proposed amendment or amended articles of incorporation were received. The bank shall have thirty days to submit the information to the superintendent. The superintendent shall notify

the bank of the superintendent's approval or disapproval of the 117834  
proposed amendment or amended articles of incorporation within 117835  
forty-five days after the date the additional information is 117836  
received. If the proposed amendment or amended articles of 117837  
incorporation are disapproved by the superintendent, the 117838  
superintendent shall notify the bank of the reasons for the 117839  
disapproval. 117840

(4) If the superintendent fails to approve or disapprove the 117841  
proposed amendment or amended articles of incorporation within the 117842  
time period required under division (C)(3) of this section, the 117843  
proposed amendment or amended articles of incorporation shall be 117844  
considered approved. 117845

(5) If the proposed amendment or amended articles of 117846  
incorporation are approved, in no event shall that approval be 117847  
construed or represented as an affirmative endorsement of the 117848  
amendment or amended articles of incorporation by the 117849  
superintendent. 117850

(D)(1) Upon their adoption of any approved amendment to a 117851  
stock state bank's articles of incorporation, the incorporators 117852  
shall send to the superintendent ~~of financial institutions~~ a 117853  
certificate, signed by all the incorporators, containing a copy of 117854  
the resolution adopting the amendment and a statement of the 117855  
manner of and basis for its adoption. 117856

(2) Upon their adoption of approved amended articles of 117857  
incorporation, the incorporators shall send to the superintendent 117858  
a copy of the amended articles of incorporation, accompanied by a 117859  
certificate, signed by all the incorporators, containing a copy of 117860  
the resolution adopting the amended articles of incorporation and 117861  
a statement of the manner of and basis for its adoption. 117862

~~(D)~~(E) Upon receiving a certificate required by division 117863  
~~(C)~~(D) of this section, the superintendent shall conduct whatever 117864

examination the superintendent considers necessary to determine if 117865  
~~both of the following conditions are satisfied:~~ 117866

~~(1) The the manner of and basis for the adoption of the 117867  
amendment or amended articles of incorporation ~~and the manner of~~ 117868  
~~and basis for adoption~~ comply with the requirements of the Revised 117869  
Code:~~ 117870

~~(2) The amendment or amended articles of incorporation will 117871  
not adversely affect the interests of the bank's depositors and 117872  
creditors and the convenience and needs of the public. 117873~~

~~(E)(F)(1) Within ~~sixty~~ thirty days after receiving a 117874  
certificate required by division ~~(C)~~(D) of this section, the 117875  
superintendent shall approve or disapprove the amendment or 117876  
amended articles of incorporation. If the superintendent approves 117877  
the amendment or amended articles of incorporation, the 117878  
superintendent shall forward a certificate of that approval, a 117879  
copy of the certificate required by division ~~(C)~~(D) of this 117880  
section, and, ~~in the case of amended articles of incorporation,~~ 117881  
a copy of the amendment or amended articles of incorporation, to the 117882  
secretary of state, who shall file the documents. Upon filing by 117883  
the secretary of state, the amendment or amended articles of 117884  
incorporation shall be effective. 117885~~

(2) If the superintendent fails to approve or disapprove the 117886  
amendment or amended articles of incorporation within ~~sixty~~ thirty 117887  
days after receiving a certificate required by division ~~(C)~~(D) of 117888  
this section, the bank shall forward a copy of the certificate 117889  
and, ~~in the case of amended articles of incorporation,~~ a copy of 117890  
the amendment or amended articles of incorporation, to the 117891  
secretary of state, who shall file the documents. Upon filing by 117892  
the secretary of state, the amendment or amended articles of 117893  
incorporation shall be effective. 117894

**Sec. 1113.06.** (A) After the secretary of state has filed the 117895

articles of incorporation and certificate of approval of the 117896  
superintendent of financial institutions, the incorporators, or a 117897  
majority of them, shall order books to be opened for subscription 117898  
to the stock state bank's shares. An installment of not less than 117899  
ten per cent of the subscription price of each share shall be 117900  
payable at the time of making the subscription, and the balance 117901  
shall be payable as soon thereafter as the board of directors 117902  
requires. 117903

(B) When the stock state bank's shares have been fully 117904  
subscribed, the incorporators, or a majority of them, shall 117905  
certify this fact in writing to the superintendent. The 117906  
superintendent shall file the certification with the secretary of 117907  
state. 117908

(C) Upon their compliance with division (B) of this section, 117909  
at least a majority of the incorporators shall give not less than 117910  
ten days' notice in writing by mail to the shareholders who have 117911  
not waived the notice to meet at a specified time and place for 117912  
the purpose of adopting a code of regulations, electing directors, 117913  
and transacting any other business authorized by section 1113.08 117914  
of the Revised Code. The shareholders shall meet for those 117915  
purposes at the time and place specified. 117916

(D) The incorporators shall not receive any subscriptions for 117917  
shares after the election of directors. 117918

**Sec. 1113.08.** (A) A stock state bank organized under Chapter 117919  
1113. of the Revised Code shall not accept deposits, incur 117920  
indebtedness, or transact any business except business that is 117921  
incidental to its organization or to the obtaining of 117922  
subscriptions to or payment for its shares until the bank receives 117923  
a certificate of authority to commence business issued by the 117924  
superintendent of financial institutions. 117925

(B) The bank shall file a report with the superintendent when 117926

it has done everything required before it can be authorized to 117927  
commence business and when the subscriptions for the bank's shares 117928  
have been fully paid in, in the amounts fixed by the 117929  
superintendent. 117930

(C) Upon receipt of the report referred to in division (B) of 117931  
this section, the superintendent shall examine the affairs of the 117932  
bank and determine whether the bank has complied with all 117933  
requirements necessary to entitle it to engage in business. 117934

**Sec. 1113.09.** (A) The superintendent of financial 117935  
institutions shall issue a certificate of authority to commence 117936  
business if: 117937

(1) The superintendent is satisfied, based upon the 117938  
examination conducted pursuant to section 1113.08 of the Revised 117939  
Code and any other facts within the knowledge of the 117940  
superintendent, that the stock state bank is otherwise entitled to 117941  
commence business. 117942

(2) With respect to a stock state bank that, upon commencing 117943  
business, would be authorized to accept deposits other than trust 117944  
funds, the superintendent has received from the federal deposit 117945  
insurance corporation (FDIC) confirmation that the FDIC has 117946  
approved the bank's application to become an insured bank as 117947  
defined in section 3(h) of the "Federal Deposit Insurance Act," 92 117948  
Stat. 614 (1978), 12 U.S.C.A. 1813(h). A stock state bank is not 117949  
required to become an insured bank as defined in section 3(h) of 117950  
the "Federal Deposit Insurance Act" if, by the terms of its 117951  
articles of incorporation, it is not permitted to solicit or 117952  
accept deposits other than trust funds. 117953

(B) The bank shall cause the certificate of authority to 117954  
commence business to be published once a week for two successive 117955  
weeks in a newspaper of general circulation in the county where 117956  
the bank's initial banking office is located. 117957

(C) For purposes of this section, "trust funds" means funds held in a fiduciary capacity and includes, but is not limited to, funds held as trustee, executor, administrator, guardian, or agent.

**Sec. ~~1103.11~~ 1113.11.** (A) Each stock state bank shall have a code of regulations for its governance as a corporation, the conduct of its affairs, and the management of its property. The code of regulations shall be consistent with the law of this state and the bank's articles of incorporation.

~~(B) A bank's original code of regulations shall be adopted at a meeting of shareholders held for that purpose by the affirmative vote of the holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal.~~

~~(C) The shareholders may amend a bank's code of regulations or adopt a new code of regulations in any of the following ways:~~

~~(1) At a meeting of shareholders by the affirmative vote of the holders of shares entitling them to exercise a majority of the voting power of the bank on the proposal;~~

~~(2) Without a meeting by the written consent of the holders of shares entitling them to exercise two thirds of the voting power of the bank on the proposal;~~

~~(3) If the bank's articles of incorporation or code of regulations so provide or permit, by the affirmative vote or written consent of the holders of shares entitling them to exercise a greater or lesser proportion, but not less than a majority, of the voting power of the bank on the proposal.~~

~~(D) Notice of a shareholders' meeting to adopt any amendment to the code of regulations, or a new code of regulations, shall be given in the manner provided in section 1103.13 of the Revised Code. Notice by the incorporators of the first meeting of~~

~~shareholders in accordance with section 1113.06 of the Revised Code shall be sufficient for the adoption of the original code of regulations of a new bank.~~ 117988  
117989  
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~~(E) Without limiting the generality of this authority, the code of regulations may include provisions with respect to any of the following:~~ 117991  
117992  
117993

~~(1) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of shareholders;~~ 117994  
117995  
117996

~~(2) The taking of a record of shareholders or the temporary closing of books against transfers of shares;~~ 117997  
117998

~~(3) The number, classification, manner of fixing or changing the number, qualifications, term of office, and compensation or manner of fixing compensation of directors;~~ 117999  
118000  
118001

~~(4) The terms on which new certificates for shares may be issued in the place of lost, stolen, or destroyed certificates;~~ 118002  
118003

~~(5) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of the directors;~~ 118004  
118005  
118006

~~(6) The appointment and authority of an executive and other committees of the directors;~~ 118007  
118008

~~(7) The titles, qualifications, duties, term of office, compensation or manner of fixing compensation, and removal of officers;~~ 118009  
118010  
118011

~~(8) Defining, limiting, or regulating the exercise of the authority of the bank, the directors, the officers, or all the shareholders;~~ 118012  
118013  
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~~(9) The manner in and conditions upon which a certificated security, and the conditions upon which an uncertificated security, and the shares represented by a certificated or~~ 118015  
118016  
118017



~~uncertificated security, may be transferred, restrictions on the right to transfer the shares, and reservations of liens on the shares.~~

~~(F) Unless either a bank's articles of incorporation or code of regulations provides otherwise, if the code of regulations is to be amended or a new code of regulations is proposed for adoption without a meeting of the shareholders, at least ten days prior to the last day a shareholder may consent to or deny consent to the proposed amendments or new code of regulations, the secretary of the bank shall mail a copy of the proposed amendments or new code of regulations to each shareholder who would be entitled, as of the date of the mailing, to vote on the amendment or adoption.~~

~~(G) If the code of regulations is amended or a new code of regulations is adopted without a meeting of the shareholders, the secretary of the bank shall mail a copy of the amendment or the new code of regulations, or notice of the adoption of the amendment or new code of regulations, to each shareholder who would have been entitled to vote on the amendment or adoption.~~

**Sec. ~~1103.08~~ 1113.12.** (A) After subscriptions to shares have been received by the incorporators, the shareholders of a stock state bank may, subject to ~~division (H)~~ the requirements of this section, adopt amendments to the bank's articles of incorporation or adopt amended articles of incorporation to change any provision of, or add any provision that may properly be included in, the articles of incorporation.

(1) The shareholders may adopt an amendment to the bank's articles of incorporation or amended articles of incorporation at a meeting held for that purpose, as follows:

(a) By the affirmative vote of the holders of shares entitling them to exercise two-thirds of the voting power of the

bank on the proposal or, if the articles of incorporation provide 118049  
or permit, by the affirmative vote of a greater or lesser 118050  
proportion, but not less than a majority, of the voting power; 118051

(b) When the holders of shares of a particular class are 118052  
entitled to vote as a class, by the affirmative vote of the 118053  
holders of at least two-thirds or, if the articles of 118054  
incorporation provide or permit, a greater or lesser portion, but 118055  
not less than a majority, of the shares of the class. 118056

(2) The shareholders may adopt amended articles of 118057  
incorporation to consolidate the original articles of 118058  
incorporation and all previously adopted amendments to the 118059  
articles of incorporation at a meeting held for that purpose by 118060  
the affirmative vote of holders of shares entitling them to 118061  
exercise a majority of the voting power of the bank on the 118062  
proposal. 118063

(3) The shareholders may adopt an amendment to the bank's 118064  
articles of incorporation or amended articles of incorporation 118065  
without a meeting by the written consent of all of the holders of 118066  
shares who would be entitled to vote at a meeting held for that 118067  
purpose. 118068

(B) Any amendment or amended articles of incorporation of a 118069  
stock state bank that would eliminate cumulative voting rights, as 118070  
permitted by section 1701.69 of the Revised Code, shall not be 118071  
adopted if the votes of a sufficient number of shares are cast 118072  
against the amendment or amended articles of incorporation that, 118073  
if cumulatively voted at an election of all directors or all 118074  
directors of a particular class, would be sufficient, at the time 118075  
the shareholders vote on the proposal, to elect at least one 118076  
director. 118077

(C) The shareholders of a stock state bank may adopt an 118078  
amendment to the bank's articles of incorporation to authorize the 118079

purchase of the bank's shares, if the amendment states that the 118080  
superintendent of financial institutions must approve the purchase 118081  
in writing prior to each purchase of shares. 118082

(D) The shareholders of a stock state bank may adopt an 118083  
amendment to the bank's articles of incorporation to permit the 118084  
bank to have authorized and unissued shares or treasury shares ~~for~~ 118085  
~~any of the following purposes:~~ 118086

~~(1) Meeting conversion rights or options;~~ 118087

~~(2) Employee stock purchase or ownership plans;~~ 118088

~~(3) Mergers, consolidations, or other reorganizations, or~~ 118089  
~~acquisitions;~~ 118090

~~(4) The purchase of real estate the board of directors~~ 118091  
~~considers necessary or convenient for transaction of the bank's~~ 118092  
~~business;~~ 118093

~~(5) Any other specific purpose.~~ 118094

~~Shares shall be considered authorized for these purposes only~~ 118095  
~~if the shareholder resolutions authorizing the shares specifically~~ 118096  
~~state the purposes for which the shares are authorized. Shares~~ 118097  
~~authorized specifically for any of these purposes shall not be~~ 118098  
~~issued for any other purpose. Shares authorized for these purposes~~ 118099  
~~shall be deemed released from pre-emptive rights.~~ 118100

(E) Amended articles of incorporation shall set forth all 118101  
provisions required in, and only provisions that may properly be 118102  
in, original articles of incorporation or amendments to articles 118103  
of incorporation at the time the amended articles of incorporation 118104  
are adopted, and shall state that they supersede the existing 118105  
articles of incorporation. 118106

(F)(1) If the shareholders propose the adoption of any 118107  
amendment to a stock state bank's articles of incorporation or 118108  
amended articles of incorporation, the bank shall send to the 118109

superintendent a copy of the proposed amendment or amended 118110  
articles of incorporation for review and approval prior to 118111  
adoption by the shareholders. 118112

(2) Upon receiving a proposed amendment or amended articles 118113  
of incorporation, the superintendent shall conduct whatever 118114  
examination the superintendent considers necessary to determine if 118115  
both of the following conditions are satisfied: 118116

(a) The proposed amendment or amended articles of 118117  
incorporation comply with the requirements of the Revised Code. 118118

(b) The proposed amendment or amended articles of 118119  
incorporation will not adversely affect the interests of the 118120  
bank's depositors and creditors and the convenience and needs of 118121  
the public. 118122

(3) Within forty-five days after receiving the proposed 118123  
amendment or amended articles of incorporation, the superintendent 118124  
shall notify the bank of the superintendent's approval or 118125  
disapproval unless the superintendent determines additional 118126  
information is required. In that event, the superintendent shall 118127  
request the information in writing within twenty days after the 118128  
date the proposed amendment or amended articles of incorporation 118129  
were received. The bank shall have thirty days to submit the 118130  
information to the superintendent. The superintendent shall notify 118131  
the bank of the superintendent's approval or disapproval of the 118132  
proposed amendment or amended articles of incorporation within 118133  
forty-five days after the date the additional information is 118134  
received. If the proposed amendment or amended articles of 118135  
incorporation are disapproved by the superintendent, the 118136  
superintendent shall notify the bank of the reasons for the 118137  
disapproval. 118138

(4) If the superintendent fails to approve or disapprove the 118139  
proposed amendment or amended articles of incorporation within the 118140

time period required under division (F)(3) of this section, the 118141  
proposed amendment or amended articles of incorporation shall be 118142  
considered approved. 118143

(5) If the proposed amendment or amended articles of 118144  
incorporation are approved, in no event shall that approval be 118145  
construed or represented as an affirmative endorsement of the 118146  
amendment or amended articles of incorporation by the 118147  
superintendent. 118148

(G)(1) Upon adoption by the shareholders of any approved 118149  
amendment to a stock state bank's articles of incorporation, the 118150  
bank shall send to the superintendent a certificate containing a 118151  
copy of the shareholders' resolution adopting the amendment and a 118152  
statement of the manner of its adoption. If the directors proposed 118153  
the amendment, the certificate shall include a copy of the 118154  
resolution adopted by the directors to propose the amendment to 118155  
the shareholders. The certificate shall be signed by ~~bank officers~~ 118156  
the bank's authorized representatives in accordance with section 118157  
1103.19 of the Revised Code. 118158

(2) Upon adoption by the shareholders of approved amended 118159  
articles of incorporation, the bank shall send to the 118160  
superintendent a copy of the amended articles of incorporation, 118161  
accompanied by a certificate containing a copy of the 118162  
shareholders' resolution adopting the amended articles of 118163  
incorporation and a statement of the manner of its adoption. If 118164  
the directors proposed the amended articles of incorporation, the 118165  
certificate shall include a copy of the resolution adopted by the 118166  
directors to propose the amended articles of incorporation to the 118167  
shareholders. The certificate shall be signed by ~~bank officers~~ the 118168  
bank's authorized representatives in accordance with section 118169  
1103.19 of the Revised Code. 118170

~~(G)~~(H) Upon receiving a certificate required by division 118171  
~~(F)~~(G) of this section, the superintendent shall conduct whatever 118172

examination the superintendent considers necessary to determine if 118173  
~~both of the following conditions are satisfied:~~ 118174

~~(1) The the manner of adoption of the amendment or amended 118175  
articles of incorporation ~~and the manner of adoption comply~~ 118176  
complies with the requirements of the Revised Code:~~ 118177

~~(2) The amendment or amended articles of incorporation will 118178  
not adversely affect the interests of the bank's depositors and 118179  
creditors and the convenience and needs of the public.~~ 118180

~~(H)(I)(1) Within ~~sixty~~ thirty days after receiving a 118181  
certificate required by division ~~(F)~~(G) of this section, the 118182  
superintendent shall approve or disapprove the amendment or 118183  
amended articles of incorporation. If the superintendent approves 118184  
the amendment or amended articles of incorporation, the 118185  
superintendent shall forward a certificate of that approval, a 118186  
copy of the certificate required by division ~~(F)~~(G) of this 118187  
section, and, ~~in the case of amended articles of incorporation,~~ a 118188  
copy of the amendment or amended articles of incorporation, to the 118189  
secretary of state, who shall file the documents. Upon filing by 118190  
the secretary of state, the amendment or amended articles of 118191  
incorporation shall be effective.~~ 118192

(2) If the superintendent fails to approve or disapprove the 118193  
amendment or amended articles of incorporation within ~~sixty~~ thirty 118194  
days after receiving a certificate required by division ~~(F)~~(G) of 118195  
this section, the bank shall forward a copy of the certificate 118196  
and, ~~in the case of amended articles of incorporation,~~ a copy of 118197  
the amendment or amended articles of incorporation, to the 118198  
secretary of state, who shall file the documents. Upon filing by 118199  
the secretary of state, the amendment or amended articles of 118200  
incorporation shall be effective. 118201

**Sec. ~~1103.09~~ 1113.13.** (A) After subscriptions to shares have 118202  
been received by the incorporators, the board of directors of a 118203

stock state bank may, subject to ~~division (F)~~ the requirements of 118204  
this section, adopt amendments to the bank's articles of 118205  
incorporation to do any of the following: 118206

(1) Authorize the shares necessary to meet conversion or 118207  
option rights when all of the following apply: 118208

(a) The bank has issued shares of one class convertible into 118209  
shares of another class or obligations convertible into shares of 118210  
the bank, or has granted options to purchase shares. 118211

(b) The conversion or option rights are set forth in the 118212  
articles of incorporation or have been approved by the same vote 118213  
of shareholders as, at the time of the approval, would have been 118214  
required to amend the articles of incorporation to authorize the 118215  
shares required for that purpose. 118216

(c) The bank does not have sufficient authorized and unissued 118217  
shares available to satisfy the conversion or option rights. 118218

(2) Reduce the authorized number of shares of a class by the 118219  
number of shares of that class that have been redeemed, or have 118220  
been surrendered to or acquired by the bank upon conversion, 118221  
exchange, purchase, or otherwise, or to eliminate from the 118222  
articles of incorporation all references to the shares of a class, 118223  
and to make any other change required, when all of the authorized 118224  
shares of that class have been redeemed, or surrendered to or 118225  
acquired by the bank; 118226

(3) Reduce the authorized number of shares of a class by the 118227  
number of shares of that class that were canceled, ~~pursuant to~~ 118228  
~~section 1107.07 of the Revised Code~~, for not being issued or 118229  
reissued and for not being fully paid in within one year after the 118230  
date they were authorized or otherwise became authorized and 118231  
unissued shares. 118232

(B) The board of directors of a stock state bank may adopt 118233  
amended articles of incorporation to consolidate the original 118234

articles of incorporation and all previously adopted amendments to 118235  
the articles of incorporation that are in force at the time. 118236

(C) Amended articles of incorporation shall set forth all 118237  
provisions required in, and only provisions that may properly be 118238  
in, original articles of incorporation or amendments to articles 118239  
of incorporation at the time the amended articles of incorporation 118240  
are adopted, and shall state that they supersede the existing 118241  
articles of incorporation. 118242

(D)(1) If the board of directors propose the adoption of any 118243  
amendment to a stock state bank's articles of incorporation or 118244  
amended articles of incorporation, the bank shall send to the 118245  
superintendent of financial institutions a copy of the proposed 118246  
amendment or amended articles of incorporation for review and 118247  
approval prior to adoption by the board. 118248

(2) Upon receiving a proposed amendment or amended articles 118249  
of incorporation, the superintendent shall conduct whatever 118250  
examination the superintendent considers necessary to determine if 118251  
both of the following conditions are satisfied: 118252

(a) The proposed amendment or amended articles of 118253  
incorporation comply with the requirements of the Revised Code. 118254

(b) The proposed amendment or amended articles of 118255  
incorporation will not adversely affect the interests of the 118256  
bank's depositors and creditors. 118257

(3) Within forty-five days after receiving the proposed 118258  
amendment or amended articles of incorporation, the superintendent 118259  
shall notify the bank of the superintendent's approval or 118260  
disapproval unless the superintendent determines additional 118261  
information is required. In that event, the superintendent shall 118262  
request the information in writing within twenty days after the 118263  
date the proposed amendment or amended articles of incorporation 118264  
were received. The bank shall have thirty days to submit the 118265



information to the superintendent. The superintendent shall notify 118266  
the bank of the superintendent's approval or disapproval of the 118267  
proposed amendment or amended articles of incorporation within 118268  
forty-five days after the date the additional information is 118269  
received. If the proposed amendment or amended articles of 118270  
incorporation are disapproved by the superintendent, the 118271  
superintendent shall notify the bank of the reasons for the 118272  
disapproval. 118273

(4) If the superintendent fails to approve or disapprove the 118274  
proposed amendment or amended articles of incorporation within the 118275  
time period required by division (D)(3) of this section, the 118276  
proposed amendment or amended articles of incorporation shall be 118277  
considered approved. 118278

(5) If the proposed amendment or amended articles of 118279  
incorporation are approved, in no event shall that approval be 118280  
construed or represented as an affirmative endorsement of the 118281  
amendment or amended articles of incorporation by the 118282  
superintendent. 118283

(E)(1) Upon adoption by the board of directors of any 118284  
approved amendment to a stock state bank's articles of 118285  
incorporation, the bank shall send to the superintendent of 118286  
~~financial institutions~~ a certificate containing a copy of the 118287  
directors' resolution adopting the amendment and a statement of 118288  
the manner of and basis for its adoption. The certificate shall be 118289  
signed by ~~bank officers~~ the bank's authorized representatives in 118290  
accordance with section 1103.19 of the Revised Code. 118291

(2) Upon adoption by the board of directors of approved 118292  
amended articles of incorporation, the bank shall send to the 118293  
superintendent a copy of the amended articles of incorporation, 118294  
accompanied by a certificate containing a copy of the directors' 118295  
resolution adopting the amended articles of incorporation and a 118296  
statement of the manner of and basis for its adoption. The 118297

certificate shall be signed by ~~bank officers~~ the bank's authorized 118298  
representatives in accordance with section 1103.19 of the Revised 118299  
Code. 118300

~~(E)~~(F) Upon receiving a certificate required by division 118301  
~~(D)~~(E) of this section, the superintendent shall conduct whatever 118302  
examination the superintendent considers necessary to determine if 118303  
~~both of the following conditions are satisfied:~~ 118304

~~(1) The~~ the manner of and basis for adoption of the amendment 118305  
or amended articles of incorporation ~~and the manner of and basis~~ 118306  
~~for adoption~~ comply with the requirements of the Revised Code: 118307

~~(2) The amendment or amended articles of incorporation will~~ 118308  
~~not adversely affect the interests of the bank's depositors and~~ 118309  
~~creditors and the convenience and needs of the public.~~ 118310

~~(F)~~(G)(1) Within ~~sixty~~ thirty days after receiving a 118311  
certificate required by division ~~(D)~~(E) of this section, the 118312  
superintendent shall approve or disapprove the amendment or 118313  
amended articles of incorporation. If the superintendent approves 118314  
the amendment or amended articles of incorporation, the 118315  
superintendent shall forward a certificate of that approval, a 118316  
copy of the certificate required by division ~~(D)~~(E) of this 118317  
section, and, ~~in the case of amended articles of incorporation,~~ 118318  
a copy of the amendment or amended articles of incorporation, 118319  
to the secretary of state, who shall file the documents. Upon filing by 118320  
the secretary of state, the amendment or amended articles of 118321  
incorporation shall be effective. 118322

(2) If the superintendent fails to approve or disapprove the 118323  
amendment or amended articles of incorporation within ~~sixty~~ thirty 118324  
days after receiving a certificate required by division ~~(D)~~(E) of 118325  
this section, the bank shall forward a copy of the certificate 118326  
and, ~~in the case of amended articles of incorporation,~~ a copy of 118327  
the amendment or amended articles of incorporation, to the 118328

secretary of state, who shall file the documents. Upon filing by 118329  
the secretary of state, the amendment or amended articles of 118330  
incorporation shall be effective. 118331

**Sec. ~~1103.13~~ 1113.14.** (A) A stock state bank's shareholders 118332  
shall hold an annual meeting in accordance with this section and 118333  
the bank's articles of incorporation and code of regulations. The 118334  
purposes of the annual meeting shall include the election of 118335  
directors and the presentation of the financial statements. 118336

(B) The financial statements presented at the annual meeting 118337  
shall satisfy the requirements of one of the following: 118338

(1) The basic financial information required to be made 118339  
available to shareholders of a stock state bank prior to the 118340  
annual meeting pursuant to section ~~1103.14~~ 1113.15 of the Revised 118341  
Code; 118342

(2) The financial statements required to be presented at the 118343  
annual meeting of a corporation pursuant to section 1701.38 of the 118344  
Revised Code; 118345

(3) The financial statements required under federal law for a 118346  
bank subject to the registration requirements of section 12 of the 118347  
"Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 781, 118348  
as amended. 118349

(C) ~~Written notice stating the time, place, and purpose or~~ 118350  
~~purposes of any meeting~~ Meetings of the shareholders shall be 118351  
~~given either by personal delivery or by first class mail not less~~ 118352  
~~than seven nor more than sixty days before the date of the~~ 118353  
~~meeting, unless the articles of incorporation or the code of~~ 118354  
~~regulations specify a longer period, to each shareholder of record~~ 118355  
~~entitled to notice of the meeting. The notice shall be given by or~~ 118356  
~~at the direction of the president, a vice president, the~~ 118357  
~~secretary, any two directors, or any other officer designated by~~ 118358

~~the bank's code of regulations. If notice is given by mail, the notice shall be addressed to the shareholder at the address as it appears on the records of the bank, and shall be deemed to have been given when deposited in the mail. In computing the period of time for the giving of notice required under this division, the date on which the notice is given shall be excluded, and the day of the meeting shall be included~~ may be called for any of the reasons and in the manner set forth in section 1701.40 of the Revised Code. Notice of adjournment of a meeting need not be given if the time and place to which it is adjourned are fixed and announced at the meeting any meeting shall be provided in accordance with section 1701.41 of the Revised Code.

(D) The requirements of this section shall not apply with respect to annual or special meetings of shareholders of a stock state bank that is wholly owned, except for directors' qualifying shares, if any, by a bank holding company or savings and loan holding company.

**Sec. ~~1103.14~~ 1113.15.** (A) Prior to each annual meeting of its shareholders, each stock state bank shall make basic financial information available to its shareholders in accordance with this section unless the bank is either of the following:

(1) Subject to the registration requirements of section 12 of the "Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 781, as amended.

(2) Wholly owned, except for directors' qualifying shares, by a bank holding company.

(B) The basic financial information required to be made available under this section shall include, at a minimum, information substantially similar to both of the following:

(1) Those portions of the consolidated reports of income made

to the superintendent of financial institutions for each of the 118389  
two preceding full years covering all of the following: 118390

(a) Sources and disposition of income; 118391

(b) Changes in equity capital; 118392

(c) Allowance for possible loan losses. 118393

(2) The balance sheet portion of the consolidated reports of 118394  
condition made to the superintendent at the end of each of the two 118395  
preceding years. 118396

(C) The bank may present the basic financial information in 118397  
any format it determines suitable, including copies of the 118398  
relevant portions of the consolidated reports of condition and 118399  
income or an annual report. 118400

(D) The bank shall make the basic financial information 118401  
available by doing either of the following: 118402

(1) Sending the information to each shareholder prior to, or 118403  
concurrently with, the notice of the annual meeting of 118404  
shareholders; 118405

(2) Including in, or sending with, the notice of the annual 118406  
meeting of shareholders a statement indicating that basic 118407  
financial information concerning the bank for the two years 118408  
preceding the meeting may be obtained from the bank without 118409  
charge, accompanied by the address, telephone number, and name or 118410  
title of the bank employee or officer whom shareholders should 118411  
contact for the information, and promptly mailing, delivering, or 118412  
otherwise sending the information to any shareholder who requests 118413  
it. 118414

**Sec. ~~1103.15~~ 1113.16.** Each Except as otherwise expressly 118415  
provided in the terms for any class of shares issued by a stock 118416  
state bank, every holder of a the bank's voting shares, in 118417  
elections of directors and in deciding other questions at meetings 118418

of shareholders, is entitled to one vote for each share held and 118419  
shall not accumulate the votes unless otherwise provided in the 118420  
articles of incorporation. Any shareholder eligible to vote may 118421  
vote by proxy authorized in writing. An appointment of a proxy 118422  
shall expire in accordance with division (C) of section 1701.48 of 118423  
the Revised Code. Unless the articles of incorporation, the code 118424  
of regulations, or the contract of subscription otherwise 118425  
provides, a subscriber for authorized shares is a shareholder for 118426  
the purposes of this section, but no shares upon which an 118427  
installment of the purchase price is overdue and unpaid shall be 118428  
voted. 118429

**Sec. ~~1103.16~~ 1113.17.** (A) Each stock state bank shall keep 118430  
correct and complete books and records of account, together with 118431  
records of the proceedings, including minutes of any meetings, of 118432  
its incorporators, shareholders, directors, and committees of the 118433  
directors, and records of its shareholders showing their names and 118434  
addresses and the number and class of shares issued or transferred 118435  
of record to or by them from time to time. 118436

(B) Upon request of any shareholder eligible to attend and 118437  
vote at any meeting of the bank's shareholders, the board of 118438  
directors shall produce at the meeting an alphabetically arranged 118439  
list, or classified lists, of the shareholders of record as of the 118440  
applicable record date, showing their respective addresses and the 118441  
number and class of shares held by each, and certified by the 118442  
officer or agent responsible for registering issues and transfers 118443  
of shares. The list or lists, certified by the officer or agent, 118444  
shall be prima facie evidence of the facts shown in the list or 118445  
lists. 118446

(C) Any shareholder of the bank, upon written demand stating 118447  
the specific purpose of the demand, has the right to examine in 118448  
person or by agent or attorney at any reasonable time and for any 118449

reasonable and proper purpose, the books and records of the bank, 118450  
except books and records of deposit, agency or fiduciary accounts, 118451  
loan records, and other records relating to customer services or 118452  
transactions. 118453

(D) The authority granted under Title XI of the Revised Code 118454  
to inspect the books and records of a stock state bank shall apply 118455  
solely to the superintendent of financial institutions and to the 118456  
shareholders of record of the bank. 118457

Sec. 1114.01. A mutual state bank and the rights and 118458  
liabilities of its members shall be governed by its articles of 118459  
incorporation, code of regulations, and bylaws and by this 118460  
chapter. 118461

Sec. 1114.02. (A) Five or more natural persons, at least one 118462  
of whom is a resident of this state, may, with the approval of the 118463  
superintendent of financial institutions, incorporate a mutual 118464  
state bank. 118465

(B) The persons proposing to incorporate a mutual state bank 118466  
shall apply for approval to incorporate the bank by submitting the 118467  
application prescribed by the superintendent, which application 118468  
shall include all of the following: 118469

(1) The proposed articles of incorporation and code of 118470  
regulations; 118471

(2) An application for reservation of a name in accordance 118472  
with section 1103.07 of the Revised Code, if reservation is 118473  
desired by the incorporators and has not been previously filed; 118474

(3) The location and a description of the proposed initial 118475  
banking office; 118476

(4) Information to demonstrate the proposed bank will satisfy 118477  
the requirements of division (C) of section 1114.03 and any other 118478

provision of the Revised Code identified by the superintendent; 118479

(5) Any other information the superintendent requires. 118480

Sec. 1114.03. (A) Within ten days after receipt from the 118481  
superintendent of financial institutions of notice of acceptance 118482  
of an application for approval to incorporate a mutual state bank, 118483  
the incorporators shall publish notice of the proposed 118484  
incorporation in a newspaper of general circulation in the county 118485  
where the bank's initial banking office is to be located. The 118486  
incorporators shall publish the notice once a week for two weeks 118487  
and furnish a certified copy of it to the superintendent. The 118488  
notice shall specify the name of the proposed bank, its location, 118489  
the amount of the proposed capital, the names of the 118490  
incorporators, the address of the superintendent, and the date by 118491  
which comments on the application must be filed with the 118492  
superintendent, which date shall be thirty days after the date of 118493  
the first publication of the notice. 118494

(B) If any comments on the application are filed with the 118495  
superintendent within the thirty-day period prescribed in division 118496  
(A) of this section, the superintendent shall determine whether 118497  
the comments are relevant to the requirements for incorporation of 118498  
a mutual state bank and, if so, investigate the comments in the 118499  
manner the superintendent considers appropriate. 118500

(C) The superintendent shall examine all of the facts 118501  
connected with the application to determine if all of the 118502  
following requirements are met: 118503

(1) The proposed articles of incorporation and code of 118504  
regulations, application for reservation of name, applicable fees, 118505  
and other items required meet the requirements of the Revised 118506  
Code. 118507

(2) The population and economic characteristics of the area 118508



primarily to be served afford reasonable promise of adequate support for the proposed bank. 118509  
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(3) The competence, experience, and integrity of the proposed directors and officers are such as to command the confidence of the community and warrant the belief that the business of the proposed bank will be honestly and efficiently conducted. 118511  
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(4) The capital of the proposed bank is adequate in relation to the amount and character of the anticipated business of the bank and the safety of prospective depositors. 118515  
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(D) Within one hundred eighty days following the date of acceptance of the application, the superintendent shall approve or disapprove the incorporation of the proposed bank upon the basis of the examination. In giving approval, the superintendent may impose conditions to be met prior to the issuance of a certificate of authority to commence business under section 1114.07 of the Revised Code. 118518  
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(E) If the superintendent approves the application, the superintendent shall make a certificate to that effect and forward the certificate and the articles of incorporation of the proposed bank to the secretary of state for filing. 118525  
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**Sec. 1114.04.** (A) A mutual state bank's articles of incorporation shall contain all of the following: 118529  
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(1) The name of the bank; 118531

(2) The place in this state where the bank's principal place of business is to be located; 118532  
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(3) The purpose or purposes for which the bank is formed. 118534

(B) The articles of incorporation may also set forth any lawful provision for the purpose of defining, limiting, or regulating the exercise of the authority of the bank, the incorporators, the directors, the officers, the members, and any 118535  
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provision that may be set forth in the bank's code of regulations. 118539

**Sec. 1114.05.** (A) As used in the section, "authorized capital" means the initial funding required to organize a mutual state bank. 118540  
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(B) The authorized capital of a mutual state bank shall be of such amount as the superintendent of financial institutions may determine based upon the amount and character of the anticipated business of the bank and the safety of prospective depositors. In addition, the superintendent may, in the superintendent's discretion, fix the amount of the expense fund for operating losses to be created by nonrefundable contributions. 118543  
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(C) The organization of the mutual state bank may be completed when a sum equal to five per cent of the authorized capital, as determined by the superintendent, is paid in and the names and addresses of its officers, its code of regulations, and its bylaws have been filed with and approved by the superintendent. 118550  
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(D) Five years after the mutual state bank commences business, any remaining balance in the expense fund shall be transferred to retained earnings, if the bank is on a profitable operating basis as determined by the superintendent. 118556  
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**Sec. 1114.06.** (A) A mutual state bank organized under this chapter shall not accept deposits, incur indebtedness, or transact any business other than business that is incidental to its organization until the bank receives a certificate of authority to commence business issued by the superintendent of financial institutions under section 1114.07 of the Revised Code. 118560  
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(B) The bank shall file a report with the superintendent when it has done everything required by the superintendent before it can be authorized to commence business. 118566  
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(C) Upon receipt of the report referred to in division (B) of this section, the superintendent shall examine the affairs of the bank and determine whether the bank has complied with all of the requirements necessary to entitle it to engage in business. 118569  
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**Sec. 1114.07.** (A) The superintendent of financial institutions shall issue a certificate of authority to commence business if both of the following conditions are met: 118573  
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(1) The superintendent is satisfied, based upon the examination conducted pursuant to section 1114.06 of the Revised Code and any other facts within the knowledge of the superintendent, that the mutual state bank is otherwise entitled to commence business. 118576  
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(2) The superintendent has received from the federal deposit insurance corporation written confirmation that it has approved the bank's application to become an insured bank as defined in section 3(h) of the "Federal Deposit Insurance Act," 92 Stat. 614 (1978), 12 U.S.C. 1813(h), as amended. 118581  
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(B) The mutual state bank shall cause the certificate of authority to commence business to be published once a week for two consecutive weeks in a newspaper of general circulation in the county where the bank's initial banking office is located. 118586  
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**Sec. 1114.08.** (A) A depositor of a mutual state bank shall be a voting member and shall have such ownership interest in the bank as may be provided in the terms and conditions set forth in the articles of incorporation, code of regulations, and bylaws of the bank. 118590  
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(B) The code of regulations of a mutual state bank may provide that all borrowers from the bank are members and, if so, shall provide for their rights and privileges. 118595  
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(C)(1) Unless otherwise provided in the articles of 118598

incorporation or code of regulations, a proxy granted by a 118599  
depositor to the officers and directors of a mutual state bank 118600  
shall expire on the date specified in the proxy. If no date is so 118601  
specified, the authority granted by the proxy shall be perpetual. 118602

(2) On and after the effective date of this section, the 118603  
writing or verifiable communication appointing a proxy shall be 118604  
separate and distinct from any deposit agreement, loan agreement, 118605  
or any other agreement, statement, document, or disclosure 118606  
provided by a mutual state bank to a depositor. 118607

**Sec. 1114.09.** (A) Before any member deposits have been 118608  
received, the incorporators may, by unanimous written action and 118609  
subject to the requirements of this section, adopt amendments to 118610  
the mutual state bank's articles of incorporation or amended 118611  
articles of incorporation to change any provision of, or add any 118612  
provision that may properly be included in, the articles of 118613  
incorporation. 118614

(B) Amended articles of incorporation shall set forth all 118615  
provisions required in, and only provisions that may properly be 118616  
in, original articles of incorporation or amendments to articles 118617  
of incorporation at the time the amended articles of incorporation 118618  
are adopted, and shall state that they supersede the existing 118619  
articles of incorporation. 118620

(C)(1) If the incorporators propose the adoption of any 118621  
amendment to a mutual state bank's articles of incorporation or 118622  
amended articles of incorporation, the bank shall send to the 118623  
superintendent of financial institutions a copy of the proposed 118624  
amendment or amended articles of incorporation for review and 118625  
approval prior to adoption by the incorporators. 118626

(2) Upon receiving a proposed amendment or amended articles 118627  
of incorporation, the superintendent shall conduct whatever 118628  
examination the superintendent considers necessary to determine if 118629

both of the following conditions are satisfied: 118630

(a) The proposed amendment or amended articles of 118631  
incorporation comply with the requirements of the Revised Code. 118632

(b) The proposed amendment or amended articles of 118633  
incorporation will not adversely affect the interests of the 118634  
bank's depositors and creditors. 118635

(3) Within forty-five days after receiving the proposed 118636  
amendment or amended articles of incorporation, the superintendent 118637  
shall notify the bank of the superintendent's approval or 118638  
disapproval of the proposed amendment or amended articles of 118639  
incorporation unless the superintendent determines additional 118640  
information is required. In that event, the superintendent shall 118641  
request the information in writing within twenty days after the 118642  
date the proposed amendment or amended articles of incorporation 118643  
were received. The bank shall have thirty days to submit the 118644  
information to the superintendent. The superintendent shall notify 118645  
the bank of the superintendent's approval or disapproval of the 118646  
proposed amendment or amended articles of incorporation within 118647  
forty-five days after the date the additional information is 118648  
received. If the proposed amendment or amended articles of 118649  
incorporation are disapproved by the superintendent, the 118650  
superintendent shall notify the bank of the reasons for the 118651  
disapproval. 118652

(4) If the superintendent fails to approve or disapprove the 118653  
proposed amendment or amended articles of incorporation within the 118654  
time period required under division (C)(3) of this section, the 118655  
proposed amendment or amended articles of incorporation shall be 118656  
considered approved. 118657

(5) If the proposed amendment or amended articles of 118658  
incorporation are approved, in no event shall that approval be 118659  
construed or represented as an affirmative endorsement of the 118660

amendment or amended articles of incorporation by the 118661  
superintendent. 118662

(D)(1) Upon their adoption of any approved amendment to a 118663  
mutual state bank's articles of incorporation, the incorporators 118664  
shall send to the superintendent a certificate, signed by all the 118665  
incorporators, containing a copy of the resolution adopting the 118666  
amendment and a statement of the manner of and basis for its 118667  
adoption. 118668

(2) Upon their adoption of approved amended articles of 118669  
incorporation, the incorporators shall send to the superintendent 118670  
a copy of the amended articles of incorporation, accompanied by a 118671  
certificate, signed by all the incorporators, containing a copy of 118672  
the resolution adopting the amended articles of incorporation and 118673  
a statement of the manner of and basis for its adoption. 118674

(E) Upon receiving a certificate required by division (D) of 118675  
this section, the superintendent shall conduct whatever 118676  
examination the superintendent considers necessary to determine if 118677  
the manner of and basis for the adoption of the amendment or 118678  
amended articles of incorporation comply with the requirements of 118679  
the Revised Code. 118680

(F)(1) Within thirty days after receiving a certificate 118681  
required by division (D) of this section, the superintendent shall 118682  
approve or disapprove the amendment or amended articles of 118683  
incorporation. If the superintendent approves the amendment or 118684  
amended articles of incorporation, the superintendent shall 118685  
forward a certificate of that approval, a copy of the certificate 118686  
required by division (D) of this section, and a copy of the 118687  
amendment or amended articles of incorporation to the secretary of 118688  
state, who shall file the documents. Upon filing by the secretary 118689  
of state, the amendment or amended articles of incorporation shall 118690  
be effective. 118691

(2) If the superintendent fails to approve or disapprove the amendment or amended articles of incorporation within thirty days after receiving a certificate required by division (D) of this section, the bank shall forward a copy of the certificate and a copy of the amendment or amended articles of incorporation to the secretary of state, who shall file the documents. Upon filing by the secretary of state, the amendment or amended articles of incorporation shall be effective. 118692  
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**Sec. 1114.10.** Each mutual state bank shall have a code of regulations for its governance as a corporation, the conduct of its affairs, and the management of its property. The code of regulations shall be consistent with the law of this state and the bank's articles of incorporation. 118700  
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**Sec. 1114.11.** (A)(1) The code of regulations of a mutual state bank may provide for the amendment of its articles of incorporation or code of regulations, or the adoption of amended articles of incorporation or code of regulations, at any meeting of the members for which notice has been properly given in accordance with section 1114.12 of the Revised Code. The amendment or amended articles of incorporation or code of regulations shall be adopted by a two-thirds vote of the votes cast in person or by proxy at the meeting or, if the articles of incorporation or code of regulations provide or permit, by the affirmative vote of a greater or lesser proportion, but not less than a majority, of the voting members represented at such meeting. The number of votes that each member may cast shall be determined by the code of regulations. 118705  
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(2) Unless precluded by its articles of incorporation or code of regulations, a mutual state bank may adopt an amendment to its articles of incorporation or code of regulations, or amended articles of incorporation or code of regulations, at any meeting 118719  
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authorized in writing by a majority of its members of record if 118723  
all of the following conditions are met: 118724

(a) Notice of the meeting is given in accordance with section 118725  
1114.12 of the Revised Code. 118726

(b) The notice of the proposed action to be taken at the 118727  
meeting is in a form approved by the superintendent of financial 118728  
institutions. 118729

(c) The proposed action is approved by a two-thirds vote of 118730  
the votes cast authorizing the meeting. 118731

(d) A majority of the members of record are present in person 118732  
or by proxy at the meeting. 118733

(B) The board of directors of a mutual state bank may adopt 118734  
amended articles of incorporation or code of regulations to 118735  
consolidate the original articles of incorporation or code of 118736  
regulations and all previously adopted amendments to the articles 118737  
of incorporation or code of regulations that are in force at the 118738  
time. 118739

(C)(1) Amended articles of incorporation shall set forth all 118740  
provisions required in, and only provisions that may properly be 118741  
in, original articles of incorporation or amendments to articles 118742  
of incorporation at the time the amended articles of incorporation 118743  
are adopted, and shall state that they supersede the existing 118744  
articles of incorporation. 118745

(2) An amended code of regulations shall set forth all 118746  
provisions required in, and only provisions that may properly be 118747  
in, an original code of regulations or amendments to a code of 118748  
regulations at the time the amended code of regulations is 118749  
adopted, and shall state that it supersedes the existing code of 118750  
regulations. 118751

(D)(1) If the members or board of directors propose the 118752



adoption of any amendment to the mutual state bank's articles of incorporation or code of regulations, or amended articles of incorporation or amended code of regulations, the bank shall send to the superintendent a copy of the proposed amendment, or the proposed amended articles of incorporation or code of regulations, for review and approval prior to adoption by the members or directors. 118753  
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(2) Upon receiving a proposed amendment or proposed amended articles of incorporation or code of regulations, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if both of the following conditions are satisfied: 118760  
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(a) The proposed amendment or amended articles of incorporation or code of regulations comply with the requirements of the Revised Code. 118765  
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(b) The proposed amendment or amended articles of incorporation or code of regulations will not adversely affect the interests of the bank's depositors and creditors. 118768  
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(3) Within forty-five days after receiving the proposed amendment, or the proposed amended articles of incorporation or code of regulations, the superintendent shall notify the bank of the approval or disapproval unless the superintendent determines that additional information is required. In that event, the superintendent shall request the information in writing within twenty days after the date the proposed amendment, or the proposed amended articles of incorporation or code of regulations, was received. The bank shall have thirty days to submit the information to the superintendent. The superintendent shall notify the bank of the superintendent's approval or disapproval of the proposed amendment, or the proposed amended articles of incorporation or code of regulations, within forty-five days after the date the additional information is received. If the proposed 118771  
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amendment or proposed amended articles of incorporation or code of regulations are disapproved by the superintendent, the superintendent shall notify the bank of the reasons for the disapproval. 118785  
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(4) If the superintendent fails to approve or disapprove the proposed amendment or proposed amended articles of incorporation or code of regulations within the time period required under division (D)(3) of this section, the proposed amendment or proposed amended articles of incorporation or code of regulations shall be considered approved. 118789  
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(5) If the proposed amendment or amended articles of incorporation are approved, in no event shall that approval be construed or represented as an affirmative endorsement of the amendment or amended articles of incorporation by the superintendent. 118795  
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(E)(1) Upon adoption by the members of any approved amendment to a mutual state bank's articles of incorporation or code of regulations, or approved amended articles of incorporation or code of regulations, the bank shall send to the superintendent a certificate containing a copy of the members' resolution adopting the amendment or amended articles of incorporation or code of regulations and a statement of the manner of and basis for its adoption. If the board of directors proposed the amendment or the amended articles of incorporation or code of regulations, the certificate shall include a copy of the resolution adopted by the directors to propose the amendment or amended articles of incorporation or code of regulations to the members. The certificate shall be signed by the bank's authorized representatives in accordance with section 1103.19 of the Revised Code. 118800  
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(2) Upon adoption by the board of directors of any approved amendment to a mutual state bank's articles of incorporation or 118815  
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code of regulations, or approved amended articles of incorporation 118817  
or code of regulations, the bank shall provide to the 118818  
superintendent a copy of the amendment or amended articles of 118819  
incorporation or code of regulations, accompanied by a certificate 118820  
containing a copy of the directors' resolution adopting the 118821  
amendment or amended articles of incorporation or code of 118822  
regulations and a statement of the manner of and basis for its 118823  
adoption. The certificate shall be signed by the bank's authorized 118824  
representatives in accordance with section 1103.19 of the Revised 118825  
Code. 118826

(F) Upon receiving a certificate required by division (E) of 118827  
this section, the superintendent shall conduct whatever 118828  
examination the superintendent considers necessary to determine if 118829  
the manner of and basis for adoption of the amendment or amended 118830  
articles of incorporation or code of regulations comply with the 118831  
requirements of the Revised Code. 118832

(G)(1) Within thirty days after receiving a certificate 118833  
required by division (E) of this section, the superintendent shall 118834  
approve or disapprove the amendment or amended articles of 118835  
incorporation or code of regulations. If the superintendent 118836  
approves the amendment or amended articles of incorporation or 118837  
code of regulations, the superintendent shall forward a 118838  
certificate of that approval, a copy of the certificate required 118839  
by division (E) of this section, and a copy of the amendment or 118840  
amended articles of incorporation or code of regulations to the 118841  
secretary of state, who shall file the documents. Upon filing by 118842  
the secretary of state, the amendment or amended articles of 118843  
incorporation or code of regulations shall be effective. 118844

(2) If the superintendent fails to approve or disapprove the 118845  
amendment or amended articles of incorporation or code of 118846  
regulations within thirty days after receiving a certificate 118847  
required by division (E) of this section, the bank shall forward a 118848

copy of the certificate and a copy of the amendment or amended 118849  
articles of incorporation or code of regulations to the secretary 118850  
of state, who shall file the documents. Upon filing by the 118851  
secretary of state, the amendment or amended articles of 118852  
incorporation or code of regulations shall be effective. 118853

**Sec. 1114.12.** (A) Whenever members of a mutual state bank are 118854  
required or authorized to elect directors or to take any other 118855  
action at a meeting, either annual or special, notice of the 118856  
meeting shall be given in either of the following ways: 118857

(1) By publication, once each week on the same day of the 118858  
week for three consecutive weeks immediately preceding the date of 118859  
the meeting in a newspaper published in and of general circulation 118860  
in the county in which the principal office of the bank is 118861  
located, of a notice containing the name of the bank and the 118862  
purpose, place, date, and hour of the meeting; 118863

(2) By notice served upon or mailed to members as provided in 118864  
section 1701.41 of the Revised Code. 118865

(B) The notice required under division (A) of this section 118866  
shall include a statement that, if a member granted a proxy to the 118867  
officers and directors of the bank, the proxy is revocable at any 118868  
time before the meeting or by attending the meeting and voting in 118869  
person. 118870

**Sec. 1114.16.** In the event of a liquidation or dissolution of 118871  
a mutual state bank, the priority of claims shall be established 118872  
by section 1125.24 of the Revised Code. 118873

**Sec. 1115.01.** (A)(1) A stock state bank may do any of the 118874  
following: 118875

(a) Convert into a national bank or a federal savings 118876  
association if the conversion is approved by both the office of 118877

the comptroller of the currency and the affirmative vote or 118878  
written consent of the holders of two-thirds, or such other 118879  
proportion not less than a majority as the stock state bank's 118880  
articles of incorporation require, of the outstanding shares of 118881  
each class of the bank's stock; 118882

~~(b) Convert into a federal savings association if the 118883  
conversion is approved by both the office of thrift supervision 118884  
and the affirmative vote or written consent of the holders of 118885  
two thirds, or such other proportion not less than a majority as 118886  
the bank's articles of incorporation require, of the outstanding 118887  
shares of each class of the bank's stock;~~ 118888

~~(c) Convert into a bank, savings bank, or savings and loan 118889  
association pursuant to section 1151.64 of the Revised Code or the 118890  
laws of another state if the conversion is approved by both the 118891  
regulatory authority of the other state and the affirmative vote 118892  
or written consent of the holders of two-thirds, or such other 118893  
proportion not less than a majority as the stock state bank's 118894  
articles of incorporation require, of the outstanding shares of 118895  
each class of the bank's stock;~~ 118896

~~(d) Convert into a savings bank pursuant to section 1161.631 118897  
of the Revised Code or the laws of another state if the conversion 118898  
is approved by the affirmative vote or written consent of the 118899  
holders of two thirds, or such other proportion not less than a 118900  
majority as the bank's articles of incorporation require, of the 118901  
outstanding shares of each class of the bank's stock;~~ 118902

~~(e) Convert into a bank doing business under authority 118903  
granted by the bank regulatory authority of another state, 118904  
pursuant to the laws of that state, if the conversion is approved 118905  
by the affirmative vote or written consent of the holders of 118906  
two thirds, or such other proportion not less than a majority as 118907  
the bank's articles of incorporation require, of the outstanding 118908  
shares of each class of the bank's stock.~~ 118909

(2) A mutual state bank may do any of the following: 118910

(a) Convert into a national bank or a federal savings association if the conversion is approved by the office of the comptroller of the currency, the affirmative vote of two-thirds of the mutual state bank's board of directors, and the affirmative vote of two-thirds of the total outstanding votes eligible to be cast at the meeting at which the plan of conversion is presented to the members for adoption; 118911  
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(b) Convert into a bank, savings bank, or savings association pursuant to the laws of another state if the conversion is approved by the regulatory authority of the other state, the affirmative vote of two-thirds of the mutual state bank's board of directors, and the affirmative vote of two-thirds of the total outstanding votes eligible to be cast at the meeting at which the plan of conversion is presented to the members for adoption. 118918  
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(B) A state bank that converts into a national bank, a federal savings association, or a bank, savings bank, or savings association doing business under authority granted by the bank regulatory authority of another state, ~~or a federal savings association~~ shall, immediately upon the conversion being effective, file with the superintendent of financial institutions all information the superintendent determines is necessary to reflect in the state's records that the bank ~~or federal savings association~~ is no longer a corporation organized and doing business under the laws of this state. 118925  
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~~(B)(1) A national bank, bank doing business under authority granted by the bank regulatory authority of another state, savings association, or savings bank may, with the approval of the superintendent, convert into a state bank.~~ 118935  
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~~(2) A national bank, bank doing business under authority granted by the bank regulatory authority of another state, savings~~ 118939  
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~~association, or savings bank proposing to convert into a state 118941  
bank shall submit to the superintendent an application for the 118942  
superintendent's approval of the conversion that includes all of 118943  
the following: 118944~~

~~(a) A plan of conversion; 118945~~

~~(b) The proposed articles of incorporation and code of 118946  
regulations of the proposed state bank; 118947~~

~~(c) An officers' certification that the directors and 118948  
shareholders of the national bank, bank doing business under 118949  
authority granted by the bank regulatory authority of another 118950  
state, savings association, or savings bank have approved the plan 118951  
of conversion and the proposed articles of incorporation and code 118952  
of regulations in accordance with the applicable state or federal 118953  
law and with the bank's, savings association's, or savings bank's 118954  
articles of association or incorporation and code of regulations 118955  
or bylaws; 118956~~

~~(d) Any other information the superintendent requires. 118957~~

~~(3) Within ten business days after receiving an application 118958  
required under division (B)(2) of this section, the superintendent 118959  
shall determine whether to accept the application. Within ninety 118960  
days after accepting an application required under division (B)(2) 118961  
of this section, the superintendent shall approve or disapprove 118962  
the application. In determining whether to approve the bank's, 118963  
savings association's, or savings bank's conversion into a state 118964  
bank, the superintendent shall consider all of the following: 118965~~

~~(a) The adequacy of the capital and paid in capital of the 118966  
proposed state bank; 118967~~

~~(b) Whether the competence, experience, and integrity of each 118968  
director, executive officer, and controlling shareholder of the 118969  
proposed state bank meet the criteria for acquiring control of a 118970  
state bank as provided in section 1115.06 of the Revised Code; 118971~~

~~(c) Whether the proposed state bank affords reasonable  
promise of successful operation;~~ 118972  
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~~(d) Whether the proposed state bank meets the requirements of  
Chapters 1101. to 1127. of the Revised Code.~~ 118974  
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~~(4) The superintendent may condition an approval of the  
conversion of a national bank, bank doing business under authority  
granted by the bank regulatory authority of another state, savings  
association, or savings bank into a state bank in any manner the  
superintendent considers appropriate.~~ 118976  
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~~(5)(a) If the superintendent approves a conversion of a  
national bank, bank doing business under authority granted by the  
bank regulatory authority of another state, savings association,  
or savings bank into a state bank, the superintendent shall  
forward a certificate of the approval of the conversion and the  
state bank's articles of incorporation to the secretary of state,  
and shall issue to the new state bank a certificate of authority  
to commence business as a state bank.~~ 118981  
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~~(b)(i) In the case of a state bank resulting from the  
conversion of a savings association organized under Chapter 1151.  
of the Revised Code or a savings bank organized under Chapter  
1161. of the Revised Code, the secretary of state shall file the  
certificate of the superintendent's approval of the conversion and  
the state bank's articles of incorporation in a manner reflecting  
the corporation is no longer doing business under Chapter 1151. or  
1161. of the Revised Code.~~ 118989  
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~~(ii) In the case of a state bank resulting from the  
conversion of a national bank, a bank, savings association, or  
savings bank doing business under authority granted by the  
regulatory authority of another state, or a federal savings  
association, the secretary of state shall file the certificate of  
the superintendent's approval of the conversion and the state~~ 118997  
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~~bank's articles of incorporation in a manner reflecting the state 119003  
bank is newly authorized to do business under the laws of this 119004  
state. 119005~~

~~(6) The conversion shall be effective on the date indicated 119006  
in the superintendent's approval. Without further act or deed, the 119007  
state bank resulting from the conversion shall have all property, 119008  
rights, interests, and powers of its predecessor bank, savings 119009  
association, or savings bank within the limits of the charter of 119010  
the resulting state bank, and all duties, trusts, obligations, and 119011  
liabilities of the predecessor bank, savings association, or 119012  
savings bank shall continue in the state bank resulting from the 119013  
conversion. 119014~~

Sec. 1115.02. A national bank, a bank doing business under 119015  
authority granted by the bank regulatory authority of another 119016  
state, a savings association, a savings bank, or a state or 119017  
federally chartered credit union may, with the approval of the 119018  
superintendent of financial institutions, convert into a stock 119019  
state bank or mutual state bank by submitting an application in 119020  
accordance with rules adopted by the superintendent for this 119021  
purpose. 119022

Sec. 1115.03. (A)(1) A mutual state bank may convert into a 119023  
stock state bank if the conversion is approved by the 119024  
superintendent of financial institutions, the affirmative vote of 119025  
two-thirds of the mutual state bank's board of directors, and the 119026  
affirmative vote of two-thirds of the total outstanding votes 119027  
eligible to be cast at the meeting at which the plan of conversion 119028  
is presented to the members for adoption. 119029

(2) A stock state bank may convert into a mutual state bank 119030  
if the conversion is approved by both the superintendent and the 119031  
affirmative vote or written consent of the holders of two-thirds, 119032

or such other proportion not less than a majority as the stock 119033  
state bank's article of incorporation require, of the outstanding 119034  
shares of each class of the bank's stock. 119035

(B) A conversion under this section shall be effective on the 119036  
date indicated in the materials filed with the secretary of state 119037  
by the converting bank. Without further act or deed, the bank 119038  
resulting from the conversion shall have all the property, rights, 119039  
interests, and powers of its predecessor bank within the limits of 119040  
the charter of the resulting bank, and all duties, trusts, 119041  
obligations, and liabilities of the predecessor bank shall 119042  
continue in the bank resulting from the conversion. 119043

**Sec. 1115.05.** (A) As used in this section: 119044

(1) "Acquire" or "acquisition" means any of the following 119045  
transactions or actions: 119046

(a) A merger or consolidation with, or purchase of assets 119047  
from, a bank holding company that has acquired an Ohio bank; 119048

(b) The acquisition of the direct or indirect ownership or 119049  
control of voting shares of an Ohio bank if, after the 119050  
acquisition, the acquiring bank holding company will directly or 119051  
indirectly own or control the Ohio bank, unless the superintendent 119052  
of financial institutions determines, in the superintendent's 119053  
discretion, due to the nature of the acquisition, it should not be 119054  
subject to the limitations of this section; 119055

(c) The merger or consolidation of an Ohio bank with, or the 119056  
transfer of assets from an Ohio bank to, another bank, whether 119057  
previously existing or chartered for the purpose of the 119058  
transaction; 119059

(d) Any other action that results in the direct or indirect 119060  
control of an Ohio bank. 119061

(2) "Ohio bank" means a state bank or a national bank whose 119062

principal place of business is in this state. 119063

(B) Subject to ~~divisions~~ division (C) and ~~(D)~~ of this 119064  
section, a bank or bank holding company whose principal place of 119065  
business is in this state or any other state may charter or 119066  
otherwise acquire an Ohio bank, and a bank may acquire banking 119067  
offices in this state by merger or consolidation with or transfer 119068  
of assets and liabilities from a bank, savings bank, or savings 119069  
association that has offices in this state, if, upon consummation 119070  
of the acquisition, both of the following will apply: 119071

(1) The acquiring bank with, or the acquiring bank holding 119072  
company through, its affiliate banks, savings banks, and savings 119073  
associations, does not control more than ten per cent of the total 119074  
deposits of banks, savings banks, and savings associations in the 119075  
United States, and either of the following applies: 119076

(a) The acquiring bank with, or the acquiring bank holding 119077  
company through, its affiliate banks, savings banks, and savings 119078  
associations, does not control more than thirty per cent of the 119079  
total deposits of banks, savings banks, and savings associations 119080  
in this state. 119081

(b) The acquiring bank with, or the acquiring bank holding 119082  
company through, its affiliate banks, savings banks, and savings 119083  
associations, controls more than thirty per cent of the total 119084  
deposits of banks, savings banks, and savings associations in this 119085  
state, and the superintendent approved the acquisition after 119086  
determining the anticompetitive effects of the acquisition were 119087  
clearly outweighed in the public interest by the probable effect 119088  
of the transaction. 119089

(2) Except in the case of a foreign bank subject to Chapter 119090  
1119. of the Revised Code or a bank that by the terms of its 119091  
articles of incorporation or association is not permitted to 119092  
solicit or accept deposits other than trust funds, the Ohio bank 119093

or any bank that has banking offices in this state will be an 119094  
insured bank as defined in section 3(h) of the "Federal Deposit 119095  
Insurance Act," 92 Stat. 614 (1978), 12 U.S.C.A. 1813(h). 119096

(C)(1) Any bank holding company proposing to charter a state 119097  
bank under this section shall comply with Chapter 1113. or 1114. 119098  
of the Revised Code and any rules adopted to implement that 119099  
chapter. 119100

(2) If, after the proposed acquisition, the acquiring bank or 119101  
bank holding company will control an existing state bank the 119102  
acquiring bank or bank holding company did not control before the 119103  
acquisition, and the acquisition does not include the merger or 119104  
consolidation of the existing state bank with another bank, the 119105  
acquiring bank or bank holding company shall comply with section 119106  
1115.06 of the Revised Code and any rules adopted to implement 119107  
that section. 119108

(3) If the proposed acquisition will be accomplished by means 119109  
of a merger or consolidation with a state bank and the resulting 119110  
bank of the merger or consolidation will be a state bank, the 119111  
state bank shall comply with section 1115.11 of the Revised Code 119112  
and any rules adopted to implement that section. 119113

(4) If the proposed acquisition will be accomplished by means 119114  
of a transfer of assets and liabilities to a state bank, the state 119115  
bank shall comply with section 1115.14 of the Revised Code and any 119116  
rules adopted to implement that section. 119117

(5) If the proposed acquisition will be accomplished by 119118  
forming a bank to which the bank to be acquired will transfer 119119  
assets and liabilities, or with which the bank to be acquired will 119120  
be merged or consolidated and the resulting bank will be a state 119121  
bank, the acquiring bank holding company shall comply with section 119122  
1115.23 of the Revised Code and any rules adopted to implement 119123  
that section. 119124

~~(D)(1) If the acquiring bank is a bank doing business under authority granted by the bank regulatory authority of another state and the acquisition will be accomplished by agreeing to assume all or substantially all of the deposit liabilities of an existing branch located in this state of a savings association doing business under authority granted by the superintendent pursuant to Chapter 1151. of the Revised Code, the acquisition shall be subject to the superintendent's approval, which shall include a determination that the laws of the state in which the acquiring bank has its principal place of business permit a bank with its principal place of business in ohio to acquire all or substantially all of the deposit liabilities of an existing branch of a savings association located in that state on terms that are, on the whole, substantially no more restrictive than those established under section 1151.052 of the Revised Code.~~

~~(2) If the acquiring bank is a bank doing business under authority granted by the bank regulatory authority of another state and the acquisition will be accomplished by agreeing to assume all or substantially all of the deposit liabilities of an existing branch located in this state of a savings bank doing business under authority granted by the superintendent pursuant to Chapter 1161. of the Revised Code, the acquisition shall be subject to the superintendent's approval, which shall include a determination that the laws of the state in which the acquiring bank has its principal place of business permit a bank with its principal place of business in Ohio to acquire all or substantially all of the deposit liabilities of an existing branch of a savings bank located in that state on terms that are, on the whole, substantially no more restrictive than those established under section 1161.07 of the Revised Code.~~

**Sec. 1115.06.** (A) As used in this section: 119155

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (1) "Control" of a state bank means either of the following:                                                                                                                                                                                                                                                                                                                                                                                                                   | 119156                                                                       |
| (a) Power, directly or indirectly, to direct the management or policies of a state bank;                                                                                                                                                                                                                                                                                                                                                                                       | 119157<br>119158                                                             |
| (b) Ownership or control of or power to vote twenty-five per cent or more of any class of voting securities of a state bank.                                                                                                                                                                                                                                                                                                                                                   | 119159<br>119160                                                             |
| (2) "State bank" includes any bank holding company that controls a state bank, and any other company that controls a state bank and is not a bank holding company.                                                                                                                                                                                                                                                                                                             | 119161<br>119162<br>119163                                                   |
| (B)(1) No person, acting directly or indirectly or through or in concert with one or more other persons, shall acquire control of a state bank through a purchase, assignment, transfer, pledge, or other disposition of voting securities of a state bank unless the superintendent of financial institutions has been given sixty days' prior written notice of the proposed acquisition and within that sixty days the superintendent has not done either of the following: | 119164<br>119165<br>119166<br>119167<br>119168<br>119169<br>119170<br>119171 |
| (a) Disapproved the acquisition;                                                                                                                                                                                                                                                                                                                                                                                                                                               | 119172                                                                       |
| (b) Extended the time during which the superintendent may disapprove the acquisition, as provided in division (B)(2) of this section.                                                                                                                                                                                                                                                                                                                                          | 119173<br>119174<br>119175                                                   |
| (2) The superintendent may extend the time during which the superintendent may disapprove a proposed acquisition of control, as follows:                                                                                                                                                                                                                                                                                                                                       | 119176<br>119177<br>119178                                                   |
| (a) For an additional thirty days in the discretion of the superintendent;                                                                                                                                                                                                                                                                                                                                                                                                     | 119179<br>119180                                                             |
| (b) For two additional extensions of not more than forty-five days each, if any of the following applies:                                                                                                                                                                                                                                                                                                                                                                      | 119181<br>119182                                                             |
| (i) The superintendent determines any acquiring party has not furnished all of the information required under division (C) of this section.                                                                                                                                                                                                                                                                                                                                    | 119183<br>119184<br>119185                                                   |

(ii) In the superintendent's judgment, any material information submitted is substantially inaccurate. 119186  
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(iii) The superintendent has been unable to complete the investigation of an acquiring person under division (E)(1) of this section because of any delay caused by, or the inadequate cooperation of, that acquiring person. 119188  
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(iv) The superintendent determines additional time is needed to investigate and determine whether any acquiring person has a record of failing to comply with the requirements of subchapter II of chapter 53 of subtitle IV of Title 31 of the United States Code. 119192  
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(3) An acquisition may be made prior to the expiration of the disapproval period if the superintendent issues written notice of the superintendent's intent not to disapprove the acquisition of control. 119197  
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(C) ~~Except as the superintendent otherwise provides by rule,~~ a A notice required under division (B) of this section shall contain ~~the following~~ such information: 119201  
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~~(1) The identity, personal history, and business background and experience of each person by whom or on whose behalf the acquisition is to be made, including each person's material business activities and affiliations during the past five years; a description of any material pending legal or administrative proceedings in which each person is a party; and any criminal indictment or conviction of each person by a state or federal court.~~ 119204  
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~~(2) A statement of the assets and liabilities of each person by whom or on whose behalf the acquisition is to be made, as of the end of the fiscal year for each of the five years immediately preceding the date of the notice, together with related statements of income and source and application of funds for each of the~~ 119212  
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~~fiscal years then concluded, all prepared in accordance with 119217  
generally accepted accounting principles consistently applied; and 119218  
an interim statement of the assets and liabilities for each 119219  
person, together with related statements of income and source and 119220  
application of funds, as of a date not more than ninety days prior 119221  
to the date of the filing of the notice. 119222~~

~~(3) The terms and conditions of the proposed acquisition and 119223  
the manner in which the acquisition is to be made. 119224~~

~~(4) The identity, source, and amount of the funds or other 119225  
consideration used or to be used in making the acquisition and, if 119226  
any part of these funds or other consideration has been or is to 119227  
be borrowed or otherwise obtained for the purpose of making the 119228  
acquisition, a description of the transaction, the names of the 119229  
parties, and any arrangements, agreements, or understandings with 119230  
the parties. 119231~~

~~(5) Any plans or proposals any acquiring person may have to 119232  
liquidate the state bank, to sell its assets or merge it with any 119233  
company, or to make any other major change in its business or 119234  
corporate structure or management. 119235~~

~~(6) The identification of any person employed, retained, or 119236  
to be compensated by an acquiring person, or by any person on an 119237  
acquiring person's behalf, to make solicitations or 119238  
recommendations to shareholders for the purpose of assisting in 119239  
the acquisition, and a brief description of the terms of the 119240  
employment, retainer, or arrangement for compensation. 119241~~

~~(7) Copies of all invitations or tenders or advertisements 119242  
making a tender offer to stockholders for purchase of their stock 119243  
to be used in connection with the proposed acquisition. 119244~~

~~(8) Any additional relevant information in the form as the 119245  
superintendent may require by rule or by specific request in 119246  
connection with any particular notice. 119247~~



(D) Unless the superintendent determines an emergency exists 119248  
or disclosure of a proposed acquisition of control would seriously 119249  
threaten the safety or soundness of the state bank, each person 119250  
who gives a notice required under division (B) of this section 119251  
shall, within a reasonable time after receiving the 119252  
superintendent's acceptance of the notice, do both of the 119253  
following: 119254

(1) Publish the name of the state bank proposed to be 119255  
acquired and the name of each person identified in the notice as a 119256  
person by whom or for whom the acquisition is to be made; 119257

(2) Solicit public comment on the proposed acquisition, 119258  
particularly from persons in the geographic area where the state 119259  
bank proposed to be acquired is located, before final 119260  
consideration of the notice by the superintendent. 119261

(E) Upon accepting a notice required under division (B) of 119262  
this section, the superintendent shall do both of the following: 119263

(1) Conduct an investigation of the competence, experience, 119264  
integrity, and financial ability of each person named in the 119265  
notice as a person by whom or for whom the acquisition is to be 119266  
made; 119267

(2) Make an independent determination of the accuracy and 119268  
completeness of all information required to be in the notice. 119269

(F) The superintendent may disapprove any proposed 119270  
acquisition of control if the superintendent finds any of the 119271  
following: 119272

(1) The proposed acquisition of control would result in a 119273  
monopoly or further any combination or conspiracy to monopolize or 119274  
to attempt to monopolize the business of banking in any part of 119275  
this state or any markets served by the state bank. 119276

(2) The effect of the proposed acquisition of control in any 119277

part of this state and any markets served by the state bank may be 119278  
to substantially lessen competition, tend to create a monopoly, or 119279  
in any other manner restrain trade, and the anticompetitive 119280  
effects of the proposed acquisition of control are not clearly 119281  
outweighed in the public interest by the probable effect of the 119282  
acquisition in meeting the convenience and needs of the community 119283  
to be served. 119284

(3) The financial condition of any acquiring person might 119285  
jeopardize the financial stability of the state bank or prejudice 119286  
the interests of the depositors of the state bank. 119287

(4) The competence, experience, or integrity of any acquiring 119288  
person or of any of the proposed management personnel indicates 119289  
that it would not be in the interest of the depositors of the 119290  
state bank, or in the interest of the public, to permit the 119291  
acquiring person to control the state bank. 119292

(5) The acquiring person neglects, fails, or refuses to 119293  
furnish to the superintendent all of the information required by 119294  
the superintendent. 119295

(6) The superintendent determines the proposed transaction 119296  
would have an adverse effect on the ~~bank~~ deposit insurance fund ~~or~~ 119297  
~~the savings association insurance fund~~ administered by the federal 119298  
deposit insurance corporation. 119299

(G) Within three days after deciding to disapprove any 119300  
proposed acquisition of control of a state bank, the 119301  
superintendent shall notify the acquiring person in writing of the 119302  
disapproval. The notice of disapproval shall provide a statement 119303  
of the basis for the disapproval. 119304

(H) Within ten days after receipt of a notice of the 119305  
disapproval, the acquiring person may, in accordance with Chapter 119306  
119. of the Revised Code, request a hearing conducted in 119307  
accordance with that chapter on the proposed acquisition. 119308

(I) Whenever a change in control of a state bank occurs, the state bank shall promptly report to the superintendent any changes in or replacement of its chief executive officer or of any director that occurs in the next twelve-month period, and include in the report a statement of the past and current business and professional affiliations of the new chief executive officer or director.

(J)(1) The superintendent may exercise any authority vested in the superintendent under Chapter 1121. of the Revised Code in the course of conducting any investigation under division (E) of this section or any other investigation the superintendent, in the superintendent's discretion, considers necessary to determine whether any person has filed inaccurate, incomplete, or misleading information under this section or otherwise is violating, has violated, or is about to violate any provision of this section or any rule implementing this section.

(2) Whenever it appears to the superintendent any person is violating, has violated, or is about to violate any provision of this section or any rule implementing this section, the superintendent may, in the superintendent's discretion, apply to the court of common pleas of any county in which the state bank is doing business for either of the following:

(a) A temporary or permanent injunction or restraining order enjoining the person from violating this section or any rule implementing this section;

(b) Other equitable relief, including divestiture, that may be necessary to prevent violation of this section or of any rule implementing this section.

(3)(a) The courts of this state have the same jurisdiction and power in connection with the exercise of any authority by the superintendent under this section as they have under Chapter 1121.

of the Revised Code. 119340

(b) The courts of this state have jurisdiction and power to 119341  
issue any injunction or restraining order or grant any equitable 119342  
relief described in division (J)(2) of this section. When a court 119343  
finds it appropriate, the court may grant the injunction, order, 119344  
or other equitable relief without requiring the posting of any 119345  
bond. 119346

(K) The resignation, termination of employment or 119347  
participation, divestiture of control, or separation of or by a 119348  
regulated person, including a separation caused by the closing of 119349  
a state bank, shall not affect the jurisdiction and authority of 119350  
the superintendent to issue any notice and otherwise proceed under 119351  
this section against the regulated person, if the notice is issued 119352  
no later than six years after the date of the regulated person's 119353  
resignation, termination of employment or participation, or 119354  
separation from or divestiture of control of a state bank. 119355

For purposes of this division, "regulated person" has the 119356  
same meaning as in section 1121.01 of the Revised Code. 119357

**Sec. 1115.07.** (A) As used in this section: 119358

(1) "Credit outstanding" means any loan, extension of credit, 119359  
issuance of a guarantee, acceptance, or letter of credit, 119360  
including an endorsement or standby letter of credit, or other 119361  
transaction that extends financing to a person or group of 119362  
persons. 119363

(2) "Financial institution" means a state bank, national 119364  
bank, savings bank, savings association, or a bank doing business 119365  
under authority granted by the bank regulatory authority of 119366  
another state of the United States or another country. 119367

(3) "Group of persons" includes any number of persons the 119368  
financial institution reasonably believes are either of the 119369

following: 119370

(a) Persons who are acting together, in concert, or with one 119371  
another to acquire or control shares of the same stock state bank, 119372  
including an acquisition of shares of the same stock state bank at 119373  
approximately the same time under substantially the same terms. 119374

(b) Persons who have made, or have proposed to make, a joint 119375  
filing under section 13 of Title I of the "Securities Exchange Act 119376  
of 1934," 48 Stat. 881, 15 U.S.C.A. 78m, as amended, regarding 119377  
ownership of the shares of the same stock state bank. 119378

(B)(1) Except as provided in division (D) of this section, 119379  
any financial institution or any affiliate of a financial 119380  
institution that has credit outstanding to any person or group of 119381  
persons that is secured, directly or indirectly, by shares of a 119382  
stock state bank shall file a consolidated report with the 119383  
superintendent of financial institutions if the credits 119384  
outstanding are, in the aggregate, secured, directly or 119385  
indirectly, by twenty-five per cent or more of the outstanding 119386  
shares of any class of the same stock state bank. 119387

(2) For purposes of division (B)(1) of this section, any 119388  
shares of the stock state bank held by the financial institution 119389  
or any of its affiliates as principal shall be included in the 119390  
calculation of the number of shares in which the financial 119391  
institution or its affiliates has a security interest. 119392

(C) The report required under division (B)(1) of this section 119393  
shall be a consolidated report on behalf of the financial 119394  
institution and all its affiliates, and shall be filed in writing 119395  
within thirty days after the date on which the financial 119396  
institution or any of its affiliates first believes the security 119397  
for any outstanding credit consists of twenty-five per cent or 119398  
more of the outstanding shares of any class of a stock state bank. 119399

The report shall indicate the number and percentage of shares 119400

securing each credit outstanding, the identity of the borrower, 119401  
and the number of shares held as principal by the financial 119402  
institution or any of its affiliates. It also shall contain all of 119403  
the information required in a notice under section 1115.06 of the 119404  
Revised Code, and any other relevant information the 119405  
superintendent may require by rule or by specific request in 119406  
connection with a particular report. 119407

(D) A financial institution and its affiliates shall not be 119408  
required to report a transaction under this section if either of 119409  
the following applies: 119410

(1) The person or group of persons to whom the credit is 119411  
outstanding has disclosed to the superintendent the amount 119412  
borrowed from the financial institution or its affiliate and the 119413  
security interest of the financial institution or its affiliate in 119414  
connection with a notice given under section 1115.06 of the 119415  
Revised Code or with any other application filed with the 119416  
superintendent, such as an application for an interim bank 119417  
charter. 119418

(2) The transaction involves either of the following: 119419

(a) A person or group of persons that has been the owner of 119420  
record of the shares for at least one year; 119421

(b) Shares issued by a newly chartered stock state bank 119422  
before the ~~state~~ bank's opening. 119423

**Sec. 1115.11.** (A) A state bank may consolidate or merge with 119424  
another state bank, a bank, savings bank, or savings association 119425  
doing business under authority granted by the bank regulatory 119426  
authority of another state, ~~or~~ a national bank, ~~savings bank,~~ or a 119427  
federal savings association, regardless of where it maintains its 119428  
principal place of business, with the approval of all of the 119429  
following: 119430

- (1) The directors of both constituent corporations; 119431
- (2)(a) The shareholders of each constituent state bank that is a stock state bank, by the affirmative vote or written consent 119432  
of the holders of two-thirds, or such other proportion not less 119433  
than a majority as the ~~state~~ bank's articles of incorporation or 119434  
code of regulations provide, of the outstanding shares of each 119435  
class of the ~~state~~ bank's stock; 119436  
119437
- (b) The members of each constituent state bank that is a 119438  
mutual state bank, by the affirmative vote of two-thirds, or such 119439  
other proportion not less than a majority as the bank's articles 119440  
of incorporation or code of regulations provide, of the voting 119441  
members. 119442
- (3) The shareholders or members of the other constituent 119443  
bank, savings bank, or savings association as required by the 119444  
applicable state or federal law, articles of incorporation, or 119445  
code of regulations; 119446
- (4) One of the following, as applicable: 119447
- (a) If the resulting corporation will be a state bank, a 119448  
~~savings bank doing business under authority granted pursuant to~~ 119449  
~~Chapter 1161. of the Revised Code, or a savings and loan~~ 119450  
~~association doing business under authority granted pursuant to~~ 119451  
~~Chapter 1151. of the Revised Code,~~ the superintendent of financial 119452  
institutions; 119453
- (b) If the resulting corporation will be a national bank or 119454  
federal savings association, the office of the comptroller of the 119455  
currency; 119456
- (c) ~~If the resulting corporation will be a federal savings~~ 119457  
~~association, the director of the office of thrift supervision;~~ 119458
- ~~(d)~~ If the resulting corporation will be a bank, savings 119459  
bank, or savings association doing business under authority 119460

granted by the regulatory authority of another state, the state 119461  
regulatory authority under which the bank, savings bank, or 119462  
savings association is doing business. 119463

(B) For a merger or consolidation in which the resulting or 119464  
surviving corporation will be a state bank, the constituent 119465  
corporations, in the case of a consolidation, and the constituent 119466  
corporation that will be the surviving corporation, in the case of 119467  
a merger, shall file with the superintendent an application for 119468  
the superintendent's approval that includes ~~all of the following:~~ 119469

~~(1) An officers' certification that the transaction has been 119470  
approved by the directors and shareholders of each constituent 119471  
corporation in accordance with the applicable state or federal 119472  
law, articles of incorporation or association, code of 119473  
regulations, or bylaws;~~ 119474

~~(2) A a copy of the consolidation or merger agreement;~~ 119475

~~(3) Any and any other information the superintendent 119476  
requires. 119477~~

(C) The consolidation or merger agreement required under 119478  
division (B)~~(2)~~ of this section shall include all of the 119479  
following: 119480

(1) The names of the constituent corporations; 119481

(2) The agreement that the named constituent corporations 119482  
will consolidate into a new state bank or the other named 119483  
constituent corporations will merge with or into one specified 119484  
constituent corporation; 119485

(3) Subject to the limitations set forth in section 1103.07 119486  
of the Revised Code, the name of the state bank resulting from the 119487  
consolidation or surviving the merger; 119488

(4) The place in this state where the resulting or surviving 119489  
bank's principal place of business is to be located; 119490



(5) In the case of a consolidation, the contents of the resulting bank's articles of incorporation, consistent with section ~~1103.06~~ 1113.04 of the Revised Code;

(6) In the case of a merger, any amendment to the surviving bank's articles of incorporation;

(7) The names and addresses of the directors of the resulting or surviving bank;

(8) The terms of the consolidation or merger, how the consolidation or merger will be effected, and how ~~any~~ consideration provided for, if any, will be distributed to the shareholders or members of the constituent corporations.

(D) Within ten business days after receiving an application required under division (B) of this section, the superintendent shall determine whether to accept the application. If the transaction is with a bank, savings bank, or savings association doing business under authority granted by a regulatory authority other than the superintendent, the superintendent shall notify the regulatory authority under which the bank, savings bank, or savings association is doing business of the application and solicit that regulatory authority's comments. Within ninety days after accepting an application required under division (B) of this section, the superintendent shall approve or disapprove the application. In making that determination, the superintendent shall consider all of the following:

(1) Whether the transaction would result in a monopoly or would further any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of this state and any markets served by the resulting or surviving bank;

(2) Whether the effect of the proposed transaction in any part of this state and any markets served by the resulting or surviving bank may be to substantially lessen competition, tend to

create a monopoly, or in any other manner restrain trade, unless 119522  
the superintendent finds the anticompetitive effects of the 119523  
transaction would clearly be outweighed in the public interest by 119524  
the probable effect of the transaction in meeting the convenience 119525  
and needs of the community to be served; 119526

(3) The financial and managerial resources and future 119527  
prospects of the banks involved; 119528

(4) The convenience and needs of the communities to be 119529  
served; 119530

(5) Whether, upon completion of the transaction, the 119531  
resulting or surviving state bank will meet the requirements of 119532  
Chapters 1101. to 1127. of the Revised Code; 119533

(6) The comments of any regulatory authority notified in 119534  
accordance with division (D) of this section. 119535

(E) The superintendent may condition approval of an 119536  
application under division (D) of this section in any manner the 119537  
superintendent considers appropriate. 119538

(F) Before consummating a consolidation or merger authorized 119539  
under division (A) of this section, a state bank shall deliver to 119540  
the superintendent a certificate of consolidation or merger that 119541  
satisfies the requirements of section 1701.81 of the Revised Code. 119542  
The superintendent shall file the certificate of consolidation or 119543  
merger with the secretary of state and, if the resulting or 119544  
surviving bank of the consolidation or merger is a state bank, 119545  
shall file a certified copy of the superintendent's approval of 119546  
the consolidation or merger with the certificate. 119547

(G) In the case of a consolidation or merger in which the 119548  
resulting or surviving corporation is a state bank, the directors 119549  
and other officers named in the agreement of consolidation or 119550  
merger shall serve until the date fixed in the agreement or 119551  
provided in the resulting or surviving bank's code of regulations 119552

or by statute for the next annual meeting. 119553

(H)(1) When a consolidation or merger becomes effective, ~~the~~ 119554  
both of the following apply: 119555

(1) The existence of each of the constituent corporations 119556  
ceases as a separate entity, but continues in the resulting or 119557  
surviving corporation, within the limits of the charter of the 119558  
resulting or surviving corporation and subject to section 1115.20 119559  
of the Revised Code, without further act or deed ~~and within.~~ 119560

(b) Within the limits of the charter of the resulting or 119561  
surviving corporation, the resulting or surviving corporation has 119562  
all assets and property, the rights, privileges, immunities, 119563  
powers, franchises, and authority, and all obligations and ~~trusts~~ 119564  
fiduciary relationships of each party to the merger or 119565  
consolidation and the duties and liabilities connected with them. 119566  
~~The~~ 119567

(2) The resulting or surviving corporation shall perform 119568  
every ~~trust or relation~~ fiduciary relationship it has in the same 119569  
manner as if it had itself originally assumed the ~~trust or~~ 119570  
~~relation~~ fiduciary relationship and the obligations and 119571  
liabilities connected with it. 119572

(I) Shareholders of the nonsurviving stock state bank shall 119573  
have a right to dissent and shall be entitled to relief as 119574  
dissenting shareholders under section 1701.85 of the Revised Code 119575  
for those transactions requiring prior shareholder approval under 119576  
division (A)(2) of this section. 119577

**Sec. 1115.111.** (A) Except as provided in division (C) of this 119578  
section, no bank shall pay to any person, other than reasonable 119579  
compensation for services provided in ~~his~~ the person's capacity as 119580  
an employee, any management or consulting fee, including fees for 119581  
legal, accounting, brokerage, or other similar professional 119582

services, not having a direct relationship to the value of actual 119583  
services rendered, based on reasonable costs consistent with 119584  
current market values for such services. 119585

(B) The records of the bank shall contain adequate 119586  
information to permit a determination as to what services are 119587  
being provided and on what basis they are being priced. At a 119588  
minimum the records shall disclose a thorough review by the board 119589  
of directors demonstrating all of the following: 119590

(1) That such fees are paid for specific services provided, 119591  
as detailed in a fee analysis presented to the board; 119592

(2) The basis for the cost for each function or service; 119593

(3) A conclusion by the board of directors that the fees are 119594  
reasonable. 119595

(C) This section does not prevent a bank from paying any of 119596  
the following: 119597

(1) Dividends to shareholders that have been properly 119598  
declared by the bank; 119599

(2) Reasonable compensation to officers and employees of the 119600  
bank for services rendered to the bank in their capacities as 119601  
officers or employees of the bank; 119602

(3) Fees to directors for their attendance at meetings of the 119603  
board of directors, the executive committee, or other committees 119604  
established by the board. 119605

**Sec. 1115.14.** (A) A state bank may transfer assets and 119606  
liabilities to, and acquire assets and liabilities from, another 119607  
state bank, a bank doing business under authority granted by the 119608  
bank regulatory authority of another state, or a national bank, 119609  
savings bank, or savings association, regardless of where it 119610  
maintains its principal place of business, with the approval of 119611  
all of the following: 119612

(1) The directors of both constituent corporations; 119613

(2)(a) If the assets to be transferred equal more than fifty 119614  
per cent of the assets of a transferring or acquiring state bank 119615  
at the time of the transfer and the institution is a stock state 119616  
bank, the shareholders of the state bank by the affirmative vote 119617  
or written consent of the holders of two-thirds, or such other 119618  
proportion not less than a majority as the state bank's articles 119619  
of incorporation or code of regulations provide, of the 119620  
outstanding shares of each class of the state bank's stock; 119621

(b) If the assets to be transferred equal more than fifty per 119622  
cent of the assets of a transferring or acquiring state bank at 119623  
the time of the transfer and the institution is a mutual state 119624  
bank, the members of the state bank by the affirmative vote of 119625  
two-thirds, or such other proportion not less than a majority as 119626  
the bank's articles of incorporation or code of regulations 119627  
provide, of the voting members. 119628

(3) The shareholders or members of the other constituent 119629  
bank, savings bank, or savings association as required by the 119630  
applicable state or federal law, the articles of incorporation, or 119631  
the code of regulations; 119632

(4) If the assets to be transferred equal more than fifty per 119633  
cent of the assets of the acquiring state bank, the superintendent 119634  
of financial institutions. 119635

(B) In the case of a transfer of assets and liabilities for 119636  
which the superintendent's approval is required under division 119637  
(A)(4) of this section, the acquiring state bank shall file with 119638  
the superintendent an application that includes all of the 119639  
following: 119640

(1) An officers' certification that the transaction has been 119641  
approved by the directors and shareholders or members of each 119642  
constituent corporation in accordance with the applicable state or 119643

federal law, articles of incorporation or association, code of regulations, or bylaws; 119644  
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(2) A copy of the transfer agreement; 119646

(3) Any other information the superintendent requires. 119647

(C) The transfer agreement required under division (B)(2) of this section shall include all of the following: 119648  
119649

(1) The names of the constituent corporations; 119650

(2) The agreement of the named constituent corporations that specified assets and liabilities of one will be transferred to the other in exchange for specified consideration; 119651  
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(3) Any changes to be made in the directors ~~of~~ or officers of the acquiring state bank; 119654  
119655

(4) Any amendments to the acquiring state bank's articles of incorporation; 119656  
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(5) The terms of the transfer, how the transfer will be effected, and how any consideration provided for will be distributed to the transferring corporation or its shareholders or members. 119658  
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(D) Within ten business days after receiving an application required under division (B) of this section, the superintendent shall determine whether to accept the application. If the transaction is with a bank, savings bank, or savings association doing business under authority granted by a regulatory authority other than the superintendent, the superintendent shall notify the regulatory authority that granted the authority under which the bank, savings bank, or savings association is doing business of the application and solicit that regulatory authority's comments. Within ninety days after accepting an application required under division (B) of this section, the superintendent shall approve or disapprove the application. In making that determination, the 119662  
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superintendent shall consider all of the following: 119674

(1) Whether the transaction would result in a monopoly or 119675  
would further any combination or conspiracy to monopolize or to 119676  
attempt to monopolize the business of banking in any part of this 119677  
state and any markets served by the acquiring bank; 119678

(2) Whether the effect of the proposed transaction in any 119679  
part of this state and any markets served by the acquiring bank 119680  
may be to substantially lessen competition, tend to create a 119681  
monopoly, or in any other manner restrain trade, unless the 119682  
superintendent finds that the anticompetitive effects of the 119683  
transaction would clearly be outweighed in the public interest by 119684  
the probable effect of the transaction in meeting the convenience 119685  
and needs of the community to be served; 119686

(3) The financial and managerial resources and future 119687  
prospects of the banks involved; 119688

(4) The convenience and needs of the communities to be 119689  
served; 119690

(5) Whether, upon completion of the transaction, the 119691  
acquiring state bank will meet the requirements of Chapters 1101. 119692  
to 1127. of the Revised Code; 119693

(6) The comments of any regulatory authority notified in 119694  
accordance with division (D) of this section. 119695

(E) The superintendent may condition approval of an 119696  
application under division (D) of this section in any manner the 119697  
superintendent considers appropriate. 119698

(F) In the case of a transfer of assets and liabilities 119699  
involving a state bank that is not the acquiring corporation and 119700  
that will not continue operations after the transaction, the state 119701  
bank shall, immediately upon the transfer of assets and 119702  
liabilities being effective, provide the superintendent with the 119703

necessary dissolution certificates and affidavits for the 119704  
superintendent to file the dissolution with the secretary of 119705  
state. 119706

(G) When a bank, savings bank, or savings association 119707  
transfers its assets and liabilities to a state bank, the 119708  
acquiring state bank shall be possessed of the rights, privileges, 119709  
and powers of the transferor with respect to the transferred 119710  
assets within the limits of the charter of the acquiring state 119711  
bank. 119712

(H) Shareholders of a stock state bank whose assets have been 119713  
transferred shall have a right to dissent and shall be entitled to 119714  
relief as dissenting shareholders under section 1701.85 of the 119715  
Revised Code for those transactions requiring prior shareholder 119716  
approval under division (A)(2) of this section. 119717

**Sec. 1115.15.** Whenever an emergency, as defined by the 119718  
superintendent of financial institutions, exists with regard to a 119719  
state bank, national bank, savings bank, or savings association 119720  
that warrants, in the opinion of the superintendent and of a 119721  
majority of the members of the respective boards of directors of 119722  
the constituent corporations concerned, an immediate transfer of 119723  
assets and liabilities, the board of directors of a state bank 119724  
may, by majority vote, transfer the assets and liabilities of the 119725  
state bank or acquire the assets and liabilities of another state 119726  
bank or a national bank, savings bank, or savings association 119727  
without the vote or approval of the shareholders of each 119728  
constituent corporation involved in the proposed transfer. No 119729  
transfer pursuant to this section involving a state bank shall be 119730  
made without the written consent of the superintendent. Certified 119731  
copies of all proceedings of its board of directors shall be filed 119732  
with the superintendent by each constituent corporation involved 119733  
in the transfer. A copy of the agreement between the constituent 119734



corporations shall accompany the copies of the proceedings of the boards of directors.

**Sec. 1115.20.** (A) In any transfer, ~~consolidation, or merger~~ under this chapter, the rights of creditors shall be preserved unimpaired, and, unless otherwise provided, the constituent corporations shall be deemed to continue their separate existence if the continuation is necessary to preserve any creditor's rights.

(B) In any consolidation or merger under section 1115.11 of the Revised Code, the rights and obligations of the surviving or new bank shall be governed by section 1701.82 of the Revised Code.

**Sec. 1115.23.** (A) Any person, singly or jointly with others, may, with the approval of the superintendent of financial institutions, incorporate an interim bank for the purpose of facilitating the creation of a bank holding company, the acquisition of or transaction with an existing bank, savings association, or savings bank, or any other transaction the superintendent may approve. Prior to commencing business, an interim bank shall be a party to a reorganization with an existing bank, savings association, or savings bank pursuant to this chapter.

(B) The person or persons proposing to incorporate an interim bank under this section shall make application for approval of the proposed interim bank in the manner and form prescribed by the superintendent, which shall include delivering to the division of financial institutions the items required in divisions (B)(1) and (2) of section ~~1113.01~~ 1113.02 of the Revised Code.

(C) Approval of the interim bank pursuant to this section does not authorize the interim bank to commence business. Approval of the interim bank shall be specifically conditioned on approval

of the subsequent reorganization. The approval of the interim bank 119765  
becomes void, and the interim bank shall be dissolved, if the 119766  
reorganization is not approved and consummated within one year 119767  
after the approval of the interim bank, unless the superintendent 119768  
grants one or more extensions in writing. If no extension is 119769  
granted or upon the expiration of the last extension granted, the 119770  
interim bank shall provide the superintendent with the necessary 119771  
dissolution certificates and affidavits for the superintendent to 119772  
file the dissolution with the secretary of state. 119773

(D) The superintendent shall not disapprove an interim bank 119774  
charter solely because the interim bank's paid-in capital and 119775  
surplus do not aggregate more than five hundred dollars. 119776

Sec. 1115.24. (A) As used in this section: 119777

(1) "Applicant" means the person or persons seeking a shelf 119778  
charter under this section. 119779

(2) "Control" has the same meaning as in section 1115.06 of 119780  
the Revised Code and any rules adopted under that section. 119781

(3) "Shelf charter" means the preliminary conditional 119782  
approval of a charter. 119783

(B) The superintendent of financial institutions may, at the 119784  
superintendent's sole discretion, grant a shelf charter to an 119785  
applicant intending or desiring to enter into a transaction 119786  
resulting in any of the following: 119787

(1) Formation of an interim bank under this chapter to be 119788  
used for the transactions contemplated by this section; 119789

(2) Acquisition of control of a designated or undesignated 119790  
state bank; 119791

(3) Acquisition of control of a designated or undesignated 119792  
bank chartered by the banking authority of any other state or the 119793  
United States that the person or persons intend to convert to a 119794

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>state bank;</u>                                                        | 119795 |
| <u>(4) Acquisition of assets from and assumption of liabilities,</u>      | 119796 |
| <u>pursuant to this chapter, of a bank or from the federal deposit</u>    | 119797 |
| <u>insurance corporation as receiver of a designated or undesignated</u>  | 119798 |
| <u>bank headquartered in this state or any other state that the</u>       | 119799 |
| <u>person or persons intend to convert to a state bank;</u>               | 119800 |
| <u>(5) Formation of a de novo bank pursuant to Title XI of the</u>        | 119801 |
| <u>Revised Code.</u>                                                      | 119802 |
| <u>(C) The superintendent shall prescribe the form for an</u>             | 119803 |
| <u>application for a shelf charter. After reviewing an application,</u>   | 119804 |
| <u>the superintendent may require the applicant to submit any</u>         | 119805 |
| <u>additional information or documentation the superintendent</u>         | 119806 |
| <u>considers necessary and appropriate. Factors to be considered by</u>   | 119807 |
| <u>the superintendent shall include all of the following:</u>             | 119808 |
| <u>(1) The availability of adequate capital for the transaction;</u>      | 119809 |
| <u>(2) The existence of acceptable business plans;</u>                    | 119810 |
| <u>(3) Whether acceptable management, directors, and control</u>          | 119811 |
| <u>persons are identified;</u>                                            | 119812 |
| <u>(4) Whether all necessary approvals from state and federal</u>         | 119813 |
| <u>agencies have been secured.</u>                                        | 119814 |
| <u>(D)(1) A shelf charter granted under this section, and any</u>         | 119815 |
| <u>final approval for a transaction described in division (B) of this</u> | 119816 |
| <u>section, shall be subject to such conditions and ongoing</u>           | 119817 |
| <u>requirements as the superintendent considers appropriate.</u>          | 119818 |
| <u>(2) An applicant granted a shelf charter under this section</u>        | 119819 |
| <u>shall not exercise control over the bank or consummate the</u>         | 119820 |
| <u>transaction authorized by the charter until the superintendent</u>     | 119821 |
| <u>gives final approval of the transaction.</u>                           | 119822 |
| <u>(E) A shelf charter shall expire twenty-four months after the</u>      | 119823 |
| <u>date it is granted, subject to the following:</u>                      | 119824 |

(1) The superintendent may extend the expiration date at any time sua sponte or upon approval by the superintendent of a written request for an extension submitted by the person or persons to whom the shelf charter was granted. 119825  
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(2) The person or persons to whom the shelf charter was granted may withdraw it at any time. 119829  
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(3) The superintendent may modify, suspend, or revoke any shelf charter granted under this section. 119831  
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(F) Pursuant to the authority granted under section 1121.03 of the Revised Code, the superintendent may adopt rules and issue interpretive guidelines the superintendent considers necessary and appropriate for the implementation of this section. 119833  
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**Sec. 1115.27.** (A) A state bank may merge with any of its affiliates with the approval of all of the following: 119837  
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(1) The directors of all constituent corporations to the merger; 119839  
119840

(2)(a) The shareholders of each constituent stock state bank by the affirmative vote or written consent of the holders of two-thirds, or any other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the outstanding shares of each class of the bank's stock; 119841  
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(b) The members of each constituent mutual state bank, by the affirmative vote of two-thirds, or such other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the voting members. 119847  
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(3) The shareholders or members of each other constituent to the merger as required by the applicable state or federal law, the articles of incorporation, or the code of regulations; 119851  
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(4) The superintendent of financial institutions. 119854

(B) The bank that will be the surviving bank in the merger 119855  
shall file with the superintendent an application for the 119856  
superintendent's approval that includes ~~all of the following:~~ 119857

~~(1) An officers' certification that the transaction has been 119858  
approved by the directors and shareholders of each constituent 119859  
corporation in accordance with the applicable state or federal 119860  
law, articles of incorporation or association, code of 119861  
regulations, or bylaws;~~ 119862

~~(2) A a copy of the merger agreement;~~ 119863

~~(3) Any and any other information the superintendent 119864  
requires.~~ 119865

(C) The merger agreement required under division (B)~~(2)~~ of 119866  
this section shall include all of the following: 119867

(1) The names of the constituent corporations; 119868

(2) The agreement of the other named constituent corporations 119869  
to merge with or into one specified bank; 119870

(3) Subject to the limitations set forth in section 1103.07 119871  
of the Revised Code, the name of the bank surviving from the 119872  
merger. 119873

(4) The place in this state where the surviving bank's 119874  
principal place of business is to be located; 119875

(5) Any amendment to the surviving bank's articles of 119876  
incorporation; 119877

(6) The names and addresses of the directors of the surviving 119878  
bank; 119879

(7) The terms of the merger, how it will be effected, and how 119880  
~~any~~ consideration, if any, provided for will be distributed to the 119881  
shareholders or members of the constituent corporations. 119882

(D) Within ten business days after receiving an application 119883

required under division (B) of this section, the superintendent 119884  
shall determine whether to accept the application. Within ninety 119885  
days after accepting an application required under division (B) of 119886  
this section, the superintendent shall approve or disapprove the 119887  
application. In making that determination, the superintendent 119888  
shall consider all of the following: 119889

(1) The financial and managerial resources and future 119890  
prospects of the surviving bank; 119891

(2) The convenience and needs of the communities to be 119892  
served; 119893

(3) Whether, upon completion of the merger, the surviving 119894  
bank will meet the requirements of Chapters 1101. to 1127. of the 119895  
Revised Code; 119896

(4) Whether any of the constituents to the merger are subject 119897  
to limitations that are inconsistent with the merger. 119898

(E) The superintendent may condition approval of an 119899  
application under division (D) of this section in any manner the 119900  
superintendent considers appropriate. 119901

(F) Before consummating a merger authorized under division 119902  
(A) of this section, the bank that is to be the surviving bank of 119903  
the merger shall deliver to the superintendent a certificate of 119904  
merger that satisfies the requirements of section 1701.81 of the 119905  
Revised Code. The superintendent shall file the certificate of 119906  
merger and a certified copy of the superintendent's approval of 119907  
the merger with the secretary of state. 119908

(G) The directors and other officers named in the agreement 119909  
of merger shall serve until the date fixed in the agreement or 119910  
provided in the surviving bank's code of regulations or by statute 119911  
for the next annual meeting. 119912

(H) When a merger authorized by division (A) of this section 119913

becomes effective, the existence of each of the constituent 119914  
corporations ceases as a separate entity, but continues in the 119915  
surviving bank, within the limits of the charter of the surviving 119916  
bank and subject to section 1115.20 of the Revised Code. Without 119917  
further act or deed and within the limits of the charter of the 119918  
surviving bank, the surviving bank has all assets and property, 119919  
the rights, privileges, immunities, powers, franchises, and 119920  
authority, and all obligations and ~~trusts~~ fiduciary relationships 119921  
of each party to the merger and the duties and liabilities 119922  
connected with them. The surviving bank shall perform every ~~trust~~ 119923  
~~or relation~~ fiduciary relationship it has in the same manner as if 119924  
it had itself originally assumed the ~~trust or relation~~ fiduciary 119925  
relationship and the obligations and liabilities connected with 119926  
it. 119927

Sec. 1116.01. As used in this chapter, unless the context 119928  
requires otherwise: 119929

(A) "Acquiree mutual bank" means any state bank, savings 119930  
association, or savings bank that meets both of the following 119931  
conditions: 119932

(1) It is acquired by a mutual holding company as part of, 119933  
and concurrently with, a mutual holding company reorganization. 119934

(2) It is in the mutual form immediately prior to the 119935  
acquisition. 119936

(B) "Reorganization plan" means the plan to reorganize into a 119937  
mutual holding company structure described in section 1116.07 of 119938  
the Revised Code. 119939

(C) "Reorganizing mutual state bank" means a mutual state 119940  
bank that proposes to reorganize into a mutual holding company 119941  
structure in accordance with this chapter. 119942

(D) "Resulting mutual holding company" means a bank holding 119943

company organized in mutual form under this chapter and, unless 119944  
otherwise indicated, a subsidiary holding company controlled by a 119945  
mutual holding company organized under this chapter. 119946

(E) "Resulting stock state bank" means a stock state bank 119947  
that is organized as a subsidiary of a reorganizing mutual state 119948  
bank to receive a substantial part of the assets and liabilities, 119949  
including all deposit accounts, of the reorganizing mutual state 119950  
bank upon consummation of the reorganization. 119951

(F) "Stock bank" means a bank that has an ownership structure 119952  
in the form of shares of stock and is doing business under 119953  
authority granted by the superintendent of financial institutions 119954  
or the bank regulatory authority of another state or the United 119955  
States. 119956

(G) "Subsidiary holding company" means a stock company that 119957  
is controlled by a mutual holding company and that owns the stock 119958  
of a stock state bank whose depositors have membership rights in 119959  
the parent mutual holding company. 119960

**Sec. 1116.02.** (A) A mutual holding company and any subsidiary 119961  
of a mutual holding company shall be created, organized, and 119962  
governed, and its business shall be conducted, in all respects in 119963  
the same manner as is provided under Chapter 1701. of the Revised 119964  
Code, for corporations generally, to the extent that it is not 119965  
inconsistent with this chapter, Chapters 1101. to 1115., and 119966  
Chapters 1117. to 1127. of the Revised Code or the rules adopted 119967  
under those chapters. 119968

(B) A mutual holding company and any subsidiary of a mutual 119969  
holding company organized under this chapter is subject to all 119970  
powers, remedies, and sanctions provided to the superintendent of 119971  
financial institutions and the division of financial institutions 119972  
by Chapters 1101. to 1127. of the Revised Code. 119973



(C) Notwithstanding division (A) of this section, a nonbank subsidiary of a mutual holding company may be organized under the general corporate laws of another state of the United States. 119974  
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Sec. 1116.05. (A) A mutual state bank may, with the approval of the superintendent of financial institutions, reorganize to become a mutual holding company, in one of the following manners: 119977  
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(1) By organizing one or more subsidiary stock state banks, one or more of which may be an interim stock state bank, the ownership of which shall be evidenced by shares of stock to be owned by the reorganizing mutual state bank and by transferring a substantial portion of its assets, all of its insured deposits, and part or all of its other liabilities to one or more subsidiary stock state banks; 119980  
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(2) By organizing a first tier subsidiary stock state bank, causing that subsidiary to organize a second tier subsidiary stock state bank, and transferring, by merger of the reorganizing mutual state bank with the second tier subsidiary, a substantial portion of its assets, all of its insured deposits, and part or all of its other liabilities to the resulting stock state bank at which time the first tier subsidiary stock state bank becomes a mutual holding company; 119987  
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(3) In any other manner approved by the superintendent. 119995

(B) As a part of its mutual holding company reorganization, a mutual state bank may organize as a subsidiary holding company of the mutual holding company, which subsidiary holding company shall own all of the outstanding voting stock of the resulting stock state bank. 119996  
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(C) Before reorganizing into a mutual holding company, a reorganizing mutual state bank shall do all of the following: 120001  
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(1) Obtain approval of a reorganization plan by a two-thirds 120003

vote of the board of directors of the reorganizing mutual state 120004  
bank and any acquiree mutual bank; 120005

(2) Obtain approval of the reorganization plan by a 120006  
two-thirds vote, or such other proportion not less than a majority 120007  
as the reorganizing mutual state bank's or any acquiree mutual 120008  
bank's articles of incorporation or code of regulations provide, 120009  
of the members' votes cast in person or by proxy at the annual 120010  
meeting or at a special meeting of members called by the board of 120011  
directors for the purpose of approving the reorganization plan; 120012

(3) File a reorganization application in the form prescribed 120013  
by the superintendent that includes all of the following: 120014

(a) An officers' certification that the reorganization plan 120015  
has been approved by the directors and members in accordance with 120016  
applicable state law, articles of incorporation, code of 120017  
regulations, or bylaws; 120018

(b) A copy of the reorganization plan; 120019

(c) Any other information the superintendent requires. 120020

**Sec. 1116.06. (A) Within ten business days after receipt of** 120021  
**an application for a mutual holding company reorganization under** 120022  
**division (C)(3) of section 1116.05 of the Revised Code, the** 120023  
**superintendent of financial institutions shall do one of the** 120024  
**following:** 120025

(1) Accept the application for processing; 120026

(2) Request additional information to complete the 120027  
application; 120028

(3) Return the application if it is substantially incomplete. 120029

(B) Within one hundred eighty days after an application is 120030  
accepted for processing, the superintendent shall approve or 120031  
disapprove the application and, if approved, impose any conditions 120032

the superintendent determines appropriate. 120033

(C) In approving or disapproving an application, the superintendent, after conducting an appropriate examination or investigation, shall consider whether: 120034

(1) The reorganizing mutual state bank and any acquiree mutual bank will operate in a safe, sound, and prudent manner. 120037

(2) The applicant has demonstrated that the reorganization plan is fair to the members of the reorganizing mutual state bank and any acquiree mutual bank. 120039

(3) The interests of the reorganizing mutual state bank's depositors and creditors and the general public will not be jeopardized by the proposed reorganization into a mutual holding company; 120042

(4) The proposed reorganization will result in a reorganizing mutual state bank or any acquiree state bank that has adequate capital, satisfactory management, and good earnings prospects; 120046

(5) A stock issuance proposed in connection with the mutual holding company reorganization plan meets the standards established by the superintendent and any applicable state and federal securities laws; and 120049

(6) The reorganizing mutual state bank or any acquiree mutual bank has furnished all information required in the reorganization plan and any other information requested by the superintendent regarding the proposed reorganization. 120053

**Sec. 1116.07. Each reorganization plan submitted with a mutual holding company reorganization application shall contain a description of all significant terms of the proposed reorganization and include all of the following:** 120057

(A) Any proposed stock issuance plan; 120061

(B) An opinion of counsel, or a ruling from the United States internal revenue service and the Ohio department of taxation, as to the federal and state tax treatment of the proposed reorganization; 120062  
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(C) A copy of the articles of incorporation and code of regulations of the proposed mutual holding company, the resulting stock state bank, and any affiliate organizations in the holding company structure; 120066  
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(D) A description of the method of reorganization under this chapter; 120070  
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(E) A statement that, upon consummation of the reorganization, certain assets and liabilities, including all deposit accounts of the reorganizing mutual state bank, shall be transferred to the resulting stock state bank, which bank shall immediately become a stock state bank subsidiary of the mutual holding company or subsidiary holding company; 120072  
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(F) A summary of the expenses to be incurred in connection with the reorganization; 120078  
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(G) Any other information required by the superintendent of financial institutions. 120080  
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**Sec. 1116.08.** After approving a mutual holding company reorganization application, the superintendent of financial institutions shall, to effect the reorganization, forward the articles of incorporation to the secretary of state for filing. 120082  
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**Sec. 1116.09.** (A) A mutual holding company shall do all of the following: 120086  
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(1) Confer upon existing and future depositors of the resulting stock state bank the same membership rights in the mutual holding company as were conferred upon depositors by the 120088  
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articles of incorporation or code of regulations of the 120091  
reorganizing mutual state bank in effect immediately prior to the 120092  
reorganization; 120093

(2) Confer upon existing and future depositors of any 120094  
acquiree mutual bank or any bank that is in the mutual form when 120095  
acquired by the mutual holding company, the same membership rights 120096  
in the mutual holding company as were conferred upon depositors by 120097  
the articles of incorporation or code of regulations of the 120098  
acquired mutual bank in effect immediately prior to the 120099  
acquisition, provided that if the acquired mutual bank is merged 120100  
into another subsidiary state bank from which the mutual holding 120101  
company draws members, the depositors of the acquired mutual bank 120102  
shall receive the same membership rights as the depositors of the 120103  
subsidiary state bank into which the acquired mutual bank is 120104  
merged; 120105

(3) Confer upon the borrowers of the resulting stock state 120106  
bank who are borrowers at the time of reorganization the same 120107  
membership rights in the mutual holding company as were conferred 120108  
upon them by the articles of incorporation or code of regulations 120109  
of the reorganizing mutual state bank in effect immediately prior 120110  
to the reorganization, but not any membership rights in connection 120111  
with any borrowings made after the reorganization; 120112

(4) Confer upon the borrowers of any acquiree mutual bank or 120113  
any bank that is in the mutual form when acquired by the mutual 120114  
holding company who are borrowers at the time of the acquisition, 120115  
the same membership rights in the mutual holding company as were 120116  
conferred on them by the articles of incorporation or code of 120117  
regulations of the acquired mutual bank in effect immediately 120118  
prior to the acquisition, but not any membership rights in 120119  
connection with any borrowings made after the acquisition; 120120  
provided, however, that if the acquired mutual bank is merged into 120121  
another bank from which the mutual holding company draws members, 120122

the borrowers of the acquired mutual bank shall instead receive 120123  
the same grandfathered membership rights as the borrowers of the 120124  
subsidiary state bank into which the acquired mutual bank is 120125  
merged. 120126

(B) A mutual holding company that acquires a bank in the 120127  
stock form, other than a resulting stock state bank or an acquiree 120128  
mutual bank, shall not confer any membership rights upon the 120129  
depositors and borrowers of the stock bank, unless such stock bank 120130  
is merged into a subsidiary stock state bank from which the mutual 120131  
holding company draws its members, in which case the depositors of 120132  
the stock bank shall receive the same membership rights as other 120133  
depositors of the subsidiary stock state bank into which the stock 120134  
bank is merged. 120135

**Sec. 1116.10.** (A) A mutual holding company and any subsidiary 120136  
holding company shall be governed by a board of directors and in 120137  
accordance with the articles of incorporation and code of 120138  
regulations adopted in connection with the reorganization, or as 120139  
amended in accordance with law or rule after the reorganization. 120140  
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(B) The board of the mutual holding company and any 120142  
subsidiary holding company shall have at least five members who, 120143  
initially, shall consist of the board of directors of the 120144  
reorganizing mutual state bank. Such members, after the formation 120145  
of the mutual holding company and any subsidiary holding company, 120146  
shall continue to serve as directors for the balance of the terms 120147  
to which they were elected. 120148

**Sec. 1116.11.** All assets, rights, obligations, and 120149  
liabilities of a reorganizing mutual state bank that are not 120150  
expressly retained by the mutual holding company shall be 120151  
transferred to the resulting stock state bank. 120152

Sec. 1116.12. Each person who holds a deposit account in a reorganizing mutual state bank or any acquiree mutual state bank immediately before the reorganization shall receive, upon consummation of the reorganization, without payment, an identical deposit account in the resulting stock state bank or acquiree mutual state bank.

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Sec. 1116.13. The following apply to a reorganization plan adopted by the board of directors of the reorganizing mutual state bank or any acquiree mutual bank:

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(A) It may be amended by those boards as a result of any regulator's comments before any solicitation of proxies from the members to vote on the reorganization plan or, with the written consent of the superintendent of financial institutions, at any later time.

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(B) It may be terminated by either board at any time before the meeting at which the members vote on the reorganization plan or, with the written consent of the superintendent, at any later time.

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Sec. 1116.16. (A) A mutual holding company organized under the laws of another state or the United States may, with the approval of the superintendent of financial institutions, convert to a mutual holding company organized under this chapter by submitting an application in accordance with rules adopted by the superintendent under section 111.15 of the Revised Code.

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(B) State banks existing as of the effective date of this section that are affiliates of a mutual holding company organized under the laws of another state or the United States and that submit an application pursuant to division (A) of this section within one year after the effective date of this section shall be eligible for an expedited review process.

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Sec. 1116.18. Subject to all necessary regulatory notices or 120183  
approvals, a mutual holding company organized under this chapter 120184  
may do all of the following: 120185

(A) Acquire a bank organized in mutual or stock form by 120186  
merger of such bank with the subsidiary stock state bank, interim 120187  
subsidiary stock bank, or subsidiary stock holding company of the 120188  
mutual holding company; 120189

(B) Merge with or acquire another holding company provided 120190  
that such holding company has, as one of its subsidiaries, a 120191  
subsidiary banking corporation; 120192

(C) Exercise any power of, or engage in any activity 120193  
permitted for, a mutual state bank; 120194

(D) Engage directly or indirectly only in such activities as 120195  
are permissible activities for bank holding companies under 120196  
applicable state and federal law or regulations; 120197

(E) Invest in the stock of a bank; 120198

(F) Exercise any rights, waive any rights, or take or waive 120199  
any other action with respect to any securities of any subsidiary 120200  
stock state bank or subsidiary stock holding company that are held 120201  
by the mutual holding company. 120202

Sec. 1116.19. (A) The board of directors of a mutual holding 120203  
company may from time to time, by a majority vote of the 120204  
directors, do both of the following: 120205

(1) Divide equitably any surplus that is in excess of the 120206  
amount required for the operations of the mutual holding company 120207  
or to maintain the safety and soundness of the mutual holding 120208  
company; 120209

(2) Distribute that surplus to the respective depositors of 120210  
its subsidiary stock state banks in accordance with their 120211



membership rights. 120212

(B) If the superintendent of financial institutions 120213  
determines that the surplus held by a mutual holding company is 120214  
excessive, the superintendent may order the board of directors of 120215  
the mutual holding company to make the distribution described in 120216  
division (A) of this section. 120217

**Sec. 1116.20.** (A) A mutual holding company may establish a 120218  
subsidiary holding company as a direct subsidiary to hold one 120219  
hundred per cent of the stock of its subsidiary stock state bank, 120220  
provided the subsidiary holding company is not formed and operated 120221  
as a means of evading or frustrating the purposes of this chapter. 120222  
Subject to the approval of the superintendent of financial 120223  
institutions, the subsidiary holding company may be established 120224  
either at the time of the initial mutual holding company 120225  
reorganization or at a subsequent date. 120226

(B) In addition to its powers under Chapters 1107. and 1109. 120227  
of the Revised Code, any subsidiary stock state bank or subsidiary 120228  
holding company may, with the prior approval of the superintendent 120229  
and subject to such rules as the superintendent may prescribe, 120230  
issue one or more classes of securities, including one or more 120231  
classes of common stock or preferred stock, and take any action in 120232  
connection with such issuance or otherwise with respect to any 120233  
such securities; provided, however, that in no event shall the 120234  
mutual holding company hold less than twenty-five per cent of the 120235  
combined voting power of all classes of securities of the 120236  
subsidiary stock holding company or stock state bank that have 120237  
voting power in the election of directors of such stock state 120238  
bank. 120239

(C) Nothing in this section shall prohibit a subsidiary stock 120240  
state bank or subsidiary stock holding company from issuing, in 120241  
connection with an employee stock option or other employee benefit 120242

plan or with the mutual holding company reorganization or 120243  
subsequent thereto, different classes of common stock to the 120244  
mutual holding company and subsidiary stock state bank or 120245  
subsidiary stock holding company. An issuance of securities may be 120246  
made at the time of the mutual holding company reorganization or 120247  
thereafter, and may be made in connection with the merger or 120248  
acquisition of another bank whether organized in mutual or stock 120249  
form. 120250

**Sec. 1116.21.** A mutual holding company organized under this 120251  
chapter may, with the approval of the superintendent of financial 120252  
institutions, convert to a stock holding company by submitting an 120253  
application in accordance with rules adopted by the superintendent 120254  
under section 1121.03 of the Revised Code. 120255

**Sec. 1117.01.** (A) Subject to section 1115.05 and Chapter 120256  
1119. of the Revised Code, a bank, regardless of the location of 120257  
its principal place of business, may establish or acquire and 120258  
maintain a banking office in this state. 120259

(B)(1) With the prior written approval of the superintendent 120260  
of financial institutions obtained in accordance with section 120261  
1117.02 of the Revised Code, a state bank ~~doing business under~~ 120262  
~~authority granted by the superintendent~~ may establish or acquire a 120263  
banking office at any of the following locations: 120264

(a) Any location in this state; 120265

(b) Any location in another state of the United States; 120266

(c) Any location outside the United States. 120267

(2) The superintendent may condition approval of a banking 120268  
office at any location authorized by division (B)(1)(b) or (c) of 120269  
this section on an agreement satisfactory to the superintendent 120270  
providing for the times, method, and reimbursement of expenses for 120271  
examining the banking office. 120272

Sec. 1117.02. (A) A bank with its principal place of business 120273  
in this state proposing to establish a banking office shall submit 120274  
an application to the superintendent of financial institutions. 120275  
The superintendent shall determine whether to accept an 120276  
application for processing within ten business days after 120277  
receiving the application. The superintendent shall approve or 120278  
disapprove the application within sixty days after accepting it 120279  
unless approval is withheld under division (E) of this section. 120280

(B) If the superintendent accepts the application, the bank 120281  
shall, within ten days after receipt of the superintendent's 120282  
notice of acceptance, publish notice of its proposed banking 120283  
office in a newspaper of general circulation in the county where 120284  
the proposed banking office is to be located and in the county 120285  
where the bank currently maintains its principal place of 120286  
business. The notice shall state that comments on the proposed 120287  
banking office must be delivered to the division of financial 120288  
institutions within fourteen days after the date the notice is 120289  
published, and shall provide the division's address. 120290

(C) If the superintendent determines any comment delivered to 120291  
the division regarding a proposed banking office is relevant to 120292  
the criteria set forth in this section for approval of a banking 120293  
office, the superintendent shall investigate the comment in any 120294  
manner the superintendent considers appropriate. 120295

(D) In determining whether to approve a proposed banking 120296  
office, the superintendent shall consider all of the following: 120297

(1) The adequacy of the bank's management; 120298

(2) The adequacy of the bank's capital ~~and paid-in capital~~; 120299

(3) The effect establishment of the banking office will have 120300  
on the interests of the bank's depositors and shareholders or 120301  
members; 120302

(4) The bank's lending record in helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with both the safe and sound operation of the bank and the "Community Reinvestment Act of 1977," 91 Stat. 1147, 12 U.S.C. 2901, as amended;

(5) Any other reasonable criteria the superintendent may establish.

(E)(1) If the superintendent determines, upon consideration of the criteria set forth in division (D) of this section, that the banking office should otherwise be approved, but the bank's lending record is not satisfactory in helping to meet the credit needs of its entire community as prescribed in division (D)(4) of this section, the superintendent shall withhold action on the application for the banking office and shall notify the bank of that decision. The bank shall, within sixty days after receipt of the notice from the superintendent, submit to the superintendent a written affirmative action lending program, which shall be a public record. The superintendent shall, within thirty days after receipt of the affirmative action lending program, determine whether the program is acceptable. If the program is not acceptable, or the bank fails to submit an affirmative action lending program within the sixty days, the superintendent shall disapprove the banking office. If the affirmative action lending program is acceptable, the superintendent shall approve the banking office.

(2)(a) In order to determine whether a bank is complying with its affirmative action lending program, the superintendent may do either of the following:

(i) The superintendent may require the bank to submit periodic reports that summarize actions it has taken to implement or maintain its affirmative action lending program. The reports shall be in a form prescribed by the superintendent, but shall not

contain any information that identifies an applicant for a loan. 120335  
The reports are public records and shall be made available to any 120336  
person upon request. 120337

(ii) Upon written complaint by any person, or upon the 120338  
superintendent's own initiative, the superintendent may hold a 120339  
public hearing. The superintendent may hold no more than one 120340  
hearing every two years on each affirmative action lending 120341  
program. 120342

(b) If the superintendent determines, as a result of findings 120343  
made under division (E)(2)(a) of this section, that a bank is not 120344  
in compliance with its affirmative action lending program, the 120345  
superintendent shall order the bank to comply within a period of 120346  
time determined by the superintendent. Failure to comply with that 120347  
order shall be a violation of a condition imposed by the 120348  
superintendent for purposes of sections 1121.32, 1121.33, 1121.35, 120349  
and 1121.41 of the Revised Code. 120350

(3) As used in division (E) of this section, "affirmative 120351  
action lending program" means a program to remedy any deficiency 120352  
of a bank in helping to meet the credit needs of its entire 120353  
community. 120354

**Sec. 1117.04.** A bank proposing to relocate a banking office 120355  
shall do the following: 120356

(A) If the banking office is to be relocated within a 120357  
one-mile radius of the banking office's current ~~service area~~ 120358  
location, the bank shall notify the superintendent of financial 120359  
institutions and comply with the ~~service area~~ relocation 120360  
procedures established by the superintendent. 120361

(B) If the banking office is to be relocated outside a 120362  
one-mile radius of the banking office's current ~~service area~~ 120363  
location, the bank shall obtain the superintendent's approval for 120364

the relocation in accordance with the procedures set forth in 120365  
section 1117.02 of the Revised Code for establishing a banking 120366  
office and comply with the banking office closing procedures 120367  
established by the superintendent. 120368

**Sec. 1117.05.** (A) With the written approval of the 120369  
superintendent of financial institutions, a bank may contract with 120370  
one or more other banks, savings banks, and savings associations 120371  
to provide services to the contracting bank's customers at any or 120372  
all of the offices of the other banks, savings banks, and savings 120373  
associations as if the offices of the other banks, savings banks, 120374  
and savings associations were offices of the contracting bank. 120375

(B) The superintendent shall determine whether to accept a 120376  
bank's application for approval of a contract authorized by 120377  
division (A) of this section within ten business days after 120378  
receiving a bank's application for the superintendent's approval 120379  
of the contract. The superintendent shall approve or disapprove 120380  
the contract within thirty days after accepting the bank's 120381  
application. 120382

(C) In determining whether to approve or disapprove a 120383  
contract authorized by division (A) of this section, the 120384  
superintendent shall consider all of the following: 120385

(1) The adequacy of the management of both the contracting 120386  
bank and the other banks, savings banks, and savings associations; 120387

(2) The adequacy of the capital ~~and paid-in capital~~ of both 120388  
the contracting bank and the other banks, savings banks, and 120389  
savings associations; 120390

(3) The adequacy of the operations and controls of both the 120391  
contracting bank and the other banks, savings banks, and savings 120392  
associations; 120393

(4) Whether the contract is being used to avoid application 120394

of the criteria for establishing a banking office under section 120395  
1117.02 of the Revised Code or any kind of business combination 120396  
under Chapter 1115. of the Revised Code. 120397

(D) This section does not authorize a contracting bank to 120398  
establish new deposit accounts, extend credit, or create new 120399  
banking relationships through offices of the other banks, savings 120400  
banks, and savings associations. 120401

**Sec. ~~1103.21~~ 1117.07.** (A) In the event of a power failure, 120402  
fire, act of God, riot, strike, robbery or attempted robbery, 120403  
epidemic, interruption of communication facilities, or any other 120404  
reason the superintendent of financial institutions approves, or 120405  
in the event of the declaration of the existence of an emergency 120406  
by the governor or another person lawfully exercising the power 120407  
and duties of the office of governor, an officer of a bank, 120408  
designated by the board of directors of the officer's bank, in the 120409  
reasonable and proper exercise of the designated officer's 120410  
discretion may determine not to open one or more of the bank's 120411  
banking offices on any business or banking day, or, if having 120412  
opened, to close one or more of the bank's banking offices during 120413  
the continuation of the occurrence or emergency. In no case shall 120414  
any banking office remain closed for more than ~~forty-eight~~ two 120415  
consecutive ~~hours~~ days, excluding weekends and legal holidays, 120416  
without obtaining the approval of the superintendent ~~or, in the~~ 120417  
~~ease of a national bank, the comptroller of the currency.~~ A 120418  
designated officer closing a banking office pursuant to the 120419  
authority granted under this section shall give as prompt notice 120420  
of the action as conditions permit, and by any means available, to 120421  
the superintendent ~~or the comptroller.~~ 120422

(B) The designated officers of a bank may close any one or 120423  
more or all of the bank's banking offices on any day designated, 120424  
by proclamation of the president of the United States or the 120425

governor of this state, as a day of mourning, rejoicing, or other 120426  
special observance. In such a case, the bank shall not be required 120427  
to comply with any other provision of the Revised Code regarding 120428  
the closing or reopening of banks or financial institutions. 120429

(C) Any act required or authorized to be performed at a 120430  
banking office that has not been opened or that has been closed 120431  
for any time pursuant to this section, may be performed on the 120432  
next succeeding business day the banking office is reopened for 120433  
business. Any other provision or rule of law notwithstanding, no 120434  
liability or loss of rights of any kind on the part of any person, 120435  
firm, or corporation, or of the bank, shall accrue or result 120436  
because of any nonopening or closing authorized by this section. 120437

(D) The right of a bank not to open or to close under this 120438  
section and the protections afforded with respect to that right 120439  
shall be in addition to and not in lieu of any rights or 120440  
protections granted under section 1304.07 of the Revised Code. 120441

**Sec. 1119.11.** (A) When a foreign bank engages in an activity 120442  
or undertakes an action through an agency or branch licensed under 120443  
this chapter, the foreign bank is subject to the same limitations 120444  
on and requirements of engaging in the activity or taking the 120445  
action that apply to a state bank ~~doing business under authority~~ 120446  
~~granted by the superintendent of financial institutions.~~ 120447

(B)(1) A foreign bank licensed to operate an agency shall not 120448  
accept deposits from citizens or residents of the United States or 120449  
exercise fiduciary powers. An account that carries a credit 120450  
balance in connection with the distribution of loan proceeds is 120451  
not a deposit for purposes of this section. 120452

(2) A foreign bank licensed to operate an agency may, in 120453  
addition to conducting all of the permissible activities of a 120454  
representative office set forth in division (B) of section 1119.06 120455  
of the Revised Code, conduct limited banking activities at or 120456



through a licensed agency, including all of the following: 120457

(a) Lending money; 120458

(b) Maintaining credit balances that are incidental to or 120459  
arise out of the distribution of loan proceeds; 120460

(c) Receiving funds as agent to be forwarded for deposit to 120461  
an existing account at another office authorized to accept 120462  
deposits. 120463

(C) A foreign bank licensed to operate a branch may, in 120464  
addition to conducting all of the permissible activities of a 120465  
representative office set forth in division (B) of section 1119.06 120466  
of the Revised Code and all of the permissible activities of an 120467  
agency set forth in division (B)(2) of this section, conduct the 120468  
following activities at or through a licensed branch: 120469

(1) Accepting deposits, the acceptance of which does not 120470  
constitute engaging in domestic retail deposit activities; 120471

(2) If qualified under Chapter 1111. of the Revised Code, 120472  
exercising fiduciary powers; 120473

(3) Other activities authorized for state banks ~~doing~~ 120474  
~~business under authority granted by the superintendent.~~ 120475

(D) Each foreign bank licensed to operate an agency or branch 120476  
shall, in the manner the superintendent of financial institutions 120477  
prescribes, give notice to the agency's or branch's customers that 120478  
deposits with that agency or branch are not insured by the federal 120479  
deposit insurance corporation or otherwise. 120480

**Sec. 1119.17.** (A) Each foreign bank licensed under this 120481  
chapter shall file with the superintendent of financial 120482  
institutions any reports the superintendent may prescribe in the 120483  
form and manner and containing the information the superintendent 120484  
prescribes. 120485

(B) When the superintendent requires banks and trust 120486  
companies to report their income and condition in accordance with 120487  
~~division (A) of~~ section 1121.21 of the Revised Code, the 120488  
superintendent shall require each foreign bank licensed under this 120489  
chapter to report the income and condition of its representative 120490  
offices, agencies, and branches in this state. 120491

**Sec. 1119.23.** (A) If the superintendent of financial 120492  
institutions determines, in accordance with division (A) of 120493  
section 1119.22 of the Revised Code, any of the conditions set 120494  
forth in that division exists, the superintendent, in addition to 120495  
having the authority to revoke the foreign bank's license to 120496  
operate a representative office, agency, or branch in accordance 120497  
with section 1119.22 of the Revised Code, also may take possession 120498  
of the foreign bank's business and property in this state and 120499  
appoint a receiver for the liquidation of the foreign bank's 120500  
business and property in this state. 120501

(B) The superintendent's taking possession of and appointing 120502  
a receiver for a foreign bank's business and property in this 120503  
state pursuant to division (A) of this section, and the 120504  
liquidation of the foreign bank's business and property in this 120505  
state, shall, except as provided in divisions (B)(1) and (2) of 120506  
this section, be conducted in accordance with the procedures and 120507  
is subject to the rights, powers, duties, requirements, and 120508  
limitations provided in Chapter 1125. of the Revised Code for 120509  
taking possession of the business and property and liquidation of 120510  
a state bank. 120511

(1) After payment of the expenses of the liquidation and 120512  
claims against the foreign bank arising from its doing business in 120513  
this state in accordance with section 1125.24 of the Revised Code, 120514  
any remaining funds from the liquidation of the foreign bank's 120515  
business and property in this state shall be distributed in the 120516

following manner: 120517

(a) If the foreign bank's business and property is being 120518  
liquidated in another state of the United States, the receiver 120519  
shall distribute any remaining funds from the liquidation of the 120520  
foreign bank's business and property in this state to the receiver 120521  
in the other state for the payment of expenses of liquidation and 120522  
claims against the foreign bank's business and property in the 120523  
other state. 120524

(b) If the foreign bank's business and property is being 120525  
liquidated in more than one other state of the United States, the 120526  
receiver shall equitably distribute any remaining funds from the 120527  
liquidation of the foreign bank's business and property in this 120528  
state among the receivers in the other states for the payment of 120529  
the expenses of liquidation and claims against the foreign bank's 120530  
business and property in the other states. 120531

(c) If there is no liquidation of the business and property 120532  
of the foreign bank occurring in any other state of the United 120533  
States, the receiver shall pay any remaining funds from the 120534  
liquidation of the business and property of the foreign bank in 120535  
this state to the domiciliary receiver of the foreign bank or, if 120536  
there is no domiciliary receiver, to the foreign bank. 120537

(2)(a) When the receiver has completed the liquidation of the 120538  
foreign bank's business and property in this state, the receiver 120539  
shall, with notice to the superintendent, file a petition with the 120540  
court for an order declaring that the foreign bank's business in 120541  
this state is properly wound up in the manner provided in section 120542  
1125.29 of the Revised Code. Upon the filing of a petition as 120543  
provided in this division, the court shall proceed as provided in 120544  
section 1125.29 of the Revised Code. 120545

(b) An order issued by the court pursuant to a petition filed 120546  
in accordance with division (B)(2)(a) of this section shall do all 120547

things required by section 1125.29 of the Revised Code, but shall 120548  
only declare that the foreign bank's business in this state has 120549  
been properly wound up and shall not declare that the foreign bank 120550  
is dissolved. The court may make whatever additional orders and 120551  
grant whatever additional relief the court determines proper upon 120552  
the evidence submitted. 120553

(c) Once the court issues the order declaring that the 120554  
foreign bank's business in this state is properly wound up, the 120555  
foreign bank shall cease doing business in this state except for 120556  
any further winding up. 120557

(d) Once the court issues the order declaring the foreign 120558  
bank's business in this state is properly wound up, the receiver 120559  
shall promptly file a copy of the order, certified by the clerk of 120560  
the court, with both the secretary of state and the 120561  
superintendent. 120562

**Sec. 1119.26.** (A) A foreign bank may voluntarily liquidate 120563  
and surrender its license to operate a representative office, 120564  
agency, or branch licensed under this chapter only with the 120565  
consent of the superintendent of financial institutions. 120566

(B) Prior to beginning any liquidation process, the foreign 120567  
bank must file an application to voluntarily liquidate and 120568  
surrender its license with the superintendent. The application 120569  
shall include a plan of liquidation that includes all of the 120570  
provisions required of a plan for voluntary liquidation of a state 120571  
bank under division (C) of section 1125.03 of the Revised Code, 120572  
except that the plan of liquidation shall be limited in scope to 120573  
the particular representative office, agency, or branch to be 120574  
liquidated. 120575

(C) After conducting an examination, the superintendent may 120576  
approve or deny a foreign bank's application to voluntarily 120577  
liquidate and surrender its license based on the superintendent's 120578

evaluation of whether or not the interests of the representative office's, agency's, or branch's creditors or, where applicable, depositors, will suffer by the surrender. The superintendent's approval is subject to any condition the superintendent may determine appropriate under the circumstances.

(D) If the superintendent approves the application to voluntarily liquidate and surrender a license, the foreign bank shall comply with the requirements of divisions (A)(1) and (2) of section 1125.04 of the Revised Code.

(E) During the implementation of the plan of liquidation pursuant to this section, the superintendent retains the authority to supervise the representative office, agency, or branch and may conduct any examination relating to either the representative office, agency, or branch or the plan of liquidation the superintendent considers necessary or appropriate.

(F) If the superintendent has reason to conclude the implementation of the plan of liquidation is not being safely or expeditiously conducted, the superintendent may do either of the following:

(1) Begin revocation proceedings under section 1119.22 of the Revised Code;

(2) Take possession of the business and property of the representative office, agency, or branch in the same manner, with the same effect, and subject to the same rights accorded the foreign bank under section 1119.23 of the Revised Code.

(G) The superintendent shall cancel the foreign bank's license to operate a representative office, agency, or branch under this chapter if the superintendent has approved the voluntary liquidation and surrender of the license and both of the following conditions have been met:

(1) The plan of liquidation has been completed.

(2) The notifications required by division (D) of this section were properly given. 120610  
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**Sec. 1121.01.** As used in this chapter: 120612

(A) "Financial institution regulatory authority" includes a regulator of a business activity in which a bank or trust company is engaged, or has applied to engage in, to the extent that the regulator has jurisdiction over a bank or trust company engaged in that business activity. A bank or trust company is engaged in a business activity, and a regulator of that business activity has jurisdiction over the bank or trust company, whether the bank or trust company conducts the activity directly or a subsidiary or affiliate of the bank or trust company conducts the activity. 120613  
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(B) "Regulated person" means any of the following: 120622

(1) A director, officer, or employee of or agent for a bank or trust company or a ~~controlling shareholder of~~ person who controls a state bank, foreign bank, or trust company+. For purposes of division (B)(1) of this section, "control" has the same meaning as in section 1115.06 of the Revised Code. 120623  
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(2) A person who is required to obtain, but has not yet obtained, the consent of the superintendent of financial institutions to acquire control of a state bank pursuant to section 1115.06 of the Revised Code; 120628  
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(3) A person participating in the conduct of the affairs of a state bank or trust company. 120632  
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(C) "Participating in the conduct of the affairs of a bank or trust company" means either making decisions or, directly or indirectly, taking actions that are management or policymaking in nature and generally within the scope of authority of the bank's or trust company's board of directors or executive officers. Whether a person is or was participating in the conduct of the 120634  
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affairs of a bank or trust company is an issue of fact, and not to 120640  
be determined solely on the basis of the person's title, contract, 120641  
or indicia of employment or independent contractor status. 120642

**Sec. 1121.02.** (A) The superintendent of financial 120643  
institutions shall see that the laws and rules relating to ~~banks~~ 120644  
institutions and businesses governed by Chapters 1101. to 1127. of 120645  
the Revised Code are executed and enforced. 120646

(B) The deputy superintendent for banks shall be the 120647  
principal supervisor of state banks and trust companies. In that 120648  
position the deputy superintendent for banks shall, 120649  
notwithstanding sections 1121.10 and 1121.11 of the Revised Code, 120650  
be responsible for conducting examinations and preparing 120651  
examination reports under those sections. In addition, the deputy 120652  
superintendent for banks shall, notwithstanding division (A) of 120653  
section 1121.03 and sections 1121.05 and 1121.06 of the Revised 120654  
Code, have the authority to adopt rules and standards in 120655  
accordance with those sections. In performing or exercising any of 120656  
the examination, rule-making, or other regulatory functions, 120657  
powers, or duties vested by this division in the deputy 120658  
superintendent for banks, the deputy superintendent for banks 120659  
shall be subject to the control of the superintendent of financial 120660  
institutions. 120661

**Sec. 1121.05.** (A) Notwithstanding any provisions of the 120662  
Revised Code, except as provided in division (E) of this section, 120663  
the superintendent of financial institutions shall, by rule, grant 120664  
state banks and trust companies doing business under authority 120665  
granted by the superintendent any right, power, privilege, or 120666  
benefit possessed, by virtue of statute, rule, regulation, 120667  
interpretation, or judicial decision, by any of the following: 120668

(1) Banks and trust companies doing business under authority 120669

granted by the office of the comptroller of the currency or the 120670  
bank regulatory authority of any other state of the United States; 120671

(2) Savings associations doing business under authority 120672  
granted by the ~~superintendent of financial institutions~~, office of 120673  
~~thrift supervision~~, the comptroller of the currency or the savings 120674  
and loan association regulatory authority of any other state of 120675  
the United States; 120676

(3) Savings banks doing business under authority granted by 120677  
the ~~superintendent of financial institutions or the~~ savings bank 120678  
regulatory authority of any other state of the United States; 120679

(4) Credit unions doing business under authority granted by 120680  
the superintendent of financial institutions, the national credit 120681  
union administration, or the credit union regulatory authority of 120682  
any other state of the United States; 120683

(5) Any other banks, savings associations, or credit unions 120684  
with a principal place of business in the United States doing 120685  
business under authority granted under laws of the United States; 120686

(6) Any other persons ~~having an office or other place of~~ 120687  
~~business in this state and~~ engaging in the business of banking, 120688  
offering financial products and services, soliciting or accepting 120689  
deposits, lending money, or buying or selling bullion, bills of 120690  
exchange, notes, bonds, stocks, or other evidences of indebtedness 120691  
~~with a view to profit whether through an office or other place of~~ 120692  
business in this state or via the internet, advertising, or other 120693  
form of solicitation; 120694

(7) Small business investment companies licensed under the 120695  
"Small Business Investment Company Act of 1958," 72 Stat. 689, 15 120696  
U.S.C. 661, as amended; 120697

(8) Persons chartered under the "Farm Credit Act of 1933," 48 120698  
Stat. 257, 12 U.S.C. 1131(d), as amended. 120699



(B) The superintendent shall adopt rules authorized by 120700  
division (A) of this section in accordance with section 111.15 of 120701  
the Revised Code. 120702

(C) A rule adopted by the superintendent pursuant to the 120703  
authority of this section becomes effective on the later of the 120704  
following dates: 120705

(1) The date the superintendent issues the rule; 120706

(2) The date the statute, rule, regulation, interpretation, 120707  
or judicial decision the superintendent's rule is based on becomes 120708  
effective. 120709

(D)(1) The superintendent may, upon thirty days' written 120710  
notice, revoke any rule adopted under the authority of this 120711  
section. A rule adopted under the authority of this section, and 120712  
not revoked by the superintendent, enacted into law, or adopted in 120713  
accordance with Chapter 119. of the Revised Code, lapses and has 120714  
no further force and effect thirty months after its effective 120715  
date; however, the superintendent may adopt the rule under section 120716  
111.15 of the Revised Code pursuant to this section for an 120717  
additional thirty-month period. 120718

(2) The superintendent may require a state bank or trust 120719  
company that has acted in reliance on a rule adopted and later 120720  
revoked or lapsed under the authority of this section to bring its 120721  
affected activities in compliance with the law. Unless the 120722  
activities will or may result in harm to the bank or trust company 120723  
as determined by the superintendent, the bank or trust company 120724  
shall be granted a reasonable period of time of not less than one 120725  
year nor more than two years from the date the rule is revoked or 120726  
lapsed, to bring its affected activities in compliance with the 120727  
law. The superintendent may, upon the written request of a state 120728  
bank or trust company, grant the bank or trust company a longer 120729  
period of time in which to bring its affected activities in 120730

compliance with the law. 120731

(E) The superintendent shall not adopt any rule dealing with 120732  
interest rates charged under the authority of this section. 120733

**Sec. 1121.06.** (A) Notwithstanding any provision of the 120734  
Revised Code, if any regulation, rule, interpretation, procedure, 120735  
or guideline of the office of the comptroller of the currency, 120736  
federal deposit insurance corporation, federal reserve board, 120737  
consumer financial protection bureau, national credit union 120738  
administration, or any other bank regulatory authority of the 120739  
United States, or the bank regulatory authority of any other state 120740  
of the United States, puts a bank or trust company doing business 120741  
under authority granted by the superintendent of financial 120742  
institutions at a disadvantage to ~~a national bank~~ any other type 120743  
of financial institution, the superintendent may adopt a rule that 120744  
reduces or eliminates the disadvantage to a bank or trust company 120745  
doing business under authority granted by the superintendent. 120746

(B) The superintendent shall adopt rules authorized by 120747  
division (A) of this section in accordance with section 111.15 of 120748  
the Revised Code. ~~Chapter 119. of the Revised Code does not apply~~ 120749  
~~to rules adopted under the authority of this section.~~ 120750

(C) A rule adopted by the superintendent pursuant to the 120751  
authority of this section is effective on the later of the 120752  
following dates: 120753

(1) The date the superintendent issues the rule; 120754

(2) The date the regulation, rule, interpretation, procedure, 120755  
or guideline the superintendent's rule is based on becomes 120756  
effective. 120757

(D)(1) The superintendent may, upon thirty days' written 120758  
notice, revoke any rule adopted under the authority of this 120759  
section. A rule adopted under the authority of this section and 120760

not revoked by the superintendent, enacted into law, or adopted in 120761  
accordance with Chapter 119. of the Revised Code, lapses and has 120762  
no further force and effect thirty months after its effective 120763  
date; however, the superintendent may adopt the rule under section 120764  
111.15 of the Revised Code pursuant to this section for an 120765  
additional thirty-month period. 120766

(2) The superintendent may require a bank or trust company 120767  
that has acted in reliance on a rule adopted and later revoked or 120768  
lapsed under the authority of this section to bring its affected 120769  
activities in compliance with the law. Unless the activities will 120770  
or may result in harm to the bank or trust company as determined 120771  
by the superintendent, the bank or trust company shall be granted 120772  
a reasonable period of time of not less than one year nor more 120773  
than two years from the date the rule is revoked or lapsed, to 120774  
bring its affected activities in compliance with the law. The 120775  
superintendent may, upon the written request of a bank or trust 120776  
company, grant the bank or trust company a longer period of time 120777  
in which to bring its affected activities in compliance with the 120778  
law. 120779

**Sec. 1121.10.** (A) As often as the superintendent of financial 120780  
institutions considers necessary, but at least once each 120781  
twenty-four-month cycle, the superintendent, or any deputy or 120782  
examiner appointed by the superintendent for that purpose, shall 120783  
thoroughly examine the records and affairs of each state bank. The 120784  
examination shall include a review of ~~both~~ all of the following: 120785

(1) Compliance with law; 120786

(2) Safety and soundness; 120787

(3) Other matters the superintendent determines. 120788

(B) The superintendent may examine the records and affairs of 120789  
any of the following as the superintendent considers necessary: 120790

(1) Any party to a proposed reorganization for which the superintendent's approval is required by section 1115.11 or 1115.14 of the Revised Code; 120791  
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(2) Any bank, savings and loan association, or savings bank proposing to convert to a bank doing business under authority granted by the superintendent for which the superintendent's approval is required by section ~~1115.01~~ 1115.02 of the Revised Code; 120794  
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(3) Any person proposing to acquire control of a state bank for which the superintendent's approval is required by section 1115.06 of the Revised Code, or who acquired control of a state bank without the approval of the superintendent when that approval was required by section 1115.06 of the Revised Code, ~~was with~~ respect to the state bank of which control is to be, or was, acquired; 120799  
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(4) Any bank proposing to establish or acquire a branch for which the superintendent's approval is required by section 1117.02 of the Revised Code; 120806  
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(5) Any foreign bank that maintains, or proposes to establish, one or more offices in this state; 120809  
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(6) Any trust company. 120811

(C) The board of directors or holders of a majority of the shares of a state bank or trust company may request the superintendent conduct a special examination of the records and affairs of the bank or trust company. The superintendent has sole discretion over the scope and timing of a special examination, and may impose restrictions and limitations on the use of the results of a special examination in addition to the restrictions and limitations otherwise imposed by law. The fee for a special examination shall be paid by the bank or trust company examined in accordance with section 1121.29 of the Revised Code. 120812  
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(D) The superintendent may conduct all aspects of an 120822  
examination concurrently or may divide the examination into 120823  
constituent parts and conduct them at various times. 120824

(E) The superintendent shall preserve the report of each 120825  
examination, including related correspondence received and copies 120826  
of related correspondence sent, for ~~twenty~~ ten years after the 120827  
examination date. 120828

**Sec. 1121.12.** An examination of the records and affairs of a 120829  
state bank under section 1121.10 of the Revised Code may include 120830  
the examination of a ~~controlling shareholder of~~ person who, 120831  
directly or indirectly, controls the bank that is a bank holding 120832  
company registered with the federal reserve or a savings and loan 120833  
holding company, but only to the extent explicitly permitted under 120834  
this section. To examine the records and affairs of a ~~controlling~~ 120835  
~~shareholder~~ person who, directly or indirectly, controls a bank 120836  
that is a bank holding company registered with the federal reserve 120837  
or a savings and loan holding company, the superintendent of 120838  
financial institutions may do one of the following: 120839

(A) Rely on an examination of the bank holding company or 120840  
savings and loan holding company conducted by a financial 120841  
institution regulatory authority of another state, the United 120842  
States, or another country, as provided in division (A)(3) of 120843  
section 1121.11 of the Revised Code; 120844

(B) Participate with the financial institution regulatory 120845  
authorities of other states, the United States, and other 120846  
countries in a joint or coordinated examination of the bank 120847  
holding company or savings and loan holding company, provided that 120848  
both of the following apply: 120849

(1) The examination of the bank holding company or savings 120850  
and loan holding company is validly authorized by and conducted 120851  
pursuant to the laws of this state and such other state, the 120852

United States, or other country. 120853

(2) Participation of the examiners of the division of 120854  
financial institutions will increase the efficiency in regulating 120855  
financial institutions, and not increase the cost of examination 120856  
to the bank holding company or savings and loan holding company. 120857

(C) Examine the bank holding company or savings and loan 120858  
holding company pursuant to an agreement with financial 120859  
institution regulatory authorities of other states, the United 120860  
States, or other countries, provided that both of the following 120861  
apply: 120862

(1) The examination of the bank holding company or savings 120863  
and loan holding company is validly authorized by and conducted 120864  
pursuant to the laws of this state and such other state, the 120865  
United States, or other country. 120866

(2) The other financial institution regulatory authority 120867  
agrees to rely on the superintendent's examination in lieu of 120868  
conducting its own examination. 120869

(D) Examine the bank holding company or savings and loan 120870  
holding company if both of the following apply: 120871

(1) The superintendent has reasonable cause to believe that 120872  
there is a significant risk of imminent material harm to the bank, 120873  
or to any subsidiary or nonbank affiliate as its affairs relate to 120874  
the bank, and the examination of the bank holding company or 120875  
savings and loan holding company is necessary to fully determine 120876  
the risk to the bank, or to determine how best to address the risk 120877  
to the bank. 120878

(2) Either of the following occurs: 120879

(a) The superintendent, in writing, requests the federal 120880  
reserve to examine the bank holding company, and within fifteen 120881  
days the federal reserve does not commence an examination of the 120882

bank holding company and notifies the superintendent that the 120883  
federal reserve does not object to the examination. 120884

(b) The banking commission concurs with the superintendent's 120885  
determination of both of the following: 120886

(i) There is reasonable cause to believe that there ~~a~~ is a 120887  
significant risk of imminent material harm to the bank. 120888

(ii) The examination of the bank holding company or savings 120889  
and loan holding company is necessary to fully determine the risk 120890  
to the bank, or to determine how best to address the risk to the 120891  
bank. 120892

(E) For purposes of this section, a bank holding company 120893  
includes not only the bank holding company, but also includes any 120894  
nonbank affiliates of the bank holding company that are subject to 120895  
examination by the federal reserve. 120896

**Sec. 1121.13.** An examination of the records and affairs of a 120897  
state bank under section 1121.10 of the Revised Code may include 120898  
the examination of a ~~controlling shareholder of~~ person who, 120899  
directly or indirectly, controls the state bank ~~that~~ and is a 120900  
corporation that is not a bank holding company registered with the 120901  
federal reserve or a savings and loan holding company, as its 120902  
affairs relate to the bank. 120903

**Sec. 1121.15.** (A) The superintendent of financial 120904  
institutions may prescribe the manner and form of keeping the 120905  
books and accounts of state banks, so the books and accounts may 120906  
be as nearly uniform as circumstances permit. 120907

(B) Any person that, by contract or otherwise, performs 120908  
services for a state bank or trust company or a representative 120909  
office, agency, or branch licensed under Chapter 1119. of the 120910  
Revised Code, whether on or off the premises of the bank, trust 120911  
company, representative office, agency, or branch, is subject to 120912

examination by the superintendent as to the books and records of 120913  
the bank, trust company, representative office, agency, or branch 120914  
in the person's possession, to the same extent as if the services 120915  
were being performed by the bank, trust company, representative 120916  
office, agency, or branch itself. For the purposes of this 120917  
division, "services" includes clerical, bookkeeping, accounting, 120918  
statistical, and other services. A state bank, trust company, 120919  
representative office, agency, or branch shall notify the 120920  
superintendent in writing whenever another person is performing 120921  
services of this kind for the bank, trust company, representative 120922  
office, agency, or branch, or the bank, trust company, 120923  
representative office, agency, or branch changes the person 120924  
performing the services. 120925

**Sec. 1121.16.** (A) No state bank, trust company, or regulated 120926  
person shall do any of the following: 120927

(1) Refuse to allow any examination authorized by section 120928  
1121.10 of the Revised Code; 120929

(2) Refuse to give information required by the division of 120930  
financial institutions in the course of or in relation to an 120931  
examination authorized by section 1121.10 of the Revised Code; 120932

(3) Provide false or misleading information in the course of 120933  
or in relation to an examination authorized by section 1121.10 of 120934  
the Revised Code~~+~~, knowing it to be false or misleading. 120935

(B) If a state bank, trust company, or regulated person 120936  
violates division (A) of this section, the superintendent may do 120937  
any of the following: 120938

(1) Issue a cease and desist order pursuant to section 120939  
1121.32 of the Revised Code, issue a removal or prohibition order 120940  
pursuant to section 1121.33 of the Revised Code, ~~or~~ issue a 120941  
suspension or temporary prohibition order pursuant to section 120942



1121.34 of the Revised Code, or assess a civil penalty pursuant to 120943  
section 1121.35 of the Revised Code; 120944

(2) Appoint a conservator for the state bank pursuant to 120945  
section 1125.09 of the Revised Code; 120946

(3) Initiate civil or criminal proceedings the superintendent 120947  
considers appropriate. 120948

**Sec. 1121.17.** (A) Accounts and other documents required by 120949  
the superintendent of financial institutions may be signed and 120950  
sworn to or affirmed on behalf of a state bank or trust company by 120951  
any officer or director authorized to do so by the ~~bank to do so~~ 120952  
bank's or trust company's board of directors. 120953

(B) When the superintendent requires, any officer, official, 120954  
employee, or director of a state bank or trust company receiving 120955  
any communication from the division of financial institutions 120956  
relative to examination or investigation by the superintendent 120957  
shall submit the communication to the bank's or trust company's 120958  
executive committee or board of directors. 120959

**Sec. 1121.18.** (A) ~~Information leading to, arising from, or~~ 120960  
The superintendent of financial institutions and the 120961  
superintendent's agents and employees shall keep privileged and 120962  
confidential all information obtained in the course by the 120963  
superintendent or the superintendent's agents or employees as a 120964  
result of or arising out of the examination or supervision of a 120965  
bank or any examination conducted pursuant to the authority of 120966  
section 1121.10 or 1121.11 of the Revised Code ~~is privileged and~~ 120967  
~~confidential, from required reports, or because of their official~~ 120968  
position. No person, including any person to whom the information 120969  
is disclosed under the authority of this section, shall disclose 120970  
the information leading to, arising from, or obtained in the 120971  
~~course of an examination,~~ except as specifically provided in this 120972

section. 120973

(B) The superintendent of financial institutions and the 120974  
superintendent's agents and employees may disclose the information 120975  
~~leading to, arising from, or obtained in the course of an~~ 120976  
~~examination conducted pursuant to section 1121.10 or 1121.11 of~~ 120977  
~~the Revised Code described in division (A) of this section only~~ as 120978  
follows: 120979

(1) To the governor, director of commerce, or deputy director 120980  
of commerce to enable them to act in the interests of the public; 120981

(2) To the banking commission to enable the commission to 120982  
effectively advise the superintendent and take action on any 120983  
matter the superintendent presents to the commission; 120984

(3) To financial institution regulatory authorities of this 120985  
and other states, the United States, and other countries to assist 120986  
them in their regulatory duties; 120987

(4) To the directors, executive officers, agents, and parent 120988  
company of the bank or other person examined to assist them in 120989  
conducting the business of the bank or other person examined in a 120990  
safe and sound manner and in compliance with law; 120991

(5) To auditors, attorneys, or similar professionals retained 120992  
by the bank or trust company to assist in conducting the business 120993  
of the bank or trust company, or other person examined, in a safe 120994  
and sound manner and in compliance with the law; 120995

(6) To law enforcement authorities ~~conducting~~ in connection 120996  
with criminal investigations or referrals made by the 120997  
superintendent; 120998

(7) To other state and federal agencies or, in the case of a 120999  
state bank, to the federal home loan bank to which the bank 121000  
belongs, as the superintendent determines necessary and 121001  
appropriate, but only under such conditions and limitations as the 121002

superintendent, in the superintendent's sole discretion, may 121003  
require. 121004

~~(C)(1) Information leading to, arising from, or obtained in~~ 121005  
~~the course of an examination of a bank or other person pursuant to~~ 121006  
~~section 1121.10 or 1121.11 of the Revised Code~~ The information 121007  
described in division (A) of this section shall not be 121008  
discoverable from any source, and shall not be introduced into 121009  
evidence, except in the following circumstances: 121010

(a) In connection with criminal proceedings; 121011

(b) When, in the opinion of the superintendent, it is 121012  
appropriate with regard to enforcement actions taken and decisions 121013  
made by the superintendent under the authority of Chapters 1101. 121014  
to 1127. of the Revised Code regarding a bank, trust company, or 121015  
other person; 121016

(c) When litigation, penalties, or an enforcement action has 121017  
been initiated by the superintendent in furtherance of the powers, 121018  
duties, and obligations imposed upon the superintendent by 121019  
Chapters 1101. to 1127. of the Revised Code; 121020

(d) When authorized by agreements between the superintendent 121021  
and financial institution regulatory authorities of this and other 121022  
states, the United States, and other countries authorized by 121023  
section 1121.11 of the Revised Code; 121024

(e) When and in the manner authorized in section 1181.25 of 121025  
the Revised Code. 121026

(2) ~~The discovery of information leading to, arising from, or~~ 121027  
~~obtained in the course of an examination~~ pursuant to division 121028  
(C)(1)(b), (c), or (d) of this section shall be limited to 121029  
information that directly relates to the bank, trust company, 121030  
regulated person, or other person who is the subject of the 121031  
enforcement action, decision, penalties, or litigation. 121032

(D) A report of an examination conducted pursuant to section 121033  
1121.10 or 1121.11 of the Revised Code is the property of the 121034  
division of financial institutions. Under no circumstances may the 121035  
bank or other person examined, its directors, officers, employees, 121036  
agents, regulated persons, or contractors, or any person having 121037  
knowledge or possession of a report of examination, or any of its 121038  
contents, disclose or make public in any manner the report of 121039  
examination or its contents. The authority provided in division 121040  
(B)(4) of this section for use of examination information to 121041  
assist in conducting the business of the bank or other person 121042  
examined in a safe and sound manner and in compliance with law 121043  
shall not be construed to authorize disclosure of a report of 121044  
examination or any of its contents in conducting business with the 121045  
examined bank's or person's customers, creditors, ~~or~~ shareholders, 121046  
or members, or with other persons. 121047

(E) The superintendent may, in accordance with Chapter 119. 121048  
of the Revised Code, adopt rules to permit a bank, trust company, 121049  
or other person to disclose the information described in division 121050  
(A) of this section in limited circumstances other than those 121051  
specified in this section. 121052

(F) Whoever violates this section shall be removed from 121053  
office, shall be liable, with the violator's bond in damages to 121054  
the person injured by the disclosure of information, and is guilty 121055  
of a felony of the fourth degree. 121056

**Sec. 1121.19.** (A) As used in this section, a "self-assessment 121057  
report" of a bank includes, but is not limited to, all of the 121058  
following: 121059

(1) An evaluation of the bank's loan underwriting standards, 121060  
asset quality, financial reporting to federal or state regulatory 121061  
agencies, and compliance with its policies and with federal or 121062  
state statutory or regulatory requirements; 121063

(2) Any communication related to the report, including 121064  
electronic mails or telephone logs. 121065

(B) A self-assessment report, any portion or contents of the 121066  
report, and any documents, data, compilations, analyses, or other 121067  
information and material generated, created, produced, developed, 121068  
or prepared as part of the self-assessment process, are privileged 121069  
and not admissible or subject to discovery in any civil or 121070  
administrative litigation, action, proceeding, or investigation. 121071

(C) The self-assessment privilege granted by this section to 121072  
a bank and its affiliates applies regardless of whether a bank 121073  
regulator or any other governmental authority in possession of a 121074  
self-assessment report or any portion or contents of it 121075  
subsequently discloses it or any portion or contents of it to a 121076  
third party as required or permitted by any state or federal law. 121077

(D) Notwithstanding any applicable state or federal public 121078  
records law, a bank regulator or any other governmental authority 121079  
in possession of a self-assessment report or any portion or 121080  
contents of it shall not disclose the report or any portion or 121081  
contents of it to any person in response to a public records 121082  
request. 121083

**Sec. 1121.21.** ~~(A)(1)~~ Each bank and trust company shall report 121084  
its condition and income to the division of financial institutions 121085  
at the times, in the form, and including the information the 121086  
superintendent of financial institutions prescribes. 121087

~~(2) A bank or trust company shall maintain a summary of its~~ 121089  
~~most recent report of condition and income, in the form prescribed~~ 121090  
~~by the superintendent, in each of its banking or trust service~~ 121091  
~~offices, post notice of the availability of the summary in each~~ 121092  
~~office, and make the summary available to the public without~~ 121093  
~~charge.~~ 121094

~~(B) Any bank or trust company that fails to comply with 121095  
division (A)(1) or (2) of this section is subject to a forfeiture 121096  
of one hundred dollars for each day the failure continues unless 121097  
the bank or trust company corrects the failure within seven days 121098  
after receiving the superintendent's notice of the failure. 121099~~

**Sec. 1121.23.** Whenever the approval of the superintendent of 121100  
financial institutions is required under Chapters 1101. to 1127. 121101  
of the Revised Code, or under an order or supervisory action 121102  
issued or taken under those chapters, for a person to serve as an 121103  
organizer, incorporator, director, executive officer, or 121104  
~~controlling shareholder of person who, directly or indirectly 121105~~  
controls a bank, or to otherwise have a substantial interest in or 121106  
participate in the management of a bank, the superintendent shall 121107  
request the superintendent of the bureau of criminal 121108  
identification and investigation, or a vendor approved by the 121109  
bureau, to conduct a criminal records check based on the person's 121110  
fingerprints in accordance with section 109.572 of the Revised 121111  
Code. The superintendent of financial institutions shall request 121112  
that criminal record information from the federal bureau of 121113  
investigation be obtained as part of the criminal records check. 121114  
Any fee required under division (C)(3) of section 109.572 of the 121115  
Revised Code shall be paid by the person who is the subject of the 121116  
request. 121117

Nothing in this section prohibits the superintendent of 121118  
financial institutions from conditionally approving a person to 121119  
serve as an organizer, incorporator, director, executive officer, 121120  
or person who, directly or indirectly, controls a bank, or to 121121  
otherwise have a substantial interest in or participate in the 121122  
management of a bank, subject to receiving satisfactory results of 121123  
the criminal records check. If the superintendent does not receive 121124  
the results within ninety days after the criminal records check 121125  
was requested, the superintendent may extend the conditional 121126

approval for not more than ninety days. 121127

**Sec. 1121.24.** (A) If, under Chapters 1101. to 1127. of the 121128  
Revised Code, a proposed action or transaction is subject to the 121129  
approval of the superintendent of financial institutions or an 121130  
opportunity for the superintendent to disapprove, and if the 121131  
person proposing the action or transaction is required to submit 121132  
an application or notice to the superintendent, then the 121133  
application or notice is not complete and the superintendent shall 121134  
not accept it for processing until the person pays the fee 121135  
established pursuant to division (C) of section 1121.29 of the 121136  
Revised Code. 121137

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 121138  
a proposed action or transaction is subject to the approval of the 121139  
superintendent or an opportunity for the superintendent to 121140  
disapprove and the superintendent must make that determination 121141  
within a certain time, and if the person proposing the action or 121142  
transaction is required to submit an application or notice to the 121143  
superintendent, then the time in which the superintendent must 121144  
make the determination does not begin to run until the 121145  
superintendent has determined the application or notice is 121146  
complete and has accepted it for processing. 121147

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 121148  
either of the following: 121149

(a) The superintendent from denying, or issuing a disapproval 121150  
of, an application or notice, prior to the superintendent's 121151  
acceptance of the application or notice for processing, on the 121152  
basis that the person who submitted the application or notice 121153  
failed to include all of the items and address all of the issues 121154  
required for the application or notice, if both of the following 121155  
apply: 121156

(i) The superintendent advised the person that the 121157

application or notice was incomplete. 121158

(ii) After being advised by the superintendent that the 121159  
application or notice was incomplete, the person did not, within a 121160  
reasonable period of time, complete the application or notice. 121161

(b) The superintendent from denying, or issuing a disapproval 121162  
of, an application or notice on the basis that the person who 121163  
submitted the application or notice failed to provide the 121164  
information necessary for the superintendent to adequately 121165  
consider the application or notice after the superintendent's 121166  
acceptance of the application or notice for processing, if both of 121167  
the following apply: 121168

(i) After having begun processing the application or notice, 121169  
the superintendent determined and advised the person that 121170  
additional information was necessary to adequately consider the 121171  
application or notice. 121172

(ii) After being advised by the superintendent that 121173  
additional information was necessary to adequately consider the 121174  
application or notice, the person did not, within a reasonable 121175  
period of time, provide that information. 121176

~~(B)~~(C) A determination by the superintendent that an 121177  
application or notice is complete and is accepted for processing 121178  
means only that the application or notice, on its face, appears to 121179  
include all of the items and to address all of the matters that 121180  
are required. A determination by the superintendent that an 121181  
application or notice is complete and is accepted for processing 121182  
is not an assessment of the substance of the application or 121183  
notice, or of the sufficiency of the information provided. 121184

**Sec. 1121.26.** When considering the impact of a proposed 121185  
action or transaction on the convenience and needs of the 121186  
community to be served, both of the following shall apply: 121187



(A) The superintendent of ~~banks~~ financial institutions shall 121188  
assess whether the facts and circumstances relating to the 121189  
proposed action or transaction reasonably indicate that the 121190  
purpose for the proposed action or transaction is to engage in the 121191  
banking business and provide banking services in the community to 121192  
be served, rather than to raise funds for other purposes or 121193  
otherwise serve a nonbanking purpose. 121194

(B) The superintendent shall not require the person proposing 121195  
the action or transaction to prove any of the following: 121196

(1) There is substantial unmet need for banking services in 121197  
the community. 121198

(2) The person will bring banking services or other 121199  
particular advantages to the community that are not presently 121200  
available there. 121201

(3) The action or transaction will not adversely affect an 121202  
existing financial institution in the community. 121203

**Sec. 1121.29.** (A)(1) Each bank, savings and loan association, 121204  
and savings bank subject to inspection and examination by the 121205  
superintendent of financial institutions and transacting business 121206  
on the thirty-first day of December, or their successors in 121207  
interest, shall pay to the treasurer of state assessments as 121208  
provided in this section. The superintendent shall make each 121209  
assessment based on the total assets as shown on the books of the 121210  
bank, savings and loan association, or savings bank as of the 121211  
thirty-first day of December of the previous year. The 121212  
superintendent shall collect the assessment on an annual or 121213  
periodic basis, as provided by the superintendent. All assessments 121214  
shall be paid within fourteen days after receiving an invoice for 121215  
payment of the assessment. 121216

(2) After determining the budget of the division of financial 121217

institutions for examination and regulation of banks, savings and 121218  
loan associations, and savings banks, but prior to establishing 121219  
the schedule of assessments under this division necessary to fund 121220  
that budget, the superintendent shall consider any necessary cash 121221  
reserves and any amounts collected but not yet expended or 121222  
encumbered by the superintendent in the previous fiscal year's 121223  
budget and remaining in the banks fund pursuant to division (C) of 121224  
section 1121.30 of the Revised Code. 121225

(3) The superintendent shall establish the actual schedule of 121226  
assessments on an annual basis, present the schedule to the 121227  
banking commission for confirmation, and forward copies of the 121228  
current year's schedule to banks, savings and loan associations, 121229  
and savings banks doing business under authority granted by the 121230  
superintendent, or their successors in interest. 121231

If during the period between the banking commission's 121232  
confirmation of the schedule of assessments and the completion of 121233  
the fiscal year in which those assessments will be collected, the 121234  
banking commission determines additional money is required to 121235  
adequately fund the operations of the division of financial 121236  
institutions for that fiscal year, the banking commission may, by 121237  
the affirmative vote of two-thirds of its members, increase the 121238  
schedule of assessments for that fiscal year. The superintendent 121239  
shall promptly notify each bank, savings and loan association, and 121240  
savings bank of the increased assessment, and each bank, savings 121241  
and loan association, and savings bank shall pay the increased 121242  
assessment as made and invoiced by the superintendent. 121243

(4) A bank, savings and loan association, or savings bank 121244  
authorized by the superintendent to commence business in the 121245  
period between assessments shall pay the actual reasonable costs 121246  
of the division's examinations and visitations. The bank, savings 121247  
and loan association, or savings bank shall pay the costs within 121248  
fourteen days after receiving an invoice for payment. 121249

(B)(1) Whenever in the judgment of the superintendent the condition or conduct of a bank renders it necessary to make additional examinations and follow-up visitations within the examination cycle beyond the minimum required by division (A) of section 1121.10 of the Revised Code, the superintendent shall charge the bank for the additional examinations and follow-up visitations as provided in division (C) of this section. The bank shall pay the fee charged within fourteen days after receiving an invoice for payment. 121250  
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(2) The superintendent shall charge a bank for any examination of the bank's operations as a trust company and data processing facility in accordance with division (C) of this section whether that examination is the only examination of the bank in the examination cycle or in addition to other examinations of the bank's operations. 121259  
121260  
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121264

(C) The superintendent shall periodically establish a schedule of fees to be paid for examinations, applications, certifications, and notices considered necessary by the superintendent. 121265  
121266  
121267  
121268

(D)(1) The superintendent may waive any fees provided for in division (C) of this section to protect the interests of depositors and for other fair and reasonable purposes as determined by the superintendent. 121269  
121270  
121271  
121272

(2) The fees established by the superintendent pursuant to division (C) of this section for processing applications and notices and conducting and processing examinations shall be reasonable considering the direct and indirect costs to the division, as determined by the superintendent, of processing the applications and for conducting and processing the examinations. 121273  
121274  
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(E) The superintendent may determine and charge reasonable fees for furnishing and certifying copies of documents filed with 121279  
121280

the division and for any expenses incurred by the division in the 121281  
publication or serving of required notices. 121282

(F) Assessments and examination and application fees charged 121283  
and collected pursuant to this section are not refundable. Any fee 121284  
charged pursuant to this section shall be paid within fourteen 121285  
days after receiving an invoice for payment of the fee. 121286

(G) The superintendent shall pay all assessments and fees 121287  
charged pursuant to this section and all forfeitures required to 121288  
be paid to the superintendent into the state treasury to the 121289  
credit of the banks fund. 121290

**Sec. 1121.30.** (A) All assessments, fees, charges, and 121291  
forfeitures provided for in Chapters 1101. to 1127. and sections 121292  
1315.01 to 1315.18 of the Revised Code, except civil penalties 121293  
assessed pursuant to section 1121.35 or 1315.152 of the Revised 121294  
Code, shall be paid to the superintendent of financial 121295  
institutions, and the superintendent shall deposit them into the 121296  
state treasury to the credit of the banks fund, which is hereby 121297  
created. 121298

(B) The superintendent may expend or obligate the banks fund 121299  
to defray the costs of the division of financial institutions in 121300  
administering Chapters 1101. to 1127. and sections 1315.01 to 121301  
1315.18 of the Revised Code. The superintendent shall pay from the 121302  
fund all actual and necessary expenses incurred by the 121303  
superintendent, including for any services rendered by the 121304  
department of commerce for the division's administration of 121305  
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 121306  
Revised Code. The fund shall be assessed a proportionate share of 121307  
the administrative costs of the department and the division of 121308  
financial institutions. The proportionate share of the 121309  
administration costs of the division of financial institutions 121310  
shall be determined in accordance with procedures prescribed by 121311

the superintendent and approved by the director of budget and 121312  
management. The amount assessed for the fund's proportional share 121313  
of the department's administrative costs and the division's 121314  
administrative costs shall be paid from the banks fund to the 121315  
division of administration fund and the division of financial 121316  
institutions fund respectively. 121317

(C) Any money deposited into the state treasury to the credit 121318  
of the banks fund, but not expended or encumbered by the 121319  
superintendent to defray the costs of administering Chapters 1101. 121320  
to 1127. and sections 1315.01 to 1315.18 of the Revised Code, 121321  
shall remain in the banks fund for expenditures by the 121322  
superintendent in subsequent years and shall not be used for any 121323  
purpose other than as set forth in this section. 121324

**Sec. 1121.33.** (A) The superintendent of financial 121325  
institutions may issue and serve a notice of charges and intent to 121326  
remove a regulated person from office or prohibit a regulated 121327  
person from further participation in the conduct of the affairs of 121328  
a bank or trust company, or both, if, in the opinion of the 121329  
superintendent, all of the following apply: 121330

(1) The regulated person has, directly or indirectly, done 121331  
any of the following: 121332

(a) Violated any of the following: 121333

(i) A law or rule; 121334

(ii) A final cease and desist order; 121335

(iii) A condition imposed in writing by the superintendent in 121336  
connection with granting an application or notice that is subject 121337  
to the superintendent's approval or an opportunity for the 121338  
superintendent to disapprove or other request by a bank, trust 121339  
company, or regulated person; 121340

(iv) A written agreement between a bank or trust company and 121341

the superintendent, or between the regulated person and the superintendent. 121342  
121343

(b) Engaged or participated in an unsafe or unsound practice 121344  
in connection with a bank, trust company, or other business 121345  
institution; 121346

(c) Committed or engaged in an act, omission, or practice 121347  
constituting a breach of the regulated person's fiduciary duty as 121348  
a regulated person. 121349

(2) The violation, practice, or breach results in any of the 121350  
following: 121351

(a) A bank, trust company, or other business institution has 121352  
suffered or will probably suffer substantial financial loss or 121353  
other damage; 121354

(b) The interests of a bank's depositors or shareholders or 121355  
trust company's beneficiaries or shareholders have been or could 121356  
be prejudiced; 121357

(c) The regulated person has received or will receive 121358  
financial gain or other benefit. 121359

(3) The violation, practice, or breach does either of the 121360  
following: 121361

(a) Involves personal dishonesty on the part of the regulated 121362  
person; 121363

(b) Demonstrates willful or continuing disregard by the 121364  
regulated person for the safety and soundness of a bank, trust 121365  
company, or business institution. 121366

(B) The notice of charges and intent to remove a regulated 121367  
person from office or prohibit a regulated person from further 121368  
participation in the conduct of the affairs of a bank or trust 121369  
company shall include all of the following: 121370

(1) A statement of the violation or violations, unsafe or 121371

unsound practice or practices, or breach or breaches alleged; 121372

(2) A statement of the facts constituting the grounds for the 121373  
proposed removal or prohibition order; 121374

(3) Notice that the regulated person is entitled to a 121375  
hearing, in accordance with section 1121.38 of the Revised Code, 121376  
to determine whether an order removing the regulated person from 121377  
office, prohibiting the regulated person from further 121378  
participation in the conduct of the affairs of a bank or trust 121379  
company, or both, should be issued against the regulated person if 121380  
the regulated person requests the hearing within thirty days after 121381  
service of the notice; 121382

(4) Notice that, if the regulated person makes a timely 121383  
request for a hearing, the regulated person may appear at the 121384  
hearing in person, by attorney, or by presenting positions, 121385  
arguments, and contentions in writing, and at the hearing may 121386  
present evidence and examine witnesses for and against the 121387  
regulated person. 121388

(5) Notice that failure of the regulated person to timely 121389  
request a hearing to determine whether an order removing the 121390  
regulated person from office, prohibiting the regulated person 121391  
from further participation in the conduct of the affairs of a bank 121392  
or trust company, or both, should be issued or to appear at the 121393  
hearing, in person, by attorney, or by writing, is consent by the 121394  
regulated person to the issuance of the order. 121395

(C) The superintendent may issue an order removing the 121396  
regulated person from office or prohibiting the regulated person 121397  
from further participation in the conduct of the affairs of a bank 121398  
or trust company, or both, if either of the following applies: 121399

(1) The regulated person consents to the issuance of the 121400  
order; 121401

(2) Upon the record of the hearing the superintendent finds 121402

the grounds for the order have been established. 121403

(D) A regulated person who has been removed from office or 121404  
prohibited from further participation in the conduct of the 121405  
affairs of a bank or trust company pursuant to this section or by 121406  
order of the bank regulatory authority of another state or the 121407  
United States shall not, while the removal or prohibition order is 121408  
in effect, continue or commence to hold any office of or 121409  
participate in any manner in the conduct of the affairs of any 121410  
bank or trust company in this state, except as specifically 121411  
permitted by the superintendent or by the bank regulatory 121412  
authority of another state or the United States pursuant to 121413  
modification of the order. Participation in the conduct of the 121414  
affairs of a bank or trust company includes doing any of the 121415  
following: 121416

(1) Soliciting, procuring, transferring, attempting to 121417  
transfer, voting, or attempting to vote any proxy, consent, or 121418  
authorization with respect to any voting rights in any bank or 121419  
trust company; 121420

(2) Violating any voting agreement previously approved by the 121421  
superintendent; 121422

(3) Voting for a director of any bank or trust company. 121423

(E) An order issued by the superintendent pursuant to this 121424  
section is effective at the time specified in the order, which, in 121425  
the case of an order issued pursuant to division (C)(2) of this 121426  
section, shall be not less than thirty days after service of the 121427  
order on the regulated person. 121428

(F) An order issued by the superintendent pursuant to this 121429  
section shall remain enforceable and effective as provided in the 121430  
order except to the extent it is stayed, modified, terminated, or 121431  
set aside by action of the superintendent or a reviewing court. 121432

(G) The superintendent shall serve a certified copy of a 121433



removal or prohibition order issued pursuant to this section on 121434  
any bank or trust company in relation to which the object of the 121435  
removal or prohibition order is a regulated person. 121436

**Sec. 1121.34.** (A)(1) The superintendent of financial 121437  
institutions may issue an order suspending a regulated person from 121438  
office or temporarily prohibiting a regulated person from further 121439  
participation in the conduct of the affairs of a bank or trust 121440  
company, or both, if both of the following apply: 121441

(a) The superintendent serves, or has served, the regulated 121442  
person with a notice of charges and intent to remove the regulated 121443  
person or prohibit the regulated person from further participation 121444  
in the conduct of the affairs of a bank or trust company pursuant 121445  
to section 1121.33 of the Revised Code. 121446

(b) The superintendent determines the suspension or temporary 121447  
prohibition is necessary for the protection of a bank or trust 121448  
company or the interests of a bank's depositors or a trust 121449  
company's beneficiaries. 121450

(2) An order issued pursuant to division (A)(1) of this 121451  
section is effective immediately upon service on the regulated 121452  
person, and remains effective and enforceable as provided in the 121453  
order except to the extent it is stayed, modified, terminated, or 121454  
set aside by action of the superintendent or a reviewing court. 121455  
If, upon the record of a hearing, the superintendent determines 121456  
not to issue an order removing a regulated person from office or 121457  
prohibiting a regulated person's further participation in the 121458  
conduct of the affairs of a bank or trust company pursuant to 121459  
section 1121.33 of the Revised Code, the order issued pursuant to 121460  
division (A)(1) of this section is terminated. 121461

(3) Within ten days after being served a suspension or 121462  
temporary prohibition order pursuant to division (A)(1) of this 121463  
section, a regulated person may apply to the court of common pleas 121464

of the county in which the residence of the regulated person is 121465  
located, or the court of common pleas of Franklin county, for an 121466  
injunction setting aside, limiting, or suspending the enforcement, 121467  
operation, or effectiveness of the suspension or temporary 121468  
prohibition order pending completion of the hearing on the notice 121469  
of charges served on the regulated person pursuant to section 121470  
1121.33 of the Revised Code, and the court has jurisdiction to 121471  
issue the injunction. 121472

(B)(1) Whenever a regulated person is charged in any 121473  
information, indictment, or complaint, authorized by a prosecuting 121474  
attorney or a United States attorney, with the commission of or 121475  
participation in a felony or a crime involving an act of fraud, 121476  
dishonesty or, breach of trust, theft, or money laundering 121477  
involving a depository institution, the superintendent may suspend 121478  
the regulated person from office or temporarily prohibit the 121479  
regulated person's further participation in the conduct of the 121480  
affairs of a bank or trust company, or both. A suspension or 121481  
temporary prohibition order issued pursuant to division (B)(1) of 121482  
this section is effective immediately upon service on the 121483  
regulated person, and remains effective and enforceable until the 121484  
information, indictment, or complaint is finally disposed of or 121485  
the superintendent terminates the order. 121486

(2) If a judgment of conviction or an agreement to enter a 121487  
pretrial diversion or other similar program is entered against a 121488  
regulated person with respect to the information, indictment, or 121489  
complaint and, in the case of a judgment of conviction, is not 121490  
subject to further appellate review, the superintendent may remove 121491  
the regulated person from office, prohibit the regulated person 121492  
from further participation in the conduct of the affairs of a bank 121493  
or trust company, or both. A removal or prohibition order issued 121494  
pursuant to division (B)(2) of this section is effective 121495  
immediately upon service on the regulated person, and remains 121496

effective and enforceable as provided in the removal or 121497  
prohibition order except to the extent it is stayed, modified, 121498  
terminated, or set aside by action of the superintendent. 121499

(3) A finding of not guilty or other disposition of the 121500  
information, indictment, or complaint does not preclude the 121501  
superintendent from subsequently instituting proceedings pursuant 121502  
to section 1121.33 of the Revised Code to remove the regulated 121503  
person from office or to prohibit the regulated person from 121504  
further participation in the conduct of the affairs of a bank or 121505  
trust company, or both. 121506

(C) The superintendent shall serve a certified copy of a 121507  
suspension or temporary prohibition order issued pursuant to 121508  
division (A) or (B)(1) of this section or a removal or prohibition 121509  
order issued pursuant to division (B)(2) of this section on any 121510  
bank or trust company in relation to which the object of the 121511  
suspension, removal, or prohibition order is a regulated person. 121512

(D) A regulated person who has been suspended, removed from 121513  
office, or temporarily or otherwise prohibited from further 121514  
participation in the conduct of the affairs of a bank or trust 121515  
company pursuant to this section or by order of the bank 121516  
regulatory authority of another state or the United States shall 121517  
not, while the suspension, removal, or prohibition order is in 121518  
effect, continue or commence to hold any office of or participate 121519  
in any manner in the conduct of the affairs of a bank or trust 121520  
company in this state, except as specifically permitted by the 121521  
superintendent or by the bank regulatory authority of another 121522  
state or the United States pursuant to modification of the 121523  
suspension, removal, or prohibition order. Participation in the 121524  
conduct of the affairs of a bank or trust company includes doing 121525  
any of the following: 121526

(1) Soliciting, procuring, transferring, attempting to 121527  
transfer, voting, or attempting to vote any proxy, consent, or 121528

authorization with respect to any voting rights in any bank or trust company; 121529  
121530

(2) Violating any voting agreement previously approved by the superintendent; 121531  
121532

(3) Voting for a director of any bank or trust company. 121533

(E) If at any time, because of the suspension of one or more directors pursuant to this section, there are on the board of directors of a bank less than a quorum of directors not suspended, all powers and functions vested in or exercisable by the board shall be vested in and be exercisable by the director or directors on the board not suspended, until the time there is a quorum of the board of directors. If all the directors of a bank are suspended pursuant to this section, the superintendent shall appoint persons to serve temporarily as directors in their place, pending termination of the suspensions or until those who have been suspended cease to be directors of the bank and their successors take office. 121534  
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**Sec. 1121.38.** (A)(1) An administrative hearing provided for in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code shall be held in the county in which the principal place of business of the bank or trust company or residence of the regulated person is located, unless the bank, trust company, or regulated person requesting the hearing consents to another place. Within ninety days after the hearing, the superintendent of financial institutions shall render a decision, which shall include findings of fact upon which the decision is predicated, and shall issue and serve on the bank, trust company, or regulated person the decision and an order consistent with the decision. Judicial review of the order is exclusively as provided in division (B) of this section. Unless a notice of appeal is filed in a court of common pleas within thirty days after service of the 121546  
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superintendent's order as provided in division (B) of this 121560  
section, and until the record of the administrative hearing has 121561  
been filed, the superintendent may, at anytime, upon the notice 121562  
and in the manner the superintendent considers proper, modify, 121563  
terminate, or set aside the superintendent's order. After filing 121564  
the record, the superintendent may modify, terminate, or set aside 121565  
the superintendent's order with permission of the court. 121566

(a) A hearing provided for in section 1121.32, 1121.35, or 121567  
1121.41 of the Revised Code shall be confidential, unless the 121568  
superintendent determines that holding an open hearing would be in 121569  
the public interest. Within twenty days after service of the 121570  
notice of a hearing, a respondent may file a written request for a 121571  
public hearing with the superintendent. A respondent's failure to 121572  
file such a request constitutes a waiver of any objections to a 121573  
confidential hearing. 121574

(b) A hearing provided for in section 1121.33 of the Revised 121575  
Code shall be an open hearing. Within twenty days after service of 121576  
the notice of a hearing, a respondent may file a written request 121577  
for a confidential hearing with the superintendent. If such a 121578  
request is received by the superintendent, the hearing shall be 121579  
confidential unless the superintendent determines that holding an 121580  
open hearing would be in the public interest. 121581

(2) In the course of, or in connection with, an 121582  
administrative hearing governed by this section, the 121583  
superintendent, or a person designated by the superintendent to 121584  
conduct the hearing, may administer oaths and affirmations, take 121585  
or cause depositions to be taken, and issue, revoke, quash, or 121586  
modify subpoenas and subpoenas duces tecum. At any administrative 121587  
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 121588  
of the Revised Code, the record of which may be the basis of an 121589  
appeal to court, a stenographic record of the testimony and other 121590  
evidence submitted shall be taken at the expense of the division 121591

of financial institutions. The record shall include all of the 121592  
testimony and other evidence, and any rulings on the admissibility 121593  
thereof, presented at the hearing. The superintendent may adopt 121594  
rules regarding these hearings. The attendance of witnesses and 121595  
the production of documents provided for in this section may be 121596  
required from any place within or outside the state. A party to a 121597  
hearing governed by this section may apply to the court of common 121598  
pleas of Franklin county, or the court of common pleas of the 121599  
county in which the hearing is being conducted or the witness 121600  
resides or carries on business, for enforcement of a subpoena or 121601  
subpoena duces tecum issued pursuant to this section, and the 121602  
courts have jurisdiction and power to order and require compliance 121603  
with the subpoena. Witnesses subpoenaed under this section shall 121604  
be paid the fees and mileage provided for under section 119.094 of 121605  
the Revised Code. 121606

(B)(1) A bank, trust company, or regulated person against 121607  
whom the superintendent issues an order upon the record of a 121608  
hearing under the authority of section 1121.32, 1121.33, 1121.35, 121609  
or 1121.41 of the Revised Code may obtain a review of the order by 121610  
filing a notice of appeal in the court of common pleas in the 121611  
county in which the principal place of business of the bank, trust 121612  
company, or regulated person, or residence of the regulated 121613  
person, is located, or in the court of common pleas of Franklin 121614  
county, within thirty days after the date of service of the 121615  
superintendent's order. The clerk of the court shall promptly 121616  
transmit a copy of the notice of appeal to the superintendent, 121617  
~~and~~. Within thirty days after receiving the notice of appeal, the 121618  
superintendent shall file a certified copy of the record of the 121619  
administrative hearing with the clerk of the court. In the event 121620  
of a private hearing, the record of the administrative hearing 121621  
shall be filed under seal with the clerk of the court. Upon the 121622  
filing of the notice of appeal, the court has jurisdiction, which 121623  
upon the filing of the record of the administrative hearing is 121624

exclusive, to affirm, modify, terminate, or set aside, in whole or 121625  
in part, the superintendent's order. 121626

(2) The commencement of proceedings for judicial review 121627  
pursuant to division (B) of this section does not, unless 121628  
specifically ordered by the court, operate as a stay of any order 121629  
issued by the superintendent. If it appears to the court an 121630  
unusual hardship to the appellant bank, trust company, or 121631  
regulated person will result from the execution of the 121632  
superintendent's order pending determination of the appeal, and 121633  
the interests of depositors and the public will not be threatened 121634  
by a stay of the order, the court may grant a stay and fix its 121635  
terms. 121636

(C) The superintendent may, in the sole discretion of the 121637  
superintendent, apply to the court of common pleas of the county 121638  
in which the principal place of business of the bank, trust 121639  
company, or regulated person, or residence of the regulated 121640  
person, is located, or the court of common pleas of Franklin 121641  
county, for the enforcement of an effective and outstanding 121642  
superintendent's order issued under section 1121.32, 1121.33, 121643  
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 121644  
has jurisdiction and power to order and require compliance with 121645  
the superintendent's order. In an action by the superintendent 121646  
pursuant to this division to enforce an order assessing a civil 121647  
penalty issued under section 1121.35 of the Revised Code, the 121648  
validity and appropriateness of the civil penalty is not subject 121649  
to review. 121650

(D) No court has jurisdiction to affect, by injunction or 121651  
otherwise, the issuance or enforcement of an order issued under 121652  
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 121653  
Revised Code or to review, modify, suspend, terminate, or set 121654  
aside an order issued under section 1121.32, 1121.33, 1121.34, 121655  
1121.35, or 1121.41 of the Revised Code, except as provided in 121656

this section, in division (G) of section 1121.32 of the Revised Code for an order issued pursuant to division (C)(3) or (4) of section 1121.32 of the Revised Code, or in division (A)(3) of section 1121.34 of the Revised Code for an order issued pursuant to division (A)(1) of section 1121.34 of the Revised Code.

(E) Nothing in this section or in any other section of the Revised Code or rules implementing this or any other section of the Revised Code shall prohibit or limit the superintendent from doing any of the following:

(1) Issuing orders pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;

(2) Individually or contemporaneously taking any other action provided by law or rule with respect to a bank, trust company, or regulated person;

(3) Taking any action provided by law or rule with respect to a bank, trust company, or regulated person, whether alone or in conjunction with another regulatory agency or authority.

**Sec. 1121.41.** (A) The superintendent of financial institutions may issue and serve a notice of charges and intent to issue an order placing a bank or trust company under supervision and appointing a supervisor for the bank or trust company, if, in the opinion of the superintendent, any of the following applies:

(1) In the case of a bank, any of the conditions listed in section 1125.09 of the Revised Code for appointing a conservator or in section 1125.18 of the Revised Code for taking possession of a bank and appointing a receiver, exists.

(2) In the case of a trust company, any of the conditions listed in section 1111.32 of the Revised Code for revoking a license to do trust business, exists.

(3) The bank or trust company is in such condition that the



further transaction of business would be hazardous, financially or otherwise, to its shareholders, depositors, its creditors, or the public.

(B) The notice of charges and intent to issue an order placing a bank or trust company under supervision and appointing a supervisor shall include all of the following:

(1) A statement of the alleged basis for the superintendent's placing the bank or trust company under supervision and appointing a supervisor and the period for supervision;

(2) A statement of the facts supporting the superintendent's placing the bank or trust company under supervision and appointing a supervisor;

(3) A statement of the requirements to abate the superintendent's placing the bank or trust company under supervision and appointing a supervisor;

(4) A statement, in accordance with division (D) of this section, of actions the bank or trust company would be prohibited from undertaking during the period of supervision without the prior approval of the superintendent or the supervisor appointed by the superintendent;

(5) Notice of both of the following:

(a) The bank or trust company is entitled to a hearing, conducted in accordance with section 1121.38 of the Revised Code, to determine whether the superintendent should issue an order placing the bank or trust company under supervision and appointing a supervisor, if the bank or trust company requests the hearing within thirty days after service of the superintendent's notice of charges and intent to issue an order placing the bank or trust company under supervision and appointing a supervisor;

(b) Failure to request the hearing in the time allowed, or

failure to appear at a hearing timely requested, is consent to the 121717  
issuance of the order placing the bank or trust company under 121718  
supervision and appointing a supervisor. 121719

(6) Notice that if the bank or trust company makes a timely 121720  
request for a hearing, all of the following apply: 121721

(a) The bank or trust company may appear at the hearing in 121722  
person, by attorney, or by presenting positions, arguments, and 121723  
contentions in writing. 121724

(b) At the hearing the bank or trust company may present 121725  
evidence and examine witnesses for and against the bank or trust 121726  
company. 121727

(c) The hearing will be set for a date within ten days after 121728  
the superintendent's receipt of the request for the hearing or a 121729  
later date mutually agreed to by the bank or trust company and the 121730  
superintendent. 121731

(C) The superintendent may issue an order placing the bank or 121732  
trust company under supervision and appointing a supervisor, if 121733  
either of the following applies: 121734

(1) The bank or trust company consents to the issuance of the 121735  
order; 121736

(2) Upon the record of the hearing the superintendent finds 121737  
any of the following: 121738

(a) In the case of a bank, any of the conditions listed in 121739  
section 1125.09 of the Revised Code for appointing a conservator 121740  
or in section 1125.18 of the Revised Code for taking possession of 121741  
a bank and appointing a receiver, exists. 121742

(b) In the case of a trust company, any of the conditions 121743  
listed in section 1111.32 of the Revised Code for revoking a 121744  
license to do trust business, exists. 121745

(c) The bank or trust company is in such condition that 121746

further transaction of business would be hazardous to its 121747  
shareholders, its depositors, its creditors, or the public. 121748

(D) An order placing a bank or trust company under 121749  
supervision and appointing a supervisor may prohibit the bank or 121750  
trust company from doing any of the following during the period of 121751  
supervision without the prior approval of either the 121752  
superintendent or the supervisor appointed by the superintendent: 121753

(1) Disposing of, conveying, or encumbering any of its 121754  
assets; 121755

(2) Withdrawing any of its bank accounts; 121756

(3) Lending any of its funds; 121757

(4) Investing any of its funds; 121758

(5) Transferring any of its property; 121759

(6) Incurring any debt, obligation, or liability; 121760

(7) Taking any other action specified in the order. 121761

(E) An order placing a bank or trust company under 121762  
supervision and appointing a supervisor is effective at the time 121763  
specified in the order which, in the case of an order issued 121764  
pursuant to division (C)(2) of this section, shall not be less 121765  
than thirty days after service of the order on the bank or trust 121766  
company. 121767

(F) An order placing a bank or trust company under 121768  
supervision and appointing a supervisor remains effective and 121769  
enforceable as provided in the order, except to the extent the 121770  
order is stayed, modified, terminated, or set aside by action of 121771  
the superintendent or a reviewing court. 121772

(G) The cost incident to the supervisor's service shall be 121773  
fixed and determined by the superintendent, and shall be a charge 121774  
against the assets and funds of the bank or trust company to be 121775  
allowed and paid as the superintendent determines. 121776

**Sec. 1121.43.** (A) Except as provided in division (B) of this section, the superintendent of financial institutions shall ~~publish and~~ make available to the public on a monthly basis all of the following:

(1) Any written agreement or other writing for which a violation may be enforced by the superintendent;

(2) Any final order issued pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;

(3) Any modification or termination of an agreement, other writing, or order made available to the public pursuant to this section.

(B)(1) If, in the superintendent's discretion, the superintendent determines that ~~publishing~~ making a written agreement or other writing ~~and making it~~ available to the public pursuant to division (A)(1) of this section would be contrary to the public interest, the superintendent shall not ~~publish the written agreement or other writing or~~ make it available to the public.

(2) If the superintendent determines that ~~publishing~~ making a final order ~~and making it~~ available to the public pursuant to division (A)(2) of this section would seriously threaten the safety and soundness of a state bank or trust company, the superintendent may delay ~~the publication~~ making it available for a reasonable time.

**Sec. 1121.45.** (A) The superintendent of financial institutions may call and convene a meeting with the regulated persons the superintendent determines to be appropriate at a location within this state and at a date and time established by the superintendent upon notice served in accordance with section 1121.37 of the Revised Code. The regulated persons notified of the

meeting shall attend the meeting unless excused by the 121807  
superintendent for reasonable cause at the superintendent's sole 121808  
discretion. Failure of a regulated person to attend a meeting 121809  
called and convened in accordance with this division, unless 121810  
excused by the superintendent, is grounds for suspending or 121811  
removing the regulated person from office or imposing civil 121812  
penalties against the regulated person. 121813

(B) If a quorum of the board of directors of a bank or an 121814  
affiliate of a bank attends a meeting called and convened by the 121815  
superintendent pursuant to division (A) of this section, they may 121816  
convene a meeting of the board of directors to address matters 121817  
related to the superintendent's meeting, notwithstanding any 121818  
contrary provision of the bank's articles of incorporation, code 121819  
of regulations, or bylaws related to notice of a board of 121820  
directors meeting. 121821

(C) The records of any meeting called and convened in 121822  
accordance with division (A) of this section and the discussions, 121823  
information, and documentation presented at the meeting are, in 121824  
the possession of any person, confidential and privileged 121825  
information and shall not be disclosed except as provided in 121826  
section 1121.18 of the Revised Code. 121827

**Sec. 1121.47.** (A) The superintendent of financial 121828  
institutions may do both of the following: 121829

(1) Summon and compel, by order or subpoena, witnesses to 121830  
appear before the superintendent, deputy superintendent, examiner, 121831  
~~or attorney examiner~~, or such other person designated by the 121832  
superintendent and testify under oath regarding the affairs of a 121833  
bank or trust company or, in relation to matters concerning a 121834  
state bank, foreign bank, or trust company, a regulated person; 121835

(2) Compel, by order or subpoena, the production of any 121836  
record, book, paper, document, item, or other thing pertaining to 121837

a bank or trust company or, in relation to matters concerning a 121838  
state bank, foreign bank, or trust company, a regulated person. 121839

(B) The superintendent shall serve an order or subpoena 121840  
issued pursuant to division (A) of this section in any manner 121841  
provided by section 1121.37 of the Revised Code. 121842

(C) If a person fails to comply with an order or subpoena of 121843  
the superintendent or refuses to testify to any matter regarding 121844  
which the person is lawfully interrogated before the division of 121845  
financial institutions, on application of the superintendent, the 121846  
court of common pleas of the county in which the person resides or 121847  
in which the principal place of business of the person is located, 121848  
or a judge of the court, shall compel compliance by attachment 121849  
proceedings as for contempt in the case of noncompliance with a 121850  
subpoena issued from the court or refusal to testify in the court. 121851  
Failure of a regulated person to comply fully with an order or 121852  
subpoena issued under the authority of this section shall be 121853  
grounds for removing the regulated person from office, prohibiting 121854  
the regulated person from participating directly or indirectly in 121855  
the affairs of a bank or trust company, or imposing civil 121856  
penalties against the regulated person. 121857

**Sec. 1121.48.** (A) All suits and court proceedings brought by 121858  
the superintendent of financial institutions shall be brought in 121859  
the name of the state upon the superintendent's relation, and 121860  
shall be conducted by the attorney general or a designee of the 121861  
attorney general. 121862

(B) A suit or court proceeding brought by the superintendent 121863  
may be prosecuted in the court of common pleas of Franklin county, 121864  
or of any other county in which the defendant or any of the 121865  
defendants resides or may be found. 121866

(C) In all suits or court proceedings brought by the 121867  
superintendent, the writ may be sent by regular mail to the 121868

sheriff of any county, and the sheriff may return the writ by 121869  
regular mail. The sheriff shall be allowed the same mileage and 121870  
fees for the service as would be allowed if the writ had been 121871  
issued from and made returnable to the court of common pleas of 121872  
the sheriff's county. 121873

**Sec. 1121.50.** (A) As used in this section, "independent 121874  
auditor" means an external, unaffiliated auditor who has a 121875  
certified public accounting designation that qualifies the person 121876  
to provide an auditor's report. 121877

(B) The superintendent of financial institutions may, when 121878  
circumstances warrant, require a bank or trust company to have an 121879  
independent auditor conduct agreed upon procedures prescribed by 121880  
the superintendent. The independent auditor shall be retained, and 121881  
the expense of the agreed upon procedures shall be paid, by the 121882  
bank or trust company. The agreed upon procedures shall be 121883  
conducted in accordance with standards established by the American 121884  
institute of certified public accountants. 121885

~~(B)~~(C) The board of directors of the bank or trust company 121886  
shall, within sixty days after receipt of the report prepared by 121887  
the independent auditor for the agreed upon procedures conducted 121888  
pursuant to this section, prepare a response to the report and 121889  
file the report and the board's response with the superintendent. 121890  
A report and response filed with the superintendent pursuant to 121891  
this section may be disclosed only as provided in section 1121.18 121892  
of the Revised Code. 121893

**Sec. 1121.52.** (A) If a state bank is undercapitalized, the 121894  
superintendent of financial institutions shall notify the bank of 121895  
the fact of the undercapitalization. The superintendent may 121896  
require the bank to submit a written capital restoration plan to 121897  
the superintendent within forty-five days after the bank receives 121898

that notice, unless the superintendent authorizes in writing a 121899  
longer period of time. 121900

(B) A capital restoration plan required under this section 121901  
shall specify all of the following: 121902

(1) The steps the state bank will take to become adequately 121903  
capitalized; 121904

(2) The levels of capital to be attained during the time 121905  
frame in which the plan will be in effect; 121906

(3) The types and levels of activities in which the bank will 121907  
engage; 121908

(4) Any other information the superintendent may require. 121909

(C) The superintendent shall approve a capital restoration 121910  
plan submitted under this section if the superintendent determines 121911  
that the plan meets both of the following conditions: 121912

(1) It is based on realistic assumptions and is likely to 121913  
succeed in restoring the bank's capital. 121914

(2) It would not appreciably increase the risk, including 121915  
credit risk and interest rate risk, to which the bank is exposed. 121916

(D) If the superintendent fails to approve a state bank's 121917  
capital restoration plan, the superintendent shall notify the bank 121918  
and require it to submit a revised plan within a time period 121919  
specified by the superintendent. Upon serving that notice, the 121920  
superintendent may immediately appoint a conservator for the bank 121921  
or take any other action authorized under section 1121.32, 121922  
1121.33, 1121.34, 1121.35, 1121.41, or 1121.46 of the Revised Code 121923  
or any other law or rule. 121924

(E) Both of the following apply to any state bank that has 121925  
submitted and is operating under a capital restoration plan 121926  
approved under this section: 121927



(1) The bank shall not be required to submit an additional capital restoration plan based on a revised calculation of its capital measures unless specifically required to do so by the superintendent. A state bank that is notified that it must submit a new or revised plan shall file a written plan with the superintendent within thirty days after the bank receives the notice, unless the superintendent authorizes in writing a different period of time. 121928  
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(2) The bank may, after prior written notice to and approval by the superintendent, amend its capital restoration plan to reflect a change in circumstance. Until such time as a proposed amendment is approved by the superintendent, the bank shall implement the plan in its current form. 121936  
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(F)(1) If an undercapitalized bank fails to submit a capital restoration plan required under this section within the designated period of time, upon expiration of that period, the superintendent may immediately appoint a conservator for the bank or take any other action authorized under section 1121.32, 1121.33, 1121.34, 1121.35, 1121.41, or 1121.46 of the Revised Code or any other law or rule. 121941  
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(2) If an undercapitalized bank fails, in any material respect, to implement a capital restoration plan required under this section, the superintendent may immediately appoint a conservator for the bank or take any other action authorized under section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code or any other law or rule. 121948  
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(G) Nothing in this section prohibits the superintendent from requiring a state bank to submit a capital restoration plan at any other time the superintendent considers necessary. 121954  
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**Sec. 1121.56.** Neither the superintendent of financial institutions ~~nor~~, any employee, agent, or contractor of the 121957  
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division of financial institutions, or any supervisor appointed by 121959  
the superintendent under this chapter is liable in any civil, 121960  
criminal, or administrative proceeding for any mistake of judgment 121961  
or discretion in any action taken, or any omission made, in good 121962  
faith within the scope of the person's official capacity as 121963  
assigned by the superintendent. 121964

**Sec. 1123.01.** (A) There is hereby created in the division of 121965  
financial institutions a banking commission which shall consist of 121966  
~~seven~~ nine members. The deputy superintendent for banks shall be a 121967  
member of the commission and its chairperson. The governor, with 121968  
the advice and consent of the senate, shall appoint the remaining 121969  
~~six~~ eight members. 121970

(B) After the second Monday in January of each year, the 121971  
governor shall appoint two members. Terms of office shall be for 121972  
~~three~~ four years commencing on the first day of February and 121973  
ending on the thirty-first day of January. Each member shall hold 121974  
office from the date appointed until the end of the term for which 121975  
appointed. In the case of a vacancy in the office of any member, 121976  
the governor shall appoint a successor who shall hold office for 121977  
the remainder of the term for which the successor's predecessor 121978  
was appointed. Any member shall continue in office subsequent to 121979  
the expiration date of the member's term until the member's 121980  
successor is appointed, or until sixty days have elapsed, 121981  
whichever occurs first. 121982

(C) No person appointed as a member of the commission may 121983  
serve more than two consecutive full terms. However, a member may 121984  
serve two consecutive full terms following the remainder of a term 121985  
for which the member was appointed to fill a vacancy. 121986

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 121987  
to the commission shall be, at the time of appointment, executive 121988  
officers of state banks ~~transacting business under authority~~ 121989

~~granted by the superintendent of financial institutions, and four~~ 121990  
~~all~~ of the ~~six~~ members appointed to the commission shall have 121991  
banking experience as a director or officer of a bank, savings 121992  
bank, or savings association insured by the federal deposit 121993  
insurance corporation, a bank holding company, or a savings and 121994  
loan holding company. The membership of the commission shall be 121995  
representative of the banking industry as a whole, including 121996  
representatives of banks of various asset sizes and ownership 121997  
structures, as determined by the governor after consultation with 121998  
the superintendent of financial institutions ~~from time to time.~~ 121999

(2) No person who has been convicted of, or has pleaded 122000  
guilty to, a felony involving an act of fraud, dishonesty or, 122001  
breach of trust, theft, or money laundering shall take or hold 122002  
office as a member of the banking commission. 122003

(E) The members of the commission shall receive no salary, 122004  
but their expenses incurred in the performance of their duties 122005  
shall be paid from funds appropriated for that purpose. 122006

(F) The governor may remove any of the ~~six~~ eight members 122007  
appointed to the commission whenever in the governor's judgment 122008  
the public interest requires removal. Upon removing a member of 122009  
the commission, the governor shall file with the superintendent a 122010  
statement of the cause for the removal. 122011

**Sec. 1123.02.** (A) The banking commission shall hold regular 122012  
meetings at the times and places it fixes, and shall meet at any 122013  
time on call of the deputy superintendent for banks upon two days' 122014  
notice unless the commission by resolution provides for a shorter 122015  
notice. 122016

(B) A majority of the full commission constitutes a quorum, 122017  
and action taken by a majority of those present at a meeting at 122018  
which there is a quorum constitutes the action of the commission. 122019

(C) No member shall participate before the commission in a proceeding involving any bank of which the member is, or was at any time in the preceding twelve months, a member of the board of directors, an officer, an employee, or a shareholder. A member may refrain from participating in a proceeding before the commission for any other cause the member considers sufficient.

(D) The commission may, by a majority vote of those present at a meeting at which there is a quorum, adopt and amend bylaws and rules the commission, in its judgment, considers necessary and proper. The commission shall select one of its members as secretary, who shall keep a record of all its proceedings.

**Sec. 1123.03.** The banking commission shall do all of the following:

(A) Make recommendations to the deputy superintendent for banks and the superintendent of financial institutions on the business of banking;

(B) Consider and make recommendations on any matter the superintendent or deputy superintendent submits to the commission for that purpose;

(C) Pass upon and determine any matter the superintendent or deputy superintendent submits to the commission for determination;

(D) Consider and determine whether to confirm the annual schedule of assessments proposed by the superintendent in accordance with section 1121.29 of the Revised Code;

(E) Determine whether to increase the schedule of assessments as provided in division (A)(3) of section 1121.29 of the Revised Code;

(F) Determine, as provided in division (D) of section 1121.12 of the Revised Code, both of the following:

(1) Whether there is reasonable cause to believe that there

is a significant risk of imminent material harm to the bank; 122050

(2) Whether the examination of the bank holding company is 122051  
necessary to fully determine the risk to the bank, or to determine 122052  
how best to address the risk to the bank. 122053

**Sec. 1125.01.** (A) As used in this chapter, "court" means the 122054  
court of common pleas of the county in which the principal place 122055  
of business of a state bank, as set forth in its articles of 122056  
incorporation, is located or of any other county determined by the 122057  
superintendent of financial institutions to be appropriate under 122058  
the circumstances. 122059

(B) The court shall have exclusive original jurisdiction of 122060  
any action or proceeding relating to or arising out of the taking 122061  
of possession of the property and business of a state bank under 122062  
this chapter, whether before or after the bank is wound up and 122063  
dissolved, as well as any action or other proceeding brought under 122064  
this chapter. 122065

(C) Whenever the approval of the court is required for any 122066  
act under this chapter, that approval may be given with or without 122067  
a hearing held upon whatever notice, if any, the court may direct, 122068  
unless otherwise provided in this chapter. At a hearing, the 122069  
court, by order, may approve the actions petitioned. 122070

**Sec. 1125.03.** (A) A state bank may proceed with a voluntary 122071  
liquidation and be closed only with both the consent of the 122072  
superintendent of financial institutions and the prior approval of 122073  
the shareholders or members of the bank by a vote as provided for 122074  
in its articles of incorporation, if not less than a majority. 122075

(B) Prior to instituting a voluntary liquidation, a state 122076  
bank shall submit to the superintendent an application for 122077  
approval of its plan of voluntary liquidation and evidence 122078  
satisfactory to the superintendent that the plan has been properly 122079

adopted by the bank and approved by its shareholders or members. 122080

(C) A state bank's plan of voluntary liquidation shall 122081  
include provisions for all of the following: 122082

(1) The settlement of all debts and liabilities, including 122083  
the claims of account holders, owed by the bank; 122084

(2) The distribution of the bank's assets that remain after 122085  
the settlement of debts and liabilities to all persons entitled to 122086  
them; 122087

(3) The disposition or maintenance of any remaining or 122088  
unclaimed funds, real or personal property, either tangible or 122089  
intangible, or other assets, whether in trust or otherwise, 122090  
including the contents of safe deposit boxes or vaults; 122091

(4) The retention of the bank's records in accordance with 122092  
section 1109.69 of the Revised Code; 122093

(5) The date upon which the bank shall cease doing any 122094  
banking business and surrender its banking license to the 122095  
superintendent. 122096

(D) Upon receipt of a plan of voluntary liquidation, the 122097  
superintendent shall make an examination of the bank and shall 122098  
consent to or deny an application for approval of a plan based 122099  
upon the superintendent's evaluation of whether or not the 122100  
interests of the bank's depositors and creditors will suffer by 122101  
the liquidation. 122102

(E) The superintendent's consent to an application for 122103  
approval of a plan of voluntary liquidation may be subject to any 122104  
condition the superintendent determines appropriate under the 122105  
circumstances. 122106

**Sec. 1125.04.** (A) If the superintendent of financial 122107  
institutions consents to a voluntary liquidation, the 122108  
superintendent shall cause a certified copy of the consent to be 122109

filed in the office of the secretary of state, and the state bank 122110  
to be liquidated shall do both of the following: 122111

(1) Publish a notice of the voluntary liquidation once a week 122112  
for four consecutive weeks in a newspaper of general circulation 122113  
in the county in which the bank's principal place of business is 122114  
located; 122115

(2) Give written notice of the voluntary liquidation, either 122116  
personally or by mail, to all known creditors of and all known 122117  
claimants against the bank. 122118

(B) Compliance with the notice and publication requirements 122119  
of division (A) of this section satisfies any duplicate or similar 122120  
notice and publication requirements of Chapter 1701. of the 122121  
Revised Code. 122122

**Sec. 1125.05.** (A) A voluntary liquidation of a state bank 122123  
shall be conducted only with the continued supervision of the 122124  
superintendent of financial institutions. The superintendent may 122125  
conduct any additional examinations of the bank the superintendent 122126  
considers necessary or appropriate. 122127

(B) If the superintendent has reason to conclude the 122128  
liquidation of a state bank is not being safely or expeditiously 122129  
conducted, the superintendent may take possession of the business 122130  
and property of the bank in the same manner, with the same effect, 122131  
and subject to the same rights accorded the bank as if the 122132  
superintendent had taken possession under the receivership 122133  
provisions of this chapter. The superintendent may proceed to 122134  
liquidate the affairs of the bank in the same manner as otherwise 122135  
provided in this chapter. 122136

**Sec. 1125.06.** Upon completion of a voluntary liquidation, the 122137  
liquidated state bank shall submit to the superintendent of 122138  
financial institutions all documents required under Chapter 1701. 122139

of the Revised Code for a dissolution. The superintendent shall 122140  
consent to the dissolution, and shall cause a certified copy of 122141  
the consent to be filed, along with the bank's dissolution 122142  
documents, in the office of the secretary of state. 122143

**Sec. 1125.09.** The superintendent of financial institutions 122144  
may appoint a conservator to take possession of the property and 122145  
business of a state bank and to retain possession until the bank 122146  
resumes business or a receiver is appointed, as provided for in 122147  
this chapter, if the superintendent finds any one or more of the 122148  
following conditions: 122149

(A) The bank is in an unsafe or unsound condition to continue 122150  
the business of banking. 122151

(B) The bank is insolvent, in that it has ceased to pay its 122152  
debts in the ordinary course of business, it is incapable of 122153  
paying its debts as they mature, or it has liabilities in excess 122154  
of its assets. 122155

(C) The bank has committed a violation of law that has caused 122156  
or that threatens substantial injury to any of the public, the 122157  
banking industry, or the bank's depositors or other creditors. 122158

(D) The bank has refused to submit its records of account, 122159  
papers, or affairs to the inspection or examination of any federal 122160  
agency or the superintendent. 122161

(E) The bank has failed to pay its deposits or obligations in 122162  
accordance with the terms under which the deposits were taken or 122163  
the obligations were incurred. 122164

(F) A majority of the board of directors of the bank or a 122165  
majority of its shareholders or members has requested the 122166  
superintendent to appoint a conservator to take possession of the 122167  
bank. 122168

(G) Either all positions on the board of directors of the 122169



bank are vacant or all of the directors then in office are 122170  
incapacitated or otherwise unable to perform their 122171  
responsibilities. 122172

(H) The bank has violated any court order, statute, rule, or 122173  
regulation, or its articles of incorporation, and the 122174  
superintendent determines the continued control of its own affairs 122175  
threatens injury to any of the public, the banking industry, or 122176  
the bank's depositors or other creditors. 122177

(I) The bank's status as an insured institution has been 122178  
terminated by the federal deposit insurance corporation. 122179

**Sec. 1125.10.** (A) If it appears to the superintendent of 122180  
financial institutions that any one or more of the conditions set 122181  
forth in section 1125.09 of the Revised Code exists as to any 122182  
state bank, the superintendent may appoint a conservator, which 122183  
appointment may include the superintendent, and thereafter may 122184  
dismiss or replace the conservator as the superintendent 122185  
determines necessary or advisable. The superintendent may fix the 122186  
compensation to be paid the conservator and the amount of the bond 122187  
or other security, if any, to be required. 122188

(B) The superintendent may, from time to time, appoint one or 122189  
more special deputy superintendents as agent or agents to assist 122190  
in the duties of conservatorship. 122191

(C) The superintendent, any special deputy superintendents, 122192  
or a conservator may employ and procure whatever assistance or 122193  
advice is necessary in the conservatorship of the bank, and, for 122194  
that purpose, may retain officers or employees of the bank as 122195  
needed. 122196

(D) The superintendent may terminate the conservatorship at 122197  
any time, and may appoint a receiver for liquidation of the bank 122198  
on any of the grounds provided in this chapter for appointment of 122199

a receiver. 122200

(E) All expenses of a conservatorship shall be paid out of 122201  
the assets of the bank, and shall be a lien on the bank's assets, 122202  
which lien shall be prior to any other lien. 122203

**Sec. 1125.11.** (A) Upon the appointment of a conservator, the 122204  
superintendent of financial institutions shall file a certified 122205  
copy of the certificate of appointment in the office of the 122206  
secretary of state, and thereafter no person shall obtain a lien 122207  
or charge upon any assets of the state bank for any payment, 122208  
advance, clearance, or liability thereafter made or incurred, nor 122209  
shall the directors, officers, or agents of the bank thereafter 122210  
have authority to act on behalf of the bank or to convey, 122211  
transfer, assign, pledge, mortgage, or encumber any of the bank's 122212  
assets. 122213

(B) The filing of the certificate of appointment in 122214  
accordance with this section shall not be a condition to either 122215  
the superintendent's taking possession of the property and 122216  
business of a state bank or appointing a conservator for a state 122217  
bank. 122218

**Sec. 1125.12.** (A) A conservator, under the supervision of the 122219  
superintendent of financial institutions and subject to any 122220  
limitations imposed by the superintendent, shall have all of the 122221  
following powers: 122222

(1) To take possession of all books, records of account, and 122223  
assets of the state bank; 122224

(2) To have and exercise, in the name and on behalf of the 122225  
bank, all the rights, powers, and authority of the officers and 122226  
directors of the bank and all voting rights of its shareholders or 122227  
members; 122228

(3) To collect all debts, claims, and judgments belonging to 122229

the bank and to take any other action, including the lending of 122230  
money, necessary to the operation of the bank during the 122231  
conservatorship; 122232

(4) To execute in the name of the bank any instrument 122233  
necessary or proper to effectuate the conservator's powers or 122234  
perform its duties as conservator; 122235

(5) To initiate, pursue, compromise, and defend litigation 122236  
involving any right, claim, interest, or liability of the bank; 122237

(6) To exercise all fiduciary functions of the bank as of the 122238  
date of appointment as conservator; 122239

(7) To borrow money as necessary in the operation of the 122240  
bank, and to secure those borrowings by the pledge or mortgage of 122241  
the assets of the bank; 122242

(8) To abandon or convey title to any holder of a deed of 122243  
trust, mortgage, or similar lien against property in which the 122244  
bank has an interest, whenever the conservator determines that 122245  
continuing to claim that interest is burdensome and of no 122246  
advantage to the bank or its account holders, creditors, ~~or~~ 122247  
shareholders, or members; 122248

(9) If done in good faith within the ordinary course of 122249  
business or financial affairs of the bank and according to 122250  
ordinary business terms, to sell any and all assets, to compromise 122251  
any debt, claim, obligation, or judgment due to the bank, to 122252  
discontinue any pending action or other proceeding, and to 122253  
implement a restructuring of the bank in accordance with this 122254  
chapter. 122255

(B) Title to any assets of the bank does not vest in the 122256  
conservator. 122257

**Sec. 1125.13.** During the period of the conservatorship, all 122258  
of the following apply: 122259

(A) The conservator may permit the state bank to continue to 122260  
conduct its usual business, including the acceptance of deposits. 122261

(B) The obligations of the state bank shall continue to bear 122262  
interest at the rate contracted. 122263

(C) The conservator shall make whatever reports to the 122264  
superintendent of financial institutions the superintendent may 122265  
from time to time require. 122266

**Sec. 1125.14.** (A) The conservator shall evaluate the business 122267  
and assets of the state bank and, after conducting whatever 122268  
investigations the circumstances may require, shall recommend to 122269  
the superintendent of financial institutions that either the 122270  
conservatorship of the bank be terminated or the superintendent 122271  
appoint a receiver and the bank be liquidated as otherwise 122272  
provided in this chapter. The conservator shall consult with the 122273  
board of directors of the bank before making the recommendation. 122274  
122275

(B) The conservator of the bank may submit a plan to the 122276  
superintendent for approval to restructure the bank in a manner 122277  
designed to return the bank to the control of its shareholders or 122278  
members. As part of the plan, the conservator may take any steps 122279  
the superintendent approves regarding the management, operations, 122280  
or assets of the bank, including the sale of some or all of the 122281  
bank's assets. The conservator shall consult with the board of 122282  
directors of the bank regarding any proposed sale of all or 122283  
substantially all of the bank's assets. 122284

(C) The superintendent may require the conservator to submit 122285  
the plan to the shareholders or members of the bank as provided in 122286  
division (D) of this section or to submit a new or revised plan 122287  
for consideration by the superintendent. 122288

(D) If the conservator's plan is submitted to the 122289

shareholders or members pursuant to division (C) of this section, 122290  
the superintendent shall designate the contents of notice of the 122291  
vote that is to be forwarded from the conservator to the 122292  
shareholders or members and shall designate the date upon which 122293  
notice is to be forwarded. The date of the shareholder or member 122294  
vote shall be determined by the superintendent, but shall not 122295  
occur earlier than seven days or later than forty-five days after 122296  
the date of the notice. 122297

If the majority of the shareholders or members do not approve 122298  
the plan, the superintendent may request submission of a new plan 122299  
or proceed to appoint a receiver without regard to the grounds for 122300  
appointment of a receiver as otherwise provided in this chapter. 122301  
If the majority of the shareholders or members approve the plan, 122302  
the superintendent may terminate the conservatorship, and the 122303  
shareholders or members shall elect directors to manage the bank. 122304

(E) The superintendent, at any time, including after the date 122305  
notice of a vote is provided to shareholders or members of the 122306  
bank under division (D) of this section, may revoke a previously 122307  
approved plan of the conservator and either provide for, or 122308  
request submission of, a new plan or proceed with receivership 122309  
under this chapter. 122310

**Sec. 1125.17.** This chapter provides the full and exclusive 122311  
powers and procedures for the liquidation of state banks under the 122312  
laws of this state, and no receiver or other liquidating agent 122313  
shall be appointed for that purpose except as expressly provided 122314  
in this chapter. 122315

**Sec. 1125.18.** The superintendent of financial institutions 122316  
may take possession of the property and business of a state bank 122317  
if the superintendent finds any one or more of the following 122318  
conditions: 122319

(A) The bank is in an unsafe or unsound condition to continue the business of banking. 122320  
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(B) The bank is insolvent, in that it has ceased to pay its debts in the ordinary course of business, it is incapable of paying its debts as they mature, or it has liabilities in excess of its assets. 122322  
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(C) The bank has refused to submit its records or affairs to the inspection or examination of any federal bank regulatory agency or the superintendent. 122326  
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122328

(D) The bank has failed to pay its deposits or obligations in accordance with the terms under which the deposits were taken or the obligations were incurred. 122329  
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122331

(E) A majority of the board of directors of the bank has requested the superintendent to appoint a receiver to take possession of the bank for the benefit of account holders, creditors, ~~or~~ shareholders, or members. 122332  
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122335

(F) The bank has violated any order of a court or of the superintendent, any statute, rule, or regulation, or its articles of incorporation, and the superintendent determines the continued control of its own affairs threatens injury to any of the public, the banking industry, or the bank's depositors or other creditors. 122336  
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(G) The bank's status as an insured institution has been terminated by the federal deposit insurance corporation. 122341  
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(H) The (1) In the case of a stock state bank, the bank has an impairment of paid-in capital. 122343  
122344

(2) In the case of a mutual state bank, the bank has an impairment of retained earnings. 122345  
122346

**Sec. 1125.19.** (A) Upon issuing a written finding that any one or more of the conditions set forth in section 1125.18 of the Revised Code for taking possession of a state bank exists and 122347  
122348  
122349

taking possession of the state bank, the superintendent of 122350  
financial institutions shall file a certified copy of the finding 122351  
and the notice of possession with the court. 122352

(B) Upon the appointment of a receiver, the superintendent 122353  
shall file a certified copy of the certificate of appointment in 122354  
the office of the secretary of state and with the court. 122355

(C) After the superintendent files the finding of the 122356  
superintendent or the certificate of appointment of the receiver, 122357  
whichever occurs first, no person shall obtain a lien or charge 122358  
upon any assets of the bank for any payment, advance, clearance, 122359  
or liability thereafter incurred, nor shall the directors, 122360  
officers, or agents of the bank have authority to act on behalf of 122361  
the bank or to convey, transfer, assign, pledge, mortgage, or 122362  
encumber any assets of the bank. 122363

(D) Upon taking possession of the bank, the superintendent 122364  
shall post or cause to be posted an appropriate notice of closing 122365  
at the main entrance of each of the bank's banking offices. 122366

(E) Neither filing nor posting of notice in accordance with 122367  
this section shall be a condition to either the superintendent's 122368  
taking possession of the property and business of a state bank or 122369  
appointing a receiver for a state bank. 122370

**Sec. 1125.20.** (A) If it appears to the superintendent of 122371  
financial institutions that any one or more of the conditions set 122372  
forth in section 1125.18 of the Revised Code exists as to any 122373  
state bank, the superintendent shall tender appointment as 122374  
receiver to the federal deposit insurance corporation if any 122375  
deposits in the state bank are insured by the federal deposit 122376  
insurance corporation, and may tender appointment as receiver to 122377  
the federal deposit insurance corporation in any other case. Upon 122378  
acceptance of the appointment as receiver, the federal deposit 122379  
insurance corporation shall not be required to post a bond. In 122380

addition to the powers of a receiver set forth in this chapter, 122381  
the federal deposit insurance corporation, as receiver, may 122382  
exercise any other liquidation or receivership powers authorized 122383  
by state or federal law for a receiver of a bank. 122384

(B) If the federal deposit insurance corporation declines to 122385  
accept the tendered appointment or if the superintendent is not 122386  
required to tender appointment as receiver to the federal deposit 122387  
insurance corporation, the superintendent may appoint, and 122388  
thereafter dismiss or replace, any other receiver, including the 122389  
superintendent, the superintendent determines to be necessary or 122390  
advisable. The superintendent may fix the compensation to be paid 122391  
the receiver and the amount of the bond or other security, if any, 122392  
to be required. 122393

(C) The superintendent may, from time to time, appoint one or 122394  
more special deputy superintendents as agent or agents to assist 122395  
in the duties of receivership or of liquidation and distribution. 122396  
No agent so appointed shall be subject to section 1181.05 of the 122397  
Revised Code. 122398

(D) The superintendent, any special deputy superintendents, 122399  
or a receiver may employ and procure whatever assistance or advice 122400  
is necessary in the receivership or liquidation and distribution 122401  
of the assets of the bank, and, for that purpose, may retain 122402  
officers or employees of the bank as needed. 122403

(E) All expenses of a receivership and liquidation shall be 122404  
paid out of the assets of the bank, and shall be a lien on the 122405  
bank's assets, which lien shall be prior to any other lien. 122406

**Sec. 1125.21.** Upon the superintendent of financial 122407  
institutions' appointment of a receiver, title to all of the state 122408  
bank's assets shall vest in the receiver without the execution of 122409  
any instrument of conveyance, assignment, transfer, or 122410  
endorsement. 122411



Sec. 1125.22. (A) A receiver shall have all of the following powers: 122412  
122413

(1) To take possession of all books, records of account, and assets of the state bank; 122414  
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(2) To collect all debts, claims, and judgments belonging to the bank and to take any other action, including the lending of money, necessary to preserve and liquidate the assets of the bank; 122416  
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(3) To execute in the name of the bank any instrument necessary or proper to effectuate the receiver's powers or perform its duties as receiver; 122419  
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122421

(4) To initiate, pursue, compromise, and defend litigation involving any right, claim, interest, or liability of the bank; 122422  
122423

(5) To exercise all fiduciary functions of the bank as of the date of appointment as receiver; 122424  
122425

(6) To borrow money as necessary in the liquidation of the bank, and to secure those borrowings by the pledge or mortgage of assets of the bank; 122426  
122427  
122428

(7) To abandon or convey title to any holder of a deed of trust, mortgage, or similar lien against property in which the bank has an interest, whenever the receiver determines that continuing to claim that interest is burdensome and of no advantage to the bank or its account holders, creditors, ~~or~~ shareholders, or members; 122429  
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(8) To sell any and all assets, to compromise any debt, claim, obligation, or judgment due to the bank, to discontinue any pending action or other proceeding, and to sell or otherwise transfer all or a substantial portion of the assets or liabilities of the bank; 122435  
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(9) To establish ancillary receiverships in any jurisdiction the receiver determines necessary; 122440  
122441

(10) To distribute assets in accordance with this chapter; 122442

(11) To take any other action incident to the powers set 122443  
forth in division (A) of this section. 122444

(B) Unless specifically indicated to the contrary, the powers 122445  
conferred upon a receiver under this section may be exercised 122446  
without court approval. However, nothing in this section shall be 122447  
construed to prevent a receiver from obtaining court approval when 122448  
the receiver determines approval is appropriate under the 122449  
circumstances. 122450

**Sec. 1125.23.** (A) The receiver shall promptly cause notice of 122451  
the claims procedure to be published once a month for two 122452  
consecutive months in a local newspaper of general circulation and 122453  
to be mailed to each person whose name appears as a creditor upon 122454  
the books of the state bank, at the last address of record. 122455

(B)(1) All parties having claims of any kind against the 122456  
bank, including prior judgments and claims of security, 122457  
preference, priority, and offset, shall present their claims 122458  
substantiated by legal proof to the receiver within one hundred 122459  
eighty days after the date of the first publication of notice of 122460  
the claims procedure or after actual receipt of notice of the 122461  
claims procedure, whichever occurs first. 122462

(2) Within one hundred eighty days after receipt of a claim, 122463  
the receiver shall notify the claimant in writing whether the 122464  
claim has been allowed or disallowed. The receiver may reject any 122465  
claim in whole or in part, or may reject any claim of security, 122466  
preference, priority, or offset against the bank. Any claimant 122467  
whose claim has been rejected by the receiver shall petition the 122468  
court for a hearing on the claim within sixty days after the date 122469  
the notice was mailed or be forever barred from asserting the 122470  
rejected claim. 122471

(C) Any claims filed after the claim period and subsequently 122472  
accepted by the receiver or allowed by the court, shall be 122473  
entitled to share in the distribution of assets only to the extent 122474  
of the undistributed assets in the hands of the receiver on the 122475  
date the claims are accepted or allowed. 122476

**Sec. 1125.24.** (A) All claims against the state bank's estate 122477  
and expenses, proved to the receiver's satisfaction or approved by 122478  
the court, shall be paid in the following order: 122479

(1) Expenses of liquidation and receivership, including money 122480  
borrowed under authority of division (A)(6) of section 1125.22 or 122481  
division (A)(7) of section 1125.12 of the Revised Code and 122482  
interest on it, and claims for fees and assessments due the 122483  
superintendent of financial institutions; 122484

(2) Claims given priorities under other provisions of state 122485  
or federal law; 122486

(3) Wages and, salaries, or commissions, including vacation, 122487  
severance, and sick leave pay, of officers and employees earned 122488  
during the one-month period preceding the date of the bank's 122489  
closing in an amount, before applicable taxes and other 122490  
withholdings, that does not exceed one thousand dollars for any 122491  
one person; 122492

(4) Deposit obligations; 122493

(5) Other general liabilities; 122494

(6) Obligations subordinated to deposits and other general 122495  
liabilities. 122496

(B) Interest shall be given the same priority as the claim on 122497  
which it is based, but no interest shall be paid on any claim 122498  
until the principal of all claims within the same class has been 122499  
paid or provided for in full. 122500

(C) Any funds remaining after satisfying the requirements of 122501

divisions (A) and (B) of this section shall be paid to the 122502  
shareholders or members. 122503

(D) Payment on claims shall be made pro rata among claims of 122504  
the kind specified in each class set forth in division (A) of this 122505  
section. 122506

(E) Subject to the approval of the court, the receiver may 122507  
designate a separate class of claims consisting only of every 122508  
unsecured claim that is less than, or reduced to, an amount the 122509  
court approves for payment as reasonable and necessary for 122510  
administrative convenience. 122511

(F) Subject to the approval of the court, the receiver may 122512  
make periodic and interim liquidating dividends or payments. 122513

**Sec. 1125.25.** (A) Within one hundred days after the date of 122514  
the closing of a state bank, a receiver may reject any executory 122515  
contract to which the bank is a party without any further 122516  
liability on the part of the bank or the receiver. The receiver's 122517  
election to reject an executory contract creates no claim for 122518  
compensation other than compensation accrued to the date of 122519  
termination or for actual damages. 122520

(B) A receiver may ratify and assign any executory contract 122521  
to which the bank is a party notwithstanding the existence of a 122522  
provision in the contract permitting the termination of the 122523  
executory contract, or prohibiting, conditioning, or requiring 122524  
consent to any assignment of the executory contract, upon the 122525  
insolvency of the bank or the appointment of a receiver. 122526

**Sec. 1125.26.** Whenever the federal deposit insurance 122527  
corporation pays or makes available for payment the insured 122528  
deposit liabilities of a state bank, the federal deposit insurance 122529  
corporation, whether or not it acts as receiver, shall be 122530  
subrogated to the extent of the payments to all rights of 122531

depositors against the bank. 122532

**Sec. 1125.27.** (A) The receiver may appoint a successor to all 122533  
rights, obligations, assets, deposits, agreements, and trusts held 122534  
by the closed state bank as trustee, administrator, executor, 122535  
guardian, agent, or in any other fiduciary or representative 122536  
capacity. The successor's duties and obligations commence upon 122537  
appointment to the same extent they are binding upon the former 122538  
bank and as though the successor had originally assumed the duties 122539  
and obligations. Specifically, the successor shall succeed to and 122540  
be entitled to administer all trusteeships, administrations, 122541  
executorships, guardianships, agencies, and all other fiduciary or 122542  
representative proceedings to which the closed bank is named or 122543  
appointed in wills, whenever probated, or to which it is appointed 122544  
by any other instrument, court order, or operation of law. 122545

(B) Within sixty days after appointment, the successor shall 122546  
give written notice, insofar as practicable, to all interested 122547  
parties named in the books and records of the bank or in trust 122548  
documents held by it, that the successor has been appointed in 122549  
accordance with state law. 122550

(C) Nothing in this section shall be construed to impair any 122551  
right of the grantor or beneficiaries of trust assets to secure 122552  
the appointment of a substituted trustee or manager. 122553

**Sec. 1125.28.** (A) The filing with the court of the finding of 122554  
the superintendent of financial institutions or the certificate of 122555  
appointment of the receiver, whichever occurs first, operates as 122556  
an automatic stay from the date of the filing, subject to the 122557  
court granting a motion for relief from the stay, applicable to 122558  
all ~~entities~~ persons, of both of the following: 122559

(1) The commencement or continuation, including the issuance 122560  
or employment of process, of a judicial, administrative, or other 122561

action or proceeding against the state bank that was or could have 122562  
been commenced before the filing; 122563

(2) The enforcement against the bank of a judgment or other 122564  
claim obtained before the filing, including claims of security, 122565  
preference, priority, and offset. 122566

(B) Upon the filing with the court of the finding of the 122567  
superintendent or the certificate of appointment of the receiver, 122568  
whichever occurs first, any other pending judicial, 122569  
administrative, or other action or proceeding against the bank 122570  
shall, upon motion of the receiver, be consolidated into one 122571  
action or transferred as a separate matter before the presiding 122572  
judge of the court having jurisdiction of the receivership, 122573  
subject, however, to the automatic stay provided in division (A) 122574  
of this section. Subject to the receiver's option to have an 122575  
action later consolidated or transferred, any action commenced 122576  
after the superintendent's filing shall be filed as a separate 122577  
matter before the presiding judge in the court having jurisdiction 122578  
over the receivership. 122579

(C) The superintendent, prior to the appointment of a 122580  
receiver, or the receiver, after its appointment, shall be the 122581  
only party named in an action involving a state bank subject to 122582  
this chapter. 122583

(D) Any action seeking to enjoin the superintendent's order 122584  
appointing a receiver of a state bank shall be brought prior to 122585  
the date the receiver sells all or substantially all of the assets 122586  
of the bank, prior to the date the receiver transfers all or 122587  
substantially all of the insured deposits to an assuming 122588  
institution, or within ten days after the issuance of the order, 122589  
whichever is earliest. 122590

**Sec. 1125.29.** (A) When a receiver has completed the 122591  
liquidation of a state bank, the receiver shall, with notice to 122592

the superintendent of financial institutions, petition the court 122593  
for an order declaring the bank properly wound up and dissolved. 122594

(B) After whatever notice and hearing, if any, the court may 122595  
direct, the court may make an order declaring the bank properly 122596  
wound up and dissolved. The order shall do both of the following, 122597  
to the extent applicable: 122598

(1) Declare all of the following: 122599

(a) The bank has been properly wound up. 122600

(b) All known assets of the bank have been distributed 122601  
according to the distribution priorities set forth in this 122602  
chapter. 122603

(c) The bank is dissolved. 122604

(2) If there are known debts or liabilities, describe the 122605  
provision made for their payment, setting forth whatever 122606  
information may be necessary to enable the creditor or other 122607  
person to whom payment is to be made to appear and claim payment 122608  
of the debt or liability. 122609

(C) The order shall confirm a plan by the receiver for the 122610  
disposition or maintenance of any remaining real or personal 122611  
property or other assets, whether held in trust or otherwise and 122612  
including the contents of safe deposit boxes or vaults, held by 122613  
the bank for its account holders, creditors, lessees, ~~or~~ 122614  
shareholders, or members. The plan shall include written notice to 122615  
all known owners or beneficiaries of the assets, to be sent by 122616  
first class mail to each individual's address as shown on the 122617  
records of the bank. 122618

(D) The court may make whatever additional orders and grant 122619  
whatever further relief it determines proper upon the evidence 122620  
submitted. 122621

(E) Once the order is made declaring the bank dissolved, the 122622

corporate existence of the bank shall cease, except for purposes 122623  
of any necessary additional winding up. 122624

(F) Once the order is made declaring the bank dissolved, the 122625  
receiver shall promptly file a copy of the order, certified by the 122626  
clerk of the court, with both the secretary of state and the 122627  
superintendent. 122628

**Sec. 1125.30.** Subject to the approval of the court, the 122629  
receiver may destroy the records of the state bank in accordance 122630  
with section 1109.69 of the Revised Code after the receiver 122631  
determines there is no further need for them. However, the 122632  
receiver shall not destroy the records earlier than six months 122633  
after the date the bank is declared dissolved by the court. 122634

**Sec. 1125.33.** (A) No damages may be awarded in a proceeding 122635  
brought pursuant to this chapter challenging any action by the 122636  
superintendent of financial institutions, special deputy 122637  
superintendent, receiver, or conservator, or any employee of any 122638  
of them, or any person retained for services under this chapter. 122639  
Any action for damages shall be brought in the court as a separate 122640  
action. 122641

(B) The superintendent, special deputy superintendent, 122642  
receiver, conservator, or any employee of any of them, or any 122643  
person retained for services under this chapter, is not subject to 122644  
any civil liability or penalty, or to any criminal prosecution, 122645  
for any error in judgment or discretion made in good faith in any 122646  
action taken or omitted in an official capacity under this 122647  
chapter. 122648

(C) The superintendent, special deputy superintendent, 122649  
receiver, conservator, or any employee of any of them, or any 122650  
person retained for services under this chapter, is not liable in 122651  
damages for any action or failure to act unless it is proved by 122652



clear and convincing evidence in court that the action or failure 122653  
to act involved an act or omission undertaken with deliberate 122654  
intent to cause injury to any of the state bank, its shareholders, 122655  
its members, its depositors, or its creditors, or undertaken with 122656  
reckless disregard for the best interests of any of the bank, its 122657  
shareholders, its members, its depositors, its creditors, or the 122658  
public. 122659

**Sec. 1181.01.** The superintendent of financial institutions 122660  
shall be the chief executive officer of the division of financial 122661  
institutions. 122662

(A) The superintendent shall have at least five years of 122663  
experience in the financial services industry or in the 122664  
examination or regulation of financial institutions. 122665

(B) The superintendent shall appoint a deputy superintendent 122666  
for banks, ~~a deputy superintendent for savings and loan~~ 122667  
~~associations and savings banks, and a deputy superintendent for~~ 122668  
~~credit unions. Each deputy superintendent who shall have possess~~ 122669  
at least one of the following qualifications prior to the deputy 122670  
superintendent's appointment: 122671

(1) Not less than five years of experience in that particular 122672  
industry or at least five years of experience in the examination 122673  
or regulation of banks, savings and loan associations, savings 122674  
banks, or credit unions as a senior level officer in a bank, 122675  
savings and loan association, or savings bank, a bank holding 122676  
company, or a savings and loan holding company or as a senior 122677  
level manager or senior professional with a primary business of, 122678  
or professional focus on, auditing or providing professional 122679  
advice to such institutions; 122680

(2) Not less than five years of experience as a senior level 122681  
supervisor in the examination or regulation of banks, savings and 122682  
loan associations, or savings banks; 122683

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (B)(1) and (2) of this section. 122684  
122685  
122686

(C) The superintendent shall appoint a deputy superintendent for credit unions, who shall possess at least one of the following qualifications prior to the deputy superintendent's appointment: 122687  
122688  
122689

(1) Not less than five years of experience as a senior level officer in a credit union or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to credit unions; 122690  
122691  
122692  
122693

(2) Not less than five years of experience as a senior level supervisor in the examination or regulation of credit unions; 122694  
122695

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (C)(1) and (2) of this section. 122696  
122697  
122698

(D) The superintendent shall also appoint a deputy superintendent for consumer finance, who shall ~~have~~ possess at least one of the following qualifications prior to the deputy superintendent's appointment: 122699  
122700  
122701  
122702

(1) Not less than five years of experience ~~in~~ as an owner, officer, or senior level manager of one or more ~~of the~~ consumer finance companies ~~regulated by the division or in the examination or regulation of banks, savings and loan associations, savings banks, credit unions, or consumer finance companies,~~ as a senior level manager of a mortgage banking affiliate of a bank, savings and loan association, savings bank, bank holding company, or savings and loan holding company, or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to consumer finance companies; 122703  
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(2) Not less than five years of experience as a senior level 122714

supervisor in the examination or regulation of consumer finance 122715  
companies; 122716

(3) Not less than a total of five years of experience in any 122717  
combination of the positions described in divisions (D)(1) and (2) 122718  
of this section. 122719

(E) The deputy superintendents appointed by the 122720  
superintendent of financial institutions pursuant to this section 122721  
shall serve in the unclassified civil service. 122722

**Sec. 1181.02.** The superintendent of financial institutions 122723  
may appoint and employ such assistants, clerks, examiners, and 122724  
other employees, and such professionals and agents, as the prompt 122725  
execution of the duties of the superintendent's office requires, 122726  
and may employ attorney examiners if the superintendent considers 122727  
such assistants necessary. 122728

**Sec. 1181.03.** (A) Before entering upon the discharge of the 122729  
duties of the office of the superintendent of financial 122730  
institutions, the superintendent shall give bond to the state in 122731  
the sum of one million dollars with sureties approved by the 122732  
governor and conditioned on the faithful discharge of the official 122733  
duties of the office. The bond, with the approval of the governor 122734  
and with the superintendent's oath of office endorsed on it, shall 122735  
be filed with the office of the secretary of state. 122736

(B) Before entering upon the discharge of the duties of their 122737  
respective offices, the deputy superintendent for banks, ~~the~~ 122738  
~~deputy superintendent for savings and loan associations and~~ 122739  
~~savings banks,~~ the deputy superintendent for credit unions, and 122740  
the deputy superintendent for consumer finance shall each give 122741  
bond to the state in the sum of five hundred thousand dollars with 122742  
sureties approved by the superintendent and conditioned on the 122743  
faithful performance of their respective duties. The bonds shall 122744

be filed with the office of the secretary of state. 122745

(C) The superintendent shall require of each other employee 122746  
and each agent of the division of financial institutions a bond, 122747  
conditioned on the faithful performance of each employee's and 122748  
agent's respective duties, in an amount not less than five 122749  
thousand dollars that the superintendent determines to be 122750  
acceptable. The bonds may, in the discretion of the 122751  
superintendent, be individual, schedule, or blanket bonds. The 122752  
bonds shall be filed with the office of the secretary of state. 122753

(D) The division shall pay the cost or premium of the bonds 122754  
required by this section from funds appropriated to the division 122755  
for that purpose. 122756

**Sec. 1181.04.** Neither the superintendent of financial 122757  
institutions nor any employee, agent, or contractor of the 122758  
division of financial institutions shall be liable in any civil, 122759  
criminal, or administrative proceeding for any mistake of judgment 122760  
or discretion in any action taken, or any omission made by the 122761  
superintendent ~~or~~, employee, agent, or contractor if done in good 122762  
faith within the scope of the person's official capacity as 122763  
assigned by the superintendent. 122764

**Sec. 1181.05.** (A) As used in this section, "consumer finance 122765  
company" means any person required to be licensed or registered 122766  
under Chapter 1321., 1322., 4712., 4727., or 4728. or sections 122767  
1315.21 to 1315.30 of the Revised Code. 122768

(B) Neither the superintendent of financial institutions nor 122769  
any other employee of the division of financial institutions shall 122770  
do any of the following: ~~be interested~~ have a business or 122771  
investment interest, directly or indirectly, in any state bank, 122772  
~~savings and loan association, savings bank~~ trust company, credit 122773  
union, or consumer finance company, that is under the supervision 122774

of the superintendent of financial institutions or in any 122775  
affiliate of any such financial institution or company; directly 122776  
or indirectly borrow money from any such financial institution or 122777  
company; serve as a director or officer of or be employed by any 122778  
such financial institution or company; or own an equity interest 122779  
in any such financial institution or company or in any of its 122780  
affiliates. For purposes of this section, an equity interest does 122781  
not include the ownership of an account in a mutual savings and 122782  
loan association or in a savings bank that does not have permanent 122783  
stock or the ownership of a share account in a credit union. 122784

(C) Subject to division (G) of this section, an employee of 122785  
the division of financial institutions may retain any extension of 122786  
credit that otherwise would be prohibited by division (B) of this 122787  
section if both of the following apply: 122788

(1) The employee obtained the extension of credit prior to 122789  
October 29, 1995, or the commencement of the employee's employment 122790  
with the division, or as a result of a change in the employee's 122791  
marital status, the consummation of a merger, acquisition, 122792  
transfer of assets, or other change in corporate ownership beyond 122793  
the employee's control, or the sale of the extension of credit in 122794  
the secondary market or other business transaction beyond the 122795  
employee's control. 122796

(2) The employee liquidates the extension of credit under its 122797  
original terms and without renegotiation. 122798

If the employee chooses to retain the extension of credit, 122799  
the employee shall immediately provide written notice of the 122800  
retention to the employee's supervisor. Thereafter, the employee 122801  
shall be disqualified from participating in any decision, 122802  
examination, audit, or other action that may affect that 122803  
particular creditor. 122804

(D) Subject to division (G) of this section, an employee of 122805

the division of financial institutions may retain any ownership of 122806  
or beneficial interest in the securities of a financial 122807  
institution or consumer finance company that is under the 122808  
supervision of the division of financial institutions, or of a 122809  
holding company or subsidiary of such a financial institution or 122810  
company, which ownership or beneficial interest otherwise would be 122811  
prohibited by division (B) of this section, if the ownership or 122812  
beneficial interest is acquired by the employee through 122813  
inheritance or gift, prior to October 29, 1995, or the 122814  
commencement of the employee's employment with the division, or as 122815  
a result of a change in the employee's marital status or the 122816  
consummation of a merger, acquisition, transfer of assets, or 122817  
other change in ~~corporate~~ ownership beyond the employee's control. 122818

If the employee chooses to retain the ownership or beneficial 122819  
interest, the employee shall immediately provide written notice of 122820  
the retention to the employee's supervisor. Thereafter, the 122821  
employee shall be disqualified from participating in any decision, 122822  
examination, audit, or other action that may affect the issuer of 122823  
the securities. However, if the ownership of or beneficial 122824  
interest in the securities and the subsequent disqualification 122825  
required by this division impair the employee's ability to perform 122826  
the employee's duties, the employee may be ordered to divest self 122827  
of the ownership of or beneficial interest in the securities or to 122828  
resign. 122829

(E) Notwithstanding division (B) of this section, an employee 122830  
of the division of financial institutions may have an indirect 122831  
interest in the securities of a financial institution or consumer 122832  
finance company that is under the supervision of the division of 122833  
financial institutions, which interest arises through ownership of 122834  
or beneficial interest in the securities of a publicly held mutual 122835  
fund or investment trust, if the employee owns or has a beneficial 122836  
interest in less than five per cent of the securities of the 122837

mutual fund or investment trust, and the mutual fund or investment 122838  
trust is not advised or sponsored by a financial institution or 122839  
consumer finance company that is under the supervision of the 122840  
division of financial institutions. If the mutual fund or 122841  
investment trust is subsequently advised or sponsored by a 122842  
financial institution or consumer finance company that is under 122843  
the supervision of the division of financial institutions, the 122844  
employee shall immediately provide written notice of the ownership 122845  
of or beneficial interest in the securities to the employee's 122846  
supervisor. Thereafter, the employee shall be disqualified from 122847  
participating in any decision, examination, audit, or other action 122848  
that may affect the financial institution or consumer finance 122849  
company. However, if the ownership of or beneficial interest in 122850  
the securities and the subsequent disqualification required by 122851  
this division impair the employee's ability to perform the 122852  
employee's duties, the employee may be ordered to divest self of 122853  
the ownership of or beneficial interest in the securities or to 122854  
resign. 122855

(F)(1) For purposes of this section, the interests of an 122856  
employee's spouse or dependent child arising through the ownership 122857  
or control of securities shall be considered the interests of the 122858  
employee, unless the employee can demonstrate to the satisfaction 122859  
of the superintendent that the interests are solely the financial 122860  
interest and responsibility of the spouse or dependent child, the 122861  
interests are not in any way derived from the income, assets, or 122862  
activity of the employee, and any financial or economic benefit 122863  
from the interests is for the personal use of the spouse or 122864  
dependent child. 122865

(2) If an employee's spouse or dependent child obtains 122866  
interests arising through the ownership or control of securities 122867  
and, pursuant to division (F)(1) of this section, the interests 122868  
are not considered the interests of the employee, the employee 122869

shall immediately provide written notice of the interests to the 122870  
employee's supervisor. Thereafter, the employee shall be 122871  
disqualified from participating in any decision, examination, 122872  
audit, or other action that may affect the issuer of the 122873  
securities. 122874

(G) For purposes of divisions (C) and (D) of this section, 122875  
both of the following apply: 122876

(1) With respect to any employee of the former division of 122877  
consumer finance who, on the first day of the first pay period 122878  
commencing after ~~the effective date of this section~~ September 26, 122879  
1996, becomes an employee of the division of financial 122880  
institutions, the employee's employment with the division of 122881  
financial institutions is deemed to commence on the first day of 122882  
the first pay period commencing after ~~the effective date of this~~ 122883  
~~section~~ September 26, 1996. 122884

(2) With respect to any employee who, on October 29, 1995, 122885  
became an employee of the division of financial institutions, the 122886  
employee may, notwithstanding divisions (C) and (D) of this 122887  
section, retain any extension of credit by a consumer finance 122888  
company that was obtained at any time prior to the first day of 122889  
the first pay period commencing after ~~the effective date of this~~ 122890  
~~section~~ September 26, 1996, or retain any ownership of or 122891  
beneficial interest in the securities of a consumer finance 122892  
company, or of a holding company or subsidiary of such a company, 122893  
that was acquired at any time prior to the first day of the first 122894  
pay period commencing after ~~the effective date of this section~~ 122895  
September 26, 1996. If the employee chooses to retain the 122896  
extension of credit or the ownership or beneficial interest, the 122897  
employee shall comply with divisions (C) and (D) of this section. 122898

**Sec. 1181.06.** There is hereby created in the state treasury 122899  
the financial institutions fund. The fund shall receive 122900



assessments on the banks fund established under section 1121.30 of 122901  
the Revised Code, ~~the savings institutions fund established under~~ 122902  
~~section 1181.18 of the Revised Code,~~ the credit unions fund 122903  
established under section 1733.321 of the Revised Code, and the 122904  
consumer finance fund established under section 1321.21 of the 122905  
Revised Code in accordance with procedures prescribed by the 122906  
superintendent of financial institutions and approved by the 122907  
director of budget and management. Such assessments shall be in 122908  
addition to any assessments on these funds required under division 122909  
(G) of section 121.08 of the Revised Code. All operating expenses 122910  
of the division of financial institutions shall be paid from the 122911  
financial institutions fund. Money in the fund shall be used only 122912  
for that purpose. 122913

**Sec. 1181.07.** The state shall furnish the superintendent of 122914  
financial institutions suitable facilities for conducting the 122915  
business of the superintendent's office at the seat of government 122916  
and in any other ~~city of~~ location within the state where it is 122917  
necessary to keep a resident examiner. 122918

**Sec. 1181.10.** The seal of the superintendent of financial 122919  
institutions shall be ~~one and three fourths inches in diameter and~~ 122920  
~~shall be~~ surrounded by the words: "The superintendent of financial 122921  
institutions of the state of Ohio." 122922

The seal shall have engraved on it the coat of arms of the 122923  
state, as described in section 5.04 of the Revised Code, and shall 122924  
contain the words and devices mentioned in this section and no 122925  
other. 122926

**Sec. 1181.11.** Copies of all certificates, records, and papers 122927  
in the office of the superintendent of financial institutions, 122928  
including the records of the banking commission, the former 122929  
savings and loan associations and savings banks board, and the 122930

credit union council, duly certified by the superintendent or, in 122931  
the absence of the superintendent, a deputy superintendent having 122932  
jurisdiction over the records, and authenticated by the 122933  
superintendent's seal of office, shall be evidence, in all courts 122934  
of this state, of every matter which could be proved by the 122935  
production of the original. 122936

**Sec. 1181.21.** (A) As used in this section, "consumer finance 122937  
company" has the same meaning as in section 1181.05 of the Revised 122938  
Code. 122939

(B) The superintendent of financial institutions shall see 122940  
that the laws relating to consumer finance companies are executed 122941  
and enforced. 122942

(C) The deputy superintendent for consumer finance shall be 122943  
the principal supervisor of consumer finance companies. In that 122944  
position the deputy superintendent for consumer finance shall, 122945  
notwithstanding section 1321.421, division (A) of section 1321.76, 122946  
and sections 1321.07, 1321.55, 1322.06, 4727.05, and 4728.05 of 122947  
the Revised Code, be responsible for conducting examinations and 122948  
preparing examination reports under those sections and under 122949  
Chapter 4712. of the Revised Code. In addition, the deputy 122950  
superintendent for consumer finance shall, notwithstanding 122951  
sections 1315.27, 1321.10, 1321.43, 1321.54, 1321.77, 1322.12, 122952  
4712.14, 4727.13, and 4728.10 of the Revised Code, have the 122953  
authority to adopt rules and standards in accordance with those 122954  
sections. In performing or exercising any of the examination, 122955  
rule-making, or other regulatory functions, powers, or duties 122956  
vested by this division in the deputy superintendent for consumer 122957  
finance, the deputy superintendent for consumer finance shall be 122958  
subject to the control of the superintendent of financial 122959  
institutions and the director of commerce. 122960

Sec. 1181.25. The (A) Notwithstanding sections 1121.18, 122961  
1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061, 122962  
1733.32, 1733.327, and 4727.18 of the Revised Code, the 122963  
superintendent of financial institutions may, in the 122964  
superintendent's discretion, introduce into evidence or disclose, 122965  
or authorize to be introduced into evidence or disclosed, 122966  
information that, ~~under sections 1121.18, 1155.16, 1163.20,~~ 122967  
~~1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061,~~ 122968  
~~1733.32, 1733.327, and 4727.18 of the Revised Code,~~ is privileged, 122969  
confidential, or otherwise not ~~public information or~~ a public 122970  
record, ~~provided that the superintendent acts only as provided in~~ 122971  
~~those sections or~~ in the following circumstances: 122972

~~(A) When in the opinion of~~ (1) In connection with any civil, 122973  
criminal, or administrative investigation or examination conducted 122974  
by the superintendent, ~~it is appropriate with regard to any~~ 122975  
~~enforcement actions taken and decisions made by the superintendent~~ 122976  
under Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. 122977  
of the Revised Code or Title XI of the Revised Code or by any 122978  
other financial institution regulatory authority, any state or 122979  
federal attorney general or prosecuting attorney, or any local, 122980  
state, or federal law enforcement agency; 122981

~~(B) When~~ (2) In connection with any civil or criminal 122982  
litigation has been or administrative enforcement action initiated 122983  
or to be initiated by the superintendent in furtherance of the 122984  
powers, duties, and obligations imposed upon the superintendent by 122985  
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 122986  
the Revised Code or Title XI of the Revised Code; 122987

~~(C) When in the opinion of the superintendent, it is~~ 122988  
~~appropriate with regard to enforcement actions taken or decisions~~ 122989  
~~made by other financial institution regulatory authorities to whom~~ 122990  
~~the superintendent has provided the information pursuant to~~ 122991

authority in (3) To administer licensing and registration under 122992  
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 122993  
the Revised Code or Title XI of the Revised Code through the 122994  
nationwide mortgage licensing system and registry as defined in 122995  
section 1322.01 of the Revised Code. 122996

(B) If the superintendent has reason to believe that any 122997  
privileged, confidential, or other nonpublic information provided 122998  
pursuant to this section may be disclosed by the intended 122999  
recipient, the superintendent shall seek a protective order or 123000  
enter into an agreement to protect that information. 123001

(C) All reports and other information made available under 123002  
this chapter remain the property of the superintendent. Except as 123003  
otherwise provided in this section, no person, agency, or other 123004  
authority to whom the information is made available, or any 123005  
officer, director, or employee thereof, shall disclose such 123006  
information except in published statistical material that does not 123007  
disclose, either directly or when used in conjunction with 123008  
publicly available information, the affairs of any individual or 123009  
entity. 123010

(D) The superintendent shall not be considered to have waived 123011  
any privilege applicable to any information by transferring that 123012  
information to, or permitting that information to be used by, any 123013  
federal or state agency or any other person as permitted under 123014  
this chapter or Chapter 1121. of the Revised Code. 123015

**Sec. 1349.16.** (A) As used in this section, "financial 123016  
institution" includes every bank as defined in section 1101.01 of 123017  
the Revised Code, ~~savings and loan association as defined in~~ 123018  
~~section 1151.01 of the Revised Code, savings bank as defined in~~ 123019  
~~section 1161.01 of the Revised Code,~~ and credit union organized or 123020  
qualified as such under sections 1733.01 to 1733.45 of the Revised 123021  
Code or the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 123022

U.S.C.A. 1752, as amended. 123023

(B) Before opening or authorizing signatory power over a 123024  
checking account intended for personal, family, or household 123025  
purposes, a financial institution: 123026

(1) Shall require the applicant to provide ~~his~~ the 123027  
applicant's current address and a valid driver's or commercial 123028  
driver's license or identification card issued by the registrar of 123029  
motor vehicles or a deputy registrar under section 4507.50 of the 123030  
Revised Code. If the applicant does not have a valid driver's or 123031  
commercial driver's license or identification card, the applicant 123032  
may provide an identification document that includes ~~his~~ the 123033  
applicant's full name, birthdate, and signature. 123034

(2) May require the applicant to provide relevant information 123035  
in addition to the information specified in division (B)(1) of 123036  
this section. 123037

(C) Every person that issues or prints checks, bills of 123038  
exchange, or other drafts for use with a checking account intended 123039  
for personal, family, or household purposes opened on or after 123040  
October 16, 1990 shall print the date on which the checking 123041  
account was opened on the face of each check, bill of exchange, or 123042  
other draft. 123043

(D) This section does not apply to temporary checks furnished 123044  
at the time a checking account is opened. 123045

(E) This section does not create any civil cause of action 123046  
against a financial institution, its directors, trustees, 123047  
officers, employees, agents, representatives, or other persons 123048  
acting on its behalf, or against any person that issues or prints 123049  
checks, bills of exchange, or other drafts, for failure to comply 123050  
with this section. 123051

**Sec. 1509.07.** (A)(1) Except as provided in division (A)(2) of 123052

this section, an owner of any well, except an exempt Mississippian well or an exempt domestic well, shall obtain liability insurance coverage from a company authorized to do business in this state in an amount of not less than one million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all the owner's wells in this state. However, if any well is located within an urbanized area, the owner shall obtain liability insurance coverage in an amount of not less than three million dollars for bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all of the owner's wells in this state.

(2) An owner of a horizontal well shall obtain liability insurance coverage from an insurer authorized to write such insurance in this state or from an insurer approved to write such insurance in this state under section 3905.33 of the Revised Code in an amount of not less than five million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the production operations of all the owner's wells in this state. The insurance policy shall include a reasonable level of coverage available for an environmental endorsement.

(3) An owner shall maintain the coverage required under division (A)(1) or (2) of this section until all the owner's wells are plugged and abandoned or are transferred to an owner who has obtained insurance as required under this section and who is not under a notice of material and substantial violation or under a suspension order. The owner shall provide proof of liability insurance coverage to the chief of the division of oil and gas resources management upon request. Upon failure of the owner to provide that proof when requested, the chief may order the

suspension of any outstanding permits and operations of the owner 123085  
until the owner provides proof of the required insurance coverage. 123086

(B)(1) Except as otherwise provided in this section, an owner 123087  
of any well, before being issued a permit under section 1509.06 of 123088  
the Revised Code or before operating or producing from a well, 123089  
shall execute and file with the division of oil and gas resources 123090  
management a surety bond conditioned on compliance with the 123091  
restoration requirements of section 1509.072, the plugging 123092  
requirements of section 1509.12, the permit provisions of section 123093  
1509.13 of the Revised Code, and all rules and orders of the chief 123094  
relating thereto, in an amount set by rule of the chief. 123095

(2) The owner may deposit with the chief, instead of a surety 123096  
bond, cash in an amount equal to the surety bond as prescribed 123097  
pursuant to this section or negotiable certificates of deposit or 123098  
irrevocable letters of credit, issued by any bank organized or 123099  
transacting business in this state ~~or by any savings and loan~~ 123100  
~~association as defined in section 1151.01 of the Revised Code,~~ 123101  
having a cash value equal to or greater than the amount of the 123102  
surety bond as prescribed pursuant to this section. Cash or 123103  
certificates of deposit shall be deposited upon the same terms as 123104  
those upon which surety bonds may be deposited. If certificates of 123105  
deposit are deposited with the chief instead of a surety bond, the 123106  
chief shall require the bank ~~or savings and loan association~~ that 123107  
issued any such certificate to pledge securities of a cash value 123108  
equal to the amount of the certificate that is in excess of the 123109  
amount insured by any of the agencies and instrumentalities 123110  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 123111  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 123112  
it, including at least the federal deposit insurance corporation, 123113  
~~bank insurance fund, and savings association insurance fund.~~ The 123114  
securities shall be security for the repayment of the certificate 123115  
of deposit. 123116

Immediately upon a deposit of cash, certificates of deposit, 123117  
or letters of credit with the chief, the chief shall deliver them 123118  
to the treasurer of state who shall hold them in trust for the 123119  
purposes for which they have been deposited. 123120

(3) Instead of a surety bond, the chief may accept proof of 123121  
financial responsibility consisting of a sworn financial statement 123122  
showing a net financial worth within this state equal to twice the 123123  
amount of the bond for which it substitutes and, as may be 123124  
required by the chief, a list of producing properties of the owner 123125  
within this state or other evidence showing ability and intent to 123126  
comply with the law and rules concerning restoration and plugging 123127  
that may be required by rule of the chief. The owner of an exempt 123128  
Mississippian well is not required to file scheduled updates of 123129  
the financial documents, but shall file updates of those documents 123130  
if requested to do so by the chief. The owner of a nonexempt 123131  
Mississippian well shall file updates of the financial documents 123132  
in accordance with a schedule established by rule of the chief. 123133  
The chief, upon determining that an owner for whom the chief has 123134  
accepted proof of financial responsibility instead of bond cannot 123135  
demonstrate financial responsibility, shall order that the owner 123136  
execute and file a bond or deposit cash, certificates of deposit, 123137  
or irrevocable letters of credit as required by this section for 123138  
the wells specified in the order within ten days of receipt of the 123139  
order. If the order is not complied with, all wells of the owner 123140  
that are specified in the order and for which no bond is filed or 123141  
cash, certificates of deposit, or letters of credit are deposited 123142  
shall be plugged. No owner shall fail or refuse to plug such a 123143  
well. Each day on which such a well remains unplugged thereafter 123144  
constitutes a separate offense. 123145

(4) The surety bond provided for in this section shall be 123146  
executed by a surety company authorized to do business in this 123147  
state. 123148



The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the principal's or surety's attorney in fact, with a certified copy of the power of attorney attached thereto. The chief shall not approve a bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

All bonds shall be given in a form to be prescribed by the chief and shall run to the state as obligee.

(5) An owner of an exempt Mississippian well or an exempt domestic well, in lieu of filing a surety bond, cash in an amount equal to the surety bond, certificates of deposit, irrevocable letters of credit, or a sworn financial statement, may file a one-time fee of fifty dollars, which shall be deposited in the oil and gas well plugging fund created in section 1509.071 of the Revised Code.

(C) An owner, operator, producer, or other person shall not operate a well or produce from a well at any time if the owner, operator, producer, or other person has not satisfied the requirements established in this section.

**Sec. 1509.225.** (A) Before being issued a registration certificate under section 1509.222 of the Revised Code, an applicant shall execute and file with the division of oil and gas resources management a surety bond for fifteen thousand dollars to provide compensation for damage and injury resulting from transporters' violations of sections 1509.22, 1509.222, and 1509.223 of the Revised Code, all rules and orders of the chief of the division of oil and gas resources management relating thereto, and all terms and conditions of the registration certificate imposed thereunder. The applicant may deposit with the chief, in

lieu of a surety bond, cash in an amount equal to the surety bond 123180  
as prescribed in this section, or negotiable certificates of 123181  
deposit issued by any bank organized or transacting business in 123182  
this state, ~~or certificates of deposit issued by any building and~~ 123183  
~~loan association as defined in section 1151.01 of the Revised~~ 123184  
~~Code,~~ having a cash value equal to or greater than the amount of 123185  
the surety bond as prescribed in this section. Cash or 123186  
certificates of deposit shall be deposited upon the same terms as 123187  
those upon which surety bonds may be deposited. If certificates of 123188  
deposit are deposited with the chief in lieu of a surety bond, the 123189  
chief shall require the bank ~~or building and loan association~~ that 123190  
issued any such certificate to pledge securities of a cash value 123191  
equal to the amount of the certificate that is in excess of the 123192  
amount insured by any of the agencies and instrumentalities 123193  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 123194  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 123195  
it, including at least the federal deposit insurance corporation, 123196  
~~bank insurance fund, and savings association insurance fund.~~ 123197

Such securities shall be security for the repayment of the 123198  
certificate of deposit. Immediately upon a deposit of cash or 123199  
certificates with the chief, the chief shall deliver it to the 123200  
treasurer of state who shall hold it in trust for the purposes for 123201  
which it has been deposited. 123202

(B) The surety bond provided for in this section shall be 123203  
executed by a surety company authorized to do business in this 123204  
state. The chief shall not approve any bond until it is personally 123205  
signed and acknowledged by both principal and surety, or as to 123206  
either by an attorney in fact, with a certified copy of the power 123207  
of attorney attached thereto. The chief shall not approve the bond 123208  
unless there is attached a certificate of the superintendent of 123209  
insurance that the company is authorized to transact a fidelity 123210  
and surety business in this state. All bonds shall be given in a 123211

form to be prescribed by the chief. 123212

(C) If a registered transporter is found liable for a 123213  
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 123214  
Code or a rule, order, or term or condition of a certificate 123215  
involving, in any case, damage or injury to persons or property, 123216  
or both, the court may order the forfeiture of any portion of the 123217  
bond, cash, or other securities required by this section in full 123218  
or partial payment of damages to the person to whom the damages 123219  
are due. The treasurer of state and the chief shall deliver the 123220  
bond or any cash or other securities deposited in lieu of bond, as 123221  
specified in the court's order, to the person to whom the damages 123222  
are due; however, execution against the bond, cash, or other 123223  
securities, if necessary, is the responsibility of the person to 123224  
whom the damages are due. The chief shall not release the bond, 123225  
cash, or securities required by this section except by court order 123226  
or until the registration is terminated. 123227

**Sec. 1510.09.** (A) There is hereby established a fund for any 123228  
marketing program that is established by the technical advisory 123229  
council under this chapter. The fund shall be in the custody of 123230  
the treasurer of state, but shall not be part of the state 123231  
treasury. Except as authorized in division (B) of this section, 123232  
all money collected pursuant to section 1510.08 of the Revised 123233  
Code for the marketing program shall be paid into the fund for the 123234  
marketing program and shall be disbursed only pursuant to a 123235  
voucher signed by the chairperson of the council for use in 123236  
defraying the costs of administration of the marketing program and 123237  
for carrying out sections 1510.02, 1510.03, and 1510.11 of the 123238  
Revised Code. 123239

(B) In lieu of deposits in the fund established under 123240  
division (A) of this section, the operating committee of a 123241  
marketing program established under this chapter may deposit all 123242

money collected pursuant to section 1510.08 of the Revised Code 123243  
with a bank ~~or a savings and loan association~~ as defined in 123244  
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 123245  
money collected pursuant to section 1510.08 of the Revised Code 123246  
for the marketing program and deposited pursuant to this division 123247  
also shall be used only in defraying the costs of administration 123248  
of the marketing program and for carrying out sections 1510.02, 123249  
1510.03, and 1510.11 of the Revised Code. 123250

(C) The operating committee shall establish a fiscal year for 123251  
its marketing program, shall publish an activity and financial 123252  
report within sixty days of the end of each fiscal year, and shall 123253  
make the report available to each producer who pays an assessment 123254  
or otherwise contributes to the marketing program that the 123255  
committee administers and to other interested persons. 123256

(D) In addition to the report required by division (C) of 123257  
this section, an operating committee that deposits money in 123258  
accordance with division (B) of this section shall annually submit 123259  
to the council a financial statement prepared by a certified 123260  
public accountant holding valid certification from the Ohio board 123261  
of accountancy issued pursuant to Chapter 4701. of the Revised 123262  
Code. The operating committee shall file the financial statement 123263  
with the council not more than one hundred fifty days after the 123264  
end of each fiscal year. 123265

**Sec. 1514.04.** (A) Upon receipt of notification from the chief 123266  
of the division of mineral resources management of the chief's 123267  
intent to issue an order granting a surface or in-stream mining 123268  
permit to the applicant, the applicant shall file a surety bond, 123269  
cash, an irrevocable letter of credit, or certificates of deposit 123270  
in the amount, unless otherwise provided by rule, of ten thousand 123271  
dollars. If the amount of land to be affected is more than twenty 123272  
acres, the applicant also shall file a surety bond, cash, an 123273

irrevocable letter of credit, or certificates of deposit in the amount of five hundred dollars per acre of land to be affected that exceeds twenty acres. Upon receipt of notification from the chief of the chief's intent to issue an order granting an amendment to a surface or in-stream mining permit, the applicant shall file a surety bond, cash, an irrevocable letter of credit, or certificates of deposit in the amount required in this division.

In the case of a surface mining permit, the bond shall be filed based on the number of acres estimated to be affected during the first year of operation under the permit. In the case of an amendment to a surface mining permit, the bond shall be filed based on the number of acres estimated to be affected during the balance of the period until the next anniversary date of the permit.

In the case of an in-stream mining permit, the bond shall be filed based on the number of acres of land within the limits of the in-stream mining permit for the entire permit period. In the case of an amendment to an in-stream mining permit, the bond shall be filed based on the number of any additional acres of land to be affected within the limits of the in-stream mining permit.

(B) A surety bond filed pursuant to this section and sections 1514.02 and 1514.03 of the Revised Code shall be upon the form that the chief prescribes and provides and shall be signed by the operator as principal and by a surety company authorized to transact business in the state as surety. The bond shall be payable to the state and shall be conditioned upon the faithful performance by the operator of all things to be done and performed by the operator as provided in this chapter and the rules and orders of the chief adopted or issued pursuant thereto.

The operator may deposit with the chief, in lieu of a surety

bond, cash in an amount equal to the surety bond as prescribed in 123305  
this section, or an irrevocable letter of credit or negotiable 123306  
certificates of deposit issued by any bank organized or 123307  
transacting business in this state, ~~or an irrevocable letter of~~ 123308  
~~credit or certificates of deposit issued by any savings and loan~~ 123309  
~~association as defined in section 1151.01 of the Revised Code,~~ 123310  
having a cash value equal to or greater than the amount of the 123311  
surety bond as prescribed in this section. Cash or certificates of 123312  
deposit shall be deposited upon the same terms as the terms upon 123313  
which surety bonds may be deposited. If one or more certificates 123314  
of deposit are deposited with the chief in lieu of a surety bond, 123315  
the chief shall require the bank ~~or savings and loan association~~ 123316  
that issued any such certificate to pledge securities of a cash 123317  
value equal to the amount of the certificate, or certificates, 123318  
that is in excess of the amount insured by the federal deposit 123319  
insurance corporation. The securities shall be security for the 123320  
repayment of the certificate of deposit. 123321

(C) Immediately upon a deposit of cash, a letter of credit, 123322  
or certificates with the chief, the chief shall deliver it to the 123323  
treasurer of state who shall hold it in trust for the purposes for 123324  
which it has been deposited. The treasurer of state shall be 123325  
responsible for the safekeeping of such deposits. An operator 123326  
making a deposit of cash, a letter of credit, or certificates of 123327  
deposit may withdraw and receive from the treasurer of state, on 123328  
the written order of the chief, all or any part of the cash, 123329  
letter of credit, or certificates in the possession of the 123330  
treasurer of state, upon depositing with the treasurer of state 123331  
cash, or an irrevocable letter of credit, or negotiable 123332  
certificates of deposit issued by any bank organized or 123333  
transacting business in this state, ~~or an irrevocable letter of~~ 123334  
~~credit or certificates of deposit issued by any savings and loan~~ 123335  
~~association,~~ equal in value to the value of the cash, letter of 123336  
credit, or certificates withdrawn. An operator may demand and 123337

receive from the treasurer of state all interest or other income 123338  
from any certificates as it becomes due. If certificates deposited 123339  
with and in the possession of the treasurer of state mature or are 123340  
called for payment by the issuer thereof, the treasurer of state, 123341  
at the request of the operator who deposited them, shall convert 123342  
the proceeds of the redemption or payment of the certificates into 123343  
such other negotiable certificates of deposit issued by any bank 123344  
organized or transacting business in this state, ~~such other~~ 123345  
~~certificates of deposit issued by any savings and loan~~ 123346  
~~association,~~ or cash, as may be designated by the operator. 123347

(D) A governmental agency, as defined in division (A) of 123348  
section 1514.022 of the Revised Code, or a board or commission 123349  
that derives its authority from a governmental agency shall not 123350  
require a surface or in-stream mining operator to file a surety 123351  
bond or any other form of financial assurance for the reclamation 123352  
of land to be affected by a surface or in-stream mining operation 123353  
authorized under this chapter. 123354

**Sec. 1707.03.** (A) As used in this section, "exempt" means 123355  
that, except in the case of securities the right to buy, sell, or 123356  
deal in which has been suspended or revoked under an existing 123357  
order of the division of securities under section 1707.13 of the 123358  
Revised Code or under a cease and desist order under division (G) 123359  
of section 1707.23 of the Revised Code, transactions in securities 123360  
may be carried on and completed without compliance with sections 123361  
1707.08 to 1707.11 of the Revised Code. 123362

(B) A sale of securities made by or on behalf of a bona fide 123363  
owner, neither the issuer nor a dealer, is exempt if the sale is 123364  
made in good faith and not for the purpose of avoiding this 123365  
chapter and is not made in the course of repeated and successive 123366  
transactions of a similar character. Any sale of securities over a 123367  
stock exchange that is lawfully conducted in this state and 123368

regularly open for public patronage and that has been established 123369  
and operated for a period of at least five years prior to the sale 123370  
at a commission not exceeding the commission regularly charged in 123371  
such transactions also is exempt. 123372

(C) The sale of securities by executors, administrators, 123373  
receivers, trustees, or anyone acting in a fiduciary capacity is 123374  
exempt, where such relationship was created by law, by a will, or 123375  
by judicial authority, and where such sales are subject to 123376  
approval by, or are made in pursuance to authority granted by, any 123377  
court of competent jurisdiction or are otherwise authorized and 123378  
lawfully made by such fiduciary. 123379

(D) A sale to the issuer, to a dealer, or to an institutional 123380  
investor is exempt. 123381

(E) A sale in good faith, and not for the purpose of avoiding 123382  
this chapter, by a pledgee of a security pledged for a bona fide 123383  
debt is exempt. 123384

(F) The sale at public auction by a corporation of shares of 123385  
its stock because of delinquency in payment for the shares is 123386  
exempt. 123387

(G)(1) The giving of any conversion right with, or on account 123388  
of the purchase of, any security that is exempt, is the subject 123389  
matter of an exempt transaction, has been registered by 123390  
description, by coordination, or by qualification, or is the 123391  
subject matter of a transaction that has been registered by 123392  
description is exempt. 123393

(2) The giving of any subscription right, warrant, or option 123394  
to purchase a security or right to receive a security upon 123395  
exchange, which security is exempt at the time the right, warrant, 123396  
or option to purchase or right to receive is given, is the subject 123397  
matter of an exempt transaction, is registered by description, by 123398  
coordination, or by qualification, or is the subject matter of a 123399



transaction that has been registered by description is exempt. 123400

(3) The giving of any subscription right or any warrant or 123401  
option to purchase a security, which right, warrant, or option 123402  
expressly provides that it shall not be exercisable except for a 123403  
security that at the time of the exercise is exempt, is the 123404  
subject matter of an exempt transaction, is registered by 123405  
description, by coordination, or by qualification, or at such time 123406  
is the subject matter of a transaction that has been registered by 123407  
description is exempt. 123408

(H) The sale of notes, bonds, or other evidences of 123409  
indebtedness that are secured by a mortgage lien upon real estate, 123410  
leasehold estate other than oil, gas, or mining leasehold, or 123411  
tangible personal property, or which evidence of indebtedness is 123412  
due under or based upon a conditional-sale contract, if all such 123413  
notes, bonds, or other evidences of indebtedness are sold to a 123414  
single purchaser at a single sale, is exempt. 123415

(I) The delivery of securities by the issuer on the exercise 123416  
of conversion rights, the sale of securities by the issuer on 123417  
exercise of subscription rights or of warrants or options to 123418  
purchase securities, the delivery of voting-trust certificates for 123419  
securities deposited under a voting-trust agreement, the delivery 123420  
of deposited securities on surrender of voting-trust certificates, 123421  
and the delivery of final certificates on surrender of interim 123422  
certificates are exempt; but the sale of securities on exercise of 123423  
subscription rights, warrants, or options is not an exempt 123424  
transaction unless those rights, warrants, or options when granted 123425  
were the subject matter of an exempt transaction under division 123426  
(G) of this section or were registered by description, by 123427  
coordination, or by qualification. 123428

(J) The sale of securities by a bank, savings and loan 123429  
association, savings bank, or credit union organized under the 123430  
laws of the United States or of this state is exempt if at a 123431

profit to that seller of not more than two per cent of the total 123432  
sale price of the securities. 123433

(K)(1) The distribution by a corporation of its securities to 123434  
its security holders as a share dividend or other distribution out 123435  
of earnings or surplus is exempt. 123436

(2) The exchange or distribution by the issuer of any of its 123437  
securities or of the securities of any of the issuer's wholly 123438  
owned subsidiaries exclusively with or to its existing security 123439  
holders, if no commission or other remuneration is given directly 123440  
or indirectly for soliciting the exchange, is exempt. 123441

(3) The sale of preorganization subscriptions for shares of 123442  
stock of a corporation prior to the incorporation of the 123443  
corporation is exempt, when the sale is evidenced by a written 123444  
agreement, no remuneration is given, or promised, directly or 123445  
indirectly, for or in connection with the sale of those 123446  
securities, and no consideration is received, directly or 123447  
indirectly, by any person from the purchasers of those securities 123448  
until registration by qualification, by coordination, or by 123449  
description of those securities is made under this chapter. 123450

(L) The issuance of securities in exchange for one or more 123451  
bona fide outstanding securities, claims, or property interests, 123452  
not including securities sold for a consideration payable in whole 123453  
or in part in cash, under a plan of reorganization, 123454  
recapitalization, or refinancing approved by a court pursuant to 123455  
the Bankruptcy Act of the United States or to any other federal 123456  
act giving any federal court jurisdiction over such plan of 123457  
reorganization, or under a plan of reorganization approved by a 123458  
court of competent jurisdiction of any state of the United States 123459  
is exempt. As used in this division, "reorganization," 123460  
"recapitalization," and "refinancing" have the same meanings as in 123461  
section 1707.04 of the Revised Code. 123462

(M) A sale by a licensed dealer, acting either as principal 123463  
or as agent, of securities issued and outstanding before the sale 123464  
is exempt, unless the sale is of one or more of the following: 123465

(1) Securities constituting the whole or a part of an unsold 123466  
allotment to or subscription by a dealer as an underwriter or 123467  
other participant in the distribution of those securities by the 123468  
issuer, whether that distribution is direct or through an 123469  
underwriter, provided that, if the issuer is such by reason of 123470  
owning one-fourth or more of those securities, the dealer has 123471  
knowledge of this fact or reasonable cause to believe this fact; 123472

(2) Any class of shares issued by a corporation when the 123473  
number of beneficial owners of that class is less than 123474  
twenty-five, with the record owner of securities being deemed the 123475  
beneficial owner for this purpose, in the absence of actual 123476  
knowledge to the contrary; 123477

(3) Securities that within one year were purchased outside 123478  
this state or within one year were transported into this state, if 123479  
the dealer has knowledge or reasonable cause to believe, before 123480  
the sale of those securities, that within one year they were 123481  
purchased outside this state or within one year were transported 123482  
into this state; but such a sale of those securities is exempt if 123483  
any of the following occurs: 123484

(a) A recognized securities manual contains the names of the 123485  
issuer's officers and directors, a balance sheet of the issuer as 123486  
of a date within eighteen months, and a profit and loss statement 123487  
for either the fiscal year preceding that date or the most recent 123488  
year of operations; 123489

(b) Those securities, or securities of the same class, within 123490  
one year were registered or qualified under section 1707.09 or 123491  
1707.091 of the Revised Code, and that registration or 123492  
qualification is in full force and effect; 123493

(c) The sale is made by a licensed dealer on behalf of the  
bona fide owner of those securities in accordance with division  
(B) of this section;

(d) Those securities were transported into Ohio in a  
transaction of the type described in division (L), (K), or (I) of  
this section, or in a transaction registered under division (A) of  
section 1707.06 of the Revised Code.

(N) For the purpose of this division and division (M) of this  
section, "underwriter" means any person who has purchased from an  
issuer with a view to, or sells for an issuer in connection with,  
the distribution of any security, or who participates directly or  
indirectly in any such undertaking or in the underwriting thereof,  
but "underwriter" does not include a person whose interest is  
limited to a discount, commission, or profit from the underwriter  
or from a dealer that is not in excess of the customary  
distributors' or sellers' discount, commission, or profit; and  
"issuer" includes any person or any group of persons acting in  
concert in the sale of such securities, owning beneficially  
one-fourth or more of the outstanding securities of the class  
involved in the transactions in question, with the record owner of  
securities being deemed the beneficial owner for this purpose, in  
the absence of actual knowledge to the contrary.

(O)(1) The sale of any equity security is exempt if all the  
following conditions are satisfied:

(a) The sale is by the issuer of the security.

(b) The total number of purchasers in this state of all  
securities issued or sold by the issuer in reliance upon this  
exemption during the period of one year ending with the date of  
the sale does not exceed ten. A sale of securities registered  
under this chapter or sold pursuant to an exemption under this  
chapter other than this exemption shall not be integrated with a

sale pursuant to this exemption in computing the number of 123525  
purchasers under this exemption. 123526

(c) No advertisement, article, notice, or other communication 123527  
published in any newspaper, magazine, or similar medium or 123528  
broadcast over television or radio is used in connection with the 123529  
sale, but the use of an offering circular or other communication 123530  
delivered by the issuer to selected individuals does not destroy 123531  
this exemption. 123532

(d) The issuer reasonably believes after reasonable 123533  
investigation that the purchaser is purchasing for investment. 123534

(e) The aggregate commission, discount, and other 123535  
remuneration, excluding legal, accounting, and printing fees, paid 123536  
or given directly or indirectly does not exceed ten per cent of 123537  
the initial offering price. 123538

(f) Any such commission, discount, or other remuneration for 123539  
sales in this state is paid or given only to dealers or 123540  
salespersons registered pursuant to this chapter. 123541

(2) For the purposes of division (0)(1) of this section, each 123542  
of the following is deemed to be a single purchaser of a security: 123543  
husband and wife, a child and its parent or guardian when the 123544  
parent or guardian holds the security for the benefit of the 123545  
child, a corporation, a limited liability company, a partnership, 123546  
an association or other unincorporated entity, a joint-stock 123547  
company, or a trust, but only if the corporation, limited 123548  
liability company, partnership, association, entity, joint-stock 123549  
company, or trust was not formed for the purpose of purchasing the 123550  
security. 123551

(3) As used in division (0)(1) of this section, "equity 123552  
security" means any stock or similar security of a corporation or 123553  
any membership interest in a limited liability company; or any 123554  
security convertible, with or without consideration, into such a 123555

security, or carrying any warrant or right to subscribe to or 123556  
purchase such a security; or any such warrant or right; or any 123557  
other security that the division considers necessary or 123558  
appropriate, by such rules as it may prescribe in the public 123559  
interest or for the protection of investors, to treat as an equity 123560  
security. 123561

(P) The sale of securities representing interests in or under 123562  
profit-sharing or participation agreements relating to oil or gas 123563  
wells located in this state, or representing interests in or under 123564  
oil or gas leases of real estate situated in this state, is exempt 123565  
if the securities are issued by an individual, partnership, 123566  
limited partnership, partnership association, syndicate, pool, 123567  
trust or trust fund, or other unincorporated association and if 123568  
each of the following conditions is complied with: 123569

(1) The beneficial owners of the securities do not, and will 123570  
not after the sale, exceed five natural persons; 123571

(2) The securities constitute or represent interests in not 123572  
more than one oil or gas well; 123573

(3) A certificate or other instrument in writing is furnished 123574  
to each purchaser of the securities at or before the consummation 123575  
of the sale, disclosing the maximum commission, compensation for 123576  
services, cost of lease, and expenses with respect to the sale of 123577  
such interests and with respect to the promotion, development, and 123578  
management of the oil or gas well, and the total of that 123579  
commission, compensation, costs, and expenses does not exceed 123580  
twenty-five per cent of the aggregate interests in the oil or gas 123581  
well, exclusive of any landowner's rental or royalty; 123582

(4) The sale is made in good faith and not for the purpose of 123583  
avoiding this chapter. 123584

(Q) The sale of any security is exempt if all of the 123585  
following conditions are satisfied: 123586

(1) The provisions of section 5 of the Securities Act of 1933 do not apply to the sale by reason of an exemption under section 4 (2) of that act. 123587  
123588  
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(2) The aggregate commission, discount, and other remuneration, excluding legal, accounting, and printing fees, paid or given directly or indirectly does not exceed ten per cent of the initial offering price. 123590  
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(3) Any such commission, discount, or other remuneration for sales in this state is paid or given only to dealers or salespersons registered under this chapter. 123594  
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(4) The issuer or dealer files with the division of securities, not later than sixty days after the sale, a report setting forth the name and address of the issuer, the total amount of the securities sold under this division, the number of persons to whom the securities were sold, the price at which the securities were sold, and the commissions or discounts paid or given. 123597  
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(5) The issuer pays a filing fee of one hundred dollars for the first filing and fifty dollars for every subsequent filing during each calendar year. 123604  
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(R) A sale of a money order, travelers' check, or other instrument for the transmission of money by a person qualified to engage in such business under ~~section 1109.60~~ or Chapter 1315. of the Revised Code is exempt. 123607  
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(S) A sale by a licensed dealer of securities that are in the process of registration under the Securities Act of 1933, unless exempt under that act, and that are in the process of registration, if registration is required under this chapter, is exempt, provided that no sale of that nature shall be consummated prior to the registration by description or qualification of the securities. 123611  
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(T) The execution by a licensed dealer of orders for the purchase of any security is exempt, provided that the dealer acts only as agent for the purchaser, has made no solicitation of the order to purchase the security, has no interest in the distribution of the security, and delivers to the purchaser written confirmation of the transaction that clearly itemizes the dealer's commission. "Solicitation," as used in this division, means solicitation of the order for the specific security purchased and does not include general solicitations or advertisements of any kind.

(U) The sale insofar as the security holders of a person are concerned, where, pursuant to statutory provisions of the jurisdiction under which that person is organized or pursuant to provisions contained in its articles of incorporation, certificate of incorporation, partnership agreement, declaration of trust, trust indenture, or similar controlling instrument, there is submitted to the security holders, for their vote or consent, (1) a plan or agreement for a reclassification of securities of that person that involves the substitution of a security of that person for another security of that person, (2) a plan or agreement of merger or consolidation or a similar plan or agreement of acquisition in which the securities of that person held by the security holders will become or be exchanged for securities of any other person, or (3) a plan or agreement for a combination as defined in division (Q) of section 1701.01 of the Revised Code or a similar plan or agreement for the transfer of assets of that person to another person in consideration of the issuance of securities of any person, is exempt if, with respect to any of the foregoing transactions, either of the following conditions is satisfied:

(a) The securities to be issued to the security holders are effectively registered under sections 6 to 8 of the Securities Act



of 1933 and offered and sold in compliance with section 5 of that act; 123650  
123651

(b) At least twenty days prior to the date on which a meeting of the security holders is held or the earliest date on which corporate action may be taken when no meeting is held, there is submitted to the security holders, by that person, or by the person whose securities are to be issued in the transaction, information substantially equivalent to the information that would be required to be included in a proxy statement or information statement prepared by or on behalf of the management of an issuer subject to section 14(a) or 14(c) of the Securities Exchange Act of 1934. 123652  
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(V) The sale of any security is exempt if the division by rule finds that registration is not necessary or appropriate in the public interest or for the protection of investors. 123662  
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123664

(W) Any offer or sale of securities made in reliance on the exemptions provided by Rule 505 of Regulation D made pursuant to the Securities Act of 1933 and the conditions and definitions provided by Rules 501 to 503 thereunder is exempt if the offer or sale satisfies all of the following conditions: 123665  
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(1) No commission or other remuneration is given, directly or indirectly, to any person for soliciting or selling to any person in this state in reliance on the exemption under this division, except to dealers licensed in this state. 123670  
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(2)(a) Unless the cause for disqualification is waived under division (W)(2)(b) of this section, no exemption under this section is available for the securities of an issuer unless the issuer did not know and in the exercise of reasonable care could not have known that any of the following applies to any of the persons described in Rule 262(a) to (c) of Regulation A under the Securities Act of 1933: 123674  
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(i) The person has filed an application for registration or 123681  
qualification that is the subject of an effective order entered 123682  
against the issuer, its officers, directors, general partners, 123683  
controlling persons or affiliates thereof, pursuant to the law of 123684  
any state within five years before the filing of a notice required 123685  
under division (W)(3) of this section denying effectiveness to, or 123686  
suspending or revoking the effectiveness of, the registration 123687  
statement. 123688

(ii) The person has been convicted of any offense in 123689  
connection with the offer, sale, or purchase of any security or 123690  
franchise, or any felony involving fraud or deceit, including, but 123691  
not limited to, forgery, embezzlement, fraud, theft, or conspiracy 123692  
to defraud. 123693

(iii) The person is subject to an effective administrative 123694  
order or judgment that was entered by a state securities 123695  
administrator within five years before the filing of a notice 123696  
required under division (W)(3) of this section and that prohibits, 123697  
denies, or revokes the use of any exemption from securities 123698  
registration, prohibits the transaction of business by the person 123699  
as a dealer, or is based on fraud, deceit, an untrue statement of 123700  
a material fact, or an omission to state a material fact. 123701

(iv) The person is subject to any order, judgment, or decree 123702  
of any court entered within five years before the filing of a 123703  
notice required under division (W)(3) of this section, 123704  
temporarily, preliminarily, or permanently restraining or 123705  
enjoining the person from engaging in or continuing any conduct or 123706  
practice in connection with the offer, sale, or purchase of any 123707  
security, or the making of any false filing with any state. 123708

(b)(i) Any disqualification under this division involving a 123709  
dealer may be waived if the dealer is or continues to be licensed 123710  
in this state as a dealer after notifying the commissioner of the 123711  
act or event causing disqualification. 123712

(ii) The commissioner may waive any disqualification under this paragraph upon a showing of good cause that it is not necessary under the circumstances that use of the exemption be denied.

(3) Not later than five business days before the earlier of the date on which the first use of an offering document or the first sale is made in this state in reliance on the exemption under this division, there is filed with the commissioner a notice comprised of offering material in compliance with the requirements of Rule 502 of Regulation D under the Securities Act of 1933 and a fee of one hundred dollars. Material amendments to the offering document shall be filed with the commissioner not later than the date of their first use in this state.

(4) The aggregate commission, discount, and other remuneration paid or given, directly or indirectly, does not exceed twelve per cent of the initial offering price, excluding legal, accounting, and printing fees.

(X) Any offer or sale of securities made in reliance on the exemption provided in Rule 506 of Regulation D under the Securities Act of 1933, and in accordance with Rules 501 to 503 of Regulation D under the Securities Act of 1933, is exempt provided that all of the following apply:

(1) The issuer makes a notice filing with the division on form D of the securities and exchange commission within fifteen days of the first sale in this state;

(2) Any commission, discount, or other remuneration for sales of securities in this state is paid or given only to dealers or salespersons licensed under this chapter;

(3) The issuer pays a filing fee of one hundred dollars to the division; however, no filing fee shall be required to file amendments to the form D of the securities and exchange

commission. 123744

(Y) The offer or sale of securities by an issuer is exempt 123745  
provided that all of the following apply: 123746

(1) The sale of securities is made only to persons who are, 123747  
or who the issuer reasonably believes are, accredited investors as 123748  
defined in Rule 501 of Regulation D under the Securities Act of 123749  
1933. 123750

(2) The issuer reasonably believes that all purchasers are 123751  
purchasing for investment and not with a view to or for sale in 123752  
connection with a distribution of the security. Any resale of a 123753  
security sold in reliance on this exemption within twelve months 123754  
of sale shall be presumed to be with a view to distribution and 123755  
not for investment, except a resale to which any of the following 123756  
applies: 123757

(a) The resale is pursuant to a registration statement 123758  
effective under section 1707.09 or 1707.091 of the Revised Code. 123759

(b) The resale is to an accredited investor, as defined in 123760  
Rule 501 of Regulation D under the Securities Act of 1933. 123761

(c) The resale is to an institutional investor pursuant to 123762  
the exemptions under division (B) or (D) of this section. 123763

(3) The exemption under this division is not available to an 123764  
issuer that is in the development stage and that either has no 123765  
specific business plan or purpose or has indicated that its 123766  
business plan is to engage in a merger or acquisition with an 123767  
unidentified company or companies, or other entities or persons. 123768

(4) The exemption under this division is not available to an 123769  
issuer, if the issuer, any of the issuer's predecessors, any 123770  
affiliated issuer, any of the issuer's directors, officers, 123771  
general partners, or beneficial owners of ten per cent or more of 123772  
any class of its equity securities, any of the issuer's promoters 123773

presently connected with the issuer in any capacity, any 123774  
underwriter of the securities to be offered, or any partner, 123775  
director, or officer of such underwriter: 123776

(a) Within the past five years, has filed a registration 123777  
statement that is the subject of a currently effective 123778  
registration stop order entered by any state securities 123779  
administrator or the securities and exchange commission; 123780

(b) Within the past five years, has been convicted of any 123781  
criminal offense in connection with the offer, purchase, or sale 123782  
of any security, or involving fraud or deceit; 123783

(c) Is currently subject to any state or federal 123784  
administrative enforcement order or judgment, entered within the 123785  
past five years, finding fraud or deceit in connection with the 123786  
purchase or sale of any security; 123787

(d) Is currently subject to any order, judgment, or decree of 123788  
any court of competent jurisdiction, entered within the past five 123789  
years, that temporarily, preliminarily, or permanently restrains 123790  
or enjoins the party from engaging in or continuing to engage in 123791  
any conduct or practice involving fraud or deceit in connection 123792  
with the purchase or sale of any security. 123793

(5) Division (Y)(4) of this section is inapplicable if any of 123794  
the following applies: 123795

(a) The party subject to the disqualification is licensed or 123796  
registered to conduct securities business in the state in which 123797  
the order, judgment, or decree creating the disqualification was 123798  
entered against the party described in division (Y)(4) of this 123799  
section. 123800

(b) Before the first offer is made under this exemption, the 123801  
state securities administrator, or the court or regulatory 123802  
authority that entered the order, judgment, or decree, waives the 123803  
disqualification. 123804

(c) The issuer did not know and, in the exercise of reasonable care based on reasonable investigation, could not have known that a disqualification from the exemption existed under division (Y)(4) of this section.

(6) A general announcement of the proposed offering may be made by any means; however, the general announcement shall include only the following information, unless additional information is specifically permitted by the division by rule:

(a) The name, address, and telephone number of the issuer of the securities;

(b) The name, a brief description, and price of any security to be issued;

(c) A brief description of the business of the issuer;

(d) The type, number, and aggregate amount of securities being offered;

(e) The name, address, and telephone number of the person to contact for additional information; and

(f) A statement indicating all of the following:

(i) Sales will only be made to accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933;

(ii) No money or other consideration is being solicited or will be accepted by way of this general announcement;

(iii) The securities have not been registered with or approved by any state securities administrator or the securities and exchange commission and are being offered and sold pursuant to an exemption from registration.

(7) The issuer, in connection with an offer, may provide information in addition to the general announcement described in division (Y)(6) of this section, provided that either of the

following applies: 123835

(a) The information is delivered through an electronic 123836  
database that is restricted to persons that are accredited 123837  
investors as defined in Rule 501 of Regulation D under the 123838  
Securities Act of 1933. 123839

(b) The information is delivered after the issuer reasonably 123840  
believes that the prospective purchaser is an accredited investor 123841  
as defined in Rule 501 of Regulation D under the Securities Act of 123842  
1933. 123843

(8) No telephone solicitation shall be done, unless prior to 123844  
placing the telephone call, the issuer reasonably believes that 123845  
the prospective purchaser to be solicited is an accredited 123846  
investor as defined in Rule 501 of Regulation D under the 123847  
Securities Act of 1933. 123848

(9) Dissemination of the general announcement described in 123849  
division (Y)(6) of this section to persons that are not accredited 123850  
investors, as defined in Rule 501 of Regulation D under the 123851  
Securities Act of 1933, does not disqualify the issuer from 123852  
claiming an exemption under this division. 123853

(10) The issuer shall file with the division notice of the 123854  
offering of securities within fifteen days after notice of the 123855  
offering is made or a general announcement is made in this state. 123856  
The filing shall be on forms adopted by the division and shall 123857  
include a copy of the general announcement, if one is made 123858  
regarding the proposed offering, and copies of any offering 123859  
materials, circulars, or prospectuses. A filing fee of one hundred 123860  
dollars also shall be included. 123861

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 123862  
court shall be selected, be compensated, give bond, and have 123863  
powers and duties as follows: 123864

(A) There shall be a clerk of the court who is appointed or  
elected as follows:

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton  
county, Miami county, Montgomery county, Portage county, and Wayne  
county municipal courts and through December 31, 2008, the  
Cuyahoga Falls municipal court, if the population of the territory  
equals or exceeds one hundred thousand at the regular municipal  
election immediately preceding the expiration of the term of the  
present clerk, the clerk shall be nominated and elected by the  
qualified electors of the territory in the manner that is provided  
for the nomination and election of judges in section 1901.07 of  
the Revised Code.

The clerk so elected shall hold office for a term of six  
years, which term shall commence on the first day of January  
following the clerk's election and continue until the clerk's  
successor is elected and qualified.

(b) In the Hamilton county municipal court, the clerk of  
courts of Hamilton county shall be the clerk of the municipal  
court and may appoint an assistant clerk who shall receive the  
compensation, payable out of the treasury of Hamilton county in  
semimonthly installments, that the board of county commissioners  
prescribes. The clerk of courts of Hamilton county, acting as the  
clerk of the Hamilton county municipal court and assuming the  
duties of that office, shall receive compensation at one-fourth  
the rate that is prescribed for the clerks of courts of common  
pleas as determined in accordance with the population of the  
county and the rates set forth in sections 325.08 and 325.18 of  
the Revised Code. This compensation shall be paid from the county  
treasury in semimonthly installments and is in addition to the  
annual compensation that is received for the performance of the  
duties of the clerk of courts of Hamilton county, as provided in  
sections 325.08 and 325.18 of the Revised Code.



(c) In the Portage county and Wayne county municipal courts, 123897  
the clerks of courts of Portage county and Wayne county shall be 123898  
the clerks, respectively, of the Portage county and Wayne county 123899  
municipal courts and may appoint a chief deputy clerk for each 123900  
branch that is established pursuant to section 1901.311 of the 123901  
Revised Code and assistant clerks as the judges of the municipal 123902  
court determine are necessary, all of whom shall receive the 123903  
compensation that the legislative authority prescribes. The clerks 123904  
of courts of Portage county and Wayne county, acting as the clerks 123905  
of the Portage county and Wayne county municipal courts and 123906  
assuming the duties of these offices, shall receive compensation 123907  
payable from the county treasury in semimonthly installments at 123908  
one-fourth the rate that is prescribed for the clerks of courts of 123909  
common pleas as determined in accordance with the population of 123910  
the county and the rates set forth in sections 325.08 and 325.18 123911  
of the Revised Code. 123912

(d) In the Montgomery county and Miami county municipal 123913  
courts, the clerks of courts of Montgomery county and Miami county 123914  
shall be the clerks, respectively, of the Montgomery county and 123915  
Miami county municipal courts. The clerks of courts of Montgomery 123916  
county and Miami county, acting as the clerks of the Montgomery 123917  
county and Miami county municipal courts and assuming the duties 123918  
of these offices, shall receive compensation at one-fourth the 123919  
rate that is prescribed for the clerks of courts of common pleas 123920  
as determined in accordance with the population of the county and 123921  
the rates set forth in sections 325.08 and 325.18 of the Revised 123922  
Code. This compensation shall be paid from the county treasury in 123923  
semimonthly installments and is in addition to the annual 123924  
compensation that is received for the performance of the duties of 123925  
the clerks of courts of Montgomery county and Miami county, as 123926  
provided in sections 325.08 and 325.18 of the Revised Code. 123927

(e) Except as otherwise provided in division (A)(1)(e) of 123928

this section, in the Akron municipal court, candidates for 123929  
election to the office of clerk of the court shall be nominated by 123930  
primary election. The primary election shall be held on the day 123931  
specified in the charter of the city of Akron for the nomination 123932  
of municipal officers. Notwithstanding any contrary provision of 123933  
section 3513.05 or 3513.257 of the Revised Code, the declarations 123934  
of candidacy and petitions of partisan candidates and the 123935  
nominating petitions of independent candidates for the office of 123936  
clerk of the Akron municipal court shall be signed by at least 123937  
fifty qualified electors of the territory of the court. 123938

The candidates shall file a declaration of candidacy and 123939  
petition, or a nominating petition, whichever is applicable, not 123940  
later than four p.m. of the ninetieth day before the day of the 123941  
primary election, in the form prescribed by section 3513.07 or 123942  
3513.261 of the Revised Code. The declaration of candidacy and 123943  
petition, or the nominating petition, shall conform to the 123944  
applicable requirements of section 3513.05 or 3513.257 of the 123945  
Revised Code. 123946

If no valid declaration of candidacy and petition is filed by 123947  
any person for nomination as a candidate of a particular political 123948  
party for election to the office of clerk of the Akron municipal 123949  
court, a primary election shall not be held for the purpose of 123950  
nominating a candidate of that party for election to that office. 123951  
If only one person files a valid declaration of candidacy and 123952  
petition for nomination as a candidate of a particular political 123953  
party for election to that office, a primary election shall not be 123954  
held for the purpose of nominating a candidate of that party for 123955  
election to that office, and the candidate shall be issued a 123956  
certificate of nomination in the manner set forth in section 123957  
3513.02 of the Revised Code. 123958

Declarations of candidacy and petitions, nominating 123959  
petitions, and certificates of nomination for the office of clerk 123960

of the Akron municipal court shall contain a designation of the 123961  
term for which the candidate seeks election. At the following 123962  
regular municipal election, all candidates for the office shall be 123963  
submitted to the qualified electors of the territory of the court 123964  
in the manner that is provided in section 1901.07 of the Revised 123965  
Code for the election of the judges of the court. The clerk so 123966  
elected shall hold office for a term of six years, which term 123967  
shall commence on the first day of January following the clerk's 123968  
election and continue until the clerk's successor is elected and 123969  
qualified. 123970

(f) Except as otherwise provided in division (A)(1)(f) of 123971  
this section, in the Barberton municipal court, candidates for 123972  
election to the office of clerk of the court shall be nominated by 123973  
primary election. The primary election shall be held on the day 123974  
specified in the charter of the city of Barberton for the 123975  
nomination of municipal officers. Notwithstanding any contrary 123976  
provision of section 3513.05 or 3513.257 of the Revised Code, the 123977  
declarations of candidacy and petitions of partisan candidates and 123978  
the nominating petitions of independent candidates for the office 123979  
of clerk of the Barberton municipal court shall be signed by at 123980  
least fifty qualified electors of the territory of the court. 123981

The candidates shall file a declaration of candidacy and 123982  
petition, or a nominating petition, whichever is applicable, not 123983  
later than four p.m. of the ninetieth day before the day of the 123984  
primary election, in the form prescribed by section 3513.07 or 123985  
3513.261 of the Revised Code. The declaration of candidacy and 123986  
petition, or the nominating petition, shall conform to the 123987  
applicable requirements of section 3513.05 or 3513.257 of the 123988  
Revised Code. 123989

If no valid declaration of candidacy and petition is filed by 123990  
any person for nomination as a candidate of a particular political 123991  
party for election to the office of clerk of the Barberton 123992

municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g)(i) Through December 31, 2008, except as otherwise provided in division (A)(1)(g)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty

qualified electors of the territory of the court. 124025

The candidates shall file a declaration of candidacy and 124026  
petition, or a nominating petition, whichever is applicable, not 124027  
later than four p.m. of the ninetieth day before the day of the 124028  
primary election, in the form prescribed by section 3513.07 or 124029  
3513.261 of the Revised Code. The declaration of candidacy and 124030  
petition, or the nominating petition, shall conform to the 124031  
applicable requirements of section 3513.05 or 3513.257 of the 124032  
Revised Code. 124033

If no valid declaration of candidacy and petition is filed by 124034  
any person for nomination as a candidate of a particular political 124035  
party for election to the office of clerk of the Cuyahoga Falls 124036  
municipal court, a primary election shall not be held for the 124037  
purpose of nominating a candidate of that party for election to 124038  
that office. If only one person files a valid declaration of 124039  
candidacy and petition for nomination as a candidate of a 124040  
particular political party for election to that office, a primary 124041  
election shall not be held for the purpose of nominating a 124042  
candidate of that party for election to that office, and the 124043  
candidate shall be issued a certificate of nomination in the 124044  
manner set forth in section 3513.02 of the Revised Code. 124045

Declarations of candidacy and petitions, nominating 124046  
petitions, and certificates of nomination for the office of clerk 124047  
of the Cuyahoga Falls municipal court shall contain a designation 124048  
of the term for which the candidate seeks election. At the 124049  
following regular municipal election, all candidates for the 124050  
office shall be submitted to the qualified electors of the 124051  
territory of the court in the manner that is provided in section 124052  
1901.07 of the Revised Code for the election of the judges of the 124053  
court. The clerk so elected shall hold office for a term of six 124054  
years, which term shall commence on the first day of January 124055  
following the clerk's election and continue until the clerk's 124056

successor is elected and qualified. 124057

(ii) Division (A)(1)(g)(i) of this section shall have no 124058  
effect after December 31, 2008. 124059

(h) Except as otherwise provided in division (A)(1)(h) of 124060  
this section, in the Toledo municipal court, candidates for 124061  
election to the office of clerk of the court shall be nominated by 124062  
primary election. The primary election shall be held on the day 124063  
specified in the charter of the city of Toledo for the nomination 124064  
of municipal officers. Notwithstanding any contrary provision of 124065  
section 3513.05 or 3513.257 of the Revised Code, the declarations 124066  
of candidacy and petitions of partisan candidates and the 124067  
nominating petitions of independent candidates for the office of 124068  
clerk of the Toledo municipal court shall be signed by at least 124069  
fifty qualified electors of the territory of the court. 124070

The candidates shall file a declaration of candidacy and 124071  
petition, or a nominating petition, whichever is applicable, not 124072  
later than four p.m. of the ninetieth day before the day of the 124073  
primary election, in the form prescribed by section 3513.07 or 124074  
3513.261 of the Revised Code. The declaration of candidacy and 124075  
petition, or the nominating petition, shall conform to the 124076  
applicable requirements of section 3513.05 or 3513.257 of the 124077  
Revised Code. 124078

If no valid declaration of candidacy and petition is filed by 124079  
any person for nomination as a candidate of a particular political 124080  
party for election to the office of clerk of the Toledo municipal 124081  
court, a primary election shall not be held for the purpose of 124082  
nominating a candidate of that party for election to that office. 124083  
If only one person files a valid declaration of candidacy and 124084  
petition for nomination as a candidate of a particular political 124085  
party for election to that office, a primary election shall not be 124086  
held for the purpose of nominating a candidate of that party for 124087  
election to that office, and the candidate shall be issued a 124088

certificate of nomination in the manner set forth in section 124089  
3513.02 of the Revised Code. 124090

Declarations of candidacy and petitions, nominating 124091  
petitions, and certificates of nomination for the office of clerk 124092  
of the Toledo municipal court shall contain a designation of the 124093  
term for which the candidate seeks election. At the following 124094  
regular municipal election, all candidates for the office shall be 124095  
submitted to the qualified electors of the territory of the court 124096  
in the manner that is provided in section 1901.07 of the Revised 124097  
Code for the election of the judges of the court. The clerk so 124098  
elected shall hold office for a term of six years, which term 124099  
shall commence on the first day of January following the clerk's 124100  
election and continue until the clerk's successor is elected and 124101  
qualified. 124102

(2)(a) Except for the Alliance, Auglaize county, Brown 124103  
county, Columbiana county, Holmes county, Putnam county, Sandusky 124104  
county, Lorain, Massillon, and Youngstown municipal courts, in a 124105  
municipal court for which the population of the territory is less 124106  
than one hundred thousand, the clerk shall be appointed by the 124107  
court, and the clerk shall hold office until the clerk's successor 124108  
is appointed and qualified. 124109

(b) In the Alliance, Lorain, Massillon, and Youngstown 124110  
municipal courts, the clerk shall be elected for a term of office 124111  
as described in division (A)(1)(a) of this section. 124112

(c) In the Auglaize county, Brown county, Holmes county, 124113  
Putnam county, and Sandusky county municipal courts, the clerks of 124114  
courts of Auglaize county, Brown county, Holmes county, Putnam 124115  
county, and Sandusky county shall be the clerks, respectively, of 124116  
the Auglaize county, Brown county, Holmes county, Putnam county, 124117  
and Sandusky county municipal courts and may appoint a chief 124118  
deputy clerk for each branch office that is established pursuant 124119  
to section 1901.311 of the Revised Code, and assistant clerks as 124120

the judge of the court determines are necessary, all of whom shall 124121  
receive the compensation that the legislative authority 124122  
prescribes. The clerks of courts of Auglaize county, Brown county, 124123  
Holmes county, Putnam county, and Sandusky county, acting as the 124124  
clerks of the Auglaize county, Brown county, Holmes county, Putnam 124125  
county, and Sandusky county municipal courts and assuming the 124126  
duties of these offices, shall receive compensation payable from 124127  
the county treasury in semimonthly installments at one-fourth the 124128  
rate that is prescribed for the clerks of courts of common pleas 124129  
as determined in accordance with the population of the county and 124130  
the rates set forth in sections 325.08 and 325.18 of the Revised 124131  
Code. 124132

(d) In the Columbiana county municipal court, the clerk of 124133  
courts of Columbiana county shall be the clerk of the municipal 124134  
court, may appoint a chief deputy clerk for each branch office 124135  
that is established pursuant to section 1901.311 of the Revised 124136  
Code, and may appoint any assistant clerks that the judges of the 124137  
court determine are necessary. All of the chief deputy clerks and 124138  
assistant clerks shall receive the compensation that the 124139  
legislative authority prescribes. The clerk of courts of 124140  
Columbiana county, acting as the clerk of the Columbiana county 124141  
municipal court and assuming the duties of that office, shall 124142  
receive in either biweekly installments or semimonthly 124143  
installments, as determined by the payroll administrator, 124144  
compensation payable from the county treasury at one-fourth the 124145  
rate that is prescribed for the clerks of courts of common pleas 124146  
as determined in accordance with the population of the county and 124147  
the rates set forth in sections 325.08 and 325.18 of the Revised 124148  
Code. 124149

(3) During the temporary absence of the clerk due to illness, 124150  
vacation, or other proper cause, the court may appoint a temporary 124151  
clerk, who shall be paid the same compensation, have the same 124152



authority, and perform the same duties as the clerk. 124153

(B) Except in the Hamilton county, Montgomery county, Miami 124154  
county, Portage county, and Wayne county municipal courts, if a 124155  
vacancy occurs in the office of the clerk of the Alliance, Lorain, 124156  
Massillon, or Youngstown municipal court or occurs in the office 124157  
of the clerk of a municipal court for which the population of the 124158  
territory equals or exceeds one hundred thousand because the clerk 124159  
ceases to hold the office before the end of the clerk's term or 124160  
because a clerk-elect fails to take office, the vacancy shall be 124161  
filled, until a successor is elected and qualified, by a person 124162  
chosen by the residents of the territory of the court who are 124163  
members of the county central committee of the political party by 124164  
which the last occupant of that office or the clerk-elect was 124165  
nominated. Not less than five nor more than fifteen days after a 124166  
vacancy occurs, those members of that county central committee 124167  
shall meet to make an appointment to fill the vacancy. At least 124168  
four days before the date of the meeting, the chairperson or a 124169  
secretary of the county central committee shall notify each such 124170  
member of that county central committee by first class mail of the 124171  
date, time, and place of the meeting and its purpose. A majority 124172  
of all such members of that county central committee constitutes a 124173  
quorum, and a majority of the quorum is required to make the 124174  
appointment. If the office so vacated was occupied or was to be 124175  
occupied by a person not nominated at a primary election, or if 124176  
the appointment was not made by the committee members in 124177  
accordance with this division, the court shall make an appointment 124178  
to fill the vacancy. A successor shall be elected to fill the 124179  
office for the unexpired term at the first municipal election that 124180  
is held more than one hundred thirty-five days after the vacancy 124181  
occurred. 124182

(C)(1) In a municipal court, other than the Auglaize county, 124183  
the Brown county, the Columbiana county, the Holmes county, the 124184

Putnam county, the Sandusky county, and the Lorain municipal 124185  
courts, for which the population of the territory is less than one 124186  
hundred thousand, the clerk of the municipal court shall receive 124187  
the annual compensation that the presiding judge of the court 124188  
prescribes, if the revenue of the court for the preceding calendar 124189  
year, as certified by the auditor or chief fiscal officer of the 124190  
municipal corporation in which the court is located or, in the 124191  
case of a county-operated municipal court, the county auditor, is 124192  
equal to or greater than the expenditures, including any debt 124193  
charges, for the operation of the court payable under this chapter 124194  
from the city treasury or, in the case of a county-operated 124195  
municipal court, the county treasury for that calendar year, as 124196  
also certified by the auditor or chief fiscal officer. If the 124197  
revenue of a municipal court, other than the Auglaize county, the 124198  
Brown county, the Columbiana county, the Putnam county, the 124199  
Sandusky county, and the Lorain municipal courts, for which the 124200  
population of the territory is less than one hundred thousand for 124201  
the preceding calendar year as so certified is not equal to or 124202  
greater than those expenditures for the operation of the court for 124203  
that calendar year as so certified, the clerk of a municipal court 124204  
shall receive the annual compensation that the legislative 124205  
authority prescribes. As used in this division, "revenue" means 124206  
the total of all costs and fees that are collected and paid to the 124207  
city treasury or, in a county-operated municipal court, the county 124208  
treasury by the clerk of the municipal court under division (F) of 124209  
this section and all interest received and paid to the city 124210  
treasury or, in a county-operated municipal court, the county 124211  
treasury in relation to the costs and fees under division (G) of 124212  
this section. 124213

(2) In a municipal court, other than the Hamilton county, 124214  
Montgomery county, Miami county, Portage county, and Wayne county 124215  
municipal courts, for which the population of the territory is one 124216  
hundred thousand or more, and in the Lorain municipal court, the 124217

clerk of the municipal court shall receive annual compensation in 124218  
a sum equal to eighty-five per cent of the salary of a judge of 124219  
the court. 124220

(3) The compensation of a clerk described in division (C)(1) 124221  
or (2) of this section and of the clerk of the Columbiana county 124222  
municipal court is payable in either semimonthly installments or 124223  
biweekly installments, as determined by the payroll administrator, 124224  
from the same sources and in the same manner as provided in 124225  
section 1901.11 of the Revised Code, except that the compensation 124226  
of the clerk of the Carroll county municipal court is payable in 124227  
biweekly installments. 124228

(D) Before entering upon the duties of the clerk's office, 124229  
the clerk of a municipal court shall give bond of not less than 124230  
six thousand dollars to be determined by the judges of the court, 124231  
conditioned upon the faithful performance of the clerk's duties. 124232

(E) The clerk of a municipal court may do all of the 124233  
following: administer oaths, take affidavits, and issue executions 124234  
upon any judgment rendered in the court, including a judgment for 124235  
unpaid costs; issue, sign, and attach the seal of the court to all 124236  
writs, process, subpoenas, and papers issuing out of the court; 124237  
and approve all bonds, sureties, recognizances, and undertakings 124238  
fixed by any judge of the court or by law. The clerk may refuse to 124239  
accept for filing any pleading or paper submitted for filing by a 124240  
person who has been found to be a vexatious litigator under 124241  
section 2323.52 of the Revised Code and who has failed to obtain 124242  
leave to proceed under that section. The clerk shall do all of the 124243  
following: file and safely keep all journals, records, books, and 124244  
papers belonging or appertaining to the court; record the 124245  
proceedings of the court; perform all other duties that the judges 124246  
of the court may prescribe; and keep a book showing all receipts 124247  
and disbursements, which book shall be open for public inspection 124248  
at all times. 124249

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be prepaid by the party demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court. The clerk shall on or before the twentieth day of the month following the month in which they are collected disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects. Subject to sections 307.515 and 4511.193 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court and except for the Hamilton county, Lawrence county, and Ottawa county municipal courts, the clerk shall pay all fines received for violation of municipal ordinances into the treasury of the municipal corporation the ordinance of which was violated and shall pay all fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the township the resolution

of which was violated. Subject to sections 1901.024 and 4511.193 124283  
of the Revised Code, in the Hamilton county, Lawrence county, and 124284  
Ottawa county municipal courts, the clerk shall pay fifty per cent 124285  
of the fines received for violation of municipal ordinances and 124286  
fifty per cent of the fines received for violation of township 124287  
resolutions adopted pursuant to section 503.52 or 503.53 or 124288  
Chapter 504. of the Revised Code into the treasury of the county. 124289  
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 124290  
Code and to any other section of the Revised Code that requires a 124291  
specific manner of disbursement of any moneys received by a 124292  
municipal court, the clerk shall pay all fines collected for the 124293  
violation of state laws into the county treasury. Except in a 124294  
county-operated municipal court, the clerk shall pay all costs and 124295  
fees the disbursement of which is not otherwise provided for in 124296  
the Revised Code into the city treasury. The clerk of a 124297  
county-operated municipal court shall pay the costs and fees the 124298  
disbursement of which is not otherwise provided for in the Revised 124299  
Code into the county treasury. Moneys deposited as security for 124300  
costs shall be retained pending the litigation. The clerk shall 124301  
keep a separate account of all receipts and disbursements in civil 124302  
and criminal cases, which shall be a permanent public record of 124303  
the office. On the expiration of the term of the clerk, the clerk 124304  
shall deliver the records to the clerk's successor. The clerk 124305  
shall have other powers and duties as are prescribed by rule or 124306  
order of the court. 124307

(G) All moneys paid into a municipal court shall be noted on 124308  
the record of the case in which they are paid and shall be 124309  
deposited in a state or national bank, ~~or a domestic savings and~~ 124310  
~~loan association,~~ as defined in section ~~1151.01~~ 1101.01 of the 124311  
Revised Code, that is selected by the clerk. Any interest received 124312  
upon the deposits shall be paid into the city treasury, except 124313  
that, in a county-operated municipal court, the interest shall be 124314  
paid into the treasury of the county in which the court is 124315

located. 124316

On the first Monday in January of each year, the clerk shall 124317  
make a list of the titles of all cases in the court that were 124318  
finally determined more than one year past in which there remains 124319  
unclaimed in the possession of the clerk any funds, or any part of 124320  
a deposit for security of costs not consumed by the costs in the 124321  
case. The clerk shall give notice of the moneys to the parties who 124322  
are entitled to the moneys or to their attorneys of record. All 124323  
the moneys remaining unclaimed on the first day of April of each 124324  
year shall be paid by the clerk to the city treasurer, except 124325  
that, in a county-operated municipal court, the moneys shall be 124326  
paid to the treasurer of the county in which the court is located. 124327  
The treasurer shall pay any part of the moneys at any time to the 124328  
person who has the right to the moneys upon proper certification 124329  
of the clerk. 124330

(H) Deputy clerks of a municipal court other than the Carroll 124331  
county municipal court may be appointed by the clerk and shall 124332  
receive the compensation, payable in either biweekly installments 124333  
or semimonthly installments, as determined by the payroll 124334  
administrator, out of the city treasury, that the clerk may 124335  
prescribe, except that the compensation of any deputy clerk of a 124336  
county-operated municipal court shall be paid out of the treasury 124337  
of the county in which the court is located. The judge of the 124338  
Carroll county municipal court may appoint deputy clerks for the 124339  
court, and the deputy clerks shall receive the compensation, 124340  
payable in biweekly installments out of the county treasury, that 124341  
the judge may prescribe. Each deputy clerk shall take an oath of 124342  
office before entering upon the duties of the deputy clerk's 124343  
office and, when so qualified, may perform the duties appertaining 124344  
to the office of the clerk. The clerk may require any of the 124345  
deputy clerks to give bond of not less than three thousand 124346  
dollars, conditioned for the faithful performance of the deputy 124347

clerk's duties. 124348

(I) For the purposes of this section, whenever the population 124349  
of the territory of a municipal court falls below one hundred 124350  
thousand but not below ninety thousand, and the population of the 124351  
territory prior to the most recent regular federal census exceeded 124352  
one hundred thousand, the legislative authority of the municipal 124353  
corporation may declare, by resolution, that the territory shall 124354  
be considered to have a population of at least one hundred 124355  
thousand. 124356

(J) The clerk or a deputy clerk shall be in attendance at all 124357  
sessions of the municipal court, although not necessarily in the 124358  
courtroom, and may administer oaths to witnesses and jurors and 124359  
receive verdicts. 124360

**Sec. 2335.25.** Each clerk of a court of record, the sheriff, 124361  
and the prosecuting attorney shall enter in a journal or cashbook, 124362  
provided at the expense of the county, an accurate account of all 124363  
moneys collected or received in ~~his~~ the clerk's, sheriff's, or 124364  
prosecuting attorney's official capacity, on the days of the 124365  
receipt, and in the order of time so received, with a minute of 124366  
the date and suit, or other matter, on account of which the money 124367  
was received. The cashbook shall be a public record of the office, 124368  
and shall, on the expiration of the term of each such officer, be 124369  
delivered to ~~his~~ the officer's successor ~~in office~~. The clerk 124370  
shall be the receiver of all moneys payable into ~~his~~ the clerk's 124371  
office, whether collected by public officers of court or tendered 124372  
by other persons, and, on request, shall pay the moneys to the 124373  
persons entitled to receive them. 124374

The clerk of the court of common pleas or of the county court 124375  
may deposit moneys payable into ~~his~~ the clerk's office in a bank 124376  
~~or a building and loan association~~, as defined in section ~~1151.01~~ 124377  
1101.01 of the Revised Code, subject to section 131.11 of the 124378

Revised Code. Any interest received upon the deposits shall be 124379  
paid into the treasury of the county for which the clerk performs 124380  
~~his~~ official duties. 124381

**Sec. 3351.07.** (A) For the purposes of this chapter, "approved 124382  
lender" means any bank as defined in section 1101.01 of the 124383  
Revised Code, ~~any domestic savings and loan association as defined~~ 124384  
~~in section 1151.01 of the Revised Code,~~ any credit union as 124385  
defined in section 1733.01 of the Revised Code, any federal credit 124386  
union established pursuant to federal law, any insurance company 124387  
organized or authorized to do business in this state, any pension 124388  
fund eligible under the "Higher Education Amendments of 1968," 82 124389  
Stat. 1026, 20 U.S.C.A. 1085, as amended, the secondary market 124390  
operation designated under division (B) of this section, or any 124391  
secondary market operation established pursuant to the "Education 124392  
Amendments of 1972," 86 Stat. 261, 20 U.S.C.A. 1071, as amended, 124393  
or under the laws of any state. 124394

(B) The governor may designate one nonprofit corporation 124395  
secondary market operation to be the single nonprofit private 124396  
agency designated by the state under the "Higher Education Act of 124397  
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(D), as amended. A 124398  
designation in effect on ~~the effective date of this amendment~~ 124399  
October 16, 2009, expires December 31, 2009. Each designation 124400  
after ~~the effective date of this amendment~~ October 16, 2009, shall 124401  
be made by competitive selection and shall be valid for one year. 124402  
The controlling board shall not waive the competitive selection 124403  
requirement. 124404

(C) The nonprofit corporation designated by the governor 124405  
under division (B) of this section as the private agency secondary 124406  
market operation shall be considered to be an agency of the state, 124407  
in accordance with section 435(d)(1)(F) of the "Higher Education 124408  
Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(F), as 124409



amended, exclusively for the purpose of functioning as a secondary 124410  
student loan market. The corporation shall be considered a state 124411  
agency only for the purposes of this division and no other 124412  
division or section of the Revised Code regarding state agencies 124413  
shall apply to the corporation. No liability or obligation 124414  
incurred by the corporation shall be considered to be a liability 124415  
or debt of the state, nor shall the state be construed to act as 124416  
guarantor of any debt of the corporation. 124417

(D) The nonprofit corporation designated under division (B) 124418  
of this section shall designate a separate nonprofit corporation 124419  
to operate exclusively for charitable and educational purposes, 124420  
complementing and supplementing the designating corporation's 124421  
secondary market operation for student loans authorized under the 124422  
"Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085, 124423  
as amended, and promoting the general health and welfare of the 124424  
state, the public interest, and a public purpose through improving 124425  
student assistance programs by expanding access to higher 124426  
education financing programs for students and families in need of 124427  
student financial aid. In furtherance of such purposes, the 124428  
separate nonprofit corporation may do all of the following: 124429

(1) Assist educational institutions in establishing financial 124430  
aid programs to help students obtain an economical education; 124431

(2) Encourage financial institutions to increase educational 124432  
opportunities by making funds available to both students and 124433  
educational institutions; 124434

(3) Make available financial aid that supplements the 124435  
financial assistance provided by eligible and approved lenders 124436  
under state and federal programs; 124437

(4) Develop and administer programs that do all of the 124438  
following: 124439

(a) Provide financial aid and incidental student financial 124440

aid information to students and their parents or other persons 124441  
responsible for paying educational costs of those students at 124442  
educational institutions; 124443

(b) Provide financial aid and information relating to it to 124444  
and through educational institutions, enabling those institutions 124445  
to assist students financially in obtaining an education and fully 124446  
expanding their intellectual capacity and skills; 124447

(c) Better enable financial institutions to participate in 124448  
student loan programs and other forms of financial aid, assisting 124449  
students and educational institutions to increase education 124450  
excellence and accessibility. 124451

(E) The nonprofit corporation designated under authority of 124452  
division (D) of this section shall do both of the following: 124453

(1) Establish the criteria, standards, terms, and conditions 124454  
for participation by students, parents, educational institutions, 124455  
and financial institutions in that corporation's programs; 124456

(2) Provide the governor a report of its programs and a copy 124457  
of its audited financial statements not later than one hundred 124458  
eighty days after the end of each fiscal year of the corporation. 124459

No liability, obligation, or debt incurred by the corporation 124460  
designated under authority of division (D) of this section or by 124461  
any person under that corporation's programs shall be, or be 124462  
considered to be, a liability, obligation, or debt of, or a pledge 124463  
of the faith and credit of, the state, any political subdivision 124464  
of the state, or any state-supported or state-assisted institution 124465  
of higher education, nor shall the state or any political 124466  
subdivision of the state or any state-supported or state-assisted 124467  
institution of higher education be or be construed to act as an 124468  
obligor under or guarantor of any liability, obligation, or debt 124469  
of that corporation or of any person under that corporation's 124470  
programs or incur or be construed to have incurred any other 124471

liability, obligation, or debt as a result of any acts of the corporation. 124472  
124473

(F) The nonprofit corporation designated under authority of division (D) of this section shall not be deemed to qualify by reason of the designation as a guarantor or an eligible lender under sections 435(d) and (j) of the "Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d) and (j), as amended. 124474  
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**Sec. 3767.41.** (A) As used in this section: 124479

(1) "Building" means, except as otherwise provided in this division, any building or structure that is used or intended to be used for residential purposes. "Building" includes, but is not limited to, a building or structure in which any floor is used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and in which the other floors are used, or designed and intended to be used, for residential purposes. "Building" does not include any building or structure that is occupied by its owner and that contains three or fewer residential units. 124480  
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(2)(a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. 124491  
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(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard: 124499  
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124501  
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(i) Each building on the site is structurally sound, secure, 124503  
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 124504

(ii) Each building's domestic water, electrical system, 124505  
elevators, emergency power, fire protection, HVAC, and sanitary 124506  
system is free of health and safety hazards, functionally 124507  
adequate, operable, and in good repair, as defined in 24 C.F.R. 124508  
5.703(c); 124509

(iii) Each dwelling unit within the building is structurally 124510  
sound, habitable, and in good repair, and all areas and aspects of 124511  
the dwelling unit are free of health and safety hazards, 124512  
functionally adequate, operable, and in good repair, as defined in 124513  
24 C.F.R. 5.703(d)(1); 124514

(iv) Where applicable, the dwelling unit has hot and cold 124515  
running water, including an adequate source of potable water, as 124516  
defined in 24 C.F.R. 5.703(d)(2); 124517

(v) If the dwelling unit includes its own sanitary facility, 124518  
it is in proper operating condition, usable in privacy, and 124519  
adequate for personal hygiene, and the disposal of human waste, as 124520  
defined in 24 C.F.R. 5.703(d)(3); 124521

(vi) The common areas are structurally sound, secure, and 124522  
functionally adequate for the purposes intended. The basement, 124523  
garage, carport, restrooms, closets, utility, mechanical, 124524  
community rooms, daycare, halls, corridors, stairs, kitchens, 124525  
laundry rooms, office, porch, patio, balcony, and trash collection 124526  
areas are free of health and safety hazards, operable, and in good 124527  
repair. All common area ceilings, doors, floors, HVAC, lighting, 124528  
smoke detectors, stairs, walls, and windows, to the extent 124529  
applicable, are free of health and safety hazards, operable, and 124530  
in good repair, as defined in 24 C.F.R. 5.703(e); 124531

(vii) All areas and components of the housing are free of 124532  
health and safety hazards. These areas include, but are not 124533

limited to, air quality, electrical hazards, elevators, 124534  
emergency/fire exits, flammable materials, garbage and debris, 124535  
handrail hazards, infestation, and lead-based paint, as defined in 124536  
24 C.F.R. 5.703(f). 124537

(3) "Abate" or "abatement" in connection with any building 124538  
means the removal or correction of any conditions that constitute 124539  
a public nuisance and the making of any other improvements that 124540  
are needed to effect a rehabilitation of the building that is 124541  
consistent with maintaining safe and habitable conditions over its 124542  
remaining useful life. "Abatement" does not include the closing or 124543  
boarding up of any building that is found to be a public nuisance. 124544

(4) "Interested party" means any owner, mortgagee, 124545  
lienholder, tenant, or person that possesses an interest of record 124546  
in any property that becomes subject to the jurisdiction of a 124547  
court pursuant to this section, and any applicant for the 124548  
appointment of a receiver pursuant to this section. 124549

(5) "Neighbor" means any owner of property, including, but 124550  
not limited to, any person who is purchasing property by land 124551  
installment contract or under a duly executed purchase contract, 124552  
that is located within five hundred feet of any property that 124553  
becomes subject to the jurisdiction of a court pursuant to this 124554  
section, and any occupant of a building that is so located. 124555

(6) "Tenant" has the same meaning as in section 5321.01 of 124556  
the Revised Code. 124557

(7) "Subsidized housing" means a property consisting of more 124558  
than four dwelling units that, in whole or in part, receives 124559  
project-based assistance pursuant to a contract under any of the 124560  
following federal housing programs: 124561

(a) The new construction or substantial rehabilitation 124562  
program under section 8(b)(2) of the "United States Housing Act of 124563  
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 124564

that program was in effect immediately before the first day of 124565  
October, 1983; 124566

(b) The moderate rehabilitation program under section 8(e)(2) 124567  
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 124568  
Stat. 888, 42 U.S.C. 1437f(e)(2); 124569

(c) The loan management assistance program under section 8 of 124570  
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 124571  
Stat. 888, 42 U.S.C. 1437f; 124572

(d) The rent supplement program under section 101 of the 124573  
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 124574  
79 Stat. 667, 12 U.S.C. 1701s; 124575

(e) Section 8 of the "United States Housing Act of 1937," 124576  
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following 124577  
conversion from assistance under section 101 of the "Housing and 124578  
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 124579  
12 U.S.C. 1701s; 124580

(f) The program of supportive housing for the elderly under 124581  
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 124582  
Stat. 654, 12 U.S.C. 1701q; 124583

(g) The program of supportive housing for persons with 124584  
disabilities under section 811 of the "National Affordable Housing 124585  
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 124586

(h) The rental assistance program under section 521 of the 124587  
"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 124588  
551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 124589  
1490a. 124590

(8) "Project-based assistance" means the assistance is 124591  
attached to the property and provides rental assistance only on 124592  
behalf of tenants who reside in that property. 124593

(9) "Landlord" has the same meaning as in section 5321.01 of 124594

the Revised Code. 124595

(B)(1)(a) In any civil action to enforce any local building, 124596  
housing, air pollution, sanitation, health, fire, zoning, or 124597  
safety code, ordinance, resolution, or regulation applicable to 124598  
buildings, that is commenced in a court of common pleas, municipal 124599  
court, housing or environmental division of a municipal court, or 124600  
county court, or in any civil action for abatement commenced in a 124601  
court of common pleas, municipal court, housing or environmental 124602  
division of a municipal court, or county court, by a municipal 124603  
corporation or township in which the building involved is located, 124604  
by any neighbor, tenant, or by a nonprofit corporation that is 124605  
duly organized and has as one of its goals the improvement of 124606  
housing conditions in the county or municipal corporation in which 124607  
the building involved is located, if a building is alleged to be a 124608  
public nuisance, the municipal corporation, township, neighbor, 124609  
tenant, or nonprofit corporation may apply in its complaint for an 124610  
injunction or other order as described in division (C)(1) of this 124611  
section, or for the relief described in division (C)(2) of this 124612  
section, including, if necessary, the appointment of a receiver as 124613  
described in divisions (C)(2) and (3) of this section, or for both 124614  
such an injunction or other order and such relief. The municipal 124615  
corporation, township, neighbor, tenant, or nonprofit corporation 124616  
commencing the action is not liable for the costs, expenses, and 124617  
fees of any receiver appointed pursuant to divisions (C)(2) and 124618  
(3) of this section. 124619

(b) Prior to commencing a civil action for abatement when the 124620  
property alleged to be a public nuisance is subsidized housing, 124621  
the municipal corporation, township, neighbor, tenant, or 124622  
nonprofit corporation commencing the action shall provide the 124623  
landlord of that property with written notice that specifies one 124624  
or more defective conditions that constitute a public nuisance as 124625  
that term applies to subsidized housing and states that if the 124626

landlord fails to remedy the condition within sixty days of the 124627  
service of the notice, a claim pursuant to this section may be 124628  
brought on the basis that the property constitutes a public 124629  
nuisance in subsidized housing. Any party authorized to bring an 124630  
action against the landlord shall make reasonable attempts to 124631  
serve the notice in the manner prescribed in the Rules of Civil 124632  
Procedure to the landlord or the landlord's agent for the property 124633  
at the property's management office, or at the place where the 124634  
tenants normally pay or send rent. If the landlord is not the 124635  
owner of record, the party bringing the action shall make a 124636  
reasonable attempt to serve the owner. If the owner does not 124637  
receive service the person bringing the action shall certify the 124638  
attempts to serve the owner. 124639

(2)(a) In a civil action described in division (B)(1) of this 124640  
section, a copy of the complaint and a notice of the date and time 124641  
of a hearing on the complaint shall be served upon the owner of 124642  
the building and all other interested parties in accordance with 124643  
the Rules of Civil Procedure. If certified mail service, personal 124644  
service, or residence service of the complaint and notice is 124645  
refused or certified mail service of the complaint and notice is 124646  
not claimed, and if the municipal corporation, township, neighbor, 124647  
tenant, or nonprofit corporation commencing the action makes a 124648  
written request for ordinary mail service of the complaint and 124649  
notice, or uses publication service, in accordance with the Rules 124650  
of Civil Procedure, then a copy of the complaint and notice shall 124651  
be posted in a conspicuous place on the building. 124652

(b) The judge in a civil action described in division (B)(1) 124653  
of this section shall conduct a hearing at least twenty-eight days 124654  
after the owner of the building and the other interested parties 124655  
have been served with a copy of the complaint and the notice of 124656  
the date and time of the hearing in accordance with division 124657  
(B)(2)(a) of this section. 124658



(c) In considering whether subsidized housing is a public nuisance, the judge shall construe the standards set forth in division (A)(2)(b) of this section in a manner consistent with department of housing and urban development and judicial interpretations of those standards. The judge shall deem that the property is not a public nuisance if during the twelve months prior to the service of the notice that division (B)(1)(b) of this section requires, the department of housing and urban development's real estate assessment center issued a score of seventy-five or higher out of a possible one hundred points pursuant to its regulations governing the physical condition of multifamily properties pursuant to 24 C.F.R. part 200, subpart P, and since the most recent inspection, there has been no significant change in the property's conditions that would create a serious threat to the health, safety, or welfare of the property's tenants.

(C)(1) If the judge in a civil action described in division (B)(1) of this section finds at the hearing required by division (B)(2) of this section that the building involved is a public nuisance, if the judge additionally determines that the owner of the building previously has not been afforded a reasonable opportunity to abate the public nuisance or has been afforded such an opportunity and has not refused or failed to abate the public nuisance, and if the complaint of the municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action requested the issuance of an injunction as described in this division, then the judge may issue an injunction requiring the owner of the building to abate the public nuisance or issue any other order that the judge considers necessary or appropriate to cause the abatement of the public nuisance. If an injunction is issued pursuant to this division, the owner of the building involved shall be given no more than thirty days from the date of the entry of the judge's order to comply with the injunction,

unless the judge, for good cause shown, extends the time for compliance. 124692  
124693

(2) If the judge in a civil action described in division 124694  
(B)(1) of this section finds at the hearing required by division 124695  
(B)(2) of this section that the building involved is a public 124696  
nuisance, if the judge additionally determines that the owner of 124697  
the building previously has been afforded a reasonable opportunity 124698  
to abate the public nuisance and has refused or failed to do so, 124699  
and if the complaint of the municipal corporation, township, 124700  
neighbor, tenant, or nonprofit corporation commencing the action 124701  
requested relief as described in this division, then the judge 124702  
shall offer any mortgagee, lienholder, or other interested party 124703  
associated with the property on which the building is located, in 124704  
the order of the priority of interest in title, the opportunity to 124705  
undertake the work and to furnish the materials necessary to abate 124706  
the public nuisance. Prior to selecting any interested party, the 124707  
judge shall require the interested party to demonstrate the 124708  
ability to promptly undertake the work and furnish the materials 124709  
required, to provide the judge with a viable financial and 124710  
construction plan for the rehabilitation of the building as 124711  
described in division (D) of this section, and to post security 124712  
for the performance of the work and the furnishing of the 124713  
materials. 124714

If the judge determines, at the hearing, that no interested 124715  
party is willing or able to undertake the work and to furnish the 124716  
materials necessary to abate the public nuisance, or if the judge 124717  
determines, at any time after the hearing, that any party who is 124718  
undertaking corrective work pursuant to this division cannot or 124719  
will not proceed, or has not proceeded with due diligence, the 124720  
judge may appoint a receiver pursuant to division (C)(3) of this 124721  
section to take possession and control of the building. 124722

(3)(a) The judge in a civil action described in division 124723

(B)(1) of this section shall not appoint any person as a receiver 124724  
unless the person first has provided the judge with a viable 124725  
financial and construction plan for the rehabilitation of the 124726  
building involved as described in division (D) of this section and 124727  
has demonstrated the capacity and expertise to perform the 124728  
required work and to furnish the required materials in a 124729  
satisfactory manner. An appointed receiver may be a financial 124730  
institution that possesses an interest of record in the building 124731  
or the property on which it is located, a nonprofit corporation as 124732  
described in divisions (B)(1) and (C)(3)(b) of this section, 124733  
including, but not limited to, a nonprofit corporation that 124734  
commenced the action described in division (B)(1) of this section, 124735  
or any other qualified property manager. 124736

(b) To be eligible for appointment as a receiver, no part of 124737  
the net earnings of a nonprofit corporation shall inure to the 124738  
benefit of any private shareholder or individual. Membership on 124739  
the board of trustees of a nonprofit corporation appointed as a 124740  
receiver does not constitute the holding of a public office or 124741  
employment within the meaning of sections 731.02 and 731.12 or any 124742  
other section of the Revised Code and does not constitute a direct 124743  
or indirect interest in a contract or expenditure of money by any 124744  
municipal corporation. A member of a board of trustees of a 124745  
nonprofit corporation appointed as a receiver shall not be 124746  
disqualified from holding any public office or employment, and 124747  
shall not forfeit any public office or employment, by reason of 124748  
membership on the board of trustees, notwithstanding any law to 124749  
the contrary. 124750

(D) Prior to ordering any work to be undertaken, or the 124751  
furnishing of any materials, to abate a public nuisance under this 124752  
section, the judge in a civil action described in division (B)(1) 124753  
of this section shall review the submitted financial and 124754  
construction plan for the rehabilitation of the building involved 124755

and, if it specifies all of the following, shall approve that plan:

(1) The estimated cost of the labor, materials, and any other development costs that are required to abate the public nuisance;

(2) The estimated income and expenses of the building and the property on which it is located after the furnishing of the materials and the completion of the repairs and improvements;

(3) The terms, conditions, and availability of any financing that is necessary to perform the work and to furnish the materials;

(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance.

(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership.

(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge.

The judge may empower the receiver to do any or all of the following:

(1) Take possession and control of the building and the property on which it is located, operate and manage the building

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| and the property, establish and collect rents and income, lease    | 124786 |
| and rent the building and the property, and evict tenants;         | 124787 |
| (2) Pay all expenses of operating and conserving the building      | 124788 |
| and the property, including, but not limited to, the cost of       | 124789 |
| electricity, gas, water, sewerage, heating fuel, repairs and       | 124790 |
| supplies, custodian services, taxes and assessments, and insurance | 124791 |
| premiums, and hire and pay reasonable compensation to a managing   | 124792 |
| agent;                                                             | 124793 |
| (3) Pay pre-receivership mortgages or installments of them         | 124794 |
| and other liens;                                                   | 124795 |
| (4) Perform or enter into contracts for the performance of         | 124796 |
| all work and the furnishing of materials necessary to abate, and   | 124797 |
| obtain financing for the abatement of, the public nuisance;        | 124798 |
| (5) Pursuant to court order, remove and dispose of any             | 124799 |
| personal property abandoned, stored, or otherwise located in or on | 124800 |
| the building and the property that creates a dangerous or unsafe   | 124801 |
| condition or that constitutes a violation of any local building,   | 124802 |
| housing, air pollution, sanitation, health, fire, zoning, or       | 124803 |
| safety code, ordinance, or regulation;                             | 124804 |
| (6) Obtain mortgage insurance for any receiver's mortgage          | 124805 |
| from any agency of the federal government;                         | 124806 |
| (7) Enter into any agreement and do those things necessary to      | 124807 |
| maintain and preserve the building and the property and comply     | 124808 |
| with all local building, housing, air pollution, sanitation,       | 124809 |
| health, fire, zoning, or safety codes, ordinances, resolutions,    | 124810 |
| and regulations;                                                   | 124811 |
| (8) Give the custody of the building and the property, and         | 124812 |
| the opportunity to abate the nuisance and operate the property, to | 124813 |
| its owner or any mortgagee or lienholder of record;                | 124814 |
| (9) Issue notes and secure them by a mortgage bearing              | 124815 |

interest, and upon terms and conditions, that the judge approves. 124816  
When sold or transferred by the receiver in return for valuable 124817  
consideration in money, material, labor, or services, the notes or 124818  
certificates shall be freely transferable. Any mortgages granted 124819  
by the receiver shall be superior to any claims of the receiver. 124820  
Priority among the receiver's mortgages shall be determined by the 124821  
order in which they are recorded. 124822

(G) A receiver appointed pursuant to this section is not 124823  
personally liable except for misfeasance, malfeasance, or 124824  
nonfeasance in the performance of the functions of the office of 124825  
receiver. 124826

(H)(1) The judge in a civil action described in division 124827  
(B)(1) of this section may assess as court costs, the expenses 124828  
described in division (F)(2) of this section, and may approve 124829  
receiver's fees to the extent that they are not covered by the 124830  
income from the property. Subject to that limitation, a receiver 124831  
appointed pursuant to divisions (C)(2) and (3) of this section is 124832  
entitled to receive fees in the same manner and to the same extent 124833  
as receivers appointed in actions to foreclose mortgages. 124834

(2)(a) Pursuant to the police powers vested in the state, all 124835  
expenditures of a mortgagee, lienholder, or other interested party 124836  
that has been selected pursuant to division (C)(2) of this section 124837  
to undertake the work and to furnish the materials necessary to 124838  
abate a public nuisance, and any expenditures in connection with 124839  
the foreclosure of the lien created by this division, is a first 124840  
lien upon the building involved and the property on which it is 124841  
located and is superior to all prior and subsequent liens or other 124842  
encumbrances associated with the building or the property, 124843  
including, but not limited to, those for taxes and assessments, 124844  
upon the occurrence of both of the following: 124845

(i) The prior approval of the expenditures by, and the entry 124846  
of a judgment to that effect by, the judge in the civil action 124847

described in division (B)(1) of this section; 124848

(ii) The recordation of a certified copy of the judgment 124849  
entry and a sufficient description of the property on which the 124850  
building is located with the county recorder in the county in 124851  
which the property is located within sixty days after the date of 124852  
the entry of the judgment. 124853

(b) Pursuant to the police powers vested in the state, all 124854  
expenses and other amounts paid in accordance with division (F) of 124855  
this section by a receiver appointed pursuant to divisions (C)(2) 124856  
and (3) of this section, the amounts of any notes issued by the 124857  
receiver in accordance with division (F) of this section, all 124858  
mortgages granted by the receiver in accordance with that 124859  
division, the fees of the receiver approved pursuant to division 124860  
(H)(1) of this section, and any amounts expended in connection 124861  
with the foreclosure of a mortgage granted by the receiver in 124862  
accordance with division (F) of this section or with the 124863  
foreclosure of the lien created by this division, are a first lien 124864  
upon the building involved and the property on which it is located 124865  
and are superior to all prior and subsequent liens or other 124866  
encumbrances associated with the building or the property, 124867  
including, but not limited to, those for taxes and assessments, 124868  
upon the occurrence of both of the following: 124869

(i) The approval of the expenses, amounts, or fees by, and 124870  
the entry of a judgment to that effect by, the judge in the civil 124871  
action described in division (B)(1) of this section; or the 124872  
approval of the mortgages in accordance with division (F)(9) of 124873  
this section by, and the entry of a judgment to that effect by, 124874  
that judge; 124875

(ii) The recordation of a certified copy of the judgment 124876  
entry and a sufficient description of the property on which the 124877  
building is located, or, in the case of a mortgage, the 124878  
recordation of the mortgage, a certified copy of the judgment 124879

entry, and such a description, with the county recorder of the 124880  
county in which the property is located within sixty days after 124881  
the date of the entry of the judgment. 124882

(c) Priority among the liens described in divisions (H)(2)(a) 124883  
and (b) of this section shall be determined as described in 124884  
division (I) of this section. Additionally, the creation pursuant 124885  
to this section of a mortgage lien that is prior to or superior to 124886  
any mortgage of record at the time the mortgage lien is so 124887  
created, does not disqualify the mortgage of record as a legal 124888  
investment under Chapter 1107. or ~~1151.~~ or any other chapter of 124889  
the Revised Code. 124890

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 124891  
and (3) of this section files with the judge in the civil action 124892  
described in division (B)(1) of this section a report indicating 124893  
that the public nuisance has been abated, if the judge confirms 124894  
that the receiver has abated the public nuisance, and if the 124895  
receiver or any interested party requests the judge to enter an 124896  
order directing the receiver to sell the building and the property 124897  
on which it is located, the judge may enter that order after 124898  
holding a hearing as described in division (I)(2) of this section 124899  
and otherwise complying with that division. 124900

(2)(a) The receiver or interested party requesting an order 124901  
as described in division (I)(1) of this section shall cause a 124902  
notice of the date and time of a hearing on the request to be 124903  
served on the owner of the building involved and all other 124904  
interested parties in accordance with division (B)(2)(a) of this 124905  
section. The judge in the civil action described in division 124906  
(B)(1) of this section shall conduct the scheduled hearing. At the 124907  
hearing, if the owner or any interested party objects to the sale 124908  
of the building and the property, the burden of proof shall be 124909  
upon the objecting person to establish, by a preponderance of the 124910  
evidence, that the benefits of not selling the building and the 124911



property outweigh the benefits of selling them. If the judge 124912  
determines that there is no objecting person, or if the judge 124913  
determines that there is one or more objecting persons but no 124914  
objecting person has sustained the burden of proof specified in 124915  
this division, the judge may enter an order directing the receiver 124916  
to offer the building and the property for sale upon terms and 124917  
conditions that the judge shall specify. 124918

(b) In any sale of subsidized housing that is ordered 124919  
pursuant to this section, the judge shall specify that the 124920  
subsidized housing not be conveyed unless that conveyance complies 124921  
with applicable federal law and applicable program contracts for 124922  
that housing. Any such conveyance shall be subject to the 124923  
condition that the purchaser enter into a contract with the 124924  
department of housing and urban development or the rural housing 124925  
service of the federal department of agriculture under which the 124926  
property continues to be subsidized housing and the owner 124927  
continues to operate that property as subsidized housing unless 124928  
the secretary of housing and urban development or the 124929  
administrator of the rural housing service terminates that 124930  
property's contract prior to or upon the conveyance of the 124931  
property. 124932

(3) If a sale of a building and the property on which it is 124933  
located is ordered pursuant to divisions (I)(1) and (2) of this 124934  
section and if the sale occurs in accordance with the terms and 124935  
conditions specified by the judge in the judge's order of sale, 124936  
then the receiver shall distribute the proceeds of the sale and 124937  
the balance of any funds that the receiver may possess, after the 124938  
payment of the costs of the sale, in the following order of 124939  
priority and in the described manner: 124940

(a) First, in satisfaction of any notes issued by the 124941  
receiver pursuant to division (F) of this section, in their order 124942  
of priority; 124943

(b) Second, any unreimbursed expenses and other amounts paid 124944  
in accordance with division (F) of this section by the receiver, 124945  
and the fees of the receiver approved pursuant to division (H)(1) 124946  
of this section; 124947

(c) Third, all expenditures of a mortgagee, lienholder, or 124948  
other interested party that has been selected pursuant to division 124949  
(C)(2) of this section to undertake the work and to furnish the 124950  
materials necessary to abate a public nuisance, provided that the 124951  
expenditures were approved as described in division (H)(2)(a) of 124952  
this section and provided that, if any such interested party 124953  
subsequently became the receiver, its expenditures shall be paid 124954  
prior to the expenditures of any of the other interested parties 124955  
so selected; 124956

(d) Fourth, the amount due for delinquent taxes, assessments, 124957  
charges, penalties, and interest owed to this state or a political 124958  
subdivision of this state, provided that, if the amount available 124959  
for distribution pursuant to division (I)(3)(d) of this section is 124960  
insufficient to pay the entire amount of those taxes, assessments, 124961  
charges, penalties, and interest, the proceeds and remaining funds 124962  
shall be paid to each claimant in proportion to the amount of 124963  
those taxes, assessments, charges, penalties, and interest that 124964  
each is due. 124965

(e) The amount of any pre-receivership mortgages, liens, or 124966  
other encumbrances, in their order of priority. 124967

(4) Following a distribution in accordance with division 124968  
(I)(3) of this section, the receiver shall request the judge in 124969  
the civil action described in division (B)(1) of this section to 124970  
enter an order terminating the receivership. If the judge 124971  
determines that the sale of the building and the property on which 124972  
it is located occurred in accordance with the terms and conditions 124973  
specified by the judge in the judge's order of sale under division 124974  
(I)(2) of this section and that the receiver distributed the 124975

proceeds of the sale and the balance of any funds that the receiver possessed, after the payment of the costs of the sale, in accordance with division (I)(3) of this section, and if the judge approves any final accounting required of the receiver, the judge may terminate the receivership.

(J)(1) A receiver appointed pursuant to divisions (C)(2) and (3) of this section may be discharged at any time in the discretion of the judge in the civil action described in division (B)(1) of this section. The receiver shall be discharged by the judge as provided in division (I)(4) of this section, or when all of the following have occurred:

(a) The public nuisance has been abated;

(b) All costs, expenses, and approved fees of the receivership have been paid;

(c) Either all receiver's notes issued and mortgages granted pursuant to this section have been paid, or all the holders of the notes and mortgages request that the receiver be discharged.

(2) If a judge in a civil action described in division (B)(1) of this section determines that, and enters of record a declaration that, a public nuisance has been abated by a receiver, and if, within three days after the entry of the declaration, all costs, expenses, and approved fees of the receivership have not been paid in full, then, in addition to the circumstances specified in division (I) of this section for the entry of such an order, the judge may enter an order directing the receiver to sell the building involved and the property on which it is located. Any such order shall be entered, and the sale shall occur, only in compliance with division (I) of this section.

(K) The title in any building, and in the property on which it is located, that is sold at a sale ordered under division (I) or (J)(2) of this section shall be incontestable in the purchaser

and shall be free and clear of all liens for delinquent taxes, 125007  
assessments, charges, penalties, and interest owed to this state 125008  
or any political subdivision of this state, that could not be 125009  
satisfied from the proceeds of the sale and the remaining funds in 125010  
the receiver's possession pursuant to the distribution under 125011  
division (I)(3) of this section. All other liens and encumbrances 125012  
with respect to the building and the property shall survive the 125013  
sale, including, but not limited to, a federal tax lien notice 125014  
properly filed in accordance with section 317.09 of the Revised 125015  
Code prior to the time of the sale, and the easements and 125016  
covenants of record running with the property that were created 125017  
prior to the time of the sale. 125018

(L)(1) Nothing in this section shall be construed as a 125019  
limitation upon the powers granted to a court of common pleas, a 125020  
municipal court or a housing or environmental division of a 125021  
municipal court under Chapter 1901. of the Revised Code, or a 125022  
county court under Chapter 1907. of the Revised Code. 125023

(2) The monetary and other limitations specified in Chapters 125024  
1901. and 1907. of the Revised Code upon the jurisdiction of 125025  
municipal and county courts, and of housing or environmental 125026  
divisions of municipal courts, in civil actions do not operate as 125027  
limitations upon any of the following: 125028

(a) Expenditures of a mortgagee, lienholder, or other 125029  
interested party that has been selected pursuant to division 125030  
(C)(2) of this section to undertake the work and to furnish the 125031  
materials necessary to abate a public nuisance; 125032

(b) Any notes issued by a receiver pursuant to division (F) 125033  
of this section; 125034

(c) Any mortgage granted by a receiver in accordance with 125035  
division (F) of this section; 125036

(d) Expenditures in connection with the foreclosure of a 125037

mortgage granted by a receiver in accordance with division (F) of 125038  
this section; 125039

(e) The enforcement of an order of a judge entered pursuant 125040  
to this section; 125041

(f) The actions that may be taken pursuant to this section by 125042  
a receiver or a mortgagee, lienholder, or other interested party 125043  
that has been selected pursuant to division (C)(2) of this section 125044  
to undertake the work and to furnish the materials necessary to 125045  
abate a public nuisance. 125046

(3) A judge in a civil action described in division (B)(1) of 125047  
this section, or the judge's successor in office, has continuing 125048  
jurisdiction to review the condition of any building that was 125049  
determined to be a public nuisance pursuant to this section. 125050

(4) Nothing in this section shall be construed to limit or 125051  
prohibit a municipal corporation or township that has filed with 125052  
the superintendent of insurance a certified copy of an adopted 125053  
resolution, ordinance, or regulation authorizing the procedures 125054  
described in divisions (C) and (D) of section 3929.86 of the 125055  
Revised Code from receiving insurance proceeds under section 125056  
3929.86 of the Revised Code. 125057

**Sec. 4303.293.** (A) Any person making application concerning a 125058  
permit to conduct a business for which a permit is required under 125059  
this chapter shall list on the application the name and address of 125060  
each person having a legal or beneficial interest in the ownership 125061  
of the business, including contracts for purchase on an 125062  
installment basis. If any person is a corporation or limited 125063  
liability company, the applicant shall list the names of each 125064  
officer of the corporation; the names of each officer of the 125065  
limited liability company, if the limited liability company has 125066  
officers, and the names of the managing members of the company or 125067  
the managers of the company, if the management of the company is 125068

not reserved to its members; the names of each person owning or 125069  
controlling five per cent or more of the capital stock of the 125070  
corporation; and the names of each person owning or controlling 125071  
five per cent or more of either the voting interests or membership 125072  
interests in the limited liability company. If any person is a 125073  
partnership or association, the applicant shall list the names of 125074  
each partner or member of the association. Any person having a 125075  
legal or beneficial interest in the ownership of the business, 125076  
other than a bank as defined in section 1101.01 of the Revised 125077  
Code ~~or a building and loan association as defined in section~~ 125078  
~~1151.01 of the Revised Code~~, shall notify the division of liquor 125079  
control of the interest, including contracts for purchase on an 125080  
installment basis, occurring after the application for, or the 125081  
issuance of, the permit. The notification shall be given within 125082  
fifteen days of the change. Whenever the person to whom a permit 125083  
has been issued is a corporation or limited liability company and 125084  
any transfer of that corporation's stock or that limited liability 125085  
company's membership interests is proposed such that, following 125086  
the transfer, the owner of the majority or plurality of shares of 125087  
stock in the corporation would change or the owner of the majority 125088  
or plurality of the limited liability company's membership 125089  
interests would change, the proposed transfer of stock or 125090  
membership interests shall be considered a proposed transfer of 125091  
ownership of the permit, and application shall be made to the 125092  
division of liquor control for a transfer of ownership. The 125093  
application shall be subject to the notice and hearing 125094  
requirements of section 4303.26 of the Revised Code and to the 125095  
restrictions imposed by section 4303.29 and division (A)(1) of 125096  
section 4303.292 of the Revised Code. 125097

(B) Whoever violates this section is guilty of a misdemeanor 125098  
of the first degree. 125099

**Sec. 5814.01.** As used in sections 5814.01 to 5814.10 of the 125100

Revised Code, unless the context otherwise requires: 125101

(A) "Benefit plan" means any plan of an employer for the 125102  
benefit of any employee, any plan for the benefit of any partner, 125103  
or any plan for the benefit of a proprietor, and includes, but is 125104  
not limited to, any pension, retirement, death benefit, deferred 125105  
compensation, employment agency, stock bonus, option, or 125106  
profit-sharing contract, plan, system, account, or trust. 125107

(B) "Broker" means a person that is lawfully engaged in the 125108  
business of effecting transactions in securities for the account 125109  
of others. A "broker" includes a financial institution that 125110  
effects such transactions and a person who is lawfully engaged in 125111  
buying and selling securities for the person's own account, 125112  
through a broker or otherwise, as a part of a regular business. 125113

(C) "Court" means the probate court. 125114

(D) "The custodial property" includes: 125115

(1) All securities, money, life or endowment insurance 125116  
policies, annuity contracts, benefit plans, real estate, tangible 125117  
and intangible personal property, proceeds of a life or endowment 125118  
insurance policy, an annuity contract, or a benefit plan, and 125119  
other types of property under the supervision of the same 125120  
custodian for the same minor as a consequence of a transfer or 125121  
transfers made to the minor, a gift or gifts made to the minor, or 125122  
a purchase made by the custodian for the minor, in a manner 125123  
prescribed in sections 5814.01 to 5814.10 of the Revised Code; 125124

(2) The income from the custodial property; 125125

(3) The proceeds, immediate and remote, from the sale, 125126  
exchange, conversion, investment, reinvestment, or other 125127  
disposition of the securities, money, life or endowment insurance 125128  
policies, annuity contracts, benefit plans, real estate, tangible 125129  
and intangible personal property, proceeds of a life or endowment 125130

insurance policy, an annuity contract, or a benefit plan, other types of property, and income. 125131  
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(E) "Custodian" or "successor custodian" means a person so designated in a manner prescribed in sections 5814.01 to 5814.10 of the Revised Code. 125133  
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(F) "Financial institution" means any bank, as defined in section 1101.01 of the Revised Code, ~~any building and loan association, as defined in section 1151.01,~~ any credit union as defined in section 1733.01 of the Revised Code, and any federal credit union, as defined in the "Federal Credit Union Act," 73 Stat. 628 (1959), 12 U.S.C.A. 1752, as amended. 125136  
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(G) "Guardian of the minor" includes the general guardian, guardian, tutor, or curator of the property, estate, or person of a minor. 125142  
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(H) "Issuer" means a person who places or authorizes the placing of the person's name on a security, other than as a transfer agent, to evidence that it represents a share, participation, or other interest in the person's property or in an enterprise, or to evidence the person's duty or undertaking to perform an obligation that is evidenced by the security, or who becomes responsible for or in place of any such person. 125145  
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(I) "Legal representative" of a person means the executor, administrator, general guardian, guardian, committee, conservator, tutor, or curator of the person's property or estate. 125152  
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(J) "Member of the minor's family" means a parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt of the minor, whether of the whole or half blood, or by adoption. 125155  
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(K)(1) Except as provided in division (K)(2) of this section, "minor" means an individual who has not attained the age of twenty-one years. 125158  
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(2) When used with reference to the beneficiary for whose benefit custodial property is held or is to be held, "minor" means an individual who has not attained the age at which the custodian is required under section 5814.09 of the Revised Code to transfer the custodial property to the beneficiary.

(L) "Security" includes any note, stock, treasury stock, common trust fund, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under an oil, gas, or mining title or lease, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. A "security" does not include a security of which the donor or transferor is the issuer. A security is in "registered form" when it specifies a person who is entitled to it or to the rights that it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(M) "Transfer" means a disposition, other than a gift, by a person who is eighteen years of age or older that creates custodial property under sections 5814.01 to 5814.10 of the Revised Code.

(N) "Transfer agent" means a person who acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities, in the issue of new securities, or in the cancellation of surrendered securities.

(O) "Transferor" means a person who is eighteen years of age or older, who makes a transfer.

(P) "Trust company" means a financial institution that is authorized to exercise trust powers.

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(Q) "Administrator" includes an "administrator with the will annexed."

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**Section 130.22.** That existing sections 102.02, 109.572, 111.15, 119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 135.321, 135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 755.141, 902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 1101.03, 1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 1103.07, 1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 1103.16, 1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 1105.03, 1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 1107.07, 1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 1109.03, 1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 1109.22, 1109.23, 1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 1109.33, 1109.34, 1109.35, 1109.36, 1109.39, 1109.40, 1109.43, 1109.44, 1109.45, 1109.47, 1109.48, 1109.49, 1109.53, 1109.54, 1109.55, 1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 1109.69, 1111.01, 1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 1111.09, 1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 1115.01, 1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 1115.15, 1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 1121.05, 1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 1121.17, 1121.18, 1121.21, 1121.23, 1121.24, 1121.26, 1121.30, 1121.33, 1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 1121.48, 1121.50, 1121.56, 1123.01, 1123.02, 1123.03, 1125.01, 1125.03, 1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 1125.28, 1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21,

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1181.25, 1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 125224  
1901.31, 2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 of the 125225  
Revised Code are hereby repealed. 125226

**Section 130.23.** That sections 1105.06, 1107.01, 1109.60, 125227  
1115.18, 1115.19, 1115.25, 1121.52, 1133.01, 1133.02, 1133.03, 125228  
1133.04, 1133.05, 1133.06, 1133.07, 1133.08, 1133.09, 1133.10, 125229  
1133.11, 1133.12, 1133.13, 1133.14, 1133.15, 1133.16, 1151.01, 125230  
1151.02, 1151.03, 1151.04, 1151.05, 1151.051, 1151.052, 1151.053, 125231  
1151.06, 1151.07, 1151.08, 1151.081, 1151.09, 1151.091, 1151.10, 125232  
1151.11, 1151.12, 1151.13, 1151.14, 1151.15, 1151.16, 1151.17, 125233  
1151.18, 1151.19, 1151.191, 1151.192, 1151.20, 1151.201, 1151.21, 125234  
1151.22, 1151.23, 1151.231, 1151.24, 1151.25, 1151.26, 1151.27, 125235  
1151.28, 1151.29, 1151.291, 1151.292, 1151.293, 1151.294, 125236  
1151.295, 1151.296, 1151.297, 1151.298, 1151.299, 1151.2910, 125237  
1151.2911, 1151.30, 1151.31, 1151.311, 1151.312, 1151.32, 125238  
1151.321, 1151.323, 1151.33, 1151.34, 1151.341, 1151.342, 125239  
1151.343, 1151.344, 1151.345, 1151.346, 1151.347, 1151.348, 125240  
1151.349, 1151.35, 1151.36, 1151.361, 1151.37, 1151.38, 1151.39, 125241  
1151.40, 1151.41, 1151.411, 1151.42, 1151.44, 1151.45, 1151.46, 125242  
1151.47, 1151.471, 1151.48, 1151.49, 1151.51, 1151.52, 1151.53, 125243  
1151.54, 1151.55, 1151.60, 1151.61, 1151.62, 1151.63, 1151.64, 125244  
1151.66, 1151.71, 1151.72, 1151.99, 1153.03, 1153.05, 1153.06, 125245  
1153.07, 1153.99, 1155.01, 1155.011, 1155.02, 1155.021, 1155.03, 125246  
1155.05, 1155.07, 1155.071, 1155.08, 1155.09, 1155.091, 1155.10, 125247  
1155.11, 1155.12, 1155.15, 1155.16, 1155.17, 1155.18, 1155.20, 125248  
1155.21, 1155.23, 1155.24, 1155.25, 1155.26, 1155.27, 1155.28, 125249  
1155.31, 1155.35, 1155.37, 1155.41, 1155.42, 1155.43, 1155.44, 125250  
1155.45, 1155.46, 1155.47, 1157.01, 1157.03, 1157.04, 1157.05, 125251  
1157.06, 1157.09, 1157.10, 1157.11, 1157.12, 1157.13, 1157.14, 125252  
1157.17, 1157.18, 1157.19, 1157.20, 1157.21, 1157.22, 1157.23, 125253  
1157.24, 1157.25, 1157.26, 1157.27, 1157.28, 1157.29, 1157.30, 125254  
1157.33, 1161.01, 1161.02, 1161.03, 1161.04, 1161.05, 1161.06, 125255

1161.07, 1161.071, 1161.08, 1161.09, 1161.10, 1161.11, 1161.111, 125256  
1161.12, 1161.13, 1161.14, 1161.15, 1161.16, 1161.17, 1161.18, 125257  
1161.19, 1161.20, 1161.21, 1161.22, 1161.23, 1161.24, 1161.25, 125258  
1161.26, 1161.27, 1161.28, 1161.29, 1161.30, 1161.31, 1161.32, 125259  
1161.33, 1161.34, 1161.35, 1161.36, 1161.37, 1161.38, 1161.39, 125260  
1161.40, 1161.41, 1161.42, 1161.43, 1161.44, 1161.441, 1161.45, 125261  
1161.46, 1161.47, 1161.48, 1161.49, 1161.50, 1161.51, 1161.52, 125262  
1161.53, 1161.54, 1161.55, 1161.56, 1161.57, 1161.58, 1161.59, 125263  
1161.60, 1161.601, 1161.61, 1161.62, 1161.63, 1161.631, 1161.64, 125264  
1161.65, 1161.66, 1161.67, 1161.68, 1161.69, 1161.70, 1161.71, 125265  
1161.72, 1161.73, 1161.74, 1161.75, 1161.76, 1161.77, 1161.78, 125266  
1161.79, 1161.80, 1161.81, 1163.01, 1163.02, 1163.03, 1163.04, 125267  
1163.05, 1163.07, 1163.09, 1163.10, 1163.11, 1163.12, 1163.121, 125268  
1163.13, 1163.14, 1163.15, 1163.19, 1163.20, 1163.21, 1163.22, 125269  
1163.24, 1163.25, 1163.26, 1163.27, 1165.01, 1165.03, 1165.04, 125270  
1165.05, 1165.06, 1165.09, 1165.10, 1165.11, 1165.12, 1165.13, 125271  
1165.14, 1165.17, 1165.18, 1165.19, 1165.20, 1165.21, 1165.22, 125272  
1165.23, 1165.24, 1165.25, 1165.26, 1165.27, 1165.28, 1165.29, 125273  
1165.30, 1165.33, 1181.16, 1181.17, 1181.18, and 3333.93 of the 125274  
Revised Code are hereby repealed. 125275

**Section 130.24.** Notwithstanding section 1123.01 of the 125276  
Revised Code, as amended by this act, both of the following apply: 125277

(A) The appointed members who are serving on the Banking 125278  
Commission as of the effective date of this section shall serve 125279  
until the end of the term for which the member was appointed. The 125280  
terms of office set forth in division (B) of that section and the 125281  
qualifications for membership set forth in division (D) of that 125282  
section shall first apply to the members appointed on or after the 125283  
effective date of this section. 125284

(B) The Banking Commission shall, on the effective date of 125285  
this section, additionally consist of the six members appointed to 125286

the Savings and Loan Associations and Savings Banks Board under 125287  
section 1181.16 of the Revised Code. Each such member shall serve 125288  
until the end of the term for which the member was appointed. 125289

**Section 130.25.** CASH TRANSFER FROM SAVINGS INSTITUTIONS FUND 125290

On the effective date of this section, or as soon as possible 125291  
thereafter, the Director of Budget and Management, upon the 125292  
written request of the Director of Commerce, may transfer the cash 125293  
balance in the Savings Institutions Fund (Fund 5450) to the Banks 125294  
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 125295  
hereby abolished. 125296

**Section 130.26.** Sections 130.21, 130.22, 130.23, 130.24, 125297  
130.25, and 130.26 of this act, except for sections 135.182, 125298  
1121.24, 1121.29, 1121.30, and 1123.03 of the Revised Code, take 125299  
effect January 1, 2018. Sections 135.182, 1121.24, 1121.29, 125300  
1121.30, and 1123.03 of the Revised Code, as amended or enacted by 125301  
Sections 130.21 and 130.22 of this act, take effect at the 125302  
earliest time permitted by law. 125303

**Section 130.27.** Section 1121.02 of the Revised Code is 125304  
presented in this act as a composite of the section as amended by 125305  
both Am. Sub. H.B. 538 and Am. Sub. S.B. 293 of the 121st General 125306  
Assembly. The General Assembly, applying the principle stated in 125307  
division (B) of section 1.52 of the Revised Code that amendments 125308  
are to be harmonized if reasonably capable of simultaneous 125309  
operation, finds that the composite is the resulting version of 125310  
the section in effect prior to the effective date of the section 125311  
as presented in this act. 125312

**Section 137.10.** That sections 1923.02, 3781.06, 4505.181, 125313  
4781.04, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 4781.11, 125314  
4781.12, 4781.121, 4781.14, 4781.17, 4781.18, 4781.19, 4781.20, 125315

4781.21, 4781.22, 4781.23, 4781.25, 4781.26, 4781.27, 4781.28, 125316  
4781.29, 4781.31, 4781.32, 4781.33, 4781.34, 4781.35, 4781.37, 125317  
4781.38, 4781.39, and 4781.45 be amended and new section 4781.54 125318  
and section 4781.011 of the Revised Code be enacted to read as 125319  
follows: 125320

**Sec. 1923.02.** (A) Proceedings under this chapter may be had 125321  
as follows: 125322

(1) Against tenants or manufactured home park residents 125323  
holding over their terms; 125324

(2) Against tenants or manufactured home park residents in 125325  
possession under an oral tenancy, who are in default in the 125326  
payment of rent as provided in division (B) of this section; 125327

(3) In sales of real estate, on executions, orders, or other 125328  
judicial process, when the judgment debtor was in possession at 125329  
the time of the rendition of the judgment or decree, by virtue of 125330  
which the sale was made; 125331

(4) In sales by executors, administrators, or guardians, and 125332  
on partition, when any of the parties to the complaint were in 125333  
possession at the commencement of the action, after the sales, so 125334  
made on execution or otherwise, have been examined by the proper 125335  
court and adjudged legal; 125336

(5) When the defendant is an occupier of lands or tenements, 125337  
without color of title, and the complainant has the right of 125338  
possession to them; 125339

(6) In any other case of the unlawful and forcible detention 125340  
of lands or tenements. For purposes of this division, in addition 125341  
to any other type of unlawful and forcible detention of lands or 125342  
tenements, such a detention may be determined to exist when both 125343  
of the following apply: 125344

(a) A tenant fails to vacate residential premises within 125345

three days after both of the following occur: 125346

(i) The tenant's landlord has actual knowledge of or has 125347  
reasonable cause to believe that the tenant, any person in the 125348  
tenant's household, or any person on the premises with the consent 125349  
of the tenant previously has or presently is engaged in a 125350  
violation of Chapter 2925. or 3719. of the Revised Code, or of a 125351  
municipal ordinance that is substantially similar to any section 125352  
in either of those chapters, which involves a controlled substance 125353  
and which occurred in, is occurring in, or otherwise was or is 125354  
connected with the premises, whether or not the tenant or other 125355  
person has been charged with, has pleaded guilty to or been 125356  
convicted of, or has been determined to be a delinquent child for 125357  
an act that, if committed by an adult, would be a violation as 125358  
described in this division. For purposes of this division, a 125359  
landlord has "actual knowledge of or has reasonable cause to 125360  
believe" that a tenant, any person in the tenant's household, or 125361  
any person on the premises with the consent of the tenant 125362  
previously has or presently is engaged in a violation as described 125363  
in this division if a search warrant was issued pursuant to 125364  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 125365  
affidavit presented to obtain the warrant named or described the 125366  
tenant or person as the individual to be searched and particularly 125367  
described the tenant's premises as the place to be searched, named 125368  
or described one or more controlled substances to be searched for 125369  
and seized, stated substantially the offense under Chapter 2925. 125370  
or 3719. of the Revised Code or the substantially similar 125371  
municipal ordinance that occurred in, is occurring in, or 125372  
otherwise was or is connected with the tenant's premises, and 125373  
states the factual basis for the affiant's belief that the 125374  
controlled substances are located on the tenant's premises; the 125375  
warrant was properly executed by a law enforcement officer and any 125376  
controlled substance described in the affidavit was found by that 125377  
officer during the search and seizure; and, subsequent to the 125378

search and seizure, the landlord was informed by that or another 125379  
law enforcement officer of the fact that the tenant or person has 125380  
or presently is engaged in a violation as described in this 125381  
division and it occurred in, is occurring in, or otherwise was or 125382  
is connected with the tenant's premises. 125383

(ii) The landlord gives the tenant the notice required by 125384  
division (C) of section 5321.17 of the Revised Code. 125385

(b) The court determines, by a preponderance of the evidence, 125386  
that the tenant, any person in the tenant's household, or any 125387  
person on the premises with the consent of the tenant previously 125388  
has or presently is engaged in a violation as described in 125389  
division (A)(6)(a)(i) of this section. 125390

(7) In cases arising out of Chapter 5313. of the Revised 125391  
Code. In those cases, the court has the authority to declare a 125392  
forfeiture of the vendee's rights under a land installment 125393  
contract and to grant any other claims arising out of the 125394  
contract. 125395

(8) Against tenants who have breached an obligation that is 125396  
imposed by section 5321.05 of the Revised Code, other than the 125397  
obligation specified in division (A)(9) of that section, and that 125398  
materially affects health and safety. Prior to the commencement of 125399  
an action under this division, notice shall be given to the tenant 125400  
and compliance secured with section 5321.11 of the Revised Code. 125401

(9) Against tenants who have breached an obligation imposed 125402  
upon them by a written rental agreement; 125403

(10) Against manufactured home park residents who have 125404  
defaulted in the payment of rent or breached the terms of a rental 125405  
agreement with a park operator. Nothing in this division precludes 125406  
the commencement of an action under division (A)(12) of this 125407  
section when the additional circumstances described in that 125408  
division apply. 125409



(11) Against manufactured home park residents who have 125410  
committed two material violations of the rules of the manufactured 125411  
home park, of the ~~manufactured homes commission~~ division of 125412  
industrial compliance of the department of commerce, or of 125413  
applicable state and local health and safety codes and who have 125414  
been notified of the violations in compliance with section 4781.45 125415  
of the Revised Code; 125416

(12) Against a manufactured home park resident, or the estate 125417  
of a manufactured home park resident, who as a result of death or 125418  
otherwise has been absent from the manufactured home park for a 125419  
period of thirty consecutive days prior to the commencement of an 125420  
action under this division and whose manufactured home or mobile 125421  
home, or recreational vehicle that is parked in the manufactured 125422  
home park, has been left unoccupied for that thirty-day period, 125423  
without notice to the park operator and without payment of rent 125424  
due under the rental agreement with the park operator; 125425

(13) Against occupants of self-service storage facilities, as 125426  
defined in division (A) of section 5322.01 of the Revised Code, 125427  
who have breached the terms of a rental agreement or violated 125428  
section 5322.04 of the Revised Code; 125429

(14) Against any resident or occupant who, pursuant to a 125430  
rental agreement, resides in or occupies residential premises 125431  
located within one thousand feet of any school premises or 125432  
preschool or child day-care center premises and to whom both of 125433  
the following apply: 125434

(a) The resident's or occupant's name appears on the state 125435  
registry of sex offenders and child-victim offenders maintained 125436  
under section 2950.13 of the Revised Code. 125437

(b) The state registry of sex offenders and child-victim 125438  
offenders indicates that the resident or occupant was convicted of 125439  
or pleaded guilty to a sexually oriented offense or a child-victim 125440

oriented offense in a criminal prosecution and was not sentenced 125441  
to a serious youthful offender dispositional sentence for that 125442  
offense. 125443

(15) Against any tenant who permits any person to occupy 125444  
residential premises located within one thousand feet of any 125445  
school premises or preschool or child day-care center premises if 125446  
both of the following apply to the person: 125447

(a) The person's name appears on the state registry of sex 125448  
offenders and child-victim offenders maintained under section 125449  
2950.13 of the Revised Code. 125450

(b) The state registry of sex offenders and child-victim 125451  
offenders indicates that the person was convicted of or pleaded 125452  
guilty to a sexually oriented offense or a child-victim oriented 125453  
offense in a criminal prosecution and was not sentenced to a 125454  
serious youthful offender dispositional sentence for that offense. 125455

(B) If a tenant or manufactured home park resident holding 125456  
under an oral tenancy is in default in the payment of rent, the 125457  
tenant or resident forfeits the right of occupancy, and the 125458  
landlord may, at the landlord's option, terminate the tenancy by 125459  
notifying the tenant or resident, as provided in section 1923.04 125460  
of the Revised Code, to leave the premises, for the restitution of 125461  
which an action may then be brought under this chapter. 125462

(C)(1) If a tenant or any other person with the tenant's 125463  
permission resides in or occupies residential premises that are 125464  
located within one thousand feet of any school premises and is a 125465  
resident or occupant of the type described in division (A)(14) of 125466  
this section or a person of the type described in division (A)(15) 125467  
of this section, the landlord for those residential premises, upon 125468  
discovery that the tenant or other person is a resident, occupant, 125469  
or person of that nature, may terminate the rental agreement or 125470  
tenancy for those residential premises by notifying the tenant and 125471

all other occupants, as provided in section 1923.04 of the Revised Code, to leave the premises. 125472  
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(2) If a landlord is authorized to terminate a rental agreement or tenancy pursuant to division (C)(1) of this section but does not so terminate the rental agreement or tenancy, the landlord is not liable in a tort or other civil action in damages for any injury, death, or loss to person or property that allegedly result from that decision. 125474  
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(D) This chapter does not apply to a student tenant as defined by division (H) of section 5321.01 of the Revised Code when the college or university proceeds to terminate a rental agreement pursuant to section 5321.031 of the Revised Code. 125480  
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**Sec. 3781.06.** (A)(1) Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy. 125484  
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(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code shall be construed to limit the power of the ~~manufactured homes commission~~ division of industrial compliance of the department of commerce to adopt rules of uniform application governing manufactured home parks pursuant to section 4781.26 of the Revised Code. 125492  
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(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised Code do not apply to either of the following: 125498  
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(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which the buildings or 125500  
125501

structures are located, provided those buildings or structures are 125502  
not used in the business of retail trade. For purposes of this 125503  
division, a building or structure is not considered used in the 125504  
business of retail trade if fifty per cent or more of the gross 125505  
income received from sales of products in the building or 125506  
structure by the owner or operator is from sales of products 125507  
produced or raised in a normal crop year on farms owned or 125508  
operated by the seller. 125509

(2) Existing single-family, two-family, and three-family 125510  
detached dwelling houses for which applications have been 125511  
submitted to the director of job and family services pursuant to 125512  
section 5104.03 of the Revised Code for the purposes of operating 125513  
type A family day-care homes as defined in section 5104.01 of the 125514  
Revised Code. 125515

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 125516  
Revised Code: 125517

(1) "Agricultural purposes" include agriculture, farming, 125518  
dairying, pasturage, apiculture, algaculture meaning the farming 125519  
of algae, horticulture, floriculture, viticulture, ornamental 125520  
horticulture, olericulture, pomiculture, and animal and poultry 125521  
husbandry. 125522

(2) "Building" means any structure consisting of foundations, 125523  
walls, columns, girders, beams, floors, and roof, or a combination 125524  
of any number of these parts, with or without other parts or 125525  
appurtenances. 125526

(3) "Industrialized unit" means a building unit or assembly 125527  
of closed construction fabricated in an off-site facility, that is 125528  
substantially self-sufficient as a unit or as part of a greater 125529  
structure, and that requires transportation to the site of 125530  
intended use. "Industrialized unit" includes units installed on 125531  
the site as independent units, as part of a group of units, or 125532

incorporated with standard construction methods to form a 125533  
completed structural entity. "Industrialized unit" does not 125534  
include a manufactured home as defined by division (C)(4) of this 125535  
section or a mobile home as defined by division (O) of section 125536  
4501.01 of the Revised Code. 125537

(4) "Manufactured home" means a building unit or assembly of 125538  
closed construction that is fabricated in an off-site facility and 125539  
constructed in conformance with the federal construction and 125540  
safety standards established by the secretary of housing and urban 125541  
development pursuant to the "Manufactured Housing Construction and 125542  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 125543  
5403, and that has a permanent label or tag affixed to it, as 125544  
specified in 42 U.S.C.A. 5415, certifying compliance with all 125545  
applicable federal construction and safety standards. 125546

(5) "Permanent foundation" means permanent masonry, concrete, 125547  
or a footing or foundation approved by the ~~manufactured homes~~ 125548  
~~commission~~ division of industrial compliance of the department of 125549  
commerce pursuant to Chapter 4781. of the Revised Code, to which a 125550  
manufactured or mobile home may be affixed. 125551

(6) "Permanently sited manufactured home" means a 125552  
manufactured home that meets all of the following criteria: 125553

(a) The structure is affixed to a permanent foundation and is 125554  
connected to appropriate facilities; 125555

(b) The structure, excluding any addition, has a width of at 125556  
least twenty-two feet at one point, a length of at least 125557  
twenty-two feet at one point, and a total living area, excluding 125558  
garages, porches, or attachments, of at least nine hundred square 125559  
feet; 125560

(c) The structure has a minimum 3:12 residential roof pitch, 125561  
conventional residential siding, and a six-inch minimum eave 125562  
overhang, including appropriate guttering; 125563

- (d) The structure was manufactured after January 1, 1995; 125564
- (e) The structure is not located in a manufactured home park 125565  
as defined by section 4781.01 of the Revised Code. 125566
- (7) "Safe," with respect to a building, means it is free from 125567  
danger or hazard to the life, safety, health, or welfare of 125568  
persons occupying or frequenting it, or of the public and from 125569  
danger of settlement, movement, disintegration, or collapse, 125570  
whether such danger arises from the methods or materials of its 125571  
construction or from equipment installed therein, for the purpose 125572  
of lighting, heating, the transmission or utilization of electric 125573  
current, or from its location or otherwise. 125574
- (8) "Sanitary," with respect to a building, means it is free 125575  
from danger or hazard to the health of persons occupying or 125576  
frequenting it or to that of the public, if such danger arises 125577  
from the method or materials of its construction or from any 125578  
equipment installed therein, for the purpose of lighting, heating, 125579  
ventilating, or plumbing. 125580
- (9) "Residential building" means a one-family, two-family, or 125581  
three-family dwelling house, and any accessory structure 125582  
incidental to that dwelling house. "Residential building" includes 125583  
a one-family, two-family, or three-family dwelling house that is 125584  
used as a model to promote the sale of a similar dwelling house. 125585  
"Residential building" does not include an industrialized unit as 125586  
defined by division (C)(3) of this section, a manufactured home as 125587  
defined by division (C)(4) of this section, or a mobile home as 125588  
defined by division (O) of section 4501.01 of the Revised Code. 125589
- (10) "Nonresidential building" means any building that is not 125590  
a residential building or a manufactured or mobile home. 125591
- (11) "Accessory structure" means a structure that is attached 125592  
to a residential building and serves the principal use of the 125593  
residential building. "Accessory structure" includes, but is not 125594

limited to, a garage, porch, or screened-in patio. 125595

**Sec. 4505.181.** (A) Notwithstanding section 4505.18 of the 125596  
Revised Code, a motor vehicle dealer or person acting on behalf of 125597  
a motor vehicle dealer may display, offer for sale, or sell a used 125598  
motor vehicle and a manufactured housing dealer or person acting 125599  
on behalf of a manufactured housing dealer may display, offer for 125600  
sale, or sell a used manufactured home or used mobile home without 125601  
having first obtained a certificate of title for the vehicle in 125602  
the name of the dealer by complying with this section. 125603

(1) The dealer or person acting on behalf of the dealer shall 125604  
possess a bill of sale for each used motor vehicle, used 125605  
manufactured home, and used mobile home proposed to be displayed, 125606  
offered for sale, or sold under this section or a properly 125607  
executed power of attorney or other related documents from the 125608  
prior owner of the motor vehicle, manufactured home, or mobile 125609  
home giving the dealer or person acting on behalf of the dealer 125610  
authority to have a certificate of title to the motor vehicle, 125611  
manufactured home, or mobile home issued in the name of the 125612  
dealer, and shall retain copies of all such documents in the 125613  
dealer's or person's files until such time as a certificate of 125614  
title in the dealer's name is issued for each such motor vehicle, 125615  
manufactured home, or mobile home by the clerk of the court of 125616  
common pleas. Such documents shall be available for inspection by 125617  
the bureau of motor vehicles and the ~~manufactured homes commission~~ 125618  
division of real estate of the department of commerce during 125619  
normal business hours. 125620

(2) If the attorney general has paid a retail purchaser of 125621  
the dealer or a secured party under division (D), (E), or (G) of 125622  
this section within three years prior to such date, the dealer 125623  
shall post with the attorney general's office in favor of this 125624  
state a bond of a surety company authorized to do business in this 125625

state, in an amount of not less than twenty-five thousand dollars, 125626  
to be used solely for the purpose of compensating retail 125627  
purchasers of motor vehicles, manufactured homes, or mobile homes 125628  
who suffer damages due to failure of the dealer or person acting 125629  
on behalf of the dealer to comply with this section. Failure to 125630  
post a bond constitutes a deceptive act or practice in connection 125631  
with a consumer transaction and is a violation of section 1345.02 125632  
of the Revised Code. The dealer's surety shall notify the 125633  
registrar and attorney general when a bond of a motor vehicle 125634  
dealer is canceled and shall notify the ~~manufactured homes~~ 125635  
~~commission~~ division of real estate of the department of commerce 125636  
and the attorney general when a bond of a manufactured housing 125637  
dealer is canceled. Such notification of cancellation shall 125638  
include the effective date of and reason for cancellation. 125639

(B) If a retail purchaser purchases a used motor vehicle, 125640  
used manufactured home, or used mobile home for which the dealer, 125641  
pursuant to and in accordance with division (A) of this section, 125642  
does not have a certificate of title issued in the name of the 125643  
dealer at the time of the sale, the retail purchaser has an 125644  
unconditional right to demand the dealer rescind the transaction 125645  
if one of the following applies: 125646

(1) The dealer fails, on or before the fortieth day following 125647  
the date of the sale, to obtain a title in the name of the retail 125648  
purchaser. 125649

(2) The title for the vehicle indicates that it is a rebuilt 125650  
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 125651  
was not disclosed to the retail purchaser in writing prior to the 125652  
execution of the purchase agreement. 125653

(3) The title for the vehicle indicates that the dealer has 125654  
made an inaccurate odometer disclosure to the retail purchaser. 125655

(4) The title for the vehicle indicates that it is a 125656



"buyback" vehicle as defined in section 1345.71 of the Revised Code, and the fact that it is a "buyback" vehicle was not disclosed to the retail purchaser in the written purchase agreement.

(5) The motor vehicle is a used manufactured home or used mobile home, as defined by section 4781.01 of the Revised Code, that has been repossessed under Chapter 1309. or 1317. of the Revised Code, but a certificate of title for the repossessed home has not yet been transferred by the repossessing party to the dealer on the date the retail purchaser purchases the used manufactured home or used mobile home from the dealer, and the dealer fails to obtain a certificate of title on or before the fortieth day after the dealer obtains the certificate of title for the home from the repossessing party or the date on which an occupancy permit for the home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

(C)(1) If the circumstance described in division (B)(1) of this section applies, a retail purchaser or the retail purchaser's representative shall provide the dealer notice of the request for rescission. Such notification shall occur not later than sixty days from the date the motor vehicle is titled in the name of the retail purchaser. The dealer shall have the opportunity to comply with the dealer's obligation to refund the full purchase price of the motor vehicle. Reimbursement shall be only in such a manner as to reimburse the retail purchaser any money the retail purchaser actually paid and, in the case of a lender of the retail purchaser, the amount paid by the lender to purchase the contract or finance the sale of the vehicle. If a vehicle was taken in trade as a down payment, the dealer shall return the vehicle to the consumer, unless the dealer remitted payment to a third party to satisfy any security interest. If the dealer remitted payment, the dealer shall reimburse the purchaser the value of the vehicle,

as evidenced by the bill of sale. 125689

(2) If any of the circumstances described in ~~divisions~~ 125690  
division (B)(2), (3), or (4) of this section apply, a retail 125691  
purchaser or the retail purchaser's representative shall provide 125692  
notice to the dealer of a request for rescission. Such notification 125693  
shall occur not later than one hundred eighty days from the date 125694  
the vehicle is titled in the name of the retail purchaser. Upon 125695  
timely notification, the dealer shall have the opportunity to 125696  
comply with the dealer's obligation to refund the full purchase 125697  
price of the motor vehicle. Reimbursement shall be only in such a 125698  
manner as to reimburse the retail purchaser any money the retail 125699  
purchaser actually paid and, in the case of a lender of the retail 125700  
purchaser, the amount paid by the lender to purchase the contract 125701  
or finance the sale of the vehicle. If a vehicle was taken in 125702  
trade as a down payment, the dealer shall return the vehicle to 125703  
the consumer, unless the dealer remitted payment to a third party 125704  
to satisfy any security interest. If the dealer remitted payment, 125705  
the dealer shall reimburse the purchaser the value of the vehicle, 125706  
as evidenced by the bill of sale. 125707

(3) If any of the circumstances described in division (B)(5) 125708  
of this section apply, a retail purchaser or the retail 125709  
purchaser's representative shall notify the dealer and afford the 125710  
dealer the opportunity to comply with the dealer's obligation to 125711  
rescind the manufactured home or mobile home transaction. 125712

(4) If the retail purchaser does not deliver notice to the 125713  
dealer within the applicable time period specified in division 125714  
(C)(1), (2), or (3) of this section, the retail purchaser shall 125715  
not be entitled to any recovery or have any cause of action under 125716  
this section. 125717

(5) Nothing in division (C) of this section shall be 125718  
construed as prohibiting the dealer and the retail purchaser or 125719  
their representatives from negotiating a compromise resolution 125720

that is satisfactory to both parties. 125721

(D) If a retail purchaser notifies a dealer of one or more of 125722  
the circumstances listed in division (B) of this section within 125723  
the applicable time period specified in division (C)(1), (2), or 125724  
(3) of this section and the dealer fails to comply with the 125725  
requirements for rescission as prescribed in division (C) of this 125726  
section or reach a satisfactory compromise with the retail 125727  
purchaser within seven business days of presentation of the retail 125728  
purchaser's rescission claim, the retail purchaser may apply to the 125729  
attorney general for payment from the fund of the full purchase 125730  
price to the retail purchaser. 125731

(E)(1) Upon application by a retail purchaser for payment 125732  
from the fund, if the attorney general is satisfied that one or 125733  
more of the circumstances contained in divisions (B)(1) to (5) of 125734  
this section exist, and notification has been given within the 125735  
applicable time period specified in division (C)(1), (2), or (3) 125736  
of this section, the attorney general shall cause at maximum the 125737  
full purchase price of the vehicle, manufactured home, or mobile 125738  
home plus the cost of any additional temporary license placards to 125739  
be paid to the retail purchaser from the fund. The attorney 125740  
general may require delivery of the vehicle, manufactured home, or 125741  
mobile home to the attorney general prior to reimbursement from 125742  
the fund. Reimbursement shall be only in such a manner as to do 125743  
either of the following: 125744

(a) Reimburse the retail purchaser any money the retail 125745  
purchaser actually paid and, in the case of a lender of the retail 125746  
purchaser, the amount paid by the lender to purchase the contract 125747  
or finance the sale of the vehicle; 125748

(b) If the retail purchaser wishes to retain the vehicle, the 125749  
attorney general, in the attorney general's sole discretion, may 125750  
pay a lienholder of record or other holder of a secured interest 125751  
in such manner that title can be transferred to the retail 125752

purchaser free of encumbrances, other than a security interest 125753  
granted by the retail purchaser at the time of vehicle purchase. 125754

(2) The attorney general, in the attorney general's sole 125755  
discretion, also may cause the cost of additional temporary 125756  
license placards to be paid from the fund. 125757

(F) The attorney general may sell or otherwise dispose of any 125758  
used motor vehicle, manufactured home, or mobile home that is 125759  
delivered to the attorney general under this section, and may 125760  
collect the proceeds of any bond posted under division (A) of this 125761  
section by a dealer who has failed to comply with division (D) of 125762  
this section. The proceeds from all such sales and collections 125763  
shall be deposited into the title defect recision fund for use as 125764  
specified in section 1345.52 of the Revised Code. 125765

(G) If a dealer fails to submit payment of a secured interest 125766  
on a trade-in vehicle as agreed to by the dealer and retail 125767  
purchaser and none of the circumstances in divisions (B)(1) to (5) 125768  
applies, the retail purchaser may apply to the attorney general 125769  
for payment to the secured creditor from the fund. The attorney 125770  
general shall demand immediate payment from the dealer and if 125771  
payment has not been made or is not immediately forthcoming, the 125772  
attorney general may cause an amount equal to that which the 125773  
dealer agreed to pay to the secured creditor to be paid from the 125774  
fund, along with any additional interest and late fees resulting 125775  
from the dealer's failure to pay the secured creditor in a timely 125776  
manner. 125777

(H) Failure by a dealer to comply with both divisions (B) and 125778  
(C) of this section constitutes a deceptive act or practice in 125779  
connection with a consumer transaction, and is a violation of 125780  
section 1345.02 of the Revised Code. 125781

(I) The remedy provided in this section to retail purchasers 125782  
is in addition to any remedies otherwise available to the retail 125783

purchaser for the same conduct of the dealer or person acting on 125784  
behalf of the dealer under federal law or the laws of this state 125785  
or a political subdivision of this state. 125786

(J) If, at any time during any calendar year, the balance in 125787  
the title defect rescission fund is less than three hundred thousand 125788  
dollars, the attorney general may assess all motor vehicle dealers 125789  
licensed under Chapter 4517. of the Revised Code and all 125790  
manufactured housing dealers licensed under Chapter 4781. of the 125791  
Revised Code one hundred fifty dollars for deposit into the title 125792  
defect rescission fund until the balance in the fund reaches three 125793  
hundred thousand dollars. A notice of assessment shall be sent to 125794  
each dealer at its licensed location. 125795

If a motor vehicle dealer or manufactured housing dealer 125796  
fails to comply with this division, the attorney general may bring 125797  
a civil action in a court of competent jurisdiction to collect the 125798  
amount the dealer failed to pay to the attorney general for 125799  
deposit into the fund. 125800

(K) Nothing in this section shall be construed as providing 125801  
for payment of attorney fees to the retail purchaser. 125802

(L) As used in this section: 125803

(1) "Full purchase price" means the contract price, including 125804  
charges for dealer installed options and accessories, all finance, 125805  
credit insurance, and service contract charges incurred by the 125806  
retail purchaser, all sales tax, license and registration fees, 125807  
and the amount of any negative equity that was not already paid by 125808  
the dealer to a third party to satisfy a lien, as reflected in the 125809  
contract. 125810

(2) "Retail purchaser" means a person, other than a motor 125811  
vehicle dealer or a manufactured housing dealer, who in good faith 125812  
purchases a used motor vehicle for purposes other than resale. 125813

Sec. 4781.011. Whenever the term "manufactured homes  
commission" is used, referred to, or designated in any statute,  
rule, contract, grant, or other document, the use, reference, or  
designation shall be deemed to refer to "the department of  
commerce." Whenever the term "executive director of the  
manufactured homes commission" is used, referred to, or designated  
in any statute, rule, contract, grant, or other document, the use,  
reference, or designation shall be deemed to mean the director of  
commerce.

Sec. 4781.04. (A) The ~~manufactured homes commission~~  
department of commerce, division of industrial compliance shall  
adopt rules pursuant to Chapter 119. of the Revised Code to do all  
of the following:

(1) Establish uniform standards that govern the installation  
of manufactured housing. Not later than one hundred eighty days  
after the secretary of the United States department of housing and  
urban development adopts model standards for the installation of  
manufactured housing or amends those standards, the ~~commission~~  
division of industrial compliance shall amend its standards as  
necessary to be consistent with, and not less stringent than, the  
model standards for the design and installation of manufactured  
housing the secretary adopts or any manufacturers' standards that  
the secretary determines are equal to or not less stringent than  
the model standards.

(2) Govern the inspection of the installation of manufactured  
housing. The rules shall specify that the ~~commission~~ division of  
industrial compliance, any building department or personnel of any  
department, or any private third party, certified pursuant to  
section 4781.07 of the Revised Code shall conduct all inspections  
of the installation of manufactured housing located in  
manufactured home parks to determine compliance with the uniform

installation standards the ~~commission~~ division of industrial 125845  
compliance establishes pursuant to this section. 125846

(3) Govern the design, construction, installation, approval, 125847  
and inspection of foundations and the base support systems for 125848  
manufactured housing. The rules shall specify that the ~~commission~~ 125849  
division of industrial compliance, any building department or 125850  
personnel of any department, or any private third party, certified 125851  
pursuant to section 4781.07 of the Revised Code shall conduct all 125852  
inspections of the installation, foundations, and base support 125853  
systems of manufactured housing located in manufactured home parks 125854  
to determine compliance with the uniform installation standards 125855  
and foundation and base support system design the ~~commission~~ 125856  
division of industrial compliance establishes pursuant to this 125857  
section. 125858

(4) Govern the training, experience, and education 125859  
requirements for manufactured housing installers, ~~manufactured~~ 125860  
~~housing dealers, manufactured housing brokers, and manufactured~~ 125861  
~~housing salespersons;~~ 125862

(5) Establish a code of ethics for manufactured housing 125863  
installers; 125864

(6) Govern the issuance, revocation, and suspension of 125865  
licenses to manufactured housing installers; 125866

(7) Establish fees for the issuance and renewal of licenses, 125867  
for conducting inspections to determine an applicant's compliance 125868  
with this chapter and the rules adopted pursuant to it, and for 125869  
the ~~commission's~~ division's expenses incurred in implementing this 125870  
chapter; 125871

(8) Establish conditions under which a licensee may enter 125872  
into contracts to fulfill the licensee's responsibilities; 125873

(9) Govern the investigation of complaints concerning any 125874  
~~violation of this chapter or the rules adopted pursuant to it or~~ 125875

complaints involving the conduct of any licensed manufactured 125876  
housing installer or person installing manufactured housing 125877  
without a license, ~~licensed manufactured housing dealer, licensed~~ 125878  
~~manufactured housing broker, or manufactured housing salesperson;~~ 125879

(10) Establish a dispute resolution program for the timely 125880  
resolution of warranty issues involving new manufactured homes, 125881  
disputes regarding responsibility for the correction or repair of 125882  
defects in manufactured housing, and the installation of 125883  
manufactured housing. The rules shall provide for the timely 125884  
resolution of disputes between manufacturers, manufactured housing 125885  
dealers, and installers regarding the correction or repair of 125886  
defects in manufactured housing that are reported by the purchaser 125887  
of the home during the one-year period beginning on the date of 125888  
installation of the home. The rules also shall provide that 125889  
decisions made regarding the dispute under the program are not 125890  
binding upon the purchaser of the home or the other parties 125891  
involved in the dispute unless the purchaser so agrees in a 125892  
written acknowledgement that the purchaser signs and delivers to 125893  
the program within ten business days after the decision is issued. 125894

(11) Establish the requirements and procedures for the 125895  
certification of building departments and building department 125896  
personnel pursuant to section 4781.07 of the Revised Code; 125897

(12) Establish fees to be charged to building departments and 125898  
building department personnel applying for certification and 125899  
renewal of certification pursuant to section 4781.07 of the 125900  
Revised Code; 125901

(13) Develop a policy regarding the maintenance of records 125902  
for any inspection authorized or conducted pursuant to this 125903  
chapter. Any record maintained under division (A)(13) of this 125904  
section shall be a public record under section 149.43 of the 125905  
Revised Code. 125906



|                                                                                                                                                                                                                                                                                                                       |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <del>(14) Carry out any other provision of this chapter.</del>                                                                                                                                                                                                                                                        | 125907 |
| (B) The <del>manufactured homes commission</del> <u>division of industrial compliance</u> shall do all of the following:                                                                                                                                                                                              | 125908 |
|                                                                                                                                                                                                                                                                                                                       | 125909 |
| (1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the <del>commission</del> <u>division</u> determines appropriate;                                                                                     | 125910 |
|                                                                                                                                                                                                                                                                                                                       | 125911 |
|                                                                                                                                                                                                                                                                                                                       | 125912 |
|                                                                                                                                                                                                                                                                                                                       | 125913 |
| (2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;                                                                                                                                  | 125914 |
|                                                                                                                                                                                                                                                                                                                       | 125915 |
|                                                                                                                                                                                                                                                                                                                       | 125916 |
| (3) Prepare and distribute any application form <del>this chapter requires</del> <u>sections 4781.01 to 4781.11 of the Revised Code require</u> ;                                                                                                                                                                     | 125917 |
|                                                                                                                                                                                                                                                                                                                       | 125918 |
| (4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;                                                                                                                                                                                                             | 125919 |
|                                                                                                                                                                                                                                                                                                                       | 125920 |
| (5) Establish procedures for processing, approving, and disapproving applications for licensure;                                                                                                                                                                                                                      | 125921 |
|                                                                                                                                                                                                                                                                                                                       | 125922 |
| (6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;                                                                                                                                                         | 125923 |
|                                                                                                                                                                                                                                                                                                                       | 125924 |
|                                                                                                                                                                                                                                                                                                                       | 125925 |
| (7) Review the design and plans for manufactured housing installations, foundations, and support systems;                                                                                                                                                                                                             | 125926 |
|                                                                                                                                                                                                                                                                                                                       | 125927 |
| (8) Inspect a sample of homes at a percentage the <del>commission</del> <u>division</u> determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the <del>commission</del> <u>division</u> adopts; | 125928 |
|                                                                                                                                                                                                                                                                                                                       | 125929 |
|                                                                                                                                                                                                                                                                                                                       | 125930 |
|                                                                                                                                                                                                                                                                                                                       | 125931 |
|                                                                                                                                                                                                                                                                                                                       | 125932 |
| (9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, <del>manufactured housing dealer,</del> <del>manufactured housing broker,</del> or <del>manufactured housing salesperson</del> ;                          | 125933 |
|                                                                                                                                                                                                                                                                                                                       | 125934 |
|                                                                                                                                                                                                                                                                                                                       | 125935 |
|                                                                                                                                                                                                                                                                                                                       | 125936 |

(10) Determine appropriate disciplinary actions for 125937  
violations of this chapter; 125938

(11) Conduct audits and inquiries of manufactured housing 125939  
installers, ~~manufactured housing dealers, and manufactured housing~~ 125940  
~~brokers~~ as appropriate for the enforcement of this chapter. The 125941  
~~commission~~ division, or any person the ~~commission~~ division employs 125942  
for the purpose, may review and audit the business records of any 125943  
manufactured housing installer, ~~dealer, or broker~~ during normal 125944  
business hours. 125945

(12) Approve an installation training course, which may be 125946  
offered by the Ohio manufactured homes association or other 125947  
entity; 125948

~~(13) Perform any function or duty necessary to administer 125949  
this chapter and the rules adopted pursuant to it. 125950~~

(C) Nothing in this section, or in any rule adopted by the 125951  
~~manufactured homes commission~~ division, shall be construed to 125952  
limit the authority of a board of health to enforce section 125953  
3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code 125954  
or limit the authority of the department of administrative 125955  
services to lease space for the use of a state agency and to group 125956  
together state offices in any city in the state as provided in 125957  
section 123.01 of the Revised Code. 125958

**Sec. 4781.06.** (A) The ~~manufactured homes commission~~ division 125959  
of industrial compliance may delegate to the ~~executive director~~ 125960  
the Ohio construction industry licensing board any of its duties 125961  
set forth in ~~division (B) of section~~ sections 4781.04 to 4781.15 125962  
of the Revised Code. 125963

(B) The ~~commission~~ division may enter into a contract with 125964  
the Ohio manufactured homes association or another entity to 125965  
administer the dispute resolution program created pursuant to 125966

section 4781.04 of the Revised Code. The contract shall specify 125967  
the terms for the administration of the program. 125968

(C)(1) The ~~commission~~ division may enter into a contract with 125969  
any private third party, municipal corporation, township, county, 125970  
state agency, or the Ohio manufactured homes association, or any 125971  
successor entity, to perform any of the ~~commission's~~ division's 125972  
functions set forth in ~~division (B) of section~~ sections 4781.04 to 125973  
4781.15 of the Revised Code that the ~~commission~~ division has not 125974  
delegated to the ~~executive director~~ Ohio construction industry  
licensing board. Each contract shall specify the compensation to 125976  
be paid to the private third party, municipal corporation, 125977  
township, county, state agency, or the Ohio manufactured homes 125978  
association, or successor entity, for the performance of the 125979  
~~commission's~~ division's functions. 125980

(2) Except as provided in this division, the ~~commission~~ 125981  
division shall not enter into any contract with any person or 125982  
building department to accept and approve plans and specifications 125983  
or to inspect manufactured housing foundations and the 125984  
installation of manufactured housing unless that person or 125985  
building department is certified pursuant to section 4781.07 of 125986  
the Revised Code. The ~~commission~~ division shall require inspectors 125987  
the Ohio department of health employs to obtain certification 125988  
pursuant to section 4781.07 of the Revised Code. 125989

**Sec. 4781.07.** (A) Pursuant to rules the ~~manufactured homes~~ 125990  
~~commission~~ division of industrial compliance adopts, the 125991  
~~commission~~ division may certify municipal, township, and county 125992  
building departments and the personnel of those departments, or 125993  
any private third party, to exercise the ~~commission's~~ division's 125994  
enforcement authority, accept and approve plans and specifications 125995  
for foundations, support systems and installations, and inspect 125996  
manufactured housing foundations, support systems, and 125997

manufactured housing installations. Any certification is effective 125998  
for three years. 125999

(B) Following an investigation and finding of facts that 126000  
support its action, the ~~commission~~ division of industrial 126001  
compliance may revoke or suspend certification. The ~~commission~~ 126002  
division may initiate an investigation on ~~its~~ the division's own 126003  
motion or the petition of a person affected by the enforcement or 126004  
approval of plans. 126005

**Sec. 4781.08.** (A) The ~~manufactured homes commission~~ division 126006  
of industrial compliance shall issue a manufactured housing 126007  
~~installer's~~ installer license to any applicant who is at least 126008  
eighteen years of age and meets all of the following requirements: 126009

(1) Submits an application to the ~~commission~~ division on a 126010  
form the ~~commission~~ division prescribes and pays the fee the 126011  
~~commission~~ division requires; 126012

(2) Completes all training requirements the ~~commission~~ 126013  
division prescribes; 126014

(3) Meets the experience requirements the ~~commission~~ division 126015  
prescribes by rule; 126016

(4) Has at least one year of experience installing 126017  
manufactured housing under the supervision of a licensed 126018  
manufactured home installer if applying for licensure after 126019  
January 1, 2006; 126020

(5) Has completed an installation training course the 126021  
~~commission~~ division approves, which may be offered by the Ohio 126022  
manufactured homes association or other entity; 126023

(6) Receives a passing score on the licensure examination the 126024  
~~commission~~ division administers; 126025

(7) Provides information the ~~commission~~ division requires to 126026

demonstrate compliance with this chapter and the rules the 126027  
~~commission~~ division adopts; 126028

(8) Provides the ~~commission~~ division with three references 126029  
from persons who are retailers, manufacturers, or manufactured 126030  
home park operators familiar with the person's installation work 126031  
experience and competency, with at least two of the three 126032  
references provided after January 1, 2006, being from persons who 126033  
are licensed manufactured housing installers; 126034

(9) Has liability insurance or a surety bond that is issued 126035  
by an insurance or surety company authorized to transact business 126036  
in Ohio, in the amount the ~~commission~~ division specifies, and 126037  
containing the terms and conditions the ~~commission~~ division 126038  
requires; 126039

(10) Is in compliance with section 4123.35 of the Revised 126040  
Code. 126041

(B) The ~~commission~~ division of industrial compliance shall 126042  
not grant a license to any person who the ~~commission~~ division 126043  
finds has engaged in actions during the previous two years that 126044  
constitute a ground for denial, suspension, or revocation of a 126045  
license or who has had a license revoked or disciplinary action 126046  
imposed by the licensing or certification board of another state 126047  
or jurisdiction during the previous two years in connection with 126048  
the installation of manufactured housing. 126049

(C) Any person who is licensed, certified, or otherwise 126050  
approved under the laws of another state to perform functions 126051  
substantially similar to those of a manufactured housing installer 126052  
may apply to the ~~commission~~ division for licensure on a form the 126053  
~~commission~~ division prescribes. The ~~commission~~ division shall 126054  
issue a license if the standards for licensure, certification, or 126055  
approval in the state in which the applicant is licensed, 126056  
certified, or approved are substantially similar to or exceed the 126057

requirements set forth in this chapter and the rules adopted 126058  
pursuant to it. The ~~commission~~ division may require the applicant 126059  
to pass the ~~commission's~~ division's licensure examination. 126060

(D) Any license issued pursuant to this section shall bear 126061  
the licensee's name and post-office address, the issue date, a 126062  
serial number the ~~commission~~ division designates, and the 126063  
signature of the ~~commission chairperson or a person the commission~~ 126064  
division designates pursuant to rules. 126065

(E) A manufactured housing ~~installers~~ installer license 126066  
expires two years after it is issued. The ~~commission~~ division of 126067  
industrial compliance shall renew a license if the applicant does 126068  
all of the following: 126069

(1) Meets the requirements of division (A) of this section; 126070

(2) Demonstrates compliance with the requirements of this 126071  
chapter and the rules adopted pursuant to it; 126072

(3) Meets the ~~commission's~~ division's continuing education 126073  
requirements. 126074

(F) No manufactured housing ~~installer's~~ installer license may 126075  
be transferred to another person. 126076

**Sec. 4781.09.** (A) The ~~manufactured homes commission~~ division 126077  
of industrial compliance may deny, suspend, revoke, or refuse to 126078  
renew the license of any manufactured home installer for any of 126079  
the following reasons: 126080

(1) Failure to satisfy the requirements of section 4781.08 or 126081  
4781.10 of the Revised Code; 126082

(2) Violation of this chapter or any rule adopted pursuant to 126083  
it; 126084

(3) Making a material misstatement in an application for a 126085  
license; 126086

|                                                                                                                                                                                                                                                                                                                                             |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;                                                                                                                                                                                                  | 126087<br>126088<br>126089                               |
| (5) Failure to appear for a hearing before the <del>commission</del> <u>division</u> or to comply with any final adjudication order of the <del>commission</del> <u>division</u> issued pursuant to this chapter;                                                                                                                           | 126090<br>126091<br>126092                               |
| (6) Conviction of a felony or a crime involving moral turpitude;                                                                                                                                                                                                                                                                            | 126093<br>126094                                         |
| (7) Having had a license revoked, suspended, or denied by the <del>commission</del> <u>division</u> during the preceding two years;                                                                                                                                                                                                         | 126095<br>126096                                         |
| (8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;                                                                                                                                                                                                                     | 126097<br>126098                                         |
| (9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.                                                                                                                                                                                                                        | 126099<br>126100                                         |
| (10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.                                                                                                                                                                    | 126101<br>126102<br>126103                               |
| (B)(1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code. | 126104<br>126105<br>126106<br>126107<br>126108<br>126109 |
| (2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in section 119.12 of the Revised Code.                                                                                                                                                                                    | 126110<br>126111<br>126112                               |
| (C) A person whose license is suspended, revoked, or not renewed may apply for a new license two years after the date on which the license was suspended, revoked, or not renewed.                                                                                                                                                          | 126113<br>126114<br>126115                               |

Sec. 4781.10. (A) The ~~manufactured homes commission~~ division 126116  
of industrial compliance may establish programs and requirements 126117  
for continuing education for manufactured housing installers. The 126118  
~~commission~~ division shall not require licensees to complete more 126119  
than eight credit hours of continuing education during each 126120  
license period. If the ~~commission~~ division establishes a program 126121  
of continuing education, it shall require that only courses that 126122  
the ~~commission~~ division preapproves be accepted for licensure 126123  
credit, and unless an extension is granted pursuant to division 126124  
(D) of this section, that all credit hours be successfully 126125  
completed prior to the expiration of the installer's license. 126126

(B) To provide the resources to administer continuing 126127  
education programs, the ~~commission~~ division may establish 126128  
nonrefundable fees, including any of the following: 126129

(1) An application fee not to exceed one hundred fifty 126130  
dollars charged to the sponsor of each proposed course; 126131

(2) A renewal fee not to exceed seventy-five dollars, charged 126132  
to the sponsor of each course, for the annual renewal of course 126133  
approval; 126134

(3) A course fee charged to the sponsor of each course 126135  
offered, not to exceed five dollars per credit hour, for each 126136  
person completing an approved course; 126137

(4) A student fee charged to licensees, not to exceed fifty 126138  
dollars, for each course or activity a student submits to the 126139  
~~commission~~ division for approval. 126140

(C) The ~~commission~~ division may adopt reasonable rules not 126141  
inconsistent with this chapter to carry out any continuing 126142  
education program, including rules that govern the following: 126143

(1) The content and subject matter of continuing education 126144  
courses; 126145



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (2) The criteria, standards, and procedures for the approval of courses, course sponsors, and course instructors;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 126146<br>126147                                                                                           |
| (3) The methods of instruction;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 126148                                                                                                     |
| (4) The computation of course credit;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 126149                                                                                                     |
| (5) The ability to carry forward course credit from one year to another;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 126150<br>126151                                                                                           |
| (6) Conditions under which the <del>commission</del> <u>division</u> may grant a waiver or variance from continuing education requirements on the basis of hardship or other reasons;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 126152<br>126153<br>126154                                                                                 |
| (7) Procedures for compliance with the continuing education requirements and sanctions for noncompliance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 126155<br>126156                                                                                           |
| (D) The <del>commission</del> <u>division</u> shall not renew the license of any person who fails to satisfy any continuing education requirement that the <del>commission</del> <u>division</u> establishes. The <del>commission</del> <u>division</u> may, for good cause, grant an extension of time to comply with the continuing education requirements. Any installer who is granted an extension and completes the continuing education requirements within the time the <del>commission</del> <u>division</u> establishes is deemed in compliance with the education requirements. The license of any person who is granted an extension shall remain in effect during the period of the extension. | 126157<br>126158<br>126159<br>126160<br>126161<br>126162<br>126163<br>126164<br>126165<br>126166<br>126167 |
| <b>Sec. 4781.11.</b> (A)(1) Except as provided in division (B) of this section, no person shall install manufactured housing unless that person is licensed as a manufactured housing installer pursuant to this chapter or unless a licensed manufactured housing installer is present during the installation and supervises the person who is not licensed.                                                                                                                                                                                                                                                                                                                                              | 126168<br>126169<br>126170<br>126171<br>126172<br>126173                                                   |
| (2) A licensed manufactured housing installer who supervises the work of an unlicensed person is responsible for all                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 126174<br>126175                                                                                           |

installation work that the unlicensed person performs under the 126176  
licensed person's supervision. 126177

(3) A person who is not a licensed manufactured housing 126178  
installer may perform foundation or base support system 126179  
construction if supervised by a licensed installer. The licensed 126180  
installer need not be present during the construction of the 126181  
foundation or base support system but is responsible for the 126182  
construction of the foundation or base support system. 126183

(B)(1) Nothing in this chapter requires a person to obtain a 126184  
manufactured housing installer license to install manufactured 126185  
housing for the person's own occupancy if the manufactured housing 126186  
is located on property that the person owns and is not located in 126187  
a manufactured home park. 126188

(2) A person who installs manufactured housing in the manner 126189  
described in division (B)(1) of this section is not entitled to 126190  
claim any right or remedy or to bring a cause of action under this 126191  
chapter. 126192

(C) No person shall install any manufactured housing 126193  
foundation or manufactured housing support system unless that 126194  
foundation or support system complies with the standards the 126195  
~~manufactured homes commission~~ division of industrial compliance 126196  
establishes and receives all approvals and inspections that the 126197  
~~commission~~ division requires. 126198

(D) Within fourteen days after the installation, a 126199  
manufactured housing installer who performs or supervises a 126200  
manufactured housing installation shall provide to both the 126201  
treasurer and the auditor of the county in which the installation 126202  
is being performed a written notice containing all of the 126203  
following information: 126204

(1) The address or location of the installation; 126205

(2) The date of the installation; 126206

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (3) The make and model of the installed manufactured housing unit;                                                                                                                                                                                                                                                                                                                                                                                                  | 126207<br>126208                                                   |
| (4) The name of the owner of the installed manufactured housing unit.                                                                                                                                                                                                                                                                                                                                                                                               | 126209<br>126210                                                   |
| (E) It is a violation of this chapter to do any of the following:                                                                                                                                                                                                                                                                                                                                                                                                   | 126211<br>126212                                                   |
| (1) Represent another person's license as a manufactured housing installer as one's own;                                                                                                                                                                                                                                                                                                                                                                            | 126213<br>126214                                                   |
| (2) Intentionally give false or materially misleading information of any kind to the <del>commission or to a commission member</del> <u>division of industrial compliance</u> in connection with licensing matters;                                                                                                                                                                                                                                                 | 126215<br>126216<br>126217<br>126218                               |
| (3) Impersonate another manufactured housing installer;                                                                                                                                                                                                                                                                                                                                                                                                             | 126219                                                             |
| (4) Use an expired, suspended, or revoked license.                                                                                                                                                                                                                                                                                                                                                                                                                  | 126220                                                             |
| <b>Sec. 4781.12.</b> (A) The <del>manufactured homes commission</del> <u>division of industrial compliance</u> may apply to an appropriate court to enjoin any violation of this chapter or the rules adopted pursuant to it. The court shall grant any appropriate relief, including an injunction, restraining order, or any combination thereof, upon a showing that a person has violated or is about to violate this chapter or a rule adopted pursuant to it. | 126221<br>126222<br>126223<br>126224<br>126225<br>126226<br>126227 |
| (B) The prosecuting attorney of a county, a city director of law, or the attorney general may, upon the complaint of the <del>commission</del> <u>division</u> , prosecute to termination or bring an action for injunction against any person violating this chapter or the rules adopted pursuant to it.                                                                                                                                                          | 126228<br>126229<br>126230<br>126231<br>126232                     |
| (C) Any other party adversely affected by an order of the <del>commission</del> <u>division</u> may appeal the order to the court of common pleas of the county in which the party adversely affected is a resident or has a place of business, except that if that party is                                                                                                                                                                                        | 126233<br>126234<br>126235<br>126236                               |

not a resident of this state and has no place of business in this 126237  
state, the party shall appeal to the court of common pleas in 126238  
Franklin county. 126239

**Sec. 4781.121.** (A) The ~~manufactured homes commission~~ division 126240  
of industrial compliance, pursuant to section 4781.04 of the 126241  
Revised Code, may investigate any person who allegedly has 126242  
committed a violation. If, after an investigation the ~~commission~~ 126243  
division determines that reasonable evidence exists that a person 126244  
has committed a violation, within seven days after that 126245  
determination, the ~~commission~~ division shall send a written notice 126246  
to that person in the same manner as prescribed in section 119.07 126247  
of the Revised Code for licensees, except that the notice shall 126248  
specify that a hearing will be held and specify the date, time, 126249  
and place of the hearing. 126250

(B) The ~~commission~~ division of industrial compliance shall 126251  
hold a hearing regarding the alleged violation in the same manner 126252  
prescribed for an adjudication hearing under section 119.09 of the 126253  
Revised Code. If the ~~commission~~ division, after the hearing, 126254  
determines that a violation has occurred, the ~~commission, upon an~~ 126255  
~~affirmative vote of five of its members,~~ division may impose a 126256  
fine not exceeding one thousand dollars per violation per day. The 126257  
~~commission's~~ division's determination is an order that the person 126258  
may appeal in accordance with section 119.12 of the Revised Code. 126259

(C) If the person who allegedly committed a violation fails 126260  
to appear for a hearing, the ~~commission~~ division of industrial 126261  
compliance may request the court of common pleas of the county 126262  
where the alleged violation occurred to compel the person to 126263  
appear before the ~~commission~~ division for a hearing. 126264

(D) If the ~~commission~~ division assesses a person a civil 126265  
penalty for a violation and the person fails to pay that civil 126266  
penalty within the time period prescribed by the ~~commission~~ 126267

division pursuant to section 131.02 of the Revised Code, the 126268  
~~commission~~ division shall forward to the attorney general the name 126269  
of the person and the amount of the civil penalty for the purpose 126270  
of collecting that civil penalty. In addition to the civil penalty 126271  
assessed pursuant to this section, the person also shall pay any 126272  
fee assessed by the attorney general for collection of the civil 126273  
penalty. 126274

(E) The authority provided to the ~~commission~~ division of 126275  
industrial compliance pursuant to this section, and any fine 126276  
imposed under this section, shall be in addition to, and not in 126277  
lieu of, all penalties and other remedies provided in this 126278  
chapter. Any fines collected pursuant to this section shall be 126279  
used solely to administer and enforce this chapter and rules 126280  
adopted under it. Any fees collected pursuant to this section 126281  
shall be transmitted to the treasurer of state and shall be 126282  
credited to the ~~manufactured homes commission regulatory~~ 126283  
industrial compliance operating fund created in section ~~4781.54~~ 126284  
121.084 of the Revised Code and the rules adopted thereunder. The 126285  
fees shall be used only for the purpose of administering and 126286  
enforcing sections 4781.26 to 4781.35 of the Revised Code and the 126287  
rules adopted thereunder. 126288

(F) As used in this section, "violation" means a violation of 126289  
section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant 126290  
to section 4781.04, of the Revised Code. 126291

**Sec. 4781.14.** (A) The ~~manufactured homes commission,~~ division 126292  
of industrial compliance has exclusive authority to regulate 126293  
manufactured home installers, the installation of manufactured 126294  
housing, and manufactured housing foundations and support systems 126295  
in this state. ~~By enacting this chapter, it~~ It is the intent of 126296  
the general assembly to preempt municipal corporations and other 126297  
political subdivisions from regulating and licensing manufactured 126298

housing installers and regulating and inspecting the installation 126299  
of manufactured housing and manufactured housing foundations and 126300  
support systems. 126301

(B) The ~~manufactured homes commission~~ division has exclusive 126302  
power to adopt rules of uniform application throughout the state 126303  
governing installation of manufactured housing, the inspection of 126304  
manufactured housing foundations and support systems, the 126305  
inspection of the installation of manufactured housing, the 126306  
training and licensing of manufactured housing installers, and the 126307  
investigation of complaints concerning manufactured housing 126308  
installers. 126309

(C) The rules the ~~commission~~ division adopts pursuant to this 126310  
chapter are the exclusive rules governing the installation of 126311  
manufactured housing, the design, construction, and approval of 126312  
foundations for manufactured housing, the licensure of 126313  
manufactured home installers, and the fees charged for licensure 126314  
of manufactured home installers. No political subdivision of the 126315  
state or any department or agency of the state may establish any 126316  
other standards governing the installation of manufactured 126317  
housing, manufactured housing foundations and support systems, the 126318  
licensure of manufactured housing installers, or fees charged for 126319  
the licensure of manufactured housing installers. 126320

(D) Nothing in this section limits the authority of the 126321  
attorney general to enforce Chapter 1345. of the Revised Code or 126322  
to take any action permitted by the Revised Code against 126323  
manufactured housing installers, retailers, or manufacturers. 126324

**Sec. 4781.17.** (A) Each person applying for a manufactured 126325  
housing dealer's license or manufactured housing broker's license 126326  
shall complete and deliver to the ~~manufactured homes commission~~ 126327  
department of commerce, division of real estate, before the first 126328

day of April, a separate application for license for each county 126329  
in which the business of selling or brokering manufactured or 126330  
mobile homes is to be conducted. The application shall be in the 126331  
form prescribed by the ~~commission~~ division of real estate and 126332  
accompanied by the fee established by the ~~commission~~ division of 126333  
real estate. The applicant shall sign and swear to the application 126334  
that shall include all of the following: 126335

(1) Name of applicant and location of principal place of 126336  
business; 126337

(2) Name or style under which business is to be conducted 126338  
and, if a corporation, the state of incorporation; 126339

(3) Name and address of each owner or partner and, if a 126340  
corporation, the names of the officers and directors; 126341

(4) The county in which the business is to be conducted and 126342  
the address of each place of business therein; 126343

(5) A statement of the previous history, record, and 126344  
association of the applicant and of each owner, partner, officer, 126345  
and director, that is sufficient to establish to the satisfaction 126346  
of the ~~commission~~ division of real estate the reputation in 126347  
business of the applicant; 126348

(6) A statement showing whether the applicant has previously 126349  
applied for a manufactured housing dealer's license, manufactured 126350  
housing broker's license, manufactured housing salesperson's 126351  
license, or, prior to July 1, 2010, a motor vehicle dealer's 126352  
license, manufactured home broker's license, or motor vehicle 126353  
salesperson's license, and the result of the application, and 126354  
whether the applicant has ever been the holder of any such license 126355  
that was revoked or suspended; 126356

(7) If the applicant is a corporation or partnership, a 126357  
statement showing whether any partner, employee, officer, or 126358

director has been refused a manufactured housing dealer's license, 126359  
manufactured housing broker's license, manufactured housing 126360  
salesperson's license, or, prior to July 1, 2010, a motor vehicle 126361  
dealer's license, manufactured home broker's license, or motor 126362  
vehicle salesperson's license, or has been the holder of any such 126363  
license that was revoked or suspended; 126364

(8) Any other information required by the ~~commission~~ division 126365  
of real estate. 126366

(B) Each person applying for a manufactured housing 126367  
salesperson's license shall complete and deliver to the 126368  
~~manufactured homes commission~~ division of real estate before the 126369  
first day of July an application for license. The application 126370  
shall be in the form prescribed by the ~~commission~~ division of real 126371  
estate and shall be accompanied by the fee established by the 126372  
~~commission~~ division. The applicant shall sign and swear to the 126373  
application that shall include all of the following: 126374

(1) Name and post-office address of the applicant; 126375

(2) Name and post-office address of the manufactured housing 126376  
dealer or manufactured housing broker for whom the applicant 126377  
intends to act as salesperson; 126378

(3) A statement of the applicant's previous history, record, 126379  
and association, that is sufficient to establish to the 126380  
satisfaction of the ~~commission~~ division of real estate the 126381  
applicant's reputation in business; 126382

(4) A statement as to whether the applicant intends to engage 126383  
in any occupation or business other than that of a manufactured 126384  
housing salesperson; 126385

(5) A statement as to whether the applicant has ever had any 126386  
previous application for a manufactured housing salesperson 126387  
license refused or, prior to July 1, 2010, any application for a 126388  
motor vehicle salesperson license refused, and whether the 126389



applicant has previously had a manufactured housing salesperson or 126390  
motor vehicle salesperson license revoked or suspended; 126391

(6) A statement as to whether the applicant was an employee 126392  
of or salesperson for a manufactured housing dealer or 126393  
manufactured housing broker whose license was suspended or 126394  
revoked; 126395

(7) A statement of the manufactured housing dealer or 126396  
manufactured housing broker named therein, designating the 126397  
applicant as the dealer's or broker's salesperson; 126398

(8) Any other information required by the ~~commission~~ division 126399  
of real estate. 126400

(C) Any application for a manufactured housing dealer or 126401  
manufactured housing broker delivered to the ~~commission~~ division 126402  
of real estate under this section also shall be accompanied by a 126403  
photograph, as prescribed by the ~~commission~~ division, of each 126404  
place of business operated, or to be operated, by the applicant. 126405

(D) The ~~manufactured homes commission~~ division of real estate 126406  
shall deposit all license fees into the state treasury to the 126407  
credit of the ~~occupational licensing and~~ manufactured homes 126408  
regulatory fund. 126409

**Sec. 4781.18.** (A) The ~~manufactured homes commission~~ division 126410  
of real estate shall deny the application of any person for a 126411  
license as a manufactured housing dealer or manufactured housing 126412  
broker and refuse to issue the license if the ~~commission~~ division 126413  
finds that any of the following is true of the applicant: 126414

(1) The applicant has made any false statement of a material 126415  
fact in the application. 126416

(2) The applicant has not complied with this chapter or the 126417  
rules adopted by the ~~commission~~ division of real estate under this 126418  
chapter. 126419

(3) The applicant is of bad business repute or has habitually defaulted on financial obligations. 126420  
126421

(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing or in connection with brokering manufactured housing. 126422  
126423  
126424

(5) The applicant has entered into or is about to enter into a contract or agreement with a manufacturer or distributor of manufactured homes that is contrary to the requirements of this chapter. 126425  
126426  
126427  
126428

(6) The applicant is insolvent. 126429

(7) The applicant is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of business as a manufactured housing dealer or manufactured housing broker during the period of the license applied for, or has failed to satisfy any such judgment. 126430  
126431  
126432  
126433  
126434  
126435

(8) The applicant has no established place of business that, where applicable, is used or will be used for the purpose of selling, displaying, offering for sale or dealing in manufactured housing at the location for which application is made. 126436  
126437  
126438  
126439

(9) Within less than twelve months prior to making application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has any such license revoked. 126440  
126441  
126442  
126443

(B) The ~~commission~~ division of real estate shall deny the application of any person for a license as a salesperson and refuse to issue the license if the ~~commission~~ division finds that any of the following is true of the applicant: 126444  
126445  
126446  
126447

(1) The applicant has made any false statement of a material fact in the application. 126448  
126449

(2) The applicant has not complied with this chapter or the rules adopted by the ~~commission~~ division of real estate under this chapter.

(3) The applicant is of bad business repute or has habitually defaulted on financial obligations.

(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing.

(5) The applicant has not been designated to act as salesperson for a manufactured housing dealer or manufactured housing broker licensed to do business in this state under this chapter, or intends to act as salesperson for more than one licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located.

(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker.

(7) Within less than twelve months prior to making application, the applicant has been denied a salesperson's license or had a salesperson's license revoked.

(8) The applicant was salesperson for, or in the employ of, a manufactured housing dealer or manufactured housing broker at the time the dealer's or broker's license was revoked.

(C) If an applicant for a manufactured housing dealer or manufactured housing broker's license is a corporation or partnership, the ~~commission~~ division of real estate may refuse to issue a license if any officer, director, or partner of the

applicant has been guilty of any act or omission that would be 126481  
cause for refusing or revoking a license issued to such officer, 126482  
director, or partner as an individual. The ~~commission's~~ division's 126483  
finding may be based upon facts contained in the application or 126484  
upon any other information the ~~commission~~ division of real estate 126485  
may have. 126486

(D) Notwithstanding division (A)(4) of this section, the 126487  
~~commission~~ division of real estate shall not deny the application 126488  
of any person and refuse to issue a license if the ~~commission~~ 126489  
division finds that the applicant is engaged or will engage in the 126490  
business of selling at retail any new manufactured homes and 126491  
demonstrates that the applicant has posted a bond, surety, or 126492  
certificate of deposit with the ~~commission~~ division of real estate 126493  
in an amount not less than one hundred thousand dollars for the 126494  
protection and benefit of the applicant's customers. 126495

(E) A decision made by the ~~commission~~ division of real estate 126496  
under this section may be based upon any statement contained in 126497  
the application or upon any facts within the ~~commission's~~ 126498  
division's knowledge. 126499

(F) Immediately upon denying an application for any of the 126500  
reasons in this section, the ~~commission~~ division of real estate 126501  
shall enter a final order together with the ~~commission's~~ 126502  
division's findings. If the application is denied by the ~~executive~~ 126503  
~~director of the commission under authority of section 4781.05 of~~ 126504  
~~the Revised Code~~ division of real estate, the ~~executive director~~ 126505  
division of real estate shall enter a final order ~~together with~~ 126506  
~~the director's findings and certify the same to the commission.~~ 126507  
The ~~commission~~ and shall issue to the applicant a written notice 126508  
of refusal to grant a license that shall disclose the reason for 126509  
refusal. 126510

**Sec. 4781.19.** (A) At the time the ~~manufactured homes~~ 126511

~~commission~~ division of real estate grants the application of any 126512  
person for a license as a manufactured housing dealer, 126513  
manufactured housing broker, or manufactured housing salesperson, 126514  
the ~~commission~~ division shall issue to the person a license that 126515  
includes the name and ~~post-office~~ business and mailing address of 126516  
the person licensed. If a manufactured housing dealer or 126517  
manufactured housing broker has more than one place of business in 126518  
a county, the dealer or broker shall make application, in such 126519  
form as the ~~commission~~ division prescribes, for a certified copy 126520  
of the license issued to the dealer or broker for each place of 126521  
business in the county. 126522

(B) The ~~commission~~ division of real estate may require each 126523  
applicant for a manufactured housing dealer's license, 126524  
manufactured housing broker's license, and manufactured housing 126525  
salesperson's license issued under this chapter to pay an 126526  
additional fee, which shall be used by the ~~commission~~ division to 126527  
pay the costs of obtaining a record of any arrests and convictions 126528  
of the applicant from the bureau of identification and 126529  
investigation. The amount of the fee shall be equal to that paid 126530  
by the ~~commission~~ division to obtain such record. 126531

(C) In the event of the loss, mutilation, or destruction of a 126532  
manufactured housing dealer's license, manufactured housing 126533  
broker's license, or manufactured housing salesperson's license, 126534  
any licensee may make application to the ~~commission~~ division of 126535  
real estate, in the form prescribed by the ~~commission~~ division, 126536  
for a duplicate copy thereof and pay a fee established by the 126537  
~~commission~~ division of real estate. 126538

(D) All manufactured housing dealers' licenses, all 126539  
manufactured housing brokers' licenses, and all manufactured 126540  
housing salespersons' licenses issued or renewed shall expire 126541  
biennially on a day within the two-year cycle that is prescribed 126542

by the ~~manufactured homes commission~~ division of real estate, 126543  
unless sooner suspended or revoked. Before the first day after the 126544  
day prescribed by the ~~commission~~ division in the year that the 126545  
license expires, each licensed manufactured housing dealer, 126546  
manufactured housing broker, and manufactured housing salesperson, 126547  
in the year in which the license will expire, shall file an 126548  
application, in such form as the ~~commission~~ division of real 126549  
estate prescribes, for the renewal of such license. The fee 126550  
required by this section for the original license shall accompany 126551  
the application. 126552

(E) Each manufactured housing dealer and manufactured housing 126553  
broker shall keep the license or a certified copy thereof and a 126554  
current list of the dealer's or the broker's licensed 126555  
salespersons, showing the names, addresses, and serial numbers of 126556  
their licenses, posted in a conspicuous place in each place of 126557  
business. Each salesperson shall carry the salesperson's license 126558  
or a certified copy thereof and shall exhibit such license or copy 126559  
upon demand to any inspector of the ~~commission~~ division of real 126560  
estate, state highway patrol trooper, police officer, or person 126561  
with whom the salesperson seeks to transact business as a 126562  
manufactured housing salesperson. 126563

**Sec. 4781.20.** The applications for licenses submitted under 126564  
section 4781.17 of the Revised Code are not part of the public 126565  
records but are confidential information for the use of the 126566  
~~manufactured homes commission~~ division of real estate. No person 126567  
shall divulge any information contained in such applications and 126568  
acquired by the person in the person's capacity as an official or 126569  
employee of the ~~manufactured homes commission~~ division of real 126570  
estate, except in a report to the ~~commission~~ division, or when 126571  
called upon to testify in any court or proceeding. 126572

**Sec. 4781.21.** (A) The ~~manufactured homes commission~~ division 126573

of real estate may make rules governing ~~its~~ actions relative to 126574  
the suspension and revocation of manufactured housing dealers', 126575  
manufactured housing brokers', and manufactured housing 126576  
salespersons' licenses, and may, upon its own motion, and shall, 126577  
upon the verified complaint in writing of any person, investigate 126578  
the conduct of any licensee under this chapter. The ~~commission~~ 126579  
division shall suspend, revoke, or refuse to renew any 126580  
manufactured housing dealer's, manufactured housing broker's, or 126581  
manufactured housing salesperson's license, if any ground existed 126582  
upon which the license might have been refused, or if a ground 126583  
exists that would be cause for refusal to issue a license. 126584

The ~~commission~~ division of real estate may suspend or revoke 126585  
any license if the licensee has in any manner violated the rules 126586  
adopted by the ~~commission~~ division under this chapter, or has been 126587  
convicted of committing a felony or violating any law that in any 126588  
way relates to the selling, taxing, licensing, or regulation of 126589  
sales of manufactured or mobile homes. 126590

(B) Any salesperson's license shall be suspended upon the 126591  
termination, suspension, or revocation of the license of the 126592  
manufactured housing dealer or manufactured housing broker for 126593  
whom the salesperson is acting, or upon the salesperson leaving 126594  
the service of the manufactured housing dealer or manufactured 126595  
housing broker. Upon the termination, suspension, or revocation of 126596  
the license of the manufactured housing dealer or manufactured 126597  
housing broker for whom the salesperson is acting, or upon the 126598  
salesperson leaving the service of a licensed manufactured housing 126599  
or manufactured housing broker, the licensed salesperson may make 126600  
application to the ~~commission~~ division of real estate, in such 126601  
form as the ~~commission~~ division prescribes, to have the 126602  
salesperson's license reinstated, transferred, and registered as a 126603  
salesperson for another dealer or broker. If the information 126604  
contained in the application is satisfactory to the ~~commission~~ 126605

division of real estate, the ~~commission~~ division shall reinstate, 126606  
transfer, or register the salesperson's license as a salesperson 126607  
for other dealer or broker. The ~~commission~~ division shall 126608  
establish the fee for the reinstatement and transfer of license. 126609  
No license issued to a dealer, broker, or salesperson under this 126610  
chapter may be transferred to any other person. 126611

(C) Any person whose manufactured housing dealer's license, 126612  
manufactured housing broker's license, or manufactured housing 126613  
salesperson's license is revoked, suspended, denied, or not 126614  
renewed may request an adjudication hearing on the matter within 126615  
thirty days after receipt of the notice of the action. If no 126616  
appeal is taken within thirty days after receipt of the order, the 126617  
order is final and conclusive. All appeals must be by petition in 126618  
writing and verified under oath by the applicant whose application 126619  
for license has been revoked, suspended, denied, or not renewed 126620  
and must set forth the reason for the appeal and the reason why, 126621  
in the petitioner's opinion, the order is not correct. ~~In such~~ 126622  
~~appeals the board may make investigation to determine the~~ 126623  
~~correctness and legality of the appealed order.~~ The hearing shall 126624  
be held in accordance with Chapter 119. of the Revised Code. 126625

**Sec. 4781.22.** No manufactured housing dealer licensed under 126626  
this chapter shall do any of the following: 126627

(A) Directly or indirectly, solicit the sale of a 126628  
manufactured home or mobile home through an interested person 126629  
other than a salesperson licensed in the employ of a licensed 126630  
dealer; 126631

(B) Pay any commission or compensation in any form to any 126632  
person in connection with the sale of a manufactured home or 126633  
mobile home unless the person is licensed as a salesperson in the 126634  
employ of the dealer; 126635

(C) Fail to immediately notify the ~~manufactured homes~~ 126636



~~commission~~ division of real estate upon termination of the 126637  
employment of any person licensed as a salesperson to sell, 126638  
display, offer for sale, or deal in manufactured homes or mobile 126639  
homes for the dealer. 126640

**Sec. 4781.23.** (A) Each licensed manufactured housing dealer 126641  
and manufactured housing broker shall notify the ~~manufactured~~ 126642  
~~homes commission~~ division of real estate of any change in status 126643  
as a manufactured housing dealer or manufactured housing broker 126644  
during the period for which the dealer or broker is licensed, if 126645  
the change of status concerns either of the following: 126646

(1) Personnel of owners, partners, officers, or directors; 126647

(2) Location of an office or principal place of business. 126648

(B) The notification required by division (A) of this section 126649  
shall be made by filing with the ~~commission~~ division of real 126650  
estate, within fifteen days after the change of status, a 126651  
supplemental statement in a form prescribed by the ~~commission~~ 126652  
division of real estate showing in what respect the status has 126653  
been changed. 126654

The ~~commission~~ division of real estate may adopt a rule 126655  
exempting from the notification requirement of division (A)(1) of 126656  
this section any dealer if stock in the dealer or its parent 126657  
company is publicly traded and if there are public records filed 126658  
with and in the possession of state or federal agencies that 126659  
provide the information required by division (A)(1) of this 126660  
section. 126661

**Sec. 4781.25.** The ~~manufactured homes commission~~ division of 126662  
real estate shall adopt rules for the regulation of manufactured 126663  
housing brokers in accordance with Chapter 119. of the Revised 126664  
Code. The rules shall require that a manufactured housing broker 126665  
maintain a bond of a surety company authorized to transact 126666

business in this state in an amount determined by the ~~commission~~ 126667  
division of real estate. The rules also shall require each person 126668  
licensed as a manufactured housing broker to maintain at all times 126669  
a special or trust bank account that is noninterest-bearing, is 126670  
separate and distinct from any personal or other account of the 126671  
broker, and into which shall be deposited and maintained all 126672  
escrow funds, security deposits, and other moneys received by the 126673  
broker in a fiduciary capacity. In a form determined by the 126674  
~~commission~~ division, a manufactured housing broker shall submit 126675  
written proof to the ~~commission~~ division of the continued 126676  
maintenance of the special or trust account. A depository where 126677  
special or trust accounts are maintained in accordance with this 126678  
section shall be located in this state. 126679

**Sec. 4781.26.** (A) The ~~manufactured homes commission~~ division 126680  
of industrial compliance, subject to Chapter 119. of the Revised 126681  
Code, shall adopt, and has the exclusive power to adopt, rules of 126682  
uniform application throughout the state governing the review of 126683  
plans, issuance of flood plain management permits, and issuance of 126684  
licenses for manufactured home parks; the location, layout, 126685  
density, construction, drainage, sanitation, safety, and operation 126686  
of those parks; and notices of flood events concerning, and flood 126687  
protection at, those parks. The rules pertaining to flood plain 126688  
management shall be consistent with and not less stringent than 126689  
the flood plain management criteria of the national flood 126690  
insurance program adopted under the "National Flood Insurance Act 126691  
of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended. The rules 126692  
shall not apply to the construction, erection, or manufacture of 126693  
any building to which section 3781.06 of the Revised Code is 126694  
applicable. 126695

(B) The rules pertaining to manufactured home parks 126696  
constructed after June 30, 1971, shall specify that each home must 126697

be placed on its lot to provide not less than fifteen feet between 126698  
the side of one home and the side of another home, ten feet 126699  
between the end of one home and the side of another home, and five 126700  
feet between the ends of two homes placed end to end. 126701

(C) The ~~manufactured homes commission~~ division of industrial 126702  
compliance shall determine compliance with the installation, 126703  
blocking, tiedown, foundation, and base support system standards 126704  
for manufactured housing located in manufactured home parks 126705  
adopted by the ~~commission~~ division pursuant to section 4781.04 of 126706  
the Revised Code. All inspections of the installation, blocking, 126707  
tiedown, foundation, and base support systems of manufactured 126708  
housing in a manufactured home park that the ~~commission~~ division 126709  
of industrial compliance conducts shall be conducted by a person 126710  
the ~~manufactured homes commission~~ division of industrial 126711  
compliance certifies pursuant to section 4781.07 of the Revised 126712  
Code. 126713

(D) The ~~manufactured homes commission~~ division of industrial 126714  
compliance may enter into contracts for the purpose of fulfilling 126715  
the ~~commission's~~ division of industrial compliance's annual 126716  
inspection responsibilities for manufactured home parks under this 126717  
chapter. Boards of health of city or general health districts 126718  
shall have the right of first refusal for those contracts. 126719

**Sec. 4781.27.** (A)(1) On or after the first day of December, 126720  
but before the first day of January of the next year, every person 126721  
who intends to operate a manufactured home park shall procure a 126722  
license to operate the park for the next year from the 126723  
~~manufactured homes commission~~ division of industrial compliance. 126724  
If the applicable license fee prescribed under section 4781.28 of 126725  
the Revised Code is not received by the ~~commission~~ division by the 126726  
close of business on the last day of December, the applicant for 126727  
the license shall pay a penalty equal to twenty-five per cent of 126728

the applicable license fee. The penalty shall accompany the 126729  
license fee. If the last day of December is not a business day, 126730  
the penalty attaches upon the close of business on the next 126731  
business day. 126732

(2) No manufactured home park shall be maintained or operated 126733  
in this state without a license. 126734

(3) No person who has received a license, upon the sale or 126735  
disposition of the manufactured home park, may have the license 126736  
transferred to the new operator. A person shall obtain a separate 126737  
license to operate each manufactured home park. 126738

(B) Before a license is initially issued and annually 126739  
thereafter, or more often if necessary, the ~~commission~~ division of 126740  
industrial compliance shall cause each manufactured home park to 126741  
be inspected for compliance with sections 4781.26 to 4781.35 of 126742  
the Revised Code and the rules adopted under those sections. A 126743  
record shall be made of each inspection on a form prescribed by 126744  
the ~~commission~~ division. 126745

(C) Each person applying for an initial license to operate a 126746  
manufactured home park shall provide acceptable proof to the 126747  
~~commission~~ division of industrial compliance that adequate fire 126748  
protection will be provided and that applicable fire codes will be 126749  
adhered to in the construction and operation of the park. 126750

**Sec. 4781.28.** The ~~manufactured homes commission~~ division of 126751  
industrial compliance may charge a fee for an annual license to 126752  
operate a manufactured home park. The fee for a license shall be 126753  
determined in accordance with section 4781.27 of the Revised Code 126754  
and shall include the cost of licensing and all inspections. 126755

Any fees collected shall be transmitted to the treasurer of 126756  
state and shall be credited to the ~~manufactured homes commission~~ 126757  
~~regulatory~~ industrial compliance operating fund created in section 126758

4781.54 121.084 of the Revised Code and used only for the purpose 126759  
of administering and enforcing sections 4781.26 to 4781.35 of the 126760  
Revised Code and the rules adopted thereunder. 126761

**Sec. 4781.29.** The ~~manufactured homes commission~~ division of 126762  
industrial compliance may refuse to grant, may suspend, or may 126763  
revoke any license granted to any person for failure to comply 126764  
with sections 4781.26 to 4781.35 of the Revised Code or with any 126765  
rule adopted under section 4781.26 of the Revised Code. 126766

**Sec. 4781.31.** (A) No person shall cause development to occur 126767  
within any portion of a manufactured home park until the plans for 126768  
the development have been submitted to and reviewed and approved 126769  
by the ~~manufactured homes commission~~ division of industrial 126770  
compliance. This division does not require that plans be submitted 126771  
to the ~~commission~~ division of industrial compliance for approval 126772  
for the replacement of manufactured or mobile homes on previously 126773  
approved lots in a manufactured home park when no development is 126774  
to occur in connection with the replacement. Within thirty days 126775  
after receipt of the plans, all supporting documents and materials 126776  
required to complete the review, and the applicable plan review 126777  
fee established under division (D) of this section, the ~~commission~~ 126778  
division of industrial compliance shall approve or disapprove the 126779  
plans. 126780

(B) Any person aggrieved by the ~~commission's~~ division's 126781  
disapproval of a set of plans under division (A) of this section 126782  
may request a hearing on the matter within thirty days after 126783  
receipt of the ~~commission's~~ division's notice of the disapproval. 126784  
The hearing shall be held in accordance with Chapter 119. of the 126785  
Revised Code. Thereafter, the disapproval may be appealed in the 126786  
manner provided in section 119.12 of the Revised Code. 126787

(C) The ~~commission~~ division of industrial compliance shall 126788

establish a system by which development occurring within a 126789  
manufactured home park is inspected or verified in accordance with 126790  
rules adopted under section 4781.26 of the Revised Code to ensure 126791  
that the development complies with the plans approved under 126792  
division (A) of this section. 126793

(D) The ~~commission~~ division of industrial compliance shall 126794  
establish fees for reviewing plans under division (A) of this 126795  
section and conducting inspections under division (C) of this 126796  
section. 126797

(E) The ~~commission~~ division of industrial compliance shall 126798  
charge the appropriate fees established under division (D) of this 126799  
section for reviewing plans under division (A) of this section and 126800  
conducting inspections under division (C) of this section. All 126801  
such plan review and inspection fees received by the ~~commission~~ 126802  
division shall be transmitted to the treasurer of state and shall 126803  
be credited to the ~~occupational licensing and regulatory~~ 126804  
industrial compliance operating fund created in section ~~4743.05~~ 126805  
121.084 of the Revised Code. Moneys so credited to the fund shall 126806  
be used only for the purpose of administering and enforcing 126807  
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 126808  
under those sections. 126809

(F) Plan approvals issued under this section do not 126810  
constitute an exemption from the land use and building 126811  
requirements of the political subdivision in which the 126812  
manufactured home park is or is to be located. 126813

**Sec. 4781.32.** (A) No person shall cause development to occur 126814  
or cause the replacement of a mobile or manufactured home within 126815  
any portion of a manufactured home park that is located within a 126816  
one-hundred-year flood plain unless the person first obtains a 126817  
permit from the ~~manufactured homes commission~~ division of 126818  
industrial compliance. If the development for which a permit is 126819

required under this division is to occur on a lot where a mobile 126820  
or manufactured home is or is to be located, the owner of the home 126821  
and the operator of the manufactured home park shall jointly 126822  
obtain the permit. Each of the persons to whom a permit is jointly 126823  
issued is responsible for compliance with the provisions of the 126824  
approved permit that are applicable to that person. 126825

The ~~commission~~ division of industrial compliance shall 126826  
disapprove an application for a permit required under this 126827  
division unless the ~~commission~~ division finds that the proposed 126828  
development or replacement of a mobile or manufactured home 126829  
complies with the rules adopted under section 4781.26 of the 126830  
Revised Code. No permit is required under this division for the 126831  
construction, erection, or manufacture of any building to which 126832  
section 3781.06 of the Revised Code applies. 126833

The ~~commission~~ division of industrial compliance may suspend 126834  
or revoke a permit issued under this division for failure to 126835  
comply with the rules adopted under section 4781.26 of the Revised 126836  
Code pertaining to flood plain management or for failure to comply 126837  
with the approved permit. 126838

Any person aggrieved by the disapproval, suspension, or 126839  
revocation of a permit under this division by the ~~commission~~ 126840  
division of industrial compliance may request a hearing on the 126841  
matter within thirty days after receipt of the notice of the 126842  
disapproval, suspension, or revocation. The hearing shall be held 126843  
in accordance with Chapter 119. of the Revised Code. Thereafter, 126844  
an appeal of the disapproval, suspension, or revocation may be 126845  
taken in the manner provided in section 119.12 of the Revised 126846  
Code. 126847

(B) The ~~commission~~ division of industrial compliance shall 126848  
establish fees for the issuance of permits under division (A) of 126849  
this section and for necessary inspections conducted to determine 126850  
compliance with those permits. 126851

(C) The ~~commission~~ division of industrial compliance shall 126852  
charge the appropriate fee established under division (B) of this 126853  
section for the issuance of a permit under division (A) of this 126854  
section or for conducting any necessary inspection to determine 126855  
compliance with the permit. If the ~~commission~~ division issues such 126856  
a permit or conducts such an inspection, the fee for the permit or 126857  
inspection shall be transmitted to the treasurer of state and 126858  
shall be credited to the ~~occupational licensing and regulatory~~ 126859  
industrial compliance operating fund created in section ~~4743.05~~ 126860  
121.084 of the Revised Code. Moneys so credited to the fund shall 126861  
be used only for the purpose of administering and enforcing 126862  
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 126863  
under those sections. 126864

**Sec. 4781.33.** When a flood event affects a manufactured home 126865  
park, the operator of the manufactured home park, in accordance 126866  
with rules adopted under section 4781.26 of the Revised Code, 126867  
shall notify the ~~manufactured homes commission~~ division of 126868  
industrial compliance and the board of health having jurisdiction 126869  
where the flood event occurred within forty-eight hours after the 126870  
end of the flood event. The ~~commission~~ division, after receiving 126871  
notification, shall immediately notify the board of health. 126872

After being notified of such a flood event, the board of 126873  
health shall cause an inspection to be made of the manufactured 126874  
home park named in the notice. The board of health shall issue a 126875  
report of the inspection to the ~~commission~~ division of industrial 126876  
compliance within ten days after the inspection is completed. 126877

**Sec. 4781.34.** (A) If a mobile or manufactured home that is 126878  
located in a flood plain is substantially damaged, the owner of 126879  
the home shall make all alterations, repairs, or changes to the 126880  
home, and the operator of the manufactured home park shall make 126881  
all alterations, repairs, or changes to the lot on which the home 126882



is located, that are necessary to ensure compliance with the flood plain management rules adopted under section 4781.26 of the Revised Code. Such alterations, repairs, or changes may include, without limitation, removal of the home or other structures.

No person shall fail to comply with this division.

(B) No person shall cause to be performed any alteration, repair, or change required by division (A) of this section unless the person first obtains a permit from the ~~manufactured homes commission~~ division of industrial compliance.

The ~~commission~~ division of industrial compliance shall disapprove an application for a permit required under this division unless the ~~commission~~ division finds that the proposed alteration, repair, or change complies with the rules adopted under section 4781.26 of the Revised Code. No permit is required under this division for the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code applies.

The ~~commission~~ division of industrial compliance may suspend or revoke a permit issued under this division for failure to comply with the rules adopted under section 4781.26 of the Revised Code pertaining to flood plain management or for failure to comply with the approved permit for making alterations, repairs, or changes to the lot on which the manufactured home is located.

Any person aggrieved by the disapproval, suspension, or revocation of a permit under this division by the ~~commission~~ division of industrial compliance may request a hearing on the matter within thirty days after receipt of the notice of the disapproval, suspension, or revocation. The hearing shall be held in accordance with Chapter 119. of the Revised Code. Thereafter, an appeal of the disapproval, suspension, or revocation may be taken in the manner provided in section 119.12 of the Revised Code

and for necessary inspections conducted to determine compliance 126914  
with those permits. 126915

(C) The ~~commission~~ division of industrial compliance shall 126916  
establish fees for the issuance of permits under division (B) of 126917  
this section and for necessary inspections conducted to determine 126918  
compliance with those permits for making alterations, repairs, or 126919  
changes to the lot on which the manufactured home is located. 126920

(D) The ~~commission~~ division of industrial compliance shall 126921  
charge the appropriate fee established under division (C) of this 126922  
section for the issuance of a permit under division (B) of this 126923  
section or for conducting any necessary inspection to determine 126924  
compliance with the permit. If the ~~commission~~ division of 126925  
industrial compliance issues such a permit or conducts such an 126926  
inspection, the fee for the permit or inspection shall be 126927  
transmitted to the treasurer of state and shall be credited to the 126928  
~~occupational licensing and regulatory~~ industrial compliance 126929  
operating fund created in section ~~4743.05~~ 121.084 of the Revised 126930  
Code. Moneys so credited to the fund shall be used only for the 126931  
purpose of administering and enforcing sections 4781.26 to 4781.35 126932  
of the Revised Code and rules adopted under those sections. 126933

**Sec. 4781.35.** (A) No person shall violate sections 4781.26 to 126934  
4781.35 of the Revised Code or the rules adopted thereunder. 126935

(B) The prosecuting attorney of the county, the city director 126936  
of law, or the attorney general, upon complaint of the 126937  
~~manufactured homes commission~~ division of industrial compliance, 126938  
shall prosecute to termination or bring an action for injunction 126939  
against any person violating sections 4781.26 to 4781.35 of the 126940  
Revised Code or the rules adopted thereunder. 126941

**Sec. 4781.37.** (A) Notwithstanding section 4781.36 of the 126942  
Revised Code, a park operator may bring an action under Chapter 126943

1923. of the Revised Code for possession of the premises if any of the following applies:

(1) The resident is in default in the payment of rent.

(2) The violation of the applicable building, housing, health, or safety code that the resident complained of was primarily caused by any act or lack of reasonable care by the resident, by any other person in the resident's household, or by anyone on the premises with the consent of the resident.

(3) The resident is holding over the resident's term.

(4) The resident is in violation of rules of the ~~manufactured homes commission~~ division of industrial compliance adopted pursuant to section 4781.26 of the Revised Code or rules of the manufactured home park adopted pursuant to the rules of the ~~commission~~ division.

(5) The resident has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of the action, and the resident's manufactured home, mobile home, or recreational vehicle parked in the manufactured home park has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement.

(B) The maintenance of an action by the park operator under this section does not prevent the resident from recovering damages for any violation by the park operator of the rental agreement or of section 4781.38 of the Revised Code.

**Sec. 4781.38.** (A) A park operator who is a party to a rental agreement shall:

(1) Comply with the requirements of all applicable building, housing, health, and safety codes which materially affect health and safety, and comply with rules of the ~~manufactured homes~~

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <del>commission</del> <u>division of industrial compliance;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 126974                                                                       |
| (2) Make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition;                                                                                                                                                                                                                                                                                                                                                                                                 | 126975<br>126976                                                             |
| (3) Keep all common areas of the premises in a safe and sanitary condition;                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 126977<br>126978                                                             |
| (4) Maintain in good and safe working order and condition all electrical and plumbing fixtures and appliances, and septic systems, sanitary and storm sewers, refuse receptacles, and well and water systems that are supplied or required to be supplied by the park operator;                                                                                                                                                                                                                                             | 126979<br>126980<br>126981<br>126982<br>126983                               |
| (5) Not abuse the right of access conferred by division (B) of section 4781.39 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                         | 126984<br>126985                                                             |
| (6) Except in the case of emergency or if it is impracticable to do so, give the resident reasonable notice of the park operator's intent to enter onto the residential premises and enter only at reasonable times. Twenty-four hours' notice shall be presumed to be a reasonable notice in the absence of evidence to the contrary.                                                                                                                                                                                      | 126986<br>126987<br>126988<br>126989<br>126990<br>126991                     |
| (B) If the park operator violates any provision of this section, makes a lawful entry onto the residential premises in an unreasonable manner, or makes repeated demands for entry otherwise lawful which demands have the effect of harassing the resident, the resident may recover actual damages resulting from the violation, entry, or demands and injunctive relief to prevent the recurrence of the conduct, and if the resident obtains a judgment, reasonable attorneys' fees, or terminate the rental agreement. | 126992<br>126993<br>126994<br>126995<br>126996<br>126997<br>126998<br>126999 |
| <b>Sec. 4781.39.</b> (A) A resident who is a party to a rental agreement shall:                                                                                                                                                                                                                                                                                                                                                                                                                                             | 127000<br>127001                                                             |
| (1) Keep that part of the premises that the resident occupies and uses safe and sanitary;                                                                                                                                                                                                                                                                                                                                                                                                                                   | 127002<br>127003                                                             |

(2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner; 127004  
127005

(3) Comply with the requirements imposed on residents by all applicable state and local housing, health, and safety codes, rules of the ~~manufactured homes commission~~ division of industrial compliance, and rules of the manufactured home park; 127006  
127007  
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(4) Personally refrain, and forbid any other person who is on the premises with the resident's permission, from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the residential premises; 127010  
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127013

(5) Conduct self and require other persons on the premises with the resident's consent to conduct themselves in a manner that will not disturb the resident's neighbors' peaceful enjoyment of the manufactured home park. 127014  
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(B) The resident shall not unreasonably withhold consent for the park operator to enter the home to inspect utility connections, or enter onto the premises in order to inspect the premises, make ordinary, necessary, or agreed repairs, decorations, alterations, or improvements, deliver parcels which are too large for the resident's mail facilities, or supply necessary or agreed services. 127018  
127019  
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(C) If the resident violates any provision of this section, the park operator may recover any actual damages which result from the violation and reasonable attorneys' fees. This remedy is in addition to any right of the park operator to terminate the rental agreement, to maintain an action for the possession of the premises, or injunctive relief to compel access under division (B) of this section. 127025  
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**Sec. 4781.45.** If a resident commits a material violation of the rules of the manufactured home park, of the ~~manufactured homes~~ 127032  
127033

~~commission~~ department of commerce division of industrial 127034  
compliance, or of applicable state and local health and safety 127035  
codes, the park operator may deliver a written notification of the 127036  
violation to the resident. The notification shall contain all of 127037  
the following: 127038

(A) A description of the violation; 127039

(B) A statement that the rental agreement will terminate upon 127040  
a date specified in the written notice not less than thirty days 127041  
after receipt of the notice unless the resident remedies the 127042  
violation; 127043

(C) A statement that the violation was material and that if a 127044  
second material violation of any park or ~~commission~~ division rule, 127045  
or any health and safety code, occurs within six months after the 127046  
date of this notice, the rental agreement will terminate 127047  
immediately; 127048

(D) A statement that a defense available to termination of 127049  
the rental agreement for two material violations of park or 127050  
~~commission~~ division rules, or of health and safety codes, is that 127051  
the park rule is unreasonable, or that the park or ~~commission~~ 127052  
division rule, or health or safety code, is not being enforced 127053  
against other manufactured home park residents, or that the two 127054  
violations were not willful and not committed in bad faith. 127055

If the resident remedies the condition described in the 127056  
notice, whether by repair, the payment of damages, or otherwise, 127057  
the rental agreement shall not terminate. The park operator may 127058  
terminate the rental agreement immediately if the resident commits 127059  
a second material violation of the park or ~~commission~~ division 127060  
rules, or of applicable state and local health and safety codes, 127061  
subject to the defense that the park rule is unreasonable, that 127062  
the park or ~~commission~~ division rule, or health or safety code, is 127063  
not being enforced against other manufactured home park residents, 127064

or that the two violations were not willful and not committed in 127065  
bad faith. 127066

Sec. 4781.54. (A) The division of real estate shall deposit 127067  
all the fees collected in the administration and enforcement 127068  
sections 4781.16 to 4781.25 of the Revised Code into the 127069  
manufactured homes regulatory fund, which is hereby created. All 127070  
money deposited into the fund shall be used to pay the operating 127071  
expenses of the division or as otherwise described in those 127072  
sections. 127073

(B) The division of industrial compliance shall deposit all 127074  
fees collected in the administration and enforcement sections of 127075  
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 127076  
Code into the industrial compliance operating fund created in 127077  
section 121.084 of the Revised Code. All money deposited into the 127078  
fund shall be used to pay the operating expenses of the division 127079  
or as otherwise described in those sections. 127080

**Section 137.11.** That existing sections 1923.02, 3781.06, 127081  
4505.181, 4781.04, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 127082  
4781.11, 4781.12, 4781.121, 4781.14, 4781.17, 4781.18, 4781.19, 127083  
4781.20, 4781.21, 4781.22, 4781.23, 4781.25, 4781.26, 4781.27, 127084  
4781.28, 4781.29, 4781.31, 4781.32, 4781.33, 4781.34, 4781.35, 127085  
4781.37, 4781.38, 4781.39, and 4781.45 and sections 4781.02, 127086  
4781.03, 4781.05, 4781.13, 4781.54, and 4781.55 of the Revised 127087  
Code are hereby repealed. 127088

**Section 137.12.** Sections 137.10 and 137.11 of this act take 127089  
effect January 21, 2018. 127090

**Section 137.14.** (A) On January 21, 2018, the Manufactured 127091  
Homes Commission is abolished. The Department of Commerce is 127092  
successor to, assumes the obligations, and assumes the authority 127093

of the Manufactured Homes Commission. Any business commenced but 127094  
not completed by the Manufactured Homes Commission on that date 127095  
shall be completed by the Department of Commerce. Any validation, 127096  
right, cure, privilege, remedy, obligation, or liability is not 127097  
lost or impaired solely by this abolishment and shall be 127098  
administered by the Department of Commerce. Any action or 127099  
proceeding pending on the effective date of this section is not 127100  
affected by the abolishment of the Commission and shall be 127101  
prosecuted or defended in the name of the Department. In all such 127102  
actions and proceedings, the Department may be substituted as a 127103  
party upon application to the court or other tribunal. 127104

(B) The Department of Commerce shall designate the positions 127105  
and employees of the Manufactured Homes Commission, if any, to be 127106  
transferred to the Department, along with any equipment assigned 127107  
to those positions and employees. Any employee transferred to the 127108  
Department retains the employee's respective classification, 127109  
however the Department may reassign and reclassify the employee's 127110  
position and compensation as the Department determines to be in 127111  
the best interest of administration. 127112

(C) Notwithstanding section 145.297 of the Revised Code, the 127113  
Department of Commerce may, at the Department's discretion and 127114  
with approval from the Office of Budget and Management, establish 127115  
a retirement incentive plan for eligible employees of the 127116  
Manufactured Homes Commission who are members of the Public 127117  
Employees Retirement System. Any retirement incentive plan 127118  
established pursuant to this section shall remain in effect until 127119  
January 20, 2018. 127120

(D) On January 21, 2018, all equipment, assets, supplies, 127121  
records, and other property of the Manufactured Homes Commission 127122  
are transferred to the Department of Commerce. 127123

(E) All rules, orders, and determinations made or undertaken 127124



by the Manufactured Homes Commission shall continue in effect as 127125  
the rules, orders, and determinations of the Department of 127126  
Commerce until modified, rescinded, or replaced. If necessary to 127127  
ensure the integrity of the administrative code, the Director of 127128  
the Legislative Service Commission shall renumber the rules 127129  
relating to the Manufactured Homes Commission to reflect its 127130  
abolishment pursuant to this section and the transfer of duties to 127131  
the Department of Commerce pursuant to this act. Within one 127132  
hundred eighty days after the effective date of this section, the 127133  
Department of Commerce shall submit proposed rules to the Joint 127134  
Committee on Agency Rule Review addressing fees and fines 127135  
previously assessed by the Manufactured Homes Commission pursuant 127136  
to Chapter 4781. of the Revised Code and, where reasonably 127137  
possible, shall reduce the amount and frequency of collection and 127138  
assessment. 127139

**Section 137.15. MANUFACTURED HOMES COMMISSION TRANSFER TO** 127140  
**DEPARTMENT OF COMMERCE** 127141

On January 21, 2018, or as soon as possible thereafter, in 127142  
accordance with Section 137.14 of this act, the Director of Budget 127143  
and Management shall transfer the cash balance in the Manufactured 127144  
Homes Commission Regulatory Fund (Fund 5MC0) used by the 127145  
Manufactured Homes Commission to the Industrial Compliance 127146  
Operating Fund (Fund 5560) used by the Department of Commerce. 127147  
Upon completion of the transfer, Fund 5MC0 is hereby abolished. 127148  
The Director of Budget and Management shall cancel any existing 127149  
encumbrances against appropriation item 996610, Manufactured Homes 127150  
Regulation, and reestablish them against appropriation item 127151  
800615, Industrial Compliance. The reestablished amounts are 127152  
hereby appropriated. Any business commenced but not completed 127153  
under appropriation item 996610, Manufactured Homes Regulation, 127154  
shall be completed under appropriation item 800615, Industrial 127155  
Compliance. 127156

On or before March 21, 2018, the Director of the Department 127157  
of Commerce shall certify to the Director of Budget and Management 127158  
an amount of cash in the Occupational Licensing Regulatory Fund 127159  
(Fund 4K90) representing the amount of remaining receipts 127160  
deposited into the fund by reducing the revenue deposited to the 127161  
fund by the Manufactured Homes Commission from the expenditures 127162  
charged to the fund by the Manufactured Homes Commission. The 127163  
Director of Budget and Management may transfer up to the amount 127164  
certified to the Manufactured Homes Regulatory Fund (Fund 5SU0). 127165  
The Director of Budget and Management shall cancel any existing 127166  
encumbrances against appropriation item 996609, Manufactured Homes 127167  
Operating Expenses, and reestablish them against appropriation 127168  
item 800649, Manufactured Homes Regulation. The reestablished 127169  
amounts are hereby appropriated. Any business commenced but not 127170  
completed under appropriation item 996609, Manufactured Homes 127171  
Operating Expenses, shall be completed under appropriation item 127172  
800649, Manufactured Homes Regulation. Upon written request of the 127173  
Director of Commerce, the Director of Budget and Management may 127174  
transfer up to \$200,000 in cash from the Industrial Compliance 127175  
Operating Fund (Fund 5560) to the Manufactured Homes Regulatory 127176  
Fund (Fund 5SU0) in fiscal year 2018 to support the additional 127177  
regulatory and licensing functions required under Chapter 4781. of 127178  
the Revised Code. 127179

Notwithstanding any provision of law to the contrary, on and 127180  
after January 21, 2018, the Director of Budget and Management may 127181  
make budget changes necessary by Section 137.14 of this act, if 127182  
any, including administrative reorganization or program transfers. 127183  
If it is determined by the Director of Commerce that additional 127184  
appropriation is necessary in appropriation item 800615, 127185  
Industrial Compliance, or appropriation item 800649, Manufactured 127186  
Homes Regulation, to carry out the regulatory and licensing 127187  
functions required by the amendments to Chapter 4781. of the 127188  
Revised Code as enacted herein, the Director of Commerce shall 127189

certify the amount of additional appropriation needed to the 127190  
Director of Budget and Management. Upon the approval of the 127191  
Director of Budget and Management, amounts up to those certified 127192  
by the Director of Commerce are hereby appropriated. 127193

**Section 201.10.** Except as otherwise provided in this act, all 127194  
appropriation items in this act are appropriated out of any moneys 127195  
in the state treasury to the credit of the designated fund that 127196  
are not otherwise appropriated. For all appropriations made in 127197  
this act, the amounts in the first column are for fiscal year 2018 127198  
and the amounts in the second column are for fiscal year 2019. 127199  
127200

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 127201

Dedicated Purpose Fund Group 127202

|                                  |                    |    |           |    |           |        |
|----------------------------------|--------------------|----|-----------|----|-----------|--------|
| 4J80 889601                      | CPA Education      | \$ | 325,000   | \$ | 325,000   | 127203 |
|                                  | Assistance         |    |           |    |           |        |
| 4K90 889609                      | Operating Expenses | \$ | 1,141,957 | \$ | 1,236,965 | 127204 |
| TOTAL DPF Dedicated Purpose Fund |                    |    |           |    |           | 127205 |
| Group                            |                    |    |           |    |           |        |
|                                  |                    | \$ | 1,466,957 | \$ | 1,561,965 | 127206 |
| TOTAL ALL BUDGET FUND GROUPS     |                    |    |           |    |           | 127207 |
|                                  |                    | \$ | 1,466,957 | \$ | 1,561,965 | 127208 |

**Section 205.10.** ADJ ADJUTANT GENERAL 127209

General Revenue Fund 127210

|                                |                       |    |           |    |           |        |
|--------------------------------|-----------------------|----|-----------|----|-----------|--------|
| GRF 745401                     | Ohio Military Reserve | \$ | 11,939    | \$ | 11,939    | 127211 |
| GRF 745404                     | Air National Guard    | \$ | 1,784,474 | \$ | 1,784,474 | 127212 |
| GRF 745407                     | National Guard        | \$ | 388,000   | \$ | 388,000   | 127213 |
|                                | Benefits              |    |           |    |           |        |
| GRF 745409                     | Central               | \$ | 2,726,234 | \$ | 2,726,234 | 127214 |
|                                | Administration        |    |           |    |           |        |
| GRF 745499                     | Army National Guard   | \$ | 3,631,421 | \$ | 3,631,421 | 127215 |
| TOTAL GRF General Revenue Fund |                       |    |           |    |           | 127216 |
|                                |                       | \$ | 8,542,068 | \$ | 8,542,068 | 127217 |

|                                  |        |                     |                  |                   |
|----------------------------------|--------|---------------------|------------------|-------------------|
| Dedicated Purpose Fund Group     |        |                     |                  | 127217            |
| 5340                             | 745612 | Property Operations | \$ 900,000 \$    | 900,000 127218    |
|                                  |        | Management          |                  |                   |
| 5360                             | 745605 | Marksmanship        | \$ 128,600 \$    | 128,600 127219    |
|                                  |        | Activities          |                  |                   |
| 5360                             | 745620 | Camp Perry and      | \$ 871,400 \$    | 871,400 127220    |
|                                  |        | Buckeye Inn         |                  |                   |
|                                  |        | Operations          |                  |                   |
| 5370                             | 745604 | Ohio National Guard | \$ 190,000 \$    | 190,000 127221    |
|                                  |        | Facilities          |                  |                   |
|                                  |        | Maintenance         |                  |                   |
| 5LY0                             | 745626 | Military Medal of   | \$ 5,000 \$      | 5,000 127222      |
|                                  |        | Distinction         |                  |                   |
| 5U80                             | 745613 | Community Match     | \$ 350,000 \$    | 350,000 127223    |
|                                  |        | Armories            |                  |                   |
| TOTAL DPF Dedicated Purpose Fund |        |                     |                  | 2,445,000 127224  |
| Group                            |        |                     |                  |                   |
| Federal Fund Group               |        |                     |                  | 127225            |
| 3420                             | 745616 | Army National Guard | \$ 26,202,215 \$ | 26,202,215 127226 |
|                                  |        | Service Agreement   |                  |                   |
| 3E80                             | 745628 | Air National Guard  | \$ 16,107,196 \$ | 16,107,196 127227 |
|                                  |        | Operations and      |                  |                   |
|                                  |        | Maintenance         |                  |                   |
| 3R80                             | 745603 | Counter Drug        | \$ 15,000 \$     | 15,000 127228     |
|                                  |        | Operations          |                  |                   |
| TOTAL FED Federal Fund Group     |        |                     |                  | 42,324,411 127229 |
| TOTAL ALL BUDGET FUND GROUPS     |        |                     |                  | 53,311,479 127230 |

**Section 205.20. NATIONAL GUARD BENEFITS** 127232

The foregoing appropriation item 745407, National Guard 127233  
 Benefits, shall be used for purposes of sections 5919.31 and 127234  
 5919.33 of the Revised Code, and for administrative costs of the 127235

associated programs. 127236

If necessary, in order to pay benefits in a timely manner 127237  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 127238  
Adjutant General may request the Director of Budget and Management 127239  
transfer appropriation from any appropriation item used by the 127240  
Adjutant General to appropriation item 745407, National Guard 127241  
Benefits. Such amounts are hereby appropriated. The Adjutant 127242  
General may subsequently seek Controlling Board approval to 127243  
restore the appropriation in the appropriation item from which 127244  
such a transfer was made. 127245

For active duty members of the Ohio National Guard who died 127246  
after October 7, 2001, while performing active duty, the death 127247  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 127248  
paid to the beneficiary or beneficiaries designated on the 127249  
member's Servicemembers' Group Life Insurance Policy. 127250

STATE ACTIVE DUTY COSTS 127251

Of the foregoing appropriation item 745409, Central 127252  
Administration, \$50,000 in each fiscal year shall be used for the 127253  
purpose of paying expenses related to state active duty of members 127254  
of the Ohio organized militia, in accordance with a proclamation 127255  
of the Governor. Expenses include, but are not limited to, the 127256  
cost of equipment, supplies, and services, as determined by the 127257  
Adjutant General's Department. On June 1 of each fiscal year, if 127258  
it is determined by the Adjutant General that any portion of this 127259  
\$50,000 in that fiscal year will not be used for state active duty 127260  
expenses, those amounts may be encumbered by the Adjutant General 127261  
for maintenance expenses. If before the end of that fiscal year, 127262  
state active duty expenses occur, these encumbrances should be 127263  
canceled by the Adjutant General to pay for expenses related to 127264  
state active duty. 127265

CASH TRANSFER FROM THE OHIO FEDERAL MILITARY JOBS COMMISSION 127266

FUND TO THE GENERAL REVENUE FUND 127267

On July 1, 2017, or as soon as possible thereafter, the 127268  
Director of Budget and Management shall transfer \$350,000 cash 127269  
from the Ohio Federal Military Jobs Commission Fund (Fund 5SD0) 127270  
used by the Adjutant General's Department to the General Revenue 127271  
Fund. 127272

CYBER RANGE 127273

The Adjutant General's Department, in conjunction and 127274  
collaboration with the Department of Administrative Services, the 127275  
Department of Public Safety, the Department of Higher Education, 127276  
and the Department of Education shall establish and maintain a 127277  
cyber range. The Adjutant General's Department may work with 127278  
federal agencies to assist in accomplishing this objective. The 127279  
cyber range shall: (1) provide cyber training and education to 127280  
K-12 students, higher education students, Ohio National Guardsmen, 127281  
federal employees, and state and local government employees, and 127282  
(2) provide for emergency preparedness exercises and training. The 127283  
state agencies identified in this paragraph may procure any 127284  
necessary goods and services including, but not limited to, 127285  
contracted services, hardware, networking services, maintenance 127286  
costs, and the training and management costs of a cyber range. 127287  
These state agencies shall determine the amount of funds each 127288  
agency will contribute from available funds and appropriations 127289  
enacted herein in order to establish and maintain a cyber range. 127290

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 127291

General Revenue Fund 127292

GRF 100413 Enterprise Data Center \$ 7,564,900 \$ 7,564,300 127293

Solutions Lease Rental

Payments

GRF 100414 MARCS Lease Rental \$ 6,764,700 \$ 6,766,800 127294

|           |        |                                      |    |             |    |             |        |
|-----------|--------|--------------------------------------|----|-------------|----|-------------|--------|
|           |        | Payments                             |    |             |    |             |        |
| GRF       | 100415 | OAKS Lease Rental                    | \$ | 15,251,600  | \$ | 15,344,800  | 127295 |
|           |        | Payments                             |    |             |    |             |        |
| GRF       | 100416 | STARS Lease Rental                   | \$ | 8,664,100   | \$ | 8,628,500   | 127296 |
|           |        | Payments                             |    |             |    |             |        |
| GRF       | 100447 | Administrative                       | \$ | 95,017,500  | \$ | 88,862,900  | 127297 |
|           |        | Buildings Lease Rental               |    |             |    |             |        |
|           |        | Bond Payments                        |    |             |    |             |        |
| GRF       | 100452 | Lean Ohio                            | \$ | 500,000     | \$ | 500,000     | 127298 |
| GRF       | 100456 | State IT Services                    | \$ | 1,743,771   | \$ | 1,743,771   | 127299 |
| GRF       | 100457 | Equal Opportunity                    | \$ | 2,178,704   | \$ | 2,178,704   | 127300 |
|           |        | Services                             |    |             |    |             |        |
| GRF       | 100459 | Ohio Business Gateway                | \$ | 3,927,621   | \$ | 3,927,621   | 127301 |
| GRF       | 100469 | Aronoff Center                       | \$ | 270,000     | \$ | 270,000     | 127302 |
|           |        | Building Maintenance                 |    |             |    |             |        |
| GRF       | 100501 | MARCS Fee Offset                     | \$ | 1,000,000   | \$ | 1,000,000   | 127303 |
| GRF       | 130321 | State Agency Support                 | \$ | 18,000,000  | \$ | 19,000,000  | 127304 |
|           |        | Services                             |    |             |    |             |        |
| TOTAL GRF |        | General Revenue Fund                 | \$ | 160,882,896 | \$ | 155,787,396 | 127305 |
|           |        | Dedicated Purpose Fund Group         |    |             |    |             | 127306 |
| 5L70      | 100610 | Professional                         | \$ | 1,650,000   | \$ | 1,650,000   | 127307 |
|           |        | Development                          |    |             |    |             |        |
| 5MV0      | 100662 | Theater Equipment                    | \$ | 50,000      | \$ | 50,000      | 127308 |
|           |        | Maintenance                          |    |             |    |             |        |
| 5NM0      | 100663 | 911 Program                          | \$ | 505,421     | \$ | 505,421     | 127309 |
| 5V60      | 100619 | Employee Educational                 | \$ | 900,000     | \$ | 900,000     | 127310 |
|           |        | Development                          |    |             |    |             |        |
| TOTAL DPF |        | Dedicated Purpose Fund               | \$ | 3,105,421   | \$ | 3,105,421   | 127311 |
|           |        | Group                                |    |             |    |             |        |
|           |        | Internal Service Activity Fund Group |    |             |    |             | 127312 |
| 1120      | 100616 | DAS Administration                   | \$ | 7,900,000   | \$ | 7,900,000   | 127313 |
| 1150      | 100632 | Central Service Agency               | \$ | 1,227,255   | \$ | 975,025     | 127314 |

|                                     |        |                        |    |             |    |             |        |
|-------------------------------------|--------|------------------------|----|-------------|----|-------------|--------|
| 1170                                | 100644 | General Services       | \$ | 12,000,000  | \$ | 12,000,000  | 127315 |
|                                     |        | Division - Operating   |    |             |    |             |        |
| 1220                                | 100637 | Fleet Management       | \$ | 9,750,000   | \$ | 11,000,000  | 127316 |
| 1250                                | 100622 | Human Resources        | \$ | 16,500,000  | \$ | 16,500,000  | 127317 |
|                                     |        | Division - Operating   |    |             |    |             |        |
| 1250                                | 100657 | Benefits Communication | \$ | 615,521     | \$ | 615,521     | 127318 |
| 1280                                | 100620 | Office of Collective   | \$ | 4,100,000   | \$ | 4,200,000   | 127319 |
|                                     |        | Bargaining             |    |             |    |             |        |
| 1300                                | 100606 | Risk Management        | \$ | 12,763,978  | \$ | 12,763,978  | 127320 |
|                                     |        | Reserve                |    |             |    |             |        |
| 1320                                | 100631 | DAS Building           | \$ | 51,384,799  | \$ | 51,384,799  | 127321 |
|                                     |        | Management             |    |             |    |             |        |
| 1330                                | 100607 | IT Services Delivery   | \$ | 127,132,306 | \$ | 126,732,306 | 127322 |
| 1880                                | 100649 | Equal Opportunity      | \$ | 1,219,082   | \$ | 1,264,515   | 127323 |
|                                     |        | Division - Operating   |    |             |    |             |        |
| 2100                                | 100612 | State Printing         | \$ | 26,000,000  | \$ | 26,000,000  | 127324 |
| 2290                                | 100630 | IT Governance          | \$ | 33,457,000  | \$ | 31,977,000  | 127325 |
| 2290                                | 100640 | Consolidated IT        | \$ | 15,078,000  | \$ | 15,348,000  | 127326 |
|                                     |        | Purchases              |    |             |    |             |        |
| 4270                                | 100602 | Investment Recovery    | \$ | 1,662,341   | \$ | 1,662,341   | 127327 |
| 4N60                                | 100617 | Major IT Purchases     | \$ | 120,000,000 | \$ | 120,000,000 | 127328 |
| 5C20                                | 100605 | MARCS Administration   | \$ | 20,015,704  | \$ | 21,319,640  | 127329 |
| 5EB0                                | 100635 | OAKS Support           | \$ | 27,500,000  | \$ | 31,000,000  | 127330 |
|                                     |        | Organization           |    |             |    |             |        |
| 5EB0                                | 100656 | OAKS Updates and       | \$ | 6,357,000   | \$ | 6,357,000   | 127331 |
|                                     |        | Developments           |    |             |    |             |        |
| 5JQ0                                | 100658 | Professionals          | \$ | 990,000     | \$ | 4,234,482   | 127332 |
|                                     |        | Licensing System       |    |             |    |             |        |
| 5KZ0                                | 100659 | Building Improvement   | \$ | 4,391,700   | \$ | 2,558,281   | 127333 |
| 5LJ0                                | 100661 | IT Development         | \$ | 9,000,000   | \$ | 9,000,000   | 127334 |
| 5PC0                                | 100665 | Enterprise             | \$ | 83,436,960  | \$ | 85,391,790  | 127335 |
|                                     |        | Applications           |    |             |    |             |        |
| TOTAL ISA Internal Service Activity |        |                        |    |             |    |             | 127336 |



|                                    |    |             |    |             |        |
|------------------------------------|----|-------------|----|-------------|--------|
| Fund Group                         | \$ | 592,481,646 | \$ | 600,184,678 | 127337 |
| Federal Fund Group                 |    |             |    |             | 127338 |
| 3AJ0 100623 Information Technology | \$ | 2,487,909   | \$ | 740,493     | 127339 |
| Grants                             |    |             |    |             |        |
| TOTAL FED Federal Fund Group       | \$ | 2,487,909   | \$ | 740,493     | 127340 |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | 758,957,872 | \$ | 759,817,988 | 127341 |

**Section 207.20. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL** 127343  
**PAYMENTS** 127344

The foregoing appropriation item 100413, Enterprise Data 127345  
Center Solutions Lease Rental Payments, shall be used for payments 127346  
during the period from July 1, 2017, through June 30, 2019, 127347  
pursuant to leases and agreements entered into under Chapter 125. 127348  
of the Revised Code, as supplemented by Section 701.10 of S.B. 310 127349  
of the 131st General Assembly, with respect to financing the costs 127350  
associated with the acquisition, development, installation, and 127351  
implementation of the Enterprise Data Center Solutions information 127352  
technology initiative. If it is determined that additional 127353  
appropriations are necessary for this purpose, the amounts are 127354  
hereby appropriated. 127355

**MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS** 127356

The foregoing appropriation item 100414, MARCS Lease Rental 127357  
Payments, shall be used for payments during the period from July 127358  
1, 2017, through June 30, 2019, pursuant to leases and agreements 127359  
entered into under Chapter 125. of the Revised Code, as 127360  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 127361  
General Assembly, with respect to financing the costs associated 127362  
with the acquisition, development, installation, and 127363  
implementation of the Multi-Agency Radio Communications System 127364  
(MARCS) upgrade. If it is determined that additional 127365  
appropriations are necessary for this purpose, the amounts are 127366  
hereby appropriated. 127367

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 127368

The foregoing appropriation item 100415, OAKS Lease Rental 127369  
Payments, shall be used for payments during the period from July 127370  
1, 2017, through June 30, 2019, pursuant to leases and agreements 127371  
entered into under Chapter 125. of the Revised Code, as 127372  
supplemented by Section 701.20 of S.B. 310 of the 131st General 127373  
Assembly and other prior acts of the General Assembly, with 127374  
respect to financing the costs associated with the acquisition, 127375  
development, installation, and implementation of the Ohio 127376  
Administrative Knowledge System. If it is determined that 127377  
additional appropriations are necessary for this purpose, the 127378  
amounts are hereby appropriated. 127379

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 127380  
PAYMENTS 127381

The foregoing appropriation item 100416, STARS Lease Rental 127382  
Payments, shall be used for payments during the period from July 127383  
1, 2017, through June 30, 2019, pursuant to leases and agreements 127384  
entered into under Chapter 125. of the Revised Code, as 127385  
supplemented by Section 701.30 of S.B. 310 of the 131st General 127386  
Assembly and other prior acts of the General Assembly, with 127387  
respect to financing the costs associated with the acquisition, 127388  
development, installation, and implementation of the State 127389  
Taxation Accounting and Revenue System (STARS). If it is 127390  
determined that additional appropriations are necessary for this 127391  
purpose, the amounts are hereby appropriated. 127392

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 127393

The foregoing appropriation item 100447, Administrative 127394  
Buildings Lease Rental Bond Payments, shall be used to meet all 127395  
payments during the period from July 1, 2017, through June 30, 127396  
2019, by the Department of Administrative Services pursuant to 127397  
leases and agreements under Chapters 152. and 154. of the Revised 127398

Code. These appropriations are the source of funds pledged for 127399  
bond service charges on related obligations issued under Chapters 127400  
152. and 154. of the Revised Code. 127401

PAY FOR SUCCESS CONTRACTING 127402

The foregoing appropriation item 100461, Pay For Success 127403  
Contracting, shall be used by the Director of Administrative 127404  
Services for the Pay For Success Contracting Program created in 127405  
section 125.66 of the Revised Code. 127406

MARCS FEE OFFSET 127407

The foregoing appropriation item 100506, MARCS Fee Offset, 127408  
shall be used to reduce or eliminate MARCS subscriber fees paid by 127409  
villages, townships, municipal corporations, counties, and 127410  
regional public safety and first response agencies classified as 127411  
Tier 1 subscribers by the MARCS Steering Committee. 127412

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 127413

The Director of Administrative Services, in consultation with 127414  
the Multi-Agency Radio Communication System (MARCS) Steering 127415  
Committee and the Director of Budget and Management, shall 127416  
determine the share of debt service payments attributable to 127417  
spending for MARCS components that are not specific to any one 127418  
agency and that shall be charged to the Public Safety - Highway 127419  
Purposes Fund (Fund 5TM0). Such share of debt service payments 127420  
shall be calculated for MARCS capital disbursements made beginning 127421  
July 1, 1997. Within thirty days of any payment made from 127422  
appropriation item 100447, Administrative Buildings Lease Rental 127423  
Bond Payments, the Director of Administrative Services shall 127424  
certify to the Director of Budget and Management the amount of 127425  
this share. The Director of Budget and Management shall transfer 127426  
such amounts to the General Revenue Fund from the Public Safety - 127427  
Highway Purposes Fund (Fund 5TM0) established in section 4501.06 127428  
of the Revised Code. 127429

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 127430  
FUND 127431

Following the conveyance of the Michael V. DiSalle Government 127432  
Center pursuant to Section 753.20 of Am. Sub. H.B. 64 of the 131st 127433  
General Assembly, the Director of Budget and Management may adjust 127434  
FY 2018 and FY 2019 General Revenue Fund appropriations of the 127435  
Department of Administrative Services and other state agencies to 127436  
reflect accurately the rental amounts agencies will pay the lessor 127437  
of the Michael V. DiSalle Government Center for space that is 127438  
supported by the General Revenue Fund and that heretofore was paid 127439  
by the Department of Administrative Services. Total General 127440  
Revenue Fund appropriations may decrease but may not increase as a 127441  
result of the appropriation adjustments made under this section. 127442

The foregoing appropriation item 130321, State Agency Support 127443  
Services, also may be used to provide funding for the cost of 127444  
property appraisals or building studies that the Department of 127445  
Administrative Services may be required to obtain for property 127446  
that is being sold by the state or property under consideration to 127447  
be renovated or purchased by the state. 127448

Notwithstanding section 125.28 of the Revised Code, the 127449  
foregoing appropriation item 130321, State Agency Support 127450  
Services, also may be used to pay the operating expenses of state 127451  
facilities maintained by the Department of Administrative Services 127452  
that are not billed to building tenants, or other costs associated 127453  
with the Voinovich Center in Youngstown, Ohio. These expenses may 127454  
include, but are not limited to, the costs for vacant space and 127455  
space undergoing renovation, and the rent expenses of tenants that 127456  
are relocated because of building renovations. These payments may 127457  
be processed by the Department of Administrative Services through 127458  
intrastate transfer vouchers and placed into the Building 127459  
Management Fund (Fund 1320). 127460

At least once per year, the portion of appropriation item 127461

130321, State Agency Support Services, that is not used for the 127462  
regular expenses of the appropriation item may be processed by the 127463  
Department of Administrative Services through intrastate transfer 127464  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 127465

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 127466

Upon the request of the Director of Administrative Services, 127467  
the Director of Budget and Management may transfer unobligated 127468  
cash in the MARCS Administration Fund (Fund 5C20) to the General 127469  
Revenue Fund to reimburse the General Revenue Fund for lease 127470  
rental payments made on behalf of the MARCS upgrade. 127471

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 127472

The foregoing appropriation item 100610, Professional 127473  
Development, shall be used to make payments from the Professional 127474  
Development Fund (Fund 5L70) under section 124.182 of the Revised 127475  
Code. If it is determined by the Director of Budget and Management 127476  
that additional amounts are necessary, the amounts are hereby 127477  
appropriated. 127478

911 PROGRAM 127479

The foregoing appropriation item 100663, 911 Program, shall 127480  
be used by the Department of Administrative Services to pay the 127481  
administrative and marketing and educational costs of the 127482  
Statewide Emergency Services Internet Protocol Network program. 127483

EMPLOYEE EDUCATIONAL DEVELOPMENT 127484

The foregoing appropriation item 100619, Employee Educational 127485  
Development, shall be used to make payments from the Employee 127486  
Educational Development Fund (Fund 5V60) under section 124.86 of 127487  
the Revised Code. The fund shall be used to pay the costs of 127488  
administering educational programs under existing collective 127489  
bargaining agreements with District 1199, the Health Care and 127490  
Social Service Union, Service Employees International Union; State 127491

Council of Professional Educators; Ohio Education Association and 127492  
National Education Association; the Fraternal Order of Police Ohio 127493  
Labor Council, Unit 2; and the Ohio State Troopers Association, 127494  
Units 1 and 15. 127495

If it is determined by the Director of Budget and Management 127496  
that additional amounts are necessary, the amounts are hereby 127497  
appropriated. 127498

**Section 207.40. CENTRAL SERVICE AGENCY FUND** 127499

The foregoing appropriation item 100632, Central Service 127500  
Agency, shall be used to purchase the equipment, products, and 127501  
services that are needed to maintain existing automated 127502  
applications for the professional licensing boards and the Casino 127503  
Control Commission to support board licensing functions in fiscal 127504  
year 2018 until these functions are replaced by the Ohio 127505  
Professionals Licensing System. The Department of Administrative 127506  
Services shall establish charges for recovering the costs of 127507  
carrying out these functions. The charges shall be billed to the 127508  
professional licensing boards and the Casino Control Commission, 127509  
and deposited via intrastate transfer vouchers to the credit of 127510  
the Central Service Agency Fund (Fund 1150). 127511

Upon implementation of the replacement Ohio Professionals 127512  
Licensing System and the decommissioning of the existing automated 127513  
applications, the Director of Budget and Management may transfer 127514  
any cash balances that remain in the Central Service Agency Fund 127515  
(Fund 1150) and that are attributable to the operation of the 127516  
existing automated applications to the Professions Licensing 127517  
System Fund (Fund 5JQ0). 127518

**GENERAL SERVICE CHARGES** 127519

The Department of Administrative Services, with the approval 127520  
of the Director of Budget and Management, shall establish charges 127521

for recovering the costs of administering the programs funded by 127522  
the General Services Fund (Fund 1170) and the State Printing Fund 127523  
(Fund 2100). 127524

COLLECTIVE BARGAINING ARBITRATION EXPENSES 127525

The Department of Administrative Services may seek 127526  
reimbursement from state agencies for the actual costs and 127527  
expenses the Department incurs in the collective bargaining 127528  
arbitration process. The reimbursements shall be processed through 127529  
intrastate transfer vouchers and credited to the Collective 127530  
Bargaining Fund (Fund 1280). 127531

EQUAL OPPORTUNITY PROGRAM 127532

The Department of Administrative Services, with the approval 127533  
of the Director of Budget and Management, shall establish charges 127534  
for recovering the costs of administering the activities supported 127535  
by the State EEO Fund (Fund 1880). These charges shall be 127536  
deposited to the credit of Fund 1880 upon payment made by state 127537  
agencies, state-supported or state-assisted institutions of higher 127538  
education, and tax-supported agencies, municipal corporations, and 127539  
other political subdivisions of the state, for services rendered. 127540

CONSOLIDATED IT PURCHASES 127541

The foregoing appropriation item 100640, Consolidated IT 127542  
Purchases, shall be used by the Department of Administrative 127543  
Services acting as the purchasing agent for one or more government 127544  
entities under the authority of division (G) of section 125.18 of 127545  
the Revised Code to make information technology purchases at a 127546  
lower aggregate cost than each individual government entity could 127547  
have obtained independently for that information technology 127548  
purchase. 127549

INVESTMENT RECOVERY FUND 127550

Notwithstanding division (B) of section 125.14 of the Revised 127551

Code, cash balances in the Investment Recovery Fund (Fund 4270) 127552  
may be used to support the operating expenses of the Federal 127553  
Surplus Operating Program created in sections 125.84 to 125.90 of 127554  
the Revised Code. 127555

MAJOR IT PURCHASES CHARGES 127556

The Department of Administrative Services may bill agencies 127557  
for actual expenditures made for major IT purchases if those 127558  
expenditures are not recovered as part of the information 127559  
technology services rates the Department charges and deposits into 127560  
the Information Technology Fund (Fund 1330) created in section 127561  
125.15 of the Revised Code. These charges shall be deposited to 127562  
the credit of the Major IT Purchases Fund (Fund 4N60). 127563

PROFESSIONS LICENSING SYSTEM 127564

The foregoing appropriation item, 100658, Ohio Professionals 127565  
Licensing System, shall be used to purchase the equipment, 127566  
products, and services necessary to develop and maintain a 127567  
replacement automated licensing system for the professional 127568  
licensing boards. 127569

Upon request by the Director of Administrative Services, the 127570  
Director of Budget and Management may transfer up to \$14,000,000 127571  
in cash during the FY 2018-FY 2019 biennium from the Occupational 127572  
Licensing and Regulatory Fund (Fund 4K90), the State Medical Board 127573  
Operating Fund (Fund 5C60), and the Casino Control Commission - 127574  
Operating Fund (Fund 5HS0), to the Professions Licensing System 127575  
Fund (Fund 5JQ0). The amount transferred from each fund shall be 127576  
in proportion to the number of current licenses issued by the 127577  
licensing boards and commissions that use each fund, and for the 127578  
Casino Control Commission, the number of current and anticipated 127579  
licenses. The transferred amounts shall be used by the Director of 127580  
Administrative Services for the initial acquisition and 127581  
development of the Professions Licensing System. The transferred 127582



amounts are hereby appropriated to appropriation item 100658, 127583  
Professionals Licensing System. The unobligated, unexpended amount 127584  
of the cash transferred in FY 2018 is hereby reappropriated for 127585  
the same purpose in FY 2019. 127586

Effective with the implementation of the replacement 127587  
licensing system, the Department of Administrative Services shall 127588  
establish charges for recovering the costs of ongoing maintenance 127589  
of the system that are not otherwise recovered under section 127590  
125.18 of the Revised Code. The charges shall be billed to state 127591  
agencies, boards, and commissions using the state's enterprise 127592  
electronic licensing system and deposited via intrastate transfer 127593  
vouchers to the credit of the Professions Licensing System Fund 127594  
(Fund 5JQ0), which is hereby created in the state treasury. 127595

Notwithstanding any provision of the Revised Code to the 127596  
contrary, the Department of Administrative Services may assess a 127597  
transaction fee to an individual who uses the state's enterprise 127598  
electronic licensing system operated by the Department to apply 127599  
for or renew a license or registration in an amount determined by 127600  
the Department not to exceed three dollars and fifty cents. The 127601  
Director of Administrative Services may collect the fee or require 127602  
a state agency for which the system is being operated to collect 127603  
the fee. Amounts received under this division shall be deposited 127604  
in the Professions Licensing System Fund (Fund 5JQ0) and used to 127605  
operate the electronic licensing system. 127606

BUILDING IMPROVEMENT FUND 127607

The foregoing appropriation item 100659, Building 127608  
Improvement, shall be used to make payments from the Building 127609  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 127610  
required in facilities maintained by the Department of 127611  
Administrative Services. The Department of Administrative Services 127612  
shall conduct or contract for regular assessments of these 127613  
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 127614

the cost of the repairs and improvements that are recommended to 127615  
occur within the next five years, with the following exception 127616  
described below. 127617

Upon request of the Director of Administrative Services, the 127618  
Director of Budget and Management may permit a cash transfer from 127619  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 127620  
of operating and maintaining facilities managed by the Department 127621  
of Administrative Services that are not charged to tenants during 127622  
the same fiscal year. 127623

Should the cash balance in Fund 1320 be determined to be 127624  
sufficient, the Director of Administrative Services may request 127625  
that the Director of Budget and Management transfer cash from Fund 127626  
1320 to 5KZ0 in an amount equal to the initial cash transfer made 127627  
under this section plus applicable interest. 127628

INFORMATION TECHNOLOGY DEVELOPMENT 127629

The foregoing appropriation item 100661, IT Development, 127630  
shall be used by the Department of Administrative Services to pay 127631  
the costs of modernizing the state's information technology 127632  
management and investment practices away from a limited, 127633  
agency-specific focus in favor of a statewide methodology 127634  
supporting development of enterprise solutions. 127635

Notwithstanding any provision of law to the contrary, the 127636  
Department of Administrative Services, with the approval of the 127637  
Director of Budget and Management, may charge state agencies an 127638  
information technology development assessment based on state 127639  
agencies' information technology expenditures or other 127640  
methodology. The revenue from this assessment shall be deposited 127641  
into the Information Technology Development Fund (Fund 5LJ0), 127642  
which is hereby created. 127643

ENTERPRISE APPLICATIONS 127644

The foregoing appropriation item 100665, Enterprise 127645

Applications, shall be used for the operation and management of 127646  
information technology applications that support state agencies' 127647  
objectives. Charges billed to benefiting agencies shall be 127648  
deposited to the credit of the Enterprise Application Fund (Fund 127649  
5PC0), which is hereby created in the state treasury. 127650

CASH TRANSFER TO THE MARCS ADMINISTRATION FUND FROM THE GRF 127651

Upon the request of the Director of Administrative Services, 127652  
the Director of Budget and Management shall transfer up to 127653  
\$1,000,000 in cash in each fiscal year from the General Revenue 127654  
Fund to the MARCS Administration Fund (Fund 5C20) to reduce or 127655  
eliminate MARCS subscriber fees paid by villages, townships, 127656  
municipal corporations, counties, and regional public safety and 127657  
first response agencies classified as Tier 1 subscribers by the 127658  
MARCS Steering Committee. 127659

**Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION** 127660

The Director of Administrative Services shall determine and 127661  
implement strategies that benefit the enterprise by improving 127662  
efficiency, reducing costs or enhancing capacity of information 127663  
technology (IT) services. Such improvements and efficiencies may 127664  
result in the consolidation and transfer of such services. As 127665  
determined to be necessary for successful implementation of this 127666  
section and notwithstanding any provision of law to the contrary, 127667  
the Director of Administrative Services may request the Director 127668  
of Budget and Management to consolidate or transfer IT-specific 127669  
budget authority between agencies or within an agency as necessary 127670  
to implement enterprise IT cost containment strategies and related 127671  
efficiencies. Once the Director of Budget and Management is 127672  
satisfied that the proposed initiative is cost advantageous to the 127673  
enterprise, the Director of Budget and Management may transfer 127674  
appropriations, funds and cash as needed to implement the proposed 127675  
initiative. The establishment of any new fund or additional 127676

appropriation as a result of this section shall be subject to 127677  
 Controlling Board approval. 127678

The Director of Budget and Management and the Director of 127679  
 Administrative Services may transfer any employees, assets, and 127680  
 liabilities, including, but not limited to, records, contracts, 127681  
 and agreements in order to facilitate the improvements determined 127682  
 in accordance with this section. 127683

**Section 207.60. PAY FOR SUCCESS CONTRACTING PROGRAM** 127684

(A) As used in this section, "social service intermediary" 127685  
 has the same meaning as in section 125.66 of the Revised Code. 127686

(B) Not later than six months after the effective date of 127687  
 this section, the Director of Administrative Services shall, in 127688  
 consultation with the Department of Health and as part of the Pay 127689  
 for Success Contracting Program established under section 125.66 127690  
 of the Revised Code, contract with one or more social service 127691  
 intermediaries to administer one or two pilot projects intended to 127692  
 do both of the following: 127693

(1) Reduce the incidence of infant mortality, low-birthweight 127694  
 births, premature births, and stillbirths in the urban and rural 127695  
 communities of this state that are specified by the Director of 127696  
 Health under section 3701.142 of the Revised Code; 127697

(2) Promote equity in birth outcomes among infants of 127698  
 different races in this state. 127699

**Section 209.10. AGE DEPARTMENT OF AGING** 127700

General Revenue Fund 127701

|     |        |                    |    |           |    |           |        |
|-----|--------|--------------------|----|-----------|----|-----------|--------|
| GRF | 490321 | Operating Expenses | \$ | 1,494,465 | \$ | 1,494,465 | 127702 |
|-----|--------|--------------------|----|-----------|----|-----------|--------|

|     |        |                |    |         |    |         |        |
|-----|--------|----------------|----|---------|----|---------|--------|
| GRF | 490410 | Long-Term Care | \$ | 477,448 | \$ | 477,448 | 127703 |
|-----|--------|----------------|----|---------|----|---------|--------|

Ombudsman

|     |        |                  |    |           |    |           |        |
|-----|--------|------------------|----|-----------|----|-----------|--------|
| GRF | 490411 | Senior Community | \$ | 6,890,484 | \$ | 6,890,484 | 127704 |
|-----|--------|------------------|----|-----------|----|-----------|--------|

|            |        |                              |    |            |    |                   |
|------------|--------|------------------------------|----|------------|----|-------------------|
|            |        | Services                     |    |            |    |                   |
| GRF        | 490414 | Alzheimer's Respite          | \$ | 2,495,245  | \$ | 2,495,245 127705  |
| GRF        | 490506 | National Senior              | \$ | 222,792    | \$ | 222,792 127706    |
|            |        | Service Corps                |    |            |    |                   |
| GRF        | 656423 | Long-Term Care Budget        | \$ | 3,295,584  | \$ | 3,295,584 127707  |
|            |        | - State                      |    |            |    |                   |
| TOTAL GRF  |        | General Revenue Fund         | \$ | 14,876,018 | \$ | 14,876,018 127708 |
|            |        | Dedicated Purpose Fund Group |    |            |    | 127709            |
| 4800       | 490606 | Senior Community             | \$ | 372,523    | \$ | 372,523 127710    |
|            |        | Outreach and                 |    |            |    |                   |
|            |        | Education                    |    |            |    |                   |
| 4C40       | 490609 | Regional Long-Term           | \$ | 1,000,000  | \$ | 1,000,000 127711  |
|            |        | Care Ombudsman               |    |            |    |                   |
|            |        | Program                      |    |            |    |                   |
| 5BA0       | 490620 | Ombudsman Support            | \$ | 1,500,000  | \$ | 1,500,000 127712  |
| 5K90       | 490613 | Long-Term Care               | \$ | 1,350,000  | \$ | 1,350,000 127713  |
|            |        | Consumers Guide              |    |            |    |                   |
| 5MT0       | 490627 | Board of Executives          | \$ | 800,000    | \$ | 800,000 127714    |
|            |        | of Long-Term Services        |    |            |    |                   |
|            |        | and Supports                 |    |            |    |                   |
| 5T40       | 656625 | Health Care Grants -         | \$ | 200,000    | \$ | 200,000 127715    |
|            |        | State                        |    |            |    |                   |
| 5TI0       | 656624 | Provider                     | \$ | 120,000    | \$ | 120,000 127716    |
|            |        | Certification                |    |            |    |                   |
| 5W10       | 490616 | Resident Services            | \$ | 344,700    | \$ | 344,700 127717    |
|            |        | Coordinator Program          |    |            |    |                   |
| TOTAL DPF  |        | Dedicated Purpose            |    |            |    | 127718            |
| Fund Group |        |                              | \$ | 5,687,223  | \$ | 5,687,223 127719  |
|            |        | Federal Fund Group           |    |            |    | 127720            |
| 3220       | 490618 | Federal Aging Grants         | \$ | 8,700,000  | \$ | 8,700,000 127721  |
| 3C40       | 656623 | Long Term Care Budget        | \$ | 3,500,000  | \$ | 3,500,000 127722  |
|            |        | - Federal                    |    |            |    |                   |

|                  |                      |    |            |    |            |        |
|------------------|----------------------|----|------------|----|------------|--------|
| 3M40 490612      | Federal Independence | \$ | 58,655,080 | \$ | 58,655,080 | 127723 |
|                  | Services             |    |            |    |            |        |
| TOTAL FED        | Federal Fund Group   | \$ | 70,855,080 | \$ | 70,855,080 | 127724 |
| TOTAL ALL BUDGET | FUND GROUPS          | \$ | 91,418,321 | \$ | 91,418,321 | 127725 |

**Section 209.20. LONG-TERM CARE** 127727

Pursuant to an interagency agreement, the Department of 127728  
Medicaid may designate the Department of Aging to perform 127729  
assessments under section 5165.04 of the Revised Code. The 127730  
Department of Aging shall provide long-term care consultations 127731  
under section 173.42 of the Revised Code to assist individuals in 127732  
planning for their long-term health care needs. 127733

The Department of Aging shall administer the Medicaid 127734  
waiver-funded PASSPORT Home Care Program, the Assisted Living 127735  
Program, and PACE as delegated by the Department of Medicaid in an 127736  
interagency agreement. 127737

**PERFORMANCE-BASED REIMBURSEMENT** 127738

The Department of Aging may design and utilize a payment 127739  
method for PASSPORT administrative agency operations that includes 127740  
a pay-for-performance incentive component that is earned by a 127741  
PASSPORT administrative agency when defined consumer and policy 127742  
outcomes are achieved. 127743

**Section 209.30. MYCARE OHIO** 127744

The authority of the Office of the State Long Term Care 127745  
Ombudsman as described in sections 173.14 to 173.28 of the Revised 127746  
Code extends to MyCare Ohio during the period of the federal 127747  
financial alignment demonstration program. 127748

**SENIOR COMMUNITY SERVICES** 127749

The foregoing appropriation item 490411, Senior Community 127750  
Services, may be used for programs, services, and activities 127751

designated by the Department of Aging, including, but not limited 127752  
to, home-delivered and congregate meals, transportation services, 127753  
personal care services, respite services, adult day services, home 127754  
repair, care coordination, prevention and disease self-management, 127755  
and decision support systems. The Department may also use these 127756  
funds to provide grants to community organizations to support and 127757  
expand evidence-based/informed programming. Service priority shall 127758  
be given to low income, frail, and/or cognitively impaired persons 127759  
60 years of age and over. 127760

NATIONAL SENIOR SERVICE CORPS 127761

The foregoing appropriation item 490506, National Senior 127762  
Service Corps, may be used by the Department of Aging to fund 127763  
grants to organizations that receive federal funds from the 127764  
Corporation for National and Community Service to support the 127765  
following Senior Corps programs: the Foster Grandparents Program, 127766  
the Senior Companion Program, and the Retired Senior Volunteer 127767  
Program. A recipient of these grant funds shall use the funds to 127768  
support priorities established by the Department and the Ohio 127769  
State Office of the Corporation for National and Community 127770  
Service. Neither the Department nor any area agencies on aging 127771  
that are involved in the distribution of these funds to 127772  
lower-tiered grant recipients may use any portion of these funds 127773  
to cover administrative costs. 127774

**Section 209.40.** BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND 127775  
SUPPORTS 127776

The foregoing appropriation item 490627, Board of Executives 127777  
of Long-Term Services and Supports, may be used by the Board of 127778  
Executives of Long-Term Services and Supports to administer and 127779  
enforce Chapter 4751. of the Revised Code and rules adopted under 127780  
it. 127781

|                                                                                                                                                                                                                                   |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>Section 209.50. ASSISTED LIVING PROGRAM WORKGROUP</b>                                                                                                                                                                          | 127782                               |
| (A) There is hereby established a workgroup to conduct a review of the Medicaid-funded and state-funded components of the Assisted Living Program. The workgroup shall consist of all of the following:                           | 127783<br>127784<br>127785<br>127786 |
| (1) Two members of the House of Representatives appointed by the Speaker from among the chairpersons of the following standing committees of the House:                                                                           | 127787<br>127788<br>127789           |
| (a) The Aging and Long-Term Care Committee;                                                                                                                                                                                       | 127790                               |
| (b) The Health Committee;                                                                                                                                                                                                         | 127791                               |
| (c) The Finance Subcommittee on Health and Human Services.                                                                                                                                                                        | 127792                               |
| (2) One member of the House of Representatives appointed by the Minority Leader of the House from among the members of the minority party serving on any of the standing committees specified in division (A)(1) of this section; | 127793<br>127794<br>127795<br>127796 |
| (3) Two members of the Senate appointed by the Senate President from among the chairpersons of the following standing committees of the Senate:                                                                                   | 127797<br>127798<br>127799           |
| (a) The Health, Human Services, and Medicaid Committee;                                                                                                                                                                           | 127800                               |
| (b) The full Finance Committee;                                                                                                                                                                                                   | 127801                               |
| (c) The Finance - Health and Medicaid Subcommittee.                                                                                                                                                                               | 127802                               |
| (4) One member of the Senate appointed by the Minority Leader of the Senate from among the members of the minority party serving on any of the standing committees specified in division (A)(3) of this section;                  | 127803<br>127804<br>127805<br>127806 |
| (5) The Executive Director of the Office of Health Transformation;                                                                                                                                                                | 127807<br>127808                     |
| (6) The Medicaid Director;                                                                                                                                                                                                        | 127809                               |



|                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (7) The Director of Aging;                                                                                                                                                                                                                                                                                                                                                                                | 127810                                                             |
| (8) The Director of Health;                                                                                                                                                                                                                                                                                                                                                                               | 127811                                                             |
| (9) One representative of each of the following organizations, appointed by the chief executive of the organization:                                                                                                                                                                                                                                                                                      | 127812<br>127813<br>127814                                         |
| (a) Leadingage Ohio;                                                                                                                                                                                                                                                                                                                                                                                      | 127815                                                             |
| (b) The Ohio Assisted Living Association;                                                                                                                                                                                                                                                                                                                                                                 | 127816                                                             |
| (c) The Ohio Association of Area Agencies on Aging;                                                                                                                                                                                                                                                                                                                                                       | 127817                                                             |
| (d) The Ohio Health Care Association.                                                                                                                                                                                                                                                                                                                                                                     | 127818                                                             |
| (B) Appointments to the workgroup shall be made not later than sixty days after the effective date of this section. A member of the workgroup may designate another individual to serve on the workgroup in the member's place for one or more sessions. Members shall serve without compensation or reimbursement, except to the extent that serving on the workgroup is part of their usual job duties. | 127819<br>127820<br>127821<br>127822<br>127823<br>127824<br>127825 |
| (C) The Medicaid Director and Director of Aging shall serve as co-chairpersons of the workgroup. The Departments of Medicaid and Aging shall provide the workgroup any administrative assistance the workgroup needs.                                                                                                                                                                                     | 127826<br>127827<br>127828<br>127829                               |
| (D) In conducting a review of the Assisted Living Program, the workgroup shall do both of the following:                                                                                                                                                                                                                                                                                                  | 127830<br>127831                                                   |
| (1) Identify potential barriers to enrollment in the Program and providers' participation in the Program, including barriers related to all of the following:                                                                                                                                                                                                                                             | 127832<br>127833<br>127834                                         |
| (a) Payment rates for assisted living services provided under the Program;                                                                                                                                                                                                                                                                                                                                | 127835<br>127836                                                   |
| (b) The tier levels to which enrollees are assigned under the Program and the use of the tier levels in setting the Program's                                                                                                                                                                                                                                                                             | 127837<br>127838                                                   |

payment rates; 127839

(c) The statutory and administrative requirements that 127840  
providers must meet to participate in the Program; 127841

(d) Other issues the workgroup determines are barriers. 127842

(2) Determine the feasibility and desirability of making 127843  
community-based services that are similar to assisted living 127844  
services available under other programs that the Department of 127845  
Aging currently administers or under a new program. 127846

(E) Each state agency and advocacy organization represented 127847  
on the workgroup shall make available to the workgroup any 127848  
relevant federal or state data concerning, or assessments of, 127849  
providers of assisted living services that the agency or 127850  
organization possesses and is needed for the workgroup to complete 127851  
its review. The workgroup shall use the data and assessments only 127852  
for the purpose of its review. 127853

(F)(1) The workgroup shall complete a report of its review 127854  
not later than July 1, 2018. The report shall include the 127855  
workgroup's recommendations regarding assisted living services. 127856  
The workgroup may not recommend that different types of facilities 127857  
be allowed to be providers under the Assisted Living Program in 127858  
addition to residential care facilities licensed under Chapter 127859  
3721. of the Revised Code. If the workgroup recommends that a new 127860  
program be created, the workgroup shall include all of the 127861  
following in the report: 127862

(a) A name for the new program and its services that 127863  
distinguishes them from the Assisted Living Program and assisted 127864  
living services; 127865

(b) Potential sources of funding for the new program that do 127866  
not reduce any current or future federal or state funds available 127867  
for the Assisted Living Program; 127868

(c) A determination of whether a new Medicaid waiver would be needed for the new program. 127869  
127870

(2) The workgroup shall submit the report to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report also shall be made available to the public. 127871  
127872  
127873  
127874  
127875

(G) On submission of the report, the workgroup shall cease to exist. 127876  
127877

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 127878

General Revenue Fund 127879

GRF 700401 Animal Health Programs \$ 3,580,022 \$ 3,676,588 127880

GRF 700403 Dairy Division \$ 1,168,769 \$ 1,168,769 127881

GRF 700404 Ohio Proud \$ 19,400 \$ 48,500 127882

GRF 700406 Consumer Protection \$ 1,175,617 \$ 1,306,567 127883

Lab

GRF 700407 Food Safety \$ 1,325,582 \$ 1,325,582 127884

GRF 700409 Farmland Preservation \$ 73,887 \$ 73,887 127885

GRF 700410 Plant Industry \$ 145,500 \$ 145,500 127886

GRF 700412 Weights and Measures \$ 208,644 \$ 596,644 127887

GRF 700415 Poultry Inspection \$ 605,471 \$ 605,471 127888

GRF 700418 Livestock Regulation \$ 746,212 \$ 1,134,212 127889

Program

GRF 700424 Livestock Testing and \$ 92,493 \$ 92,493 127890

Inspections

GRF 700426 Dangerous and \$ 750,000 \$ 750,000 127891

Restricted Animals

GRF 700427 High Volume Breeder \$ 894,835 \$ 1,234,335 127892

Kennel Control

GRF 700428 Soil and Water \$ 3,510,430 \$ 3,510,430 127893

Division

|             |                              |    |            |    |            |        |
|-------------|------------------------------|----|------------|----|------------|--------|
| GRF 700499  | Meat Inspection              | \$ | 4,567,547  | \$ | 4,567,547  | 127894 |
|             | Program - State Share        |    |            |    |            |        |
| GRF 700501  | County Agricultural          | \$ | 379,673    | \$ | 379,673    | 127895 |
|             | Societies                    |    |            |    |            |        |
| GRF 700509  | Soil and Water               | \$ | 2,553,941  | \$ | 3,329,941  | 127896 |
|             | District Support             |    |            |    |            |        |
| TOTAL GRF   | General Revenue Fund         | \$ | 21,798,023 | \$ | 23,946,139 | 127897 |
|             | Dedicated Purpose Fund Group |    |            |    |            | 127898 |
| 4900 700651 | License Plates -             | \$ | 17,500     | \$ | 17,500     | 127899 |
|             | Sustainable                  |    |            |    |            |        |
|             | Agriculture                  |    |            |    |            |        |
| 4940 700612 | Agricultural                 | \$ | 253,000    | \$ | 253,000    | 127900 |
|             | Commodity Marketing          |    |            |    |            |        |
|             | Program                      |    |            |    |            |        |
| 4960 700626 | Ohio Grape Industries        | \$ | 1,100,000  | \$ | 1,100,000  | 127901 |
| 4970 700627 | Grain Warehouse              | \$ | 450,000    | \$ | 450,000    | 127902 |
|             | Program                      |    |            |    |            |        |
| 4C90 700605 | Commercial Feed and          | \$ | 1,975,571  | \$ | 1,975,571  | 127903 |
|             | Seed                         |    |            |    |            |        |
| 4D20 700609 | Auction Education            | \$ | 50,000     | \$ | 50,000     | 127904 |
| 4E40 700606 | Utility Radiological         | \$ | 140,176    | \$ | 140,176    | 127905 |
|             | Safety                       |    |            |    |            |        |
| 4P70 700610 | Food Safety                  | \$ | 993,743    | \$ | 993,743    | 127906 |
|             | Inspection                   |    |            |    |            |        |
| 4R00 700636 | Ohio Proud Marketing         | \$ | 60,500     | \$ | 30,500     | 127907 |
| 4R20 700637 | Dairy Industry               | \$ | 1,852,950  | \$ | 1,852,950  | 127908 |
|             | Inspection                   |    |            |    |            |        |
| 4T60 700611 | Poultry and Meat             | \$ | 160,000    | \$ | 160,000    | 127909 |
|             | Inspection                   |    |            |    |            |        |
| 5780 700620 | Ride Inspection              | \$ | 1,351,974  | \$ | 1,351,974  | 127910 |
| 5B80 700629 | Auctioneers                  | \$ | 361,450    | \$ | 361,450    | 127911 |
| 5BV0 700660 | Heidelberg Water             | \$ | 250,000    | \$ | 250,000    | 127912 |
|             | Quality Lab                  |    |            |    |            |        |

|                                      |        |                                                          |    |            |    |            |        |
|--------------------------------------|--------|----------------------------------------------------------|----|------------|----|------------|--------|
| 5BV0                                 | 700661 | Soil and Water<br>Districts                              | \$ | 8,600,000  | \$ | 8,000,000  | 127913 |
| 5FC0                                 | 700648 | Plant Pest Program                                       | \$ | 1,400,000  | \$ | 1,400,000  | 127914 |
| 5H20                                 | 700608 | Metrology Lab and<br>Scale Certification                 | \$ | 1,175,000  | \$ | 925,000    | 127915 |
| 5L80                                 | 700604 | Livestock Management<br>Program                          | \$ | 500,000    | \$ | 332,000    | 127916 |
| 5MA0                                 | 700657 | Dangerous and<br>Restricted Animals                      | \$ | 19,000     | \$ | 19,000     | 127917 |
| 5MR0                                 | 700658 | High Volume Breeders<br>and Kennels                      | \$ | 626,415    | \$ | 320,000    | 127918 |
| 5MS0                                 | 700659 | Captive Deer                                             | \$ | 40,000     | \$ | 40,000     | 127919 |
| 5QW0                                 | 700653 | Watershed Assistance                                     | \$ | 515,000    | \$ | 515,000    | 127920 |
| 6520                                 | 700634 | Animal, Consumer, and<br>ATL Labs                        | \$ | 5,305,734  | \$ | 5,066,896  | 127921 |
| 6690                                 | 700635 | Pesticide,<br>Fertilizer, and Lime<br>Inspection Program | \$ | 5,200,000  | \$ | 5,200,000  | 127922 |
| TOTAL DPF Dedicated Purpose          |        |                                                          |    |            |    |            | 127923 |
| Fund Group                           |        |                                                          | \$ | 32,398,013 | \$ | 30,804,760 | 127924 |
| Internal Service Activity Fund Group |        |                                                          |    |            |    |            | 127925 |
| 5DA0                                 | 700644 | Laboratory<br>Administration<br>Support                  | \$ | 1,204,626  | \$ | 1,204,626  | 127926 |
| 5GH0                                 | 700655 | Administrative<br>Support                                | \$ | 5,374,048  | \$ | 5,374,048  | 127927 |
| TOTAL ISA Internal Service Activity  |        |                                                          |    |            |    |            | 127928 |
| Fund Group                           |        |                                                          | \$ | 6,578,674  |    | 6,578,674  | 127929 |
| Capital Projects Fund Group          |        |                                                          |    |            |    |            | 127930 |
| 7057                                 | 700632 | Clean Ohio<br>Agricultural Easement<br>Operating         | \$ | 610,000    | \$ | 610,000    | 127931 |

|                                   |    |            |    |            |        |
|-----------------------------------|----|------------|----|------------|--------|
| TOTAL CPF Capital Projects Fund   | \$ | 610,000    | \$ | 610,000    | 127932 |
| Group                             |    |            |    |            |        |
| Federal Fund Group                |    |            |    |            | 127933 |
| 3260 700618 Meat Inspection       | \$ | 5,194,424  | \$ | 5,194,424  | 127934 |
| Program - Federal                 |    |            |    |            |        |
| Share                             |    |            |    |            |        |
| 3360 700617 Ohio Farm Loan -      | \$ | 360,000    | \$ | 360,000    | 127935 |
| Revolving                         |    |            |    |            |        |
| 3820 700601 Federal Cooperative   | \$ | 7,000,000  | \$ | 7,000,000  | 127936 |
| Contracts                         |    |            |    |            |        |
| 3AB0 700641 Agricultural Easement | \$ | 350,000    | \$ | 350,000    | 127937 |
| 3J40 700607 Federal               | \$ | 1,209,234  | \$ | 1,209,234  | 127938 |
| Administrative                    |    |            |    |            |        |
| Programs                          |    |            |    |            |        |
| 3R20 700614 Federal Plant         | \$ | 6,095,972  | \$ | 6,095,972  | 127939 |
| Industry                          |    |            |    |            |        |
| TOTAL FED Federal Fund Group      | \$ | 20,209,630 | \$ | 20,209,630 | 127940 |
| TOTAL ALL BUDGET FUND GROUPS      | \$ | 81,594,340 | \$ | 82,149,203 | 127941 |

**Section 211.20. DANGEROUS AND RESTRICTED WILD ANIMALS** 127943

The foregoing appropriation item 700426, Dangerous and 127944  
 Restricted Animals, shall be used to administer the Dangerous and 127945  
 Restricted Wild Animal Permitting Program. 127946

**COUNTY AGRICULTURAL SOCIETIES** 127947

The foregoing appropriation item 700501, County Agricultural 127948  
 Societies, shall be used to reimburse county and independent 127949  
 agricultural societies for expenses related to Junior Fair 127950  
 activities. 127951

**SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE** 127952  
**BASIN** 127953

Of the foregoing appropriation item 700509, Soil and Water 127954

District Support, \$350,000 in each fiscal year shall be used by 127955  
the Department of Agriculture for a program to support soil and 127956  
water conservation districts in the Western Lake Erie Basin in 127957  
complying with provisions of Sub. S.B. 1 of the 131st General 127958  
Assembly. The Department shall approve a soil and water district's 127959  
application for funding under the program if the application 127960  
demonstrates that funding will be used for, but not limited to, 127961  
providing technical assistance, developing applicable nutrient or 127962  
manure management plans, hiring and training of soil and water 127963  
conservation district staff on best conservation practices, or 127964  
other activities the Director determines appropriate to assist 127965  
farmers in the Western Lake Erie Basin in complying with the 127966  
provisions of Sub. S.B. 1 of the 131st General Assembly. 127967

SOIL AND WATER DISTRICTS 127968

In addition to state payments to soil and water conservation 127969  
districts authorized by section 940.08 of the Revised Code, the 127970  
Department of Agriculture may use appropriation item 700661, Soil 127971  
and Water Districts, to pay any soil and water conservation 127972  
district an annual amount not to exceed \$40,000 upon receipt of a 127973  
request and justification from the district and approval by the 127974  
Ohio Soil and Water Conservation Commission. The county auditor 127975  
shall credit the payments to the special fund established under 127976  
section 940.08 of the Revised Code for use by the local soil and 127977  
water conservation district. The amounts received by each district 127978  
shall be expended for the purposes of the district. 127979

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 127980

The foregoing appropriation item 700632, Clean Ohio 127981  
Agricultural Easement Operating, shall be used by the Department 127982  
of Agriculture in administering Ohio Agricultural Easement Fund 127983  
(Fund 7057) projects pursuant to sections 901.21, 901.22, and 127984  
5301.67 to 5301.70 of the Revised Code. 127985

|                                                                     |                        |                    |                 |                              |
|---------------------------------------------------------------------|------------------------|--------------------|-----------------|------------------------------|
| <b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>        |                        |                    |                 | 127986                       |
| Dedicated Purpose Fund Group                                        |                        |                    |                 | 127987                       |
| 4Z90                                                                | 898602                 | Small Business     | \$ 400,000 \$   | 400,000 127988               |
| Ombudsman                                                           |                        |                    |                 |                              |
| 5700                                                                | 898601                 | Operating Expenses | \$ 200,000 \$   | 200,000 127989               |
| 5A00                                                                | 898603                 | Small Business     | \$ 450,000 \$   | 450,000 127990               |
| Assistance                                                          |                        |                    |                 |                              |
| TOTAL DPF                                                           | Dedicated Purpose Fund |                    | \$ 1,050,000 \$ | 1,050,000 127991             |
| Group                                                               |                        |                    |                 |                              |
| TOTAL ALL BUDGET FUND GROUPS                                        |                        |                    | \$ 1,050,000 \$ | 1,050,000 127992             |
| <br><b>Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT</b> |                        |                    |                 | 127994                       |
| AUTHORITY TRUST ACCOUNT                                             |                        |                    |                 | 127995                       |
| Notwithstanding any other provision of law to the contrary,         |                        |                    |                 | 127996                       |
| the Air Quality Development Authority may reimburse the Air         |                        |                    |                 | 127997                       |
| Quality Development Authority trust account established under       |                        |                    |                 | 127998                       |
| section 3706.10 of the Revised Code from all operating funds of     |                        |                    |                 | 127999                       |
| the agency for expenses pertaining to the administration and        |                        |                    |                 | 128000                       |
| shared costs incurred by the Air Quality Development Authority in   |                        |                    |                 | 128001                       |
| the execution of responsibilities as prescribed in Chapter 3706.    |                        |                    |                 | 128002                       |
| of the Revised Code. The reimbursement shall be made by voucher     |                        |                    |                 | 128003                       |
| and completed in accordance with the administrative indirect costs  |                        |                    |                 | 128004                       |
| allocation plan approved by the Office of Budget and Management.    |                        |                    |                 | 128005                       |
| <br><b>Section 215.10. ARC ARCHITECTS BOARDS</b>                    |                        |                    |                 | 128006                       |
| Dedicated Purpose Fund Group                                        |                        |                    |                 | 128007                       |
| 4K90                                                                | 891609                 | Operating          | \$ 576,916 \$   | 604,765 128008               |
| TOTAL DPF                                                           | Dedicated Purpose Fund |                    |                 | 128009                       |
| Group                                                               |                        |                    |                 | \$ 576,916 \$ 604,765 128010 |
| TOTAL ALL BUDGET FUND GROUPS                                        |                        |                    | \$ 576,916 \$   | 604,765 128011               |
| <br><b>Section 217.10. ART OHIO ARTS COUNCIL</b>                    |                        |                    |                 | 128013                       |



|                                                                   |                        |    |            |    |            |        |
|-------------------------------------------------------------------|------------------------|----|------------|----|------------|--------|
| General Revenue Fund                                              |                        |    |            |    | 128014     |        |
| GRF 370321                                                        | Operating Expenses     | \$ | 1,923,129  | \$ | 1,923,129  | 128015 |
| GRF 370502                                                        | State Program          | \$ | 12,680,750 | \$ | 12,680,750 | 128016 |
| Subsidies                                                         |                        |    |            |    |            |        |
| TOTAL GRF                                                         | General Revenue Fund   | \$ | 14,603,879 | \$ | 14,603,879 | 128017 |
| Dedicated Purpose Fund Group                                      |                        |    |            |    |            | 128018 |
| 4600 370602                                                       | Arts Council Program   | \$ | 325,000    | \$ | 325,000    | 128019 |
| Support                                                           |                        |    |            |    |            |        |
| 4B70 370603                                                       | Percent for Art        | \$ | 225,000    | \$ | 225,000    | 128020 |
| Acquisitions                                                      |                        |    |            |    |            |        |
| TOTAL DPF                                                         | Dedicated Purpose Fund | \$ | 550,000    | \$ | 550,000    | 128021 |
| Group                                                             |                        |    |            |    |            |        |
| Federal Fund Group                                                |                        |    |            |    |            | 128022 |
| 3140 370601                                                       | Federal Support        | \$ | 1,250,000  | \$ | 1,250,000  | 128023 |
| TOTAL FED                                                         | Federal Fund Group     | \$ | 1,250,000  | \$ | 1,250,000  | 128024 |
| TOTAL ALL BUDGET FUND GROUPS                                      |                        | \$ | 16,403,879 | \$ | 16,403,879 | 128025 |
| FEDERAL SUPPORT                                                   |                        |    |            |    |            | 128026 |
| Notwithstanding any provision of law to the contrary, the         |                        |    |            |    |            | 128027 |
| foregoing appropriation item 370601, Federal Support, shall be    |                        |    |            |    |            | 128028 |
| used by the Ohio Arts Council for subsidies only, and not for its |                        |    |            |    |            | 128029 |
| administrative costs, unless the Council is required to use a     |                        |    |            |    |            | 128030 |
| portion of the funds for administrative costs under conditions of |                        |    |            |    |            | 128031 |
| the federal grant.                                                |                        |    |            |    |            | 128032 |
| <b>Section 219.10. ATH ATHLETIC COMMISSION</b>                    |                        |    |            |    |            | 128033 |
| Dedicated Purpose Fund Group                                      |                        |    |            |    |            | 128034 |
| 4K90 175609                                                       | Operating Expenses     | \$ | 326,525    | \$ | 326,525    | 128035 |
| TOTAL DPF                                                         | Dedicated Purpose Fund | \$ | 326,525    | \$ | 326,525    | 128036 |
| Group                                                             |                        |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                      |                        | \$ | 326,525    | \$ | 326,525    | 128037 |
| <b>Section 221.10. AGO ATTORNEY GENERAL</b>                       |                        |    |            |    |            | 128039 |

|                              |                      |                       |                  |                   |
|------------------------------|----------------------|-----------------------|------------------|-------------------|
| General Revenue Fund         |                      |                       |                  | 128040            |
| GRF                          | 055321               | Operating Expenses    | \$ 41,439,602 \$ | 41,439,602 128041 |
| GRF                          | 055405               | Law-Related Education | \$ 68,950 \$     | 68,950 128042     |
| GRF                          | 055406               | BCIRS Lease Rental    | \$ 3,255,800 \$  | 3,161,000 128043  |
| Payments                     |                      |                       |                  |                   |
| GRF                          | 055411               | County Sheriffs' Pay  | \$ 889,455 \$    | 934,765 128044    |
| Supplement                   |                      |                       |                  |                   |
| GRF                          | 055415               | County Prosecutors'   | \$ 1,061,830 \$  | 1,115,020 128045  |
| Pay Supplement               |                      |                       |                  |                   |
| GRF                          | 055501               | Rape Crisis Centers   | \$ 1,500,000 \$  | 1,500,000 128046  |
| TOTAL GRF                    | General Revenue Fund |                       | \$ 48,215,637 \$ | 48,219,337 128047 |
| Dedicated Purpose Fund Group |                      |                       |                  | 128048            |
| 1060                         | 055612               | Attorney General      | \$ 65,318,182 \$ | 61,818,182 128049 |
| Operating                    |                      |                       |                  |                   |
| 4020                         | 055616               | Victims of Crime      | \$ 20,624,291 \$ | 20,624,291 128050 |
| 4170                         | 055621               | Domestic Violence     | \$ 25,000 \$     | 25,000 128051     |
| Shelter                      |                      |                       |                  |                   |
| 4180                         | 055615               | Charitable            | \$ 8,286,000 \$  | 8,286,000 128052  |
| Foundations                  |                      |                       |                  |                   |
| 4190                         | 055623               | Claims Section        | \$ 57,439,892 \$ | 57,439,892 128053 |
| 4200                         | 055603               | Attorney General      | \$ 2,432,925 \$  | 2,432,925 128054  |
| Antitrust                    |                      |                       |                  |                   |
| 4210                         | 055617               | Police Officers'      | \$ 2,944,355 \$  | 1,500,000 128055  |
| Training Academy Fee         |                      |                       |                  |                   |
| 4L60                         | 055606               | DARE Programs         | \$ 3,814,289 \$  | 3,814,289 128056  |
| 4Y70                         | 055608               | Title Defect Recision | \$ 613,751 \$    | 613,751 128057    |
| 4Z20                         | 055609               | BCI Asset Forfeiture  | \$ 2,500,000 \$  | 2,500,000 128058  |
| and Cost                     |                      |                       |                  |                   |
| Reimbursement                |                      |                       |                  |                   |
| 5900                         | 055633               | Peace Officer Private | \$ 95,325 \$     | 95,325 128059     |
| Security Training            |                      |                       |                  |                   |
| 5A90                         | 055618               | Telemarketing Fraud   | \$ 10,000 \$     | 10,000 128060     |

|                                      |        |                           |    |             |                |        |
|--------------------------------------|--------|---------------------------|----|-------------|----------------|--------|
|                                      |        | Enforcement               |    |             |                |        |
| 5AH0                                 | 055604 | Drug Abuse Response       | \$ | 2,500,000   | 2,500,000      | 128061 |
|                                      |        | Team Grants               |    |             |                |        |
| 5L50                                 | 055619 | Law Enforcement           | \$ | 9,377,803   | \$ 0           | 128062 |
|                                      |        | Assistance Program        |    |             |                |        |
| 5LR0                                 | 055655 | Peace Officer             | \$ | 4,629,409   | \$ 4,629,409   | 128063 |
|                                      |        | Training - Casino         |    |             |                |        |
| 5MP0                                 | 055657 | Peace Officer             | \$ | 325,000     | \$ 325,000     | 128064 |
|                                      |        | Training Commission       |    |             |                |        |
| 5TL0                                 | 055659 | Organized Crime Law       | \$ | 100,000     | \$ 100,000     | 128065 |
|                                      |        | Enforcement Trust         |    |             |                |        |
| 6310                                 | 055637 | Consumer Protection       | \$ | 9,276,000   | \$ 9,276,000   | 128066 |
|                                      |        | Enforcement               |    |             |                |        |
| 6590                                 | 055641 | Solid and Hazardous       | \$ | 328,728     | \$ 328,728     | 128067 |
|                                      |        | Waste Background          |    |             |                |        |
|                                      |        | Investigations            |    |             |                |        |
| U087                                 | 055402 | Tobacco Settlement        | \$ | 2,650,000   | \$ 2,650,000   | 128068 |
|                                      |        | Oversight,                |    |             |                |        |
|                                      |        | Administration, and       |    |             |                |        |
|                                      |        | Enforcement               |    |             |                |        |
| TOTAL DPF                            |        | Dedicated Purpose Fund    |    |             |                | 128069 |
| Group                                |        |                           | \$ | 193,290,950 | \$ 178,968,792 | 128070 |
| Internal Service Activity Fund Group |        |                           |    |             |                | 128071 |
| 1950                                 | 055660 | Workers' Compensation     | \$ | 8,778,072   | \$ 8,778,072   | 128072 |
|                                      |        | Section                   |    |             |                |        |
| TOTAL ISA                            |        | Internal Service Activity | \$ | 8,778,072   | \$ 8,778,072   | 128073 |
| Fund Group                           |        |                           |    |             |                |        |
| Holding Account Fund Group           |        |                           |    |             |                | 128074 |
| R004                                 | 055631 | General Holding           | \$ | 1,000,000   | \$ 1,000,000   | 128075 |
|                                      |        | Account                   |    |             |                |        |
| R005                                 | 055632 | Antitrust Settlements     | \$ | 1,000,000   | \$ 1,000,000   | 128076 |
| R018                                 | 055630 | Consumer Frauds           | \$ | 1,000,000   | \$ 1,000,000   | 128077 |

|                              |        |                                                |    |             |    |             |        |
|------------------------------|--------|------------------------------------------------|----|-------------|----|-------------|--------|
| R042                         | 055601 | Organized Crime<br>Commission<br>Distributions | \$ | 750,000     | \$ | 750,000     | 128078 |
| R054                         | 055650 | Collection Payment<br>Redistribution           | \$ | 4,500,000   | \$ | 4,500,000   | 128079 |
| TOTAL HLD Holding Account    |        |                                                |    |             |    |             | 128080 |
| Fund Group                   |        |                                                | \$ | 8,250,000   | \$ | 8,250,000   | 128081 |
| Federal Fund Group           |        |                                                |    |             |    |             | 128082 |
| 3060                         | 055620 | Medicaid Fraud<br>Control                      | \$ | 8,961,419   | \$ | 8,961,419   | 128083 |
| 3830                         | 055634 | Crime Victims<br>Assistance                    | \$ | 70,000,000  | \$ | 70,000,000  | 128084 |
| 3E50                         | 055638 | Attorney General<br>Pass-Through Funds         | \$ | 2,320,999   | \$ | 2,320,999   | 128085 |
| 3FV0                         | 055656 | Crime Victim<br>Compensation                   | \$ | 3,155,000   | \$ | 3,155,000   | 128086 |
| 3R60                         | 055613 | Attorney General<br>Federal Funds              | \$ | 2,799,999   | \$ | 2,799,999   | 128087 |
| TOTAL FED Federal Fund Group |        |                                                | \$ | 87,237,417  | \$ | 87,237,417  | 128088 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                | \$ | 345,772,076 | \$ | 331,453,618 | 128089 |

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 128091  
 SCIENCE 128092

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 128093  
 128094  
 128095  
 128096  
 128097  
 128098  
 128099

DOMESTIC VIOLENCE PROGRAM 128100

Of the foregoing appropriation item 055321, Operating 128101

Expenses, \$100,000 in each fiscal year may be used by the Attorney 128102  
General for the purpose of providing funding to domestic violence 128103  
programs as defined in section 109.46 of the Revised Code. 128104

ORGANIZED CRIME INVESTIGATIONS COMMISSION PILOT PROJECT 128105

Of the foregoing appropriation item 055321, Operating 128106  
Expenses, \$50,000 in each fiscal year shall be used for a pilot 128107  
project developing new investigatory tools for the Organized Crime 128108  
Investigations Commission on behalf of task forces investigating 128109  
drug trafficking and related criminal activity. 128110

COUNTY SHERIFFS' PAY SUPPLEMENT 128111

The foregoing appropriation item 055411, County Sheriffs' Pay 128112  
Supplement, shall be used for the purpose of supplementing the 128113  
annual compensation of county sheriffs as required by section 128114  
325.06 of the Revised Code. 128115

At the request of the Attorney General, the Director of 128116  
Budget and Management may transfer appropriation from 128117  
appropriation item 055321, Operating Expenses, to appropriation 128118  
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 128119  
transferred shall be used to supplement the annual compensation of 128120  
county sheriffs as required by section 325.06 of the Revised Code. 128121

COUNTY PROSECUTORS' PAY SUPPLEMENT 128122

The foregoing appropriation item 055415, County Prosecutors' 128123  
Pay Supplement, shall be used for the purpose of supplementing the 128124  
annual compensation of certain county prosecutors as required by 128125  
section 325.111 of the Revised Code. 128126

At the request of the Attorney General, the Director of 128127  
Budget and Management may transfer appropriation from 128128  
appropriation item 055321, Operating Expenses, to appropriation 128129  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 128130  
so transferred shall be used to supplement the annual compensation 128131

of county prosecutors as required by section 325.111 of the Revised Code. 128132  
128133

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 128134  
PURPOSES/CONTINGENCIES FUND TO THE ATTORNEY GENERAL REIMBURSEMENT 128135  
FUND 128136

On July 1, 2017, or as soon as possible thereafter, the 128137  
Director of Budget and Management shall transfer \$3,500,000 cash 128138  
from the Controlling Board Emergency Purposes/Contingencies Fund 128139  
(Fund 5KM0) to the Attorney General Reimbursement Fund (Fund 128140  
1060). 128141

ATTORNEY GENERAL OPERATING 128142

Of the foregoing appropriation item 055612, Attorney General 128143  
Operating, \$2,000,000 in fiscal year 2018 shall be used by the 128144  
Attorney General to fund criminal laboratory case work primarily 128145  
related to opioid or other criminal cases submitted to the Bureau 128146  
of Criminal Investigation. 128147

Of the foregoing appropriation item 055612, Attorney General 128148  
Operating, \$1,500,000 in fiscal year 2018 shall be used to support 128149  
each public forensic laboratory in Ohio that is accredited in 128150  
chemistry by The American Society of Crime Laboratory 128151  
Directors/Laboratory Accreditation Board (ASCLD/LAB) or ANSI-ASQ 128152  
National Accreditation Board (ANAB) to perform chemistry 128153  
laboratory work. The Attorney General shall distribute the funds 128154  
directly to such laboratories based on the recommendation of the 128155  
Forensic Science Institute of Ohio, provided that no accredited 128156  
laboratory shall receive less than \$100,000. 128157

DRUG ABUSE RESPONSE TEAM REPLICATION GRANT PROGRAM 128158

The Attorney General, in consultation with the Lucas County 128159  
Sheriff's Department, the Colerain Township's Department of Public 128160  
Safety in Hamilton County, and officials implementing Quick 128161  
Response Team programs in Summit County, shall establish the Drug 128162

Abuse Response Team Replication Grant Program, which may include 128163  
requirements for private and non-profit matching support. 128164

The foregoing appropriation item 055604, Drug Abuse Response 128165  
Team Grants, shall be used by the Attorney General to fund the 128166  
grants, the primary purpose of which shall be to replicate the 128167  
Drug Abuse Response Team Program in Lucas County and the Quick 128168  
Response Team programs in Colerain Township and Summit County in 128169  
other Ohio communities. 128170

WORKERS' COMPENSATION SECTION 128171

The Workers' Compensation Fund (Fund 1950) is entitled to 128172  
receive quarterly payments from the Bureau of Workers' 128173  
Compensation and the Ohio Industrial Commission to fund legal 128174  
services provided to the Bureau of Workers' Compensation and the 128175  
Ohio Industrial Commission during the fiscal year. 128176

In addition, the Bureau of Workers' Compensation shall 128177  
transfer payments for the support of the Workers' Compensation 128178  
Fraud Unit. 128179

All amounts shall be mutually agreed upon by the Attorney 128180  
General, the Bureau of Workers' Compensation, and the Ohio 128181  
Industrial Commission. 128182

GENERAL HOLDING ACCOUNT 128183

The foregoing appropriation item 055631, General Holding 128184  
Account, shall be used to distribute moneys under the terms of 128185  
relevant court orders or other settlements received in a variety 128186  
of cases involving the Office of the Attorney General. If it is 128187  
determined that additional amounts are necessary for this purpose, 128188  
the amounts are hereby appropriated. 128189

ANTITRUST SETTLEMENTS 128190

The foregoing appropriation item 055632, Antitrust 128191  
Settlements, shall be used to distribute moneys under the terms of 128192

relevant court orders or other out of court settlements in 128193  
antitrust cases or antitrust matters involving the Office of the 128194  
Attorney General. If it is determined that additional amounts are 128195  
necessary for this purpose, the amounts are hereby appropriated. 128196

CONSUMER FRAUDS 128197

The foregoing appropriation item 055630, Consumer Frauds, 128198  
shall be used for distribution of moneys from court-ordered 128199  
judgments against sellers in actions brought by the Office of the 128200  
Attorney General under sections 1334.08 and 4549.48 and division 128201  
(B) of section 1345.07 of the Revised Code. These moneys shall be 128202  
used to provide restitution to consumers victimized by the fraud 128203  
that generated the court-ordered judgments. If it is determined 128204  
that additional amounts are necessary for this purpose, the 128205  
amounts are hereby appropriated. 128206

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 128207

The foregoing appropriation item 055601, Organized Crime 128208  
Commission Distributions, shall be used by the Organized Crime 128209  
Investigations Commission, as provided by section 177.011 of the 128210  
Revised Code, to reimburse political subdivisions for the expenses 128211  
the political subdivisions incur when their law enforcement 128212  
officers participate in an organized crime task force. If it is 128213  
determined that additional amounts are necessary for this purpose, 128214  
the amounts are hereby appropriated. 128215

COLLECTION PAYMENT REDISTRIBUTION 128216

The foregoing appropriation item 055650, Collection Payment 128217  
Redistribution, shall be used for the purpose of allocating the 128218  
revenue where debtors mistakenly paid the client agencies instead 128219  
of the Attorney General's Collections Enforcement Section. If it 128220  
is determined that additional amounts are necessary for this 128221  
purpose, the amounts are hereby appropriated. 128222



|                                                                   |                        |                      |                             |        |
|-------------------------------------------------------------------|------------------------|----------------------|-----------------------------|--------|
| <b>Section 223.10. AUD AUDITOR OF STATE</b>                       |                        |                      |                             | 128223 |
| General Revenue Fund                                              |                        |                      |                             | 128224 |
| GRF                                                               | 070321                 | Operating Expenses   | \$ 28,539,720 \$ 28,539,720 | 128225 |
| GRF                                                               | 070403                 | Fiscal               | \$ 789,029 \$ 789,029       | 128226 |
| Watch/Emergency                                                   |                        |                      |                             |        |
| Technical Assistance                                              |                        |                      |                             |        |
| GRF                                                               | 070409                 | School District      | \$ 960,000 \$ 960,000       | 128227 |
| Performance Audits                                                |                        |                      |                             |        |
| TOTAL GRF                                                         | General Revenue Fund   |                      | \$ 30,288,749 \$ 30,288,749 | 128228 |
| Dedicated Purpose Fund Group                                      |                        |                      |                             | 128229 |
| 1090                                                              | 070601                 | Public Audit Expense | \$ 10,803,057 \$ 10,803,057 | 128230 |
| - Intrastate                                                      |                        |                      |                             |        |
| 4220                                                              | 070602                 | Public Audit Expense | \$ 37,306,649 \$ 38,806,649 | 128231 |
| - Local Government                                                |                        |                      |                             |        |
| 5840                                                              | 070603                 | Training Program     | \$ 483,564 \$ 483,564       | 128232 |
| 5JZ0                                                              | 070606                 | LEAP Revolving Loans | \$ 410,952 \$ 410,952       | 128233 |
| 6750                                                              | 070605                 | Uniform Accounting   | \$ 3,398,351 \$ 3,398,351   | 128234 |
| Network                                                           |                        |                      |                             |        |
| TOTAL DPF                                                         | Dedicated Purpose Fund |                      |                             | 128235 |
| Group                                                             |                        |                      | \$ 52,402,573 \$ 53,902,573 | 128236 |
| TOTAL ALL BUDGET FUND GROUPS                                      |                        |                      | \$ 82,691,322 \$ 84,191,322 | 128237 |
| SCHOOL DISTRICT PERFORMANCE AUDITS                                |                        |                      |                             | 128238 |
| The foregoing appropriation item 070409, School District          |                        |                      |                             | 128239 |
| Performance Audits, shall be used by the Auditor of State, in     |                        |                      |                             | 128240 |
| consultation with the Department of Education and the Office of   |                        |                      |                             | 128241 |
| Budget and Management, for expenses incurred in the Auditor of    |                        |                      |                             | 128242 |
| State's role relating to fiscal caution, fiscal watch, and fiscal |                        |                      |                             | 128243 |
| emergency activities pursuant to section 3316.042 of the Revised  |                        |                      |                             | 128244 |
| Code.                                                             |                        |                      |                             | 128245 |
| <b>Section 225.10. BRB BOARD OF BARBER EXAMINERS</b>              |                        |                      |                             | 128246 |

|                                                                |    |            |    |            |        |
|----------------------------------------------------------------|----|------------|----|------------|--------|
| Dedicated Purpose Fund Group                                   |    |            |    |            | 128247 |
| 4K90 877609 Operating Expenses                                 | \$ | 433,805    | \$ | 0          | 128248 |
| TOTAL DPF Dedicated Purpose Fund Group                         | \$ | 433,805    | \$ | 0          | 128249 |
| TOTAL ALL BUDGET FUND GROUPS                                   | \$ | 433,805    | \$ | 0          | 128250 |
| <br><b>Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b> |    |            |    |            | 128252 |
| General Revenue Fund                                           |    |            |    |            | 128253 |
| GRF 042321 Budget Development and Implementation               | \$ | 3,073,172  | \$ | 3,112,524  | 128254 |
| GRF 042416 Office of Health Transformation                     | \$ | 401,989    | \$ | 415,577    | 128255 |
| GRF 042425 Shared Services Development                         | \$ | 1,338,600  | \$ | 1,285,250  | 128256 |
| GRF 042435 Gubernatorial Transition                            | \$ | 0          | \$ | 221,625    | 128257 |
| TOTAL GRF General Revenue Fund                                 | \$ | 4,813,761  | \$ | 5,034,976  | 128258 |
| Internal Service Activity Fund Group                           |    |            |    |            | 128259 |
| 1050 042603 Financial Management                               | \$ | 15,624,379 | \$ | 16,044,968 | 128260 |
| 1050 042620 Shared Services Operating                          | \$ | 7,326,179  | \$ | 7,493,986  | 128261 |
| TOTAL ISA Internal Service Activity Fund Group                 | \$ | 22,950,558 | \$ | 23,538,954 | 128262 |
| Fiduciary Fund Group                                           |    |            |    |            | 128264 |
| 5EH0 042604 Forgery Recovery                                   | \$ | 30,000     | \$ | 30,000     | 128265 |
| TOTAL FID Fiduciary Fund Group                                 | \$ | 30,000     | \$ | 30,000     | 128266 |
| Federal Fund Group                                             |    |            |    |            | 128267 |
| 3CM0 042606 Office of Health Transformation - Federal          | \$ | 414,422    | \$ | 428,430    | 128268 |
| TOTAL FED Federal Fund Group                                   | \$ | 414,422    | \$ | 428,430    | 128269 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |    |            |    |            |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|----|------------|------------------------------------------------------------------------------|
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$ | 28,208,741 | \$ | 29,032,360 | 128270                                                                       |
| <b>Section 229.20. AUDIT COSTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                    |    |            |    |            | 128272                                                                       |
| All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, Financial Management.                                                                                                                                                                                               |    |            |    |            | 128273<br>128274<br>128275<br>128276<br>128277                               |
| Costs associated with the audit of the Auditor of State shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation.                                                                                                                                                                                                                                                                                                            |    |            |    |            | 128278<br>128279<br>128280                                                   |
| <b>SHARED SERVICES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                |    |            |    |            | 128281                                                                       |
| The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support the Shared Services program pursuant to division (D) of section 126.21 of the Revised Code.                                                                                                                                                                                           |    |            |    |            | 128282<br>128283<br>128284<br>128285<br>128286                               |
| The Director of Budget and Management shall include the recovery of costs to operate the Shared Services program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies for services rendered using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050). |    |            |    |            | 128287<br>128288<br>128289<br>128290<br>128291<br>128292<br>128293<br>128294 |
| <b>INTERNAL AUDIT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |            |    |            | 128295                                                                       |
| The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program pursuant to section 126.45 of the Revised Code in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies reviewed by the                                                                                                                                                 |    |            |    |            | 128296<br>128297<br>128298<br>128299<br>128300                               |

program using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050. 128301  
 128302  
 128303

**FORGERY RECOVERY** 128304

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated. 128305  
 128306  
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 128308  
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 128312  
 128313

**Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD** 128314

**General Revenue Fund** 128315

GRF 874100 Personal Services \$ 2,497,866 \$ 2,497,866 128316

GRF 874320 Maintenance and \$ 1,368,765 \$ 1,368,765 128317

Equipment

TOTAL GRF General Revenue Fund \$ 3,866,631 \$ 3,866,631 128318

**Dedicated Purpose Fund Group** 128319

2080 874601 Underground Parking \$ 4,110,625 \$ 4,245,906 128320

Garage Operations

4G50 874603 Capitol Square \$ 6,000 \$ 6,000 128321

Education Center and

Arts

TOTAL DPF Dedicated Purpose 128322

Fund Group \$ 4,116,625 \$ 4,251,906 128323

**Internal Service Activity Fund Group** 128324

4S70 874602 Statehouse Gift \$ 800,000 \$ 800,000 128325

Shop/Events

|                                     |    |           |    |           |        |
|-------------------------------------|----|-----------|----|-----------|--------|
| TOTAL ISA Internal Service Activity |    |           |    | 128326    |        |
| Fund Group                          | \$ | 800,000   | \$ | 800,000   | 128327 |
| TOTAL ALL BUDGET FUND GROUPS        | \$ | 8,783,256 | \$ | 8,918,537 | 128328 |

MAINTENANCE AND EQUIPMENT 128329

On July 1, 2017, or as soon as possible thereafter, the 128330  
Executive Director of the Capitol Square Review and Advisory Board 128331  
may certify to the Director of Budget and Management an amount up 128332  
to the unexpended, unencumbered balance of the foregoing 128333  
appropriation item 874320, Maintenance and Equipment, at the end 128334  
of fiscal year 2017 to be reappropriated to fiscal year 2018. The 128335  
amount certified is hereby appropriated to the same appropriation 128336  
item for fiscal year 2018. 128337

On July 1, 2018, or as soon as possible thereafter, the 128338  
Executive Director of the Capitol Square Review and Advisory Board 128339  
may certify to the Director of Budget and Management an amount up 128340  
to the unexpended, unencumbered balance of the foregoing 128341  
appropriation item 874320, Maintenance and Equipment, at the end 128342  
of fiscal year 2018 to be reappropriated to fiscal year 2019. The 128343  
amount certified is hereby appropriated to the same appropriation 128344  
item for fiscal year 2019. 128345

UNDERGROUND PARKING GARAGE FUND 128346

Notwithstanding division (G) of section 105.41 of the Revised 128347  
Code and any other provision to the contrary, moneys in the 128348  
Underground Parking Garage Fund (Fund 2080) may be used for 128349  
personnel and operating costs related to the operations of the 128350  
Statehouse and the Statehouse Underground Parking Garage. 128351

HOUSE AND SENATE PARKING REIMBURSEMENT 128352

On July 1 of each fiscal year, or as soon as possible 128353  
thereafter, the Director of Budget and Management shall transfer 128354  
\$500,000 cash from the General Revenue Fund to the Underground 128355  
Parking Garage Fund (Fund 2080). The amounts transferred under 128356

this section shall be used to reimburse the Capitol Square Review 128357  
 and Advisory Board for legislative parking costs. 128358

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND 128359  
 SCHOOLS 128360

Dedicated Purpose Fund Group 128361

|                                  |                    |    |         |    |         |        |
|----------------------------------|--------------------|----|---------|----|---------|--------|
| 4K90 233601                      | Operating Expenses | \$ | 540,260 | \$ | 540,260 | 128362 |
| TOTAL DPF Dedicated Purpose Fund |                    | \$ | 540,260 | \$ | 540,260 | 128363 |

Group

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 540,260 | \$ | 540,260 | 128364 |
|------------------------------|--|----|---------|----|---------|--------|

**Section 233.20.** The State Board of Career Colleges and 128366  
 Schools shall refund all student disclosure course fees charged to 128367  
 schools by the Board under paragraph (B) of rule 3332-1-22.1 of 128368  
 the Administrative Code and collected since January 2017 for the 128369  
 purpose of refunding that money to students who were charged that 128370  
 fee by the college or school. Private career schools, as defined 128371  
 in section 3332.01 of the Revised Code, shall refund the 128372  
 respective amount received under this section to each student who 128373  
 paid the fee. 128374

**Section 235.10.** CAC CASINO CONTROL COMMISSION 128375

Dedicated Purpose Fund Group 128376

|             |                    |    |            |    |            |        |
|-------------|--------------------|----|------------|----|------------|--------|
| 5HS0 955321 | Operating Expenses | \$ | 13,327,155 | \$ | 13,659,745 | 128377 |
| 5NU0 955601 | Casino Commission  | \$ | 250,000    | \$ | 250,000    | 128378 |

Enforcement

|                                  |  |    |            |    |            |        |
|----------------------------------|--|----|------------|----|------------|--------|
| TOTAL DPF Dedicated Purpose Fund |  | \$ | 13,577,155 | \$ | 13,909,745 | 128379 |
|----------------------------------|--|----|------------|----|------------|--------|

Group

|                              |  |    |            |    |            |        |
|------------------------------|--|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 13,577,155 | \$ | 13,909,745 | 128380 |
|------------------------------|--|----|------------|----|------------|--------|

**Section 237.10.** CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 128382

Dedicated Purpose Fund Group 128383

|                              |                        |    |         |    |         |        |
|------------------------------|------------------------|----|---------|----|---------|--------|
| 4K90 930609                  | Operating Expenses     | \$ | 547,999 | \$ | 561,739 | 128384 |
| TOTAL DPF                    | Dedicated Purpose Fund | \$ | 547,999 | \$ | 561,739 | 128385 |
| Group                        |                        |    |         |    |         |        |
| TOTAL ALL BUDGET FUND GROUPS |                        | \$ | 547,999 | \$ | 561,739 | 128386 |

**Section 239.10.** CHR STATE CHIROPRACTIC BOARD 128388

|                                     |                        |    |         |    |         |        |
|-------------------------------------|------------------------|----|---------|----|---------|--------|
| Dedicated Purpose Fund Group 128389 |                        |    |         |    |         |        |
| 4K90 878609                         | Operating Expenses     | \$ | 646,000 | \$ | 646,700 | 128390 |
| TOTAL DPF                           | Dedicated Purpose Fund | \$ | 646,000 | \$ | 646,700 | 128391 |
| Group                               |                        |    |         |    |         |        |
| TOTAL ALL BUDGET FUND GROUPS        |                        | \$ | 646,000 | \$ | 646,700 | 128392 |

**Section 241.10.** CIV OHIO CIVIL RIGHTS COMMISSION 128394

|                                             |                           |    |           |    |           |        |
|---------------------------------------------|---------------------------|----|-----------|----|-----------|--------|
| General Revenue Fund 128395                 |                           |    |           |    |           |        |
| GRF 876321                                  | Operating Expenses        | \$ | 5,039,359 | \$ | 5,599,288 | 128396 |
| TOTAL GRF                                   | General Revenue Fund      | \$ | 5,039,359 | \$ | 5,599,288 | 128397 |
| Internal Service Activity Fund Group 128398 |                           |    |           |    |           |        |
| 2170 876604                                 | Operations Support        | \$ | 4,000     | \$ | 4,000     | 128399 |
| TOTAL ISA                                   | Internal Service Activity |    |           |    |           | 128400 |
| Fund Group                                  |                           | \$ | 4,000     | \$ | 4,000     | 128401 |
| Federal Fund Group 128402                   |                           |    |           |    |           |        |
| 3340 876601                                 | Federal Programs          | \$ | 3,581,649 | \$ | 3,319,965 | 128403 |
| TOTAL FED                                   | Federal Special Revenue   |    |           |    |           | 128404 |
| Fund Group                                  |                           | \$ | 3,581,649 | \$ | 3,319,965 | 128405 |
| TOTAL ALL BUDGET FUND GROUPS                |                           | \$ | 8,625,008 | \$ | 8,923,253 | 128406 |

**Section 243.10.** COM DEPARTMENT OF COMMERCE 128408

|                                     |                        |    |           |    |           |        |
|-------------------------------------|------------------------|----|-----------|----|-----------|--------|
| Dedicated Purpose Fund Group 128409 |                        |    |           |    |           |        |
| 4B20 800631                         | Real Estate Appraisal  | \$ | 35,000    | \$ | 35,000    | 128410 |
| Recovery                            |                        |    |           |    |           |        |
| 4H90 800608                         | Cemeteries             | \$ | 343,249   | \$ | 295,244   | 128411 |
| 4X20 800619                         | Financial Institutions | \$ | 1,717,044 | \$ | 1,717,044 | 128412 |

|      |        |                         |    |            |    |            |        |
|------|--------|-------------------------|----|------------|----|------------|--------|
| 5430 | 800602 | Unclaimed               | \$ | 7,984,977  | \$ | 7,984,977  | 128413 |
|      |        | Funds-Operating         |    |            |    |            |        |
| 5430 | 800625 | Unclaimed Funds-Claims  | \$ | 70,000,000 | \$ | 70,000,000 | 128414 |
| 5440 | 800612 | Banks                   | \$ | 9,677,471  | \$ | 9,677,471  | 128415 |
| 5460 | 800610 | Fire Marshal            | \$ | 17,297,687 | \$ | 17,297,687 | 128416 |
| 5460 | 800639 | Fire Department Grants  | \$ | 5,200,000  | \$ | 5,200,000  | 128417 |
| 5470 | 800603 | Real Estate             | \$ | 69,655     | \$ | 69,655     | 128418 |
|      |        | Education/Research      |    |            |    |            |        |
| 5480 | 800611 | Real Estate Recovery    | \$ | 50,000     | \$ | 50,000     | 128419 |
| 5490 | 800614 | Real Estate             | \$ | 3,750,000  | \$ | 3,584,329  | 128420 |
| 5500 | 800617 | Securities              | \$ | 5,216,985  | \$ | 5,284,994  | 128421 |
| 5520 | 800604 | Credit Union            | \$ | 3,600,000  | \$ | 3,675,000  | 128422 |
| 5530 | 800607 | Consumer Finance        | \$ | 4,548,563  | \$ | 4,628,963  | 128423 |
| 5560 | 800615 | Industrial Compliance   | \$ | 30,582,452 | \$ | 30,478,277 | 128424 |
| 5F10 | 800635 | Small Government Fire   | \$ | 300,000    | \$ | 300,000    | 128425 |
|      |        | Departments             |    |            |    |            |        |
| 5FW0 | 800616 | Financial Literacy      | \$ | 190,000    | \$ | 190,000    | 128426 |
|      |        | Education               |    |            |    |            |        |
| 5GK0 | 800609 | Securities Investor     | \$ | 682,150    | \$ | 682,150    | 128427 |
|      |        | Education/Enforcement   |    |            |    |            |        |
| 5HV0 | 800641 | Cigarette Enforcement   | \$ | 27,324     | \$ | 27,324     | 128428 |
| 5LC0 | 800644 | Liquor JobsOhio         | \$ | 276,817    | \$ | 276,817    | 128429 |
|      |        | Extraordinary Allowance |    |            |    |            |        |
| 5LN0 | 800645 | Liquor Operating        | \$ | 8,810,087  | \$ | 8,352,353  | 128430 |
|      |        | Services                |    |            |    |            |        |
| 5LP0 | 800646 | Liquor Regulatory       | \$ | 9,562,022  | \$ | 9,067,080  | 128431 |
|      |        | Operating Expenses      |    |            |    |            |        |
| 5SJ0 | 800648 | Volunteer Peace         | \$ | 50,000     | \$ | 50,000     | 128432 |
|      |        | Officers' Dependent     |    |            |    |            |        |
|      |        | Fund                    |    |            |    |            |        |
| 5SU0 | 800649 | Manufactured Homes      | \$ | 54,800     | \$ | 159,706    | 128433 |
|      |        | Regulation              |    |            |    |            |        |
| 5SY0 | 800650 | Medical Marijuana       | \$ | 1,121,279  | \$ | 1,135,692  | 128434 |



|                                      |        |                         |                                      |
|--------------------------------------|--------|-------------------------|--------------------------------------|
| Control Program                      |        |                         |                                      |
| 5X60                                 | 800623 | Video Service           | \$ 412,693 \$ 412,693 128435         |
| 6530                                 | 800629 | UST Registration/Permit | \$ 2,301,714 \$ 2,301,714 128436     |
| Fee                                  |        |                         |                                      |
| 6A40                                 | 800630 | Real Estate             | \$ 778,175 \$ 722,672 128437         |
| Appraiser-Operating                  |        |                         |                                      |
| TOTAL DPF Dedicated Purpose          |        |                         | 128438                               |
| Fund Group                           |        | \$ 184,640,144          | \$ 183,656,842 128439                |
| Internal Service Activity Fund Group |        |                         | 128440                               |
| 1630                                 | 800620 | Division of             | \$ 8,043,364 \$ 8,043,364 128441     |
| Administration                       |        |                         |                                      |
| 1630                                 | 800637 | Information Technology  | \$ 9,780,626 \$ 9,540,704 128442     |
| TOTAL ISA Internal Service Activity  |        |                         | 128443                               |
| Fund Group                           |        | \$ 17,823,990           | \$ 17,584,068 128444                 |
| Federal Fund Group                   |        |                         | 128445                               |
| 3480                                 | 800622 | Underground Storage     | \$ 1,186,180 \$ 1,186,180 128446     |
| Tanks                                |        |                         |                                      |
| 3480                                 | 800624 | Leaking Underground     | \$ 1,950,000 \$ 1,950,000 128447     |
| Storage Tanks                        |        |                         |                                      |
| TOTAL FED Federal Fund Group         |        |                         | \$ 3,136,180 \$ 3,136,180 128448     |
| TOTAL ALL BUDGET FUND GROUPS         |        |                         | \$ 205,600,314 \$ 204,377,090 128449 |

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 128451

The foregoing appropriation item 800625, Unclaimed 128452  
Funds-Claims, shall be used to pay claims under section 169.08 of 128453  
the Revised Code. If it is determined by the Director of Commerce 128454  
that additional appropriation amounts are necessary to make such 128455  
payments, the Director of Commerce may request that the Director 128456  
of Budget and Management increase such amounts. Such amounts are 128457  
hereby appropriated. 128458

**DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING** 128459

The foregoing appropriation item 800631, Real Estate 128460

Appraiser Recovery, shall be used to pay settlements, judgments, 128461  
and court orders under section 4763.16 of the Revised Code. If it 128462  
is determined by the Director of Commerce that additional 128463  
appropriation amounts are necessary to make such payments, the 128464  
Director of Commerce may request that the Director of Budget and 128465  
Management increase such amounts. Such amounts are hereby 128466  
appropriated. 128467

The foregoing appropriation item 800611, Real Estate 128468  
Recovery, shall be used to pay settlements, judgments, and court 128469  
orders under section 4735.12 of the Revised Code. If it is 128470  
determined by the Director of Commerce that additional 128471  
appropriation amounts are necessary to make such payments, the 128472  
Director of Commerce may request that the Director of Budget and 128473  
Management increase such amounts. Such amounts are hereby 128474  
appropriated. 128475

FIRE DEPARTMENT GRANTS 128476

(A) The foregoing appropriation item 800639, Fire Department 128477  
Grants, shall be used to make annual grants to the following 128478  
eligible recipients: volunteer fire departments, fire departments 128479  
that serve one or more small municipalities or small townships, 128480  
joint fire districts comprised of fire departments that primarily 128481  
serve small municipalities or small townships, local units of 128482  
government responsible for such fire departments, and local units 128483  
of government responsible for the provision of fire protection 128484  
services for small municipalities or small townships. For the 128485  
purposes of these grants, a private fire company, as that phrase 128486  
is defined in section 9.60 of the Revised Code, that is providing 128487  
fire protection services under a contract to a political 128488  
subdivision of the state, is an additional eligible recipient for 128489  
a training grant. 128490

Eligible recipients that consist of small municipalities or 128491  
small townships that all intend to contract with the same fire 128492

department or private fire company for fire protection services 128493  
may jointly apply and be considered for a grant. If a joint 128494  
applicant is awarded a grant, the State Fire Marshal shall, if 128495  
feasible, proportionately award the grant and any equipment 128496  
purchased with grant funds to each of the joint applicants based 128497  
upon each applicant's contribution to and demonstrated need for 128498  
fire protection services. For the purpose of this grant program, 128499  
an eligible recipient or any firefighting entity that is 128500  
contracted to serve an eligible recipient may only file, be listed 128501  
as joint applicant, or be designated as a service provider on one 128502  
grant application per fiscal year. 128503

If the grant awarded to joint applicants is an equipment 128504  
grant and the equipment to be purchased cannot be readily 128505  
distributed or possessed by multiple recipients, each of the joint 128506  
applicants shall be awarded by the State Fire Marshal an ownership 128507  
interest in the equipment so purchased in proportion to each 128508  
applicant's contribution to and demonstrated need for fire 128509  
protection services. The joint applicants shall then mutually 128510  
agree on how the equipment is to be maintained, operated, stored, 128511  
or disposed of. If, for any reason, the joint applicants cannot 128512  
agree as to how jointly owned equipment is to be maintained, 128513  
operated, stored, or disposed of or any of the joint applicants no 128514  
longer maintain a contract with the same fire protection service 128515  
provider as the other applicants, then the joint applicants shall, 128516  
with the assistance of the State Fire Marshal, mutually agree as 128517  
to how the jointly owned equipment is to be maintained, operated, 128518  
stored, disposed of, or owned. If the joint applicants cannot 128519  
agree how the grant equipment is to be maintained, operated, 128520  
stored, disposed of, or owned, the State Fire Marshal may, in its 128521  
discretion, require all of the equipment acquired by the joint 128522  
applicants with grant funds to be returned to the State Fire 128523  
Marshal. The State Fire Marshal may then award the returned 128524  
equipment to any eligible recipients. For this paragraph only, an 128525

"equipment grant" also includes a MARCS Grant. 128526

(B) Except as otherwise provided in this section, the grants 128527  
shall be used by recipients to purchase firefighting or rescue 128528  
equipment or gear or similar items, to provide full or partial 128529  
reimbursement for the documented costs of firefighter training, 128530  
or, at the discretion of the State Fire Marshal, to cover fire 128531  
department costs for providing fire protection services in that 128532  
grant recipient's jurisdiction. 128533

(1) Of the foregoing appropriation item 800639, Fire 128534  
Department Grants, up to \$1,000,000 per fiscal year may be used to 128535  
pay for the State Fire Marshal's costs of providing firefighter I 128536  
certification classes or other firefighter classes approved by the 128537  
State Fire Marshal at no cost to selected students attending the 128538  
Ohio Fire Academy or other class providers approved by the State 128539  
Fire Marshal. The State Fire Marshal may establish the 128540  
qualifications and selection processes for students to attend such 128541  
classes by written policy, and such students shall be considered 128542  
eligible recipients of fire department grants for the purposes of 128543  
this portion of the grant program. 128544

(2) Of the foregoing appropriation item 800639, Fire 128545  
Department Grants, up to \$3,000,000 in each fiscal year may be 128546  
used for MARCS Grants. MARCS Grants may be used for the payment of 128547  
user access fees by the eligible recipient to access MARCS. 128548

For purposes of this section, a MARCS Grant is a grant for 128549  
systems, equipment, or services that are a part of, integrated 128550  
into, or otherwise interoperable with the Multi-Agency Radio 128551  
Communication System (MARCS) operated by the state. 128552

MARCS Grant awards may be up to \$50,000 in each fiscal year 128553  
per eligible recipient. Each eligible recipient may only apply, as 128554  
a separate entity or as a part of a joint application, for one 128555  
MARCS Grant per fiscal year. The State Fire Marshal may give a 128556

preference in the awarding of MARCS Grants to grants that will 128557  
enhance the overall interoperability and effectiveness of 128558  
emergency communication networks in the geographic region that 128559  
includes and that is adjacent to the applicant. Eligible 128560  
recipients that are or were awarded fire department grants that 128561  
are not MARCS Grants may also apply for and receive MARCS Grants 128562  
in accordance with criteria for the awarding of grant funds 128563  
established by the State Fire Marshal. 128564

(3) Grant awards for firefighting or rescue equipment or gear 128565  
or for fire department costs of providing fire protection services 128566  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 128567  
fiscal year if an eligible entity serves a jurisdiction in which 128568  
the Governor declared a natural disaster during the preceding or 128569  
current fiscal year in which the grant was awarded. In addition to 128570  
any grant funds awarded for rescue equipment or gear, or for fire 128571  
department costs associated with the provision of fire protection 128572  
services, an eligible entity may receive a grant for up to \$15,000 128573  
per fiscal year for full or partial reimbursement of the 128574  
documented costs of firefighter training. For each fiscal year, 128575  
the State Fire Marshal shall determine the total amounts to be 128576  
allocated for each eligible purpose. 128577

(C) The grants shall be administered by the State Fire 128578  
Marshal in accordance with rules the State Fire Marshal adopts as 128579  
part of the state fire code adopted pursuant to section 3737.82 of 128580  
the Revised Code that are necessary for the administration and 128581  
operation of the grant program. The rules may further define the 128582  
entities eligible to receive grants and establish criteria for the 128583  
awarding and expenditure of grant funds, including methods the 128584  
State Fire Marshal may use to verify the proper use of grant funds 128585  
or to obtain reimbursement for or the return of equipment for 128586  
improperly used grant funds. To the extent consistent with this 128587  
section and until the rules are updated, the existing rules in the 128588

state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to \$500,000 in cash from the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to the Division of Real Estate Operating Fund (Fund 5490) during the biennium ending June 30, 2019.

SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to \$300,000 in cash from the State Fire Marshal Fund (Fund 5460) to the Small Government Fire Department Services Revolving Loan Fund (Fund 5F10) during the biennium ending June 30, 2019.

Of the foregoing appropriation item 800635, Small Government Fire Departments, \$150,000 in fiscal year 2018 shall be used to provide a loan for fire training center equipment to a fire training center that received an appropriation in S.B. 310 of the 131st General Assembly.

**Section 245.10.** OCC OFFICE OF CONSUMERS' COUNSEL

|                                        |    |           |    |           |
|----------------------------------------|----|-----------|----|-----------|
| Dedicated Purpose Fund Group           |    |           |    | 128612    |
| 5F50 053601 Operating Expenses         | \$ | 5,541,093 | \$ | 5,541,093 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 5,541,093 | \$ | 5,541,093 |
| TOTAL ALL BUDGET FUND GROUPS           | \$ | 5,541,093 | \$ | 5,541,093 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <b>Section 247.10. CEB CONTROLLING BOARD</b>                       | 128618 |
| Internal Service Activity Fund Group                               | 128619 |
| 5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000            | 128620 |
| Emergency                                                          |        |
| Purposes/Contingencies                                             |        |
| TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000      | 128621 |
| Fund Group                                                         |        |
| TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000             | 128622 |
| <br>                                                               |        |
| <b>Section 247.20. FEDERAL SHARE</b>                               | 128624 |
| In transferring appropriations to or from appropriation items      | 128625 |
| that have federal shares identified in this act, the Controlling   | 128626 |
| Board shall add or subtract corresponding amounts of federal       | 128627 |
| matching funds at the percentages indicated by the state and       | 128628 |
| federal division of the appropriations in this act. Such changes   | 128629 |
| are hereby appropriated.                                           | 128630 |
| <br>                                                               |        |
| DISASTER SERVICES                                                  | 128631 |
| <br>                                                               |        |
| The Disaster Services Fund (Fund 5E20) shall be used by the        | 128632 |
| Controlling Board, pursuant to requests submitted by state         | 128633 |
| agencies, to transfer cash used for the payment of state agency    | 128634 |
| disaster relief program expenses for disasters that have a written | 128635 |
| Governor's authorization, if the Director of Budget and Management | 128636 |
| determines that sufficient funds exist.                            | 128637 |
| <br>                                                               |        |
| Pursuant to requests submitted by the Department of Public         | 128638 |
| Safety, the Controlling Board may approve cash transfers from Fund | 128639 |
| 5E20 to any fund used by the Department of Public Safety to        | 128640 |
| provide for assistance to political subdivisions made necessary by | 128641 |
| natural disasters or emergencies. These cash transfers may be      | 128642 |
| requested and approved prior to the occurrence of any specific     | 128643 |
| natural disasters or emergencies in order to facilitate the        | 128644 |
| provision of timely assistance. The Emergency Management Agency of | 128645 |

the Department of Public Safety shall use the cash to fund the 128646  
 State Disaster Relief Program for disasters that qualify for the 128647  
 program by written authorization of the Governor, and the State 128648  
 Individual Assistance Program for disasters that been declared by 128649  
 the federal Small Business Administration and that qualify for the 128650  
 program by written authorization from the Governor. The Ohio 128651  
 Emergency Management Agency shall publish and make available 128652  
 application packets outlining procedures for the State Disaster 128653  
 Relief Program and the State Individual Assistance Program. 128654

**Section 249.10. COS COSMETOLOGY AND BARBER BOARD** 128655

Dedicated Purpose Fund Group 128656  
 4K90 879609 Operating Expenses \$ 4,462,105 \$ 5,348,760 128657  
 TOTAL DPF Dedicated Purpose Fund \$ 4,462,105 \$ 5,348,760 128658  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 4,462,105 \$ 5,348,760 128659

**Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE** 128661

AND FAMILY THERAPIST BOARD 128662  
 Dedicated Purpose Fund Group 128663  
 4K90 899609 Operating Expenses \$ 1,518,224 \$ 1,625,312 128664  
 TOTAL DPF Dedicated Purpose Fund \$ 1,518,224 \$ 1,625,312 128665  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,518,224 \$ 1,625,312 128666

**Section 253.10. CLA COURT OF CLAIMS** 128668

General Revenue Fund 128669  
 GRF 015321 Operating Expenses \$ 2,536,419 \$ 2,536,419 128670  
 GRF 015403 Public Records \$ 518,700 \$ 539,280 128671  
 Adjudication  
 TOTAL GRF General Revenue Fund \$ 3,055,119 \$ 3,075,699 128672  
 Dedicated Purpose Fund Group 128673



|             |                        |    |         |    |         |        |
|-------------|------------------------|----|---------|----|---------|--------|
| 5K20 015603 | CLA Victims of Crime   | \$ | 462,515 | \$ | 480,463 | 128674 |
| TOTAL DPF   | Dedicated Purpose Fund | \$ | 462,515 | \$ | 480,463 | 128675 |
| Group       |                        |    |         |    |         |        |

|                              |  |    |           |    |           |        |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 3,517,634 | \$ | 3,556,162 | 128676 |
|------------------------------|--|----|-----------|----|-----------|--------|

|                             |  |  |  |  |  |        |
|-----------------------------|--|--|--|--|--|--------|
| PUBLIC RECORDS ADJUDICATION |  |  |  |  |  | 128677 |
|-----------------------------|--|--|--|--|--|--------|

The foregoing appropriation item 015403, Public Records  
Adjudication, shall be used by the Court of Claims to perform its  
duties and responsibilities as directed by S.B. 321 of the 131st  
General Assembly.

|                        |                        |  |  |  |  |        |
|------------------------|------------------------|--|--|--|--|--------|
| <b>Section 255.10.</b> | DEN STATE DENTAL BOARD |  |  |  |  | 128682 |
|------------------------|------------------------|--|--|--|--|--------|

|                              |  |  |  |  |  |        |
|------------------------------|--|--|--|--|--|--------|
| Dedicated Purpose Fund Group |  |  |  |  |  | 128683 |
|------------------------------|--|--|--|--|--|--------|

|             |                        |    |           |    |           |        |
|-------------|------------------------|----|-----------|----|-----------|--------|
| 4K90 880609 | Operating Expenses     | \$ | 1,754,868 | \$ | 1,830,082 | 128684 |
| TOTAL DPF   | Dedicated Purpose Fund | \$ | 1,754,868 | \$ | 1,830,082 | 128685 |

Group

|                              |  |    |           |    |           |        |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 1,754,868 | \$ | 1,830,082 | 128686 |
|------------------------------|--|----|-----------|----|-----------|--------|

|                        |                      |  |  |  |  |        |
|------------------------|----------------------|--|--|--|--|--------|
| <b>Section 257.10.</b> | BDP BOARD OF DEPOSIT |  |  |  |  | 128688 |
|------------------------|----------------------|--|--|--|--|--------|

|                              |  |  |  |  |  |        |
|------------------------------|--|--|--|--|--|--------|
| Dedicated Purpose Fund Group |  |  |  |  |  | 128689 |
|------------------------------|--|--|--|--|--|--------|

|             |                        |    |           |    |           |        |
|-------------|------------------------|----|-----------|----|-----------|--------|
| 4M20 974601 | Board of Deposit       | \$ | 1,876,000 | \$ | 1,876,000 | 128690 |
| TOTAL DPF   | Dedicated Purpose Fund | \$ | 1,876,000 | \$ | 1,876,000 | 128691 |

Group

|                              |  |    |           |    |           |        |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 1,876,000 | \$ | 1,876,000 | 128692 |
|------------------------------|--|----|-----------|----|-----------|--------|

|                               |  |  |  |  |  |        |
|-------------------------------|--|--|--|--|--|--------|
| BOARD OF DEPOSIT EXPENSE FUND |  |  |  |  |  | 128693 |
|-------------------------------|--|--|--|--|--|--------|

Upon receiving certification of expenses from the Treasurer  
of State, the Director of Budget and Management shall transfer  
cash from the Investment Earnings Redistribution Fund (Fund 6080)  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund  
shall be used pursuant to section 135.02 of the Revised Code to  
pay for any and all necessary expenses of the Board of Deposit or  
for banking charges and fees required for the operation of the  
State of Ohio Regular Account.

|           |                        |                                                                                          |    |             |    |             |        |
|-----------|------------------------|------------------------------------------------------------------------------------------|----|-------------|----|-------------|--------|
|           | <b>Section 259.10.</b> | DEV DEVELOPMENT SERVICES AGENCY                                                          |    |             |    | 128702      |        |
|           | General Revenue Fund   |                                                                                          |    |             |    | 128703      |        |
| GRF       | 195402                 | Coal Research and<br>Development Program                                                 | \$ | 227,368     | \$ | 227,368     | 128704 |
| GRF       | 195405                 | Minority Business<br>Development                                                         | \$ | 1,696,358   | \$ | 1,696,358   | 128705 |
| GRF       | 195415                 | Business Development<br>Services                                                         | \$ | 3,208,941   | \$ | 3,208,941   | 128706 |
| GRF       | 195426                 | Redevelopment<br>Assistance                                                              | \$ | 824,500     | \$ | 1,067,000   | 128707 |
| GRF       | 195453                 | Technology Programs<br>and Grants                                                        | \$ | 13,524,956  | \$ | 13,274,956  | 128708 |
| GRF       | 195454                 | Small Business and<br>Export Assistance                                                  | \$ | 3,057,174   | \$ | 3,057,174   | 128709 |
| GRF       | 195497                 | CDBG Operating Match                                                                     | \$ | 1,021,604   | \$ | 1,021,604   | 128710 |
| GRF       | 195537                 | Ohio-Israel<br>Agricultural<br>Initiative                                                | \$ | 200,000     | \$ | 200,000     | 128711 |
| GRF       | 195901                 | Coal Research and<br>Development General<br>Obligation Bond Debt<br>Service              | \$ | 6,319,500   | \$ | 7,820,600   | 128712 |
| GRF       | 195905                 | Third Frontier<br>Research and<br>Development General<br>Obligation Bond Debt<br>Service | \$ | 87,015,000  | \$ | 95,039,900  | 128713 |
| GRF       | 195912                 | Job Ready Site<br>Development General<br>Obligation Bond Debt<br>Service                 | \$ | 11,092,900  | \$ | 12,380,400  | 128714 |
| TOTAL GRF | General Revenue Fund   |                                                                                          | \$ | 128,188,301 | \$ | 138,994,301 | 128715 |

|      |        |                              |    |             |    |             |        |
|------|--------|------------------------------|----|-------------|----|-------------|--------|
|      |        | Dedicated Purpose Fund Group |    |             |    | 128716      |        |
| 4500 | 195624 | Minority Business            | \$ | 74,905      | \$ | 74,905      | 128717 |
|      |        | Bonding Program              |    |             |    |             |        |
|      |        | Administration               |    |             |    |             |        |
| 4510 | 195649 | Business Assistance          | \$ | 4,000,000   | \$ | 4,000,000   | 128718 |
|      |        | Programs                     |    |             |    |             |        |
| 4F20 | 195639 | State Special Projects       | \$ | 102,104     | \$ | 102,104     | 128719 |
| 4F20 | 195699 | Utility Community            | \$ | 500,000     | \$ | 500,000     | 128720 |
|      |        | Assistance                   |    |             |    |             |        |
| 4W10 | 195646 | Minority Business            | \$ | 4,000,000   | \$ | 4,000,000   | 128721 |
|      |        | Enterprise Loan              |    |             |    |             |        |
| 5CG0 | 195679 | Alternative Fuel             | \$ | 2,000,000   | \$ | 2,000,000   | 128722 |
|      |        | Transportation               |    |             |    |             |        |
| 5HR0 | 195403 | Appalachian Workforce        | \$ | 5,662,518   |    | 5,662,518   | 128723 |
|      |        | Assistance                   |    |             |    |             |        |
| 5HR0 | 195622 | Defense Development          | \$ | 1,250,000   | \$ | 1,250,000   | 128724 |
|      |        | Assistance                   |    |             |    |             |        |
| 5JR0 | 195635 | Tax Incentives               | \$ | 800,000     | \$ | 800,000     | 128725 |
|      |        | Operating                    |    |             |    |             |        |
| 5KP0 | 195645 | Historic                     | \$ | 1,000,000   | \$ | 1,000,000   | 128726 |
|      |        | Rehabilitation               |    |             |    |             |        |
|      |        | Operating                    |    |             |    |             |        |
| 5M40 | 195659 | Low Income Energy            | \$ | 370,000,000 | \$ | 370,000,000 | 128727 |
|      |        | Assistance (USF)             |    |             |    |             |        |
| 5M50 | 195660 | Advanced Energy Loan         | \$ | 10,000,000  | \$ | 10,000,000  | 128728 |
|      |        | Programs                     |    |             |    |             |        |
| 5MH0 | 195644 | SiteOhio                     | \$ | 25,000      | \$ | 25,000      | 128729 |
|      |        | Administration               |    |             |    |             |        |
| 5MJ0 | 195683 | TourismOhio                  | \$ | 10,000,000  | \$ | 10,000,000  | 128730 |
|      |        | Administration               |    |             |    |             |        |
| 5W50 | 195690 | Travel and Tourism           | \$ | 150,000     | \$ | 150,000     | 128731 |
|      |        | Cooperative Projects         |    |             |    |             |        |
| 5W60 | 195691 | International Trade          | \$ | 18,000      | \$ | 18,000      | 128732 |

|           |                                         |                                                      |    |             |    |             |        |
|-----------|-----------------------------------------|------------------------------------------------------|----|-------------|----|-------------|--------|
|           |                                         | Cooperative Projects                                 |    |             |    |             |        |
| 6170      | 195654                                  | Volume Cap                                           | \$ | 32,562      | \$ | 32,562      | 128733 |
|           |                                         | Administration                                       |    |             |    |             |        |
| 6460      | 195638                                  | Low- and Moderate-<br>Income Housing<br>Programs     | \$ | 53,000,000  | \$ | 53,000,000  | 128734 |
| M087      | 195435                                  | Biomedical Research<br>and Technology<br>Transfer    | \$ | 500,000     | \$ | 500,000     | 128735 |
| TOTAL DPF | Dedicated Purpose Fund<br>Group         |                                                      | \$ | 463,115,089 | \$ | 463,115,089 | 128736 |
|           |                                         | Internal Service Activity Fund Group                 |    |             |    |             | 128737 |
| 1350      | 195684                                  | Development Services<br>Operations                   | \$ | 10,800,000  | \$ | 10,800,000  | 128738 |
| 6850      | 195636                                  | Development Services<br>Reimbursable<br>Expenditures | \$ | 700,000     | \$ | 700,000     | 128739 |
| TOTAL ISA | Internal Service Activity<br>Fund Group |                                                      | \$ | 11,500,000  | \$ | 11,500,000  | 128740 |
|           |                                         | Facilities Establishment Fund Group                  |    |             |    |             | 128741 |
| 5S90      | 195628                                  | Capital Access Loan<br>Program                       | \$ | 2,500,000   | \$ | 2,500,000   | 128742 |
| 7009      | 195664                                  | Innovation Ohio                                      | \$ | 5,000,000   | \$ | 5,000,000   | 128743 |
| 7010      | 195665                                  | Research and<br>Development                          | \$ | 5,000,000   | \$ | 5,000,000   | 128744 |
| 7037      | 195615                                  | Facilities<br>Establishment                          | \$ | 25,000,000  | \$ | 25,000,000  | 128745 |
| TOTAL FCE | Facilities Establishment<br>Fund Group  |                                                      | \$ | 37,500,000  | \$ | 37,500,000  | 128746 |
|           |                                         | Bond Research and Development Fund Group             |    |             |    |             | 128747 |
| 7011      | 195686                                  | Third Frontier Tax<br>Exempt - Operating             | \$ | 750,000     | \$ | 750,000     | 128748 |

|                                                       |        |                                                        |    |             |    |             |        |
|-------------------------------------------------------|--------|--------------------------------------------------------|----|-------------|----|-------------|--------|
| 7011                                                  | 195687 | Third Frontier<br>Research and<br>Development Projects | \$ | 20,000,000  | \$ | 20,000,000  | 128749 |
| 7014                                                  | 195620 | Third Frontier<br>Taxable - Operating                  | \$ | 1,710,000   | \$ | 1,710,000   | 128750 |
| 7014                                                  | 195692 | Research and<br>Development Taxable<br>Bond Projects   | \$ | 90,850,250  | \$ | 90,850,250  | 128751 |
| TOTAL BRD Bond Research and<br>Development Fund Group |        |                                                        | \$ | 113,310,250 | \$ | 113,310,250 | 128752 |
| Capital Projects Fund Group                           |        |                                                        |    |             |    |             | 128753 |
| 7003                                                  | 195663 | Clean Ohio<br>Revitalization<br>Operating              | \$ | 600,000     | \$ | 0           | 128754 |
| TOTAL CPF Capital Projects Fund<br>Group              |        |                                                        | \$ | 600,000     | \$ | 0           | 128755 |
| Federal Fund Group                                    |        |                                                        |    |             |    |             | 128756 |
| 3080                                                  | 195603 | Housing Assistance<br>Programs                         | \$ | 12,000,000  | \$ | 12,000,000  | 128757 |
| 3080                                                  | 195609 | Small Business<br>Administration Grants                | \$ | 5,271,381   | \$ | 5,271,381   | 128758 |
| 3080                                                  | 195618 | Energy Grants                                          | \$ | 4,000,000   | \$ | 4,000,000   | 128759 |
| 3080                                                  | 195670 | Home Weatherization<br>Program                         | \$ | 20,000,000  | \$ | 20,000,000  | 128760 |
| 3080                                                  | 195671 | Brownfield<br>Redevelopment                            | \$ | 3,000,000   | \$ | 3,000,000   | 128761 |
| 3080                                                  | 195672 | Manufacturing<br>Extension Partnership                 | \$ | 5,500,000   | \$ | 5,500,000   | 128762 |
| 3080                                                  | 195675 | Procurement Technical<br>Assistance                    | \$ | 750,000     | \$ | 750,000     | 128763 |
| 3080                                                  | 195696 | State Trade and<br>Export Promotion                    | \$ | 800,000     | \$ | 800,000     | 128764 |

|                              |                    |                                                                           |    |               |    |               |        |
|------------------------------|--------------------|---------------------------------------------------------------------------|----|---------------|----|---------------|--------|
| 3350                         | 195610             | Energy Programs                                                           | \$ | 200,000       | \$ | 200,000       | 128765 |
| 3AE0                         | 195643             | Workforce Development<br>Initiatives                                      | \$ | 800,000       | \$ | 800,000       | 128766 |
| 3FJ0                         | 195626             | Small Business<br>Capital Access and<br>Collateral<br>Enhancement Program | \$ | 5,644,445     | \$ | 5,644,445     | 128767 |
| 3FJ0                         | 195661             | Technology Targeted<br>Investment Program                                 | \$ | 2,260,953     | \$ | 2,260,953     | 128768 |
| 3K80                         | 195613             | Community Development<br>Block Grant                                      | \$ | 60,000,000    | \$ | 60,000,000    | 128769 |
| 3K90                         | 195611             | Home Energy<br>Assistance Block<br>Grant                                  | \$ | 175,000,000   | \$ | 175,000,000   | 128770 |
| 3K90                         | 195614             | HEAP Weatherization                                                       | \$ | 25,000,000    | \$ | 25,000,000    | 128771 |
| 3L00                         | 195612             | Community Services<br>Block Grant                                         | \$ | 28,000,000    | \$ | 28,000,000    | 128772 |
| 3V10                         | 195601             | HOME Program                                                              | \$ | 25,000,000    | \$ | 25,000,000    | 128773 |
| TOTAL FED                    | Federal Fund Group |                                                                           | \$ | 373,226,779   | \$ | 373,226,779   | 128774 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                                                                           | \$ | 1,127,440,419 | \$ | 1,137,646,419 | 128775 |

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 128777

The foregoing appropriation item 195402, Coal Research and 128778  
Development Program, shall be used for the operating expenses of 128779  
the Community Services Division in support of the Ohio Coal 128780  
Development Office. 128781

MINORITY BUSINESS DEVELOPMENT 128782

The foregoing appropriation item 195405, Minority Business 128783  
Development, shall be used to support the activities of the 128784  
Minority Business Development Division, including providing grants 128785  
to local nonprofit organizations to support economic development 128786  
activities that promote minority business development, in 128787

conjunction with local organizations funded through appropriation 128788  
item 195454, Small Business and Export Assistance. 128789

BUSINESS DEVELOPMENT SERVICES 128790

The foregoing appropriation item 195415, Business Development 128791  
Services, shall be used for the operating expenses of the Business 128792  
Services Division and the regional economic development offices. 128793

REDEVELOPMENT ASSISTANCE 128794

The foregoing appropriation item 195426, Redevelopment 128795  
Assistance, shall be used to fund the costs of administering the 128796  
energy, redevelopment, and other revitalization programs that may 128797  
be implemented by the Development Services Agency, and may be used 128798  
to match federal grant funding. 128799

TECHNOLOGY PROGRAMS AND GRANTS 128800

Of the foregoing appropriation item 195453, Technology 128801  
Programs and Grants, up to \$547,341 in each fiscal year shall be 128802  
used for operating expenses incurred in administering the Ohio 128803  
Third Frontier pursuant to sections 184.10 to 184.20 of the 128804  
Revised Code; up to \$4,600,000 in each fiscal year shall be used 128805  
for the Manufacturing Extension Partnership Program; and up to 128806  
\$5,900,000 in each fiscal year shall be used for the Technology 128807  
Application Program to support new technology applications, as 128808  
defined in division (C)(6) of section 122.33 of the Revised Code, 128809  
for small- and mid-sized manufacturers via the Edison Network, as 128810  
defined in division (B)(2) of section 122.01 of the Revised Code, 128811  
through direct technology application development or service 128812  
creation. 128813

SMALL BUSINESS AND EXPORT ASSISTANCE 128814

The foregoing appropriation item 195454, Small Business and 128815  
Export Assistance, may be used to provide a range of business 128816  
assistance, including grants to local organizations to support 128817

economic development activities that promote small business 128818  
development, entrepreneurship, and exports of Ohio's goods and 128819  
services, in conjunction with local organizations funded through 128820  
appropriation item 195405, Minority Business Development. The 128821  
foregoing appropriation item shall also be used as matching funds 128822  
for grants from the United States Small Business Administration 128823  
and other federal agencies, pursuant to Public Law No. 96-302 as 128824  
amended by Public Law No. 98-395, and regulations and policy 128825  
guidelines for the programs pursuant thereto. 128826

Of the foregoing appropriation item 195454, Small Business 128827  
and Export Assistance, \$250,000 in each fiscal year shall be 128828  
allocated to Lumos Innovation. 128829

CDBG OPERATING MATCH 128830

The foregoing appropriation item 195497, CDBG Operating 128831  
Match, shall be used as matching funds for grants from the United 128832  
States Department of Housing and Urban Development pursuant to the 128833  
Housing and Community Development Act of 1974 and regulations and 128834  
policy guidelines for the programs pursuant thereto. 128835

OHIO-ISRAEL AGRICULTURAL INITIATIVE 128836

The foregoing appropriation item 195537, Ohio-Israel 128837  
Agricultural Initiative, shall be used for the Ohio-Israel 128838  
Agricultural Initiative. 128839

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT 128840  
SERVICE 128841

The foregoing appropriation line item 195901, Coal Research 128842  
and Development General Obligation Bond Debt Service, shall be 128843  
used to pay all debt service and related financing costs during 128844  
the period July 1, 2017, through June 30, 2019, on obligations 128845  
issued under sections 151.01 and 151.07 of the Revised Code. 128846

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 128847



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| BOND DEBT SERVICE                                                  | 128848 |
| The foregoing appropriation item 195905, Third Frontier            | 128849 |
| Research and Development General Obligation Bond Debt Service,     | 128850 |
| shall be used to pay all debt service and related financing costs  | 128851 |
| during the period from July 1, 2017, through June 30, 2019, on     | 128852 |
| obligations issued under sections 151.01 and 151.10 of the Revised | 128853 |
| Code.                                                              | 128854 |
| JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT            | 128855 |
| SERVICE                                                            | 128856 |
| The foregoing appropriation item 195912, Job Ready Site            | 128857 |
| Development General Obligation Bond Debt Service, shall be used to | 128858 |
| pay all debt service and related financing costs during the period | 128859 |
| from July 1, 2017, through June 30, 2019, on obligations issued    | 128860 |
| under sections 151.01 and 151.11 of the Revised Code.              | 128861 |
| <b>Section 259.30. MINORITY BUSINESS BONDING FUND</b>              | 128862 |
| Notwithstanding Chapters 122., 169., and 175. of the Revised       | 128863 |
| Code, the Director of Development Services may, upon the           | 128864 |
| recommendation of the Minority Development Financing Advisory      | 128865 |
| Board, pledge up to \$10,000,000 in the fiscal year 2018-fiscal    | 128866 |
| year 2019 biennium of unclaimed funds administered by the Director | 128867 |
| of Commerce and allocated to the Minority Business Bonding Program | 128868 |
| under section 169.05 of the Revised Code.                          | 128869 |
| If needed for the payment of losses arising from the Minority      | 128870 |
| Business Bonding Program, the Director of Budget and Management    | 128871 |
| may, at the request of the Director of Development Services,       | 128872 |
| request that the Director of Commerce transfer unclaimed funds     | 128873 |
| that have been reported by holders of unclaimed funds under        | 128874 |
| section 169.05 of the Revised Code to the Minority Bonding Fund    | 128875 |
| (Fund 4490). The transfer of unclaimed funds shall only occur      | 128876 |
| after proceeds of the initial transfer of \$2,700,000 by the       | 128877 |

Controlling Board to the Minority Business Bonding Program have 128878  
been used for that purpose. If expenditures are required for 128879  
payment of losses arising from the Minority Business Bonding 128880  
Program, such expenditures shall be made from appropriation item 128881  
195658, Minority Business Bonding Contingency in the Minority 128882  
Business Bonding Fund, and such amounts are hereby appropriated. 128883

BUSINESS ASSISTANCE PROGRAMS 128884

The foregoing appropriation item 195649, Business Assistance 128885  
Programs, shall be used for administrative expenses associated 128886  
with the operation of loan incentives within the Office of 128887  
Strategic Business Investments. 128888

STATE SPECIAL PROJECTS 128889

The State Special Projects Fund (Fund 4F20), may be used for 128890  
the deposit of private-sector funds from utility companies and for 128891  
the deposit of other miscellaneous state funds. State moneys so 128892  
deposited may also be used to match federal grants and to support 128893  
low-income energy assistance programs. 128894

MINORITY BUSINESS ENTERPRISE LOAN 128895

All repayments from the Minority Development Financing 128896  
Advisory Board Loan Program shall be deposited in the State 128897  
Treasury to the credit of the Minority Business Enterprise Loan 128898  
Fund (Fund 4W10). 128899

APPALACHIAN WORKFORCE ASSISTANCE 128900

On July 1, 2018, or as soon as possible thereafter, the 128901  
Director of Budget and Management shall transfer cash from the 128902  
Economic Development Programs Fund (Fund 5JC0) to the Ohio 128903  
Incumbent Workforce Job Training Fund (Fund 5HR0) in an amount 128904  
necessary to provide Fund 5HR0 with sufficient funding to support 128905  
the full fiscal year 2019 appropriation to the foregoing 128906  
appropriation item 195403, Appalachian Workforce Assistance. 128907

The foregoing appropriation item 195403, Appalachian Workforce Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the foregoing appropriation item shall be identified and recommended by the local development districts and approved by the Governor's Office of Appalachia. The Development Services Agency shall conduct compliance and regulatory review of the programs recommended by the local development districts. Moneys allocated under the foregoing appropriation item may be used to fund projects including, but not limited to, those designated by the local development districts as community investment and rapid response projects.

Of the foregoing appropriation item 195403, Appalachian Workforce Assistance, in each fiscal year, \$170,000 shall be allocated to the Ohio Valley Regional Development Commission, \$170,000 shall be allocated to the Ohio Mid-Eastern Government Association, \$170,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and \$70,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

Of the foregoing appropriation item 195403, Appalachian Workforce Assistance, \$100,000 in each fiscal year shall be allocated to the iBELIEVE Foundation to provide opportunities for Appalachian youth to develop twenty-first century skills,

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| including leadership, communication, and problem-solving for       | 128940 |
| college access and retention.                                      | 128941 |
| TAX INCENTIVES OPERATING                                           | 128942 |
| On July 1, 2017, or as soon as possible thereafter, the            | 128943 |
| Director of Budget and Management shall transfer \$700,000 cash    | 128944 |
| from Fund 5MK0 to Fund 5JR0.                                       | 128945 |
| ADVANCED ENERGY LOAN PROGRAMS                                      | 128946 |
| The foregoing appropriation item 195660, Advanced Energy Loan      | 128947 |
| Programs, shall be used to provide financial assistance to         | 128948 |
| customers for eligible advanced energy projects for residential,   | 128949 |
| commercial, and industrial business, local government, educational | 128950 |
| institution, nonprofit, and agriculture customers. The             | 128951 |
| appropriation item may be used to match federal grant funding and  | 128952 |
| to pay for the program's administrative costs as provided in       | 128953 |
| sections 4928.61 to 4928.63 of the Revised Code and rules adopted  | 128954 |
| by the Director of Development Services.                           | 128955 |
| On July 1, 2017, or as soon as possible thereafter, the            | 128956 |
| Director of Budget and Management shall transfer cash in an amount | 128957 |
| equal to the unexpended, unencumbered balance of the Advanced      | 128958 |
| Energy Research and Development Taxable Fund (Fund 7004), from     | 128959 |
| Fund 7004 to the Advanced Energy Fund (Fund 5M50).                 | 128960 |
| TRAVEL AND TOURISM COOPERATIVE PROJECTS                            | 128961 |
| The foregoing appropriation item 195690, Travel and Tourism        | 128962 |
| Cooperative Projects, shall be used for the marketing and          | 128963 |
| promotion of travel and tourism in Ohio. The Travel and Tourism    | 128964 |
| Cooperative Projects Fund (Fund 5W50) shall consist solely of      | 128965 |
| leveraged private sector paid advertising dollars received in      | 128966 |
| tourism marketing assistance and co-op programs.                   | 128967 |
| VOLUME CAP ADMINISTRATION                                          | 128968 |
| The foregoing appropriation item 195654, Volume Cap                | 128969 |

Administration, shall be used for expenses related to the 128970  
administration of the Volume Cap Program. Revenues received by the 128971  
Volume Cap Administration Fund (Fund 6170) shall consist of 128972  
application fees, forfeited deposits, and interest earned from the 128973  
custodial account held by the Treasurer of State. 128974

**Section 259.40. DEVELOPMENT SERVICES OPERATIONS** 128975

The Director of Development Services may assess offices of 128976  
the agency for the cost of central service operations. An 128977  
assessment shall contain the characteristics of administrative 128978  
ease and uniform application. A division's payments shall be 128979  
credited to the Supportive Services Fund (Fund 1350) using an 128980  
intrastate transfer voucher. 128981

**DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES** 128982

The foregoing appropriation item 195636, Development Services 128983  
Reimbursable Expenditures, shall be used for reimbursable costs 128984  
incurred by the agency. Revenues to the General Reimbursement Fund 128985  
(Fund 6850) shall consist of moneys charged for administrative 128986  
costs that are not central service costs and repayments of loans, 128987  
including the interest thereon, made from the Water and Sewer Fund 128988  
(Fund 4440). 128989

**Section 259.50. CAPITAL ACCESS LOAN PROGRAM** 128990

The foregoing appropriation item 195628, Capital Access Loan 128991  
Program, shall be used for operating, program, and administrative 128992  
expenses of the program. Funds of the Capital Access Loan Program 128993  
shall be used to assist participating financial institutions in 128994  
making program loans to eligible businesses that face barriers in 128995  
accessing working capital and obtaining fixed-asset financing. 128996

The Director of Budget and Management may transfer an amount 128997  
not to exceed \$1,000,000 cash in each fiscal year from the 128998  
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 128999

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| Access Loan Fund (Fund 5S90).                                      | 129000 |
| INNOVATION OHIO                                                    | 129001 |
| The foregoing appropriation item 195664, Innovation Ohio,          | 129002 |
| shall be used to provide for Innovation Ohio purposes, including   | 129003 |
| loan guarantees and loans under Chapter 166. and particularly      | 129004 |
| sections 166.12 to 166.16 of the Revised Code.                     | 129005 |
| RESEARCH AND DEVELOPMENT                                           | 129006 |
| The foregoing appropriation item 195665, Research and              | 129007 |
| Development, shall be used to provide for research and development | 129008 |
| purposes, including loans, under Chapter 166. and particularly     | 129009 |
| sections 166.17 to 166.21 of the Revised Code.                     | 129010 |
| FACILITIES ESTABLISHMENT                                           | 129011 |
| The foregoing appropriation item 195615, Facilities                | 129012 |
| Establishment, shall be used for the purposes of the Facilities    | 129013 |
| Establishment Fund (Fund 7037) under Chapter 166. of the Revised   | 129014 |
| Code.                                                              | 129015 |
| TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND                   | 129016 |
| Notwithstanding Chapter 166. of the Revised Code, an amount        | 129017 |
| not to exceed \$3,500,000 in cash in each fiscal year may be       | 129018 |
| transferred from the Facilities Establishment Fund (Fund 7037) to  | 129019 |
| the Business Assistance Fund (Fund 4510). The transfer is subject  | 129020 |
| to Controlling Board approval under division (B) of section 166.03 | 129021 |
| of the Revised Code.                                               | 129022 |
| Notwithstanding Chapter 166. of the Revised Code, the              | 129023 |
| Director of Budget and Management may transfer an amount not to    | 129024 |
| exceed \$2,000,000 in cash in each fiscal year from the Facilities | 129025 |
| Establishment Fund (Fund 7037) to the Minority Business Enterprise | 129026 |
| Loan Fund (Fund 4W10).                                             | 129027 |
| Notwithstanding Chapter 166. of the Revised Code, the              | 129028 |
| Director of Budget and Management may transfer an amount not to    | 129029 |

exceed \$2,000,000 in cash in each fiscal year from the Facilities 129030  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 129031  
(Fund 5S90). 129032

**Section 259.60. THIRD FRONTIER OPERATING COSTS** 129033

The foregoing appropriation items 195686, Third Frontier Tax 129034  
Exempt - Operating, and 195620, Third Frontier Taxable - 129035  
Operating, shall be used for operating expenses incurred by the 129036  
Development Services Agency in administering projects pursuant to 129037  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 129038  
paid from appropriation item 195686 shall be limited to the 129039  
administration of projects funded from the Third Frontier Research 129040  
& Development Fund (Fund 7011) and operating expenses paid from 129041  
appropriation item 195620 shall be limited to the administration 129042  
of projects funded from the Third Frontier Research & Development 129043  
Taxable Bond Project Fund (Fund 7014). 129044

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 129045  
PROJECTS** 129046

The foregoing appropriation items 195687, Third Frontier 129047  
Research & Development Projects, and 195692, Research & 129048  
Development Taxable Bond Projects, shall be used by the 129049  
Development Services Agency to fund selected projects which may 129050  
include the Ohio Tech Internship Program. Eligible costs are those 129051  
costs of research and development projects to which the proceeds 129052  
of the Third Frontier Research & Development Fund (Fund 7011) and 129053  
the Research & Development Taxable Bond Project Fund (Fund 7014) 129054  
are to be applied. 129055

**TRANSFERS OF THIRD FRONTIER APPROPRIATIONS** 129056

The Director of Budget and Management may approve written 129057  
requests from the Director of Development Services for the 129058  
transfer of appropriations between appropriation items 195687, 129059

Third Frontier Research & Development Projects, and 195692, 129060  
Research & Development Taxable Bond Projects, based upon awards 129061  
recommended by the Third Frontier Commission. 129062

In fiscal year 2019, the Director of Development Services may 129063  
request that the Director of Budget and Management reappropriate 129064  
any unexpended, unencumbered balances of the prior fiscal year's 129065  
appropriation to the foregoing appropriation items 195687, Third 129066  
Frontier Research & Development Projects, and 195692, Research & 129067  
Development Taxable Bond Projects, for fiscal year 2019. The 129068  
Director of Budget and Management may request additional 129069  
information necessary for evaluating these requests, and the 129070  
Director of Development Services shall provide the requested 129071  
information to the Director of Budget and Management. Based on the 129072  
information provided by the Director of Development Services, the 129073  
Director of Budget and Management shall determine the amounts to 129074  
be reappropriated, and those amounts are hereby reappropriated for 129075  
fiscal year 2019. 129076

**Section 259.70. CLEAN OHIO REVITALIZATION OPERATING** 129077

The foregoing appropriation item 195663, Clean Ohio 129078  
Revitalization Operating, shall be used by the Development 129079  
Services Agency in administering Clean Ohio Revitalization Fund 129080  
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 129081  
Revised Code. 129082

**Section 259.80. HEAP WEATHERIZATION** 129083

Not later than April 1, 2018, the Director of Development 129084  
Services shall submit a completed waiver request in accordance 129085  
with section 96.83 of Title 45 of the Code of Federal Regulations 129086  
to the United States Department of Health and Human Services and 129087  
any other applicable federal agencies for the state to expend 129088  
twenty-five per cent of federal Low-Income Home Energy Assistance 129089



Program funds from the Home Energy Assistance Block Grant for 129090  
weatherization services as allowed by section 96.83(a) of Title 45 129091  
of the Code of Federal Regulations to the United States Department 129092  
of Health and Human Services. 129093

Upon approval of the necessary waiver from the federal 129094  
government and not sooner than July 1, 2018, twenty-five per cent 129095  
of the federal funds deposited to the credit of the Home Energy 129096  
Assistance Block Grant Fund (Fund 3K90) shall be expended from 129097  
appropriation item 195614, HEAP Weatherization, to provide home 129098  
weatherization services in the state as determined by the Director 129099  
of Development Services. This procedure shall be repeated by the 129100  
Director of Development Services in FY 2019 by following the same 129101  
deadlines but in the year 2019. 129102

**Section 259.90.** The Development Services Agency, the 129103  
Department of Mental Health and Addiction Services, and the Ohio 129104  
State University shall collaborate to develop a web site and an 129105  
application for mobile devices that provide resources and 129106  
information regarding opioid addiction treatment services. 129107

**Section 259.100.** LAKES IN ECONOMIC DISTRESS REVOLVING LOAN 129108  
PROGRAM 129109

On July 1, 2017, or as soon as possible thereafter, the 129110  
Director of Development Services shall certify to the Director of 129111  
Budget and Management the amount of the unexpended, unencumbered 129112  
balance of the foregoing appropriation item 195546, Lakes in 129113  
Economic Distress Revolving Loan Program, to be reappropriated in 129114  
fiscal year 2018. The amount certified is hereby reappropriated to 129115  
the foregoing appropriation item in fiscal year 2018 for the same 129116  
purpose or to support stormwater drainage infrastructure 129117  
improvements at the Buckeye Lake Dam or a stormwater drainage 129118  
study at the Buckeye Lake Dam. 129119

On July 1, 2017, or as soon as possible thereafter, the 129120  
 Director of Development Services shall certify to the Director of 129121  
 Budget and Management the amount equaling the unexpended, 129122  
 unencumbered balance of the portion of the foregoing appropriation 129123  
 item 195407, Travel and Tourism, that was earmarked for grants to 129124  
 assist businesses and other entities adversely affected due to 129125  
 economic circumstances that result in the declaration of a lake as 129126  
 an area under economic distress by the Director of Natural 129127  
 Resources pursuant to section 122.641 of the Revised Code. The 129128  
 amount certified is hereby reappropriated to the foregoing 129129  
 appropriation item in fiscal year 2018 for the same purpose. 129130

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 129131

General Revenue Fund 129132

|     |        |                      |    |            |    |            |        |
|-----|--------|----------------------|----|------------|----|------------|--------|
| GRF | 320412 | Protective Services  | \$ | 2,381,923  | \$ | 2,381,923  | 129133 |
| GRF | 320415 | Developmental        | \$ | 20,323,000 | \$ | 19,426,900 | 129134 |
|     |        | Disabilities         |    |            |    |            |        |
|     |        | Facilities Lease     |    |            |    |            |        |
|     |        | Rental Bond Payments |    |            |    |            |        |
| GRF | 322420 | Screening & Early    | \$ | 300,999    | \$ | 300,999    | 129135 |
|     |        | Identification       |    |            |    |            |        |
| GRF | 322421 | Part C Early         | \$ | 10,887,711 | \$ | 10,887,711 | 129136 |
|     |        | Intervention         |    |            |    |            |        |
| GRF | 322422 | Multi System Youth   | \$ | 1,000,000  | \$ | 1,000,000  | 129137 |
| GRF | 322451 | Family Support       | \$ | 5,843,767  | \$ | 5,843,767  | 129138 |
|     |        | Services             |    |            |    |            |        |
| GRF | 322501 | County Boards        | \$ | 43,266,294 | \$ | 43,266,294 | 129139 |
|     |        | Subsidies            |    |            |    |            |        |
| GRF | 322507 | County Board Case    | \$ | 2,450,000  | \$ | 1,462,500  | 129140 |
|     |        | Management           |    |            |    |            |        |
| GRF | 322508 | Employment First     | \$ | 2,724,111  | \$ | 2,724,111  | 129141 |
|     |        | Initiative           |    |            |    |            |        |

|           |        |                                               |    |             |    |             |        |
|-----------|--------|-----------------------------------------------|----|-------------|----|-------------|--------|
| GRF       | 322509 | Community Supports &<br>Rental Assistance     | \$ | 727,500     | \$ | 727,500     | 129142 |
| GRF       | 653321 | Medicaid Program<br>Support - State           | \$ | 7,000,000   | \$ | 7,000,000   | 129143 |
| GRF       | 653407 | Medicaid Services                             | \$ | 576,275,649 | \$ | 583,775,649 | 129144 |
| TOTAL GRF |        | General Revenue Fund                          | \$ | 673,180,954 | \$ | 678,797,354 | 129145 |
|           |        | Dedicated Purpose Fund Group                  |    |             |    |             | 129146 |
| 5GE0      | 320606 | Central Office<br>Operating Expenses          | \$ | 13,339,487  | \$ | 13,339,487  | 129147 |
| 5QM0      | 320607 | System Transformation<br>Supports             | \$ | 1,000,000   | \$ | 0           | 129148 |
| 2210      | 322620 | Supplement Service<br>Trust                   | \$ | 500,000     | \$ | 500,000     | 129149 |
| 5DK0      | 322629 | Capital Replacement<br>Facilities             | \$ | 750,000     | \$ | 750,000     | 129150 |
| 5H00      | 322619 | Medicaid Repayment                            | \$ | 900,000     | \$ | 900,000     | 129151 |
| 4890      | 653632 | Developmental Centers<br>Direct Care Services | \$ | 10,718,092  | \$ | 10,718,092  | 129152 |
| 5EV0      | 653627 | Medicaid Program<br>Support                   | \$ | 1,500,000   | \$ | 1,500,000   | 129153 |
| 5GE0      | 653606 | ICF/IID and Waiver<br>Match                   | \$ | 38,406,616  | \$ | 39,614,603  | 129154 |
| 5S20      | 653622 | Medicaid<br>Administration &<br>Oversight     | \$ | 20,032,154  | \$ | 20,032,154  | 129155 |
| 5Z10      | 653624 | County Board Waiver<br>Match                  | \$ | 340,210,215 | \$ | 374,726,690 | 129156 |
| TOTAL DPF |        | Dedicated Purpose Fund<br>Group               | \$ | 427,356,564 | \$ | 462,081,026 | 129157 |
|           |        | Internal Service Activity Fund Group          |    |             |    |             | 129158 |
| 1520      | 653609 | DC and Residential<br>Facilities Operating    | \$ | 17,000,000  | \$ | 9,000,000   | 129159 |

Services

|                                     |    |               |    |               |        |
|-------------------------------------|----|---------------|----|---------------|--------|
| TOTAL ISA Internal Service Activity | \$ | 17,000,000    | \$ | 9,000,000     | 129160 |
| Fund Group                          |    |               |    |               |        |
| Federal Fund Group                  |    |               |    |               | 129161 |
| 3250 322612 Community Social        | \$ | 27,677,572    | \$ | 27,677,572    | 129162 |
| Service Programs                    |    |               |    |               |        |
| 3A40 653654 Medicaid Services       | \$ | 1,683,779,023 | \$ | 1,718,457,466 | 129163 |
| 3A40 653655 Medicaid Support        | \$ | 61,000,000    | \$ | 62,000,000    | 129164 |
| 3A50 320613 Developmental           | \$ | 3,324,187     | \$ | 3,324,187     | 129165 |
| Disabilities Council                |    |               |    |               |        |
| TOTAL FED Federal Fund Group        | \$ | 1,775,780,782 | \$ | 1,811,459,225 | 129166 |
| TOTAL ALL BUDGET FUND GROUPS        | \$ | 2,893,318,300 | \$ | 2,961,337,605 | 129167 |

**Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES** 129169

LEASE-RENTAL BOND PAYMENTS 129170

The foregoing appropriation item 320415, Developmental 129171  
 Disabilities Facilities Lease Rental Bond Payments, shall be used 129172  
 to meet all payments during the period from July 1, 2017, through 129173  
 June 30, 2019, by the Department of Developmental Disabilities 129174  
 under leases and agreements made under section 154.20 of the 129175  
 Revised Code. These appropriations are the source of funds pledged 129176  
 for bond service charges on related obligations issued under 129177  
 Chapter 154. of the Revised Code. 129178

**Section 261.30. SCREENING AND EARLY IDENTIFICATION** 129179

At the discretion of the Director of Developmental 129180  
 Disabilities, the foregoing appropriation item 322420, Screening 129181  
 and Early Identification, shall be used for professional and 129182  
 program development related to early identification/screening and 129183  
 intervention for children with autism and other complex 129184  
 developmental disabilities and their families. 129185

Of the foregoing appropriation item 322420, Screening and 129186

Early Identification, \$30,000 in each fiscal year shall be 129187  
distributed to the Preble County Board of Developmental 129188  
Disabilities for the Play and Language for Autistic Youngsters 129189  
Project. 129190

**Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY** 129191

The foregoing appropriation item 322451, Family Support 129192  
Services, may be used as follows in fiscal year 2018 and fiscal 129193  
year 2019: 129194

(A) The appropriation item may be used to provide a subsidy 129195  
to county boards of developmental disabilities for family support 129196  
services provided under section 5126.11 of the Revised Code. The 129197  
subsidy shall be paid in quarterly installments and allocated to 129198  
county boards according to a formula the Director of Developmental 129199  
Disabilities shall develop in consultation with representatives of 129200  
county boards. A county board shall use not more than seven per 129201  
cent of its subsidy for administrative costs. 129202

(B) The appropriation item may be used to distribute funds to 129203  
county boards for the purpose of addressing economic hardships and 129204  
to promote efficiency of operations. In consultation with 129205  
representatives of county boards, the Director shall determine the 129206  
amount of funds to distribute for these purposes and the criteria 129207  
for distributing the funds. 129208

**Section 261.50. STATE SUBSIDY TO COUNTY DD BOARDS** 129209

(A) Except as provided in the section of this act titled 129210  
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 129211  
appropriation item 322501, County Boards Subsidies, shall be used 129212  
for the following purposes: 129213

(1) To provide a subsidy to county boards of developmental 129214  
disabilities in quarterly installments and allocated according to 129215  
a formula developed by the Director of Developmental Disabilities 129216

in consultation with representatives of county boards. Except as 129217  
provided in section 5126.0511 of the Revised Code or in division 129218  
(B) of this section, county boards shall use the subsidy for early 129219  
childhood services and adult services provided under section 129220  
5126.05 of the Revised Code, service and support administration 129221  
provided under section 5126.15 of the Revised Code, or supported 129222  
living as defined in section 5126.01 of the Revised Code. 129223

(2) To provide funding, as determined necessary by the 129224  
Director, for residential services, including room and board, and 129225  
support service programs that enable individuals with 129226  
developmental disabilities to live in the community. 129227

(3) To distribute funds to county boards of developmental 129228  
disabilities to address economic hardships and promote efficiency 129229  
of operations. The Director shall determine, in consultation with 129230  
representatives of county boards, the amount of funds to 129231  
distribute for these purposes and the criteria for distributing 129232  
the funds. 129233

(B) In collaboration with the county's family and children 129234  
first council, a county board of developmental disabilities may 129235  
transfer portions of funds received under this section, to a 129236  
flexible funding pool in accordance with the section of this act 129237  
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 129238

**Section 261.60. EMPLOYMENT FIRST INITIATIVE** 129239

The foregoing appropriation item 322508, Employment First 129240  
Initiative, shall be used to increase employment opportunities for 129241  
individuals with developmental disabilities through the Employment 129242  
First Initiative in accordance with section 5123.022 of the 129243  
Revised Code. 129244

Of the foregoing appropriation item, 322508, Employment First 129245  
Initiative, the Director of Developmental Disabilities shall 129246

transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE**

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based

services as defined in section 5123.01 of the Revised Code 129278  
pursuant to section 5124.60 of the Revised Code or section 5124.69 129279  
of the Revised Code and individuals with developmental 129280  
disabilities who enroll in a Medicaid waiver component providing 129281  
home and community-based services after receiving preadmission 129282  
counseling pursuant to section 5124.68 of the Revised Code. The 129283  
Director shall establish the methodology for determining the 129284  
amount and distribution of such funding. 129285

**Section 261.80. MEDICAID SERVICES** 129286

(A) As used in this section: 129287

(1) "Home and community-based services" has the same meaning 129288  
as in section 5123.01 of the Revised Code. 129289

(2) "ICF/IID services" has the same meaning as in section 129290  
5124.01 of the Revised Code. 129291

(B) Except as provided in section 5123.0416 of the Revised 129292  
Code, the purposes for which the foregoing appropriation item 129293  
653407, Medicaid Services, shall be used include the following: 129294

(1) Home and community-based services; 129295

(2) Implementation of the requirements of the agreement 129296  
settling the consent decree in Sermak v. Manuel, Case No. 129297  
C-2-80-220, United States District Court for the Southern District 129298  
of Ohio, Eastern Division; 129299

(3) Implementation of the requirements of the agreement 129300  
settling the consent decree in the Martin v. Strickland, Case No. 129301  
89-CV-00362, United States District Court for the Southern 129302  
District of Ohio, Eastern Division; 129303

(4) ICF/IID services; 129304

(5) Up to \$3,000,000 in each fiscal year shall be used to 129305  
increase employment opportunities for Medicaid-eligible 129306



individuals with developmental disabilities through the Employment 129307  
First Initiative; 129308

(6) Up to \$14,000,000 in each fiscal year may be used to 129309  
distribute funds to county boards of developmental disabilities to 129310  
address economic hardships and promote efficiency of operations, 129311  
notwithstanding section 5126.18 of the Revised Code. The Director 129312  
of Developmental Disabilities shall determine, in consultation 129313  
with representatives of county boards, the amount of funds to 129314  
distribute for these purposes and the criteria for distributing 129315  
the funds; and 129316

(7) Other programs as identified by the Director of 129317  
Developmental Disabilities. 129318

**Section 261.90.** CENTRAL OFFICE OPERATING EXPENSES 129319

Of the foregoing appropriation item 320606, Central Office 129320  
Operating Expenses, \$100,000 in each fiscal year shall be provided 129321  
to the Ohio Center for Autism and Low Incidence to establish a 129322  
lifespan autism hub to support families and professionals. 129323

**Section 261.100.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 129324  
SERVICES 129325

Any county funds received by the Department of Developmental 129326  
Disabilities from county boards of developmental disabilities for 129327  
active treatment shall be deposited in the Developmental 129328  
Disabilities Operating Fund (Fund 4890). 129329

**Section 261.110.** SYSTEM TRANSFORMATION SUPPORTS 129330

The foregoing appropriation item 320607, System 129331  
Transformation Supports, may be used by the Director of 129332  
Developmental Disabilities as follows: 129333

(A) To purchase one or more residential facility beds for the 129334

purpose of reducing the number of beds that are certified for 129335  
participation in Medicaid as ICF/IID beds in Ohio. The Director 129336  
shall establish priorities for the purchase of beds which may 129337  
include beds located in a building in which a nursing facility is 129338  
also located and beds which are in a residential facility of 129339  
sixteen beds or greater. The purchase price of a bed shall be the 129340  
price the Director determines is reasonable based on the 129341  
established priorities. Division (B) of section 127.16 of the 129342  
Revised Code shall not apply to a purchase made under this 129343  
section. 129344

(B) To fund other system transformation initiatives 129345  
identified by the Director. 129346

**Section 261.120.** COMMUNITY SOCIAL SERVICE PROGRAMS 129347

The foregoing appropriation item 322612, Community Social 129348  
Service Programs, may be used by the Director of Developmental 129349  
Disabilities to purchase one or more residential facility beds for 129350  
the purpose of reducing the number of beds that are certified for 129351  
participation in Medicaid as ICF/IID beds in Ohio. The Director 129352  
shall establish priorities for the purchase of beds which may 129353  
include beds located in a building in which a nursing facility is 129354  
also located and beds which are in a residential facility of 129355  
sixteen beds or greater. The purchase price of a bed shall be the 129356  
price the Director determines is reasonable based on the 129357  
established priorities. Division (B) of section 127.16 of the 129358  
Revised Code shall not apply to a purchase made under this 129359  
section. 129360

A portion of the foregoing appropriation item 322612, 129361  
Community Social Service Programs, may be used to provide a 129362  
subsidy, disbursed in quarterly installments, to county family and 129363  
children first council administrative agencies to support central 129364  
coordination and child find activities in accordance with 34 129365

C.F.R. 303.302. In consultation with the Early Intervention Services Advisory Council established under section 5123.0422 of the Revised Code, the Director of Developmental Disabilities shall establish a formula for allocating the funds and restrictions on the use of the funds.

**Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES**

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2018 and fiscal year 2019 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

**Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT**

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

**Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES**

Developmental centers of the Department of Developmental 129395  
Disabilities may provide services to persons with developmental 129396  
disabilities living in the community or to providers of services 129397  
to these persons. The Department may develop a method for recovery 129398  
of all costs associated with the provision of these services. 129399

**Section 261.160.** ODODD INNOVATIVE PILOT PROJECTS 129400

(A) In fiscal year 2018 and fiscal year 2019, the Director of 129401  
Developmental Disabilities may authorize the continuation or 129402  
implementation of one or more innovative pilot projects that, in 129403  
the judgment of the Director, are likely to assist in promoting 129404  
the objectives of Chapter 5123. or 5126. of the Revised Code. 129405  
Subject to division (B) of this section and notwithstanding any 129406  
provision of Chapters 5123. and 5126. of the Revised Code and any 129407  
rule adopted under either chapter, a pilot project authorized by 129408  
the Director may be continued or implemented in a manner 129409  
inconsistent with one or more provisions of either chapter or one 129410  
or more rules adopted under either chapter. Before authorizing a 129411  
pilot program, the Director shall consult with entities interested 129412  
in the issue of developmental disabilities, including the Ohio 129413  
Provider Resource Association, Ohio Association of County Boards 129414  
of Developmental Disabilities, Ohio Health Care Association/Ohio 129415  
Centers for Intellectual Disabilities, the Values and Faith 129416  
Alliance, and ARC of Ohio. 129417

(B) The Director may not authorize a pilot project to be 129418  
implemented in a manner that would cause the state to be out of 129419  
compliance with any requirements for a program funded in whole or 129420  
in part with federal funds. 129421

**Section 261.165.** FISCAL YEAR 2018 AND FISCAL YEAR 2019 129422  
MEDICAID RATES FOR ICFs/IID IN PEER GROUPS 1 AND 2 129423

(A) As used in this section: 129424

(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1 or peer group 2 and to which any of the following applies:

(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2017, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2018 or fiscal year 2019.

(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2018 or fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2018 or fiscal year 2019.

(c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2018 or fiscal year 2019.

(2) This section does not apply to an ICF/IID in peer group 3.

(3) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal year 2018 and fiscal year 2019 by ICFs/IID subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.

(C)(1) Except as otherwise provided in this section, the provider of an ICF/IID to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2018 and fiscal year 2019, the total per Medicaid day rate determined for the ICF/IID under division (C)(2) or (3) of this section.

(2) Except in the case of a new ICF/IID, the fiscal year 2018 and fiscal year 2019 total per Medicaid day rate for an ICF/IID to which this section applies shall be the ICF/IID's total per Medicaid day rate determined for the ICF/IID in accordance with Chapter 5124. of the Revised Code for the fiscal years with the following modifications:

(a) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.17 of the Revised Code, shall be reduced by 50%.

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 131st General Assembly.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$3.69;

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 129486

(e) In place of the maximum rate for indirect care costs 129487  
established for the ICF/IID's peer group under division (C) of 129488  
section 5124.21 of the Revised Code, the maximum rate for indirect 129489  
care costs for the ICF/IID's peer group shall be an amount the 129490  
Department shall determine in accordance with division (E) of this 129491  
section. 129492

(f) In place of the inflation adjustment otherwise calculated 129493  
under division (D)(1) of section 5124.21 of the Revised Code for 129494  
the purpose of division (B)(1) of that section only, an inflation 129495  
adjustment of 1.014 shall be used. 129496

(g) In place of the inflation adjustment otherwise made under 129497  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 129498  
actual, allowable, per Medicaid day other protected costs, 129499  
excluding the franchise permit fee, from the following calendar 129500  
year shall be multiplied by 1.014: 129501

(i) For the fiscal year 2018 rate, calendar year 2016; 129502

(ii) For the fiscal year 2019 rate, calendar year 2017. 129503

(h) After all of the modifications specified in divisions 129504  
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 129505  
total per Medicaid day rate shall be increased by 3.04% to reflect 129506  
direct support personnel costs. 129507

(3) The fiscal year 2018 and fiscal year 2019 initial total 129508  
per Medicaid day rate for a new ICF/IID to which this section 129509  
applies shall be the ICF/IID's initial total per Medicaid day rate 129510  
determined for the ICF/IID in accordance with section 5124.151 of 129511  
the Revised Code for the fiscal years with the following 129512  
modifications: 129513

(a) In place of the amount determined under division (B)(1) 129514  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129515

per Medicaid day rate for capital costs shall be the median rate 129516  
for all ICFs/IID determined under section 5124.17 of the Revised 129517  
Code with the modification made under division (C)(2)(a) of this 129518  
section. 129519

(b) In place of the amount determined under division 129520  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 129521  
cost or resident assessment data for the new ICF/IID, the new 129522  
ICF/IID's initial per Medicaid day rate for direct care costs 129523  
shall be determined as follows: 129524

(i) Determine the median of the costs per case-mix units of 129525  
each peer group; 129526

(ii) Multiply the median determined under division 129527  
(C)(3)(a)(i) of this section by the median annual average case-mix 129528  
score for the new ICF/IID's peer group for calendar year 2016 (in 129529  
the case of the fiscal year 2018 rate) and calendar year 2017 (in 129530  
the case of the fiscal year 2019 rate); 129531

(iii) Multiply the product determined under division 129532  
(C)(3)(a)(ii) of this section by 1.014. 129533

(c) In place of the amount determined under division (B)(3) 129534  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129535  
per Medicaid day rate for indirect care costs shall be the amount 129536  
of the maximum rate for indirect costs determined for the 129537  
ICF/IID's peer group under division (E) of this section. 129538

(d) In place of the amount determined under division (B)(4) 129539  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 129540  
per Medicaid day rate for other protected costs shall be 115% of 129541  
the median rate for ICFs/IID determined under section 5124.23 of 129542  
the Revised Code with the modification made under division 129543  
(C)(2)(g) of this section. 129544

(e) After all of the modifications specified in divisions 129545  
(C)(3)(a) to (d) of this section have been made, the new ICF/IID's 129546



initial total per Medicaid day rate shall be increased by 3.04% to 129547  
reflect direct support personnel costs. 129548

(D) A new ICF/IID's initial total modified per Medicaid day 129549  
rate for fiscal year 2018 or fiscal year 2019 as determined under 129550  
division (C)(3) of this section shall be adjusted at the 129551  
applicable time specified in division (D) of section 5124.151 of 129552  
the Revised Code. If the adjustment affects the ICF/IID's rate for 129553  
ICF/IID services provided during fiscal year 2018 or fiscal year 129554  
2019, the modifications specified in division (C)(2) of this 129555  
section apply to the adjustment. 129556

(E) In determining the amount of the maximum rate for 129557  
indirect costs for the purposes of divisions (C)(2)(e) and 129558  
(C)(3)(c) of this section, the Department shall strive to the 129559  
greatest extent possible to do both of the following: 129560

(1) Avoid rate reductions under division (F)(1) of this 129561  
section; 129562

(2) Have the amount so determined result in payment of all 129563  
desk-reviewed, actual, allowable indirect care costs for the same 129564  
percentage of Medicaid days for ICFs/IID in peer group 1 as for 129565  
ICFs/IID in peer group 2 as of July 1, 2017, based on Medicaid 129566  
days for May 2017 in the case of the fiscal year 2018 rate and as 129567  
of July 1, 2018, based on Medicaid days for May 2018 in the case 129568  
of the fiscal year 2019 rate. 129569

(F)(1) If the mean total per Medicaid day rate for all 129570  
ICFs/IID to which this section applies, as determined under 129571  
division (C) of this section as of the first day of the fiscal 129572  
year for which the rate is being determined and weighted by 129573  
Medicaid days for May of the fiscal year immediately preceding the 129574  
fiscal year for which the rate is being determined is other than 129575  
the amount determined under division (F)(2) of this section, the 129576  
Department shall adjust, for the fiscal year for which the rate is 129577

being determined, the total per Medicaid day rate for each ICF/IID 129578  
to which this section applies by a percentage that is equal to the 129579  
percentage by which the mean total per Medicaid day rate is 129580  
greater or less than the amount determined under division (F)(2) 129581  
of this section. 129582

(2) The amount to be used for the purpose of division (F)(1) 129583  
of this section shall be not less than \$290.10. The Department, in 129584  
its sole discretion, may use a larger amount for the purpose of 129585  
that division. In determining whether to use a larger amount, the 129586  
Department may consider any of the following: 129587

(a) The reduction in the total Medicaid-certified capacity of 129588  
all ICFs/IID that occurs in the fiscal year immediately preceding 129589  
the fiscal year for which the rate is being determined, and the 129590  
reduction that is projected to occur in the fiscal year for which 129591  
the rate is being determined, as a result of either of the 129592  
following: 129593

(i) A downsizing pursuant to a plan approved by the 129594  
Department under section 5123.042 of the Revised Code; 129595

(ii) A conversion of beds to providing home and 129596  
community-based services under the Individual Options waiver 129597  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 129598

(b) The increase in Medicaid payments made for ICF/IID 129599  
services provided during the fiscal year immediately preceding the 129600  
fiscal year for which the rate is being determined, and the 129601  
increase that is projected to occur in the fiscal year for which 129602  
the rate is being determined, as a result of the modifications to 129603  
the payment rates made under section 5124.101 of the Revised Code; 129604

(c) The total reduction in the number of ICF/IID beds that 129605  
occurs pursuant to section 5124.67 of the Revised Code; 129606

(d) Other factors the Department determines to be relevant. 129607

(G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

**Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES**

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID services;

(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.

(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.

(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:

(1) Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;

(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 322501, County Boards Subsidies.

**Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES**

(A) As used in this section:

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.

(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2017, and ending June 30, 2019, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this

section for routine homemaker/personal care services provided to 129697  
qualifying IO enrollees. 129698

**Section 261.220.** UPDATING AUTHORIZING STATUTE CITATIONS 129699

As used in this section, "authorizing statute" means a 129700  
Revised Code section or provision of a Revised Code section that 129701  
is cited in the Ohio Administrative Code as the statute that 129702  
authorizes the adoption of a rule. 129703

The Director of Developmental Disabilities is not required to 129704  
amend any rule for the sole purpose of updating the citation in 129705  
the Ohio Administrative Code to the rule's authorizing statute to 129706  
reflect that this act renumbers the authorizing statute or 129707  
relocates it to another Revised Code section. Such citations shall 129708  
be updated as the Director amends the rules for other purposes. 129709

**Section 263.10.** OBD OHIO BOARD OF DIETETICS 129710

|                                  |    |         |      |        |
|----------------------------------|----|---------|------|--------|
| Dedicated Purpose Fund Group     |    |         |      | 129711 |
| 4K90 860609 Operating Expenses   | \$ | 234,381 | \$ 0 | 129712 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 234,381 | \$ 0 | 129713 |
| Group                            |    |         |      |        |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 234,381 | \$ 0 | 129714 |

**Section 265.10.** EDU DEPARTMENT OF EDUCATION 129716

|                                   |    |            |               |        |
|-----------------------------------|----|------------|---------------|--------|
| General Revenue Fund              |    |            |               | 129717 |
| GRF 200321 Operating Expenses     | \$ | 14,693,536 | \$ 14,736,578 | 129718 |
| GRF 200408 Early Childhood        | \$ | 67,768,341 | \$ 67,768,341 | 129719 |
| Education                         |    |            |               |        |
| GRF 200420 Information Technology | \$ | 3,770,170  | \$ 3,770,170  | 129720 |
| Development and                   |    |            |               |        |
| Support                           |    |            |               |        |
| GRF 200422 School Management      | \$ | 2,077,615  | \$ 2,113,413  | 129721 |
| Assistance                        |    |            |               |        |

|            |                                                   |    |               |    |               |        |
|------------|---------------------------------------------------|----|---------------|----|---------------|--------|
| GRF 200424 | Policy Analysis                                   | \$ | 428,962       | \$ | 428,962       | 129722 |
| GRF 200426 | Ohio Educational<br>Computer Network              | \$ | 15,457,000    | \$ | 15,457,000    | 129723 |
| GRF 200427 | Academic Standards                                | \$ | 3,819,487     | \$ | 3,819,487     | 129724 |
| GRF 200437 | Student Assessment                                | \$ | 55,959,287    | \$ | 56,025,042    | 129725 |
| GRF 200439 | Accountability/Report<br>Cards                    | \$ | 5,413,167     | \$ | 5,913,167     | 129726 |
| GRF 200442 | Child Care Licensing                              | \$ | 1,852,200     | \$ | 1,887,863     | 129727 |
| GRF 200446 | Education Management<br>Information System        | \$ | 7,574,367     | \$ | 7,620,414     | 129728 |
| GRF 200448 | Educator Preparation                              | \$ | 1,060,384     | \$ | 1,060,384     | 129729 |
| GRF 200455 | Community Schools and<br>Choice Programs          | \$ | 4,435,845     | \$ | 4,585,028     | 129730 |
| GRF 200465 | Education Technology<br>Resources                 | \$ | 5,179,107     | \$ | 5,179,107     | 129731 |
| GRF 200502 | Pupil Transportation                              | \$ | 546,738,753   | \$ | 527,129,809   | 129732 |
| GRF 200505 | School Lunch Match                                | \$ | 8,963,500     | \$ | 8,963,500     | 129733 |
| GRF 200511 | Auxiliary Services                                | \$ | 150,594,178   | \$ | 150,594,178   | 129734 |
| GRF 200532 | Nonpublic<br>Administrative Cost<br>Reimbursement | \$ | 68,034,790    | \$ | 68,034,790    | 129735 |
| GRF 200540 | Special Education<br>Enhancements                 | \$ | 152,350,000   | \$ | 152,350,000   | 129736 |
| GRF 200545 | Career-Technical<br>Education Enhancements        | \$ | 10,412,366    | \$ | 9,475,892     | 129737 |
| GRF 200550 | Foundation Funding                                | \$ | 6,803,882,816 | \$ | 6,942,228,845 | 129738 |
| GRF 200566 | Literacy Improvement                              | \$ | 750,000       | \$ | 1,250,000     | 129739 |
| GRF 200572 | Adult Education<br>Programs                       | \$ | 7,533,216     | \$ | 8,702,475     | 129740 |
| GRF 200573 | EdChoice Expansion                                | \$ | 38,400,000    | \$ | 47,700,000    | 129741 |
| GRF 200574 | Half-Mill Maintenance<br>Equalization             | \$ | 18,715,000    | \$ | 18,912,000    | 129742 |
| GRF 200576 | Adaptive Sports                                   | \$ | 50,000        | \$ | 50,000        | 129743 |

| Program                              |                                                |    |               |    |                      |
|--------------------------------------|------------------------------------------------|----|---------------|----|----------------------|
| GRF 657401                           | Medicaid in Schools                            | \$ | 295,500       | \$ | 295,500 129744       |
| TOTAL GRF                            | General Revenue Fund                           | \$ | 7,996,209,587 | \$ | 8,126,051,945 129745 |
| Dedicated Purpose Fund Group         |                                                |    |               |    | 129746               |
| 4520 200638                          | Charges and Reimbursements                     | \$ | 1,000,000     | \$ | 1,000,000 129747     |
| 4540 200610                          | High School Equivalency                        | \$ | 1,187,065     | \$ | 0 129748             |
| 4550 200608                          | Commodity Foods                                | \$ | 16,000,000    | \$ | 16,000,000 129749    |
| 4L20 200681                          | Teacher Certification and Licensure            | \$ | 16,002,297    | \$ | 16,002,297 129750    |
| 5980 200659                          | Auxiliary Services Reimbursement               | \$ | 2,930,000     | \$ | 2,930,000 129751     |
| 5H30 200687                          | School District Solvency Assistance            | \$ | 8,000,000     | \$ | 8,000,000 129752     |
| 5KX0 200691                          | Ohio School Sponsorship Program                | \$ | 828,600       | \$ | 828,600 129753       |
| 5MM0 200677                          | Child Nutrition Refunds                        | \$ | 550,000       | \$ | 550,000 129754       |
| 5U20 200685                          | National Education Statistics                  | \$ | 150,000       | \$ | 150,000 129755       |
| 6200 200615                          | Educational Improvement Grants                 | \$ | 500,000       | \$ | 500,000 129756       |
| TOTAL DPF                            | Dedicated Purpose Fund Group                   | \$ | 47,147,962    | \$ | 45,960,897 129757    |
| Internal Service Activity Fund Group |                                                |    |               |    | 129758               |
| 1380 200606                          | Information Technology Development and Support | \$ | 7,047,645     | \$ | 7,047,645 129759     |
| 4R70 200695                          | Indirect Operational Support                   | \$ | 7,856,766     | \$ | 7,856,766 129760     |



|               |        |                           |    |               |    |               |        |
|---------------|--------|---------------------------|----|---------------|----|---------------|--------|
| 4V70          | 200633 | Interagency Program       | \$ | 500,000       | \$ | 500,000       | 129761 |
|               |        | Support                   |    |               |    |               |        |
| TOTAL ISA     |        | Internal Service Activity | \$ | 15,404,411    | \$ | 15,404,411    | 129762 |
| Fund Group    |        |                           |    |               |    |               |        |
| State Lottery |        | Fund Group                |    |               |    |               | 129763 |
| 7017          | 200612 | Foundation Funding        | \$ | 1,081,530,000 | \$ | 1,081,530,000 | 129764 |
| 7017          | 200629 | Community Connectors      | \$ | 4,000,000     | \$ | 4,000,000     | 129765 |
| 7017          | 200684 | Community School          | \$ | 16,600,000    | \$ | 16,600,000    | 129766 |
|               |        | Facilities                |    |               |    |               |        |
| TOTAL SLF     |        | State Lottery Fund Group  | \$ | 1,102,130,000 | \$ | 1,102,130,000 | 129767 |
| Federal Fund  |        | Group                     |    |               |    |               | 129768 |
| 3670          | 200607 | School Food Services      | \$ | 10,080,635    | \$ | 10,280,635    | 129769 |
| 3700          | 200624 | Education of              | \$ | 2,000,000     | \$ | 2,000,000     | 129770 |
|               |        | Exceptional Children      |    |               |    |               |        |
| 3AF0          | 657601 | Schools Medicaid          | \$ | 750,000       | \$ | 750,000       | 129771 |
|               |        | Administrative Claims     |    |               |    |               |        |
| 3AN0          | 200671 | School Improvement        | \$ | 25,000,000    | \$ | 25,000,000    | 129772 |
|               |        | Grants                    |    |               |    |               |        |
| 3C50          | 200661 | Early Childhood           | \$ | 12,555,000    | \$ | 12,555,000    | 129773 |
|               |        | Education                 |    |               |    |               |        |
| 3D20          | 200667 | Math Science              | \$ | 7,000,000     | \$ | 7,000,000     | 129774 |
|               |        | Partnerships              |    |               |    |               |        |
| 3EH0          | 200620 | Migrant Education         | \$ | 2,500,000     | \$ | 2,500,000     | 129775 |
| 3EJ0          | 200622 | Homeless Children         | \$ | 2,600,000     | \$ | 2,600,000     | 129776 |
|               |        | Education                 |    |               |    |               |        |
| 3GE0          | 200674 | Summer Food Service       | \$ | 14,856,635    | \$ | 14,856,635    | 129777 |
|               |        | Program                   |    |               |    |               |        |
| 3GG0          | 200676 | Fresh Fruit and           | \$ | 4,677,340     | \$ | 4,677,340     | 129778 |
|               |        | Vegetable Program         |    |               |    |               |        |
| 3HF0          | 200649 | Federal Education         | \$ | 6,364,327     | \$ | 6,364,327     | 129779 |
|               |        | Grants                    |    |               |    |               |        |
| 3L60          | 200617 | Federal School Lunch      | \$ | 394,612,000   | \$ | 406,450,000   | 129780 |

|                              |                    |                                                   |                  |                  |        |
|------------------------------|--------------------|---------------------------------------------------|------------------|------------------|--------|
| 3L70                         | 200618             | Federal School<br>Breakfast                       | \$ 142,688,750   | \$ 154,103,850   | 129781 |
| 3L80                         | 200619             | Child/Adult Food<br>Programs                      | \$ 106,913,755   | \$ 106,913,755   | 129782 |
| 3L90                         | 200621             | Career-Technical<br>Education Basic Grant         | \$ 44,663,900    | \$ 44,663,900    | 129783 |
| 3M00                         | 200623             | ESEA Title 1A                                     | \$ 600,000,000   | \$ 600,000,000   | 129784 |
| 3M20                         | 200680             | Individuals with<br>Disabilities<br>Education Act | \$ 445,000,000   | \$ 445,000,000   | 129785 |
| 3T40                         | 200613             | Public Charter<br>Schools                         | \$ 14,200,000    | \$ 14,200,000    | 129786 |
| 3Y20                         | 200688             | 21st Century<br>Community Learning<br>Centers     | \$ 47,500,000    | \$ 47,500,000    | 129787 |
| 3Y60                         | 200635             | Improving Teacher<br>Quality                      | \$ 85,000,000    | \$ 85,000,000    | 129788 |
| 3Y70                         | 200689             | English Language<br>Acquisition                   | \$ 10,101,411    | \$ 10,101,411    | 129789 |
| 3Y80                         | 200639             | Rural and Low Income<br>Technical Assistance      | \$ 3,300,000     | \$ 3,300,000     | 129790 |
| 3Z20                         | 200690             | State Assessments                                 | \$ 11,500,000    | \$ 11,500,000    | 129791 |
| 3Z30                         | 200645             | Consolidated Federal<br>Grant Administration      | \$ 10,168,964    | \$ 10,168,964    | 129792 |
| TOTAL FED                    | Federal Fund Group |                                                   | \$ 2,004,032,717 | \$ 2,027,485,817 | 129793 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                                                   | \$11,164,924,677 | \$11,317,033,070 | 129794 |

**Section 265.20. OPERATING EXPENSES** 129796

A portion of the foregoing appropriation item 200321,  
 Operating Expenses, shall be used by the Department of Education  
 to provide matching funds related to career-technical education  
 under 20 U.S.C. 2321. 129797  
 129798  
 129799  
 129800

**EARLY CHILDHOOD EDUCATION** 129801

The Department of Education shall distribute the foregoing 129802  
appropriation item 200408, Early Childhood Education, to pay the 129803  
costs of early childhood education programs. The Department shall 129804  
distribute such funds directly to qualifying providers. 129805

(A) As used in this section: 129806

(1) "Provider" means a city, local, exempted village, or 129807  
joint vocational school district; an educational service center; a 129808  
community school sponsored by an exemplary sponsor; a chartered 129809  
nonpublic school; an early childhood education child care provider 129810  
licensed under Chapter 5104. of the Revised Code that participates 129811  
in and meets at least the third highest tier of the Step Up to 129812  
Quality program established pursuant to section 5104.29 of the 129813  
Revised Code; or a combination of entities described in this 129814  
paragraph. 129815

(2) In the case of a city, local, or exempted village school 129816  
district or early childhood education child care provider licensed 129817  
under Chapter 5104. of the Revised Code, "new eligible provider" 129818  
means a provider that did not receive state funding for Early 129819  
Childhood Education in the previous fiscal year or demonstrates a 129820  
need for early childhood programs as defined in division (D) of 129821  
this section. 129822

(3) In the case of a community school, "new eligible 129823  
provider" means any of the following: 129824

(a) A community school established under Chapter 3314. of the 129825  
Revised Code that is sponsored by a sponsor rated "exemplary" in 129826  
accordance with section 3314.016 of the Revised Code that offers a 129827  
child care program in accordance with sections 3301.50 to 3301.59 129828  
of the Revised Code that did not receive state funding for Early 129829  
Childhood Education in the previous fiscal year; 129830

(b) A community school established under Chapter 3314. of the 129831  
Revised Code that satisfies all of the following criteria: 129832

(i) It has received, on its most recent report card, either 129833  
of the following: 129834

(I) If the school offers any of grade levels four through 129835  
twelve, a grade of "C" or better for the overall value-added 129836  
progress dimension under division (C)(1)(e) of section 3302.03 of 129837  
the Revised Code and for the performance index score under 129838  
division (C)(1)(b) of section 3302.03 of the Revised Code; 129839

(II) If the school does not offer a grade level higher than 129840  
three, a grade of "C" or better for making progress in improving 129841  
literacy in grades kindergarten through three under division 129842  
(C)(1)(g) of section 3302.03 of the Revised Code. 129843

(ii) It offers a child care program in accordance with 129844  
sections 3301.50 to 3301.59 of the Revised Code. 129845

(iii) It did not receive state funding for Early Childhood 129846  
Education in the previous fiscal year. 129847

(c) A community school established under Chapter 3314. of the 129848  
Revised Code that is sponsored by a municipal school district and 129849  
operates a program that uses the Montessori method endorsed by the 129850  
American Montessori Society, the Montessori Accreditation Council 129851  
for Teacher Education, or the Association Montessori 129852  
Internationale as its primary method of instruction, as authorized 129853  
by division (A) of section 3314.06 of the Revised Code, that did 129854  
not receive state funding for Early Childhood Education in the 129855  
previous year or demonstrates a need for early childhood programs 129856  
as defined in division (D) of this section. 129857

(4)(a) "Eligible child" means a child who is at least four 129858  
years of age, is not of the age to be eligible for kindergarten, 129859  
and whose family earns not more than two hundred per cent of the 129860  
federal poverty guidelines as defined in division (A)(3) of 129861  
section 5101.46 of the Revised Code. Children with an 129862  
Individualized Education Program and where the Early Childhood 129863

Education program is the least restrictive environment may be 129864  
enrolled on their fourth birthday. 129865

(b) If funds remain in the program once awards have been made 129866  
for eligible children under division (A)(4)(a) of this section on 129867  
the first day of October of each fiscal year, a child who is at 129868  
least three years of age, is not of age to be eligible for 129869  
kindergarten, and whose family earns not more than two hundred per 129870  
cent of the federal poverty guidelines shall be considered an 129871  
eligible child. 129872

(5) "Early learning program standards" means early learning 129873  
program standards for school readiness developed by the Department 129874  
to assess the operation of early learning and development 129875  
programs. 129876

(6) "Early learning and development programs" has the same 129877  
meaning as section 5104.29 of the Revised Code. 129878

(B) In each fiscal year, up to two per cent of the total 129879  
appropriation may be used by the Department for program support 129880  
and technical assistance. The Department shall distribute the 129881  
remainder of the appropriation in each fiscal year to serve 129882  
eligible children. 129883

(C) The Department shall provide an annual report to the 129884  
Governor, the Speaker of the House of Representatives, and the 129885  
President of the Senate and post the report to the Department's 129886  
web site, regarding early childhood education programs operated 129887  
under this section and the early learning program standards. 129888

(D) After setting aside the amounts to make payments due from 129889  
the previous fiscal year, in fiscal year 2018, the Department 129890  
shall distribute funds first to recipients of funds for early 129891  
childhood education programs under Section 263.20 of Am. Sub. H.B. 129892  
64 of the 131st General Assembly in the previous fiscal year and 129893  
the balance to new eligible providers of early childhood education 129894

programs or to existing providers to serve more eligible children 129895  
pursuant to division (E) of this section or for purposes of 129896  
program expansion, improvement, or special projects to promote 129897  
quality and innovation. 129898

After setting aside the amounts to make payments due from the 129899  
previous fiscal year, in fiscal year 2019, the Department shall 129900  
distribute funds first to providers of early childhood education 129901  
programs under this section in the previous fiscal year and the 129902  
balance to new eligible providers or to existing providers to 129903  
serve more eligible children as outlined under division (E) of 129904  
this section or for purposes of program expansion, improvement, or 129905  
special projects to promote quality and innovation. 129906

(E)(1) The Department shall distribute any new or remaining 129907  
funding to existing providers of early childhood education 129908  
programs or any new eligible providers to support early learning 129909  
and development programs operating in smaller communities and 129910  
early learning and development programs that are either rated in 129911  
the Step Up to Quality program established pursuant to section 129912  
5104.29 of the Revised Code at the third highest tier or higher or 129913  
comply with division (H)(1) of this section. 129914

(a) The Department shall distribute the new or remaining 129915  
funds to existing providers of early childhood education programs 129916  
or any new eligible providers to serve additional eligible 129917  
children based on community economic disadvantage, limited access 129918  
to high quality preschool or childcare services, and demonstration 129919  
of high quality preschool services as determined by the Department 129920  
using the following weighted factors to rank the quality of 129921  
programs: 129922

(i) The program's Step Up to Quality program rating under 129923  
section 5104.29 of the Revised Code; 129924

(ii) The program's compliance with rules adopted by the 129925

|                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Department;                                                                                                                                                                                                                                                                                                                                                                                                                            | 129926                                                             |
| (iii) The program's use of collaborative practices.                                                                                                                                                                                                                                                                                                                                                                                    | 129927                                                             |
| In order to determine where in the state there is limited access to high quality preschool and childcare services, the Department shall identify the number of preschool and childcare services that are rated three stars or higher in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code by service delivery area school district.                                                           | 129928<br>129929<br>129930<br>129931<br>129932<br>129933           |
| (b) The Department shall assess the effectiveness of programs that receive funds under division (E) of this section using the following factors:                                                                                                                                                                                                                                                                                       | 129934<br>129935<br>129936                                         |
| (i) The percentage of kindergarteners who attended the program and who perform above the emerging readiness level on the kindergarten readiness assessment administered under section 3301.0715 of the Revised Code;                                                                                                                                                                                                                   | 129937<br>129938<br>129939<br>129940                               |
| (ii) The percentage of third graders who attended the program and who score proficient or higher on the reading portion of the English language arts assessment prescribed in division (A)(1)(a) of section 3301.0710 of the Revised Code;                                                                                                                                                                                             | 129941<br>129942<br>129943<br>129944                               |
| (iii) The performance of children attending the program on the early learning assessment required under the Step Up to Quality program under section 5104.29 of the Revised Code.                                                                                                                                                                                                                                                      | 129945<br>129946<br>129947                                         |
| (2) Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section. | 129948<br>129949<br>129950<br>129951<br>129952<br>129953<br>129954 |
| (F) Costs for developing and administering an early childhood                                                                                                                                                                                                                                                                                                                                                                          | 129955                                                             |

education program may not exceed fifteen per cent of the total 129956  
approved costs of the program. 129957

All providers shall maintain such fiscal control and 129958  
accounting procedures as may be necessary to ensure the 129959  
disbursement of, and accounting for, these funds. The control of 129960  
funds provided in this program, and title to property obtained, 129961  
shall be under the authority of the approved provider for purposes 129962  
provided in the program unless, as described in division (K) of 129963  
this section, the program waives its right for funding or a 129964  
program's funding is eliminated or reduced due to its inability to 129965  
meet financial or early learning program standards. The approved 129966  
provider shall administer and use such property and funds for the 129967  
purposes specified. 129968

(G) The Department may examine a provider's financial and 129969  
program records. If the financial practices of the program are not 129970  
in accordance with standard accounting principles or do not meet 129971  
financial standards outlined under division (F) of this section, 129972  
or if the program fails to substantially meet the early learning 129973  
program standards, meet a quality rating level in the Step Up to 129974  
Quality program established pursuant to section 5104.29 of the 129975  
Revised Code as prescribed by the Department, or exhibits below 129976  
average performance as measured against the standards, the early 129977  
childhood education program shall propose and implement a 129978  
corrective action plan that has been approved by the Department. 129979  
The approved corrective action plan shall be signed by the chief 129980  
executive officer and the executive of the official governing body 129981  
of the provider. The corrective action plan shall include a 129982  
schedule for monitoring by the Department. Such monitoring may 129983  
include monthly reports, inspections, a timeline for correction of 129984  
deficiencies, and technical assistance to be provided by the 129985  
Department or obtained by the early childhood education program. 129986  
The Department may withhold funding pending corrective action. If 129987



an early childhood education program fails to satisfactorily 129988  
complete a corrective action plan, the Department may deny 129989  
expansion funding to the program or withdraw all or part of the 129990  
funding to the program and establish a new eligible provider 129991  
through a selection process established by the Department. 129992

(H)(1) If the early childhood education program is licensed 129993  
by the Department of Education and is not highly rated, as 129994  
determined by the Director of Job and Family Services, under the 129995  
Step Up to Quality program established pursuant to section 5104.29 129996  
of the Revised Code, the program shall do all of the following: 129997

(a) Meet teacher qualification requirements prescribed by 129998  
section 3301.311 of the Revised Code; 129999

(b) Align curriculum to the early learning content standards 130000  
developed by the Department; 130001

(c) Meet any child or program assessment requirements 130002  
prescribed by the Department; 130003

(d) Require teachers, except teachers enrolled and working to 130004  
obtain a degree pursuant to section 3301.311 of the Revised Code, 130005  
to attend a minimum of twenty hours every two years of 130006  
professional development as prescribed by the Department; 130007

(e) Document and report child progress as prescribed by the 130008  
Department; 130009

(f) Meet and report compliance with the early learning 130010  
program standards as prescribed by the Department; 130011

(g) Participate in the Step Up to Quality program established 130012  
pursuant to section 5104.29 of the Revised Code. 130013

(2) If the program is highly rated, as determined by the 130014  
Director of Job and Family Services, under the Step Up to Quality 130015  
program established pursuant to section 5104.29 of the Revised 130016  
Code, the program shall comply with the requirements of that 130017

program. 130018

(I) Per-pupil funding for programs subject to this section 130019  
shall be sufficient to provide eligible children with services for 130020  
a standard early childhood schedule which shall be defined in this 130021  
section as a minimum of twelve and one-half hours per school week 130022  
as defined in section 3313.62 of the Revised Code for the minimum 130023  
school year as defined in sections 3313.48, 3313.481, and 3313.482 130024  
of the Revised Code. Nothing in this section shall be construed to 130025  
prohibit program providers from utilizing other funds to serve 130026  
eligible children in programs that exceed the twelve and one-half 130027  
hours per week or that exceed the minimum school year. For any 130028  
provider for which a standard early childhood education schedule 130029  
creates a hardship or for which the provider shows evidence that 130030  
the provider is working in collaboration with a preschool special 130031  
education program, the provider may submit a waiver to the 130032  
Department requesting an alternate schedule. If the Department 130033  
approves a waiver for an alternate schedule that provides services 130034  
for less time than the standard early childhood education 130035  
schedule, the Department may reduce the provider's annual 130036  
allocation proportionately. Under no circumstances shall an annual 130037  
allocation be increased because of the approval of an alternate 130038  
schedule. 130039

(J) Each provider shall develop a sliding fee scale based on 130040  
family incomes and shall charge families who earn more than two 130041  
hundred per cent of the federal poverty guidelines, as defined in 130042  
division (A)(3) of section 5101.46 of the Revised Code, for the 130043  
early childhood education program. 130044

The Department shall conduct an annual survey of each 130045  
provider to determine whether the provider charges families 130046  
tuition or fees, the amount families are charged relative to 130047  
family income levels, and the number of families and students 130048  
charged tuition and fees for the early childhood program. 130049

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Education and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, 130080  
eligible families may receive publicly funded child care beyond 130081  
the standard early childhood schedule defined in division (I) of 130082  
this section. 130083

(3) All providers, agencies, and school districts 130084  
participating in the early childhood education program or 130085  
providing care to eligible families beyond the standard early 130086  
childhood schedule shall follow the common policies established 130087  
under this division. 130088

EARLY CHILDHOOD EDUCATION PARENT CHOICE DEMONSTRATION PILOT 130089  
PROGRAM 130090

Of the foregoing appropriation item 200408, Early Childhood 130091  
Education, a portion in each fiscal year may be used by the 130092  
Department of Education to establish a pilot program that employs 130093  
one or more parent choice models to deliver early childhood 130094  
education to eligible children. 130095

If the Department establishes any such pilot program, the 130096  
Department shall designate one or more geographical areas within 130097  
the state in which to operate the pilot program. The Department 130098  
may consider designating areas with multiple providers of 130099  
high-quality early childhood education programs that have a 130100  
capacity to serve additional eligible children for the purpose of 130101  
identifying potential obstacles to implementing a parent choice 130102  
model. Each parent participating in the pilot program may choose 130103  
an early childhood education program from among all providers 130104  
within the designated area. 130105

The Department shall establish procedures for implementation 130106  
of the pilot program, including a process for parents to apply for 130107  
the program. Except as otherwise provided in the Department's 130108  
procedures, the Department and providers shall operate in 130109  
accordance with this section in implementing the pilot program. 130110

However, the Department may expand the definition of "eligible child" to include in the pilot program a child who is at least three years of age as of the district entry date for kindergarten and has one or more additional risk factors including, but not limited to, "exited Help Me Grow Home Visiting," "exited Early Intervention and not eligible for preschool special education," or currently placed in foster care, so long as the child meets all other eligibility requirements of this section.

The Department of Education shall collaborate with the departments of Job and Family Services, Developmental Disabilities, Health, and Mental Health and Addiction Services, as needed, in establishing any pilot program. The Department of Education also may select a non-state entity, which may include an educational service center, a county department of job and family services, a childcare resource and referral agency, or a county family and children first council established under section 121.37 of the Revised Code, to partner with the Department on the pilot program.

As part of the pilot program, the Department may set aside a portion of the funds for an evaluation of the pilot program.

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT**

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the

public, including school districts, administrators, and 130142  
legislators. Funds may also be used to support data-driven 130143  
decision-making and differentiated instruction, as well as to 130144  
communicate academic content standards and curriculum models to 130145  
schools through web-based applications. 130146

**Section 265.50. SCHOOL MANAGEMENT ASSISTANCE** 130147

The foregoing appropriation item 200422, School Management 130148  
Assistance, shall be used by the Department of Education to 130149  
provide fiscal technical assistance and inservice education for 130150  
school district management personnel and to administer, monitor, 130151  
and implement the fiscal caution, fiscal watch, and fiscal 130152  
emergency provisions under Chapter 3316. of the Revised Code. 130153

**Section 265.60. POLICY ANALYSIS** 130154

The foregoing appropriation item 200424, Policy Analysis, 130155  
shall be used by the Department of Education to support a system 130156  
of administrative, statistical, and legislative education 130157  
information to be used for policy analysis. Staff supported by 130158  
this appropriation shall administer the development of reports, 130159  
analyses, and briefings to inform education policymakers of 130160  
current trends in education practice, efficient and effective use 130161  
of resources, and evaluation of programs to improve education 130162  
results. A portion of these funds shall be used to maintain a 130163  
longitudinal database to support the assessment of the impact of 130164  
policies and programs on Ohio's education and workforce 130165  
development systems. The research efforts supported by this 130166  
appropriation item shall be used to supply information and 130167  
analysis of data to and in consultation with the General Assembly 130168  
and other state policymakers, including the Office of Budget and 130169  
Management and the Legislative Service Commission. 130170

Of the foregoing appropriation item, 200424, Policy Analysis, 130171

a portion may be used by the Department to support the development 130172  
and implementation of an evidence-based clearinghouse to support 130173  
school improvement strategies as part of the Every Student 130174  
Succeeds Act. 130175

The Department may use funding from this appropriation item 130176  
to purchase or contract for the development of software systems or 130177  
contract for policy studies that will assist in the provision and 130178  
analysis of policy-related information. Funding from this 130179  
appropriation item also may be used to monitor and enhance quality 130180  
assurance for research-based policy analysis and program 130181  
evaluation to enhance the effective use of education information 130182  
to inform education policymakers. 130183

**Section 265.70.** OHIO EDUCATIONAL COMPUTER NETWORK 130184

The foregoing appropriation item 200426, Ohio Educational 130185  
Computer Network, shall be used by the Department of Education to 130186  
maintain a system of information technology throughout Ohio and to 130187  
provide technical assistance for such a system in support of the 130188  
P-16 State Education Technology Plan developed under section 130189  
3353.09 of the Revised Code. 130190

Of the foregoing appropriation item 200426, Ohio Educational 130191  
Computer Network, up to \$9,686,658 in each fiscal year shall be 130192  
used by the Department to support connection of all public school 130193  
buildings and participating chartered nonpublic schools to the 130194  
state's education network, to each other, and to the Internet. In 130195  
each fiscal year, the Department shall use these funds to assist 130196  
information technology centers or school districts with the 130197  
operational costs associated with this connectivity. The 130198  
Department shall develop a formula and guidelines for the 130199  
distribution of these funds to information technology centers or 130200  
individual school districts. As used in this section, "public 130201  
school building" means a school building of any city, local, 130202

exempted village, or joint vocational school district, any 130203  
community school established under Chapter 3314. of the Revised 130204  
Code, any college preparatory boarding school established under 130205  
Chapter 3328. of the Revised Code, any STEM school established 130206  
under Chapter 3326. of the Revised Code, any educational service 130207  
center building used for instructional purposes, the Ohio School 130208  
for the Deaf and the Ohio School for the Blind, high schools 130209  
chartered by the Ohio Department of Youth Services, or high 130210  
schools operated by Ohio Department of Rehabilitation and 130211  
Corrections' Ohio Central School System. 130212

Of the foregoing appropriation item 200426, Ohio Educational 130213  
Computer Network, up to \$4,843,329 in each fiscal year shall be 130214  
used, through a formula and guidelines devised by the Department, 130215  
to support the activities of designated information technology 130216  
centers, as defined by State Board of Education rules, to provide 130217  
school districts and chartered nonpublic schools with 130218  
computer-based student and teacher instructional and 130219  
administrative information services, including approved 130220  
computerized financial accounting, to ensure the effective 130221  
operation of local automated administrative and instructional 130222  
systems, and to monitor and support the quality of data submitted 130223  
to the Department. 130224

The remainder of appropriation item 200426, Ohio Educational 130225  
Computer Network, shall be used to support the work of the 130226  
development, maintenance, and operation of a network of uniform 130227  
and compatible computer-based information and instructional 130228  
systems as well as the teacher student linkage/roster verification 130229  
process and the eTranscript/student records exchange initiative. 130230  
This technical assistance shall include, but not be restricted to, 130231  
development and maintenance of adequate computer software systems 130232  
to support network activities. In order to improve the efficiency 130233  
of network activities, the Department and information technology 130234



centers may jointly purchase equipment, materials, and services 130235  
from funds provided under this appropriation for use by the 130236  
network and, when considered practical by the Department, may 130237  
utilize the services of appropriate state purchasing agencies. 130238

**Section 265.80. ACADEMIC STANDARDS** 130239

The foregoing appropriation item 200427, Academic Standards, 130240  
shall be used by the Department of Education to develop and 130241  
communicate to school districts academic content standards and 130242  
curriculum models and to develop professional development programs 130243  
and other tools on the new content standards and model curriculum. 130244  
The Department shall utilize educational service centers, 130245  
consistent with requirements of section 3312.01 of the Revised 130246  
Code, in the development and delivery of professional development 130247  
programs supported under this section. 130248

**Section 265.90. STUDENT ASSESSMENT** 130249

Of the foregoing appropriation item 200437, Student 130250  
Assessment, up to \$2,760,000 in each fiscal year may be used to 130251  
support the assessments required under section 3301.0715 of the 130252  
Revised Code. 130253

The remainder of appropriation item 200437, Student 130254  
Assessment, shall be used to develop, field test, print, 130255  
distribute, score, report results, and support other associated 130256  
costs for the tests required under sections 3301.0710, 3301.0711, 130257  
and 3301.0712 of the Revised Code and for similar purposes as 130258  
required by section 3301.27 of the Revised Code. The funds may 130259  
also be used to update and develop diagnostic assessments 130260  
administered under sections 3301.079, 3301.0715, and 3313.608 of 130261  
the Revised Code. 130262

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 130263  
ASSESSMENT 130264

In fiscal year 2018 and fiscal year 2019, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act for assessments of student performance, the Superintendent may recommend the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment, to the Director of Budget and Management. If the Director determines that such a reallocation is required, the Director may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment.

**Section 265.100. ACCOUNTABILITY/REPORT CARDS**

Of the foregoing appropriation item 200439, Accountability/Report Cards, \$500,000 in each fiscal year shall be used as matching funds to support efforts by the Accelerate Great Schools public-private partnership to increase the number of high-performing schools in Cincinnati, to attract and develop excellent school leaders and teachers, and to engage families and communities in fostering educational improvement.

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year may be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional development in the use of data to improve instruction and student learning, and teacher and administrator training in understanding teacher value-added reports and how they can be used as a component in measuring teacher and administrator effectiveness. A

portion of this funding shall be provided to educational service 130296  
centers to support training and professional development under 130297  
this section consistent with section 3312.01 of the Revised Code. 130298

The remainder of appropriation item 200439, 130299  
Accountability/Report Cards, shall be used by the Department of 130300  
Education to incorporate a statewide value-added progress 130301  
dimension into performance ratings for school districts and for 130302  
the development of an accountability system that includes the 130303  
preparation and distribution of school report cards, funding and 130304  
expenditure accountability reports under sections 3302.03 and 130305  
3302.031 of the Revised Code, the development and maintenance of 130306  
teacher value-added reports, the teacher student linkage/roster 130307  
verification process, and the performance management section of 130308  
the Department's web site required by section 3302.26 of the 130309  
Revised Code. 130310

CHILD CARE LICENSING 130311

The foregoing appropriation item 200442, Child Care 130312  
Licensing, shall be used by the Department of Education to license 130313  
and to inspect preschool and school-age child care programs under 130314  
sections 3301.52 to 3301.59 of the Revised Code. 130315

**Section 265.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 130316

The foregoing appropriation item 200446, Education Management 130317  
Information System, shall be used by the Department of Education 130318  
to improve the Education Management Information System (EMIS). 130319

Of the foregoing appropriation item 200446, Education 130320  
Management Information System, up to \$725,000 in each fiscal year 130321  
shall be distributed to designated information technology centers 130322  
for costs relating to processing, storing, and transferring data 130323  
for the effective operation of the EMIS. These costs may include, 130324  
but are not limited to, personnel, hardware, software development, 130325

communications connectivity, professional development, and support 130326  
services, and to provide services to participate in the State 130327  
Education Technology Plan developed under section 3353.09 of the 130328  
Revised Code. 130329

The remainder of appropriation item 200446, Education 130330  
Management Information System, shall be used to develop and 130331  
support the data definitions and standards adopted by the 130332  
Education Management Information System Advisory Board, including 130333  
the ongoing development and maintenance of the data dictionary and 130334  
data warehouse. In addition, such funds shall be used to support 130335  
the development and implementation of data standards; the design, 130336  
development, and implementation of a new data exchange system; and 130337  
responsibilities related to the school report cards prescribed by 130338  
section 3302.03 of the Revised Code and value-added progress 130339  
dimension calculations. 130340

Any provider of software meeting the standards approved by 130341  
the Education Management Information System Advisory Board shall 130342  
be designated as an approved vendor and may enter into contracts 130343  
with local school districts, community schools, STEMS schools, 130344  
information technology centers, or other educational entities for 130345  
the purpose of collecting and managing data required under Ohio's 130346  
education management information system (EMIS) laws. On an annual 130347  
basis, the Department shall convene an advisory group of school 130348  
districts, community schools, and other education-related entities 130349  
to review EMIS data definitions and data format standards. The 130350  
advisory group shall recommend changes and enhancements based upon 130351  
surveys of its members, education agencies in other states, and 130352  
current industry practices, to reflect best practices, align with 130353  
federal initiatives, and meet the needs of school districts. 130354

School districts, STEM schools, and community schools not 130355  
implementing a uniform set of data definitions and data format 130356  
standards for EMIS purposes shall have all EMIS funding withheld 130357

until they are in compliance. 130358

**Section 265.120. EDUCATOR PREPARATION** 130359

Of the foregoing appropriation item 200448, Educator 130360  
Preparation, up to \$339,783 in each fiscal year may be used by the 130361  
Department of Education to monitor and support Ohio's State System 130362  
of Support, as defined by the Every Student Succeeds Act. 130363

Of the foregoing appropriation item 200448, Educator 130364  
Preparation, up to \$67,957 in each fiscal year may be used by the 130365  
Department to support the Educator Standards Board under section 130366  
3319.61 of the Revised Code and reforms under sections 3302.042, 130367  
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 130368  
3319.58 of the Revised Code. 130369

The remainder of the foregoing appropriation item 200448, 130370  
Educator Preparation, may be used for implementation of teacher 130371  
and principal evaluation systems, including incorporation of 130372  
student growth as a metric in those systems, and teacher 130373  
value-added reports. 130374

**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 130375

The foregoing appropriation item 200455, Community Schools 130376  
and Choice Programs, may be used by the Department of Education 130377  
for operation of the school choice programs. 130378

Of the foregoing appropriation item 200455, Community Schools 130379  
and Choice Programs, a portion in each fiscal year may be used by 130380  
the Department for developing and conducting training sessions for 130381  
community schools and sponsors and prospective sponsors of 130382  
community schools as prescribed in division (A)(1) of section 130383  
3314.015 of the Revised Code, and other schools participating in 130384  
school choice programs. 130385

**Section 265.140. EDUCATION TECHNOLOGY RESOURCES** 130386

Of the foregoing appropriation item 200465, Education 130387  
Technology Resources, up to \$2,500,000 in each fiscal year shall 130388  
be used for the Union Catalog and InfOhio Network and to support 130389  
the provision of electronic resources with priority given to 130390  
resources that support the teaching of state academic content 130391  
standards in all public schools. Consideration shall be given by 130392  
the Department of Education to coordinating the allocation of 130393  
these moneys with the efforts of Libraries Connect Ohio, whose 130394  
members include OhioLINK, the Ohio Public Information Network, and 130395  
the State Library of Ohio. 130396

Of the foregoing appropriation item 200465, Education 130397  
Technology Resources, up to \$1,778,879 in each fiscal year shall 130398  
be used by the Department to provide grants to educational 130399  
television stations working with partner education technology 130400  
centers to provide Ohio public schools with instructional 130401  
resources and services, with priority given to resources and 130402  
services aligned with state academic content standards. Such 130403  
resources and services shall be based upon the advice and approval 130404  
of the Department, based on a formula developed in consultation 130405  
with Ohio's educational television stations and educational 130406  
technology centers. 130407

The remainder of the foregoing appropriation item 200465, 130408  
Education Technology Resources, may be used to support training, 130409  
technical support, guidance, and assistance with compliance 130410  
reporting to school districts and public libraries applying for 130411  
federal E-Rate funds; for oversight and guidance of school 130412  
district technology plans; and for support to district technology 130413  
personnel. Funds may also be used to support the 130414  
eTranscript/student records exchange initiative between the 130415  
Department of Education and the Department of Higher Education, 130416  
the internet safety training for teachers and administrators 130417  
required under the "Protecting Children in the 21st Century Act," 130418

Pub. L. No. 110-385, 122 Stat. 4096 (2008), and a program of study 130419  
for students in grades kindergarten through eight aligned to state 130420  
and national standards that, at a minimum, includes a focus on 130421  
online safety skills such as safety with personally identifiable 130422  
information, social media platforms, cyber-bullying prevention, 130423  
digital identity theft, hacking, and plagiarism. Such a program of 130424  
study shall provide the electronic data necessary for E-rate 130425  
compliance reporting at the student, classroom, and district 130426  
levels. 130427

**Section 265.150. PUPIL TRANSPORTATION** 130428

Of the foregoing appropriation item 200502, Pupil 130429  
Transportation, up to \$838,930 in each fiscal year may be used by 130430  
the Department of Education for training prospective and 130431  
experienced school bus drivers in accordance with training 130432  
programs prescribed by the Department. 130433

Of the foregoing appropriation item 200502, Pupil 130434  
Transportation, up to \$60,469,220 in each fiscal year may be used 130435  
by the Department for special education transportation 130436  
reimbursements to school districts and county DD boards for 130437  
transportation operating costs as provided in divisions (C) and 130438  
(F) of section 3317.024 of the Revised Code. 130439

The remainder of the foregoing appropriation item 200502, 130440  
Pupil Transportation, shall be used to distribute the amounts 130441  
calculated for transportation aid under divisions (E), (F), and 130442  
(G) of section 3317.0212 of the Revised Code and division (D)(2) 130443  
of section 3314.091 of the Revised Code. 130444

**PAYMENTS IN LIEU OF TRANSPORTATION** 130445

For purposes of division (D) of section 3327.02 of the 130446  
Revised Code, if a parent, guardian, or other person in charge of 130447  
a pupil accepts an offer from a school district of payment in lieu 130448

of providing transportation for the pupil, the school district 130449  
shall pay that parent, guardian, or other person an amount that 130450  
shall be not less than \$250 and not more than the amount 130451  
determined by the Department as the average cost of pupil 130452  
transportation for the previous school year. Payment may be 130453  
prorated if the time period involved is only a part of the school 130454  
year. 130455

**Section 265.160. SCHOOL LUNCH MATCH** 130456

The foregoing appropriation item 200505, School Lunch Match, 130457  
shall be used to provide matching funds to obtain federal funds 130458  
for the school lunch program. 130459

Any remaining appropriation after providing matching funds 130460  
for the school lunch program may be used to partially reimburse 130461  
school buildings within school districts that are required to have 130462  
a school breakfast program under section 3313.813 of the Revised 130463  
Code, at a rate decided by the Department. 130464

**Section 265.170. AUXILIARY SERVICES** 130465

Of the foregoing appropriation item 200511, Auxiliary 130466  
Services, up to \$2,600,000 in each fiscal year may be used for 130467  
payment of the College Credit Plus Program for nonpublic secondary 130468  
school participants. The Department of Education shall distribute 130469  
these funds according to rule 3333-1-65.8 of the Administrative 130470  
Code, adopted by the Department of Higher Education pursuant to 130471  
division (A) of section 3365.071 of the Revised Code. 130472

The remainder of the foregoing appropriation item 200511, 130473  
Auxiliary Services, shall be used by the Department for the 130474  
purpose of implementing sections 3317.06 and 3317.062 of the 130475  
Revised Code. 130476

**Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 130477



The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding section 3317.063 of the Revised Code, payments made by the Department for this purpose shall not exceed four hundred five dollars per student for each school year.

**Section 265.190. SPECIAL EDUCATION ENHANCEMENTS** 130484

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$33,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer \$3,000,000 in each fiscal year to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated

vocational rehabilitation counselors who shall work directly with 130509  
school districts to provide transition services for students with 130510  
disabilities. Services shall include vocational rehabilitation 130511  
services such as person-centered career planning, summer work 130512  
experiences, job placement, and retention services for mutually 130513  
eligible students with disabilities. 130514

The Superintendent of Public Instruction and the Executive 130515  
Director of the Opportunities for Ohioans with Disabilities Agency 130516  
shall enter into an interagency agreement that shall specify the 130517  
responsibilities of each agency under the program. Under the 130518  
interagency agreement, the Opportunities for Ohioans with 130519  
Disabilities Agency shall retain responsibility for all 130520  
nondelegable functions, including eligibility and order of 130521  
selection determination, individualized plan for employment (IPE) 130522  
approval, IPE amendments, case closure, and release of vendor 130523  
payments. 130524

Of the foregoing appropriation item 200540, Special Education 130525  
Enhancements, up to \$2,000,000 in each fiscal year shall be used 130526  
by the Department of Education to build capacity to deliver a 130527  
regional system of training, support, coordination, and direct 130528  
service for secondary transition services for students with 130529  
disabilities beginning at fourteen years of age. These special 130530  
education enhancements shall support all students with 130531  
disabilities, regardless of partner agency eligibility 130532  
requirements, to provide stand-alone direct secondary transition 130533  
services by school districts. Secondary transition services shall 130534  
include, but not be limited to, job exploration counseling, 130535  
work-based learning experiences, counseling on opportunities for 130536  
enrollment in comprehensive transition or post-secondary 130537  
educational programs at institutions of higher education, 130538  
workplace readiness training to develop occupational skills, 130539  
social skills and independent living skills, and instruction in 130540

self-advocacy. Regional training shall support the expansion of 130541  
transition to work endorsement opportunities for middle school and 130542  
secondary level special education intervention specialists in 130543  
order to develop the necessary skills and competencies to meet the 130544  
secondary transition needs of students with disabilities beginning 130545  
at fourteen years of age. 130546

The remainder of appropriation item 200540, Special Education 130547  
Enhancements, shall be distributed by the Department of Education 130548  
to school districts and institutions, as defined in section 130549  
3323.091 of the Revised Code, for preschool special education 130550  
funding under section 3317.0213 of the Revised Code. 130551

The Department may reimburse school districts and 130552  
institutions for services provided by instructional assistants, 130553  
related services, as defined in rule 3301-51-11 of the 130554  
Administrative Code, physical therapy services provided by a 130555  
licensed physical therapist or physical therapist assistant under 130556  
the supervision of a licensed physical therapist, as required 130557  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 130558  
Administrative Code, and occupational therapy services provided by 130559  
a licensed occupational therapist or occupational therapy 130560  
assistant under the supervision of a licensed occupational 130561  
therapist, as required under Chapter 4755. of the Revised Code and 130562  
Chapter 4755-7 of the Administrative Code. Nothing in this section 130563  
authorizes occupational therapy assistants or physical therapist 130564  
assistants to generate or manage their own caseloads. 130565

The Department shall require school districts, educational 130566  
service centers, county DD boards, and institutions serving 130567  
preschool children with disabilities to adhere to Ohio's early 130568  
learning program standards, participate in the Step Up to Quality 130569  
program established pursuant to section 5104.29 of the Revised 130570  
Code, and document child progress using research-based indicators 130571  
prescribed by the Department and report results annually. The 130572

reporting dates and method shall be determined by the Department. 130573  
Effective July 1, 2018, all programs shall be rated through the 130574  
Step Up to Quality program. 130575

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 130576

Of the foregoing appropriation item 200545, Career-Technical 130577  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 130578  
be used to fund secondary career-technical education at 130579  
institutions, the Ohio School for the Deaf, and the Ohio State 130580  
School for the Blind using a grant-based methodology, 130581  
notwithstanding section 3317.05 of the Revised Code. 130582

Of the foregoing appropriation item 200545, Career-Technical 130583  
Education Enhancements, up to \$2,872,948 in fiscal year 2018 and 130584  
\$1,936,474 in fiscal year 2019 shall be used by the Department of 130585  
Education to fund competitive grants to tech prep consortia that 130586  
expand the number of students enrolled in tech prep programs. 130587  
These grant funds shall be used to directly support expanded tech 130588  
prep programs provided to students enrolled in school districts, 130589  
including joint vocational school districts, and affiliated higher 130590  
education institutions. This support may include the purchase of 130591  
equipment. 130592

Of the foregoing appropriation item 200545, Career-Technical 130593  
Education Enhancements, up to \$3,100,850 in each fiscal year shall 130594  
be used by the Department to support existing High Schools That 130595  
Work (HSTW) sites, develop and support new sites, fund technical 130596  
assistance, and support regional centers and middle school 130597  
programs. The purpose of HSTW is to combine challenging academic 130598  
courses and modern career-technical studies to raise the academic 130599  
achievement of students. HSTW provides intensive technical 130600  
assistance, focused staff development, targeted assessment 130601  
services, and ongoing communications and networking opportunities. 130602

Of the foregoing appropriation item 200545, Career-Technical 130603

Education Enhancements, up to \$600,000 in each fiscal year shall 130604  
be used by the Department to enable students in agricultural 130605  
programs to enroll in a fifth quarter of instruction based on the 130606  
agricultural education model of delivering work-based learning 130607  
through supervised agricultural experience. The Department shall 130608  
determine eligibility criteria and the reporting process for the 130609  
Agriculture 5th Quarter Project and shall fund as many programs as 130610  
possible given the set-aside. The eligibility criteria developed 130611  
by the Department shall allow these funds to support supervised 130612  
agricultural experience that occurs anytime outside of the regular 130613  
school day. 130614

Of the foregoing appropriation item 200545, Career-Technical 130615  
Education Enhancements, up to \$200,000 in each fiscal year may be 130616  
used to support career planning and reporting through the Ohio 130617  
Means Jobs web site. 130618

Of the foregoing appropriation item 200545, Career-Technical 130619  
Education Enhancements, up to \$1,000,000 in each fiscal year shall 130620  
be used to support payments to city, local, and exempted village 130621  
school districts, community schools, STEM schools, and joint 130622  
vocational school districts whose students earn an 130623  
industry-recognized credential or receive a journeyman 130624  
certification recognized by the United States Department of Labor. 130625  
The educating entity shall be required to inform students enrolled 130626  
in career-technical education courses that lead to an 130627  
industry-recognized credential about the opportunity to earn these 130628  
credentials. The Department of Education shall work with the 130629  
Department of Higher Education and the Governor's Office of 130630  
Workforce Transformation to develop a schedule for reimbursement 130631  
based on the Department of Education's list of industry-recognized 130632  
credentials, the time it takes to earn the credential, and the 130633  
cost to obtain the credential. The educating entity shall pay for 130634  
the cost of the credential for an economically disadvantaged 130635

student and may claim and receive reimbursement. The educating 130636  
entity may claim reimbursement based on the Department of 130637  
Education's reimbursement schedule up to six months after the 130638  
student has graduated from high school. If the amount appropriated 130639  
is not sufficient, the Department shall prorate the amounts so 130640  
that the aggregate amount appropriated is not exceeded. 130641

Of the foregoing appropriation item 200545, Career-Technical 130642  
Education Enhancements, \$75,000 in each fiscal year shall be used 130643  
to prepare students for careers in culinary arts and restaurant 130644  
management under the Ohio ProStart school restaurant program. 130645

**Section 265.210. FOUNDATION FUNDING** 130646

Of the foregoing appropriation item 200550, Foundation 130647  
Funding, up to \$40,000,000 in each fiscal year shall be used to 130648  
provide additional state aid to school districts, joint vocational 130649  
school districts, community schools, and STEM schools for special 130650  
education students under division (C)(3) of section 3314.08, 130651  
section 3317.0214, division (B) of section 3317.16, and section 130652  
3326.34 of the Revised Code, except that the Controlling Board may 130653  
increase these amounts if presented with such a request from the 130654  
Department of Education at the final meeting of the fiscal year. 130655

Of the foregoing appropriation item 200550, Foundation 130656  
Funding, up to \$3,800,000 in each fiscal year shall be used to 130657  
fund gifted education at educational service centers. The 130658  
Department shall distribute the funding through the unit-based 130659  
funding methodology in place under division (L) of section 130660  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 130661  
and (C) of section 3317.053 of the Revised Code as they existed 130662  
prior to fiscal year 2010. 130663

Of the foregoing appropriation item 200550, Foundation 130664  
Funding, up to \$40,000,000 in each fiscal year shall be reserved 130665  
to fund the state reimbursement of educational service centers 130666

under the section of this act entitled "EDUCATIONAL SERVICE 130667  
CENTERS FUNDING." 130668

Of the foregoing appropriation item 200550, Foundation 130669  
Funding, up to \$3,500,000 in each fiscal year shall be distributed 130670  
to educational service centers for School Improvement Initiatives 130671  
and for the provision of technical assistance to schools and 130672  
districts. The Department may distribute these funds through a 130673  
competitive grant process. 130674

Of the foregoing appropriation item 200550, Foundation 130675  
Funding, up to \$10,000,000 in each fiscal year shall be reserved 130676  
for payments under section 3317.028 of the Revised Code. If this 130677  
amount is not sufficient, the Department shall prorate the payment 130678  
amounts so that the aggregate amount allocated in this paragraph 130679  
is not exceeded. 130680

Of the foregoing appropriation item 200550, Foundation 130681  
Funding, up to \$28,600,000 in fiscal year 2018 and up to 130682  
\$26,400,000 in fiscal year 2019 shall be used to support school 130683  
choice programs. 130684

Of the portion of the funds distributed to the Cleveland 130685  
Municipal School District under this section, up to \$15,400,000 in 130686  
fiscal year 2018 and \$17,600,000 in fiscal year 2019 shall be used 130687  
to operate the school choice program in the Cleveland Municipal 130688  
School District under sections 3313.974 to 3313.979 of the Revised 130689  
Code. Notwithstanding divisions (B) and (C) of section 3313.978 130690  
and division (C) of section 3313.979 of the Revised Code, up to 130691  
\$1,000,000 in each fiscal year of this amount shall be used by the 130692  
Cleveland Municipal School District to provide tutorial assistance 130693  
as provided in division (H) of section 3313.974 of the Revised 130694  
Code. The Cleveland Municipal School District shall report the use 130695  
of these funds in the district's three-year continuous improvement 130696  
plan as described in section 3302.04 of the Revised Code in a 130697  
manner approved by the Department. 130698

Of the foregoing appropriation item 200550, Foundation 130699  
Funding, up to \$1,500,000 in each fiscal year may be used for 130700  
payment of the College Credit Plus Program for students instructed 130701  
at home pursuant to section 3321.04 of the Revised Code. 130702

Of the foregoing appropriation item 200550, Foundation 130703  
Funding, an amount shall be available in each fiscal year to be 130704  
paid to joint vocational school districts in accordance with 130705  
division (A) of section 3317.16 of the Revised Code, and the 130706  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 130707  
VOCATIONAL SCHOOL DISTRICTS." 130708

Of the foregoing appropriation item 200550, Foundation 130709  
Funding, up to \$700,000 in each fiscal year shall be used by the 130710  
Department for a program to pay for educational services for youth 130711  
who have been assigned by a juvenile court or other authorized 130712  
agency to any of the facilities described in division (A) of the 130713  
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 130714

Of the foregoing appropriation item 200550, Foundation 130715  
Funding, a portion may be used to pay college-preparatory boarding 130716  
schools the per pupil boarding amount pursuant to section 3328.34 130717  
of the Revised Code. 130718

Of the foregoing appropriation item 200550, Foundation 130719  
Funding, up to \$1,000,000 in each fiscal year shall be used for 130720  
the Bright New Leaders for Ohio Schools Program created and 130721  
implemented by the nonprofit corporation incorporated pursuant to 130722  
section 3319.271 of the Revised Code, to provide an alternative 130723  
path for individuals to receive training and development in the 130724  
administration of primary and secondary education and leadership, 130725  
enable those individuals to earn degrees and obtain licenses in 130726  
public school administration, and promote the placement of those 130727  
individuals in public schools that have a poverty percentage 130728  
greater than fifty per cent. 130729



Of the foregoing appropriation item 200550, Foundation 130730  
Funding, a portion in each fiscal year shall be used to pay 130731  
community schools and STEM schools the amounts calculated for the 130732  
graduation and third-grade reading bonuses under sections 3314.085 130733  
and 3326.41 of the Revised Code. 130734

Of the foregoing appropriation item 200550, Foundation 130735  
Funding, up to \$600,000 in each fiscal year may be used by the 130736  
Department for duties and activities related to the establishment 130737  
of academic distress commissions under section 3302.10 of the 130738  
Revised Code. A portion of the funds may be used as matching funds 130739  
for any monetary contributions made by a school district for which 130740  
an academic distress commission is established or by the 130741  
district's local community to support innovative education 130742  
programs or a high-quality school accelerator as provided for in 130743  
section 3302.10 of the Revised Code. 130744

The remainder of appropriation item 200550, Foundation 130745  
Funding, shall be used to distribute the amounts calculated for 130746  
formula aid under section 3317.022 of the Revised Code, the 130747  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 130748  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS," and the section of 130749  
this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED 130750  
VILLAGE SCHOOL DISTRICTS." 130751

Appropriation items 200502, Pupil Transportation, 200540, 130752  
Special Education Enhancements, and 200550, Foundation Funding, 130753  
other than specific set-asides, are collectively used in each 130754  
fiscal year to pay state formula aid obligations for school 130755  
districts, community schools, STEM schools, college preparatory 130756  
boarding schools, and joint vocational school districts under this 130757  
act. The first priority of these appropriation items, with the 130758  
exception of specific set-asides, is to fund state formula aid 130759  
obligations. It may be necessary to reallocate funds among these 130760  
appropriation items or use excess funds from other general revenue 130761

fund appropriation items in the Department of Education's budget 130762  
in each fiscal year in order to meet state formula aid 130763  
obligations. If it is determined that it is necessary to transfer 130764  
funds among these appropriation items or to transfer funds from 130765  
other General Revenue Fund appropriations in the Department's 130766  
budget to meet state formula aid obligations, the Superintendent 130767  
of Public Instruction shall seek approval from the Director of 130768  
Budget and Management to transfer funds as needed. 130769

The Superintendent of Public Instruction shall make payments, 130770  
transfers, and deductions, as authorized by Title XXXIII of the 130771  
Revised Code in amounts substantially equal to those made in the 130772  
prior year, or otherwise, at the discretion of the Superintendent, 130773  
until at least the effective date of the amendments and enactments 130774  
made to Title XXXIII by this act. Any funds paid to districts or 130775  
schools under this section shall be credited toward the annual 130776  
funds calculated for the district or school after the changes made 130777  
to Title XXXIII in this act are effective. Upon the effective date 130778  
of changes made to Title XXXIII in this act, funds shall be 130779  
calculated as an annual amount. 130780

**Section 265.220.** TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 130781  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 130782

(A) The Department of Education shall distribute funds within 130783  
appropriation item 200550, Foundation Funding, for temporary 130784  
transitional aid in each fiscal year to each qualifying city, 130785  
local, and exempted village school district. 130786

(1) For fiscal years 2018 and 2019, the Department shall pay 130787  
temporary transitional aid to each city, local, and exempted 130788  
village school district according to the following formula: 130789

(The district's transitional aid guarantee base x the district's 130790  
transitional aid guarantee base percentage) - the district's 130791  
foundation funding for the guarantee 130792

If the computation made under this division results in a negative number, the district's funding under this division shall be zero.

(2) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;

(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;

(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;

(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;

(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;

(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;

(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;

(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;

(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;

(j) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;

(k) The graduation bonus under division (A)(11) of section

|                                                                                                                                                                                                                     |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 3317.022 of the Revised Code;                                                                                                                                                                                       | 130822                               |
| (1) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;                                                                                                                   | 130823<br>130824                     |
| (m) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                          | 130825<br>130826<br>130827           |
| (n) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.                                                                                                                    | 130828<br>130829                     |
| (3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year: | 130830<br>130831<br>130832<br>130833 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;                                                                                                                            | 130834<br>130835                     |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;                                                                                                                        | 130836<br>130837                     |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;                                                                                  | 130838<br>130839<br>130840           |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;                                                                                                  | 130841<br>130842                     |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;                                                                                                                 | 130843<br>130844                     |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;                                                                                                                | 130845<br>130846                     |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;                                                                                                             | 130847<br>130848                     |
| (h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;                                                                                                                 | 130849<br>130850                     |

|                                                                                                                                                                                                                                                                                                                                                                                     |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                             | 130851<br>130852                                         |
| (j) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                              | 130853<br>130854                                         |
| (k) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                            | 130855<br>130856                                         |
| (l) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                   | 130857<br>130858                                         |
| (m) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                                                                                                                                                                                          | 130859<br>130860<br>130861                               |
| (n) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.                                                                                                                                                                                                                                                                                    | 130862<br>130863                                         |
| (4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly: | 130864<br>130865<br>130866<br>130867<br>130868<br>130869 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                            | 130870<br>130871                                         |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                        | 130872<br>130873                                         |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                  | 130874<br>130875<br>130876                               |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                  | 130877<br>130878                                         |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                 | 130879<br>130880                                         |

|                                                                                                                                                                                                                                                                                             |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;                                                                                                                                                                                        | 130881<br>130882                               |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;                                                                                                                                                                                     | 130883<br>130884                               |
| (h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;                                                                                                                                                                                         | 130885<br>130886                               |
| (i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;                                                                                                                                                                     | 130887<br>130888                               |
| (j) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;                                                                                                                                                                                                      | 130889<br>130890                               |
| (k) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;                                                                                                                                                                                                    | 130891<br>130892                               |
| (l) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;                                                                                                                                                                                           | 130893<br>130894                               |
| (m) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                                                                                                  | 130895<br>130896<br>130897                     |
| (n) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;                                                                                                                                                                                            | 130898<br>130899                               |
| (o) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.                                                                                                                                                                     | 130900<br>130901                               |
| (5) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section. | 130902<br>130903<br>130904<br>130905<br>130906 |
| (6) The "transitional aid guarantee base percentage" for each city, local, and exempted village school district, for fiscal years 2018 and 2019, shall be computed as follows:                                                                                                              | 130907<br>130908<br>130909                     |

(a) Calculate each district's total ADM percentage change in accordance with the following formula: 130910  
130911  
(The district's total ADM for fiscal year 2016 / the district's total ADM for fiscal year 2014) - 1 130912  
130913

(b) Determine the district's transitional aid guarantee base percentage as follows: 130914  
130915

(i) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of ten per cent or more, then the district's transitional aid guarantee base percentage shall be equal to ninety-five per cent. 130916  
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(ii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of less than ten per cent but more than five per cent, then the district's transitional aid guarantee base percentage shall be equal to the district's total ADM percentage change calculated in division (A)(6)(a) of this section plus one hundred five per cent. 130920  
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(iii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals a decrease of five per cent or less, no change, or an increase of any amount, then the district's transitional aid guarantee base percentage shall be equal to one hundred per cent. 130926  
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(7) The Department of Education shall adjust, as necessary, the transitional aid guarantee base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2018 or fiscal year 2019 but does not receive payments for the prior fiscal year. The Department shall adjust any such local school district's guarantee base according to the amounts received by the district in the prior fiscal year for career-technical education students who attend the newly established joint vocational school district. 130931  
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(B)(1) Notwithstanding section 3317.022 of the Revised Code, 130941  
in fiscal years 2018 and 2019, no city, local, or exempted village 130942  
school district shall be allocated foundation funding subject to 130943  
the limitation for the current fiscal year that is greater than 130944  
the district's limitation base multiplier times the district's 130945  
limitation base for the current fiscal year, except as provided in 130946  
division (B)(9) of this section. 130947

(2) As used in this section, "foundation funding subject to 130948  
the limitation" for each city, local, and exempted village school 130949  
district, for fiscal year 2018, equals the sum of the following 130950  
amounts for that fiscal year: 130951

(a) The opportunity grant under division (A)(1) of section 130952  
3317.022 of the Revised Code; 130953

(b) Targeted assistance funds under division (A)(2) of 130954  
section 3317.022 of the Revised Code; 130955

(c) Additional state aid for special education and related 130956  
services under division (A)(3) of section 3317.022 of the Revised 130957  
Code; 130958

(d) Kindergarten through third grade literacy funds under 130959  
division (A)(4) of section 3317.022 of the Revised Code; 130960

(e) Economically disadvantaged funds under division (A)(5) of 130961  
section 3317.022 of the Revised Code; 130962

(f) Limited English proficiency funds under division (A)(6) 130963  
of section 3317.022 of the Revised Code; 130964

(g) Gifted identification and unit funds under division 130965  
(A)(7) of section 3317.022 of the Revised Code; 130966

(h) Capacity aid funds under division (A)(10) of section 130967  
3317.022 of the Revised Code; 130968

(i) Transportation funds under divisions (E) and (F) of 130969  
section 3317.0212 of the Revised Code and division (D)(2) of 130970



|                                                                                                                                                                                                                             |                                      |
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| section 3314.091 of the Revised Code;                                                                                                                                                                                       | 130971                               |
| (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;                                                                                                                            | 130972<br>130973                     |
| (k) Temporary transitional aid under division (A) of this section.                                                                                                                                                          | 130974<br>130975                     |
| (3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year: | 130976<br>130977<br>130978<br>130979 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;                                                                                                                                    | 130980<br>130981                     |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;                                                                                                                                | 130982<br>130983                     |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;                                                                                          | 130984<br>130985<br>130986           |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;                                                                                                          | 130987<br>130988                     |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;                                                                                                                         | 130989<br>130990                     |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;                                                                                                                        | 130991<br>130992                     |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;                                                                                                                     | 130993<br>130994                     |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;                                                                                                                                      | 130995<br>130996                     |
| (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                                  | 130997<br>130998<br>130999           |

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| (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;                                                                                                                                                                                                                                                                    | 131000<br>131001                                         |
| (k) Temporary transitional aid under division (A) of this section.                                                                                                                                                                                                                                                                                                  | 131002<br>131003                                         |
| (4) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly: | 131004<br>131005<br>131006<br>131007<br>131008<br>131009 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                            | 131010<br>131011                                         |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                        | 131012<br>131013                                         |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                  | 131014<br>131015<br>131016                               |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                  | 131017<br>131018                                         |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                 | 131019<br>131020                                         |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                | 131021<br>131022                                         |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                             | 131023<br>131024                                         |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                              | 131025<br>131026                                         |
| (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                                                                                                                                                                          | 131027<br>131028<br>131029                               |

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| (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;                                                                                                                                                                                                               | 131030<br>131031                               |
| (k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.                                                                                                                                                                                        | 131032<br>131033                               |
| (5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section: | 131034<br>131035<br>131036<br>131037<br>131038 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                       | 131039<br>131040                               |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                   | 131041<br>131042                               |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;                                                                                                                                                                             | 131043<br>131044<br>131045                     |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;                                                                                                                                                                                             | 131046<br>131047                               |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;                                                                                                                                                                                                            | 131048<br>131049                               |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;                                                                                                                                                                                                           | 131050<br>131051                               |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;                                                                                                                                                                                                        | 131052<br>131053                               |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                         | 131054<br>131055                               |
| (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                                                                                                                     | 131056<br>131057<br>131058                     |

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code; 131059  
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(k) Temporary transitional aid under division (A) of this section; 131061  
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(l) The cap offset amount computed under the section of this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS. 131063  
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(6)(a) The "limitation base multiplier" for each city, local, and exempted village school district, for fiscal year 2018, shall be computed as follows: 131066  
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(i) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of five and one-half per cent or more, then the district's limitation base multiplier shall be equal to 1.055. 131069  
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(ii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of less than five and one-half per cent but more than three per cent, then the district's limitation base multiplier shall be equal to the district's total ADM percentage change calculated in division (A)(6)(a) of this section plus one. 131073  
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(iii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of three per cent or less, no change, or a decrease of any amount, then the district's limitation base multiplier shall be equal to 1.03. 131079  
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(b) The "limitation base multiplier" for each city, local, and exempted village school district, for fiscal year 2019, shall be computed as follows: 131084  
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(i) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of six 131087  
131088

per cent or more, then the district's limitation base multiplier 131089  
shall be equal to 1.06. 131090

(ii) If the district's total ADM percentage change calculated 131091  
in division (A)(6)(a) of this section equals an increase of less 131092  
than six per cent but more than three per cent, then the 131093  
district's limitation base multiplier shall be equal to the 131094  
district's total ADM percentage change calculated in division 131095  
(A)(6)(a) of this section plus one. 131096

(iii) If the district's total ADM percentage change 131097  
calculated in division (A)(6)(a) of this section equals an 131098  
increase of three per cent or less, no change, or a decrease of 131099  
any amount, then the district's limitation base multiplier shall 131100  
be equal to 1.03. 131101

(7) The Department of Education shall adjust, as necessary, 131102  
the limitation base of any local school district that participates 131103  
in the establishment of a joint vocational school district that 131104  
begins receiving payments under section 3317.16 of the Revised 131105  
Code for fiscal year 2018 or fiscal year 2019 but does not receive 131106  
such payments for the prior fiscal year. The Department shall 131107  
adjust any such local school district's limitation base according 131108  
to the amounts received by the district in the prior fiscal year 131109  
for career-technical education students who attend the newly 131110  
established joint vocational school district. 131111

(8) For fiscal year 2018 and fiscal year 2019, the Department 131112  
shall reduce a district's payments under divisions (A)(1), (2), 131113  
(4), (5), (6), (7), and (10) of section 3317.022 of the Revised 131114  
Code proportionately as necessary in order to comply with this 131115  
division. If those amounts are insufficient, the Department shall 131116  
proportionately reduce a district's payments under division (A)(3) 131117  
of section 3317.022 of the Revised Code and divisions (E), (F), 131118  
and (G) of section 3317.0212 of the Revised Code. 131119

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| (9)(a) For purposes of division (B)(9) of this section,            | 131120 |
| "eligible school district" shall have the same meaning as in       | 131121 |
| division (F)(1) of section 3317.017 of the Revised Code.           | 131122 |
| (b) Notwithstanding any provision of law to the contrary, an       | 131123 |
| eligible school district shall not be allocated foundation funding | 131124 |
| subject to the limitation in the current fiscal year that is       | 131125 |
| greater than the greater of the amounts described in divisions     | 131126 |
| (B)(9)(b)(i) and (ii) of this section:                             | 131127 |
| (i) The amount calculated for the district for the current         | 131128 |
| fiscal year under division (B)(1) of this section;                 | 131129 |
| (ii) The lesser of the amounts described in divisions              | 131130 |
| (B)(9)(b)(ii)(I) and (II) of this section:                         | 131131 |
| (I) The district's foundation funding subject to the               | 131132 |
| limitation for the current fiscal year;                            | 131133 |
| (II) The district's limitation base for the current fiscal         | 131134 |
| year plus the district's taxes charged and payable against all     | 131135 |
| property on the tax list of real and public utility property for   | 131136 |
| tax year 2015 minus the district's taxes charged and payable       | 131137 |
| against all property on the tax list of real and public utility    | 131138 |
| property for tax year 2016.                                        | 131139 |
| <b>Section 265.230. TEMPORARY TRANSITIONAL AID FOR JOINT</b>       | 131140 |
| <b>VOCATIONAL SCHOOL DISTRICTS</b>                                 | 131141 |
| (A) The Department of Education shall distribute funds within      | 131142 |
| appropriation item 200550, Foundation Funding, for temporary       | 131143 |
| transitional aid in each fiscal year to each qualifying joint      | 131144 |
| vocational school district.                                        | 131145 |
| (1) For fiscal years 2018 and 2019, the Department shall pay       | 131146 |
| temporary transitional aid to each joint vocational school         | 131147 |
| district according to the following formula:                       | 131148 |
| (The district's transitional aid guarantee base x the district's   | 131149 |

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| transitional aid guarantee base percentage) - the district's       | 131150 |
| foundation funding for the guarantee                               | 131151 |
| If the computation made under this division results in a           | 131152 |
| negative number, the district's funding under this division shall  | 131153 |
| be zero.                                                           | 131154 |
| (2) As used in this section, "foundation funding for the           | 131155 |
| guarantee" for each joint vocational school district, for fiscal   | 131156 |
| year 2018, equals the sum of the following amounts for that fiscal | 131157 |
| year:                                                              | 131158 |
| (a) The opportunity grant under division (A)(1) of section         | 131159 |
| 3317.16 of the Revised Code;                                       | 131160 |
| (b) Additional state aid for special education and related         | 131161 |
| services under division (A)(2) of section 3317.16 of the Revised   | 131162 |
| Code;                                                              | 131163 |
| (c) Economically disadvantaged funds under division (A)(3) of      | 131164 |
| section 3317.16 of the Revised Code;                               | 131165 |
| (d) Limited English proficiency funds under division (A)(4)        | 131166 |
| of section 3317.16 of the Revised Code;                            | 131167 |
| (e) Career-technical education funds under division (A)(5) of      | 131168 |
| section 3317.16 of the Revised Code;                               | 131169 |
| (f) Career-technical education associated services funds           | 131170 |
| under division (A)(6) of section 3317.16 of the Revised Code;      | 131171 |
| (g) The graduation bonus under division (A)(7) of section          | 131172 |
| 3317.16 of the Revised Code.                                       | 131173 |
| (3) As used in this section, "foundation funding for the           | 131174 |
| guarantee" for each joint vocational school district, for fiscal   | 131175 |
| year 2019, equals the sum of the following amounts for that fiscal | 131176 |
| year:                                                              | 131177 |
| (a) The opportunity grant under division (A)(1) of section         | 131178 |
| 3317.16 of the Revised Code;                                       | 131179 |

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| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                  | 131180<br>131181<br>131182                               |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                 | 131183<br>131184                                         |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                | 131185<br>131186                                         |
| (e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                 | 131187<br>131188                                         |
| (f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                             | 131189<br>131190                                         |
| (g) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code.                                                                                                                                                                                                                                                                             | 131191<br>131192                                         |
| (4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly: | 131193<br>131194<br>131195<br>131196<br>131197<br>131198 |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                            | 131199<br>131200                                         |
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                  | 131201<br>131202<br>131203                               |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                 | 131204<br>131205                                         |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                | 131206<br>131207                                         |
| (e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                 | 131208<br>131209                                         |



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| (f) Career-technical education associated services funds           | 131210 |
| under division (A)(6) of section 3317.16 of the Revised Code;      | 131211 |
| (g) The graduation bonus under division (A)(7) of section          | 131212 |
| 3317.16 of the Revised Code;                                       | 131213 |
| (h) Temporary transitional aid under division (A) of Section       | 131214 |
| 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly.         | 131215 |
| (5) As used in this section, the "transitional aid guarantee       | 131216 |
| base" for each joint vocational school district, for fiscal year   | 131217 |
| 2019, equals the transitional aid guarantee base for fiscal year   | 131218 |
| 2018 computed for the district pursuant to division (A)(4) of this | 131219 |
| section.                                                           | 131220 |
| (6) The "transitional aid guarantee base percentage" for a         | 131221 |
| joint vocational school district, for fiscal year 2018 and fiscal  | 131222 |
| year 2019, shall be computed as follows:                           | 131223 |
| (a) Calculate each district's formula ADM percentage change        | 131224 |
| in accordance with the following formula:                          | 131225 |
| (The district's formula ADM for fiscal year 2016 / the district's  | 131226 |
| formula ADM for fiscal year 2014) - 1                              | 131227 |
| (b) Determine the district's transitional aid guarantee base       | 131228 |
| percentage as follows:                                             | 131229 |
| (i) If the district's formula ADM percentage change                | 131230 |
| calculated in division (A)(6)(a) of this section equals a decrease | 131231 |
| of ten per cent or more, then the district's transitional aid      | 131232 |
| guarantee base percentage shall be equal to ninety-five per cent.  | 131233 |
| (ii) If the district's formula ADM percentage change               | 131234 |
| calculated in division (A)(6)(a) of this section equals a decrease | 131235 |
| of less than ten per cent but more than five per cent, then the    | 131236 |
| district's transitional aid guarantee base percentage shall be     | 131237 |
| equal to the district's formula ADM percentage change calculated   | 131238 |
| in division (A)(6)(a) of this section plus one hundred five per    | 131239 |

cent. 131240

(iii) If the district's formula ADM percentage change 131241  
calculated in division (A)(6)(a) of this section equals a decrease 131242  
of five per cent or less, no change, or an increase of any amount, 131243  
then the district's transitional aid guarantee base percentage 131244  
shall be equal to one hundred per cent. 131245

(7) The Department of Education shall establish, as 131246  
necessary, the transitional aid guarantee base of any joint 131247  
vocational school district that begins receiving payments under 131248  
section 3317.16 of the Revised Code for fiscal year 2018 or fiscal 131249  
year 2019 but does not receive such payments for the prior fiscal 131250  
year. The Department shall establish any such joint vocational 131251  
school district's guarantee base as an amount equal to the 131252  
absolute value of the sum of the associated adjustments of any 131253  
local school district's guarantee bases under division (A)(7) of 131254  
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 131255  
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 131256

(B)(1) Notwithstanding division (A) of section 3317.16 of the 131257  
Revised Code in fiscal years 2018 and 2019, no joint vocational 131258  
school district shall be allocated foundation funding subject to 131259  
the limitation for the current fiscal year that is greater than 131260  
the district's limitation base multiplier times the district's 131261  
limitation base for the current fiscal year. 131262

(2) As used in this section, "foundation funding subject to 131263  
the limitation" for each joint vocational school district, for 131264  
fiscal year 2018, equals the sum of the following amounts for that 131265  
fiscal year: 131266

(a) The opportunity grant under division (A)(1) of section 131267  
3317.16 of the Revised Code; 131268

(b) Additional state aid for special education and related 131269  
services under division (A)(2) of section 3317.16 of the Revised 131270

|                                                                                                                                                                                                                                                                                                                                                    |                                                          |
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| Code;                                                                                                                                                                                                                                                                                                                                              | 131271                                                   |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                 | 131272<br>131273                                         |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                | 131274<br>131275                                         |
| (e) Temporary transitional aid under division (A) of this section.                                                                                                                                                                                                                                                                                 | 131276<br>131277                                         |
| (3) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:                                                                                                                                         | 131278<br>131279<br>131280<br>131281                     |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                            | 131282<br>131283                                         |
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                  | 131284<br>131285<br>131286                               |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                 | 131287<br>131288                                         |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                | 131289<br>131290                                         |
| (e) Temporary transitional aid under division (A) of this section.                                                                                                                                                                                                                                                                                 | 131291<br>131292                                         |
| (4) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly: | 131293<br>131294<br>131295<br>131296<br>131297<br>131298 |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                            | 131299<br>131300                                         |

|                                                                                                                                                                                                                                                                                               |                                                |
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| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;                                                                                                                                                             | 131301<br>131302<br>131303                     |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                            | 131304<br>131305                               |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                           | 131306<br>131307                               |
| (e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly.                                                                                                                                                                       | 131308<br>131309                               |
| (5) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section: | 131310<br>131311<br>131312<br>131313<br>131314 |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;                                                                                                                                                                                                       | 131315<br>131316                               |
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;                                                                                                                                                             | 131317<br>131318<br>131319                     |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                            | 131320<br>131321                               |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                           | 131322<br>131323                               |
| (e) Temporary transitional aid under division (A) of this section.                                                                                                                                                                                                                            | 131324<br>131325                               |
| (6)(a) The "limitation base multiplier" for each joint vocational school district, for fiscal year 2018, shall be computed as follows:                                                                                                                                                        | 131326<br>131327<br>131328                     |
| (i) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals an                                                                                                                                                                                | 131329<br>131330                               |

increase of five and one-half per cent or more, then the 131331  
district's limitation base multiplier shall be equal to 1.055. 131332

(ii) If the district's formula ADM percentage change 131333  
calculated in division (A)(6)(a) of this section equals an 131334  
increase of less than five and one-half per cent but more than 131335  
three per cent, then the district's limitation base multiplier 131336  
shall be equal to the district's formula ADM percentage change 131337  
calculated in division (A)(6)(a) of this section plus one. 131338

(iii) If the district's formula ADM percentage change 131339  
calculated in division (A)(6)(a) of this section equals an 131340  
increase of three per cent or less, no change, or a decrease of 131341  
any amount, then the district's limitation base multiplier shall 131342  
be equal to 1.03. 131343

(b) The "limitation base multiplier" for each joint 131344  
vocational school district, for fiscal year 2019, shall be 131345  
computed as follows: 131346

(i) If the district's formula ADM percentage change 131347  
calculated in division (A)(6)(a) of this section equals an 131348  
increase of six per cent or more, then the district's limitation 131349  
base multiplier shall be equal to 1.06. 131350

(ii) If the district's formula ADM percentage change 131351  
calculated in division (A)(6)(a) of this section equals an 131352  
increase of less than six per cent but more than three per cent, 131353  
then the district's limitation base multiplier shall be equal to 131354  
the district's formula ADM percentage change calculated in 131355  
division (A)(6)(a) of this section plus one. 131356

(iii) If the district's formula ADM percentage change 131357  
calculated in division (A)(6)(a) of this section equals an 131358  
increase of three per cent or less, no change, or a decrease of 131359  
any amount, then the district's limitation base multiplier shall 131360  
be equal to 1.03. 131361

(7) The Department of Education shall establish, as 131362  
necessary, the limitation base of any joint vocational school 131363  
district that begins receiving payments under section 3317.16 of 131364  
the Revised Code for fiscal year 2018 or fiscal year 2019 but does 131365  
not receive such payments for the prior fiscal year. The 131366  
Department shall establish any such joint vocational school 131367  
district's limitation base as an amount equal to the absolute 131368  
value of the sum of the associated adjustments of any local school 131369  
district's limitation base under division (B)(7) of the section of 131370  
this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 131371  
EXEMPTED VILLAGE SCHOOL DISTRICTS." 131372

(8) For fiscal year 2018 and fiscal year 2019, the Department 131373  
shall reduce a district's payments under divisions (A)(1), (3), 131374  
and (4) of section 3317.16 of the Revised Code proportionately as 131375  
necessary in order to comply with this division. If those amounts 131376  
are insufficient, the Department shall proportionately reduce a 131377  
district's payments under division (A)(2) of section 3317.16 of 131378  
the Revised Code. 131379

**Section 265.233. CAP OFFSET AMOUNT FOR CITY, LOCAL, AND 131380**  
EXEMPTED VILLAGE SCHOOL DISTRICTS 131381

(A) For purposes of this section: 131382

(1) A district's "combined state aid for fiscal year 2017" 131383  
means the sum of: 131384

(a) The sum of the district's payments for fiscal year 2017 131385  
under sections 3317.022 and 3317.0212 of the Revised Code after 131386  
any amounts are added or subtracted under Section 263.230 of Am. 131387  
Sub. H.B. 64 of the 131st General Assembly; 131388

(b) The district's payments under division (C)(1) of section 131389  
5709.92 of the Revised Code for fiscal year 2017. 131390

(2) A district's "combined state aid for fiscal year 2018" 131391

means the sum of: 131392

(a) The sum of the district's payments for fiscal year 2018 131393  
under sections 3317.022 and 3317.0212 of the Revised Code after 131394  
any amounts are added or subtracted under the section of this act 131395  
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 131396  
VILLAGE SCHOOL DISTRICTS"; 131397

(b) The district's payments under division (C)(2) of section 131398  
5709.92 of the Revised Code for fiscal year 2018. 131399

(3) An "eligible school district" is a city, local, or 131400  
exempted village school district that meets both of the following 131401  
criteria: 131402

(a) The sum of the amounts calculated for the school district 131403  
under section 3317.022 and 3317.0212 of the Revised Code is 131404  
limited by division (B)(1) of the section of this act entitled 131405  
"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 131406  
SCHOOL DISTRICTS" for fiscal year 2018; 131407

(b) The district's combined state aid for fiscal year 2017 131408  
minus the district's combined state aid for fiscal year 2018 is 131409  
greater than zero. 131410

(B) For fiscal year 2018, the Department of Education shall 131411  
compute and pay a cap offset amount to each eligible school 131412  
district equal to the lesser of the amounts calculated in 131413  
divisions (B)(1) and (2) of this section: 131414

(1) The district's combined state aid for fiscal year 2017 131415  
minus the district's combined state aid for fiscal year 2018; 131416

(2) The absolute value of the difference between the sum of 131417  
the amounts calculated under sections 3317.022 and 3317.0212 of 131418  
the Revised Code for the district before and after application of 131419  
the limitation under division (B)(1) of the section of this act 131420  
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 131421

VILLAGE SCHOOL DISTRICTS" for fiscal year 2018. 131422

**Section 265.240.** LITERACY IMPROVEMENT 131423

The foregoing appropriation item 200566, Literacy 131424  
Improvement, shall be used by the Department of Education to 131425  
support early literacy activities to align state, local, and 131426  
federal efforts in order to bolster all students' reading success. 131427  
Funds shall be distributed to educational service centers to 131428  
establish and support regional literacy professional development 131429  
teams. A portion of the funds may be used by the Department for 131430  
program administration, monitoring, technical assistance, support, 131431  
research, and evaluation. 131432

**Section 265.250.** ADULT EDUCATION PROGRAMS 131433

The foregoing appropriation item 200572, Adult Education 131434  
Programs, shall be used in each fiscal year to make payments to 131435  
institutions participating in the Adult Diploma Pilot Program 131436  
under section 3313.902 of the Revised Code; to make payments under 131437  
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 131438  
Code; and to pay career-technical planning districts for the 131439  
amounts reimbursed to students, as prescribed in this section. 131440

Each career-technical planning district shall reimburse 131441  
individuals taking a nationally recognized high school equivalency 131442  
examination approved by the Department of Education for the first 131443  
time for application fees, examination fees, or both, in excess of 131444  
\$40, up to a maximum reimbursement per individual of \$80. Each 131445  
career-technical planning district shall designate a site or sites 131446  
where individuals may register and take an approved examination. 131447  
For each individual who registers for an approved examination, the 131448  
career-technical planning district shall make available and offer 131449  
career counseling services, including information on adult 131450  
education programs that are available. A portion of the 131451



appropriation item may be reimbursed to the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under section 3313.902 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction.

Of the foregoing appropriation item 200572, Adult Education Programs, a portion may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education.

**Section 265.260. EDCHOICE EXPANSION**

The foregoing appropriation item 200573, EdChoice Expansion, shall be used to provide for the scholarships awarded under the expansion of the educational choice program established under section 3310.032 of the Revised Code. The number of scholarships awarded under the expansion of the educational choice program shall not exceed the number that can be funded with the appropriations made by the General Assembly for this purpose.

Notwithstanding section 3310.16 of the Revised Code, as it existed prior to the amendment of that section by this act, if the scholarships awarded under section 3310.032 of the Revised Code in the first application period for the 2017-2018 school year use the

entirety of the amount appropriated by the General Assembly for 131483  
such scholarships for that school year, the Department of 131484  
Education need not conduct a second application period for 131485  
scholarships under that section. If, after the first application 131486  
period, there are funds remaining to award scholarships under 131487  
section 3310.032 of the Revised Code, the Department shall conduct 131488  
a second application period in accordance with section 3310.16 of 131489  
the Revised Code. 131490

HALF-MILL MAINTENANCE EQUALIZATION 131491

The foregoing appropriation item 200574, Half-Mill 131492  
Maintenance Equalization, shall be used to make payments pursuant 131493  
to section 3318.18 of the Revised Code. 131494

ADAPTIVE SPORTS PROGRAM 131495

The foregoing appropriation item 200576, Adaptive Sports 131496  
Program, shall be used by the Department of Education, in 131497  
collaboration with the Adaptive Sports Program of Ohio, to fund 131498  
adaptive sports programs in school districts across the state. 131499

**Section 265.280.** MEDICAID IN SCHOOLS PROGRAM 131500

The foregoing appropriation item, 657401, Medicaid in Schools 131501  
Program, shall be used by the Department of Education to support 131502  
the Medicaid in Schools Program. 131503

**Section 265.290.** HIGH SCHOOL EQUIVALENCY 131504

The foregoing appropriation item 200610, High School 131505  
Equivalency, shall be used in conjunction with appropriation item 131506  
200572, Adult Education Programs. 131507

**Section 265.300.** TEACHER CERTIFICATION AND LICENSURE 131508

The foregoing appropriation item 200681, Teacher 131509  
Certification and Licensure, shall be used by the Department of 131510

Education in each year of the biennium to administer and support 131511  
teacher certification and licensure activities. Notwithstanding 131512  
section 3319.51 of the Revised Code, a portion of the foregoing 131513  
appropriation may also be used for implementation of teacher and 131514  
principal evaluation systems, including incorporation of student 131515  
growth as a metric in those systems, and teacher value-added 131516  
reports. 131517

**Section 265.310. AUXILIARY SERVICES REIMBURSEMENT** 131518

Notwithstanding section 3317.064 of the Revised Code, if the 131519  
unexpended, unencumbered cash balance is sufficient, the Treasurer 131520  
of State shall remit \$1,500,000 in fiscal year 2018 within thirty 131521  
days after the effective date of this section, and \$1,500,000 in 131522  
fiscal year 2019 by August 1, 2018, from the Auxiliary Services 131523  
Personnel Unemployment Compensation Fund to the Auxiliary Services 131524  
Reimbursement Fund (Fund 5980) used by the Department of 131525  
Education. 131526

**Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 131527

(A) Of the foregoing appropriation item 200687, School 131528  
District Solvency Assistance, \$5,000,000 in each fiscal year shall 131529  
be allocated to the School District Shared Resource Account and 131530  
\$5,000,000 in each fiscal year shall be allocated to the 131531  
Catastrophic Expenditures Account. These funds shall be used to 131532  
provide assistance and grants to school districts to enable them 131533  
to remain solvent under section 3316.20 of the Revised Code. 131534  
Assistance and grants shall be subject to approval by the 131535  
Controlling Board. Except as provided under division (C) of this 131536  
section, any required reimbursements from school districts for 131537  
solvency assistance shall be made to the appropriate account in 131538  
the School District Solvency Assistance Fund (Fund 5H30). 131539

(B) Notwithstanding any provision of law to the contrary, 131540

upon the request of the Superintendent of Public Instruction, the 131541  
Director of Budget and Management may make transfers to the School 131542  
District Solvency Assistance Fund (Fund 5H30) from any fund used 131543  
by the Department of Education or the General Revenue Fund to 131544  
maintain sufficient cash balances in Fund 5H30 in fiscal years 131545  
2018 and 2019. Any cash transferred is hereby appropriated. The 131546  
transferred cash may be used by the Department to provide 131547  
assistance and grants to school districts to enable them to remain 131548  
solvent and to pay unforeseeable expenses of a temporary or 131549  
emergency nature that the school district is unable to pay from 131550  
existing resources. The Director shall notify the members of the 131551  
Controlling Board of any such transfers. 131552

(C) If the cash balance of the School District Solvency 131553  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 131554  
assistance in fiscal years 2018 and 2019, at the request of the 131555  
Superintendent of Public Instruction, and with the approval of the 131556  
Controlling Board, the Director of Budget and Management may 131557  
transfer cash from the Lottery Profits Education Reserve Fund 131558  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 131559  
school districts to enable them to remain solvent and to pay 131560  
unforeseeable expenses of a temporary nature that they are unable 131561  
to pay from existing resources under section 3316.20 of the 131562  
Revised Code. Such transfers are hereby appropriated to 131563  
appropriation item 200670, School District Solvency Assistance - 131564  
Lottery. Any required reimbursements from school districts for 131565  
solvency assistance granted from appropriation item 200670, School 131566  
District Solvency Assistance - Lottery, shall be made to Fund 131567  
7018. 131568

**Section 265.330. LOTTERY PROFITS EDUCATION FUND** 131569

The foregoing appropriation item 200612, Foundation Funding, 131570  
shall be used in conjunction with appropriation item 200550, 131571

Foundation Funding, to provide state foundation payments to school districts. 131572  
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The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding, and appropriation item 200612, Foundation Funding. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director. 131574  
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COMMUNITY CONNECTORS PROGRAM 131581

The foregoing appropriation item 200629, Community Connectors, shall be used by the Superintendent of Public Instruction to create the Community Connectors Grant Program. The Superintendent shall develop guidelines for the grants. The guidelines shall prioritize grant applicants that deliver volunteer-based K-12 programs that foster financial literacy, career readiness, and entrepreneurship skills through experiential learning opportunities in classroom settings. The program shall award competitive matching grants to provide funding for local networks of volunteers and organizations to sponsor career advising and mentoring for students in eligible school districts. Each grant award shall match up to three times the funds allocated to the project by the local network. However, the Superintendent may prescribe a maximum grant award, which shall not be less than \$150,000. The Superintendent shall not prohibit grant recipients in prior fiscal years from reapplying for grants awarded under this section. Eligible school districts are those with a high percentage of students in poverty, a high number of students not graduating on time, and other criteria as determined by the Superintendent. Eligible school districts shall partner with members of the business community, civic organizations, or the faith-based community to provide sustainable career advising and 131582  
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mentoring services. Upon the request of the Superintendent of 131604  
Public Instruction and the approval of the Director of Budget and 131605  
Management, an amount equal to the unexpended, unencumbered 131606  
portion of the foregoing appropriation item 200629, Community 131607  
Connectors, at the end of fiscal year 2018 is hereby 131608  
reappropriated to the Department for the same purpose for fiscal 131609  
year 2019. 131610

Notwithstanding any provision of law to the contrary, grants 131611  
awarded under this section may be used by grant recipients for 131612  
grant-related expenses for a period not to exceed three years from 131613  
the date of the award, according to guidelines established by the 131614  
Superintendent. 131615

COMMUNITY SCHOOL FACILITIES 131616

The foregoing appropriation item 200684, Community School 131617  
Facilities, shall be used to pay each community school established 131618  
under Chapter 3314. of the Revised Code and each STEM school 131619  
established under Chapter 3326. of the Revised Code an amount 131620  
equal to \$25 in each fiscal year for each full-time equivalent 131621  
pupil in an internet- or computer-based community school and \$200 131622  
in each fiscal year for each full-time equivalent pupil in all 131623  
other community or STEM schools for assistance with the cost 131624  
associated with facilities. If the amount appropriated is not 131625  
sufficient, the Department shall prorate the amounts so that the 131626  
aggregate amount appropriated is not exceeded. 131627

**Section 265.350.** LOTTERY PROFITS EDUCATION RESERVE FUND 131628

(A) There is hereby created the Lottery Profits Education 131629  
Reserve Fund (Fund 7018) in the State Treasury. Investment 131630  
earnings of the Lottery Profits Education Reserve Fund shall be 131631  
credited to the fund. 131632

(B) Notwithstanding any other provision of law to the 131633

contrary, the Director of Budget and Management may transfer cash 131634  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 131635  
in fiscal year 2018 and fiscal year 2019. 131636

(C) On July 15, 2017, or as soon as possible thereafter, the 131637  
Director of the Ohio Lottery Commission shall certify to the 131638  
Director of Budget and Management the amount by which lottery 131639  
profit transfers received by Fund 7017 exceeded \$1,030,000,000 in 131640  
fiscal year 2017. 131641

(D) On July 15, 2018, or as soon as possible thereafter, the 131642  
Director of the Ohio Lottery Commission shall certify to the 131643  
Director of Budget and Management the amount by which lottery 131644  
profit transfers received by Fund 7017 exceeded \$1,078,130,000 in 131645  
fiscal year 2018. 131646

(E) Notwithstanding any provision of law to the contrary, in 131647  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 131648  
Management may transfer cash in excess of the amounts necessary to 131649  
support appropriations in Fund 7017 from that fund to Fund 7018. 131650

**Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING** 131651

As used in this section, "high-performing educational service 131652  
center" means an educational service center designated as such 131653  
pursuant to rule 3301-105-01 of the Administrative Code. 131654

As used in this section, "student count" means the count 131655  
calculated under division (G)(1) of section 3313.843 of the 131656  
Revised Code. 131657

In each fiscal year, the Department of Education shall pay 131658  
the governing board of each high-performing educational service 131659  
center state funds equal to twenty-six dollars times its student 131660  
count, and to the governing board of each other center, state 131661  
funds equal to twenty-four dollars times its student count. 131662

If the amount earmarked for the state reimbursement of 131663

educational service centers in appropriation item 200550, 131664  
Foundation Funding, is not sufficient, the Department shall 131665  
prorate the payment amounts by reducing the per-pupil amount paid 131666  
for students in the educational service center's student count 131667  
attributable to a "big-eight school district," as defined in 131668  
section 3314.02 of the Revised Code, so that the appropriation is 131669  
not exceeded. 131670

Notwithstanding any provision of law to the contrary, a 131671  
school district that has not entered into an agreement for 131672  
services with an educational service center as of June 30, 2017, 131673  
shall be prohibited from entering into such an agreement during 131674  
the period from July 1, 2017, through June 30, 2019. 131675

**Section 265.370.** On July 1, 2017, or as soon as possible 131676  
thereafter, the Superintendent of Public Instruction shall certify 131677  
to the Director of Budget and Management the unexpended, 131678  
unencumbered cash balances of the Neglected and Delinquent 131679  
Education Fund (Fund 3090), the Advanced Placement Fund (Fund 131680  
3EK0), the Miscellaneous Nutrition Grants Fund (Fund 3GF0), the 131681  
School Climate Transformation Fund (Fund 3GP0), the Project Aware 131682  
Fund (Fund 3GQ0), the JAVITS Gifted and Talented Students Fund 131683  
(Fund 3GZ0), and the Head Start Collaboration Project Fund (Fund 131684  
3H90). Upon receipt of certification from the Superintendent, the 131685  
Director may transfer the cash balances of those funds to the 131686  
Department of Education Federal Education Grants Fund (Fund 3HF0). 131687

**Section 265.380.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 131688  
ASSESSMENT OF EDUCATION PROGRESS 131689

The General Assembly intends for the Superintendent of Public 131690  
Instruction to provide for school district participation in the 131691  
administration of the National Assessment of Education Progress in 131692  
accordance with section 3301.27 of the Revised Code. Each school 131693



and school district selected for participation by the 131694  
Superintendent shall participate. 131695

**Section 265.390.** COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 131696  
STUDENTS 131697

(A) As used in this section: 131698

(1) "IEP" has the same meaning as in section 3323.01 of the 131699  
Revised Code. 131700

(2) "SBH student" means a student receiving special education 131701  
and related services for severe behavior disabilities pursuant to 131702  
an IEP. 131703

(B) This section applies only to a community school 131704  
established under Chapter 3314. of the Revised Code that in each 131705  
of fiscal years 2018 and 2019 enrolls a number of SBH students 131706  
equal to at least fifty per cent of the total number of students 131707  
enrolled in the school in the applicable fiscal year. 131708

(C) In addition to any state foundation payments made, in 131709  
each of fiscal years 2018 and 2019, the Department of Education 131710  
shall pay to a community school to which this section applies a 131711  
subsidy equal to the difference between the aggregate amount 131712  
calculated and paid in that fiscal year to the community school 131713  
for special education and related services additional weighted 131714  
costs for the SBH students enrolled in the school and the 131715  
aggregate amount that would have been calculated for the school 131716  
for special education and related services additional weighted 131717  
costs for those same students in fiscal year 2001. If the 131718  
difference is a negative number, the amount of the subsidy shall 131719  
be zero. 131720

(D) The amount of any subsidy paid to a community school 131721  
under this section shall not be deducted from the school district 131722  
in which any of the students enrolled in the community school are 131723

entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department in appropriation item 200550, Foundation Funding.

**Section 265.400. EARMARK ACCOUNTABILITY**

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the chairpersons of the committees of the House of Representatives and the Senate primarily concerned with education and education funding and to the Department a report that includes a description of the services supported by the funds, a description of the results achieved by those services, an analysis of the effectiveness of the program, and an opinion as to the program's applicability to other school districts. For an earmarked entity that received state funds from an earmark in the prior fiscal year, no funds shall be provided by the Department to an earmarked entity for a fiscal year until its report for the prior fiscal year has been submitted.

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME**

A community school established under Chapter 3314. of the Revised Code that was open for operation as a community school as of May 1, 2005, may operate from or in any home, as defined in section 3313.64 of the Revised Code, located in the state, regardless of when the community school's operations from or in a particular home began.

**Section 265.420. USE OF VOLUNTEERS**

The Department of Education may utilize the services of volunteers to accomplish any of the purposes of the Department.

The Superintendent of Public Instruction shall approve for what 131753  
purposes volunteers may be used and for these purposes may 131754  
recruit, train, and oversee the services of volunteers. The 131755  
Superintendent may reimburse volunteers for necessary and 131756  
appropriate expenses in accordance with state guidelines and may 131757  
designate volunteers as state employees for the purpose of motor 131758  
vehicle accident liability insurance under section 9.83 of the 131759  
Revised Code, for immunity under section 9.86 of the Revised Code, 131760  
and for indemnification from liability incurred in the performance 131761  
of their duties under section 9.87 of the Revised Code. 131762

**Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN** 131763  
**REIMBURSEMENTS** 131764

(A) Except as expressly required under a court judgment not 131765  
subject to further appeals, or a settlement agreement with a 131766  
school district executed on or before June 1, 2009, in the case of 131767  
a school district for which the formula ADM for fiscal year 2005, 131768  
as reported for that fiscal year under division (A) of section 131769  
3317.03 of the Revised Code, was reduced based on enrollment 131770  
reports for community schools, made under section 3314.08 of the 131771  
Revised Code, regarding students entitled to attend school in the 131772  
district, which reduction of formula ADM resulted in a reduction 131773  
of foundation funding or transitional aid funding for fiscal year 131774  
2005, 2006, or 2007, no school district, except a district named 131775  
in the court's judgment or the settlement agreement, shall have a 131776  
legal claim for reimbursement of the amount of such reduction in 131777  
foundation funding or transitional aid funding, and the state 131778  
shall not have liability for reimbursement of the amount of such 131779  
reduction in foundation funding or transitional aid funding. 131780

(B) As used in this section: 131781

(1) "Community school" means a community school established 131782  
under Chapter 3314. of the Revised Code. 131783

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

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(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.

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(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.

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**Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN**

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In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education from appropriation item 200550, Foundation Funding, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the Section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

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**Section 265.450. PRIVATE TREATMENT FACILITY PROJECT**

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(A) As used in this section:

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(1) The following are "participating residential treatment centers":

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(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2018 or fiscal year 2019 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or

educational service center, or by the residential facility itself. 131843  
Maximum flexibility shall be given to the residential treatment 131844  
facility to determine the provider. In the event that a voluntary 131845  
agreement cannot be reached and the residential facility does not 131846  
choose to provide the educational program, the educational service 131847  
center in the county in which the facility is located shall 131848  
provide the educational program at the treatment center to 131849  
children under twenty-two years of age residing in the treatment 131850  
center. 131851

(C) Any school district responsible for tuition for a 131852  
residential child shall, notwithstanding any conflicting provision 131853  
of the Revised Code regarding tuition payment, pay tuition for the 131854  
child for fiscal year 2018 and fiscal year 2019 to the education 131855  
program provider and in the amount specified in this division. If 131856  
there is no school district responsible for tuition for a 131857  
residential child and if the participating residential treatment 131858  
center to which the child is assigned is located in the city, 131859  
exempted village, or local school district that, if the child were 131860  
not a resident of that treatment center, would be the school 131861  
district where the child is entitled to attend school under 131862  
sections 3313.64 and 3313.65 of the Revised Code, that school 131863  
district, notwithstanding any conflicting provision of the Revised 131864  
Code, shall pay tuition for the child for fiscal year 2018 and 131865  
fiscal year 2019 under this division unless that school district 131866  
is providing the educational program to the child under division 131867  
(B) of this section. 131868

A tuition payment under this division shall be made to the 131869  
school district, educational service center, or residential 131870  
treatment facility providing the educational program to the child. 131871

The amount of tuition paid shall be: 131872

(1) The amount of tuition determined for the district under 131873  
division (A) of section 3317.08 of the Revised Code; 131874

(2) In addition, for any student receiving special education 131875  
pursuant to an individualized education program as defined in 131876  
section 3323.01 of the Revised Code, a payment for excess costs. 131877  
This payment shall equal the actual cost to the school district, 131878  
educational service center, or residential treatment facility of 131879  
providing special education and related services to the student 131880  
pursuant to the student's individualized education program, minus 131881  
the tuition paid for the child under division (C)(1) of this 131882  
section. 131883

A school district paying tuition under this division shall 131884  
not include the child for whom tuition is paid in the district's 131885  
average daily membership certified under division (A) of section 131886  
3317.03 of the Revised Code. 131887

(D) In each of fiscal years 2018 and 2019, the Department of 131888  
Education shall reimburse, from appropriations made for the 131889  
purpose, a school district, educational service center, or 131890  
residential treatment facility, whichever is providing the 131891  
service, that has demonstrated that it is in compliance with the 131892  
funding criteria for each served child for whom a school district 131893  
must pay tuition under division (C) of this section. The amount of 131894  
the reimbursement shall be the amount appropriated for this 131895  
purpose divided by the full-time equivalent number of children for 131896  
whom reimbursement is to be made. 131897

(E) Funds provided to a school district, educational service 131898  
center, or residential treatment facility under this section shall 131899  
be used to supplement, not supplant, funds from other public 131900  
sources for which the school district, service center, or 131901  
residential treatment facility is entitled or eligible. 131902

(F) The Department of Education shall track the utilization 131903  
of funds provided to school districts, educational service 131904  
centers, and residential treatment facilities under this section 131905  
and monitor the effect of the funding on the educational programs 131906

they provide in participating residential treatment facilities. 131907  
The Department shall monitor the programs for educational 131908  
accountability. 131909

**Section 265.460.** (A) The Superintendent of Public Instruction 131910  
may form partnerships with Ohio's business community, including 131911  
the Ohio Business Roundtable, to create and implement initiatives 131912  
that connect students with the business community in an effort to 131913  
increase student engagement and job readiness through internships, 131914  
work study, and site-based learning experiences. 131915

(B) If the Superintendent forms a partnership pursuant to 131916  
division (A) of this section, the initiatives created and 131917  
implemented through that partnership shall do all of the 131918  
following: 131919

(1) Support the career connection learning strategies 131920  
described in division (B)(2) of section 3301.079 of the Revised 131921  
Code; 131922

(2) Provide an opportunity for students to earn high school 131923  
credit toward graduation or to meet curriculum requirements in 131924  
accordance with divisions (J)(1) and (2) of section 3313.603 of 131925  
the Revised Code; 131926

(3) Inform the development of student success plans pursuant 131927  
to division (C) of section 3313.6020 of the Revised Code. 131928

**Section 265.470.** The Department of Education shall provide 131929  
assistance to the State Board of Education for the purposes of 131930  
updating the statewide plan on subject area competency, including 131931  
credit by examination, pursuant to division (J)(2) of section 131932  
3313.603 of the Revised Code, to reduce barriers to student 131933  
participation in credit flexibility options. 131934

Upon completion, the Department shall inform students, 131935  
parents, and schools of the updated plan. 131936



**Section 265.480.** The Department of Education shall conduct a study to determine the appropriate amounts of funding for each category and sub-category of students identified as gifted under Chapter 3324. of the Revised Code, as well as the most appropriate method for funding gifted education courses and programs. The study shall include, but not be limited to, costs for effective and appropriate identification, staffing, professional development, technology, materials, and supplies at the district level. The Department shall emphasize adequate funding and delivery of services for smaller, rural school districts, including statewide support needed for this population.

Not later than May 1, 2018, the Department shall issue a report of its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the members of the primary and secondary education committees of the Senate and the House of Representatives.

**Section 265.490.** Upon receipt of federal funds under Title IV, Part A, Student Support and Academic Enrichment Grants, and after payments are made pursuant to education programs included in this block grant program, the Department shall direct any unused funds to cover all or part of the cost of Advanced Placement tests and International Baccalaureate registration and exam fees for low-income students.

**Section 265.500.** (A) "Eligible sponsor" means a sponsor to which both of the following apply with respect to the sponsor evaluation conducted under section 3314.016 of the Revised Code for the 2015-2016 school year:

(1) The sponsor had its sponsorship authority revoked for receiving an overall rating of "poor" under division (B)(7)(c) of

section 3314.016 of the Revised Code. 131967

(2) The sponsor received a score of "3" or higher or a grade 131968  
of "B" or higher on the academic performance component of the 131969  
sponsor rating under division (B)(1)(a) of section 3314.016 of the 131970  
Revised Code. 131971

(B) Notwithstanding section 3314.016 of the Revised Code, an 131972  
eligible sponsor may, for the 2017-2018 school year renew its 131973  
sponsorship of any school it sponsored prior to the revocation of 131974  
its sponsorship authority as a result of the sponsor evaluation 131975  
conducted under section 3314.016 of the Revised Code for the 131976  
2015-2016 school year. 131977

(C) If an eligible sponsor renews sponsorship of a school 131978  
under division (B) of this section and receives a score of "3" or 131979  
a "B" or higher, or an equivalent score as determined by the 131980  
Department of Education, on the academic performance component of 131981  
the sponsor rating under division (B)(1)(a) of section 3314.016 of 131982  
the Revised Code for the 2017-2018 school year, that sponsor may 131983  
continue to sponsor that school for the 2018-2019 school year so 131984  
long as the sponsor receives an overall rating of "ineffective" or 131985  
higher. 131986

**Section 267.10. ELC OHIO ELECTIONS COMMISSION 131987**

General Revenue Fund 131988

|            |                    |    |         |    |         |        |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 051321 | Operating Expenses | \$ | 418,613 | \$ | 435,221 | 131989 |
|------------|--------------------|----|---------|----|---------|--------|

|           |                      |    |         |    |         |        |
|-----------|----------------------|----|---------|----|---------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 418,613 | \$ | 435,221 | 131990 |
|-----------|----------------------|----|---------|----|---------|--------|

Dedicated Purpose Fund Group 131991

|             |                   |    |         |    |         |        |
|-------------|-------------------|----|---------|----|---------|--------|
| 4P20 051601 | Operating Support | \$ | 199,460 | \$ | 199,460 | 131992 |
|-------------|-------------------|----|---------|----|---------|--------|

|           |                        |    |         |    |         |        |
|-----------|------------------------|----|---------|----|---------|--------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 199,460 | \$ | 199,460 | 131993 |
|-----------|------------------------|----|---------|----|---------|--------|

Group

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 618,073 | \$ | 634,681 | 131994 |
|------------------------------|--|----|---------|----|---------|--------|

**Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 131996**

|                                        |    |         |            |        |
|----------------------------------------|----|---------|------------|--------|
| DIRECTORS                              |    |         |            | 131997 |
| Dedicated Purpose Fund Group           |    |         |            | 131998 |
| 4K90 881609 Operating Expenses         | \$ | 791,253 | \$ 843,973 | 131999 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 791,253 | \$ 843,973 | 132000 |
| TOTAL ALL BUDGET FUND GROUPS           | \$ | 791,253 | \$ 843,973 | 132001 |

**Section 271.10. PAY EMPLOYEE BENEFITS FUNDS** 132003

|                                                |    |               |                  |        |
|------------------------------------------------|----|---------------|------------------|--------|
| Fiduciary Fund Group                           |    |               |                  | 132004 |
| 1240 995673 Payroll Deductions                 | \$ | 760,000,000   | \$ 780,000,000   | 132005 |
| 8060 995666 Accrued Leave Fund                 | \$ | 70,000,000    | \$ 71,930,634    | 132006 |
| 8070 995667 Disability Fund                    | \$ | 22,136,000    | \$ 22,689,000    | 132007 |
| 8080 995668 State Employee Health Benefit Fund | \$ | 842,858,402   | \$ 926,309,037   | 132008 |
| 8090 995669 Dependent Care Spending Account    | \$ | 3,406,139     | \$ 3,484,478     | 132009 |
| 8100 995670 Life Insurance Investment Fund     | \$ | 1,632,004     | \$ 1,700,545     | 132010 |
| 8110 995671 Parental Leave Benefit Fund        | \$ | 3,952,606     | \$ 4,084,972     | 132011 |
| 8130 995672 Health Care Spending Account       | \$ | 11,043,565    | \$ 11,341,741    | 132012 |
| TOTAL FID Fiduciary Fund Group                 | \$ | 1,715,028,716 | \$ 1,821,540,407 | 132013 |
| TOTAL ALL BUDGET FUND GROUPS                   | \$ | 1,715,028,716 | \$ 1,821,540,407 | 132014 |

**Section 271.20. PAYROLL DEDUCTION FUND** 132016

The foregoing appropriation item 995673, Payroll Deductions, shall be used to make payments from the Payroll Deduction Fund (Fund 1240) pursuant to section 125.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

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ACCRUED LEAVE LIABILITY FUND 132023

The foregoing appropriation item 995666, Accrued Leave Fund, 132024  
shall be used to make payments from the Accrued Leave Liability 132025  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 132026  
If it is determined by the Director of Budget and Management that 132027  
additional amounts are necessary, the amounts are hereby 132028  
appropriated. 132029

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 132030

The foregoing appropriation item 995667, Disability Fund, 132031  
shall be used to make payments from the State Employee Disability 132032  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 132033  
Revised Code. If it is determined by the Director of Budget and 132034  
Management that additional amounts are necessary, the amounts are 132035  
hereby appropriated. 132036

STATE EMPLOYEE HEALTH BENEFIT FUND 132037

The foregoing appropriation item 995668, State Employee 132038  
Health Benefit Fund, shall be used to make payments from the State 132039  
Employee Health Benefit Fund (Fund 8080) pursuant to section 132040  
124.87 of the Revised Code. If it is determined by the Director of 132041  
Budget and Management that additional amounts are necessary, the 132042  
amounts are hereby appropriated. 132043

DEPENDENT CARE SPENDING FUND 132044

The foregoing appropriation item 995669, Dependent Care 132045  
Spending Account, shall be used to make payments from the 132046  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 132047  
dependent care expenses pursuant to section 124.822 of the Revised 132048  
Code. If it is determined by the Director of Budget and Management 132049  
that additional amounts are necessary, the amounts are hereby 132050  
appropriated. 132051

LIFE INSURANCE INVESTMENT FUND 132052

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

**Section 273.10.** ERB STATE EMPLOYMENT RELATIONS BOARD

|                                |    |           |              |        |
|--------------------------------|----|-----------|--------------|--------|
| General Revenue Fund           |    |           |              | 132078 |
| GRF 125321 Operating Expenses  | \$ | 3,804,336 | \$ 3,828,961 | 132079 |
| TOTAL GRF General Revenue Fund | \$ | 3,804,336 | \$ 3,828,961 | 132080 |
| Dedicated Purpose Fund Group   |    |           |              | 132081 |
| 5720 125603 Training and       | \$ | 141,000   | \$ 131,000   | 132082 |

Publications

|                                                                   |    |            |    |            |        |
|-------------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL DPF Dedicated Purpose Fund Group                            | \$ | 141,000    | \$ | 131,000    | 132083 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 3,945,336  | \$ | 3,959,961  | 132084 |
| <b>Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS</b> |    |            |    |            | 132086 |
| Dedicated Purpose Fund Group                                      |    |            |    |            | 132087 |
| 4K90 892609 Operating Expenses                                    | \$ | 1,123,966  | \$ | 1,227,821  | 132088 |
| TOTAL DPF Dedicated Purpose Fund Group                            | \$ | 1,123,966  | \$ | 1,227,821  | 132089 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 1,123,966  | \$ | 1,227,821  | 132090 |
| <b>Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>        |    |            |    |            | 132092 |
| General Revenue Fund                                              |    |            |    |            | 132093 |
| GRF 715502 Auto Emissions                                         | \$ | 8,927,160  | \$ | 8,919,594  | 132094 |
| E-Check Program                                                   |    |            |    |            |        |
| TOTAL GRF General Revenue Fund                                    | \$ | 8,927,160  | \$ | 8,919,594  | 132095 |
| Dedicated Purpose Fund Group                                      |    |            |    |            | 132096 |
| 4D50 715618 Recycled State Materials                              | \$ | 50,000     | \$ | 50,000     | 132097 |
| 4J00 715638 Underground Injection Control                         | \$ | 408,004    | \$ | 408,004    | 132098 |
| 4K20 715648 Clean Air - Non Title V                               | \$ | 4,205,800  | \$ | 4,896,690  | 132099 |
| 4K30 715649 Solid Waste                                           | \$ | 13,130,050 | \$ | 13,130,050 | 132100 |
| 4K40 715650 Surface Water Protection                              | \$ | 9,990,000  | \$ | 10,705,000 | 132101 |
| 4K50 715651 Drinking Water Protection                             | \$ | 7,512,528  | \$ | 7,797,557  | 132102 |
| 4P50 715654 Cozart Landfill                                       | \$ | 10,000     | \$ | 10,000     | 132103 |
| 4R50 715656 Scrap Tire Management                                 | \$ | 2,277,786  | \$ | 2,277,786  | 132104 |
| 4R90 715658 Voluntary Action                                      | \$ | 963,847    | \$ | 948,139    | 132105 |

|      |        |                                        |    |            |    |            |        |
|------|--------|----------------------------------------|----|------------|----|------------|--------|
|      |        | Program                                |    |            |    |            |        |
| 4T30 | 715659 | Clean Air - Title V<br>Permit Program  | \$ | 9,860,800  | \$ | 9,944,120  | 132106 |
| 5000 | 715608 | Immediate Removal<br>Special Account   | \$ | 825,710    | \$ | 825,509    | 132107 |
| 5030 | 715621 | Hazardous Waste<br>Facility Management | \$ | 4,853,470  | \$ | 4,980,458  | 132108 |
| 5050 | 715623 | Hazardous Waste<br>Cleanup             | \$ | 11,406,593 | \$ | 11,787,426 | 132109 |
| 5050 | 715698 | Response and<br>Investigations         | \$ | 3,750,000  | \$ | 3,750,000  | 132110 |
| 5320 | 715646 | Recycling and Litter<br>Control        | \$ | 4,698,000  | \$ | 4,698,000  | 132111 |
| 5410 | 715670 | Site Specific Cleanup                  | \$ | 2,283,719  | \$ | 2,285,357  | 132112 |
| 5420 | 715671 | Risk Management<br>Reporting           | \$ | 214,826    | \$ | 214,826    | 132113 |
| 5860 | 715637 | Scrap Tire Market<br>Development       | \$ | 1,000,000  | \$ | 1,000,000  | 132114 |
| 5BC0 | 715622 | Local Air Pollution<br>Control         | \$ | 1,999,172  | \$ | 1,999,172  | 132115 |
| 5BC0 | 715624 | Surface Water                          | \$ | 5,731,967  | \$ | 5,731,967  | 132116 |
| 5BC0 | 715672 | Air Pollution Control                  | \$ | 6,000,000  | \$ | 6,000,000  | 132117 |
| 5BC0 | 715673 | Drinking and Ground<br>Water           | \$ | 3,324,235  | \$ | 3,324,235  | 132118 |
| 5BC0 | 715676 | Assistance and<br>Prevention           | \$ | 1,812,000  | \$ | 1,862,000  | 132119 |
| 5BC0 | 715677 | Laboratory                             | \$ | 2,500,000  | \$ | 2,500,000  | 132120 |
| 5BC0 | 715678 | Corrective Actions                     | \$ | 1,316,878  | \$ | 1,316,878  | 132121 |
| 5BC0 | 715687 | Areawide Planning<br>Agencies          | \$ | 450,000    | \$ | 450,000    | 132122 |
| 5BC0 | 715692 | Administration                         | \$ | 13,302,000 | \$ | 13,302,000 | 132123 |
| 5BC0 | 715694 | Environmental<br>Resource Coordination | \$ | 100,000    | \$ | 100,000    | 132124 |

|                                      |        |                                                   |    |             |    |             |        |
|--------------------------------------|--------|---------------------------------------------------|----|-------------|----|-------------|--------|
| 5BT0                                 | 715679 | C&DD Groundwater<br>Monitoring                    | \$ | 320,000     | \$ | 320,000     | 132125 |
| 5BY0                                 | 715681 | Auto Emissions Test                               | \$ | 2,344,450   | \$ | 2,367,016   | 132126 |
| 5H40                                 | 715664 | Groundwater Support                               | \$ | 302,489     | \$ | 302,489     | 132127 |
| 5PZ0                                 | 715696 | Drinking Water Loan<br>Fee                        | \$ | 800,000     | \$ | 800,000     | 132128 |
| 5Y30                                 | 715685 | Surface Water<br>Improvement                      | \$ | 500,000     | \$ | 500,000     | 132129 |
| 6440                                 | 715631 | Emergency Response<br>Radiological Safety         | \$ | 332,403     | \$ | 352,430     | 132130 |
| 6760                                 | 715642 | Water Pollution<br>Control Loan<br>Administration | \$ | 2,137,237   | \$ | 2,061,832   | 132131 |
| 6760                                 | 715699 | Water Quality<br>Administration                   | \$ | 2,725,000   | \$ | 2,725,000   | 132132 |
| 6780                                 | 715635 | Air Toxic Release                                 | \$ | 133,636     | \$ | 76,437      | 132133 |
| 6790                                 | 715636 | Emergency Planning                                | \$ | 2,747,391   | \$ | 2,747,391   | 132134 |
| 6960                                 | 715643 | Air Pollution Control<br>Administration           | \$ | 950,400     | \$ | 1,001,800   | 132135 |
| 6990                                 | 715644 | Water Pollution<br>Control<br>Administration      | \$ | 750,000     | \$ | 457,100     | 132136 |
| 6A10                                 | 715645 | Environmental<br>Education                        | \$ | 1,100,000   | \$ | 1,100,000   | 132137 |
| TOTAL DPF                            |        | Dedicated Purpose Fund                            | \$ | 129,120,391 | \$ | 131,106,669 | 132138 |
| Group                                |        |                                                   |    |             |    |             |        |
| Internal Service Activity Fund Group |        |                                                   |    |             |    |             | 132139 |
| 1990                                 | 715602 | Laboratory Services                               | \$ | 705,239     | \$ | 705,239     | 132140 |
| 2190                                 | 715604 | Central Support<br>Indirect                       | \$ | 6,814,000   | \$ | 6,858,000   | 132141 |
| 4A10                                 | 715640 | Operating Expenses                                | \$ | 1,350,000   | \$ | 1,350,000   | 132142 |
| TOTAL ISA                            |        | Internal Service Activity                         | \$ | 8,869,239   | \$ | 8,913,239   | 132143 |
| Fund Group                           |        |                                                   |    |             |    |             |        |



|                                 |                       |    |             |    |                    |
|---------------------------------|-----------------------|----|-------------|----|--------------------|
| Capital Projects Fund Group     |                       |    |             |    | 132144             |
| 5S10 715607                     | Clean Ohio            | \$ | 363,700     | \$ | 0 132145           |
|                                 | Revitalization        |    |             |    |                    |
|                                 | Operating             |    |             |    |                    |
| TOTAL CPF Capital Projects Fund |                       | \$ | 363,700     | \$ | 0 132146           |
| Group                           |                       |    |             |    |                    |
| Federal Fund Group              |                       |    |             |    | 132147             |
| 3530 715612                     | Public Water Supply   | \$ | 2,113,020   | \$ | 2,113,020 132148   |
| 3570 715619                     | Air Pollution Control | \$ | 6,140,203   | \$ | 6,140,203 132149   |
|                                 | - Federal             |    |             |    |                    |
| 3620 715605                     | Underground Injection | \$ | 102,859     | \$ | 102,859 132150     |
|                                 | Control - Federal     |    |             |    |                    |
| 3BU0 715684                     | Water Quality         | \$ | 14,183,989  | \$ | 14,183,989 132151  |
|                                 | Protection            |    |             |    |                    |
| 3CS0 715688                     | Federal NRD           | \$ | 200,000     | \$ | 200,000 132152     |
|                                 | Settlements           |    |             |    |                    |
| 3F20 715630                     | Revolving Loan Fund - | \$ | 2,900,000   | \$ | 2,900,000 132153   |
|                                 | Operating             |    |             |    |                    |
| 3F30 715632                     | Federally Supported   | \$ | 5,250,000   | \$ | 5,250,000 132154   |
|                                 | Cleanup and Response  |    |             |    |                    |
| 3T30 715669                     | Drinking Water State  | \$ | 2,809,470   | \$ | 2,809,470 132155   |
|                                 | Revolving Fund        |    |             |    |                    |
| 3V70 715606                     | Agencywide Grants     | \$ | 450,000     | \$ | 450,000 132156     |
| TOTAL FED Federal Fund Group    |                       | \$ | 34,149,541  | \$ | 34,149,541 132157  |
| TOTAL ALL BUDGET FUND GROUPS    |                       | \$ | 181,430,031 | \$ | 183,089,043 132158 |

**Section 277.20.** ALTERNATIVE FUEL VEHICLE CONVERSION PROGRAM 132160

During the period from July 1, 2017, to June 30, 2019, the 132161  
 Director of Budget and Management, in consultation with the 132162  
 Director of Development Services and the Director of Environmental 132163  
 Protection, shall transfer up to \$5,000,000 cash from the 132164  
 Alternative Fuel Transportation Fund (Fund 5CG0) used by the 132165

Development Services Agency to the Non-Title V Clean Air Fund 132166  
(Fund 4K20) used by the Ohio Environmental Protection Agency. The 132167  
transferred amount is hereby appropriated to appropriation item 132168  
715648, Clean Air - Non Title V, and shall be used for the 132169  
Alternative Vehicle Conversion Program established under section 132170  
122.076 of the Revised Code. 132171

AREAWIDE PLANNING AGENCIES 132172

The Director of Environmental Protection Agency may award 132173  
grants from appropriation item 715687, Areawide Planning Agencies, 132174  
to areawide planning agencies engaged in areawide water quality 132175  
management and planning activities in accordance with Section 208 132176  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 132177

CASH TRANSFER TO THE TITLE V CLEAN AIR FUND FROM THE SMALL 132178  
BUSINESS ASSISTANCE FUND 132179

On July 1, 2017, or as soon as possible thereafter, the 132180  
Director of Budget and Management may transfer \$1,500,000 cash 132181  
from the Small Business Assistance Fund (Fund 5A00) used by the 132182  
Air Quality Development Authority to the Title V Clean Air Fund 132183  
(Fund 4T30) used by the Environmental Protection Agency. 132184

CASH TRANSFER TO THE ENVIRONMENTAL PROTECTION REMEDIATION 132185  
FUND FROM THE LITTER PREVENTION AND RECYCLING FUND 132186

On July 1, 2017, or as soon as possible thereafter, the 132187  
Director of Budget and Management, in consultation with the 132188  
Director of Environmental Protection, may transfer up to 132189  
\$3,650,000 cash from the Litter Prevention and Recycling Fund 132190  
(Fund 5320) to the Environmental Protection Remediation Fund (Fund 132191  
5410), to be used for the remediation of the ARCO construction and 132192  
demolition debris site in Cleveland, Ohio. The amount transferred 132193  
is hereby appropriated to appropriation item 715670, Site Specific 132194  
Cleanup. 132195

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP 132196

TIRE MANAGEMENT FUND 132197

The Director of Budget and Management, in consultation with 132198  
the Director of Environmental Protection, shall establish a 132199  
schedule of cash transfers totaling up to \$3,000,000 from the 132200  
Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test 132201  
Fund (Fund 5BY0) during the period from July 1, 2017, to June 30, 132202  
2019. 132203

TRANSFER OF ASBESTOS ABATEMENT LICENSURE AND CERTIFICATION 132204  
PROGRAM 132205

On January 1, 2018, the Asbestos Abatement Licensure and 132206  
Certification Program is transferred from the Department of Health 132207  
to the Environmental Protection Agency. For the purposes of the 132208  
transfer, all of the following apply: 132209

(A) All rules, orders, and determinations of the Department 132210  
related to the Program shall continue in effect as the rules, 132211  
orders, and determinations of the Agency until rules for the 132212  
Program are adopted and become effective for the Agency. If 132213  
necessary to ensure the integrity of the numbering system of the 132214  
Administrative Code, the Director of the Legislative Service 132215  
Commission shall renumber the rules to reflect their transfer to 132216  
the Agency. 132217

Any licenses, certificates, permits, registrations, 132218  
approvals, or endorsements issued before January 1, 2018, by the 132219  
Department of Health related to the Program shall continue in 132220  
effect as if issued by the Agency. 132221

(B) Any business commenced but not completed by the Director 132222  
of Health relating to the Program on the effective date of the 132223  
amendment of the statutes governing the Program by this act shall 132224  
be completed by the Director of Environmental Protection. Any 132225  
validation, cure, right, privilege, remedy, obligation, or 132226  
liability is not lost or impaired solely by reason of the transfer 132227

required by this act and shall be administered by the Director of Environmental Protection in accordance with this act. 132228  
132229

(C) All of the orders and determinations of the Director of Health relating to the Program continue in effect as orders and determinations of the Director of Environmental Protection until modified or rescinded by the Director of Environmental Protection. 132230  
132231  
132232  
132233

(D) Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code or the applicable collective bargaining agreement, all of the employees of the Department of Health working full-time for the Program are transferred to the Agency and retain their same positions. The Director of Environmental Protection may assign, reassign, classify, reclassify, transfer, reduce, promote, or demote any employees transferred from the Department who are not subject to Chapter 4117. of the Revised Code. 132234  
132235  
132236  
132237  
132238  
132239  
132240  
132241  
132242

Any employment records and actions, including personnel actions, disciplinary actions, performance improvement plans, and performance evaluations transfer with the employee. Absent authorization from the employee, the Department is not to transfer to the Agency any medical documentation regarding the employee in its possession. These employees will be subject to the policies, procedures, and work rules of the Agency. 132243  
132244  
132245  
132246  
132247  
132248  
132249

(E) All equipment and assets relating to the Program are transferred from the Department to the Agency. 132250  
132251

(F) Whenever the Department or Director of Health, in relation to the Program, is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Agency or its Director, whichever is appropriate in context. 132252  
132253  
132254  
132255

(G) Any action or proceeding pending on the effective date of the amendment of the statutes governing the Program by this act is not affected by the transfer of the functions of that Program by 132256  
132257  
132258

this act and shall be prosecuted or defended in the name of the 132259  
Director of Environmental Protection or the Agency, whichever is 132260  
appropriate in context. In all such actions and proceedings, the 132261  
Director of Environmental Protection or the Agency, whichever is 132262  
appropriate in context, upon application to the court, shall be 132263  
substituted as a party. 132264

(H) The Directors of Health and Environmental Protection may 132265  
enter into a memorandum of understanding in order to facilitate 132266  
the transfer of the Program. 132267

(I) On January 1, 2018, or as soon as possible thereafter, 132268  
the Director of Budget and Management may transfer up to \$400,000 132269  
cash from the General Operations Fund (Fund 4700) used by the 132270  
Department to the Non-Title V Clean Air Fund (Fund 4K20) created 132271  
in section 3704.035 of the Revised Code and used by the Agency. 132272  
Upon completion of the transfer, the Director of Budget and 132273  
Management shall cancel any existing encumbrances against Fund 132274  
4700 appropriation item 440647, Fee Supported Programs, related to 132275  
the Program, and reestablish them against Fund 4K20, appropriation 132276  
item 715648, Clean Air - Non-Title V. The reestablished 132277  
encumbrance amounts are hereby appropriated. 132278

CLEAN OHIO REVITALIZATION OPERATING 132279

On July 1, 2018, or as soon as possible thereafter, the 132280  
Director of Environmental Protection may request that the Director 132281  
of Budget and Management reappropriate any unexpended, 132282  
unencumbered balance of the prior fiscal year's appropriation to 132283  
the foregoing appropriation item 715607, Clean Ohio Revitalization 132284  
Operating, for fiscal year 2019. The Director of Budget and 132285  
Management may request additional information necessary for 132286  
evaluating the request, and the Director of Environmental 132287  
Protection shall provide the requested information to the Director 132288  
of Budget and Management. Based on the information provided by the 132289  
Director of Environmental Protection, the Director of Budget and 132290

Management shall determine the amount to be reappropriated, and 132291  
those amounts are hereby reappropriated for fiscal year 2019. 132292

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 132293

General Revenue Fund 132294

GRF 172321 Operating Expenses \$ 608,205 \$ 608,205 132295

TOTAL GRF General Revenue Fund \$ 608,205 \$ 608,205 132296

TOTAL ALL BUDGET FUND GROUPS \$ 608,205 \$ 608,205 132297

**Section 281.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 132299

General Revenue Fund 132300

GRF 935401 Statehouse News \$ 314,797 \$ 314,797 132301

Bureau

GRF 935402 Ohio Government \$ 1,408,526 \$ 1,408,526 132302

Telecommunications  
Services

GRF 935410 Content Development, \$ 3,838,381 \$ 3,838,381 132303

Acquisition, and  
Distribution

GRF 935430 Broadcast Education \$ 3,679,216 \$ 3,679,216 132304

Operating

TOTAL GRF General Revenue Fund \$ 9,240,920 \$ 9,240,920 132305

Dedicated Purpose Fund Group 132306

5FK0 935608 Media Services \$ 95,000 \$ 95,000 132307

TOTAL DPF Dedicated Purpose Fund \$ 95,000 \$ 95,000 132308

Group

Internal Service Activity Fund Group 132309

4F30 935603 Affiliate Services \$ 4,000 \$ 4,000 132310

4T20 935605 Government \$ 7,000 \$ 7,000 132311

Television/Telecommunications  
Operating

TOTAL ISA Internal Service Activity 132312

|                              |    |           |    |           |        |
|------------------------------|----|-----------|----|-----------|--------|
| Fund Group                   | \$ | 11,000    | \$ | 11,000    | 132313 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 9,346,920 | \$ | 9,346,920 | 132314 |

**Section 281.20.** STATEHOUSE NEWS BUREAU 132316

The foregoing appropriation item 935401, Statehouse News 132317  
Bureau, shall be used solely to support the operations of the Ohio 132318  
Statehouse News Bureau. 132319

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 132320

The foregoing appropriation item 935402, Ohio Government 132321  
Telecommunications Services, shall be used solely to support the 132322  
operations of Ohio Government Telecommunications Services which 132323  
include providing multimedia support to the state government and 132324  
its affiliated organizations and broadcasting the activities of 132325  
the legislative, judicial, and executive branches of state 132326  
government, among its other functions. 132327

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 132328

The foregoing appropriation item 935410, Content Development, 132329  
Acquisition, and Distribution, shall be used for the development, 132330  
acquisition, and distribution of information resources by public 132331  
media and radio reading services and for educational use in the 132332  
classroom and online. 132333

Of the foregoing appropriation item 935410, Content 132334  
Development, Acquisition, and Distribution, up to \$977,856 in each 132335  
fiscal year shall be allocated equally among the Ohio educational 132336  
television stations. Funds shall be used for the production of 132337  
interactive instructional programming series with priority given 132338  
to resources aligned with state academic content standards. The 132339  
programming shall be targeted to the needs of the one-third lowest 132340  
capacity school districts as determined by the district's state 132341  
share index calculated by the Department of Education. 132342

Of the foregoing appropriation item 935410, Content 132343

Development, Acquisition, and Distribution, up to \$2,574,472 in 132344  
each fiscal year shall be distributed by the Broadcast Educational 132345  
Media Commission to Ohio's qualified public educational television 132346  
stations and educational radio stations to support their 132347  
operations. The funds shall be distributed pursuant to an 132348  
allocation formula used by the Ohio Educational Telecommunications 132349  
Network Commission unless a substitute formula is developed by the 132350  
Broadcast Educational Media Commission in consultation with Ohio's 132351  
qualified public educational television stations and educational 132352  
radio stations. 132353

Of the foregoing appropriation item 935410, Content 132354  
Development, Acquisition, and Distribution, up to \$286,053 in each 132355  
fiscal year shall be distributed by the Broadcast Educational 132356  
Media Commission to Ohio's qualified radio reading services to 132357  
support their operations. The funds shall be distributed pursuant 132358  
to an allocation formula used by the Ohio Educational 132359  
Telecommunications Network Commission unless a substitute formula 132360  
is developed by the Broadcast Educational Media Commission in 132361  
consultation with Ohio's qualified radio reading services. 132362

**Section 283.10. ETH OHIO ETHICS COMMISSION** 132363

General Revenue Fund 132364

|                                |    |           |    |           |        |
|--------------------------------|----|-----------|----|-----------|--------|
| GRF 146321 Operating Expenses  | \$ | 1,457,245 | \$ | 1,724,311 | 132365 |
| TOTAL GRF General Revenue Fund | \$ | 1,457,245 | \$ | 1,724,311 | 132366 |

Dedicated Purpose Fund Group 132367

|                                  |    |         |    |         |        |
|----------------------------------|----|---------|----|---------|--------|
| 4M60 146601 Operating Support    | \$ | 862,026 | \$ | 650,000 | 132368 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 862,026 | \$ | 650,000 | 132369 |

Group

|                              |    |           |    |           |        |
|------------------------------|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 2,319,271 | \$ | 2,374,311 | 132370 |
|------------------------------|----|-----------|----|-----------|--------|

**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION** 132372

General Revenue Fund 132373



|                                                                    |                        |    |            |    |            |        |
|--------------------------------------------------------------------|------------------------|----|------------|----|------------|--------|
| GRF 723403                                                         | Junior Fair Subsidy    | \$ | 363,750    | \$ | 363,750    | 132374 |
| TOTAL GRF                                                          | General Revenue Fund   | \$ | 363,750    | \$ | 363,750    | 132375 |
| Dedicated Purpose Fund Group                                       |                        |    |            |    |            | 132376 |
| 4N20 723602                                                        | Ohio State Fair        | \$ | 375,000    | \$ | 375,000    | 132377 |
| Harness Racing                                                     |                        |    |            |    |            |        |
| 5060 723601                                                        | Operating Expenses     | \$ | 14,413,166 | \$ | 14,913,166 | 132378 |
| 5060 723604                                                        | Grounds Maintenance    | \$ | 300,000    | \$ | 300,000    | 132379 |
| and Repairs                                                        |                        |    |            |    |            |        |
| TOTAL DPF                                                          | Dedicated Purpose Fund | \$ | 15,088,166 | \$ | 15,588,166 | 132380 |
| Group                                                              |                        |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                       |                        | \$ | 15,451,916 | \$ | 15,951,916 | 132381 |
| STATE FAIR RESERVE                                                 |                        |    |            |    |            | 132382 |
| The General Manager of the Expositions Commission, in              |                        |    |            |    |            | 132383 |
| consultation with the Director of Budget and Management, may       |                        |    |            |    |            | 132384 |
| submit a request to the Controlling Board to use available amounts |                        |    |            |    |            | 132385 |
| in the State Fair Reserve Fund (Fund 6400) if revenues from either |                        |    |            |    |            | 132386 |
| the 2017 or the 2018 Ohio State Fair are unexpectedly low.         |                        |    |            |    |            | 132387 |
| On July 1 of each fiscal year, or as soon as possible              |                        |    |            |    |            | 132388 |
| thereafter, the Director of Budget and Management, in consultation |                        |    |            |    |            | 132389 |
| with the General Manager of the Expositions Commission, may        |                        |    |            |    |            | 132390 |
| determine that the Ohio Expositions Fund (Fund 5060) has a cash    |                        |    |            |    |            | 132391 |
| balance in excess of the anticipated operating costs of the        |                        |    |            |    |            | 132392 |
| Exposition Commission in that fiscal year. Notwithstanding section |                        |    |            |    |            | 132393 |
| 991.04 of the Revised Code, the Director of Budget and Management  |                        |    |            |    |            | 132394 |
| may transfer an amount up to the excess cash from Fund 5060 to     |                        |    |            |    |            | 132395 |
| Fund 6400 in each fiscal year.                                     |                        |    |            |    |            | 132396 |
| GROUNDS MAINTENANCE AND REPAIRS                                    |                        |    |            |    |            | 132397 |
| The foregoing appropriation item 723604, Grounds Maintenance       |                        |    |            |    |            | 132398 |
| and Repairs, shall be used for maintenance and repairs on the      |                        |    |            |    |            | 132399 |
| grounds of the Ohio Expo Center.                                   |                        |    |            |    |            | 132400 |

|                                                                    |                                         |                                                           |                               |        |
|--------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------------------|-------------------------------|--------|
| <b>Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b> |                                         |                                                           |                               | 132401 |
| General Revenue Fund                                               |                                         |                                                           |                               | 132402 |
| GRF                                                                | 230321                                  | Operating Expenses                                        | \$ 6,305,000 \$ 6,305,000     | 132403 |
| GRF                                                                | 230401                                  | Cultural Facilities                                       | \$ 30,500,000 \$ 32,431,200   | 132404 |
| Lease Rental Bond<br>Payments                                      |                                         |                                                           |                               |        |
| GRF                                                                | 230458                                  | State Construction<br>Management Services                 | \$ 1,697,500 \$ 1,455,000     | 132405 |
| GRF                                                                | 230908                                  | Common Schools<br>General Obligation<br>Bond Debt Service | \$ 373,134,900 \$ 402,025,700 | 132406 |
| TOTAL GRF                                                          | General Revenue Fund                    |                                                           | \$ 411,637,400 \$ 442,216,900 | 132407 |
| Internal Service Activity Fund Group                               |                                         |                                                           |                               | 132408 |
| 1310                                                               | 230639                                  | State Construction<br>Management Operations               | \$ 8,500,000 \$ 8,750,000     | 132409 |
| TOTAL ISA                                                          | Internal Service Activity<br>Fund Group |                                                           | \$ 8,500,000 \$ 8,750,000     | 132410 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                                         |                                                           | \$ 420,137,400 \$ 450,966,900 | 132411 |
| <b>Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND</b>       |                                         |                                                           |                               | 132413 |
| PAYMENTS                                                           |                                         |                                                           |                               | 132414 |
| The foregoing appropriation item 230401, Cultural Facilities       |                                         |                                                           |                               | 132415 |
| Lease Rental Bond Payments shall be used to meet all payments      |                                         |                                                           |                               | 132416 |
| during the period from July 1, 2017, through June 30, 2019, by the |                                         |                                                           |                               | 132417 |
| Ohio Facilities Construction Commission under the primary leases   |                                         |                                                           |                               | 132418 |
| and agreements for cultural and sports facilities made under       |                                         |                                                           |                               | 132419 |
| Chapters 152. and 154. of the Revised Code. These appropriations   |                                         |                                                           |                               | 132420 |
| are the source of funds pledged for bond service charges on        |                                         |                                                           |                               | 132421 |
| related obligations issued under Chapters 152. and 154. of the     |                                         |                                                           |                               | 132422 |
| Revised Code.                                                      |                                         |                                                           |                               | 132423 |
| COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE                |                                         |                                                           |                               | 132424 |

The foregoing appropriation item 230908, Common Schools 132425  
General Obligation Bond Debt Service, shall be used to pay all 132426  
debt service and related financing costs during the period from 132427  
July 1, 2017, through June 30, 2019, on obligations issued under 132428  
sections 151.01 and 151.03 of the Revised Code. 132429

**Section 287.30.** COMMUNITY PROJECT ADMINISTRATION 132430

The foregoing appropriation item 230458, State Construction 132431  
Management Services, shall be used by the Ohio Facilities 132432  
Construction Commission in administering Cultural and Sports 132433  
Facilities Building Fund (Fund 7030) projects pursuant to section 132434  
123.201 of the Revised Code. 132435

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 132436

At the request of the Executive Director of the Ohio 132437  
Facilities Construction Commission, the Director of Budget and 132438  
Management may cancel encumbrances for school district projects 132439  
from a previous biennium if the district has not raised its local 132440  
share of project costs within thirteen months of receiving 132441  
Controlling Board approval under section 3318.05 or 3318.41 of the 132442  
Revised Code. The Executive Director of the Ohio Facilities 132443  
Construction Commission shall certify the amounts of the canceled 132444  
encumbrances to the Director of Budget and Management on a 132445  
quarterly basis. The amounts of the canceled encumbrances are 132446  
hereby appropriated. 132447

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 132448  
APPROPRIATIONS 132449

On July 1, 2017, or as soon as possible thereafter, the 132450  
Executive Director of the Ohio Facilities Construction Commission 132451  
shall certify to the Director of Budget and Management the amount 132452  
of cash receipts and related investment income, irrevocable 132453  
letters of credit from a bank, or certification of the 132454

availability of funds that have been received from a county or a 132455  
municipal corporation for deposit into the Capital Donations Fund 132456  
(Fund 5A10) and that are related to an anticipated project. These 132457  
amounts are hereby appropriated to appropriation item C37146, 132458  
Capital Donations. Prior to certifying these amounts to the 132459  
Director, the Executive Director shall make a written agreement 132460  
with the participating entity on the necessary cash flows required 132461  
for the anticipated construction or equipment acquisition project. 132462

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 132463  
MAINTENANCE LEVY 132464

The Ohio Facilities Construction Commission shall amend the 132465  
project agreement between the Commission and a school district 132466  
that is participating in the Accelerated Urban School Building 132467  
Assistance Program on the effective date of this section, if the 132468  
Commission determines that it is necessary to do so in order to 132469  
comply with division (B)(3)(c) of section 3318.38 of the Revised 132470  
Code. 132471

**Section 287.60.** Notwithstanding any other provision of law to 132472  
the contrary, the Ohio Facilities Construction Commission may 132473  
determine the amount of funding available for disbursement in a 132474  
given fiscal year for any project approved under sections 3318.01 132475  
to 3318.20 of the Revised Code in order to keep aggregate state 132476  
capital spending within approved limits and may take actions 132477  
including, but not limited to, determining the schedule for design 132478  
or bidding of approved projects, to ensure appropriate and 132479  
supportable cash flow. 132480

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 132481  
DISTRICT 132482

Notwithstanding division (B) of section 3318.40 of the 132483  
Revised Code, the Ohio Facilities Construction Commission may 132484

provide assistance to at least one joint vocational school 132485  
 district each fiscal year for the acquisition of classroom 132486  
 facilities in accordance with sections 3318.40 to 3318.45 of the 132487  
 Revised Code. 132488

**Section 289.10.** GOV OFFICE OF THE GOVERNOR 132489

General Revenue Fund 132490

GRF 040321 Operating Expenses \$ 2,805,474 \$ 2,805,474 132491

TOTAL GRF General Revenue Fund \$ 2,805,474 \$ 2,805,474 132492

Internal Service Activity Fund Group 132493

5AK0 040607 Government Relations \$ 313,870 \$ 313,870 132494

TOTAL ISA Internal Service Activity 132495

Fund Group \$ 313,870 \$ 313,870 132496

TOTAL ALL BUDGET FUND GROUPS \$ 3,119,344 \$ 3,119,344 132497

GOVERNMENT RELATIONS 132498

A portion of the foregoing appropriation item 040607, 132499

Government Relations, may be used to support Ohio's membership in 132500

national or regional associations. 132501

The Office of the Governor may charge any state agency of the 132502

executive branch using an intrastate transfer voucher such amounts 132503

necessary to defray the costs incurred for the conduct of 132504

governmental relations associated with issues that can be 132505

attributed to the agency. Amounts collected shall be deposited in 132506

the Government Relations Fund (Fund 5AK0). 132507

**Section 291.10.** DOH DEPARTMENT OF HEALTH 132508

General Revenue Fund 132509

GRF 440413 Local Health \$ 1,500,000 \$ 1,500,000 132510

Departments

GRF 440416 Mothers and Children \$ 4,295,175 \$ 4,295,175 132511

Safety Net Services

|            |                                                    |    |            |    |            |        |
|------------|----------------------------------------------------|----|------------|----|------------|--------|
| GRF 440431 | Free Clinic Safety Net<br>Services                 | \$ | 237,326    | \$ | 237,326    | 132512 |
| GRF 440438 | Breast and Cervical<br>Cancer Screening            | \$ | 658,574    | \$ | 658,574    | 132513 |
| GRF 440444 | AIDS Prevention and<br>Treatment                   | \$ | 2,489,621  | \$ | 3,489,621  | 132514 |
| GRF 440451 | Public Health<br>Laboratory                        | \$ | 3,644,079  | \$ | 3,644,079  | 132515 |
| GRF 440452 | Child and Family<br>Health Services Match          | \$ | 580,954    | \$ | 580,954    | 132516 |
| GRF 440453 | Health Care Quality<br>Assurance                   | \$ | 5,032,723  | \$ | 5,032,723  | 132517 |
| GRF 440454 | Environmental<br>Health/Radiation<br>Protection    | \$ | 1,173,147  | \$ | 1,173,147  | 132518 |
| GRF 440459 | Help Me Grow                                       | \$ | 19,980,226 | \$ | 19,980,226 | 132519 |
| GRF 440465 | FQHC Primary Care<br>Workforce Initiative          | \$ | 2,345,478  | \$ | 2,345,478  | 132520 |
| GRF 440472 | Alcohol Testing                                    | \$ | 750,000    | \$ | 750,000    | 132521 |
| GRF 440473 | Tobacco Prevention<br>Cessation and<br>Enforcement | \$ | 1,000,000  | \$ | 1,000,000  | 132522 |
| GRF 440474 | Infant Vitality                                    | \$ | 6,903,187  | \$ | 6,903,187  | 132523 |
| GRF 440477 | Emergency Preparation<br>and Response              | \$ | 1,500,000  | \$ | 1,500,000  | 132524 |
| GRF 440482 | Chronic Disease/Health<br>Promotion                | \$ | 3,475,984  | \$ | 3,475,984  | 132525 |
| GRF 440483 | Infectious Disease<br>Prevention and Control       | \$ | 4,500,000  | \$ | 4,500,000  | 132526 |
| GRF 440505 | Medically Handicapped<br>Children                  | \$ | 10,512,451 | \$ | 10,512,451 | 132527 |
| GRF 440507 | Targeted Health Care<br>Services-Over 21           | \$ | 1,090,414  | \$ | 1,090,414  | 132528 |

|             |                              |    |            |    |            |        |
|-------------|------------------------------|----|------------|----|------------|--------|
| GRF 654453  | Medicaid - Health Care       | \$ | 3,500,000  | \$ | 3,500,000  | 132529 |
|             | Quality Assurance            |    |            |    |            |        |
| TOTAL GRF   | General Revenue Fund         | \$ | 75,169,339 | \$ | 76,169,339 | 132530 |
|             | Highway Safety Fund Group    |    |            |    |            | 132531 |
| 4T40 440603 | Child Highway Safety         | \$ | 300,000    | \$ | 300,000    | 132532 |
| TOTAL HSF   | Highway Safety Fund Group    | \$ | 300,000    | \$ | 300,000    | 132533 |
|             | Dedicated Purpose Fund Group |    |            |    |            | 132534 |
| 4700 440647 | Fee Supported                | \$ | 26,630,900 | \$ | 26,678,120 | 132535 |
|             | Programs                     |    |            |    |            |        |
| 4710 440619 | Certificate of Need          | \$ | 878,433    | \$ | 878,433    | 132536 |
| 4730 440622 | Lab Operating                | \$ | 6,900,000  | \$ | 6,900,000  | 132537 |
|             | Expenses                     |    |            |    |            |        |
| 4770 440627 | Medically Handicapped        | \$ | 2,500,000  | \$ | 2,500,000  | 132538 |
|             | Children Audit               |    |            |    |            |        |
| 4D60 440608 | Genetics Services            | \$ | 3,311,039  | \$ | 3,311,039  | 132539 |
| 4F90 440610 | Sickle Cell Disease          | \$ | 1,032,824  | \$ | 1,032,824  | 132540 |
|             | Control                      |    |            |    |            |        |
| 4G00 440636 | Heirloom Birth               | \$ | 15,000     | \$ | 15,000     | 132541 |
|             | Certificate                  |    |            |    |            |        |
| 4G00 440637 | Birth Certificate            | \$ | 15,000     | \$ | 15,000     | 132542 |
|             | Surcharge                    |    |            |    |            |        |
| 4L30 440609 | HIV Care and                 | \$ | 17,500,000 | \$ | 17,500,000 | 132543 |
|             | Miscellaneous                |    |            |    |            |        |
|             | Expenses                     |    |            |    |            |        |
| 4P40 440628 | Ohio Physician Loan          | \$ | 700,000    | \$ | 700,000    | 132544 |
|             | Repayment                    |    |            |    |            |        |
| 4V60 440641 | Save Our Sight               | \$ | 2,750,000  | \$ | 2,750,000  | 132545 |
| 5B50 440616 | Quality, Monitoring,         | \$ | 736,194    | \$ | 736,194    | 132546 |
|             | and Inspection               |    |            |    |            |        |
| 5BX0 440656 | Tobacco Use                  | \$ | 4,500,000  | \$ | 4,500,000  | 132547 |
|             | Prevention                   |    |            |    |            |        |
| 5CN0 440645 | Choose Life                  | \$ | 150,000    | \$ | 60,000     | 132548 |

|           |        |                                                           |    |            |    |            |        |
|-----------|--------|-----------------------------------------------------------|----|------------|----|------------|--------|
| 5D60      | 440620 | Second Chance Trust                                       | \$ | 1,000,000  | \$ | 1,000,000  | 132549 |
| 5ED0      | 440651 | Smoke Free Indoor Air                                     | \$ | 500,000    | \$ | 500,000    | 132550 |
| 5G40      | 440639 | Adoption Services                                         | \$ | 20,000     | \$ | 20,000     | 132551 |
| 5PE0      | 440659 | Breast and Cervical<br>Cancer Services                    | \$ | 200,000    | \$ | 200,000    | 132552 |
| 5QH0      | 440661 | Dental Hygienist<br>Resource Shortage<br>Area             | \$ | 5,000      | \$ | 5,000      | 132553 |
| 5QJ0      | 440662 | Dental Hygienist Loan<br>Repayments                       | \$ | 135,000    | \$ | 135,000    | 132554 |
| 5SH0      | 440520 | Children's Wish Grant<br>Program                          | \$ | 150,000    | \$ | 150,000    | 132555 |
| 5TZ0      | 440621 | Toxicology Screenings                                     | \$ | 1,000,000  | \$ | 1,000,000  | 132556 |
| 5Z70      | 440624 | Ohio Dentist Loan<br>Repayment                            | \$ | 200,000    | \$ | 200,000    | 132557 |
| 6100      | 440626 | Radiation Emergency<br>Response                           | \$ | 1,210,000  | \$ | 1,300,000  | 132558 |
| 6660      | 440607 | Medically Handicapped<br>Children - County<br>Assessments | \$ | 21,739,617 | \$ | 21,739,617 | 132559 |
| 6980      | 440634 | Nurse Aide Training                                       | \$ | 150,000    | \$ | 150,000    | 132560 |
| TOTAL DPF |        | Dedicated Purpose Fund<br>Group                           | \$ | 93,929,007 | \$ | 93,976,227 | 132561 |
|           |        | Internal Service Activity Fund Group                      |    |            |    |            | 132562 |
| 1420      | 440646 | Agency Health<br>Services                                 | \$ | 3,750,000  | \$ | 3,750,000  | 132563 |
| 2110      | 440613 | Central Support<br>Indirect Costs                         | \$ | 25,000,000 | \$ | 25,000,000 | 132564 |
| TOTAL ISA |        | Internal Service Activity<br>Fund Group                   | \$ | 28,750,000 | \$ | 28,750,000 | 132565 |
|           |        | Holding Account Fund Group                                |    |            |    |            | 132566 |
| R014      | 440631 | Vital Statistics                                          | \$ | 44,986     | \$ | 44,986     | 132567 |



|                    |        |                       |    |             |    |             |        |
|--------------------|--------|-----------------------|----|-------------|----|-------------|--------|
| R048               | 440625 | Refunds, Grants       | \$ | 20,000      | \$ | 20,000      | 132568 |
|                    |        | Reconciliation, and   |    |             |    |             |        |
|                    |        | Audit Settlements     |    |             |    |             |        |
| TOTAL HLD          |        | Holding Account Fund  | \$ | 64,986      | \$ | 64,986      | 132569 |
| Group              |        |                       |    |             |    |             |        |
| Federal Fund Group |        |                       |    |             |    |             | 132570 |
| 3200               | 440601 | Maternal Child Health | \$ | 23,500,000  | \$ | 23,500,000  | 132571 |
|                    |        | Block Grant           |    |             |    |             |        |
| 3870               | 440602 | Preventive Health     | \$ | 8,000,000   | \$ | 8,000,000   | 132572 |
|                    |        | Block Grant           |    |             |    |             |        |
| 3890               | 440604 | Women, Infants, and   | \$ | 230,000,000 | \$ | 230,000,000 | 132573 |
|                    |        | Children              |    |             |    |             |        |
| 3910               | 440606 | Medicare Survey and   | \$ | 16,000,000  | \$ | 16,000,000  | 132574 |
|                    |        | Certification         |    |             |    |             |        |
| 3920               | 440618 | Federal Public Health | \$ | 92,144,287  | \$ | 92,144,287  | 132575 |
|                    |        | Programs              |    |             |    |             |        |
| 3GD0               | 654601 | Medicaid Program      | \$ | 23,630,029  | \$ | 24,340,949  | 132576 |
|                    |        | Support               |    |             |    |             |        |
| 3GN0               | 440660 | Public Health         | \$ | 25,000,000  | \$ | 25,000,000  | 132577 |
|                    |        | Emergency             |    |             |    |             |        |
|                    |        | Preparedness          |    |             |    |             |        |
| TOTAL FED          |        | Federal Fund Group    | \$ | 418,274,316 | \$ | 418,985,236 | 132578 |
| TOTAL ALL          |        | BUDGET FUND GROUPS    | \$ | 616,487,648 | \$ | 618,245,788 | 132579 |

**Section 291.20.** MOTHERS AND CHILDREN SAFETY NET SERVICES 132581

Of the foregoing appropriation item 440416, Mothers and 132582  
 Children Safety Net Services, \$200,000 in each fiscal year shall 132583  
 be used to assist families with hearing impaired children under 132584  
 twenty-one years of age in purchasing hearing aids and hearing 132585  
 assistive technology. The Director of Health shall adopt rules 132586  
 governing the distribution of these funds, including rules that do 132587  
 both of the following: (1) establish eligibility criteria to 132588  
 include families with incomes at or below four hundred per cent of 132589

the federal poverty guidelines as defined in section 5101.46 of 132590  
the Revised Code, and (2) develop a sliding scale of disbursements 132591  
under this section based on family income. The Director may adopt 132592  
other rules as necessary to implement this section. Rules adopted 132593  
under this section shall be adopted in accordance with Chapter 132594  
119. of the Revised Code. 132595

AIDS PREVENTION AND TREATMENT 132596

The foregoing appropriation item 440444, AIDS Prevention and 132597  
Treatment, shall be used to administer educational and other 132598  
prevention initiatives. 132599

FQHC PRIMARY CARE WORKFORCE INITIATIVE 132600

The foregoing appropriation item 440465, FQHC Primary Care 132601  
Workforce Initiative, shall be provided to the Ohio Association of 132602  
Community Health Centers to administer the FQHC Primary Care 132603  
Workforce Initiative. The Initiative shall provide medical, 132604  
dental, behavioral health, physician assistant, and advanced 132605  
practice nursing students with clinical rotations through 132606  
federally qualified health centers. 132607

TOBACCO PREVENTION CESSATION AND ENFORCEMENT 132608

Of the foregoing appropriation item 440473, Tobacco 132609  
Prevention Cessation and Enforcement, \$500,000 in each fiscal year 132610  
shall be used to award grants in accordance with the section of 132611  
this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 132612

INFANT VITALITY 132613

The foregoing appropriation item 440474, Infant Vitality, 132614  
shall be used to fund a multi-pronged population health approach 132615  
to address infant mortality. This approach may include the 132616  
following: increasing awareness; supporting data collection; 132617  
analysis and interpretation to inform decision-making and ensure 132618  
accountability; targeting resources where the need is greatest; 132619

and implementing quality improvement science and programming that 132620  
is evidence-based or based on emerging practices. Measurable 132621  
interventions may include activities related to safe sleep, 132622  
community engagement, Centering Pregnancy, newborn screening, safe 132623  
birth spacing, gestational diabetes, smoking cessation, 132624  
breastfeeding, care coordination, and progesterone. 132625

EMERGENCY PREPARATION AND RESPONSE 132626

The foregoing appropriation item 440477, Emergency 132627  
Preparation and Response, shall be used to support public health 132628  
emergency preparedness and response efforts at the state level or 132629  
at a regional sub-level within the state, and may also be used to 132630  
support data infrastructure projects related to public health 132631  
emergency preparedness/response. 132632

TARGETED HEALTH CARE SERVICES-OVER 21 132633

The foregoing appropriation item 440507, Targeted Health Care 132634  
Services-Over 21, shall be used to administer the Cystic Fibrosis 132635  
Program and to implement the Hemophilia Insurance Premium Payment 132636  
Program. The Department of Health shall expend \$100,000 in each 132637  
fiscal year to implement the Hemophilia Insurance Premium Payment 132638  
Program. 132639

The foregoing appropriation item 440507, Targeted Health Care 132640  
Services-Over 21, shall also be used to provide essential 132641  
medications and to pay the copayments for drugs approved by the 132642  
Department of Health and covered by Medicare Part D that are 132643  
dispensed to Bureau for Children with Medical Handicaps (BCMH) 132644  
participants for the Cystic Fibrosis Program. 132645

The Department shall expend all of these funds. 132646

FEE SUPPORTED PROGRAMS 132647

Of the foregoing appropriation item 440647, Fee Supported 132648  
Programs, \$2,160,000 in each fiscal year shall be used to 132649

distribute subsidies to local health departments on a per capita basis. 132650  
132651

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE CENTRAL SUPPORT INDIRECT COSTS FUND 132652  
132653

On July 1, 2018, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$400,000 cash from the General Operations Fund (Fund 4700) to the Central Support Indirect Costs Fund (Fund 2110). Any transferred cash is hereby appropriated. 132654  
132655  
132656  
132657  
132658

MEDICALLY HANDICAPPED CHILDREN AUDIT 132659

The Medically Handicapped Children Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program. 132660  
132661  
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GENETICS SERVICES 132673

The foregoing appropriation item 440608, Genetics Services, shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency. 132674  
132675  
132676  
132677  
132678

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 132679

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments, shall be used to make payments under division (F) of section 3701.023 of the Revised Code.

TOXICOLOGY SCREENINGS

The foregoing appropriation item 440621, Toxicology Screenings, shall be used in accordance with division (G)(1) of section 757.20 of this act.

**Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM**

(A) The Department of Health shall create the Moms Quit for Two Grant Program. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department shall award grants to private, nonprofit entities or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women who reside in communities that have the highest incidence of infant mortality, as determined by the Director of Health, and who are pregnant or live with children. Funds awarded under this section shall not be used to provide tobacco cessation interventions to women who are eligible for Medicaid. The Department may adopt any rules it considers necessary to administer the Program.

(B) The Department shall create a grant application and develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to women living with children. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

(D) Not later than December 31, 2017, the Department shall evaluate the program and prepare a report describing its findings and make a recommendation on whether the Program should be continued. The Department shall provide a copy of the report to the Governor and General Assembly. The copy to the General Assembly shall be provided in accordance with section 101.68 of the Revised Code. The Department also shall make the report available to the public on the Department's internet web site.

**Section 291.40. WIC VENDOR CONTRACTS**

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) During fiscal year 2018 and fiscal year 2019, the Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements

described in division (B) of this section, the Department shall 132741  
 deny the application for the contract. After an application has 132742  
 been denied, the applicant may reapply for a contract to act as a 132743  
 WIC vendor during the contracting cycle that is applicable to the 132744  
 applicant's WIC region. 132745

**Section 291.70. CASH TRANSFER TO EMERGENCY PREPARATION AND 132746**  
**RESPONSE FUND 132747**

If the Director of Health determines that there are 132748  
 insufficient funds in appropriation item 440477, Emergency 132749  
 Preparation and Response, for public health emergency preparedness 132750  
 and response activities, the Director may certify to the Director 132751  
 of Budget and Management an amount necessary to address these 132752  
 activities. Upon certification, the Director of Budget and 132753  
 Management shall transfer up to \$500,000 cash in each fiscal year 132754  
 from the Controlling Board Emergency Purposes/Contingencies Fund 132755  
 (Fund 5KM0) to the Emergency Preparation and Response Fund (Fund 132756  
 5UA0), which is hereby created in the state treasury. The amount 132757  
 transferred is hereby appropriated. 132758

**Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 132759**

|                                  |    |        |           |        |
|----------------------------------|----|--------|-----------|--------|
| Dedicated Purpose Fund Group     |    |        |           | 132760 |
| 4610 372601 Operating Expenses   | \$ | 12,500 | \$ 12,500 | 132761 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 12,500 | \$ 12,500 | 132762 |
| Group                            |    |        |           |        |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 12,500 | \$ 12,500 | 132763 |

**Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 132765**

|                                |    |         |            |        |
|--------------------------------|----|---------|------------|--------|
| General Revenue Fund           |    |         |            | 132766 |
| GRF 148321 Operating Expenses  | \$ | 445,395 | \$ 460,385 | 132767 |
| TOTAL GRF General Revenue Fund | \$ | 445,395 | \$ 460,385 | 132768 |
| Dedicated Purpose Fund Group   |    |         |            | 132769 |

|                              |                     |    |        |    |        |        |
|------------------------------|---------------------|----|--------|----|--------|--------|
| 6010 148602                  | Special Initiatives | \$ | 24,558 | \$ | 24,558 | 132770 |
| TOTAL DPF Dedicated Purpose  |                     |    |        |    |        | 132771 |
| Fund Group                   |                     | \$ | 24,558 | \$ | 24,558 | 132772 |
| TOTAL ALL BUDGET FUND GROUPS |                     |    |        |    |        | 132773 |

**Section 297.10. OHS OHIO HISTORY CONNECTION** 132775

|                                           |                                  |    |           |    |           |        |
|-------------------------------------------|----------------------------------|----|-----------|----|-----------|--------|
| General Revenue Fund                      |                                  |    |           |    |           | 132776 |
| GRF 360501                                | Education and<br>Collections     | \$ | 4,155,712 | \$ | 4,155,712 | 132777 |
| GRF 360502                                | Site and Museum<br>Operations    | \$ | 5,762,853 | \$ | 5,762,853 | 132778 |
| GRF 360504                                | Ohio Preservation<br>Office      | \$ | 281,300   | \$ | 281,300   | 132779 |
| GRF 360505                                | National<br>Afro-American Museum | \$ | 485,000   | \$ | 485,000   | 132780 |
| GRF 360506                                | Hayes Presidential<br>Center     | \$ | 485,000   | \$ | 485,000   | 132781 |
| GRF 360509                                | Outreach and<br>Partnership      | \$ | 155,583   | \$ | 155,583   | 132782 |
| TOTAL GRF General Revenue Fund            |                                  |    |           |    |           | 132783 |
| Dedicated Purpose Fund Group              |                                  |    |           |    |           | 132784 |
| 5KL0 360602                               | Ohio History Tax<br>Check-off    | \$ | 150,000   | \$ | 150,000   | 132785 |
| 5PD0 360603                               | Ohio History License<br>Plate    | \$ | 10,000    | \$ | 10,000    | 132786 |
| TOTAL DPF Dedicated Purpose Fund<br>Group |                                  |    |           |    |           | 132787 |
| TOTAL ALL BUDGET FUND GROUPS              |                                  |    |           |    |           | 132788 |

**SUBSIDY APPROPRIATION** 132789

Upon approval by the Director of Budget and Management, the 132790  
foregoing appropriation items shall be released to the Ohio 132791  
History Connection in quarterly amounts that in total do not 132792



exceed the annual appropriations. The funds and fiscal records of 132793  
the Ohio History Connection for fiscal year 2018 and fiscal year 132794  
2019 shall be examined by independent certified public accountants 132795  
approved by the Auditor of State, and a copy of the audited 132796  
financial statements shall be filed with the Office of Budget and 132797  
Management. The Ohio History Connection shall prepare and submit 132798  
to the Office of Budget and Management the following: 132799

(A) An estimated operating budget for each fiscal year of the 132800  
biennium. The operating budget shall be submitted at or near the 132801  
beginning of each calendar year. 132802

(B) Financial reports, indicating actual receipts and 132803  
expenditures for the fiscal year to date. These reports shall be 132804  
filed at least semiannually during the fiscal biennium. 132805

The foregoing appropriations shall be considered to be the 132806  
contractual consideration provided by the state to support the 132807  
state's offer to contract with the Ohio History Connection under 132808  
section 149.30 of the Revised Code. 132809

OUTREACH AND PARTNERSHIP 132810

Of the foregoing appropriation item 360509, Outreach and 132811  
Partnership, \$70,000 in each fiscal year shall be distributed to 132812  
the Ohio World War I Centennial Working Group. 132813

**Section 299.10.** REP OHIO HOUSE OF REPRESENTATIVES 132814

General Revenue Fund 132815

GRF 025321 Operating Expenses \$ 23,756,565 \$ 23,756,565 132816

TOTAL GRF General Revenue Fund \$ 23,756,565 \$ 23,756,565 132817

Internal Service Activity Fund Group 132818

1030 025601 House of \$ 1,433,664 \$ 1,433,664 132819

Representatives

Reimbursement

4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849 132820

|                                 |    |            |               |        |
|---------------------------------|----|------------|---------------|--------|
| TOTAL Internal Service Activity |    |            |               | 132821 |
| Fund Group                      | \$ | 1,471,513  | \$ 1,471,513  | 132822 |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 25,228,078 | \$ 25,228,078 | 132823 |

OPERATING EXPENSES 132824

On July 1, 2017, or as soon as possible thereafter, the Chief 132825  
Administrative Officer of the House of Representatives may certify 132826  
to the Director of Budget and Management an amount up to the 132827  
unexpended, unencumbered balance of the foregoing appropriation 132828  
item 025321, Operating Expenses, at the end of fiscal year 2017 to 132829  
be reappropriated to fiscal year 2018. The amount certified is 132830  
hereby reappropriated to the same appropriation item for fiscal 132831  
year 2018. 132832

On July 1, 2018, or as soon as possible thereafter, the Chief 132833  
Administrative Officer of the House of Representatives may certify 132834  
to the Director of Budget and Management an amount up to the 132835  
unexpended, unencumbered balance of the foregoing appropriation 132836  
item 025321, Operating Expenses, at the end of fiscal year 2018 to 132837  
be reappropriated to fiscal year 2019. The amount certified is 132838  
hereby reappropriated to the same appropriation item for fiscal 132839  
year 2019. 132840

HOUSE REIMBURSEMENT 132841

If it is determined by the Chief Administrative Officer of 132842  
the House of Representatives that additional appropriations are 132843  
necessary for the foregoing appropriation item 025601, House 132844  
Reimbursement, the amounts are hereby appropriated. 132845

**Section 301.10. HFA OHIO HOUSING FINANCE AGENCY** 132846

|                                    |    |            |               |        |
|------------------------------------|----|------------|---------------|--------|
| Dedicated Purpose Fund Group       |    |            |               | 132847 |
| 5AZ0 997601 Housing Finance Agency | \$ | 12,176,000 | \$ 12,176,000 | 132848 |
| Personal Services                  |    |            |               |        |
| TOTAL DPF Dedicated Purpose Fund   | \$ | 12,176,000 | \$ 12,176,000 | 132849 |

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,176,000 \$ 12,176,000 132850

**Section 303.10.** IGO OFFICE OF THE INSPECTOR GENERAL 132852

General Revenue Fund 132853

GRF 965321 Operating Expenses \$ 1,401,581 \$ 1,401,581 132854

TOTAL GRF General Revenue Fund \$ 1,401,581 \$ 1,401,581 132855

Internal Service Activity Fund Group 132856

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 132857

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 132858

General for BWC/OIC

TOTAL ISA Internal Service Activity 132859

Fund Group \$ 825,000 \$ 825,000 132860

TOTAL ALL BUDGET FUND GROUPS \$ 2,226,581 \$ 2,226,581 132861

**Section 305.10.** INS DEPARTMENT OF INSURANCE 132863

Dedicated Purpose Fund Group 132864

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 132865

OSHIIP

5540 820606 Operating Expenses \$ 26,937,840 \$ 26,937,840 132866

5550 820605 Examination \$ 8,127,549 \$ 8,127,549 132867

5PT0 820613 Captive Insurance \$ 650,000 \$ 650,000 132868

Regulation &

Supervision

TOTAL DPF Dedicated Purpose 132869

Fund Group \$ 35,895,389 \$ 35,895,389 132870

Federal Fund Group 132871

3U50 820602 OSHIIP Operating \$ 2,793,150 \$ 2,793,150 132872

Grant

TOTAL FED Federal Fund Group \$ 2,793,150 \$ 2,793,150 132873

TOTAL ALL BUDGET FUND GROUPS \$ 38,688,539 \$ 38,688,539 132874

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| MARKET CONDUCT EXAMINATION                                         | 132875 |
| When conducting a market conduct examination of any insurer        | 132876 |
| doing business in this state, the Superintendent of Insurance may  | 132877 |
| assess the costs of the examination against the insurer. The       | 132878 |
| Superintendent may enter into consent agreements to impose         | 132879 |
| administrative assessments or fines for conduct discovered that    | 132880 |
| may be violations of statutes or rules administered by the         | 132881 |
| Superintendent. All costs, assessments, or fines collected shall   | 132882 |
| be deposited to the credit of the Department of Insurance          | 132883 |
| Operating Fund (Fund 5540).                                        | 132884 |
| EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES               | 132885 |
| The Director of Budget and Management, at the request of the       | 132886 |
| Superintendent of Insurance, may transfer cash from the Department | 132887 |
| of Insurance Operating Fund (Fund 5540), established by section    | 132888 |
| 3901.021 of the Revised Code, to the Superintendent's Examination  | 132889 |
| Fund (Fund 5550), established by section 3901.071 of the Revised   | 132890 |
| Code, only for expenses incurred in examining domestic fraternal   | 132891 |
| benefit societies as required by section 3921.28 of the Revised    | 132892 |
| Code.                                                              | 132893 |
| TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION         | 132894 |
| AND SUPERVISION                                                    | 132895 |
| When funds from captive insurance company application fees,        | 132896 |
| reimbursements from captive insurance companies for examinations,  | 132897 |
| and other sources have accrued to the Captive Insurance Regulation | 132898 |
| and Supervision Fund (Fund 5PT0) in such amounts as are deemed     | 132899 |
| sufficient to sustain operations, the Director of Budget and       | 132900 |
| Management, in consultation with the Superintendent of Insurance,  | 132901 |
| shall establish a schedule for repaying the amounts previously     | 132902 |
| transferred during fiscal years 2016 and 2017 from Fund 5PT0 to    | 132903 |
| Fund 5540.                                                         | 132904 |

|                        |                                                                    |                |                |  |        |
|------------------------|--------------------------------------------------------------------|----------------|----------------|--|--------|
| <b>Section 305.20.</b> | APPLICATION FOR INNOVATIVE WAIVER                                  |                |                |  | 132905 |
|                        | The Superintendent of Insurance shall apply to the United          |                |                |  | 132906 |
|                        | States Secretary of Health and Human Services and the United       |                |                |  | 132907 |
|                        | States Secretary of the Treasury for an innovative waiver          |                |                |  | 132908 |
|                        | regarding health insurance coverage in this state as prescribed in |                |                |  | 132909 |
|                        | section 3901.052 of the Revised Code not later than January 31,    |                |                |  | 132910 |
|                        | 2018.                                                              |                |                |  | 132911 |
| <br>                   |                                                                    |                |                |  |        |
| <b>Section 307.10.</b> | JFS DEPARTMENT OF JOB AND FAMILY SERVICES                          |                |                |  | 132912 |
|                        | General Revenue Fund                                               |                |                |  | 132913 |
| GRF 600321             | Program Support                                                    | \$ 28,543,219  | \$ 28,543,219  |  | 132914 |
| GRF 600410             | TANF State Maintenance                                             | \$ 148,300,326 | \$ 148,300,326 |  | 132915 |
|                        | of Effort                                                          |                |                |  |        |
| GRF 600413             | Child Care                                                         | \$ 83,461,739  | \$ 83,461,739  |  | 132916 |
|                        | State/Maintenance of                                               |                |                |  |        |
|                        | Effort                                                             |                |                |  |        |
| GRF 600416             | Information Technology                                             | \$ 58,615,048  | \$ 58,615,048  |  | 132917 |
|                        | Projects                                                           |                |                |  |        |
| GRF 600420             | Child Support Programs                                             | \$ 6,576,797   | \$ 6,576,797   |  | 132918 |
| GRF 600421             | Family Assistance                                                  | \$ 3,103,334   | \$ 3,103,334   |  | 132919 |
|                        | Programs                                                           |                |                |  |        |
| GRF 600423             | Families and Children                                              | \$ 16,219,491  | \$ 16,219,491  |  | 132920 |
|                        | Programs                                                           |                |                |  |        |
| GRF 600445             | Unemployment Insurance                                             | \$ 20,955,498  | \$ 20,955,498  |  | 132921 |
|                        | Administration                                                     |                |                |  |        |
| GRF 600502             | Child Support - Local                                              | \$ 23,456,891  | \$ 23,456,891  |  | 132922 |
| GRF 600511             | Disability Financial                                               | \$ 3,927,452   | \$ 0           |  | 132923 |
|                        | Assistance                                                         |                |                |  |        |
| GRF 600521             | Family Assistance -                                                | \$ 44,748,768  | \$ 44,748,768  |  | 132924 |
|                        | Local                                                              |                |                |  |        |
| GRF 600523             | Family and Children                                                | \$ 62,268,993  | \$ 62,268,993  |  | 132925 |

|             |                                                        |    |             |    |                    |
|-------------|--------------------------------------------------------|----|-------------|----|--------------------|
|             | Services                                               |    |             |    |                    |
| GRF 600528  | Adoption Services                                      | \$ | 28,922,517  | \$ | 28,922,517 132926  |
| GRF 600533  | Child, Family, and<br>Community Protection<br>Services | \$ | 13,500,000  | \$ | 13,500,000 132927  |
| GRF 600534  | Adult Protective<br>Services                           | \$ | 2,740,000   | \$ | 2,740,000 132928   |
| GRF 600535  | Early Care and<br>Education                            | \$ | 139,133,689 | \$ | 139,133,689 132929 |
| GRF 600541  | Kinship Permanency<br>Incentive Program                | \$ | 1,000,000   | \$ | 1,000,000 132930   |
| GRF 655425  | Medicaid Program<br>Support                            | \$ | 7,000,000   | \$ | 7,000,000 132931   |
| GRF 655522  | Medicaid Program<br>Support - Local                    | \$ | 37,119,931  | \$ | 37,119,931 132932  |
| GRF 655523  | Medicaid Program<br>Support - Local<br>Transportation  | \$ | 41,000,000  | \$ | 0 132933           |
| TOTAL GRF   | General Revenue Fund                                   | \$ | 770,593,693 | \$ | 725,666,241 132934 |
|             | Dedicated Purpose Fund Group                           |    |             |    | 132935             |
| 1980 600647 | Children's Trust Fund                                  | \$ | 5,000,000   | \$ | 5,000,000 132936   |
| 4A80 600658 | Public Assistance<br>Activities                        | \$ | 26,000,000  | \$ | 26,000,000 132937  |
| 4A90 600607 | Unemployment<br>Compensation<br>Administration Fund    | \$ | 14,000,000  | \$ | 14,000,000 132938  |
| 4E70 600604 | Family and Children<br>Services Collections            | \$ | 650,000     | \$ | 650,000 132939     |
| 4F10 600609 | Family and Children<br>Activities                      | \$ | 708,000     | \$ | 708,000 132940     |
| 5DM0 600633 | Audit Settlements and<br>Contingency                   | \$ | 5,000,000   | \$ | 5,000,000 132941   |
| 5ES0 600630 | Food Bank Assistance                                   | \$ | 500,000     | \$ | 500,000 132942     |

|           |        |                                         |    |             |    |             |        |
|-----------|--------|-----------------------------------------|----|-------------|----|-------------|--------|
| 5HC0      | 600695 | Unemployment<br>Compensation Interest   | \$ | 1,000,000   | \$ | 1,000,000   | 132943 |
| 5KT0      | 600696 | Early Childhood<br>Education            | \$ | 20,000,000  | \$ | 20,000,000  | 132944 |
| 5NG0      | 600660 | Victims of Human<br>Trafficking         | \$ | 100,000     | \$ | 100,000     | 132945 |
| 5RX0      | 600699 | Workforce Development<br>Projects       | \$ | 2,000,000   | \$ | 2,000,000   | 132946 |
| 5RY0      | 600698 | Human Services<br>Project               | \$ | 2,500,000   | \$ | 2,750,000   | 132947 |
| 5TZ0      | 600674 | Children's Crisis<br>Care               | \$ | 150,000     | \$ | 150,000     | 132948 |
| 5U60      | 600663 | Family and Children<br>Support          | \$ | 3,000,000   | \$ | 3,000,000   | 132949 |
| TOTAL DPF |        | Dedicated Purpose Fund<br>Group         | \$ | 80,608,000  | \$ | 80,858,000  | 132950 |
|           |        | Internal Service Activity Fund Group    |    |             |    |             | 132951 |
| 5HL0      | 600602 | State and County<br>Shared Services     | \$ | 2,000,000   | \$ | 2,000,000   | 132952 |
| TOTAL ISA |        | Internal Service Activity<br>Fund Group | \$ | 2,000,000   | \$ | 2,000,000   | 132953 |
|           |        | Fiduciary Fund Group                    |    |             |    |             | 132954 |
| 1920      | 600646 | Child Support<br>Intercept - Federal    | \$ | 110,000,000 | \$ | 110,000,000 | 132955 |
| 5830      | 600642 | Child Support<br>Intercept - State      | \$ | 14,000,000  | \$ | 14,000,000  | 132956 |
| 5B60      | 600601 | Food Assistance<br>Intercept            | \$ | 1,000,000   | \$ | 1,000,000   | 132957 |
| TOTAL FID |        | Fiduciary Fund Group                    | \$ | 125,000,000 | \$ | 125,000,000 | 132958 |
|           |        | Holding Account Fund Group              |    |             |    |             | 132959 |
| R012      | 600643 | Refunds and Audit<br>Settlements        | \$ | 500,000     | \$ | 500,000     | 132960 |

|                                    |    |             |    |             |        |
|------------------------------------|----|-------------|----|-------------|--------|
| TOTAL HLD Holding Account Fund     | \$ | 500,000     | \$ | 500,000     | 132961 |
| Group                              |    |             |    |             |        |
| Federal Fund Group                 |    |             |    |             | 132962 |
| 3270 600606 Child Welfare          | \$ | 27,500,000  | \$ | 27,500,000  | 132963 |
| 3310 600615 Veterans Programs      | \$ | 7,000,000   | \$ | 7,000,000   | 132964 |
| 3310 600624 Employment Services    | \$ | 26,000,000  | \$ | 26,000,000  | 132965 |
| Programs                           |    |             |    |             |        |
| 3310 600686 Workforce Programs     | \$ | 5,800,000   | \$ | 5,800,000   | 132966 |
| 3840 600610 Food Assistance        | \$ | 145,000,000 | \$ | 145,000,000 | 132967 |
| Programs                           |    |             |    |             |        |
| 3850 600614 Refugee Services       | \$ | 12,000,000  | \$ | 12,000,000  | 132968 |
| 3950 600616 Federal Discretionary  | \$ | 1,500,000   | \$ | 1,500,000   | 132969 |
| Grants                             |    |             |    |             |        |
| 3960 600620 Social Services Block  | \$ | 42,000,000  | \$ | 42,000,000  | 132970 |
| Grant                              |    |             |    |             |        |
| 3970 600626 Child Support -        | \$ | 175,000,000 | \$ | 175,000,000 | 132971 |
| Federal                            |    |             |    |             |        |
| 3980 600627 Adoption Program -     | \$ | 175,000,000 | \$ | 175,000,000 | 132972 |
| Federal                            |    |             |    |             |        |
| 3A20 600641 Emergency Food         | \$ | 4,000,000   | \$ | 4,000,000   | 132973 |
| Distribution                       |    |             |    |             |        |
| 3AW0 600675 Fatherhood Commission  | \$ | 3,000,000   | \$ | 3,000,000   | 132974 |
| 3D30 600648 Children's Trust Fund  | \$ | 2,000,000   | \$ | 2,000,000   | 132975 |
| Federal                            |    |             |    |             |        |
| 3F01 655624 Medicaid Program       | \$ | 180,000,000 | \$ | 172,491,905 | 132976 |
| Support - Federal                  |    |             |    |             |        |
| 3H70 600617 Child Care Federal     | \$ | 231,000,000 | \$ | 232,000,000 | 132977 |
| 3N00 600628 Foster Care Program -  | \$ | 240,000,000 | \$ | 240,000,000 | 132978 |
| Federal                            |    |             |    |             |        |
| 3S50 600622 Child Support Projects | \$ | 534,050     | \$ | 534,050     | 132979 |
| 3V00 600688 Workforce Innovation   | \$ | 108,000,000 | \$ | 108,000,000 | 132980 |
| and Opportunity Act                |    |             |    |             |        |
| Programs                           |    |             |    |             |        |



|                              |                                                             |                  |                  |        |
|------------------------------|-------------------------------------------------------------|------------------|------------------|--------|
| 3V40 600632                  | Trade Programs                                              | \$ 15,000,000    | \$ 15,000,000    | 132981 |
| 3V40 600678                  | Federal Unemployment<br>Programs                            | \$ 85,814,212    | \$ 80,814,212    | 132982 |
| 3V40 600679                  | Unemployment<br>Compensation Review<br>Commission - Federal | \$ 5,000,000     | \$ 5,000,000     | 132983 |
| 3V60 600689                  | TANF Block Grant                                            | \$ 836,437,504   | \$ 848,935,211   | 132984 |
| TOTAL FED                    | Federal Fund Group                                          | \$ 2,327,585,766 | \$ 2,328,575,378 | 132985 |
| TOTAL ALL BUDGET FUND GROUPS |                                                             | \$ 3,306,287,459 | \$ 3,262,599,619 | 132986 |

**Section 307.20. COUNTY ADMINISTRATIVE FUNDS** 132988

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 132989  
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132991  
132992

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 132993  
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132995  
132996

(C) In fiscal year 2018, the foregoing appropriation item 655523, Medicaid Program Support - Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program. 132997  
132998  
132999  
133000

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 133001  
133002  
133003  
133004  
133005

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 133006  
133007

(2) Appropriation item 655523, Medicaid Program Support - 133008

Local Transportation, and appropriation item 655522, Medicaid 133009  
Program Support - Local. 133010

(E) If receipts credited to the Medicaid Program Support Fund 133011  
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 133012  
(Fund 3840) exceed the amounts appropriated, the Director of Job 133013  
and Family Services shall request the Director of Budget and 133014  
Management to authorize expenditures from those funds in excess of 133015  
the amounts appropriated. Upon approval of the Director of Budget 133016  
and Management, the additional amounts are hereby appropriated. 133017

**Section 307.25. KINSHIP CAREGIVER CHILD CARE PROGRAM** 133018

Of the foregoing appropriation item 600689, TANF Block Grant, 133019  
\$15,000,000 in each fiscal year shall be used to support a kinship 133020  
caregiver child care program to provide child care to kinship 133021  
caregivers, as defined in section 5101.85 of the Revised Code. 133022

The Department of Job and Family Services may adopt rules in 133023  
accordance with Chapter 119. of the Revised Code as necessary to 133024  
carry out the purposes of this section. Any rules shall at least 133025  
include eligibility criteria, benefit amounts, and attendance 133026  
tracking requirements. 133027

**Section 307.26. OHIO PARENTING AND PREGNANCY PROGRAM** 133028

Of the foregoing appropriation item 600410, TANF State 133029  
Maintenance of Effort, \$100,000 in each fiscal year shall be used 133030  
to support the Ohio Parenting and Pregnancy Program. 133031

**Section 307.30. NAME OF FOOD STAMP PROGRAM** 133032

The Director of Job and Family Services is not required to 133033  
amend rules regarding the Food Stamp Program to change the name of 133034  
the program to the Supplemental Nutrition Assistance Program. The 133035  
Director may refer to the program as the Food Stamp Program, the 133036  
Supplemental Nutrition Assistance Program, or the Food Assistance 133037

Program in rules and documents of the Department of Job and Family Services. 133038  
133039

**Section 307.35. HEALTHY FOOD FINANCING INITIATIVE** 133040

The foregoing appropriation item 600546, Healthy Food Financing Initiative, shall be used by the Director of Job and Family Services to support healthy food access in underserved communities in urban and rural Low and Moderate Income Areas, as defined by either the United States Department of Agriculture (USDA), as identified in the USDA's Food Access Research Atlas, or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative. 133041  
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The Director of Job and Family Services, in cooperation with the Director of Health and with the approval of the Director of the Governor's Office of Health Transformation, shall contract with the Finance Fund Capital Corporation to administer a Healthy Food Financing Initiative. The Finance Fund Capital Corporation shall demonstrate a capacity to administer grant and loan programs in accordance with state and federal rules and accounting principles, and shall partner with one or more entities with demonstrable experience in healthy food access-related policy matters. 133049  
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The Director of Job and Family Services shall, not later than December 31, 2018, provide to the Governor, Speaker of the House of Representatives, President of the Senate, and Minority Leaders of the House of Representatives and Senate a written progress report on the Healthy Food Financing Initiative, including, but not limited to, state funds granted or loaned, the number of new or retained jobs associated with related projects, the health impact of the initiative and the number and location of healthy food access projects established or in development. 133059  
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**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS 133068

Of the foregoing appropriation items 600410, TANF State 133069  
Maintenance of Effort, 600658, Public Assistance Activities, and 133070  
600689, TANF Block Grant, a total of \$17,050,000 in each fiscal 133071  
year shall be used to provide funds to the Ohio Association of 133072  
Food Banks to purchase and distribute food products. 133073

Notwithstanding section 5101.46 of the Revised Code and any 133074  
other provision in this bill, including funds designated for the 133075  
Ohio Association of Food Banks in this section, in fiscal year 133076  
2018 and fiscal year 2019, the Director of Job and Family Services 133077  
shall provide assistance from eligible funds to the Ohio 133078  
Association of Food Banks in an amount not less than \$19,550,000 133079  
in each fiscal year. 133080

Eligible nonfederal expenditures made by member food banks of 133081  
the Association shall be counted by the Department of Job and 133082  
Family Services toward the TANF maintenance of effort requirements 133083  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 133084  
shall enter into an agreement with the Ohio Association of Food 133085  
Banks, in accordance with sections 5101.80 and 5101.801 of the 133086  
Revised Code, to carry out the requirements under this section. 133087

**Section 307.45.** UNAFFILIATED FOOD BANKS 133088

Of the foregoing appropriation item 600689, TANF Block Grant, 133089  
\$500,000 in each fiscal year shall be provided to food banks or 133090  
food pantries unaffiliated with the Ohio Association of Food 133091  
Banks. 133092

**Section 307.50.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 133093

The foregoing appropriation item 600658, Public Assistance 133094  
Activities, shall be used by the Department of Job and Family 133095  
Services to meet the TANF maintenance of effort requirements of 42 133096

U.S.C. 609(a)(7). When the state is assured that it will meet the 133097  
maintenance of effort requirement, the Department of Job and 133098  
Family Services may use funds from appropriation item 600658, 133099  
Public Assistance Activities, to support public assistance 133100  
activities. 133101

**Section 307.60. FOOD STAMPS TRANSFER** 133102

On July 1, 2017, or as soon as possible thereafter, the 133103  
Director of Budget and Management may transfer up to \$1,000,000 133104  
cash from the Supplemental Nutrition Assistance Program Fund (Fund 133105  
3840), to the Food Assistance Fund (Fund 5ES0). 133106

**Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND** 133107  
**COMMUNITY INITIATIVES** 133108

Of the foregoing appropriation item 600689, TANF Block Grant, 133109  
up to \$6,540,000 in each fiscal year shall be used, in accordance 133110  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 133111  
support to programs or organizations that provide services that 133112  
align with the mission and goals of the Governor's Office of 133113  
Faith-Based and Community Initiatives, as outlined in section 133114  
107.12 of the Revised Code, and that further at least one of the 133115  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 133116

**Section 307.80. INDEPENDENT LIVING INITIATIVE** 133117

Of the foregoing appropriation item 600689, TANF Block Grant, 133118  
up to \$2,000,000 in each fiscal year shall be used, in accordance 133119  
with sections 5101.80 and 5101.801 of the Revised Code, to support 133120  
the Independent Living Initiative, including life skills training 133121  
and work supports for older children in foster care and those who 133122  
have recently aged out of foster care. 133123

**Section 307.90. OHIO COMMISSION ON FATHERHOOD** 133124

Of the foregoing appropriation item 600689, TANF Block Grant, 133125  
\$1,000,000 in each fiscal year shall be provided to the Ohio 133126  
Commission on Fatherhood. 133127

**Section 307.93. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS** 133128

Of the foregoing appropriation item 600689, TANF Block Grant, 133129  
\$1,000,000 in each fiscal year shall be provided, in accordance 133130  
with sections 5101.80 and 5101.801 of the Revised Code, to the 133131  
Ohio Alliance of Boys and Girls Clubs to provide after-school and 133132  
summer programs that protect at-risk children and enable youth to 133133  
become responsible adults. Not less than \$50,000 in each fiscal 133134  
year shall be provided to the Boys and Girls Club of Massillon. 133135

**Section 307.95. BIG BROTHERS BIG SISTERS** 133136

Of the foregoing appropriation item 600689, TANF Block Grant, 133137  
\$500,000 in each fiscal year shall be provided, in accordance with 133138  
sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers 133139  
Big Sisters of Central Ohio to provide mentoring services to 133140  
children throughout the state who have experienced trauma in their 133141  
lives, including parental incarceration. 133142

**Section 307.96. FAMILY AND YOUTH IN CRISIS** 133143

Of the foregoing appropriation item 600689, TANF Block Grant, 133144  
\$5,000,000 in each fiscal year shall be utilized to provide 133145  
services to youth with complex care needs whose parent or legal 133146  
guardian is at risk of relinquishing custody of the youth in order 133147  
to access needed services. Funds shall be administered pursuant to 133148  
division (A)(3) of section 121.37 of the Revised Code. The 133149  
Director of the Ohio Family and Children First Cabinet shall seek 133150  
stakeholder input and issue written guidance regarding 133151  
requirements to access these funds no later than 60 days following 133152  
the effective date of this section. 133153

**Section 307.97. COURT APPOINTED SPECIAL ADVOCATES** 133154

Of the foregoing appropriation item 600689, TANF Block Grant, 133155  
\$100,000 in each fiscal year shall be used, in consultation with 133156  
the Supreme Court of Ohio, to provide funding for the 133157  
establishment of up to three local court-appointed special 133158  
advocate programs in areas of the state that are not served by an 133159  
existing program. 133160

Of the foregoing appropriation item 600689, TANF Block Grant, 133161  
\$100,000 in each fiscal year shall be used, in consultation with 133162  
the Supreme Court of Ohio, to provide funding for the recruitment 133163  
and training of additional local court-appointed special advocates 133164  
in areas of the state with high rates of heroin use and overdoses. 133165

Of the foregoing appropriation item 600689, TANF Block Grant, 133166  
\$100,000 in each fiscal year shall be used, in consultation with 133167  
the Supreme Court of Ohio, to provide funding that enhances the 133168  
role of local court-appointed special advocate programs in the 133169  
recruitment, training, and support of local court-appointed 133170  
special advocates. 133171

**Section 307.100. FAMILIES AND CHILDREN PROGRAMS** 133172

Of the foregoing appropriation item 600423, Families and 133173  
Children Programs, \$2,000,000 in each fiscal year shall be used by 133174  
the Office of Families and Children to fund Predictive Analytics 133175  
to use current and historical data to predict future outcomes and 133176  
behaviors in high-risk foster care children. 133177

Of the foregoing appropriation item 600423, Families and 133178  
Children Programs, \$750,000 in each fiscal year shall be used to 133179  
support the Star House Youth Drop-In Center to provide services 133180  
for homeless youth. 133181

**Section 307.110. FAMILY AND CHILDREN SERVICES** 133182

Of the foregoing appropriation item 600523, Family and Children Services, up to \$3,200,000 shall be used to match eligible federal Title IV-B ESSA funds and federal Title IV-E Chafee funds allocated to public children services agencies.

Of the foregoing appropriation item, 600523, Family and Children Services, not less than \$60,040,010 in each fiscal year shall be provided to public children services agencies. Of that amount, \$8,800,000 in each fiscal year shall be used to provide an initial allocation of \$100,000 to each county and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.

**Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN**

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or 600533, Child, Family, and Community Protection Services, may transfer a portion of either or both allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

**Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION SERVICES**

(A) The foregoing appropriation item 600533, Child, Family, and Community Protection Services, and up to \$15,000,000 in each fiscal year from the foregoing appropriation item 600689, TANF Block Grant, shall be distributed to county departments of job and family services. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section



307.983 of the Revised Code: 133213

(1) To assist individuals in achieving or maintaining 133214  
self-sufficiency, including by reducing or preventing dependency 133215  
among individuals with family income not exceeding two hundred per 133216  
cent of the federal poverty guidelines; 133217

(2) Subject to division (B) of this section, to respond to 133218  
reports of abuse, neglect, or exploitation of children and adults, 133219  
including through the differential response approach program; 133220

(3) To provide outreach and referral services regarding home 133221  
and community-based services to individuals at risk of placement 133222  
in a group home or institution, regardless of the individuals' 133223  
family income and without need for a written application; 133224

(4) To provide outreach, referral, application assistance, 133225  
and other services to assist individuals receive assistance, 133226  
benefits, or services under Medicaid; Title IV-A programs, as 133227  
defined in section 5101.80 of the Revised Code; the Supplemental 133228  
Nutrition Assistance Program; and other public assistance 133229  
programs. 133230

(B) Protective services may be provided to a child or adult 133231  
as part of a response, under division (A)(2) of this section, to a 133232  
report of abuse, neglect, or exploitation without regard to a 133233  
child or adult's family income and without need for a written 133234  
application. The protective services may be provided if the case 133235  
record documents circumstances of actual or potential abuse, 133236  
neglect, or exploitation. 133237

**Section 307.140. FAMILY AND CHILDREN ACTIVITIES** 133238

The foregoing appropriation item 600609, Family and Children 133239  
Activities, shall be used to expend miscellaneous foundation funds 133240  
and grants to support family and children services activities. 133241

**Section 307.150.** ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 133242

Notwithstanding section 5101.073 of the Revised Code, the 133243  
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 133244  
consist of earned federal revenue the final disposition of which 133245  
is unknown. 133246

**Section 307.160.** ADOPTION ASSISTANCE LOAN 133247

The Department of Job and Family Services may use the State 133248  
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 133249  
of adoption assistance loans pursuant to section 3107.018 of the 133250  
Revised Code. The amounts of any adoption assistance loans are 133251  
hereby appropriated. 133252

**Section 307.170.** EARLY CHILDHOOD EDUCATION 133253

The Director of Job and Family Services shall ensure, for 133254  
licensed child care programs that are rated in the quality rating 133255  
and improvement system, that reimbursement rates for each rating 133256  
tier are not lower than the reimbursement rates for each 133257  
corresponding rating tier that were in effect on December 31, 133258  
2016. 133259

**Section 307.180.** CASH TRANSFER FROM THE UNEMPLOYMENT 133260  
INSURANCE SUPPORT - OTHER SOURCES FUND TO THE UNEMPLOYMENT 133261  
COMPENSATION ADMINISTRATION FUND 133262

On July 1, 2017, or as soon as possible thereafter, the 133263  
Director of Job and Family Services shall certify to the Director 133264  
of Budget and Management the cash balance of the Unemployment 133265  
Insurance Support - Other Sources Fund (Fund 5KU0). Upon 133266  
certification, the Director of Budget and Management may transfer 133267  
the amount certified to the Unemployment Compensation 133268  
Administration Fund (Fund 4A90). 133269

**Section 307.190.** VICTIMS OF HUMAN TRAFFICKING 133270

The foregoing appropriation item 600660, Victims of Human 133271  
Trafficking, shall be used to provide treatment, care, 133272  
rehabilitation, education, housing, and assistance for victims of 133273  
trafficking in persons as specified in section 5101.87 of the 133274  
Revised Code. If receipts credited to the Victims of Human 133275  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 133276  
the fund, the Director of Job and Family Services may request the 133277  
Director of Budget and Management to authorize expenditures from 133278  
the fund in excess of the amounts appropriated. Upon the approval 133279  
of the Director of Budget and Management, the additional amounts 133280  
are hereby appropriated. 133281

**Section 307.193.** CHILDREN'S CRISIS CARE 133282

The foregoing appropriation item 600674, Children's Crisis 133283  
Care, shall be used in accordance with division (G)(4) of Section 133284  
757.20 of this act. 133285

**Section 307.200.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 133286

The Fiduciary Fund Group and Holding Account Fund Group shall 133287  
be used to hold revenues until the appropriate fund is determined 133288  
or until the revenues are directed to the appropriate governmental 133289  
agency other than the Department of Job and Family Services. Any 133290  
Department of Job and Family Services refunds or reconciliations 133291  
received or held by the Department of Medicaid shall be 133292  
transferred or credited to the Refunds and Audit Settlement Fund 133293  
(Fund R012). If receipts credited to the Support Intercept - 133294  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 133295  
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 133296  
Audit Settlements Fund (Fund R012), or the Forgery Collections 133297  
Fund (Fund R013) exceed the amounts appropriated from the fund, 133298  
the Director of Job and Family Services may request the Director 133299

of Budget and Management to authorize expenditures from the fund 133300  
in excess of the amounts appropriated. Upon the approval of the 133301  
Director of Budget and Management, the additional amounts are 133302  
hereby appropriated. 133303

**Section 307.210.** COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT 133304  
PROGRAM 133305

During the period that begins July 1, 2017, and ends on the 133306  
effective date of the enactment by this act of section 5116.01 of 133307  
the Revised Code, the Comprehensive Case Management and Employment 133308  
Program created under Section 305.190 of Am. Sub. H.B. 64 of the 133309  
131st General Assembly shall continue in operation as enacted by 133310  
that act with the following modification: the minimum age for 133311  
participation in the program is reduced to fourteen. Beginning 133312  
with the effective date of section 5116.01 of the Revised Code, as 133313  
enacted by this act, the Comprehensive Case Management and 133314  
Employment Program shall begin operation in accordance with 133315  
Chapter 5116. of the Revised Code. 133316

**Section 307.230.** HEALTHIER BUCKEYE GRANT PILOT PROGRAM 133317

The Director of Job and Family Services shall permit 133318  
individuals and organizations receiving grant awards under the 133319  
Healthier Buckeye Grant Pilot Program established under Section 133320  
305.30 of Am. Sub. H.B. 64 of the 131st General Assembly to expend 133321  
those grant awards through December 31, 2017. 133322

**Section 307.240.** TRANSFER FROM THE UNEMPLOYMENT COMPENSATION 133323  
INTEREST CONTINGENCY FUND (FUND 5HC0) TO THE GENERAL REVENUE FUND 133324

On July 1, 2018, or as soon as possible thereafter, the 133325  
Director of Budget and Management shall transfer not less than 133326  
\$10,000,000 cash from the Unemployment Compensation Interest 133327  
Contingency Fund (Fund 5HC0) to the General Revenue Fund. If the 133328

unexpended, unencumbered cash balance in Fund 5HC0 is less than 133329  
\$10,000,000, the Director shall transfer the balance to the 133330  
General Revenue Fund. 133331

**Section 307.250.** TRANSFER FROM THE HEALTHIER BUCKEYE FUND 133332  
(FUND 5RC0) TO THE GENERAL REVENUE FUND 133333

On July 1, 2017, or as soon as possible thereafter, the 133334  
Director of Budget and Management shall transfer the unexpended, 133335  
unencumbered cash balance in the Healthier Buckeye Fund (Fund 133336  
5RC0) to the General Revenue Fund. 133337

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 133338  
General Revenue Fund 133339  
GRF 029321 Operating Expenses \$ 496,885 \$ 496,885 133340  
TOTAL GRF General Revenue Fund \$ 496,885 \$ 496,885 133341  
TOTAL ALL BUDGET FUND GROUPS \$ 496,885 \$ 496,885 133342

OPERATING GUIDANCE 133343

The Legislative Service Commission shall act as fiscal agent 133344  
for the Joint Committee on Agency Rule Review. Members of the 133345  
Committee shall be paid in accordance with section 101.35 of the 133346  
Revised Code. 133347

OPERATING EXPENSES 133348

On July 1, 2017, or as soon as possible thereafter, the 133349  
Executive Director of the Joint Committee on Agency Rule Review 133350  
may certify to the Director of Budget and Management an amount up 133351  
to the unexpended, unencumbered balance of the foregoing 133352  
appropriation item 029321, Operating Expenses, at the end of 133353  
fiscal year 2017 to be reappropriated to fiscal year 2018. The 133354  
amount certified is hereby reappropriated to the same 133355  
appropriation item for fiscal year 2018. 133356

On July 1, 2018, or as soon as possible thereafter, the 133357

Executive Director of the Joint Committee on Agency Rule Review 133358  
may certify to the Director of Budget and Management an amount up 133359  
to the unexpended, unencumbered balance of the foregoing 133360  
appropriation item 029321, Operating Expenses, at the end of 133361  
fiscal year 2018 to be reappropriated to fiscal year 2019. The 133362  
amount certified is hereby reappropriated to the same 133363  
appropriation item for fiscal year 2019. 133364

**Section 313.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE 133365

General Revenue Fund 133366  
GRF 048321 Operating Expenses \$ 340,814 \$ 502,982 133367  
TOTAL GRF General Revenue Fund \$ 340,814 \$ 502,982 133368  
TOTAL ALL BUDGET FUND GROUPS \$ 340,814 \$ 502,982 133369

OPERATING EXPENSES 133370

The foregoing appropriation item 048321, Operating Expenses, 133371  
shall be used to support expenses related to the Joint Medicaid 133372  
Oversight Committee created by section 103.41 of the Revised Code. 133373

On July 1, 2017, or as soon as possible thereafter, the 133374  
Executive Director of the Joint Medicaid Oversight Committee may 133375  
certify to the Director of Budget and Management an amount up to 133376  
the unexpended, unencumbered balance of the foregoing 133377  
appropriation item 048321, Operating Expenses, at the end of 133378  
fiscal year 2017 to be reappropriated to fiscal year 2018. The 133379  
amount certified is hereby reappropriated to the same 133380  
appropriation item for fiscal year 2018. 133381

On July 1, 2018, or as soon as possible thereafter, the 133382  
Executive Director of the Joint Medicaid Oversight Committee may 133383  
certify to the Director of Budget and Management an amount up to 133384  
the unexpended, unencumbered balance of the foregoing 133385  
appropriation item 048321, Operating Expenses, at the end of 133386  
fiscal year 2018 to be reappropriated to fiscal year 2019. The 133387

amount certified is hereby reappropriated to the same 133388  
 appropriation item for fiscal year 2019. 133389

The Legislative Service Commission shall act as fiscal agent 133390  
 for the Joint Medicaid Oversight Committee. 133391

**Section 313.20. HEALTH COVERAGE STUDIES** 133392

(A) The Joint Medicaid Oversight Committee shall conduct a 133393  
 study to determine the feasibility of simultaneously implementing 133394  
 both of the following in this state: 133395

(1) A plan that is similar to the Healthy Indiana Plan 133396  
 established under the laws of the state of Indiana; 133397

(2) A high-risk pool that provides health coverage to 133398  
 uninsured residents of this state. 133399

(B) The Committee shall prepare a report of its findings from 133400  
 the study. Not later than one year after the effective date of 133401  
 this section, the Committee shall submit a copy of its report to 133402  
 the Governor and, in accordance with section 101.68 of the Revised 133403  
 Code, the General Assembly. 133404

**Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO** 133405

General Revenue Fund 133406

|            |                    |    |         |    |         |        |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 018321 | Operating Expenses | \$ | 718,463 | \$ | 715,163 | 133407 |
|------------|--------------------|----|---------|----|---------|--------|

|           |                      |    |         |    |         |        |
|-----------|----------------------|----|---------|----|---------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 718,463 | \$ | 715,163 | 133408 |
|-----------|----------------------|----|---------|----|---------|--------|

Dedicated Purpose Fund Group 133409

|             |           |    |         |    |         |        |
|-------------|-----------|----|---------|----|---------|--------|
| 4030 018601 | Ohio Jury | \$ | 408,282 | \$ | 431,346 | 133410 |
|-------------|-----------|----|---------|----|---------|--------|

Instructions

|           |                        |    |         |    |         |        |
|-----------|------------------------|----|---------|----|---------|--------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 408,282 | \$ | 431,346 | 133411 |
|-----------|------------------------|----|---------|----|---------|--------|

Group

|                              |  |    |           |    |           |        |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 1,126,745 | \$ | 1,146,509 | 133412 |
|------------------------------|--|----|-----------|----|-----------|--------|

STATE COUNCIL OF UNIFORM STATE LAWS 133413

Notwithstanding section 105.26 of the Revised Code, of the 133414  
foregoing appropriation item 018321, Operating Expenses, up to 133415  
\$88,500 in fiscal year 2018 and up to \$91,832 in fiscal year 2019 133416  
shall be used to pay the expenses of the State Council of Uniform 133417  
State Laws, including membership dues to the National Conference 133418  
of Commissioners on Uniform State Laws. 133419

**OHIO JURY INSTRUCTIONS FUND** 133420

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 133421  
grants, royalties, dues, conference fees, bequests, devises, and 133422  
other gifts received for the purpose of supporting costs incurred 133423  
by the Judicial Conference of Ohio in its activities as a part of 133424  
the judicial system of the state as determined by the Judicial 133425  
Conference Executive Committee. Fund 4030 shall be used by the 133426  
Judicial Conference of Ohio to pay expenses incurred in its 133427  
activities as a part of the judicial system of the state as 133428  
determined by the Judicial Conference Executive Committee. Any 133429  
receipts credited to Fund 4030 in excess of the amount originally 133430  
appropriated from the fund are hereby appropriated for the 133431  
purposes authorized. No money in Fund 4030 shall be transferred to 133432  
any other fund by the Director of Budget and Management or the 133433  
Controlling Board. 133434

**Section 317.10. JSC THE JUDICIARY/SUPREME COURT** 133435

General Revenue Fund 133436

GRF 005321 Operating Expenses - \$ 161,228,513 \$ 169,614,282 133437  
Judiciary/Supreme  
Court

GRF 005406 Law-Related Education \$ 166,172 \$ 166,172 133438

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 133439  
Technology Initiative

TOTAL GRF General Revenue Fund \$ 164,744,685 \$ 173,130,454 133440

Dedicated Purpose Fund Group 133441



|                              |        |                                        |    |             |    |             |        |
|------------------------------|--------|----------------------------------------|----|-------------|----|-------------|--------|
| 4C80                         | 005605 | Attorney Services                      | \$ | 8,166,646   | \$ | 8,122,279   | 133442 |
| 5HT0                         | 005617 | Court Interpreter<br>Certification     | \$ | 8,670       | \$ | 9,537       | 133443 |
| 5SP0                         | 005626 | Civil Justice Grant<br>Program         | \$ | 350,000     | \$ | 350,000     | 133444 |
| 5T80                         | 005609 | Grants and Awards                      | \$ | 6,000       | \$ | 6,000       | 133445 |
| 6720                         | 005601 | Continuing Judicial<br>Education       | \$ | 100,000     | \$ | 100,000     | 133446 |
| 6A80                         | 005606 | Supreme Court<br>Admissions            | \$ | 1,457,461   | \$ | 1,477,098   | 133447 |
| TOTAL DPF                    |        | Dedicated Purpose Fund<br>Group        | \$ | 10,088,777  | \$ | 10,064,914  | 133448 |
|                              |        | Fiduciary Fund Group                   |    |             |    |             | 133449 |
| 5JY0                         | 005620 | County Law Library<br>Resources Boards | \$ | 357,500     | \$ | 357,500     | 133450 |
| TOTAL FID                    |        | Fiduciary Fund Group                   | \$ | 357,500     | \$ | 357,500     | 133451 |
|                              |        | Federal Fund Group                     |    |             |    |             | 133452 |
| 3J00                         | 005603 | Federal Grants                         | \$ | 1,705,708   | \$ | 1,528,315   | 133453 |
| TOTAL FED                    |        | Federal Fund Group                     | \$ | 1,705,708   | \$ | 1,528,315   | 133454 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                        | \$ | 176,896,670 | \$ | 185,081,183 | 133455 |

**Section 317.20. LAW-RELATED EDUCATION** 133457

The foregoing appropriation item 005406, Law-Related 133458  
Education, shall be distributed directly to the Ohio Center for 133459  
Law-Related Education for the purposes of providing continuing 133460  
citizenship education activities to primary and secondary 133461  
students, expanding delinquency prevention programs, increasing 133462  
activities for at-risk youth, and accessing additional public and 133463  
private money for new programs. 133464

**OHIO COURTS TECHNOLOGY INITIATIVE** 133465

The foregoing appropriation item 005409, Ohio Courts 133466  
Technology Initiative, shall be used to fund an initiative by the 133467

Supreme Court to facilitate the exchange of information and 133468  
warehousing of data by and between Ohio courts and other justice 133469  
system partners through the creation of an Ohio Courts Network, 133470  
the delivery of technology services to courts throughout the 133471  
state, including the provision of hardware, software, and the 133472  
development and implementation of educational and training 133473  
programs for judges and court personnel, and operation of the 133474  
Commission on Technology and the Courts by the Supreme Court for 133475  
the promulgation of statewide rules, policies, and uniform 133476  
standards, and to aid in the orderly adoption and comprehensive 133477  
use of technology in Ohio courts. 133478

ATTORNEY SERVICES 133479

The Attorney Services Fund (Fund 4C80) shall consist of money 133480  
received by the Supreme Court (The Judiciary) pursuant to the 133481  
Rules for the Government of the Bar of Ohio. In addition to 133482  
funding other activities considered appropriate by the Supreme 133483  
Court, the foregoing appropriation item 005605, Attorney Services, 133484  
may be used to compensate employees and to fund appropriate 133485  
activities of the following offices established by the Supreme 133486  
Court: the Office of Disciplinary Counsel, the Board of 133487  
Commissioners on Grievances and Discipline, the Clients' Security 133488  
Fund, and the Attorney Services Division. If it is determined by 133489  
the Administrative Director of the Supreme Court that additional 133490  
appropriations are necessary, the amounts are hereby appropriated. 133491

No money in Fund 4C80 shall be transferred to any other fund 133492  
by the Director of Budget and Management or the Controlling Board. 133493  
Interest earned on money in Fund 4C80 shall be credited to the 133494  
fund. 133495

COURT INTERPRETER CERTIFICATION 133496

The Court Interpreter Certification Fund (Fund 5HT0) shall 133497  
consist of money received by the Supreme Court (The Judiciary) 133498

pursuant to Rules 80 through 87 of the Rules of Superintendence 133499  
for the Courts of Ohio. The foregoing appropriation item 005617, 133500  
Court Interpreter Certification, shall be used to provide 133501  
training, to provide the written examination, and to pay language 133502  
experts to rate, or grade, the oral examinations of those applying 133503  
to become certified court interpreters. If it is determined by the 133504  
Administrative Director that additional appropriations are 133505  
necessary, the amounts are hereby appropriated. 133506

No money in Fund 5HT0 shall be transferred to any other fund 133507  
by the Director of Budget and Management or the Controlling Board. 133508  
Interest earned on money in Fund 5HT0 shall be credited to the 133509  
fund. 133510

CIVIL JUSTICE PROGRAM 133511

The Civil Justice Program Fund (Fund 5SP0) shall consist of 133512  
(1) \$50 voluntary donations made as part of the biennium attorney 133513  
registration process and (2) \$150 increase in the *pro hac vice* 133514  
fees for out-of-state attorneys pursuant to Government of the Bar 133515  
Rule amendments. The foregoing appropriation item 005626, Civil 133516  
Justice Program, shall be used by the Supreme Court of Ohio for 133517  
grants to not-for-profit organizations and agencies dedicated to 133518  
providing civil legal aid to underserved populations, to fund 133519  
innovative programs directed at this purpose, and to increase 133520  
access to judicial service to that population. 133521

No money in Fund 5SP0 shall be transferred to any other fund 133522  
by the Director of Budget and Management or the Controlling Board. 133523  
Interest earned on money in Fund 5SP0 shall be credited to the 133524  
fund. 133525

GRANTS AND AWARDS 133526

The Grants and Awards Fund (Fund 5T80) shall consist of 133527  
grants and other money awarded to the Supreme Court (The 133528  
Judiciary) by the State Justice Institute, the Division of 133529

Criminal Justice Services, or other entities. The foregoing 133530  
appropriation item 005609, Grants and Awards, shall be used in a 133531  
manner consistent with the purpose of the grant or award. If it is 133532  
determined by the Administrative Director of the Supreme Court 133533  
that additional appropriations are necessary, the amounts are 133534  
hereby appropriated. 133535

No money in Fund 5T80 shall be transferred to any other fund 133536  
by the Director of Budget and Management or the Controlling Board. 133537  
Interest earned on money in Fund 5T80 shall be credited or 133538  
transferred to the General Revenue Fund. 133539

JUDICIARY/SUPREME COURT EDUCATION 133540

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 133541  
consist of fees paid for attending judicial and public education 133542  
on the law, reimbursement of costs for judicial and public 133543  
education on the law, and other gifts and grants received for the 133544  
purpose of judicial and public education on the law. The foregoing 133545  
appropriation item 005601, Judiciary/Supreme Court Education, 133546  
shall be used to pay expenses for judicial education courses for 133547  
judges, court personnel, and those who serve the courts, and for 133548  
public education on the law. If it is determined by the 133549  
Administrative Director of the Supreme Court that additional 133550  
appropriations are necessary, the amounts are hereby appropriated. 133551

No money in Fund 6720 shall be transferred to any other fund 133552  
by the Director of Budget and Management or the Controlling Board. 133553  
Interest earned on money in Fund 6720 shall be credited to the 133554  
fund. 133555

SUPREME COURT ADMISSIONS 133556

The foregoing appropriation item 005606, Supreme Court 133557  
Admissions, shall be used to compensate Supreme Court employees 133558  
who are primarily responsible for administering the attorney 133559  
admissions program under the Rules for the Government of the Bar 133560

of Ohio, and to fund any other activities considered appropriate 133561  
by the court. Moneys shall be deposited into the Supreme Court 133562  
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 133563  
Government of the Bar of Ohio. If it is determined by the 133564  
Administrative Director of the Supreme Court that additional 133565  
appropriations are necessary, the amounts are hereby appropriated. 133566

No money in Fund 6A80 shall be transferred to any other fund 133567  
by the Director of Budget and Management or the Controlling Board. 133568  
Interest earned on money in Fund 6A80 shall be credited to the 133569  
fund. 133570

COUNTY LAW LIBRARY RESOURCES BOARD 133571

The Statewide Consortium of County Law Library Resources 133572  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 133573  
to section 307.515 of the Revised Code into a county's law library 133574  
resources fund and forwarded by that county's treasurer for 133575  
deposit in the state treasury pursuant to division (E)(1) of 133576  
section 3375.481 of the Revised Code. The foregoing appropriation 133577  
item 005620, County Law Library Resources Board, shall be used for 133578  
the operation of the Statewide Consortium of County Law Library 133579  
Resources Boards. If it is determined by the Administrative 133580  
Director of the Supreme Court that additional appropriations are 133581  
necessary, the amounts are hereby appropriated. 133582

No money in Fund 5JY0 shall be transferred to any other fund 133583  
by the Director of Budget and Management or the Controlling Board. 133584  
Interest earned on money in Fund 5JY0 shall be credited to the 133585  
fund. 133586

FEDERAL GRANTS 133587

The Federal Grants Fund (Fund 3J00) shall consist of grants 133588  
and other moneys awarded to the Supreme Court (The Judiciary) by 133589  
the United States Government or other entities that receive the 133590  
moneys directly from the United States Government and distribute 133591

those moneys to the Supreme Court (The Judiciary). The foregoing 133592  
 appropriation item 005603, Federal Grants, shall be used in a 133593  
 manner consistent with the purpose of the grant or award. If it is 133594  
 determined by the Administrative Director of the Supreme Court 133595  
 that additional appropriations are necessary, the amounts are 133596  
 hereby appropriated. 133597

No money in Fund 3J00 shall be transferred to any other fund 133598  
 by the Director of Budget and Management or the Controlling Board. 133599  
 However, interest earned on money in Fund 3J00 shall be credited 133600  
 or transferred to the General Revenue Fund. 133601

**Section 319.10. LEC LAKE ERIE COMMISSION** 133602

|                                  |    |         |    |         |        |
|----------------------------------|----|---------|----|---------|--------|
| Dedicated Purpose Fund Group     |    |         |    |         | 133603 |
| 4C00 780601 Lake Erie Protection | \$ | 568,000 | \$ | 571,000 | 133604 |
| TOTAL DPF Dedicated Purpose      |    |         |    |         | 133605 |
| Fund Group                       | \$ | 568,000 | \$ | 571,000 | 133606 |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 568,000 | \$ | 571,000 | 133607 |

**CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND** 133608

On July 1 of each fiscal year, or as soon as possible 133609  
 thereafter, the Director of Budget and Management may transfer 133610  
 cash from the funds specified below, up to the amounts specified 133611  
 below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may 133612  
 accept contributions and transfers made to the fund. 133613

| Fund | Fund Name                      | User                            | FY 2018  | FY 2019  |        |
|------|--------------------------------|---------------------------------|----------|----------|--------|
| 5BC0 | Environmental Protection       | Environmental Protection Agency | \$25,000 | \$25,000 | 133615 |
| 6690 | Pesticide, Fertilizer and Lime | Department of Agriculture       | \$25,000 | \$25,000 | 133616 |
| 4700 | General Operations             | Department of Health            | \$25,000 | \$25,000 | 133617 |
| 1570 | Central Support                | Department of                   | \$25,000 | \$25,000 | 133618 |



|                                                                    |        |                        |    |            |               |        |
|--------------------------------------------------------------------|--------|------------------------|----|------------|---------------|--------|
| Financial Disclosure                                               |        |                        |    |            |               |        |
| TOTAL DPF Dedicated Purpose Fund                                   | \$     | 160,000                | \$ | 160,000    | 133646        |        |
| Group                                                              |        |                        |    |            |               |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$     | 710,000                | \$ | 710,000    | 133647        |        |
| LEGISLATIVE ETHICS COMMITTEE                                       |        |                        |    |            | 133648        |        |
| On July 1, 2017, or as soon as possible thereafter, the            |        |                        |    |            | 133649        |        |
| Legislative Inspector General of the Joint Legislative Ethics      |        |                        |    |            | 133650        |        |
| Committee may certify to the Director of Budget and Management an  |        |                        |    |            | 133651        |        |
| amount up to the unexpended, unencumbered balance of the foregoing |        |                        |    |            | 133652        |        |
| appropriation item 028321, Legislative Ethics Committee, at the    |        |                        |    |            | 133653        |        |
| end of fiscal year 2017 to be reappropriated to fiscal year 2018.  |        |                        |    |            | 133654        |        |
| The amount certified is hereby reappropriated to the same          |        |                        |    |            | 133655        |        |
| appropriation item for fiscal year 2018.                           |        |                        |    |            | 133656        |        |
| On July 1, 2018, or as soon as possible thereafter, the            |        |                        |    |            | 133657        |        |
| Legislative Inspector General of the Joint Legislative Ethics      |        |                        |    |            | 133658        |        |
| Committee may certify to the Director of Budget and Management an  |        |                        |    |            | 133659        |        |
| amount up to the unexpended, unencumbered balance of the foregoing |        |                        |    |            | 133660        |        |
| appropriation item 028321, Legislative Ethics Committee, at the    |        |                        |    |            | 133661        |        |
| end of fiscal year 2018 to be reappropriated to fiscal year 2019.  |        |                        |    |            | 133662        |        |
| The amount certified is hereby reappropriated to the same          |        |                        |    |            | 133663        |        |
| appropriation item for fiscal year 2019.                           |        |                        |    |            | 133664        |        |
| <b>Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION</b>          |        |                        |    |            | 133665        |        |
| General Revenue Fund                                               |        |                        |    |            | 133666        |        |
| GRF                                                                | 035321 | Operating Expenses     | \$ | 16,830,000 | \$ 16,830,000 | 133667 |
| GRF                                                                | 035402 | Legislative Fellows    | \$ | 1,022,120  | \$ 1,022,120  | 133668 |
| GRF                                                                | 035405 | Correctional           | \$ | 447,020    | \$ 447,020    | 133669 |
| Institution Inspection                                             |        |                        |    |            |               |        |
| Committee                                                          |        |                        |    |            |               |        |
| GRF                                                                | 035407 | Legislative Task Force | \$ | 400,000    | \$ 0          | 133670 |
| on Redistricting                                                   |        |                        |    |            |               |        |
| GRF                                                                | 035409 | National Associations  | \$ | 450,000    | \$ 450,000    | 133671 |



|                              |                              |    |            |    |            |        |
|------------------------------|------------------------------|----|------------|----|------------|--------|
| GRF 035410                   | Legislative                  | \$ | 8,569,500  | \$ | 8,569,500  | 133672 |
|                              | Information Systems          |    |            |    |            |        |
| TOTAL GRF                    | General Revenue Fund         | \$ | 27,718,640 | \$ | 27,318,640 | 133673 |
|                              | Dedicated Purpose Fund Group |    |            |    |            | 133674 |
| 4100 035601                  | Sale of Publications         | \$ | 10,000     | \$ | 10,000     | 133675 |
| TOTAL DPF                    | Dedicated Purpose Fund       | \$ | 10,000     | \$ | 10,000     | 133676 |
|                              | Group                        |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS |                              | \$ | 27,728,640 | \$ | 27,328,640 | 133677 |

**Section 323.20. OPERATING EXPENSES** 133679

On July 1, 2017, or as soon as possible thereafter, the 133680  
 Director of the Legislative Service Commission may certify to the 133681  
 Director of Budget and Management an amount up to the unexpended, 133682  
 unencumbered balance of the foregoing appropriation item 035321, 133683  
 Operating Expenses, at the end of fiscal year 2017 to be 133684  
 reappropriated to fiscal year 2018. The amount certified is hereby 133685  
 reappropriated to the same appropriation item for fiscal year 133686  
 2018. 133687

On July 1, 2018, or as soon as possible thereafter, the 133688  
 Director of the Legislative Service Commission may certify to the 133689  
 Director of Budget and Management an amount up to the unexpended, 133690  
 unencumbered balance of the foregoing appropriation item 035321, 133691  
 Operating Expenses, at the end of fiscal year 2018 to be 133692  
 reappropriated to fiscal year 2019. The amount certified is hereby 133693  
 reappropriated to the same appropriation item for fiscal year 133694  
 2019. 133695

**LEGISLATIVE TASK FORCE ON REDISTRICTING** 133696

An amount equal to the unexpended, unencumbered balance of 133697  
 the foregoing appropriation item 035407, Legislative Task Force on 133698  
 Redistricting, at the end of fiscal year 2017 is hereby 133699  
 reappropriated to the Legislative Service Commission for the same 133700  
 purpose for fiscal year 2018. 133701

An amount equal to the unexpended, unencumbered balance of 133702  
the foregoing appropriation item 035407, Legislative Task Force on 133703  
Redistricting, at the end of fiscal year 2018 is hereby 133704  
reappropriated to the Legislative Service Commission for the same 133705  
purpose for fiscal year 2019. 133706

LEGISLATIVE INFORMATION SYSTEMS 133707

On July 1, 2017, or as soon as possible thereafter, the 133708  
Director of the Legislative Service Commission may certify to the 133709  
Director of Budget and Management an amount up to the unexpended, 133710  
unencumbered balance of the foregoing appropriation item 035410, 133711  
Legislative Information Systems, at the end of fiscal year 2017 to 133712  
be reappropriated to fiscal year 2018. The amount certified is 133713  
hereby reappropriated to the same appropriation item for fiscal 133714  
year 2018. 133715

On July 1, 2018, or as soon as possible thereafter, the 133716  
Director of the Legislative Service Commission may certify to the 133717  
Director of Budget and Management an amount up to the unexpended, 133718  
unencumbered balance of the foregoing appropriation item 035410, 133719  
Legislative Information Systems, at the end of fiscal year 2018 to 133720  
be reappropriated to fiscal year 2019. The amount certified is 133721  
hereby reappropriated to the same appropriation item for fiscal 133722  
year 2019. 133723

LITIGATION 133724

The foregoing appropriation item 035501, Litigation, shall be 133725  
used for any lawsuit in which the General Assembly is a party 133726  
because a legal or constitutional challenge is made against the 133727  
Ohio Constitution or an act of the General Assembly. The 133728  
chairperson and vice-chairperson of the Legislative Service 133729  
Commission shall both approve the use of the appropriated moneys. 133730

An amount equal to the unexpended, unencumbered balance of 133731  
the foregoing appropriation item 035501, Litigation, at the end of 133732

fiscal year 2017 is hereby reappropriated to the Legislative 133733  
Service Commission for the same purpose for fiscal year 2018. 133734

An amount equal to the unexpended, unencumbered balance of 133735  
the foregoing appropriation item 035501, Litigation, at the end of 133736  
fiscal year 2018 is hereby reappropriated to the Legislative 133737  
Service Commission for the same purpose for fiscal year 2019. 133738

**Section 325.10. LIB STATE LIBRARY BOARD** 133739

General Revenue Fund 133740

GRF 350321 Operating Expenses \$ 4,500,000 \$ 4,500,000 133741

GRF 350401 Ohioana Library \$ 295,114 \$ 300,114 133742  
Association

GRF 350502 Regional Library \$ 500,000 \$ 500,000 133743  
Systems

TOTAL GRF General Revenue Fund \$ 5,295,114 \$ 5,300,114 133744

Dedicated Purpose Fund Group 133745

4590 350603 Services for \$ 4,190,834 \$ 4,190,834 133746  
Libraries

4S40 350604 Ohio Public Library \$ 5,689,788 \$ 5,689,788 133747  
Information Network

5GB0 350605 Library for the Blind \$ 1,274,194 \$ 1,274,194 133748

TOTAL DPF Dedicated Purpose 133749

Fund Group \$ 11,154,816 \$ 11,154,816 133750

Internal Service Activity Fund 133751

1390 350602 Services for State \$ 8,000 \$ 8,000 133752  
Agencies

TOTAL ISA Internal Service Activity 133753

Fund Group \$ 8,000 \$ 8,000 133754

Federal Fund Group 133755

3130 350601 LSTA Federal \$ 5,350,000 \$ 5,350,000 133756

TOTAL FED Federal Fund Group \$ 5,350,000 \$ 5,350,000 133757

TOTAL ALL BUDGET FUND GROUPS                      \$    21,807,930    \$    21,812,930    133758

Section 325.20. OHIOANA LIBRARY ASSOCIATION                      133760

Of the foregoing appropriation item 350401, Ohioana Library                      133761  
Association, \$175,000 in fiscal year 2018 and \$180,000 in fiscal                      133762  
year 2019 shall be used to support the operating expenses of the                      133763  
Ohioana Library Association.                      133764

The remainder of the foregoing appropriation item 350401,                      133765  
Ohioana Library Association, shall be used to pay the rental                      133766  
expenses of the Martha Kinney Cooper Ohioana Library Association                      133767  
under section 3375.61 of the Revised Code.                      133768

REGIONAL LIBRARY SYSTEMS                      133769

The foregoing appropriation item 350502, Regional Library                      133770  
Systems, shall be used to support regional library systems                      133771  
eligible for funding under sections 3375.83 and 3375.90 of the                      133772  
Revised Code.                      133773

OHIO PUBLIC LIBRARY INFORMATION NETWORK                      133774

(A) The foregoing appropriation item 350604, Ohio Public                      133775  
Library Information Network, shall be used for an information                      133776  
telecommunications network linking public libraries in the state                      133777  
and such others as may participate in the Ohio Public Library                      133778  
Information Network (OPLIN).                      133779

The Ohio Public Library Information Network Board of Trustees                      133780  
created under section 3375.65 of the Revised Code may make                      133781  
decisions regarding use of the foregoing appropriation item                      133782  
350604, Ohio Public Library Information Network.                      133783

(B) The OPLIN Board shall research and assist or advise local                      133784  
libraries with regard to emerging technologies and methods that                      133785  
may be effective means to control access to obscene and illegal                      133786  
materials. The OPLIN Director shall provide written reports upon                      133787  
request within ten days to the Governor, the Speaker and Minority                      133788

Leader of the House of Representatives, and the President and 133789  
Minority Leader of the Senate on any steps being taken by OPLIN 133790  
and public libraries in the state to limit and control such 133791  
improper usage as well as information on technological, legal, and 133792  
law enforcement trends nationally and internationally affecting 133793  
this area of public access and service. 133794

(C) The Ohio Public Library Information Network, INFOhio, and 133795  
OhioLINK shall, to the extent feasible, coordinate and cooperate 133796  
in their purchase or other acquisition of the use of electronic 133797  
databases for their respective users and shall contribute funds in 133798  
an equitable manner to such effort. 133799

LIBRARY FOR THE BLIND 133800

The foregoing appropriation item 350605, Library for the 133801  
Blind, shall be used for the statewide Talking Book Program to 133802  
assist the blind and disabled. 133803

TRANSFER TO OPLIN TECHNOLOGY FUND 133804

Notwithstanding sections 5747.03 and 5747.47 of the Revised 133805  
Code and any other provision of law to the contrary, in accordance 133806  
with a schedule established by the Director of Budget and 133807  
Management, the Director of Budget and Management shall transfer 133808  
\$3,689,788 cash in each fiscal year from the Public Library Fund 133809  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 133810

TRANSFER TO LIBRARY FOR THE BLIND FUND 133811

Notwithstanding sections 5747.03 and 5747.47 of the Revised 133812  
Code and any other provision of law to the contrary, in accordance 133813  
with a schedule established by the Director of Budget and 133814  
Management, the Director of Budget and Management shall transfer 133815  
\$1,274,194 cash in each fiscal year from the Public Library Fund 133816  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 133817

**Section 327.10.** LCO LIQUOR CONTROL COMMISSION 133818

|                                  |    |         |            |        |
|----------------------------------|----|---------|------------|--------|
| Dedicated Purpose Fund Group     |    |         |            | 133819 |
| 5LP0 970601 Commission Operating | \$ | 844,553 | \$ 851,269 | 133820 |
| Expenses                         |    |         |            |        |
| TOTAL DPF Dedicated Purpose Fund | \$ | 844,553 | \$ 851,269 | 133821 |
| Group                            |    |         |            |        |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 844,553 | \$ 851,269 | 133822 |

**Section 329.10. LOT STATE LOTTERY COMMISSION** 133824

|                                   |    |             |                |        |
|-----------------------------------|----|-------------|----------------|--------|
| State Lottery Fund Group          |    |             |                | 133825 |
| 7044 950321 Operating Expenses    | \$ | 50,000,000  | \$ 50,000,000  | 133826 |
| 7044 950402 Advertising Contracts | \$ | 25,800,000  | \$ 25,800,000  | 133827 |
| 7044 950403 Gaming Contracts      | \$ | 68,258,704  | \$ 68,917,884  | 133828 |
| 7044 950601 Direct Prize Payments | \$ | 142,307,278 | \$ 142,949,268 | 133829 |
| 7044 950605 Problem Gambling      | \$ | 3,300,000   | \$ 3,300,000   | 133830 |
| 8710 950602 Annuity Prizes        | \$ | 81,000,000  | \$ 81,000,000  | 133831 |
| TOTAL SLF State Lottery Fund      |    |             |                | 133832 |
| Group                             | \$ | 370,665,982 | \$ 371,967,152 | 133833 |
| TOTAL ALL BUDGET FUND GROUPS      | \$ | 370,665,982 | \$ 371,967,152 | 133834 |

**OPERATING EXPENSES** 133835

Notwithstanding sections 127.14 and 131.35 of the Revised 133836  
Code, the Controlling Board may, at the request of the State 133837  
Lottery Commission, authorize expenditures from the State Lottery 133838  
Fund in excess of the amounts appropriated, up to a maximum of 10 133839  
per cent of anticipated total revenue accruing from the sale of 133840  
lottery products. Upon the approval of the Controlling Board, the 133841  
additional amounts are hereby appropriated. 133842

**DIRECT PRIZE PAYMENTS** 133843

Any amounts, in addition to the amounts appropriated in 133844  
appropriation item 950601, Direct Prize Payments, that the 133845  
Director of the State Lottery Commission determines to be 133846  
necessary to fund prizes are hereby appropriated. 133847

|                                                                   |    |         |    |          |
|-------------------------------------------------------------------|----|---------|----|----------|
| ANNUITY PRIZES                                                    |    |         |    | 133848   |
| Upon request of the State Lottery Commission, the Director of     |    |         |    | 133849   |
| Budget and Management may transfer cash from the State Lottery    |    |         |    | 133850   |
| Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in |    |         |    | 133851   |
| an amount sufficient to fund deferred prizes. The Treasurer of    |    |         |    | 133852   |
| State, from time to time, shall credit the Deferred Prizes Trust  |    |         |    | 133853   |
| Fund (Fund 8710) the pro rata share of interest earned by the     |    |         |    | 133854   |
| Treasurer of State on invested balances.                          |    |         |    | 133855   |
| Any amounts, in addition to the amounts appropriated in           |    |         |    | 133856   |
| appropriation item 950602, Annuity Prizes, that the Director of   |    |         |    | 133857   |
| the State Lottery Commission determines to be necessary to fund   |    |         |    | 133858   |
| deferred prizes and interest earnings are hereby appropriated.    |    |         |    | 133859   |
| TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND                   |    |         |    | 133860   |
| Estimated transfers from the State Lottery Fund (Fund 7044)       |    |         |    | 133861   |
| to the Lottery Profits Education Fund (Fund 7017) are to be       |    |         |    | 133862   |
| \$1,092,060,000 in fiscal year 2018 and \$1,117,660,000 in fiscal |    |         |    | 133863   |
| year 2019. Transfers by the Director of Budget and Management to  |    |         |    | 133864   |
| the Lottery Profits Education Fund shall be administered as the   |    |         |    | 133865   |
| statutes direct.                                                  |    |         |    | 133866   |
| <b>Section 331.10. MHC MANUFACTURED HOMES COMMISSION</b>          |    |         |    | 133867   |
| Dedicated Purpose Fund Group                                      |    |         |    | 133868   |
| 4K90 996609 Operating Expenses                                    | \$ | 227,165 | \$ | 0 133869 |
| 5MC0 996610 Manufactured Homes                                    | \$ | 460,212 | \$ | 0 133870 |
| Regulation                                                        |    |         |    |          |
| TOTAL DPF Dedicated Purpose Fund                                  | \$ | 687,377 | \$ | 0 133871 |
| Group                                                             |    |         |    |          |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 687,377 | \$ | 0 133872 |
| <b>Section 333.10. MCD DEPARTMENT OF MEDICAID</b>                 |    |         |    | 133874   |
| General Revenue Fund                                              |    |         |    | 133875   |

|           |        |                              |    |               |    |                |        |
|-----------|--------|------------------------------|----|---------------|----|----------------|--------|
| GRF       | 651425 | Medicaid Program             | \$ | 176,312,968   | \$ | 178,754,197    | 133876 |
|           |        | Support - State              |    |               |    |                |        |
| GRF       | 651525 | Medicaid Health Care         |    |               |    |                | 133877 |
|           |        | Services                     |    |               |    |                |        |
|           |        | State                        | \$ | 3,741,867,966 | \$ | 3,905,093,214  | 133878 |
|           |        | Federal                      | \$ | 8,866,173,162 | \$ | 9,251,578,717  | 133879 |
|           |        | Medicaid Health Care         | \$ | 2,608,041,128 | \$ | 13,156,671,931 | 133880 |
|           |        | Services Total               |    |               |    |                |        |
| GRF       | 651526 | Medicare Part D              | \$ | 440,611,628   | \$ | 479,694,803    | 133881 |
| TOTAL GRF |        | General Revenue Fund         |    |               |    |                | 133882 |
|           |        | State                        | \$ | 4,358,792,562 | \$ | 4,563,542,214  | 133883 |
|           |        | Federal                      | \$ | 8,866,173,162 | \$ | 9,251,578,717  | 133884 |
|           |        | GRF Total                    | \$ | 3,224,965,724 | \$ | 13,815,120,931 | 133885 |
|           |        | Dedicated Purpose Fund Group |    |               |    |                | 133886 |
| 4E30      | 651605 | Resident Protection          | \$ | 4,878,000     | \$ | 4,878,000      | 133887 |
|           |        | Fund                         |    |               |    |                |        |
| 5AJ0      | 651631 | Money Follows the            | \$ | 12,760,900    | \$ | 12,373,500     | 133888 |
|           |        | Person                       |    |               |    |                |        |
| 5DL0      | 651639 | Medicaid Services -          | \$ | 774,381,570   | \$ | 722,709,203    | 133889 |
|           |        | Recoveries                   |    |               |    |                |        |
| 5DL0      | 651685 | Medicaid Recoveries -        | \$ | 36,146,571    | \$ | 41,328,516     | 133890 |
|           |        | Program Support              |    |               |    |                |        |
| 5FX0      | 651638 | Medicaid Services -          | \$ | 12,000,000    | \$ | 12,000,000     | 133891 |
|           |        | Payment Withholding          |    |               |    |                |        |
| 5GF0      | 651656 | Medicaid Services -          | \$ | 619,104,791   | \$ | 647,635,236    | 133892 |
|           |        | Hospital Upper               |    |               |    |                |        |
|           |        | Payment Limit                |    |               |    |                |        |
| 5KC0      | 651682 | Health Care Grants -         | \$ | 5,000,000     | \$ | 5,000,000      | 133893 |
|           |        | State                        |    |               |    |                |        |
| 5R20      | 651608 | Medicaid Services -          | \$ | 405,666,000   | \$ | 405,666,000    | 133894 |
|           |        | Long Term                    |    |               |    |                |        |
| 5SC0      | 651683 | Medicaid Services -          | \$ | 15,000,000    | \$ | 15,000,000     | 133895 |
|           |        | Physician UPL                |    |               |    |                |        |



|                              |                        |                                                           |    |                |    |                |        |
|------------------------------|------------------------|-----------------------------------------------------------|----|----------------|----|----------------|--------|
| 5TN0                         | 651684                 | Medicaid Services -<br>HIC Fee                            | \$ | 593,195,389    | \$ | 660,893,005    | 133896 |
| 5TZ0                         | 651600                 | Brigid's Path Program                                     | \$ | 500,000        | \$ | 500,000        | 133897 |
| 6510                         | 651649                 | Medicaid Services -<br>Hospital Care<br>Assurance Program | \$ | 238,057,429    | \$ | 199,250,372    | 133898 |
| TOTAL DPF                    | Dedicated Purpose Fund |                                                           | \$ | 2,716,690,650  | \$ | 2,727,233,832  | 133899 |
| Group                        |                        |                                                           |    |                |    |                |        |
| Holding Account Fund Group   |                        |                                                           |    |                |    |                | 133900 |
| R055                         | 651644                 | Refunds and<br>Reconciliations                            | \$ | 1,000,000      | \$ | 1,000,000      | 133901 |
| TOTAL HLD                    | Holding Account Fund   |                                                           | \$ | 1,000,000      | \$ | 1,000,000      | 133902 |
| Group                        |                        |                                                           |    |                |    |                |        |
| Federal Fund Group           |                        |                                                           |    |                |    |                | 133903 |
| 3ER0                         | 651603                 | Medicaid Health and<br>Transformation<br>Technology       | \$ | 61,896,000     | \$ | 61,896,000     | 133904 |
| 3F00                         | 651623                 | Medicaid Services -<br>Federal                            | \$ | 2,390,806,106  | \$ | 2,577,826,559  | 133905 |
| 3F00                         | 651624                 | Medicaid Program<br>Support - Federal                     | \$ | 607,899,720    | \$ | 682,203,750    | 133906 |
| 3FA0                         | 651680                 | Health Care Grants -<br>Federal                           | \$ | 38,658,704     | \$ | 38,664,967     | 133907 |
| 3G50                         | 651655                 | Medicaid Interagency<br>Pass Through                      | \$ | 125,651,597    | \$ | 125,701,597    | 133908 |
| TOTAL FED                    | Federal Fund Group     |                                                           | \$ | 3,224,912,127  | \$ | 3,486,292,873  | 133909 |
| TOTAL ALL BUDGET FUND GROUPS |                        |                                                           | \$ | 19,167,568,501 | \$ | 20,029,647,636 | 133910 |

**Section 333.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 133912

(A) Until July 1, 2019, the Medicaid Director has the 133913  
authority to establish, change, and abolish positions for the 133914  
Department of Medicaid, and to assign, reassign, classify, 133915

reclassify, transfer, reduce, promote, or demote all employees of 133916  
the Department of Medicaid who are not subject to Chapter 4117. of 133917  
the Revised Code. 133918

(B) The authority granted under division (A) of this section 133919  
includes assigning or reassigning an exempt employee, as defined 133920  
in section 124.152 of the Revised Code, to a bargaining unit 133921  
classification if the Medicaid Director determines that the 133922  
bargaining unit classification is the proper classification for 133923  
that employee. The actions of the Medicaid Director shall be 133924  
consistent with the requirements of 5 C.F.R. 900.603 for those 133925  
employees subject to such requirements. If an employee in the E-1 133926  
pay range is to be assigned, reassigned, classified, reclassified, 133927  
transferred, reduced, or demoted to a position in a lower 133928  
classification under this section, the Medicaid Director, or in 133929  
the case of a transfer outside the Department of Medicaid, the 133930  
Director of Administrative Services, shall assign the employee to 133931  
the appropriate classification and place the employee in Step X. 133932  
The employee shall not receive any increase in compensation until 133933  
the maximum rate of pay for that classification exceeds the 133934  
employee's compensation. 133935

(C) Actions taken by the Medicaid Director and Director of 133936  
Administrative Services pursuant to this section are not subject 133937  
to appeal to the State Personnel Board of Review. 133938

(D) A portion of the foregoing appropriation items 651425, 133939  
Medicaid Program Support - State, 651603, Medicaid Health and 133940  
Transformation Technology, 651624, Medicaid Program Support - 133941  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 133942  
Interagency Pass-Through, 651605, Resident Protection Fund, 133943  
651631, Money Follows the Person, 651682, Health Care Grants - 133944  
State, and 651654, Medicaid Program Support, may be used to pay 133945  
for costs associated with the administration of the Medicaid 133946  
program, including the assignment, reassignment, classification, 133947

reclassification, transfer, reduction, promotion, or demotion of 133948  
employees authorized by this section. 133949

**Section 333.30.** For fiscal years 2018 and 2019, the Director 133950  
of Budget and Management may transfer appropriation between 133951  
appropriation item 651425, Medicaid Program Support - State, and 133952  
appropriation item 655425, Medicaid Program Support. Any 133953  
appropriation so transferred shall be used to resolve funding 133954  
issues resulting from the transfer of medical assistance programs 133955  
from the Department of Job and Family Services to the Department 133956  
of Medicaid. 133957

**Section 333.33.** CASH TRANSFERS TO THE HEALTH AND HUMAN 133958  
SERVICES FUND 133959

On July 1, 2017, or as soon as possible thereafter, the 133960  
Director of Budget and Management shall transfer \$57,885,768 cash 133961  
from the General Revenue Fund to the Health and Human Services 133962  
Fund. 133963

Upon Controlling Board authorization of expenditures under 133964  
division (B) of the section of this act titled "HEALTH AND HUMAN 133965  
SERVICES FUND CONTINUED" during fiscal year 2018, the Director of 133966  
Budget and Management may transfer up to \$26,309,868 cash from the 133967  
Support and Recoveries Fund (Fund 5DL0), and up to \$196,226,296 133968  
cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 133969  
Health and Human Services Fund. 133970

On July 1, 2018, or as soon as possible thereafter, the 133971  
Director of Budget and Management shall transfer \$68,661,704 cash 133972  
from the General Revenue Fund to the Health and Human Services 133973  
Fund. 133974

Upon Controlling Board authorization of expenditures under 133975  
division (B) of the section of this act titled "HEALTH AND HUMAN 133976  
SERVICES FUND CONTINUED" during fiscal year 2019, the Director of 133977

Budget and Management may transfer up to \$34,667,668 cash from the 133978  
Support and Recoveries Fund (Fund 5DL0), and up to \$226,841,369 133979  
cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 133980  
Health and Human Services Fund. 133981

**Section 333.34.** HEALTH AND HUMAN SERVICES FUND CONTINUED 133982

(A) The Health and Human Services Fund created under Section 133983  
751.40 of Am. Sub. H.B. 64 of the 131st General Assembly shall 133984  
continue to exist during the 2018-2019 fiscal biennium. 133985

(B) Not more than once every six months during the 2018-2019 133986  
fiscal biennium, the Medicaid Director may request the Controlling 133987  
Board to authorize expenditure from the Health and Human Services 133988  
Fund in an amount necessary to pay for the costs of the Medicaid 133989  
program. The amount per request may not exceed the amount of such 133990  
costs for six months. The Controlling Board may authorize the 133991  
expenditure if both of the following requirements are met: 133992

(1) The United States Congress has not amended on or after 133993  
the effective date of this section the federal law governing the 133994  
federal medical assistance percentage in a manner that reduces the 133995  
percentage. 133996

(2) The Controlling Board is satisfied with both of the 133997  
following: 133998

(a) Any changes, other than a change described in division 133999  
(B)(1) of this section, made on or after the effective date of 134000  
this section by the United States Congress to federal law 134001  
governing health and human services issues; 134002

(b) The progress made by the executive branch of the 134003  
government of this state in all of the following: 134004

(i) Obtaining an innovative waiver regarding health insurance 134005  
coverage in this state as required by section 3901.052 of the 134006

|                                                                                                                                                                                                                                                                                                                          |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Revised Code and subsequently implementing the waiver;                                                                                                                                                                                                                                                                   | 134007                                         |
| (ii) Obtaining a federal Medicaid waiver for the Healthy Ohio Program established under section 5166.40 of the Revised Code and subsequently implementing the Program;                                                                                                                                                   | 134008<br>134009<br>134010                     |
| (iii) Enforcing state law that requires health care providers to give cost estimates to patients before rendering health care services to the patients.                                                                                                                                                                  | 134011<br>134012<br>134013                     |
| <b>Section 333.40. MEDICAID HEALTH CARE SERVICES</b>                                                                                                                                                                                                                                                                     | 134014                                         |
| The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.                                                                                                                                                                                      | 134015<br>134016<br>134017                     |
| <b>Section 333.50. MANAGED CARE PERFORMANCE PAYMENT PROGRAM</b>                                                                                                                                                                                                                                                          | 134018                                         |
| At the beginning of each quarter, or as soon as possible thereafter, the Medicaid Director shall certify to the Director of Budget and Management the amount withheld in accordance with section 5167.30 of the Revised Code and this section for purposes of the Managed Care Performance Payment Program.              | 134019<br>134020<br>134021<br>134022<br>134023 |
| Notwithstanding section 5167.30 of the Revised Code and for only fiscal year 2019, the sum of all withholdings from Medicaid managed care organizations' premium payments under division (B) of that section shall be three quarters of a per cent of the premium payments.                                              | 134024<br>134025<br>134026<br>134027<br>134028 |
| <b>Section 333.53. MEDICAID MANAGED CARE QUALITY PAYMENT FUND</b>                                                                                                                                                                                                                                                        | 134029                                         |
| There is hereby created in the state treasury the Medicaid Managed Care Quality Payment Fund. The Department of Medicaid shall use money in the fund only to make performance payments under the Managed Care Performance Payment Program established under section 5167.30 of the Revised Code to Medicaid managed care | 134030<br>134031<br>134032<br>134033<br>134034 |

organizations that meet the program's performance standards and 134035  
only if the unencumbered balance of the Managed Care Performance 134036  
Payment Fund created under section 5162.60 is zero at the time 134037  
such a performance payment is to be made. 134038

The Medicaid Managed Care Quality Payment Fund shall be 134039  
abolished July 1, 2019. When the fund is abolished, the Director 134040  
of Budget and Management may transfer the fund's unencumbered 134041  
balance to the General Revenue Fund or Budget Stabilization Fund. 134042

On July 1, 2017, or as soon as possible thereafter, the 134043  
Director of Budget and Management shall transfer \$20,000,000 cash 134044  
from the General Revenue Fund to the Medicaid Managed Care Quality 134045  
Payment Fund (Fund 5TX0). On July 1, 2018, or as soon as possible 134046  
thereafter, the Director of Budget and Management shall transfer 134047  
\$20,000,000 cash from the General Revenue Fund to Fund 5TX0. 134048

If the amount of quality payments earned by Medicaid managed 134049  
care organizations under section 5167.30 of the Revised Code 134050  
exceed \$103,500,000 in fiscal year 2018, and \$103,900,000 in 134051  
fiscal year 2019, the Medicaid Director may certify to the 134052  
Director of Budget and Management the amount of quality payments 134053  
earned that exceed this amount. Upon receipt of this 134054  
certification, the Director of Budget and Management shall 134055  
transfer the amount certified from the Medicaid Managed Care 134056  
Quality Payment Fund (Fund 5TX0) to the General Revenue Fund. The 134057  
amount certified, and its corresponding federal share, is hereby 134058  
appropriated to appropriation item 651525, Medicaid/Health Care 134059  
Services. 134060

**Section 333.60.** PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 134061  
CARE 134062

(A) As used in this section: 134063

(1) "ICDS participant" has the same meaning as in section 134064

5164.01 of the Revised Code. 134065

(2) "Integrated Care Delivery System" and "ICDS" have the 134066  
same meaning as section 5164.01 of the Revised Code. 134067

(3) "Medicaid managed care organization" has the same meaning 134068  
as in section 5167.01 of the Revised Code. 134069

(B) For fiscal year 2018 and fiscal year 2019, the Department 134070  
of Medicaid shall provide performance payments as provided under 134071  
this section to Medicaid managed care organizations providing care 134072  
under the Integrated Care Delivery System. 134073

(C) If ICDS participants receive care through Medicaid 134074  
managed care organizations under ICDS, the Department shall, in 134075  
consultation with the United States Centers for Medicare and 134076  
Medicaid Services, do both of the following: 134077

(1) Develop quality measures designed specifically to 134078  
determine the effectiveness of the health care and other services 134079  
provided to ICDS participants by Medicaid managed care 134080  
organizations; 134081

(2) Determine an amount to be withheld from the Medicaid 134082  
premium payments paid to Medicaid managed care organizations for 134083  
ICDS participants. 134084

(D)(1) For the purposes of division (C)(2) of this section, 134085  
the Department shall establish an amount that is to be withheld 134086  
each time a premium payment is made to a Medicaid managed care 134087  
organization for an ICDS participant. The amount shall be 134088  
established as a percentage of each premium payment. The 134089  
percentage shall be the same for all Medicaid managed care 134090  
organizations providing care to ICDS participants. 134091

(2) Each Medicaid managed care organization shall agree to 134092  
the withholding as a condition of receiving or maintaining its 134093  
Medicaid provider agreement with the Department. 134094

(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed care organization for an ICDS participant.

(E) A Medicaid managed care organization subject to this section is not subject to section 5167.30 of the Revised Code for premium payments attributed to ICDS participants during fiscal year 2018 and fiscal year 2019.

**Section 333.63. BRIGID'S PATH PILOT**

The foregoing appropriation item 651600, Brigid's Path Pilot, shall be used in accordance with division (G)(5) of Section 757.20 of this act.

**Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM**

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital/UPL, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated.

**Section 333.80. MEDICARE PART D**

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Medicaid, the Director of Budget and Management may transfer the state share of appropriations between appropriation



item 651525, Medicaid Health Care Services, and appropriation item 134124  
651526, Medicare Part D. If the state share of appropriation item 134125  
651525, Medicaid Health Care Services, is adjusted, the Director 134126  
of Budget and Management shall adjust the federal share 134127  
accordingly. The Department of Medicaid shall provide notification 134128  
to the Controlling Board of any transfers at the next scheduled 134129  
Controlling Board meeting. 134130

**Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES** 134131  
FUND 134132

Of the amount received by the Department of Medicaid during 134133  
fiscal year 2018 and fiscal year 2019 from the first installment 134134  
of assessments paid under section 5168.06 of the Revised Code and 134135  
intergovernmental transfers made under section 5168.07 of the 134136  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 134137  
fiscal year into the state treasury to the credit of the Health 134138  
Care Services Support and Recoveries Fund (Fund 5DL0). 134139

**Section 333.100. HOSPITAL CARE ASSURANCE MATCH** 134140

If receipts credited to the Health Care Federal Fund (Fund 134141  
3F00) exceed the amounts appropriated from the fund for making the 134142  
hospital care assurance program distribution, the Medicaid 134143  
Director may request the Director of Budget and Management to 134144  
authorize expenditures from the fund in excess of the amounts 134145  
appropriated. Upon the approval of the Director of Budget and 134146  
Management, the additional amounts are hereby appropriated. 134147

The foregoing appropriation item 651649, Medicaid Services - 134148  
Health Care Assurance Program, shall be used by the Department of 134149  
Medicaid for distributing the state share of all hospital care 134150  
assurance program funds to hospitals under section 5168.09 of the 134151  
Revised Code. If receipts credited to the Hospital Care Assurance 134152  
Program Fund (Fund 6510) exceed the amounts appropriated from the 134153

fund for making the hospital care assurance program distribution, 134154  
the Medicaid Director may request the Director of Budget and 134155  
Management to authorize expenditures from the fund in excess of 134156  
the amounts appropriated. Upon the approval of the Director of 134157  
Budget and Management, the additional amounts are hereby 134158  
appropriated. 134159

**Section 333.110. REFUNDS AND RECONCILIATION FUND** 134160

If receipts credited to the Refunds and Reconciliation Fund 134161  
exceed the amounts appropriated from the fund, the Medicaid 134162  
Director may request the Director of Budget and Management to 134163  
authorize expenditures from the fund in excess of the amounts 134164  
appropriated. Upon approval of the Director of Budget and 134165  
Management, the additional amounts are hereby appropriated. 134166

**Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH** 134167

The Medicaid Director may request the Director of Budget and 134168  
Management to increase appropriation item 651655, Medicaid 134169  
Interagency Pass-Through. Upon the approval of the Director of 134170  
Budget and Management, the additional amounts are hereby 134171  
appropriated. 134172

**Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION** 134173

In order to ensure access to a non-emergency medical 134174  
transportation brokerage program established pursuant to section 134175  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 134176  
upon the request of the Medicaid Director, the Director of Budget 134177  
and Management may transfer the state share appropriations between 134178  
General Revenue Fund appropriation item 651525, Medicaid Health 134179  
Care Services, within the Department of Medicaid and 655523, 134180  
Medicaid Program Support - Local Transportation, within the 134181  
Department of Job and Family Services. If such a transfer occurs, 134182

the Director of Budget and Management shall adjust, using the 134183  
federal reimbursement rate, the federal share appropriations of 134184  
General Revenue Fund appropriation line 651525, Medicaid Health 134185  
Care Services, within the Department of Medicaid, and the Medicaid 134186  
Program Support Fund (3F01) appropriation line 655624, Medicaid 134187  
Program Support - Federal, within the Department of Job and Family 134188  
Services. The Director of Medicaid shall transmit to the Medicaid 134189  
Program Support Fund (3F01) the federal funds which the Department 134190  
of Medicaid, as the state's sole point of contact with the federal 134191  
government for Medicaid reimbursements, has drawn for this 134192  
transaction. 134193

**Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION** 134194  
SYSTEM IMPLEMENTATION 134195

Upon the request of the Medicaid Director, the Director of 134196  
Budget and Management may transfer up to \$5,000,000 of state share 134197  
appropriations in each fiscal year between General Revenue Fund 134198  
appropriation item 651525, Medicaid Health Care Services, within 134199  
the Department of Medicaid, and 655522, Medicaid Program Support - 134200  
Local, within the Department of Job and Family Services. If such a 134201  
transfer occurs, the Director of Budget and Management shall 134202  
adjust, using the federal reimbursement rate, the federal share 134203  
appropriations of General Revenue Fund appropriation item 651525, 134204  
Medicaid Health Care Services, within the Department of Medicaid, 134205  
and the Medicaid Program Support Fund (Fund 3F01) appropriation 134206  
item 655624, Medicaid Program Support - Federal, within the 134207  
Department of Job and Family Services. The Director of Medicaid 134208  
shall transmit to the Medicaid Program Support Fund (3F01) the 134209  
federal funds which the Department of Medicaid, as the state's 134210  
sole point of contact with the federal government for Medicaid 134211  
reimbursements, has drawn for this transaction. 134212

Any increase in funding shall be provided to county 134213

departments of job and family services and shall only be used for 134214  
costs related to transitioning to a new public assistance 134215  
eligibility determination system. These funds shall not be used 134216  
for existing and ongoing operating expenses. The Medicaid Director 134217  
shall establish criteria for distributing these funds and for 134218  
county departments of job and family services to submit allowable 134219  
expenses. 134220

County departments of job and family services shall comply 134221  
with new roles, processes, and responsibilities related to the new 134222  
eligibility determination system. County departments of job and 134223  
family services shall report to the Ohio Department of Job and 134224  
Family Services and the Ohio Department of Medicaid, on a schedule 134225  
determined by the Medicaid Director, how the funds were used. 134226

**Section 333.150. MEDICAID PROGRAM SUPPORT - LOCAL** 134227  
TRANSPORTATION 134228

If the Department of Job and Family Services continues to 134229  
administer the Medicaid transportation program in fiscal year 134230  
2019, upon request of the Director of Job and Family Services, the 134231  
Director of Budget and Management may transfer up to \$45,100,000 134232  
in appropriation from appropriation item 651525, Medicaid Health 134233  
Care Services, to appropriation item 655523, Medicaid Program 134234  
Support-Local Transportation. Any appropriation so transferred 134235  
shall be used by the Department of Job and Family Services to 134236  
continue to administer the Medicaid transportation program. 134237

**Section 333.160. STATE PLAN HOME AND COMMUNITY-BASED SERVICES** 134238

For the period beginning July 1, 2017, and ending on the 134239  
effective date of the enactment by this act of section 5164.10 of 134240  
the Revised Code, the Medicaid program may continue to cover state 134241  
plan home and community-based services in the same manner that it 134242  
covered the services during fiscal year 2016 and fiscal year 2017 134243

under Section 327.190 of Am. Sub. H.B. 64 of the 131st General Assembly. Beginning with the effective date of the enactment by this act of section 5164.10 of the Revised Code, the Medicaid program may cover state plan home and community-based services in accordance with that section.

**Section 333.165.** FISCAL YEAR 2018 AND FISCAL YEAR 2019 CAP ON NURSING FACILITY PAYMENTS

(A) As used in this section:

(1) "Consulting organizations" means all of the following organizations:

(a) LeadingAge Ohio;

(b) The Academy of Senior Health Sciences;

(c) The Ohio Health Care Association.

(2) "Integrated care delivery system" has the same meaning as in section 5164.01 of the Revised Code.

(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(4) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

(B) The total amount of payments made by the Department of Medicaid under the fee-for-service component of the Medicaid program in accordance with Chapter 5165. of the Revised Code, and by Medicaid managed care organizations under the Integrated Care Delivery System, for nursing facility services provided during fiscal year 2018 and fiscal year 2019 shall not exceed the following:

(1) For fiscal year 2018, \$2,659,167,368;

(2) For fiscal year 2019, \$2,664,485,703.

(C)(1) The Department, in conjunction with the consulting organizations, shall do all of the following:

(a) Monitor the payments made under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System for nursing facility services provided during fiscal year 2018 and fiscal year 2019;

(b) Beginning with the calendar quarter ending December 31, 2017, and each calendar quarter thereafter during fiscal year 2018 and fiscal year 2019, project whether the total amount of payments to be made for the fiscal year will exceed the applicable amount specified in division (B) of this section;

(c) If the total amount of payments to be made for fiscal year 2018 or fiscal year 2019 is projected under division (C)(1)(b) of this section to exceed the applicable amount specified in division (B) of this section, determine the percentage by which each nursing facility's rate under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System needs to be reduced for the immediately following calendar quarter to ensure that the total amount of the payments to be made for the fiscal year will equal the applicable amount specified in division (B) of this section.

(2) For the purpose of division (C)(1)(a) of this section, the Department shall provide to the consulting organizations data about the payments on a monthly basis.

(D) If a rate reduction is needed to ensure that the total amount of payments made under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System for nursing facility services provided during fiscal year 2018 or fiscal year 2019 equals the applicable amount specified in division (B) of this section, each nursing facility's rate shall be reduced by the percentage determined under division (C)(1)(c)

of this section. The reduction shall take effect on the first day 134303  
of the immediately following calendar quarter. The Department 134304  
shall notify the consulting organizations of the percentage 134305  
reduction at least thirty days before it is to take effect. 134306

**Section 333.180.** MEDICAID PAYMENT RATES FOR NONINSTITUTIONAL 134307  
PROVIDERS 134308

Notwithstanding section 5164.70 of the Revised Code as in 134309  
effect on June 30, 2017, and subject to the section of this act 134310  
titled "DURABLE MEDICAL EQUIPMENT, ORTHOSES, AND PROSTHESES," the 134311  
Department of Medicaid may establish Medicaid payment rates for 134312  
services provided by a Medicaid provider, other than a hospital, 134313  
nursing facility, or intermediate care facility for individuals 134314  
with intellectual disabilities, that may exceed the authorized 134315  
payment limits for the same service under the Medicare Program. 134316  
Such rates may take effect for dates of service on or after July 134317  
1, 2017. A portion of the foregoing appropriation items 651525, 134318  
Medicaid/Health Care Services, 651603, Medicaid Health Information 134319  
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid 134320  
Program Support - Federal, 651680, Health Care Grants - Federal, 134321  
and 651682, Health Care Grants - State, may be used to pay for 134322  
Medicaid services and costs associated with the administration of 134323  
the Medicaid Program, including the establishment and payment of 134324  
rates in accordance with this section. 134325

**Section 333.183.** DURABLE MEDICAL EQUIPMENT, ORTHOSES, AND 134326  
PROSTHESES 134327

The maximum Medicaid payment rates for durable medical 134328  
equipment, orthoses, and prostheses provided during the period 134329  
beginning January 1, 2018, and ending July 1, 2019, shall not 134330  
exceed the Ohio-specific Medicare rates for those services in 134331  
effect on July 1, 2017. 134332

|                                                                                                                                                                                                                           |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>Section 333.184.</b> VISION CARE SERVICES                                                                                                                                                                              | 134333                               |
| Both of the following apply to vision care services provided to Medicaid recipients during the period beginning January 1, 2018, and ending July 1, 2019:                                                                 | 134334<br>134335<br>134336           |
| (A) The Department of Medicaid shall establish a maximum Medicaid payment rate for the services unless there are no claims data available to the Department needed to establish the rate.                                 | 134337<br>134338<br>134339           |
| (B) No payment methodology for the services shall rely only on a vision care service provider's charged amount.                                                                                                           | 134340<br>134341                     |
| <b>Section 333.200.</b> TRANSFER OF OHIO ACCESS SUCCESS PROJECT ENROLLEES                                                                                                                                                 | 134342<br>134343                     |
| (A) As used in this section:                                                                                                                                                                                              | 134344                               |
| (1) "Home and community-based Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.                                                                                                  | 134345<br>134346                     |
| (2) "Ohio Access Success Project" means the program established under section 5166.35 of the Revised Code.                                                                                                                | 134347<br>134348                     |
| (B) Before January 1, 2019, the Department of Medicaid shall transfer all Medicaid recipients who are enrolled in the Ohio Access Success Project to another home and community-based services Medicaid waiver component. | 134349<br>134350<br>134351<br>134352 |
| <b>Section 333.203.</b> MONEY FOLLOWS THE PERSON DEMONSTRATION PROJECT                                                                                                                                                    | 134353<br>134354                     |
| The Money Follows the Person demonstration project is hereby abolished.                                                                                                                                                   | 134355<br>134356                     |
| <b>Section 333.220.</b> PATIENT-CENTERED MEDICAL HOME PROGRAM                                                                                                                                                             | 134357                               |
| The Department of Medicaid's patient-centered medical home program, also known as the Comprehensive Primary Care Program, is                                                                                              | 134358<br>134359                     |



hereby abolished. 134360

**Section 333.223.** MEDICAID MANAGED CARE ACADEMIC PERFORMANCE 134361  
INCENTIVES 134362

The Department of Medicaid shall not implement during the 134363  
2018-2019 fiscal biennium a program under which Medicaid managed 134364  
care organizations receive incentives for helping Medicaid 134365  
recipients who are enrolled in the organizations and attend 134366  
low-performing primary schools to improve their academic 134367  
performance. 134368

**Section 333.230.** NURSING FACILITY BED CONVERSION PILOT 134369  
PROGRAM 134370

(A) As used in this section: 134371

(1) "Nursing facility" has the same meaning as in section 134372  
5165.01 of the Revised Code. 134373

(2) "Nursing facility services" has the same meaning as in 134374  
section 5165.01 of the Revised Code. 134375

(B) The Department of Medicaid shall operate a pilot program 134376  
during fiscal years 2018 and 2019 under which the owners of 134377  
nursing facilities located in Cuyahoga County may voluntarily 134378  
cease to use one or more of the nursing facilities' beds for 134379  
nursing facility services and instead begin to use those beds for 134380  
substance use disorder treatment services. To so convert the use 134381  
of a bed, all of the following requirements must be met: 134382

(1) The bed so converted cannot be occupied by an individual 134383  
receiving nursing facility services or be needed for an individual 134384  
seeking such services; 134385

(2) The Department of Health must do the following: 134386

(a) If other beds in the nursing facility will continue to be 134387  
used for nursing facility services after the bed is converted, 134388

reduce the nursing facility's Medicaid certified capacity and the 134389  
corresponding nursing home licensed capacity by the bed being 134390  
converted; 134391

(b) If no beds in the nursing facility will continue to be 134392  
used for nursing facility services after the bed is converted, 134393  
terminate the nursing facility's Medicaid certification and 134394  
nursing home license. 134395

(3) The substance use disorder treatment services for which 134396  
the bed is to be used must satisfy the applicable standards for 134397  
certification under section 5119.36 of the Revised Code and, if 134398  
the owner of the bed seeks state or federal funds or funds 134399  
administered by a board of alcohol, drug addiction, and mental 134400  
health services to pay for the services, be certified under that 134401  
section. 134402

(C) The Department of Health and Department of Mental Health 134403  
and Addiction Services shall assist the Department of Medicaid 134404  
with the operation of the pilot program. 134405

(D) Not later than October 1, 2019, the Department of 134406  
Medicaid shall complete a report about the pilot program. The 134407  
report shall include the Department's recommendations about making 134408  
the pilot program a permanent and statewide program. The 134409  
Department shall submit the report to the Governor, General 134410  
Assembly, and Joint Medicaid Oversight Committee. The copy to the 134411  
General Assembly shall be submitted in accordance with section 134412  
101.68 of the Revised Code. The Department also shall make the 134413  
report available to the public. 134414

**Section 333.260. BEHAVIORAL HEALTH REDESIGN** 134415

(A) As used in this section: 134416

(1) "Care management system" means the system established 134417  
under section 5167.03 of the Revised Code. 134418

- (2) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 134419  
134420
- (3) "Community behavioral health services" means both of the following: 134421  
134422
- (a) Alcohol and drug addiction services provided by a community addiction services provider; 134423  
134424
- (b) Mental health services provided by a community mental health services provider. 134425  
134426
- (4) "Community mental health services provider" has the same meaning as in section 5119.01 of the Revised Code. 134427  
134428
- (B) None of the following changes to the Medicaid program's coverage of community behavioral health services may be implemented before January 1, 2018: 134429  
134430  
134431
- (1) Aligning billing codes for the services to national standards; 134432  
134433
- (2) Redefining mental health pharmacologic management and substance use disorder medical/somatic services as medical services; 134434  
134435  
134436
- (3) Separating and repricing the services and providing for lower acuity service coordination and support services; 134437  
134438
- (4) Requiring practitioners who are employed by a community addiction services provider or community mental health services provider and render the services to obtain a Medicaid provider agreement and be reported on Medicaid claims for the services; 134439  
134440  
134441  
134442
- (5) Requiring community addiction services providers and community mental health services providers to submit claims for the services to a third party responsible for some or all of the costs of the services before the providers submit Medicaid claims for the services. 134443  
134444  
134445  
134446  
134447
- (C)(1) Not later than October 1, 2017, the Medicaid Director 134448

and Director of Mental Health and Addiction Services shall adopt 134449  
all rules necessary to implement the following: 134450

(a) The changes to the Medicaid program's coverage of 134451  
community behavioral health services specified in division (B) of 134452  
this section; 134453

(b) The inclusion of community behavioral health services in 134454  
the care management system. 134455

(2) The rules required by division (C)(1) of this section 134456  
shall not provide for either of the following: 134457

(a) Implementing the changes to the Medicaid program's 134458  
coverage of community behavioral health services specified in 134459  
division (B) of this section before January 1, 2018; 134460

(b) Including community behavioral health services in the 134461  
care management system before July 1, 2018. 134462

**Section 333.270. STUDY COMMITTEE REGARDING MEDICAID MANAGED 134463  
CARE 134464**

(A) There is hereby established the Medicaid Managed Care 134465  
Long-Term Services and Supports Study Committee. The study 134466  
committee shall examine the merits of including in the care 134467  
management system established under section 5167.03 of the Revised 134468  
Code home and community-based services available under Medicaid 134469  
waiver components and nursing facility services. All of the 134470  
following shall serve as members of the study committee: 134471

(1) The chairperson of the Finance Subcommittee on Health and 134472  
Human Services of the House of Representatives; 134473

(2) The chairperson of the Aging and Long-Term Care Committee 134474  
of the House of Representatives; 134475

(3) The chairperson of the Finance - Health and Medicaid 134476  
Subcommittee of the Senate; 134477

|                                                                                                                                  |                            |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| (4) The chairperson of the Health, Human Services, and Medicaid Committee of the Senate;                                         | 134478<br>134479           |
| (5) The Executive Director of the Office of Health Transformation or the Executive Director's designee;                          | 134480<br>134481           |
| (6) The Medicaid Director or the Director's designee;                                                                            | 134482                     |
| (7) The Director of Aging or the Director's designee;                                                                            | 134483                     |
| (8) The Director of Health or the Director's designee;                                                                           | 134484                     |
| (9) The State Long-Term Care Ombudsman or the Ombudsman's designee;                                                              | 134485<br>134486           |
| (10) One representative of each of the following organizations, as appointed by the chief executive of the organization:         | 134487<br>134488<br>134489 |
| (a) Leadingage Ohio;                                                                                                             | 134490                     |
| (b) The Academy of Senior Health Sciences;                                                                                       | 134491                     |
| (c) The Ohio Aging Advocacy Coalition;                                                                                           | 134492                     |
| (d) The Ohio Assisted Living Association;                                                                                        | 134493                     |
| (e) The Ohio Association of Health Plans;                                                                                        | 134494                     |
| (f) The Ohio Association of Area Agencies on Aging;                                                                              | 134495                     |
| (g) The Ohio Council for Home Care and Hospice;                                                                                  | 134496                     |
| (h) The Ohio Health Care Association;                                                                                            | 134497                     |
| (i) The Ohio Olmstead Task Force;                                                                                                | 134498                     |
| (j) The Universal Health Care Action Network Ohio;                                                                               | 134499                     |
| (k) AARP Ohio.                                                                                                                   | 134500                     |
| (B) Appointments to the study committee shall be made not later than thirty days after the effective date of this section.       | 134501<br>134502           |
| Members of the study committee shall serve without compensation or reimbursement, except to the extent that serving on the study | 134503<br>134504           |

committee is part of their usual job duties. 134505

(C) The Speaker of the House of Representatives shall appoint 134506  
one of the members described in divisions (A)(1) and (2) of this 134507  
section as the study committee's co-chairperson and the President 134508  
of the Senate shall appoint one of the members described in 134509  
divisions (A)(3) and(4) of this section as the committee's 134510  
co-chairperson. The Department of Medicaid shall provide the study 134511  
committee any administrative assistance the study committee needs. 134512

(D) In conducting the examination required by division (A) of 134513  
this section, the study committee shall do all of the following: 134514

(1) Consider available information about the home and 134515  
community-based services Medicaid waiver component created as part 134516  
of the Integrated Care Delivery System pursuant to section 5166.16 134517  
of the Revised Code and the Medicaid program's coverage of nursing 134518  
facility services, including all of the following: 134519

(a) Information contained in reports required by section 134520  
5162.134 of the Revised Code; 134521

(b) Information contained in any evaluations of the 134522  
Integrated Care Delivery System completed by entities under 134523  
contract with the United States Department of Health and Human 134524  
Services; 134525

(c) Other available information the study committee 134526  
determines to be appropriate. 134527

(2) Estimate the costs that the state, Medicaid managed care 134528  
organizations, providers, and Medicaid recipients would incur; 134529

(3) Address any redundancies in rules governing home and 134530  
community-based services available under Medicaid waiver 134531  
components and nursing facility services and the terms and 134532  
conditions of contracts with Medicaid managed care organizations; 134533

(4) Estimate the projected benefits that Medicaid recipients 134534

would realize, including benefits that would result from changes 134535  
to any of the following: 134536

(a) Health care services available to, or utilized by, the 134537  
recipients; 134538

(b) The recipients' health outcomes; 134539

(c) Other quality indicators. 134540

(5) Consider policies and procedures that are intended to 134541  
promote efficient implementation and administration of including 134542  
the services in the care management system; 134543

(6) Recommend systems that can be used in either Medicaid 134544  
managed care long-term care services and supports or 134545  
fee-for-services Medicaid to reward providers of long-term care 134546  
services and supports that meet specified quality measures. 134547

(E) The study committee shall complete a report not later 134548  
than June 30, 2020. The report shall include the study committee's 134549  
recommendations regarding costs, benefits, and policies. The 134550  
report shall be submitted to the Governor, General Assembly, and 134551  
Joint Medicaid Oversight Committee. The copy to the General 134552  
Assembly shall be submitted in accordance with section 101.68 of 134553  
the Revised Code. The report also shall be made available to the 134554  
public. 134555

(F) On submission of its report, the study committee shall 134556  
cease to exist. 134557

(G) Section 809.10 of this act does not apply to this 134558  
section. 134559

**Section 333.280.** GENERAL ASSEMBLY'S INTENT REGARDING MEDICAID 134560

It is the intent of the General Assembly to use the Healthy 134561  
Ohio Program, as defined in section 5166.40 of the Revised Code, 134562  
as a model for making medical assistance available to the state's 134563

qualifying residents if the United States Congress transforms the 134564  
 Medicaid program into a federal block grant. 134565

**Section 333.300. NONINSTITUTIONAL LABORATORY, RADIOLOGY, AND 134566**  
 PATHOLOGY SERVICES 134567

The Medicaid payment rates for noninstitutional laboratory, 134568  
 radiology, and pathology services provided to a Medicaid recipient 134569  
 during the period beginning January 1, 2018, and ending July 1, 134570  
 2019, shall be five per cent lower than the rates for the services 134571  
 in effect on December 31, 2017. 134572

**Section 335.10. MED STATE MEDICAL BOARD 134573**

Dedicated Purpose Fund Group 134574  
 5C60 883609 Operating Expenses \$ 10,163,504 \$ 11,064,757 134575  
 TOTAL DPF Dedicated Purpose Fund \$ 10,163,504 \$ 11,064,757 134576  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 10,163,504 \$ 11,064,757 134577

**Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 134579**  
 SERVICES 134580

General Revenue Fund 134581  
 GRF 336321 Central \$ 14,597,616 \$ 14,597,616 134582  
     Administration  
 GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 134583  
 GRF 336405 Family and Children \$ 1,386,000 \$ 1,386,000 134584  
     First  
 GRF 336406 Prevention and \$ 2,618,659 \$ 2,618,659 134585  
     Wellness  
 GRF 336412 Hospital Services \$ 218,206,280 \$ 222,849,644 134586  
 GRF 336415 Mental Health \$ 20,323,000 \$ 19,426,900 134587  
     Facilities Lease  
     Rental Bond Payments



|           |        |                                                                    |    |             |    |             |        |
|-----------|--------|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| GRF       | 336421 | Continuum of Care<br>Services                                      | \$ | 72,089,846  | \$ | 72,089,846  | 134588 |
| GRF       | 336422 | Criminal Justice<br>Services                                       | \$ | 13,416,418  | \$ | 14,416,418  | 134589 |
| GRF       | 336423 | Addiction Services<br>Partnership with<br>Corrections              | \$ | 25,500,000  | \$ | 25,500,000  | 134590 |
| GRF       | 336424 | Recovery Housing                                                   | \$ | 1,000,000   | \$ | 2,500,000   | 134591 |
| GRF       | 336425 | Specialized Docket<br>Support                                      | \$ | 5,000,000   | \$ | 5,000,000   | 134592 |
| GRF       | 336504 | Community Innovations                                              | \$ | 9,600,000   | \$ | 13,000,000  | 134593 |
| GRF       | 336506 | Court Costs                                                        | \$ | 1,000,000   | \$ | 1,000,000   | 134594 |
| GRF       | 336510 | Residential State<br>Supplement                                    | \$ | 15,002,875  | \$ | 15,002,875  | 134595 |
| GRF       | 336511 | Early Childhood<br>Mental Health<br>Counselors and<br>Consultation | \$ | 2,500,000   | \$ | 2,500,000   | 134596 |
| GRF       | 652321 | Medicaid Support                                                   | \$ | 1,250,367   | \$ | 1,250,367   | 134597 |
| TOTAL GRF |        | General Revenue Fund                                               | \$ | 403,941,061 | \$ | 413,588,325 | 134598 |
|           |        | Dedicated Purpose Fund Group                                       |    |             |    |             | 134599 |
| 5AH0      | 336642 | Drug and Opiate<br>Addiction Detection                             | \$ | 2,500,000   | \$ | 2,500,000   | 134600 |
| 5TZ0      | 336600 | Substance Abuse<br>Stabilization Centers                           | \$ | 6,000,000   | \$ | 6,000,000   | 134601 |
| 2320      | 336621 | Family and Children<br>First                                       | \$ | 410,113     | \$ | 410,113     | 134602 |
| 4750      | 336623 | Statewide Treatment<br>and Prevention                              | \$ | 20,450,000  | \$ | 15,550,000  | 134603 |
| 4850      | 336632 | Mental Health<br>Operating                                         | \$ | 2,611,733   | \$ | 2,611,733   | 134604 |
| 5AU0      | 336615 | Behavioral Health<br>Care                                          | \$ | 7,850,000   | \$ | 7,850,000   | 134605 |

|                                                   |        |                                          |    |            |    |            |        |
|---------------------------------------------------|--------|------------------------------------------|----|------------|----|------------|--------|
| 5JL0                                              | 336629 | Problem Gambling and<br>Casino Addiction | \$ | 6,267,609  | \$ | 6,267,609  | 134606 |
| 5T90                                              | 336641 | Problem Gambling<br>Services             | \$ | 1,495,000  | \$ | 1,495,000  | 134607 |
| 6320                                              | 336616 | Community Capital<br>Replacement         | \$ | 350,000    | \$ | 350,000    | 134608 |
| 6890                                              | 336640 | Education and<br>Conferences             | \$ | 150,000    | \$ | 150,000    | 134609 |
| TOTAL DPF Dedicated Purpose Fund<br>Group         |        |                                          | \$ | 48,084,455 | \$ | 43,184,455 | 134610 |
| Internal Service Activity Fund Group              |        |                                          |    |            |    |            | 134611 |
| 1490                                              | 336609 | Hospital Operating<br>Expenses           | \$ | 22,749,000 | \$ | 22,790,000 | 134612 |
| 1490                                              | 336610 | Operating Expenses                       | \$ | 5,500,000  | \$ | 5,500,000  | 134613 |
| 1500                                              | 336620 | Special Education                        | \$ | 150,000    | \$ | 150,000    | 134614 |
| 1510                                              | 336601 | Ohio Pharmacy<br>Services                | \$ | 70,302,017 | \$ | 70,302,017 | 134615 |
| 4P90                                              | 336604 | Community Mental<br>Health Projects      | \$ | 1,250,000  | \$ | 250,000    | 134616 |
| TOTAL ISA Internal Service Activity<br>Fund Group |        |                                          | \$ | 99,951,017 | \$ | 98,992,017 | 134617 |
| Federal Fund Group                                |        |                                          |    |            |    |            | 134618 |
| 3HB0                                              | 336503 | Cures Opioid STR                         | \$ | 11,000,000 | \$ | 0          | 134619 |
| 3240                                              | 336605 | Medicaid/Medicare                        | \$ | 17,500,000 | \$ | 17,500,000 | 134620 |
| 3A60                                              | 336608 | Federal Miscellaneous                    | \$ | 1,010,000  | \$ | 1,010,000  | 134621 |
| 3A70                                              | 336612 | Social Services Block<br>Grant           | \$ | 8,450,000  | \$ | 8,450,000  | 134622 |
| 3A80                                              | 336613 | Federal Grants                           | \$ | 5,500,000  | \$ | 5,500,000  | 134623 |
| 3A90                                              | 336614 | Mental Health Block<br>Grant             | \$ | 17,058,470 | \$ | 17,058,470 | 134624 |
| 3G40                                              | 336618 | Substance Abuse Block<br>Grant           | \$ | 65,865,756 | \$ | 65,865,756 | 134625 |

|                              |                    |                                      |    |             |    |             |        |
|------------------------------|--------------------|--------------------------------------|----|-------------|----|-------------|--------|
| 3H80                         | 336606             | Demonstration Grants                 | \$ | 15,000,000  | \$ | 15,000,000  | 134626 |
| 3N80                         | 336639             | Administrative<br>Reimbursement      | \$ | 1,000,000   | \$ | 1,000,000   | 134627 |
| 3B10                         | 652635             | Community Medicaid<br>Legacy Costs   | \$ | 5,000,000   | \$ | 5,000,000   | 134628 |
| 3B10                         | 652636             | Community Medicaid<br>Legacy Support | \$ | 6,000,000   | \$ | 6,000,000   | 134629 |
| TOTAL FED                    | FEDERAL FUND GROUP |                                      | \$ | 153,384,226 | \$ | 142,384,226 | 134630 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                                      | \$ | 705,360,759 | \$ | 698,149,023 | 134631 |

**Section 337.30. PREVENTION AND WELLNESS** 134633

The foregoing appropriation item 336406, Prevention and 134634  
Wellness, shall be used as follows: 134635

(A) Up to \$500,000 in each fiscal year shall be used to 134636  
support evidence-based prevention in school settings. 134637

(B) Up to \$1,500,000 in each fiscal year shall be distributed 134638  
to boards of alcohol, drug addiction, and mental health services 134639  
to purchase the provision of evidence-based prevention services 134640  
from providers certified by the Department of Mental Health and 134641  
Addiction Services. 134642

(C) Up to \$500,000 in each fiscal year shall be used to 134643  
support suicide prevention efforts. 134644

**Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND** 134645  
**PAYMENTS** 134646

The foregoing appropriation item 336415, Mental Health 134647  
Facilities Lease Rental Bond Payments, shall be used to meet all 134648  
payments during the period from July 1, 2017, through June 30, 134649  
2019, by the Department of Mental Health and Addiction Services 134650  
under leases and agreements made under section 154.20 of the 134651  
Revised Code. These appropriations are the source of funds pledged 134652  
for bond service charges on obligations issued pursuant to Chapter 134653

154. of the Revised Code. 134654

**Section 337.50. CONTINUUM OF CARE SERVICES** 134655

The foregoing appropriation item 336421, Continuum of Care 134656  
Services, shall be used as follows: 134657

(A) A portion of this appropriation shall be allocated to 134658  
boards of alcohol, drug addiction, and mental health services in 134659  
accordance with a distribution methodology determined by the 134660  
Director of Mental Health and Addiction Services for the boards to 134661  
purchase mental health and addiction services permitted under 134662  
Chapter 340. of the Revised Code. Boards may use a portion of the 134663  
funds allocated: 134664

(1) To provide subsidized support for psychotropic medication 134665  
needs of indigent citizens in the community to reduce unnecessary 134666  
hospitalization due to lack of medication; and 134667

(2) To provide subsidized support for medication-assisted 134668  
treatment costs. 134669

(B) A portion of this appropriation may be distributed to 134670  
boards of alcohol, drug addiction, and mental health services, 134671  
community addiction and/or mental health services providers, 134672  
courts, or other governmental entities to provide specific grants 134673  
in support of initiatives concerning mental health and addiction 134674  
services. 134675

(C) Of the foregoing appropriation item 336421, Continuum of 134676  
Care Services, \$100,000 in each fiscal year shall be allocated to 134677  
the Chardon School District to be used for program-related 134678  
activities. 134679

**Section 337.60. CRIMINAL JUSTICE SERVICES** 134680

The foregoing appropriation item 336422, Criminal Justice 134681  
Services, shall be used to provide forensic psychiatric 134682

evaluations to courts of common pleas and to conduct evaluations 134683  
of patients of forensic status in facilities operated or 134684  
designated by the Department of Mental Health and Addiction 134685  
Services prior to conditional release to the community. A portion 134686  
of this appropriation may be allocated through boards of alcohol, 134687  
drug addiction, and mental health services to community addiction 134688  
and/or mental health services providers in accordance with a 134689  
distribution methodology as determined by the Director of Mental 134690  
Health and Addiction Services. 134691

The foregoing appropriation item 336422, Criminal Justice 134692  
Services, may also be used to: 134693

(A) Provide forensic monitoring and tracking of individuals 134694  
on conditional release; 134695

(B) Provide forensic training; 134696

(C) Support projects that assist courts and law enforcement 134697  
to identify and develop appropriate alternative services to 134698  
incarceration for nonviolent mentally ill offenders; 134699

(D) Provide specialized re-entry services to offenders 134700  
leaving prisons and jails; 134701

(E) Provide specific grants in support of addiction services 134702  
alternatives to incarceration; 134703

(F) Support therapeutic communities; and 134704

(G) Support specialty dockets and expand or create new 134705  
certified court programs. 134706

**Section 337.70. MEDICATION-ASSISTED TREATMENT IN SPECIALIZED 134707  
DOCKET PROGRAMS FOR DRUGS 134708**

(A) As used in this section: 134709

(1) "Community addiction services provider" has the same 134710  
meaning as in section 5119.01 of the Revised Code. 134711

(2) "Medication-assisted treatment drug court program" and 134712  
"MAT drug court program" mean a session of any of the following 134713  
that holds initial or final certification from the Supreme Court 134714  
of Ohio as a specialized docket program for drugs and that uses 134715  
medication-assisted treatment as part of its specialized docket 134716  
program: a common pleas court, municipal court, or county court, 134717  
or a division of any of those courts. 134718

(3) "Prescriber" has the same meaning as in section 4729.01 134719  
of the Revised Code. 134720

(4) "Recovery supports" has the same meaning as in section 134721  
5119.01 of the Revised Code. 134722

(B)(1) The Department of Mental Health and Addiction Services 134723  
shall conduct a program to provide addiction treatment, which may 134724  
include medication-assisted treatment and recovery supports, to 134725  
persons who are eligible to participate in a medication-assisted 134726  
treatment drug court program and are selected under this section 134727  
to be participants in a MAT drug court program because of their 134728  
dependence on opioids, alcohol, or both. 134729

(2) The Department shall conduct its program in collaboration 134730  
with those courts of Allen, Butler, Clermont, Clinton, Columbiana, 134731  
Coshocton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, Hardin, 134732  
Highland, Hocking, Jackson, Lake, Lorain, Lucas, Mahoning, Marion, 134733  
Medina, Mercer, Montgomery, Muskingum, Ottawa, Richland, Ross, 134734  
Stark, Summit, Trumbull, Tuscarawas, Union, and Warren counties 134735  
that are conducting MAT drug court programs. If in any of these 134736  
counties there is no court conducting a MAT drug court program, 134737  
the Department shall conduct its program in collaboration with a 134738  
court that is conducting a MAT drug court program in another 134739  
county. 134740

(3) In addition to conducting its program in accordance with 134741  
division (B)(2) of this section, the Department may conduct its 134742

program in collaboration with any other court that is conducting a MAT drug court program.

(C) In conducting its program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that the Department of Mental Health and Addiction Services determines may be of assistance in accomplishing the objectives of the Department's program. The Department may collaborate with the boards of alcohol, drug addiction, and mental health services and with local law enforcement agencies that serve the counties in which a court participating in the Department's program is located.

(D)(1) A MAT drug court program participating in the Department's program shall select the persons who are to be its participants for purposes of the Department's program. To be selected, a person must be a criminal offender or involved in a family drug or dependency court. A person shall not be selected to be a participant unless the person meets the legal and clinical eligibility criteria for the MAT drug court program and is an active participant in the MAT drug court program.

(2) The total number of persons participating in the Department's program at any time shall not exceed one thousand five hundred, subject to available funding, except that the Department may authorize the maximum number to be exceeded in circumstances that the Department considers to be appropriate.

(3) After a MAT drug court program enrolls a person as a participant for purposes of the Department's program, the participant shall comply with all requirements of the MAT drug court program.

(E) The addiction treatment and recovery supports provided under the Department's program in collaboration with a MAT drug

court program shall be provided by a community addiction services provider. The provider shall do all of the following: 134774

(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider; 134776

(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance abuse treatment and monitoring; 134779

(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider; 134784

(4) Develop, for program participants served by the community addiction services provider, individualized goals and objectives; 134787

(5) Provide access to the long-acting antagonist therapies, partial agonist therapies, or both, that are included in the program's medication-assisted treatment; 134789

(6) Provide other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the community addiction services provider to be co-occurring disorders; 134792

(7) Monitor program compliance through the use of regular drug testing, including urinalysis, of the program participants served by the community addiction services provider; 134796

(8) Provide access to time-limited recovery supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter 134799



considered relevant by the provider. 134804

(F) In the case of medication-assisted treatment provided 134805  
under the Department's program, all of the following conditions 134806  
apply: 134807

(1) A drug may be used only if the drug has been approved by 134808  
the United States Food and Drug Administration for use in treating 134809  
dependence on opioids, alcohol, or both, or for preventing relapse 134810  
into the use of opioids, alcohol, or both. 134811

(2) One or more drugs may be used, but each drug that is used 134812  
must constitute long-acting antagonist therapy or partial agonist 134813  
therapy. 134814

(3) If a drug constituting partial agonist therapy is used, 134815  
the program shall provide safeguards to minimize abuse and 134816  
diversion of the drug, including such safeguards as routine drug 134817  
testing of program participants. 134818

(G) It is anticipated and expected that MAT drug court 134819  
programs will expand their ability to serve more drug court 134820  
participants as a result of increased access to commercial or 134821  
publicly funded health insurance. In order to ensure that funds 134822  
appropriated to support the Department's program are used in the 134823  
most efficient manner with a goal of enrolling the maximum number 134824  
of participants, the Medicaid Director, in collaboration with 134825  
major Ohio health care plans, shall develop plans consistent with 134826  
this division. There shall be no prior authorizations or step 134827  
therapy for medication-assisted treatment for program 134828  
participants. The plans developed under this division shall ensure 134829  
all of the following: 134830

(1) The development of an efficient and timely process for 134831  
review of eligibility for health benefits for all persons selected 134832  
to participate in the program; 134833

(2) A rapid conversion to reimbursement for all health care 134834

services by the participant's health care plan following approval 134835  
for coverage of health care benefits; 134836

(3) The development of a consistent benefit package that 134837  
provides ready access to and reimbursement for essential health 134838  
care services including, but not limited to, primary health care 134839  
services, alcohol and opioid detoxification services, appropriate 134840  
psychosocial services, and medication for long-acting injectable 134841  
antagonist therapies and partial agonist therapies; 134842

(4) The development of guidelines that require the provision 134843  
of all treatment services, including medication, with minimal 134844  
administrative barriers and within a time frame that meets the 134845  
requirements of individual patient care plans. 134846

(H) Upon completion of the report required by division (J) of 134847  
Section 331.90 of Am. Sub. H.B. 64 of the 131st General Assembly, 134848  
the research institution that prepared the report shall submit the 134849  
report to the Governor, Chief Justice of the Supreme Court, 134850  
President of the Senate, Speaker of the House of Representatives, 134851  
Director of Mental Health and Addiction Services, Director of 134852  
Rehabilitation and Correction, and any state agency that the 134853  
Department of Mental Health and Addiction Services collaborates 134854  
with in conducting the program. 134855

(I) Not later than ninety days after the effective date of 134856  
this section, the Department of Mental Health and Addiction 134857  
Services shall select a research institution to evaluate the 134858  
Department's program, as conducted in fiscal year 2018 and fiscal 134859  
year 2019. To be selected, a research institution must have 134860  
experience in evaluating multiple court systems across 134861  
jurisdictions, in both rural and urban regions, experience in 134862  
evaluating the use of agonist and antagonist therapies in MAT drug 134863  
court programs, a record of producing material for scientific 134864  
publications, expertise in health economics, and experience with 134865  
patient issues involving ethics and consent. In addition, the 134866

institution must have an internal review board. 134867

The research institution selected shall prepare a report of 134868  
its findings from the evaluation of the Department's program. The 134869  
institution shall complete its report not later than December 31, 134870  
2019. On completion, the institution shall submit the report to 134871  
the Governor, Chief Justice of the Supreme Court, President of the 134872  
Senate, Speaker of the House of Representatives, Department of 134873  
Mental Health and Addiction Services, Department of Rehabilitation 134874  
and Correction, and any other state agency that the Department of 134875  
Mental Health and Addiction Services collaborates with in 134876  
conducting its program. 134877

(J) Of the foregoing appropriation item 336422, Criminal 134878  
Justice Services, up to \$8,000,000 in each fiscal year shall be 134879  
used to support medication-assisted treatment for drug court 134880  
specialized docket programs. 134881

**Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH** 134882  
**CORRECTIONS** 134883

Any business commenced but not completed by July 1, 2015, by 134884  
the Department of Rehabilitation and Correction regarding recovery 134885  
services shall be completed by the Department of Mental Health and 134886  
Addiction Services. No validation, cure, right, privilege, remedy, 134887  
obligation, or liability is lost or impaired by reason of the 134888  
transfer required by this section and shall be administered by the 134889  
Department of Mental Health and Addiction Services. Any rules, 134890  
orders, and determinations pertaining to the Bureau of Recovery 134891  
Services continue in effect as rules, orders, and determinations 134892  
of the Department of Mental Health and Addiction Services until 134893  
modified or rescinded by the Department of Mental Health and 134894  
Addiction Services. If necessary to ensure the integrity of the 134895  
numbering of the Administrative Code, the Director of the 134896  
Legislative Service Commission shall renumber the numbers to 134897

reflect their transfer to the Department of Mental Health and 134898  
Addiction Services. 134899

Subject to the lay-off provisions of sections 124.321 to 134900  
124.382 of the Revised Code, all employees of the Bureau of 134901  
Recovery Services are hereby transferred to the Department of 134902  
Mental Health and Addiction Services and retain their positions 134903  
and all of their benefits. 134904

Wherever the Bureau of Recovery Services is referred to in 134905  
any law, contract, or other document, the reference shall be 134906  
deemed to refer to the Department of Mental Health and Addiction 134907  
Services or its director, as appropriate. 134908

Any business commenced but not completed under appropriation 134909  
item 505321, Institution Medical Services, pertaining to the 134910  
Bureau of Recovery Services, shall be completed under 134911  
appropriation item 336423, Addiction Services Partnership with 134912  
Corrections, in the same manner, and with the same effect, as if 134913  
completed with regard to appropriation item 505321, Institution 134914  
Medical Services. 134915

**Section 337.90. RECOVERY HOUSING** 134916

The foregoing appropriation item 336424, Recovery Housing, 134917  
shall be used to expand and support access to recovery housing as 134918  
defined in section 340.01 of the Revised Code and in accordance 134919  
with section 340.034 of the Revised Code. For expenditures that 134920  
are capital in nature, the Department of Mental Health and 134921  
Addiction Services shall develop procedures to administer these 134922  
funds in a manner that is consistent with current community 134923  
capital assistance guidelines. 134924

**Section 337.100. SPECIALIZED DOCKET SUPPORT** 134925

(A) The foregoing appropriation item 336425, Specialized 134926  
Docket Support, shall be used to defray a portion of the annual 134927

payroll costs associated with the specialized docket of a common 134928  
pleas court, municipal court, county court, juvenile court, or 134929  
family court that meets all of the eligibility requirements in 134930  
division (B) of this section, including a family dependency 134931  
treatment docket. The foregoing appropriation item 336425, 134932  
Specialized Docket Support, may also be used to defray costs 134933  
associated with treatment services and recovery supports for 134934  
participants. 134935

(B) To be eligible, the specialized docket must have received 134936  
Supreme Court of Ohio final certification and include participants 134937  
with behavioral health needs in its target population. 134938

(C) Of the foregoing appropriation item 336425, Specialized 134939  
Docket Support, the Department of Mental Health and Addiction 134940  
Services shall use up to one per cent of the funds appropriated in 134941  
each fiscal year to pay the cost it incurs in administering the 134942  
duties established in this section. 134943

(D) The Department, in consultation with the Supreme Court of 134944  
Ohio, may adopt funding distribution methodology, guidelines, and 134945  
procedures as necessary to carry out the purposes of this section. 134946

**Section 337.110. COMMUNITY INNOVATIONS** 134947

The foregoing appropriation item 336504, Community 134948  
Innovations, may be used by the Department of Mental Health and 134949  
Addiction Services to make targeted investments in programs, 134950  
projects, or systems operated by or under the authority of other 134951  
state agencies, governmental entities, or private not-for-profit 134952  
agencies that impact, or are impacted by, the operations and 134953  
functions of the Department, with the goal of achieving a net 134954  
reduction in expenditure of state general revenue funds and/or 134955  
improved outcomes for Ohio citizens without a net increase in 134956  
state general revenue fund spending. 134957

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community Innovations, up to \$3,000,000 in fiscal year 2018 and \$4,000,000 in fiscal year 2019 shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 336504, Community Innovations, up to \$500,000 in fiscal year 2018 and \$750,000 in fiscal year 2019 shall be used to enhance access to naloxone across the state for county health departments to then disperse through a grant program to local law enforcement, emergency

personnel, and first responders. If local law enforcement, 134990  
emergency personnel, and first responders are not making use of 134991  
the naloxone grant funds, the county health department may use 134992  
grant funding to provide naloxone through a Project DAWN program 134993  
within the county. 134994

Of the foregoing appropriation item 336504, Community 134995  
Innovations, up to \$850,000 in fiscal year 2018 and \$2,000,000 in 134996  
fiscal year 2019 shall be used to support projects that assist 134997  
local communities in implementing a full continuum of care, 134998  
including workforce development, as described in division (A)(1) 134999  
of section 340.03 of the Revised Code. 135000

Of the foregoing appropriation item 336504, Community 135001  
Innovations, \$4,000,000 in each fiscal year shall be allocated to 135002  
the Psychotropic Drug Reimbursement Program established in section 135003  
5119.19 of the Revised Code. On July 1, 2018, or as soon as 135004  
possible thereafter, the Director of Mental Health and Addiction 135005  
Services shall certify to the Director of Budget and Management 135006  
the amount of the unexpended, unencumbered allocation for the 135007  
program in fiscal year 2018. The amount certified is hereby 135008  
reappropriated to appropriation item 336504, Community 135009  
Innovations, in fiscal year 2019 for the same purpose. 135010

**Section 337.120. RESIDENTIAL STATE SUPPLEMENT** 135011

(A) The foregoing appropriation item 336510, Residential 135012  
State Supplement, may be used by the Department of Mental Health 135013  
and Addiction Services to provide training for residential 135014  
facilities providing accommodations, supervision, and personal 135015  
care services to three to sixteen unrelated adults with mental 135016  
illness and to make payments to residential state supplement 135017  
recipients. 135018

(B) The Department of Mental Health and Addiction Services 135019  
shall adopt rules establishing eligibility criteria and payment 135020

amounts under section 5119.41 of the Revised Code. 135021

**Section 337.130.** EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 135022  
CONSULTATION 135023

The foregoing appropriation item 336511, Early Childhood 135024  
Mental Health Counselors and Consultation, shall be used to 135025  
promote identification and intervention for early childhood mental 135026  
health and to enhance healthy social emotional development in 135027  
order to reduce preschool to third grade classroom expulsions. 135028  
Funds shall be used by the Department of Mental Health and 135029  
Addiction Services to support early childhood mental health 135030  
credentialed counselors and consultation services, as well as 135031  
administration and workforce development for the program. 135032

**Section 337.140.** MEDICAID SUPPORT 135033

The foregoing appropriation item 652321, Medicaid Support, 135034  
shall be used to fund specified Medicaid Services as delegated by 135035  
the state's single agency responsible for the Medicaid Program. 135036

**Section 337.150.** PROBLEM GAMBLING AND CASINO ADDICTION 135037

A portion of appropriation item 336629, Problem Gambling and 135038  
Casino Addiction, shall be allocated to boards of alcohol, drug 135039  
addiction, and mental health services in accordance with a 135040  
distribution methodology determined by the Director of Mental 135041  
Health and Addiction Services. 135042

**Section 337.160.** FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 135043  
POOL 135044

A county family and children first council may establish and 135045  
operate a flexible funding pool in order to assure access to 135046  
needed services by families, children, and older adults in need of 135047  
protective services. The operation of the flexible funding pools 135048



shall be subject to the following restrictions: 135049

(A) The county council shall establish and operate the 135050  
flexible funding pool in accordance with formal guidance issued by 135051  
the Family and Children First Cabinet Council; 135052

(B) The county council shall produce an annual report on its 135053  
use of the pooled funds. The annual report shall conform to a 135054  
format prescribed in the formal guidance issued by the Family and 135055  
Children First Cabinet Council; 135056

(C) Unless otherwise restricted, funds transferred to the 135057  
flexible funding pool may include state general revenues allocated 135058  
to local entities to support the provision of services to families 135059  
and children; 135060

(D) The amounts transferred to the flexible funding pool 135061  
shall be limited to amounts that can be redirected without 135062  
impairing the achievement of the objectives for which the initial 135063  
allocation is designated; and 135064

(E) Each amount transferred to the flexible funding pool from 135065  
a specific allocation shall be approved for transfer by the 135066  
director of the local agency that was the original recipient of 135067  
the allocation. 135068

**Section 337.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT** 135069

The designation of administering agency for federal aid shall 135070  
be held jointly by the Department of Mental Health and Addiction 135071  
Services and the Department of Medicaid for determining 135072  
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 135073  
Department of Mental Health and Addiction Services remains the 135074  
designated agency for all other purposes established by 42 U.S.C. 135075  
300x et seq. and section 5119.32 of the Revised Code. 135076

**Section 337.180. ACCESS SUCCESS II PROGRAM** 135077

To the extent cash is available, the Director of Budget and Management may transfer cash from the Money Follows the Person Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

**Section 337.190.** CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION FUND

On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.

**Section 337.200.** CURES OPIOID STR

The foregoing appropriation item 336503, Cures Opioid STR, shall be used pursuant to the goals and requirements of the State Targeted Response to the Opioid Crisis Grant provision in the federal "21st Century Cures Act," Public Law 114-255.

|                         |                                                                    |    |           |    |           |
|-------------------------|--------------------------------------------------------------------|----|-----------|----|-----------|
| <b>Section 337.210.</b> | DRUG AND OPIATE ADDICTION DETECTION                                |    |           |    | 135108    |
|                         | The foregoing appropriation item 336642, Drug and Opiate           |    |           |    | 135109    |
|                         | Addiction Detection, shall be used to develop a program to help    |    |           |    | 135110    |
|                         | teachers and educators identify students using or addicted to      |    |           |    | 135111    |
|                         | drugs, including opioids. The Department of Mental Health and      |    |           |    | 135112    |
|                         | Addiction Services shall collaborate with the Department of        |    |           |    | 135113    |
|                         | Education to develop this program.                                 |    |           |    | 135114    |
| <b>Section 337.211.</b> | TRANSFER FROM STATE BOARD OF EDUCATION                             |    |           |    | 135115    |
|                         | LICENSURE FUND TO DRUG AND OPIATE ADDICTION DETECTION AND RESPONSE |    |           |    | 135116    |
|                         | FUND                                                               |    |           |    | 135117    |
|                         | Notwithstanding any provision of law to the contrary, on July      |    |           |    | 135118    |
|                         | 1 of each fiscal year, or as soon as possible thereafter, the      |    |           |    | 135119    |
|                         | Director of Budget and Management shall transfer \$5,000,000 cash  |    |           |    | 135120    |
|                         | from the State Board of Education Licensure Fund (Fund 4L20) to    |    |           |    | 135121    |
|                         | the Drug and Opiate Addiction Detection and Response Fund (Fund    |    |           |    | 135122    |
|                         | 5AH0), which is hereby created in the state treasury.              |    |           |    | 135123    |
| <b>Section 337.220.</b> | SUBSTANCE ABUSE STABILIZATION CENTERS                              |    |           |    | 135124    |
|                         | The foregoing appropriation item 336600, Substance Abuse           |    |           |    | 135125    |
|                         | Stabilization Centers, shall be used in accordance with division   |    |           |    | 135126    |
|                         | (G)(3) of Section 757.20 of this act.                              |    |           |    | 135127    |
| <b>Section 339.10.</b>  | MIH COMMISSION ON MINORITY HEALTH                                  |    |           |    | 135128    |
|                         | General Revenue Fund                                               |    |           |    | 135129    |
| GRF 149321              | Operating Expenses                                                 | \$ | 654,939   | \$ | 654,939   |
| GRF 149501              | Demonstration Grants                                               | \$ | 852,606   | \$ | 852,606   |
| GRF 149502              | Lupus Program                                                      | \$ | 93,120    | \$ | 93,120    |
| GRF 149503              | Infant Mortality                                                   | \$ | 985,000   | \$ | 985,000   |
|                         | Health Grants                                                      |    |           |    |           |
| TOTAL GRF               | General Revenue Fund                                               | \$ | 2,585,665 | \$ | 2,585,665 |

|                                                            |    |            |               |        |
|------------------------------------------------------------|----|------------|---------------|--------|
| Dedicated Purpose Fund Group                               |    |            |               | 135135 |
| 4C20 149601 Minority Health                                | \$ | 50,000     | \$ 50,000     | 135136 |
| Conference                                                 |    |            |               |        |
| TOTAL DPF Dedicated Purpose Fund                           | \$ | 50,000     | \$ 50,000     | 135137 |
| Group                                                      |    |            |               |        |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 2,635,665  | \$ 2,635,665  | 135138 |
| <br>                                                       |    |            |               |        |
| <b>Section 341.10.</b> CRB MOTOR VEHICLE REPAIR BOARD      |    |            |               | 135140 |
| Dedicated Purpose Fund Group                               |    |            |               | 135141 |
| 4K90 865601 Operating Expenses                             | \$ | 587,371    | \$ 604,593    | 135142 |
| TOTAL DPF Dedicated Purpose Fund                           | \$ | 587,371    | \$ 604,593    | 135143 |
| Group                                                      |    |            |               |        |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 587,371    | \$ 604,593    | 135144 |
| <br>                                                       |    |            |               |        |
| <b>Section 343.10.</b> DNR DEPARTMENT OF NATURAL RESOURCES |    |            |               | 135146 |
| General Revenue Fund                                       |    |            |               | 135147 |
| GRF 725401 Division of                                     | \$ | 1,773,000  | \$ 1,773,000  | 135148 |
| Wildlife-Operating                                         |    |            |               |        |
| Subsidy                                                    |    |            |               |        |
| GRF 725413 Parks and Recreational                          | \$ | 39,002,200 | \$ 44,442,400 | 135149 |
| Facilities Lease                                           |    |            |               |        |
| Rental Bond Payments                                       |    |            |               |        |
| GRF 725456 Canal Lands                                     | \$ | 130,950    | \$ 130,950    | 135150 |
| GRF 725505 Healthy Lake Erie                               | \$ | 800,000    | \$ 1,000,000  | 135151 |
| Program                                                    |    |            |               |        |
| GRF 725507 Coal and Mine Safety                            | \$ | 2,773,178  | \$ 2,773,178  | 135152 |
| Programs                                                   |    |            |               |        |
| GRF 725903 Natural Resources                               | \$ | 25,450,300 | \$ 19,317,800 | 135153 |
| General Obligation                                         |    |            |               |        |
| Bond Debt Service                                          |    |            |               |        |
| GRF 727321 Division of Forestry                            | \$ | 2,672,919  | \$ 4,612,919  | 135154 |
| GRF 729321 Office of Information                           | \$ | 179,750    | \$ 179,750    | 135155 |

|           |        |                              |    |             |    |             |        |
|-----------|--------|------------------------------|----|-------------|----|-------------|--------|
|           |        | Technology                   |    |             |    |             |        |
| GRF       | 730321 | Parks and Recreation         | \$ | 30,579,551  | \$ | 30,596,130  | 135156 |
| GRF       | 736321 | Division of                  | \$ | 2,034,175   | \$ | 2,017,848   | 135157 |
|           |        | Engineering                  |    |             |    |             |        |
| GRF       | 737321 | Division of Water            | \$ | 946,530     | \$ | 1,183,161   | 135158 |
|           |        | Resources                    |    |             |    |             |        |
| GRF       | 738321 | Office of Real Estate        | \$ | 720,175     | \$ | 720,175     | 135159 |
|           |        | and Land Management          |    |             |    |             |        |
| GRF       | 741321 | Division of Natural          | \$ | 986,149     | \$ | 1,232,686   | 135160 |
|           |        | Areas and Preserves          |    |             |    |             |        |
| TOTAL GRF |        | General Revenue Fund         | \$ | 108,048,877 | \$ | 109,979,997 | 135161 |
|           |        | Dedicated Purpose Fund Group |    |             |    |             | 135162 |
| 2270      | 725406 | Parks Projects               | \$ | 850,000     | \$ | 900,000     | 135163 |
|           |        | Personnel                    |    |             |    |             |        |
| 4300      | 725671 | Canal Lands                  | \$ | 924,919     | \$ | 927,128     | 135164 |
| 4S90      | 725622 | NatureWorks Personnel        | \$ | 800,000     | \$ | 800,000     | 135165 |
| 4U60      | 725668 | Scenic Rivers                | \$ | 100,000     | \$ | 100,000     | 135166 |
|           |        | Protection                   |    |             |    |             |        |
| 5090      | 725602 | State Forest                 | \$ | 9,695,418   | \$ | 8,009,525   | 135167 |
| 5110      | 725646 | Ohio Geological              | \$ | 3,922,925   | \$ | 3,818,039   | 135168 |
|           |        | Mapping                      |    |             |    |             |        |
| 5120      | 725605 | State Parks Operations       | \$ | 31,000,000  | \$ | 31,000,000  | 135169 |
| 5140      | 725606 | Lake Erie Shoreline          | \$ | 2,125,649   | \$ | 1,681,699   | 135170 |
| 5160      | 725620 | Water Management             | \$ | 2,864,291   | \$ | 2,878,291   | 135171 |
| 5180      | 725643 | Oil and Gas Regulation       | \$ | 19,444,876  | \$ | 19,444,876  | 135172 |
|           |        | and Safety                   |    |             |    |             |        |
| 5180      | 725677 | Oil and Gas Well             | \$ | 3,000,000   | \$ | 3,000,000   | 135173 |
|           |        | Plugging                     |    |             |    |             |        |
| 5210      | 725627 | Off-Road Vehicle             | \$ | 350,000     | \$ | 350,000     | 135174 |
|           |        | Trails                       |    |             |    |             |        |
| 5220      | 725656 | Natural Areas and            | \$ | 650,000     | \$ | 546,973     | 135175 |
|           |        | Preserves                    |    |             |    |             |        |
| 5290      | 725639 | Mining Regulation and        | \$ | 4,764,897   | \$ | 4,499,705   | 135176 |

|       |        |                                      |    |             |    |             |        |
|-------|--------|--------------------------------------|----|-------------|----|-------------|--------|
|       |        | Safety                               |    |             |    |             |        |
| 5310  | 725648 | Reclamation Forfeiture               | \$ | 5,315,262   | \$ | 217,471     | 135177 |
| 5EL0  | 725612 | Wildlife Law                         | \$ | 12,000      | \$ | 12,000      | 135178 |
|       |        | Enforcement                          |    |             |    |             |        |
| 5EM0  | 725613 | Natural Resources Law                | \$ | 34,000      | \$ | 34,000      | 135179 |
|       |        | Enforcement                          |    |             |    |             |        |
| 5HK0  | 725625 | Ohio Nature Preserves                | \$ | 55,162      | \$ | 1,000       | 135180 |
| 5MF0  | 725635 | Ohio Geology License                 | \$ | 5,000       | \$ | 5,000       | 135181 |
|       |        | Plate                                |    |             |    |             |        |
| 5MW0  | 725604 | Natural Resources                    | \$ | 2,000,000   | \$ | 2,000,000   | 135182 |
|       |        | Special Purposes                     |    |             |    |             |        |
| 5P20  | 725634 | Wildlife Boater Angler               | \$ | 4,000,000   | \$ | 4,000,000   | 135183 |
|       |        | Administration                       |    |             |    |             |        |
| 5TD0  | 725514 | Park Maintenance                     | \$ | 1,356,000   | \$ | 1,356,000   | 135184 |
| 6150  | 725661 | Dam Safety                           | \$ | 1,155,691   | \$ | 1,155,691   | 135185 |
| 6970  | 725670 | Submerged Lands                      | \$ | 717,155     | \$ | 717,155     | 135186 |
| 7015  | 740401 | Division of Wildlife                 | \$ | 60,000,000  | \$ | 60,000,000  | 135187 |
|       |        | Conservation                         |    |             |    |             |        |
| 7086  | 725414 | Waterways Improvement                | \$ | 6,193,671   | \$ | 6,193,671   | 135188 |
| 7086  | 739401 | Watercraft Operations                | \$ | 21,228,023  | \$ | 21,228,023  | 135189 |
| 8150  | 725636 | Cooperative Management               | \$ | 650,000     | \$ | 650,000     | 135190 |
|       |        | Projects                             |    |             |    |             |        |
| 8160  | 725649 | Wetlands Habitat                     | \$ | 966,885     | \$ | 966,885     | 135191 |
| 8170  | 725655 | Wildlife Conservation                | \$ | 2,000,000   | \$ | 2,000,000   | 135192 |
|       |        | Checkoff                             |    |             |    |             |        |
| 8180  | 725629 | Cooperative Fisheries                | \$ | 1,500,000   | \$ | 1,500,000   | 135193 |
|       |        | Research                             |    |             |    |             |        |
| 8190  | 725685 | Ohio River Management                | \$ | 140,000     | \$ | 140,000     | 135194 |
| 81B0  | 725688 | Wildlife Habitats                    | \$ | 1,200,000   | \$ | 1,200,000   | 135195 |
| TOTAL | DPF    | Dedicated Purpose Fund               | \$ | 189,021,824 | \$ | 181,333,132 | 135196 |
|       |        | Group                                |    |             |    |             |        |
|       |        | Internal Service Activity Fund Group |    |             |    |             | 135197 |
| 1550  | 725601 | Departmental Projects                | \$ | 1,523,950   | \$ | 1,629,913   | 135198 |

|                                          |        |                                            |    |            |    |            |        |
|------------------------------------------|--------|--------------------------------------------|----|------------|----|------------|--------|
| 1550                                     | 725676 | Hocking Hills State<br>Park Lodge          | \$ | 500,000    | \$ | 500,000    | 135199 |
| 1570                                     | 725651 | Central Support<br>Indirect                | \$ | 5,632,162  | \$ | 5,632,162  | 135200 |
| 2040                                     | 725687 | Information Services                       | \$ | 5,791,238  | \$ | 5,791,238  | 135201 |
| 2050                                     | 725696 | Human Resource Direct<br>Services          | \$ | 2,698,048  | \$ | 2,735,732  | 135202 |
| 2230                                     | 725665 | Law Enforcement<br>Administration          | \$ | 2,664,717  | \$ | 2,827,473  | 135203 |
| 5100                                     | 725631 | Maintenance -<br>State-owned<br>Residences | \$ | 249,611    | \$ | 249,611    | 135204 |
| 6350                                     | 725664 | Fountain Square<br>Facilities Management   | \$ | 3,647,224  | \$ | 3,768,109  | 135205 |
| TOTAL ISA Internal Service Activity      |        |                                            |    |            |    |            | 135206 |
| Fund Group                               |        |                                            | \$ | 22,706,950 | \$ | 23,134,238 | 135207 |
| Capital Projects Fund Group              |        |                                            |    |            |    |            | 135208 |
| 7061                                     | 725405 | Clean Ohio Trail<br>Operating              | \$ | 301,796    | \$ | 301,796    | 135209 |
| TOTAL CPF Capital Projects Fund<br>Group |        |                                            | \$ | 301,796    | \$ | 301,796    | 135210 |
| Fiduciary Fund Group                     |        |                                            |    |            |    |            | 135211 |
| 4M80                                     | 725675 | FOP Contract                               | \$ | 20,219     | \$ | 20,219     | 135212 |
| TOTAL FID Fiduciary Fund Group           |        |                                            | \$ | 20,219     | \$ | 20,219     | 135213 |
| Holding Account Fund Group               |        |                                            |    |            |    |            | 135214 |
| R017                                     | 725659 | Performance Cash Bond<br>Refunds           | \$ | 528,993    | \$ | 528,993    | 135215 |
| R043                                     | 725624 | Forestry                                   | \$ | 2,100,000  | \$ | 2,100,000  | 135216 |
| TOTAL HLD Holding Account<br>Fund Group  |        |                                            |    |            |    |            | 135217 |
| Fund Group                               |        |                                            | \$ | 2,628,993  | \$ | 2,628,993  | 135218 |
| Federal Fund Group                       |        |                                            |    |            |    |            | 135219 |
| 3320                                     | 725669 | Federal Mine Safety                        | \$ | 265,000    | \$ | 265,000    | 135220 |

|                              |                    |                       |    |             |    |                    |
|------------------------------|--------------------|-----------------------|----|-------------|----|--------------------|
|                              |                    | Grant                 |    |             |    |                    |
| 3B30                         | 725640             | Federal Forest        | \$ | 350,000     | \$ | 350,000 135221     |
|                              |                    | Pass-Thru             |    |             |    |                    |
| 3B40                         | 725641             | Federal Flood         | \$ | 350,000     | \$ | 350,000 135222     |
|                              |                    | Pass-Thru             |    |             |    |                    |
| 3B50                         | 725645             | Federal Abandoned     | \$ | 12,541,621  | \$ | 15,465,471 135223  |
|                              |                    | Mine Lands            |    |             |    |                    |
| 3B60                         | 725653             | Federal Land and      | \$ | 950,634     | \$ | 950,634 135224     |
|                              |                    | Water Conservation    |    |             |    |                    |
|                              |                    | Grants                |    |             |    |                    |
| 3B70                         | 725654             | Reclamation -         | \$ | 1,986,569   | \$ | 1,697,242 135225   |
|                              |                    | Regulatory            |    |             |    |                    |
| 3P10                         | 725632             | Geological Survey -   | \$ | 160,000     | \$ | 160,000 135226     |
|                              |                    | Federal               |    |             |    |                    |
| 3P20                         | 725642             | Oil and Gas - Federal | \$ | 147,000     | \$ | 147,000 135227     |
| 3P30                         | 725650             | Coastal Management -  | \$ | 1,905,150   | \$ | 1,905,150 135228   |
|                              |                    | Federal               |    |             |    |                    |
| 3P40                         | 725660             | Federal - Soil and    | \$ | 601,000     | \$ | 608,000 135229     |
|                              |                    | Water Resources       |    |             |    |                    |
| 3R50                         | 725673             | Acid Mine Drainage    | \$ | 1,200,000   | \$ | 1,200,000 135230   |
|                              |                    | Abatement/Treatment   |    |             |    |                    |
| 3Z50                         | 725657             | Federal Recreation    | \$ | 1,600,000   | \$ | 1,600,000 135231   |
|                              |                    | and Trails            |    |             |    |                    |
| TOTAL FED                    | Federal Fund Group |                       | \$ | 22,056,974  | \$ | 24,698,497 135232  |
| TOTAL ALL BUDGET FUND GROUPS |                    |                       | \$ | 344,785,633 | \$ | 342,096,872 135233 |

**Section 343.20. PARK MAINTENANCE** 135235

The foregoing appropriation item 725514, Park Maintenance, 135236  
shall be used by the Department of Natural Resources to pay the 135237  
costs of projects supported by the State Park Maintenance Fund 135238  
(Fund 5TD0) under section 1501.08 of the Revised Code. 135239

On July 1, 2017, or as soon as possible thereafter, the 135240  
Director of Natural Resources shall certify the amount of five 135241



percent of the average of the previous five years of deposits in 135242  
the State Park Fund (Fund 5120) to the Director of Budget and 135243  
Management. The Director of Budget and Management may transfer up 135244  
to \$1,500,000 from Fund 5120 to the State Park Maintenance Fund 135245  
(Fund 5TD0). 135246

**Section 343.30. CENTRAL SUPPORT INDIRECT FUND** 135247

The Department of Natural Resources, with approval of the 135248  
Director of Budget and Management, shall use a methodology for 135249  
determining each division's payments into the Central Support 135250  
Indirect Fund (Fund 1570). The methodology used shall contain the 135251  
characteristics of administrative ease and uniform application in 135252  
compliance with federal grant requirements. It may include direct 135253  
cost charges for specific services provided. Payments to Fund 1570 135254  
shall be made using an intrastate transfer voucher. 135255

The foregoing appropriation item 725401, Division of 135256  
Wildlife-Operating Subsidy, shall be used to pay the direct and 135257  
indirect costs of the Division of Wildlife. 135258

**Section 343.40. PARKS AND RECREATIONAL FACILITIES LEASE** 135259  
**RENTAL BOND PAYMENTS** 135260

The foregoing appropriation item 725413, Parks and 135261  
Recreational Facilities Lease Rental Bond Payments, shall be used 135262  
to meet all payments during the period from July 1, 2017, through 135263  
June 30, 2019, by the Department of Natural Resources pursuant to 135264  
leases and agreements made under section 154.22 of the Revised 135265  
Code. These appropriations are the source of funds pledged for 135266  
bond service charges on related obligations issued under Chapter 135267  
154. of the Revised Code. 135268

**HEALTHY LAKE ERIE PROGRAM** 135269

The foregoing appropriation item 725505, Healthy Lake Erie 135270  
Program, shall be used by the Director of Natural Resources, in 135271

support of (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

COAL AND MINE SAFETY PROGRAM

The foregoing appropriation item 725507, Coal and Mine Safety Program, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

**Section 343.50.** OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. This appropriation item shall not be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.

WELL LOG FILING FEES

The Chief of the Division of Water Resources shall deposit

fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Water Management Fund (Fund 5160) for the purposes described in that section.

**PARKS CAPITAL EXPENSES FUND**

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects within the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7035 appropriation item C725E6, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 7035 using an intrastate transfer voucher.

**NATUREWORKS CAPITAL EXPENSES FUND**

The Department of Natural Resources shall submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by Department of Natural Resources staff for each capital improvement project within the Ohio Parks and Natural Resources Fund (Fund 7031). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7031 appropriation item C725E5, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Capital Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 using an intrastate transfer voucher.

**Section 343.60. HUMAN RESOURCES DIRECT SERVICE**

The foregoing appropriation item 725696, Human Resources 135332  
Direct Service, shall be used to cover the cost of support, 135333  
coordination, and oversight of the Department of Natural 135334  
Resources' human resources functions. The Human Resources 135335  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 135336  
it via intrastate transfer voucher from other funds as determined 135337  
by the Director of Natural Resources and the Director of Budget 135338  
and Management. 135339

LAW ENFORCEMENT ADMINISTRATION 135340

The foregoing appropriation item 725665, Law Enforcement 135341  
Administration, shall be used to cover the cost of support, 135342  
coordination, and oversight of the Department of Natural 135343  
Resources' law enforcement functions. The Law Enforcement 135344  
Administration Fund (Fund 2230) shall consist of cash transferred 135345  
to it via intrastate transfer voucher from other funds as 135346  
determined by the Director of Natural Resources and the Director 135347  
of Budget and Management. 135348

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 135349

The foregoing appropriation item 725664, Fountain Square 135350  
Facilities Management, shall be used for payment of repairs, 135351  
renovation, utilities, property management, and building 135352  
maintenance expenses for the Fountain Square complex and the 135353  
Department of Natural Resources grounds at the Ohio Expo Center. 135354  
Cash transferred by intrastate transfer vouchers from various 135355  
department funds and rental income received by the Department of 135356  
Natural Resources shall be deposited into the Fountain Square 135357  
Facilities Management Fund (Fund 6350). 135358

**Section 343.70.** CLEAN OHIO TRAIL OPERATING EXPENSES 135359

The foregoing appropriation item 725405, Clean Ohio Trail 135360  
Operating, shall be used by the Department of Natural Resources in 135361

administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 135362  
to section 1519.05 of the Revised Code. 135363

**Section 345.10.** NUR STATE BOARD OF NURSING 135364

Dedicated Purpose Fund Group 135365

4K90 884609 Operating Expenses \$ 8,909,895 \$ 9,317,358 135366

5AC0 884602 Nurse Education Grant \$ 1,518,500 \$ 1,518,500 135367  
Program

5P80 884601 Nursing Special \$ 2,000 \$ 2,000 135368

Issues

TOTAL DPF Dedicated Purpose 135369

Fund Group \$ 10,430,395 \$ 10,837,858 135370

TOTAL ALL BUDGET FUND GROUPS \$ 10,430,395 \$ 10,837,858 135371

**Section 347.10.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 135373

AND ATHLETIC TRAINERS BOARD 135374

Dedicated Purpose Fund Group 135375

4K90 890609 Operating Expenses \$ 612,956 \$ 0 135376

TOTAL DPF Dedicated Purpose Fund \$ 612,956 \$ 0 135377

Group

TOTAL ALL BUDGET FUND GROUPS \$ 612,956 \$ 0 135378

**Section 353.10.** OOD OPPORTUNITIES FOR OHIOANS WITH 135380

DISABILITIES AGENCY 135381

General Revenue Fund 135382

GRF 415402 Independent Living \$ 200,640 \$ 200,640 135383

Council

GRF 415406 Assistive Technology \$ 25,819 \$ 25,819 135384

GRF 415431 Brain Injury \$ 126,567 \$ 126,567 135385

GRF 415506 Services for \$ 15,580,444 \$ 15,580,444 135386

Individuals with

Disabilities

|                                      |                           |                       |    |             |    |             |        |
|--------------------------------------|---------------------------|-----------------------|----|-------------|----|-------------|--------|
| GRF                                  | 415508                    | Services for the Deaf | \$ | 27,580      | \$ | 27,580      | 135387 |
| TOTAL GRF                            | General Revenue Fund      |                       | \$ | 15,961,050  | \$ | 15,961,050  | 135388 |
| Dedicated Purpose Fund Group         |                           |                       |    |             |    |             | 135389 |
| 4670                                 | 415609                    | Business Enterprise   | \$ | 1,555,368   | \$ | 1,555,368   | 135390 |
|                                      |                           | Operating Expenses    |    |             |    |             |        |
| 4680                                 | 415618                    | Third Party Services  | \$ | 12,300,000  | \$ | 12,300,000  | 135391 |
|                                      |                           | Funding               |    |             |    |             |        |
| 4L10                                 | 415619                    | Services for          | \$ | 3,575,191   | \$ | 3,575,191   | 135392 |
|                                      |                           | Rehabilitation        |    |             |    |             |        |
| TOTAL DPF                            | Dedicated Purpose         |                       |    |             |    |             | 135393 |
| Fund Group                           |                           |                       | \$ | 17,430,559  | \$ | 17,430,559  | 135394 |
| Internal Service Activity Fund Group |                           |                       |    |             |    |             | 135395 |
| 4W50                                 | 415606                    | Program Management    | \$ | 12,486,502  | \$ | 12,785,665  | 135396 |
| TOTAL ISA                            | Internal Service Activity |                       |    |             |    |             | 135397 |
| Fund Group                           |                           |                       | \$ | 12,486,502  | \$ | 12,785,665  | 135398 |
| Federal Fund Group                   |                           |                       |    |             |    |             | 135399 |
| 3170                                 | 415620                    | Disability            | \$ | 82,228,048  | \$ | 82,932,645  | 135400 |
|                                      |                           | Determination         |    |             |    |             |        |
| 3790                                 | 415616                    | Federal - Vocational  | \$ | 115,837,977 | \$ | 117,416,322 | 135401 |
|                                      |                           | Rehabilitation        |    |             |    |             |        |
| 3GH0                                 | 415602                    | Personal Care         | \$ | 3,139,040   | \$ | 3,139,040   | 135402 |
|                                      |                           | Assistance            |    |             |    |             |        |
| 3GH0                                 | 415604                    | Community Centers for | \$ | 1,022,000   | \$ | 1,022,000   | 135403 |
|                                      |                           | the Deaf              |    |             |    |             |        |
| 3GH0                                 | 415613                    | Independent Living    | \$ | 627,128     | \$ | 627,128     | 135404 |
| 3L10                                 | 415608                    | Social Security       | \$ | 7,000,000   | \$ | 8,000,000   | 135405 |
|                                      |                           | Special Program       |    |             |    |             |        |
|                                      |                           | Assistance            |    |             |    |             |        |
| 3L40                                 | 415615                    | Federal - Supported   | \$ | 1,000,000   | \$ | 1,000,000   | 135406 |
|                                      |                           | Employment            |    |             |    |             |        |
| 3L40                                 | 415617                    | Vocational            | \$ | 1,778,721   | \$ | 1,778,721   | 135407 |
|                                      |                           | Rehabilitation        |    |             |    |             |        |

Programs

|                              |    |             |    |             |        |
|------------------------------|----|-------------|----|-------------|--------|
| TOTAL FED Federal Fund Group | \$ | 212,632,914 | \$ | 215,915,856 | 135408 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 258,511,025 | \$ | 262,093,130 | 135409 |

INDEPENDENT LIVING 135410

The foregoing appropriation item 415402, Independent Living 135411  
Council, shall be used to support the state independent living 135412  
programs and centers under Title VII of the Independent Living 135413  
Services and Centers for Independent Living of the Rehabilitation 135414  
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 135415

Of the foregoing appropriation item 415402, Independent 135416  
Living Council, \$67,662 in each fiscal year shall be used as state 135417  
matching funds for vocational rehabilitation innovation and 135418  
expansion activities. 135419

ASSISTIVE TECHNOLOGY 135420

The total amount of the foregoing appropriation item 415406, 135421  
Assistive Technology, shall be provided to Assistive Technology of 135422  
Ohio to provide grants and assistive technology services for 135423  
people with disabilities in the State of Ohio. 135424

BRAIN INJURY 135425

The foregoing appropriation item 415431, Brain Injury, shall 135426  
be provided to The Ohio State University College of Medicine to 135427  
support the Brain Injury Program established under section 3335.60 135428  
of the Revised Code. 135429

SERVICES FOR THE DEAF 135430

The foregoing appropriation item 415508, Services for the 135431  
Deaf, shall be used to provide grants to community centers for the 135432  
deaf. 135433

**Section 355.10.** ODB OHIO OPTICAL DISPENSERS BOARD 135434

Dedicated Purpose Fund Group 135435

|                              |                        |    |         |    |   |        |
|------------------------------|------------------------|----|---------|----|---|--------|
| 4K90 894609                  | Program Support        | \$ | 235,768 | \$ | 0 | 135436 |
| TOTAL DPF                    | Dedicated Purpose Fund | \$ | 235,768 | \$ | 0 | 135437 |
| Group                        |                        |    |         |    |   |        |
| TOTAL ALL BUDGET FUND GROUPS |                        | \$ | 235,768 | \$ | 0 | 135438 |

**Section 357.10.** OPT STATE BOARD OF OPTOMETRY 135440

|                              |                        |    |         |    |   |        |
|------------------------------|------------------------|----|---------|----|---|--------|
| Dedicated Purpose Fund Group |                        |    |         |    |   | 135441 |
| 4K90 885609                  | Program Support        | \$ | 227,394 | \$ | 0 | 135442 |
| TOTAL DPF                    | Dedicated Purpose Fund | \$ | 227,394 | \$ | 0 | 135443 |
| Group                        |                        |    |         |    |   |        |
| TOTAL ALL BUDGET FUND GROUPS |                        | \$ | 227,394 | \$ | 0 | 135444 |

**Section 359.10.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 135446  
AND PEDORTHICS 135447

|                              |                        |    |         |    |   |        |
|------------------------------|------------------------|----|---------|----|---|--------|
| Dedicated Purpose Fund Group |                        |    |         |    |   | 135448 |
| 4K90 973609                  | Operating Expenses     | \$ | 122,574 | \$ | 0 | 135449 |
| TOTAL DPF                    | Dedicated Purpose Fund | \$ | 122,574 | \$ | 0 | 135450 |
| Group                        |                        |    |         |    |   |        |
| TOTAL ALL BUDGET FUND GROUPS |                        | \$ | 122,574 | \$ | 0 | 135451 |

**Section 361.10.** PEN PENSION SUBSIDIES 135452

|                      |                       |    |            |    |            |        |
|----------------------|-----------------------|----|------------|----|------------|--------|
| General Revenue Fund |                       |    |            |    |            | 135453 |
| GRF 090524           | Police and Fire       | \$ | 3,000      | \$ | 3,000      | 135454 |
| Disability Pension   |                       |    |            |    |            |        |
| Fund                 |                       |    |            |    |            |        |
| GRF 090534           | Police and Fire Ad    | \$ | 42,000     | \$ | 42,000     | 135455 |
| Hoc Cost of Living   |                       |    |            |    |            |        |
| GRF 090554           | Police and Fire       | \$ | 355,000    | \$ | 355,000    | 135456 |
| Survivor Benefits    |                       |    |            |    |            |        |
| GRF 090575           | Police and Fire Death | \$ | 20,000,000 | \$ | 20,000,000 | 135457 |
| Benefits             |                       |    |            |    |            |        |
| TOTAL GRF            | General Revenue Fund  | \$ | 20,400,000 | \$ | 20,400,000 | 135458 |



|                                                                    |    |            |    |            |        |
|--------------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 20,400,000 | \$ | 20,400,000 | 135459 |
|                                                                    |    |            |    |            |        |
| POLICE AND FIRE DEATH BENEFIT FUND                                 |    |            |    |            | 135460 |
|                                                                    |    |            |    |            |        |
| The foregoing appropriation item 090575, Police and Fire           |    |            |    |            | 135461 |
| Death Benefits, shall be disbursed quarterly by the Treasurer of   |    |            |    |            | 135462 |
| State at the beginning of each quarter of each fiscal year to the  |    |            |    |            | 135463 |
| Board of Trustees of the Ohio Police and Fire Pension Fund. The    |    |            |    |            | 135464 |
| Treasurer of State shall certify such amounts quarterly to the     |    |            |    |            | 135465 |
| Director of Budget and Management. By the twentieth day of June of |    |            |    |            | 135466 |
| each fiscal year, the Board of Trustees of the Ohio Police and     |    |            |    |            | 135467 |
| Fire Pension Fund shall certify to the Treasurer of State the      |    |            |    |            | 135468 |
| amount disbursed in the current fiscal year to make the payments   |    |            |    |            | 135469 |
| required by section 742.63 of the Revised Code and shall return to |    |            |    |            | 135470 |
| the Treasurer of State moneys received from this appropriation     |    |            |    |            | 135471 |
| item but not disbursed.                                            |    |            |    |            | 135472 |
|                                                                    |    |            |    |            |        |
| <b>Section 363.10.</b> UST PETROLEUM UNDERGROUND STORAGE TANK      |    |            |    |            | 135473 |
| RELEASE COMPENSATION BOARD                                         |    |            |    |            | 135474 |
|                                                                    |    |            |    |            |        |
| Dedicated Purpose Fund Group                                       |    |            |    |            | 135475 |
| 6910 810632 Petroleum Underground                                  | \$ | 1,433,220  | \$ | 1,461,073  | 135476 |
| Storage Tank Release                                               |    |            |    |            |        |
| Compensation Board -                                               |    |            |    |            |        |
| Operating                                                          |    |            |    |            |        |
| TOTAL DPF Dedicated Purpose Fund                                   | \$ | 1,433,220  | \$ | 1,461,073  | 135477 |
| Group                                                              |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 1,433,220  | \$ | 1,461,073  | 135478 |
|                                                                    |    |            |    |            |        |
| <b>Section 365.10.</b> PHS STATE PHYSICAL HEALTH SERVICES BOARD    |    |            |    |            | 135480 |
|                                                                    |    |            |    |            |        |
| Dedicated Purpose Fund Group                                       |    |            |    |            | 135481 |
| 4K90 127609 Operating Expenses                                     | \$ | 576,740    | \$ | 1,122,918  | 135482 |
| TOTAL DPF Dedicated Purpose Fund                                   | \$ | 576,740    | \$ | 1,122,918  | 135483 |
| Group                                                              |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 576,740    | \$ | 1,122,918  | 135484 |

|                                                            |        |                                      |                           |        |
|------------------------------------------------------------|--------|--------------------------------------|---------------------------|--------|
| <b>Section 367.10. PRX STATE BOARD OF PHARMACY</b>         |        |                                      |                           | 135486 |
| Dedicated Purpose Fund Group                               |        |                                      |                           | 135487 |
| 4A50                                                       | 887605 | Drug Law Enforcement                 | \$ 150,000 \$ 150,000     | 135488 |
| 4K90                                                       | 658605 | OARRS Integration -<br>State         | \$ 175,000 \$ 210,000     | 135489 |
| 4K90                                                       | 887609 | Operating Expenses                   | \$ 8,285,214 \$ 8,507,387 | 135490 |
| 5SG0                                                       | 887612 | Drug Database                        | \$ 200,000 \$ 200,000     | 135491 |
| 5SY0                                                       | 887613 | Medical Marijuana<br>Control Program | \$ 1,455,700 \$ 1,335,200 | 135492 |
| TOTAL DPF Dedicated Purpose Fund<br>Group                  |        |                                      |                           | 135493 |
| Federal Fund Group                                         |        |                                      |                           | 135494 |
| 3EB0                                                       | 887608 | 2008<br>Developing/Enhancing<br>PMP  | \$ 50,000 \$ 0            | 135495 |
| 3HD0                                                       | 887614 | Pharmacy Federal<br>Grants           | \$ 350,001 \$ 350,000     | 135496 |
| 3HH0                                                       | 658601 | OARRS Integration -<br>Federal       | \$ 1,700,000 \$ 2,100,000 | 135497 |
| TOTAL FED Federal Fund Group                               |        |                                      |                           | 135498 |
| TOTAL ALL BUDGET FUND GROUPS                               |        |                                      |                           | 135499 |
| <b>Section 369.10. PSY STATE BOARD OF PSYCHOLOGY</b>       |        |                                      |                           | 135501 |
| Dedicated Purpose Fund Group                               |        |                                      |                           | 135502 |
| 4K90                                                       | 882609 | Operating Expenses                   | \$ 624,880 \$ 659,900     | 135503 |
| TOTAL DPF Dedicated Purpose<br>Fund Group                  |        |                                      |                           | 135504 |
| TOTAL ALL BUDGET FUND GROUPS                               |        |                                      |                           | 135506 |
| <b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b> |        |                                      |                           | 135508 |
| General Revenue Fund                                       |        |                                      |                           | 135509 |

|                              |                                 |                                               |    |            |    |            |                  |
|------------------------------|---------------------------------|-----------------------------------------------|----|------------|----|------------|------------------|
| GRF                          | 019401                          | State Legal Defense<br>Services               | \$ | 3,785,087  | \$ | 4,006,983  | 135510           |
| GRF                          | 019403                          | Multi-County: State<br>Share                  | \$ | 2,058,370  | \$ | 2,079,410  | 135511           |
| GRF                          | 019404                          | Trumbull County -<br>State Share              | \$ | 553,340    | \$ | 548,413    | 135512           |
| GRF                          | 019405                          | Training Account                              | \$ | 50,000     | \$ | 50,000     | 135513           |
| GRF                          | 019501                          | County Reimbursement                          | \$ | 30,066,220 | \$ | 31,188,211 | 135514           |
| TOTAL GRF                    | General Revenue Fund            |                                               | \$ | 36,513,017 | \$ | 37,873,017 | 135515           |
| Dedicated Purpose Fund Group |                                 |                                               |    |            |    |            | 135516           |
| 1010                         | 019607                          | Juvenile Legal<br>Assistance                  | \$ | 207,351    | \$ | 204,756    | 135517           |
| 4060                         | 019603                          | Training and<br>Publications                  | \$ | 25,000     | \$ | 25,000     | 135518           |
| 4070                         | 019604                          | County Representation                         | \$ | 407,613    | \$ | 413,815    | 135519           |
| 4080                         | 019605                          | Client Payments                               | \$ | 789,868    | \$ | 807,884    | 135520           |
| 4C70                         | 019601                          | Multi-County: County<br>Share                 | \$ | 2,558,173  | \$ | 2,662,641  | 135521           |
| 4N90                         | 019613                          | Gifts and Grants                              | \$ | 10,530     | \$ | 10,530     | 135522           |
| 4X70                         | 019610                          | Trumbull County -<br>County Share             | \$ | 685,699    | \$ | 698,234    | 135523           |
| 5740                         | 019606                          | Civil Legal Aid                               | \$ | 17,750,000 | \$ | 17,750,000 | 135524           |
| 5CX0                         | 019617                          | Civil Case Filing Fee                         | \$ | 556,331    | \$ | 533,722    | 135525           |
| 5DY0                         | 019618                          | Indigent Defense<br>Support - County<br>Share | \$ | 32,868,000 | \$ | 32,868,000 | 135526           |
| 5DY0                         | 019619                          | Indigent Defense<br>Support - State<br>Office | \$ | 7,167,143  | \$ | 7,212,874  | 135527           |
| TOTAL DPF                    | Dedicated Purpose<br>Fund Group |                                               | \$ | 63,025,708 | \$ | 63,187,456 | 135528<br>135529 |
| Federal Fund Group           |                                 |                                               |    |            |    |            | 135530           |

|                              |                      |    |            |    |             |        |
|------------------------------|----------------------|----|------------|----|-------------|--------|
| 3GJ0 019622                  | Byrne Memorial Grant | \$ | 7,766      | \$ | 0           | 135531 |
| 3S80 019608                  | Federal              | \$ | 37,845     | \$ | 38,315      | 135532 |
|                              | Representation       |    |            |    |             |        |
| TOTAL FED                    | Federal Fund Group   | \$ | 45,611     | \$ | 38,315      | 135533 |
| TOTAL ALL BUDGET FUND GROUPS |                      | \$ | 99,584,336 | \$ | 101,098,788 | 135534 |

INDIGENT DEFENSE OFFICE 135535

The foregoing appropriation items 019404, Trumbull County - 135536  
 State Share, and 019610, Trumbull County - County Share, shall be 135537  
 used to support an indigent defense office for Trumbull County. 135538

MULTI-COUNTY OFFICE 135539

The foregoing appropriation items 019403, Multi-County: State 135540  
 Share, and 019601, Multi-County: County Share, shall be used to 135541  
 support the Office of the Ohio Public Defender's Multi-County 135542  
 Branch Office Program. 135543

TRAINING ACCOUNT 135544

The foregoing appropriation item 019405, Training Account, 135545  
 shall be used by the Ohio Public Defender to provide legal 135546  
 training programs at no cost for private appointed counsel who 135547  
 represents at least one indigent defendant at no cost, state and 135548  
 county public defenders, and attorneys who contract with the Ohio 135549  
 Public Defender to provide indigent defense services. 135550

INDIGENT DEFENSE SUPPORT FUND 135551

The foregoing appropriation item 019619, Indigent Defense 135552  
 Support - State Office, shall be used by the Ohio Public Defender 135553  
 for the purposes of appointing assistant state public defenders, 135554  
 providing other personnel, equipment, and facilities necessary for 135555  
 the operation of the state public defender office, and providing 135556  
 training, developing and implementing electronic forms, or 135557  
 establishing and maintaining an information technology system used 135558  
 for the uniform operation of Chapter 120. of the Revised Code. 135559  
 Notwithstanding section 120.08 of the Revised Code, from July 1, 135560

2017, until the effective date of the amendments to that section 135561  
by this act, the Ohio Public Defender may use up to seventeen per 135562  
cent of the money in the Indigent Defense Support Fund (Fund 5DY0) 135563  
for those purposes. 135564

FEDERAL REPRESENTATION 135565

The foregoing appropriation item 019608, Federal 135566  
Representation, shall be used to support representation provided 135567  
by the Ohio Public Defender in federal court cases. 135568

**Section 373.10.** DPS DEPARTMENT OF PUBLIC SAFETY 135569

General Revenue Fund 135570

|     |        |               |    |           |    |           |        |
|-----|--------|---------------|----|-----------|----|-----------|--------|
| GRF | 763403 | EMA Operating | \$ | 4,300,443 | \$ | 4,716,556 | 135571 |
|-----|--------|---------------|----|-----------|----|-----------|--------|

|     |        |                    |    |            |    |            |        |
|-----|--------|--------------------|----|------------|----|------------|--------|
| GRF | 767420 | Investigative Unit | \$ | 11,614,478 | \$ | 11,973,378 | 135572 |
|     |        | Operating          |    |            |    |            |        |

|     |        |                 |    |         |    |           |        |
|-----|--------|-----------------|----|---------|----|-----------|--------|
| GRF | 768425 | Justice Program | \$ | 702,848 | \$ | 1,001,194 | 135573 |
|     |        | Services        |    |         |    |           |        |

|     |        |                     |    |           |    |           |        |
|-----|--------|---------------------|----|-----------|----|-----------|--------|
| GRF | 769406 | Homeland Security - | \$ | 2,586,618 | \$ | 2,699,745 | 135574 |
|     |        | Operating           |    |           |    |           |        |

|           |                      |    |            |    |            |        |
|-----------|----------------------|----|------------|----|------------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 19,204,387 | \$ | 20,390,873 | 135575 |
|-----------|----------------------|----|------------|----|------------|--------|

Dedicated Purpose Fund Group 135576

|      |        |                 |    |         |    |         |        |
|------|--------|-----------------|----|---------|----|---------|--------|
| 4P60 | 768601 | Justice Program | \$ | 330,000 | \$ | 210,000 | 135577 |
|      |        | Services        |    |         |    |         |        |

|      |        |                 |    |         |    |         |        |
|------|--------|-----------------|----|---------|----|---------|--------|
| 4V30 | 763662 | EMA Service and | \$ | 751,000 | \$ | 751,000 | 135578 |
|      |        | Reimbursements  |    |         |    |         |        |

|      |        |                      |    |         |    |         |        |
|------|--------|----------------------|----|---------|----|---------|--------|
| 5BK0 | 768687 | Criminal Justice     | \$ | 550,000 | \$ | 400,000 | 135579 |
|      |        | Services - Operating |    |         |    |         |        |

|      |        |                  |    |           |    |           |        |
|------|--------|------------------|----|-----------|----|-----------|--------|
| 5BK0 | 768689 | Family Violence  | \$ | 1,550,000 | \$ | 1,550,000 | 135580 |
|      |        | Shelter Programs |    |           |    |           |        |

|      |        |                      |    |           |    |           |        |
|------|--------|----------------------|----|-----------|----|-----------|--------|
| 5ET0 | 768625 | Drug Law Enforcement | \$ | 8,000,000 | \$ | 8,000,000 | 135581 |
|------|--------|----------------------|----|-----------|----|-----------|--------|

|      |        |                  |    |         |    |         |        |
|------|--------|------------------|----|---------|----|---------|--------|
| 5LM0 | 768698 | Criminal Justice | \$ | 850,946 | \$ | 850,946 | 135582 |
|      |        | Services Law     |    |         |    |         |        |

|           |        |                        |    |            |    |                   |
|-----------|--------|------------------------|----|------------|----|-------------------|
|           |        | Enforcement Support    |    |            |    |                   |
| 5ML0      | 769635 | Infrastructure         | \$ | 100,000    | \$ | 100,000 135583    |
|           |        | Protection             |    |            |    |                   |
| 5RH0      | 767697 | OIU Special Projects   | \$ | 900,000    | \$ | 900,000 135584    |
| 5RS0      | 768621 | Community Police       | \$ | 1,000,000  | \$ | 1,000,000 135585  |
|           |        | Relations              |    |            |    |                   |
| 5Y10      | 767696 | Ohio Investigative     | \$ | 20,000     | \$ | 20,000 135586     |
|           |        | Unit Continuing        |    |            |    |                   |
|           |        | Professional Training  |    |            |    |                   |
| 6220      | 767615 | Investigative,         | \$ | 1,000,000  | \$ | 1,000,000 135587  |
|           |        | Contraband, and        |    |            |    |                   |
|           |        | Forfeiture             |    |            |    |                   |
| 6570      | 763652 | Utility Radiological   | \$ | 1,258,624  | \$ | 1,258,624 135588  |
|           |        | Safety                 |    |            |    |                   |
| 6810      | 763653 | SARA Title III Hazmat  | \$ | 273,629    | \$ | 273,629 135589    |
|           |        | Planning               |    |            |    |                   |
| 8500      | 767628 | Investigative Unit     | \$ | 175,000    | \$ | 175,000 135590    |
|           |        | Salvage                |    |            |    |                   |
| TOTAL DPF |        | Dedicated Purpose Fund | \$ | 16,759,199 | \$ | 16,489,199 135591 |
|           |        | Group                  |    |            |    |                   |
|           |        | Federal Fund Group     |    |            |    | 135592            |
| 3290      | 763645 | Federal Mitigation     | \$ | 7,960,000  | \$ | 7,200,000 135593  |
|           |        | Program                |    |            |    |                   |
| 3370      | 763609 | Federal Disaster       | \$ | 20,019,000 | \$ | 18,017,000 135594 |
|           |        | Relief                 |    |            |    |                   |
| 3390      | 763647 | Emergency Management   | \$ | 49,600,000 | \$ | 44,700,000 135595 |
|           |        | Assistance and         |    |            |    |                   |
|           |        | Training               |    |            |    |                   |
| 3FK0      | 768615 | Justice Assistance     | \$ | 100,000    | \$ | 100,000 135596    |
|           |        | Grants - FFY11         |    |            |    |                   |
| 3FP0      | 767620 | Ohio Investigative     | \$ | 55,000     | \$ | 55,000 135597     |
|           |        | Unit Justice           |    |            |    |                   |
|           |        | Contraband             |    |            |    |                   |

|                              |                    |                                                                    |    |             |    |             |        |
|------------------------------|--------------------|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| 3FY0                         | 768616             | Justice Assistance<br>Grants - FFY12                               | \$ | 100,000     | \$ | 100,000     | 135598 |
| 3FZ0                         | 768617             | Justice Assistance<br>Grants - FFY13                               | \$ | 400,000     | \$ | 400,000     | 135599 |
| 3GA0                         | 768618             | Justice Assistance<br>Grants - FFY14                               | \$ | 900,000     | \$ | 900,000     | 135600 |
| 3GL0                         | 768619             | Justice Assistance<br>Grants - FFY15                               | \$ | 12,500,000  | \$ | 12,500,000  | 135601 |
| 3GT0                         | 767691             | Investigative Unit<br>Federal Equity Share                         | \$ | 300,000     | \$ | 300,000     | 135602 |
| 3GU0                         | 769610             | Investigations Grants<br>- Food Stamps, Liquor<br>and Tobacco Laws | \$ | 1,400,000   | \$ | 1,400,000   | 135603 |
| 3GU0                         | 769631             | Homeland Security<br>Disaster Grants                               | \$ | 1,400,000   | \$ | 1,400,000   | 135604 |
| 3L50                         | 768604             | Justice Program                                                    | \$ | 10,500,000  | \$ | 10,500,000  | 135605 |
| 3N50                         | 763644             | U.S. Department of<br>Energy Agreement                             | \$ | 31,672      | \$ | 31,672      | 135606 |
| TOTAL FED                    | FEDERAL FUND GROUP |                                                                    | \$ | 105,265,672 | \$ | 97,603,672  | 135607 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                                                                    | \$ | 141,229,258 | \$ | 134,483,744 | 135608 |

**Section 373.20. STATE DISASTER RELIEF** 135610

The State Disaster Relief Fund (Fund 5330) may accept 135611  
transfers of cash or appropriations from Controlling Board 135612  
appropriation items for the Ohio Emergency Management Agency 135613  
disaster response costs and disaster program management costs, and 135614  
may also be used for the following purposes: 135615

(A) To accept transfers of cash or appropriations from 135616  
Controlling Board appropriation items for Ohio Emergency 135617  
Management Agency public assistance and mitigation program match 135618  
costs to reimburse eligible local governments and private 135619  
nonprofit organizations for costs related to disasters; 135620

(B) To accept transfers of cash to reimburse the costs 135621  
associated with Emergency Management Assistance Compact (EMAC) 135622  
deployments; 135623

(C) To accept disaster related reimbursement from federal, 135624  
state, and local governments. The Director of Budget and 135625  
Management may transfer cash from reimbursements received by this 135626  
fund to other funds of the state from which transfers were 135627  
originally approved by the Controlling Board. 135628

(D) To accept transfers of cash or appropriations from 135629  
Controlling Board appropriation items to fund the State Disaster 135630  
Relief Program, for disasters that qualify for the program by 135631  
written authorization of the Governor, and the State Individual 135632  
Assistance Program for disasters that have been declared by the 135633  
federal Small Business Administration and that qualify for the 135634  
program by written authorization from the Governor. The Ohio 135635  
Emergency Management Agency shall publish and make available 135636  
application packets outlining procedures for the State Disaster 135637  
Relief Program and the State Individual Assistance Program. 135638

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 135639  
AGENCY SERVICE AND REIMBURSEMENT FUND 135640

On July 1 of each fiscal year, or as soon as possible 135641  
thereafter, the Director of Budget and Management shall transfer 135642  
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 135643  
Emergency Management Agency Service and Reimbursement Fund (Fund 135644  
4V30) to be distributed to the Ohio Task Force One - Urban Search 135645  
and Rescue Unit, other similar urban search and rescue units 135646  
around the state, and for maintenance of the statewide fire 135647  
emergency response plan by an entity recognized by the Ohio 135648  
Emergency Management Agency. 135649

DRUG LAW ENFORCEMENT FUND 135650

Notwithstanding division (D) of section 5502.68 of the 135651



Revised Code, in each of fiscal years 2018 and 2019, the 135652  
cumulative amount of funding provided to any single drug task 135653  
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 135654  
exceed \$500,000 in any calendar year. 135655

COMMUNITY POLICE RELATIONS 135656

The foregoing appropriation item 768621, Community Police 135657  
Relations, shall be used to implement key recommendations of the 135658  
Ohio Task Force on Community-Police Relations, including a 135659  
database on use of force and officer involved shootings, a public 135660  
awareness campaign, and state-provided assistance with 135661  
policy-making and manuals. 135662

SARA TITLE III HAZMAT PLANNING 135663

The SARA Title III Hazmat Planning Fund (Fund 6810) is 135664  
entitled to receive grant funds from the Emergency Response 135665  
Commission to implement the Emergency Management Agency's 135666  
responsibilities under Chapter 3750. of the Revised Code. 135667

**Section 375.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 135668

Dedicated Purpose Fund Group 135669

|      |        |                |    |         |    |           |        |
|------|--------|----------------|----|---------|----|-----------|--------|
| 4A30 | 870614 | Grade Crossing | \$ | 750,000 | \$ | 1,000,000 | 135670 |
|------|--------|----------------|----|---------|----|-----------|--------|

Protection

Devices-State

|      |        |                       |    |         |    |         |        |
|------|--------|-----------------------|----|---------|----|---------|--------|
| 4L80 | 870617 | Pipeline Safety-State | \$ | 331,992 | \$ | 331,992 | 135671 |
|------|--------|-----------------------|----|---------|----|---------|--------|

|      |        |                    |    |         |    |         |        |
|------|--------|--------------------|----|---------|----|---------|--------|
| 5610 | 870606 | Power Siting Board | \$ | 581,000 | \$ | 581,000 | 135672 |
|------|--------|--------------------|----|---------|----|---------|--------|

|      |        |                      |    |            |    |            |        |
|------|--------|----------------------|----|------------|----|------------|--------|
| 5F60 | 870622 | Utility and Railroad | \$ | 31,826,624 | \$ | 31,826,624 | 135673 |
|------|--------|----------------------|----|------------|----|------------|--------|

Regulation

|      |        |                    |    |        |    |        |        |
|------|--------|--------------------|----|--------|----|--------|--------|
| 5F60 | 870624 | NARUC/NRRI Subsidy | \$ | 85,000 | \$ | 85,000 | 135674 |
|------|--------|--------------------|----|--------|----|--------|--------|

|      |        |            |    |         |    |         |        |
|------|--------|------------|----|---------|----|---------|--------|
| 5LT0 | 870640 | Intrastate | \$ | 195,000 | \$ | 195,000 | 135675 |
|------|--------|------------|----|---------|----|---------|--------|

Registration

|      |        |                 |    |         |    |         |        |
|------|--------|-----------------|----|---------|----|---------|--------|
| 5LT0 | 870641 | Unified Carrier | \$ | 450,000 | \$ | 450,000 | 135676 |
|------|--------|-----------------|----|---------|----|---------|--------|

Registration

|                              |        |                                                         |    |             |    |             |        |
|------------------------------|--------|---------------------------------------------------------|----|-------------|----|-------------|--------|
| 5LT0                         | 870642 | Hazardous Materials<br>Registration                     | \$ | 775,000     | \$ | 775,000     | 135677 |
| 5LT0                         | 870643 | Non-hazardous<br>Materials Civil<br>Forfeiture          | \$ | 292,000     | \$ | 292,000     | 135678 |
| 5LT0                         | 870644 | Hazardous Materials<br>Civil Forfeiture                 | \$ | 898,800     | \$ | 898,800     | 135679 |
| 5LT0                         | 870645 | Motor Carrier<br>Enforcement                            | \$ | 4,750,000   | \$ | 4,750,000   | 135680 |
| 5Q50                         | 870626 | Telecommunications<br>Relay Service                     | \$ | 3,500,000   | \$ | 3,500,000   | 135681 |
| 5QR0                         | 870646 | Underground Facilities<br>Protection                    | \$ | 50,000      | \$ | 50,000      | 135682 |
| 5QS0                         | 870647 | Underground Facilities<br>Administration                | \$ | 316,000     | \$ | 316,000     | 135683 |
| TOTAL DPF                    |        | Dedicated Purpose Fund<br>Group                         | \$ | 44,801,416  | \$ | 45,051,416  | 135684 |
|                              |        | Federal Fund Group                                      |    |             |    |             | 135685 |
| 3330                         | 870601 | Gas Pipeline Safety                                     | \$ | 597,959     | \$ | 597,959     | 135686 |
| 3500                         | 870608 | Motor Carrier Safety                                    | \$ | 6,250,000   | \$ | 6,250,000   | 135687 |
| 3V30                         | 870604 | Commercial Vehicle<br>Information<br>Systems/Networks   | \$ | 100,000     | \$ | 100,000     | 135688 |
| TOTAL FED                    |        | Federal Fund Group                                      | \$ | 6,947,959   | \$ | 6,947,959   | 135689 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                         | \$ | 51,749,375  | \$ | 51,999,375  | 135690 |
|                              |        | <b>Section 377.10. PWC PUBLIC WORKS COMMISSION</b>      |    |             |    |             | 135692 |
|                              |        | General Revenue Fund                                    |    |             |    |             | 135693 |
| GRF                          | 150904 | Conservation General<br>Obligation Bond Debt<br>Service | \$ | 37,500,000  | \$ | 40,500,000  | 135694 |
| GRF                          | 150907 | Infrastructure                                          | \$ | 227,005,100 | \$ | 220,142,200 | 135695 |

|                                 |                      |                |                |        |  |
|---------------------------------|----------------------|----------------|----------------|--------|--|
|                                 | Improvement General  |                |                |        |  |
|                                 | Obligation Bond Debt |                |                |        |  |
|                                 | Service              |                |                |        |  |
| TOTAL GRF General Revenue Fund  |                      | \$ 264,505,100 | \$ 260,642,200 | 135696 |  |
| Capital Projects Fund Group     |                      |                |                | 135697 |  |
| 7038 150321 State Capital       |                      | \$ 880,952     | \$ 880,952     | 135698 |  |
|                                 | Improvements Program |                |                |        |  |
|                                 | - Operating Expenses |                |                |        |  |
| 7056 150403 Clean Ohio          |                      | \$ 296,051     | \$ 296,051     | 135699 |  |
|                                 | Conservation         |                |                |        |  |
|                                 | Operating            |                |                |        |  |
| TOTAL CPF Capital Projects Fund |                      | \$ 1,177,003   | \$ 1,177,003   | 135700 |  |
| Group                           |                      |                |                |        |  |
| TOTAL ALL BUDGET FUND GROUPS    |                      | \$ 265,682,103 | \$ 261,819,203 | 135701 |  |

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 135703  
SERVICE 135704

The foregoing appropriation item 150904, Conservation General 135705  
Obligation Bond Debt Service, shall be used to pay all debt 135706  
service and related financing costs during the period from July 1, 135707  
2017, through June 30, 2019, at the times they are required to be 135708  
made for obligations issued under sections 151.01 and 151.09 of 135709  
the Revised Code. 135710

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 135711  
SERVICE 135712

The foregoing appropriation item 150907, Infrastructure 135713  
Improvement General Obligation Bond Debt Service, shall be used to 135714  
pay all debt service and related financing costs during the period 135715  
from July 1, 2017, through June 30, 2019, at the times they are 135716  
required to be made for obligations issued under sections 151.01 135717  
and 151.08 of the Revised Code. 135718

CLEAN OHIO CONSERVATION OPERATING 135719

The foregoing appropriation item 150403, Clean Ohio Conservation Operating, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES

The foregoing appropriation item 150321, State Capital Improvements Program - Operating Expenses, shall be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from proceeds of the Capital Improvements Fund and Local Transportation Improvement Program Fund. The program shall be used to provide for the direct costs of district administration of the nineteen public works districts. Districts choosing to participate in the program shall only expend State Capital Improvements Fund moneys for State Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The District Administration Costs Program account shall not exceed \$1,235,000 per fiscal year. Each public works district may be eligible for up to \$65,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District

Administration Costs Program without the approval of those costs 135751  
by the district public works committee under section 164.04 of the 135752  
Revised Code. 135753

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 135754

The Director of the Public Works Commission is authorized to 135755  
create a District Administration Costs Program for districts 135756  
represented by natural resource assistance councils. This program 135757  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 135758  
The program shall be used by natural resource assistance councils 135759  
in order to provide for administration costs of the nineteen 135760  
natural resource assistance councils for the direct costs of 135761  
council administration. Councils choosing to participate in this 135762  
program may be eligible for up to \$15,000 per fiscal year from its 135763  
district allocation as provided in section 164.27 of the Revised 135764  
Code. The director shall define allowable and nonallowable costs 135765  
for the purpose of the District Administration Costs Program. 135766  
Nonallowable costs include indirect costs, elected official 135767  
salaries and benefits, and project-specific costs. 135768

**Section 379.10.** RAC STATE RACING COMMISSION 135769

Dedicated Purpose Fund Group 135770

|      |        |              |    |           |    |           |        |
|------|--------|--------------|----|-----------|----|-----------|--------|
| 5620 | 875601 | Thoroughbred | \$ | 1,400,000 | \$ | 1,400,000 | 135771 |
|      |        | Development  |    |           |    |           |        |

|      |        |              |    |           |    |           |        |
|------|--------|--------------|----|-----------|----|-----------|--------|
| 5630 | 875602 | Standardbred | \$ | 1,550,000 | \$ | 1,550,000 | 135772 |
|      |        | Development  |    |           |    |           |        |

|      |        |                   |    |           |    |           |        |
|------|--------|-------------------|----|-----------|----|-----------|--------|
| 5650 | 875604 | Racing Commission | \$ | 3,743,995 | \$ | 3,770,948 | 135773 |
|      |        | Operating         |    |           |    |           |        |

|      |        |                    |    |           |    |           |        |
|------|--------|--------------------|----|-----------|----|-----------|--------|
| 5JK0 | 875610 | Horse Racing       | \$ | 8,512,095 | \$ | 8,512,095 | 135774 |
|      |        | Development-Casino |    |           |    |           |        |

|      |        |                |    |           |    |           |        |
|------|--------|----------------|----|-----------|----|-----------|--------|
| 5NL0 | 875611 | Revenue        | \$ | 8,000,000 | \$ | 8,000,000 | 135775 |
|      |        | Redistribution |    |           |    |           |        |

|       |     |                        |    |            |    |            |        |
|-------|-----|------------------------|----|------------|----|------------|--------|
| TOTAL | DPF | Dedicated Purpose Fund | \$ | 23,206,090 | \$ | 23,233,043 | 135776 |
|-------|-----|------------------------|----|------------|----|------------|--------|

Group

|                                 |    |            |    |            |        |
|---------------------------------|----|------------|----|------------|--------|
| Fiduciary Fund Group            |    |            |    |            | 135777 |
| 5C40 875607 Simulcast Horse     | \$ | 9,000,000  | \$ | 9,000,000  | 135778 |
| Racing Purse                    |    |            |    |            |        |
| TOTAL FID Fiduciary Fund Group  | \$ | 9,000,000  | \$ | 9,000,000  | 135779 |
| Holding Account Fund Group      |    |            |    |            | 135780 |
| R021 875605 Bond Reimbursements | \$ | 100,000    | \$ | 100,000    | 135781 |
| TOTAL HLD Holding Account Fund  | \$ | 100,000    | \$ | 100,000    | 135782 |
| Group                           |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 32,306,090 | \$ | 32,333,043 | 135783 |

**Section 381.10.** BOR DEPARTMENT OF HIGHER EDUCATION 135785

|                                   |    |            |    |            |        |
|-----------------------------------|----|------------|----|------------|--------|
| General Revenue Fund              |    |            |    |            | 135786 |
| GRF 235321 Operating Expenses     | \$ | 5,591,743  | \$ | 5,590,720  | 135787 |
| GRF 235402 Sea Grants             | \$ | 299,250    | \$ | 299,250    | 135788 |
| GRF 235406 Articulation and       | \$ | 1,812,773  | \$ | 1,812,773  | 135789 |
| Transfer                          |    |            |    |            |        |
| GRF 235408 Midwest Higher         | \$ | 111,550    | \$ | 111,550    | 135790 |
| Education Compact                 |    |            |    |            |        |
| GRF 235414 Grants and Scholarship | \$ | 818,433    | \$ | 818,433    | 135791 |
| Administration                    |    |            |    |            |        |
| GRF 235417 Technology Maintenance | \$ | 4,313,698  | \$ | 4,313,698  | 135792 |
| and Operations                    |    |            |    |            |        |
| GRF 235438 Choose Ohio First      | \$ | 16,174,447 | \$ | 16,174,447 | 135793 |
| Scholarship                       |    |            |    |            |        |
| GRF 235443 Adult Basic and        | \$ | 7,083,344  | \$ | 7,083,344  | 135794 |
| Literacy Education -              |    |            |    |            |        |
| State                             |    |            |    |            |        |
| GRF 235444 Ohio Technical Centers | \$ | 16,476,150 | \$ | 16,640,913 | 135795 |
| GRF 235474 Area Health Education  | \$ | 873,000    | \$ | 873,000    | 135796 |
| Centers Program                   |    |            |    |            |        |
| Support                           |    |            |    |            |        |

|            |                                                          |    |               |    |               |        |
|------------|----------------------------------------------------------|----|---------------|----|---------------|--------|
| GRF 235492 | Campus Safety and<br>Training                            | \$ | 750,000       | \$ | 750,000       | 135797 |
| GRF 235501 | State Share of<br>Instruction                            | \$ | 1,979,416,550 | \$ | 1,979,416,550 | 135798 |
| GRF 235502 | Student Support<br>Services                              | \$ | 632,974       | \$ | 632,974       | 135799 |
| GRF 235504 | War Orphans<br>Scholarships                              | \$ | 8,077,000     | \$ | 8,372,500     | 135800 |
| GRF 235507 | OhioLINK                                                 | \$ | 6,024,682     | \$ | 6,024,682     | 135801 |
| GRF 235508 | Air Force Institute of<br>Technology                     | \$ | 1,566,723     | \$ | 1,566,723     | 135802 |
| GRF 235510 | Ohio Supercomputer<br>Center                             | \$ | 4,388,513     | \$ | 4,388,513     | 135803 |
| GRF 235511 | Cooperative Extension<br>Service                         | \$ | 23,920,111    | \$ | 23,913,219    | 135804 |
| GRF 235514 | Central State<br>Supplement                              | \$ | 11,685,516    | \$ | 11,685,516    | 135805 |
| GRF 235515 | Case Western Reserve<br>University School of<br>Medicine | \$ | 2,081,865     | \$ | 2,081,865     | 135806 |
| GRF 235519 | Family Practice                                          | \$ | 3,071,199     | \$ | 3,071,199     | 135807 |
| GRF 235520 | Shawnee State<br>Supplement                              | \$ | 2,537,456     | \$ | 2,537,456     | 135808 |
| GRF 235525 | Geriatric Medicine                                       | \$ | 506,486       | \$ | 506,486       | 135809 |
| GRF 235526 | Primary Care<br>Residencies                              | \$ | 1,455,000     | \$ | 1,455,000     | 135810 |
| GRF 235535 | Ohio Agricultural<br>Research and<br>Development Center  | \$ | 36,361,470    | \$ | 36,361,470    | 135811 |
| GRF 235536 | The Ohio State<br>University Clinical<br>Teaching        | \$ | 9,378,873     | \$ | 9,378,873     | 135812 |
| GRF 235537 | University of                                            | \$ | 7,713,996     | \$ | 7,713,996     | 135813 |

|            |                                                     |    |             |    |             |        |
|------------|-----------------------------------------------------|----|-------------|----|-------------|--------|
|            | Cincinnati Clinical Teaching                        |    |             |    |             |        |
| GRF 235538 | University of Toledo Clinical Teaching              | \$ | 6,012,642   | \$ | 6,012,642   | 135814 |
| GRF 235539 | Wright State University Clinical Teaching           | \$ | 2,921,058   | \$ | 2,921,058   | 135815 |
| GRF 235540 | Ohio University Clinical Teaching                   | \$ | 2,823,876   | \$ | 2,823,876   | 135816 |
| GRF 235541 | Northeast Ohio Medical University Clinical Teaching | \$ | 2,904,353   | \$ | 2,904,353   | 135817 |
| GRF 235546 | Central State Agricultural Research and Development | \$ | 1,437,017   | \$ | 1,437,017   | 135818 |
| GRF 235548 | Central State Cooperative Extension Services        | \$ | 1,346,976   | \$ | 1,346,976   | 135819 |
| GRF 235552 | Capital Component                                   | \$ | 6,350,817   | \$ | 1,584,491   | 135820 |
| GRF 235555 | Library Depositories                                | \$ | 1,397,132   | \$ | 1,397,132   | 135821 |
| GRF 235556 | Ohio Academic Resources Network                     | \$ | 3,077,343   | \$ | 3,077,343   | 135822 |
| GRF 235558 | Long-term Care Research                             | \$ | 315,541     | \$ | 315,541     | 135823 |
| GRF 235563 | Ohio College Opportunity Grant                      | \$ | 103,425,000 | \$ | 104,875,000 | 135824 |
| GRF 235572 | The Ohio State University Clinic Support            | \$ | 743,537     | \$ | 743,537     | 135825 |
| GRF 235591 | Co-Op Internship Program                            | \$ | 700,000     | \$ | 700,000     | 135826 |
| GRF 235599 | National Guard Scholarship Program                  | \$ | 18,900,003  | \$ | 18,900,003  | 135827 |



|             |                                          |                  |                  |        |
|-------------|------------------------------------------|------------------|------------------|--------|
| GRF 235909  | Higher Education                         | \$ 272,425,600   | \$ 300,094,600   | 135828 |
|             | General Obligation                       |                  |                  |        |
|             | Bond Debt Service                        |                  |                  |        |
| TOTAL GRF   | General Revenue Fund                     | \$ 2,577,903,697 | \$ 2,602,708,719 | 135829 |
|             | Dedicated Purpose Fund Group             |                  |                  | 135830 |
| 2200 235614 | Program Approval and                     | \$ 664,562       | \$ 664,562       | 135831 |
|             | Reauthorization                          |                  |                  |        |
| 4560 235603 | Sales and Services                       | \$ 199,250       | \$ 199,250       | 135832 |
| 4E80 235602 | Higher Educational                       | \$ 50,000        | \$ 50,000        | 135833 |
|             | Facility Commission                      |                  |                  |        |
|             | Administration                           |                  |                  |        |
| 5D40 235675 | Conference/Special                       | \$ 791,503       | \$ 791,503       | 135834 |
|             | Purposes                                 |                  |                  |        |
| 5FR0 235650 | State and Non-Federal                    | \$ 500,000       | \$ 500,000       | 135835 |
|             | Grants and Award                         |                  |                  |        |
| 5JC0 235407 | Appalachian New                          | \$ 1,477,500     | \$ 1,477,500     | 135836 |
|             | Economy Workforce                        |                  |                  |        |
|             | Partnership                              |                  |                  |        |
| 5JC0 235654 | Federal Research                         | \$ 1,750,000     | \$ 1,750,000     | 135837 |
|             | Network                                  |                  |                  |        |
| 5NH0 235517 | Short-Term                               | \$ 0             | \$ 5,000,000     | 135838 |
|             | Certificates                             |                  |                  |        |
| 5NH0 235684 | OhioMeansJobs                            | \$ 250,000       | \$ 250,000       | 135839 |
|             | Workforce Development                    |                  |                  |        |
|             | Revolving Loan                           |                  |                  |        |
|             | Program                                  |                  |                  |        |
| 5P30 235663 | Variable Savings Plan                    | \$ 7,250,000     | \$ 7,250,000     | 135840 |
| 6450 235664 | Guaranteed Savings                       | \$ 1,061,886     | \$ 1,061,886     | 135841 |
|             | Plan                                     |                  |                  |        |
| 6820 235606 | Nursing Loan Program                     | \$ 891,320       | \$ 891,320       | 135842 |
| TOTAL DPF   | Dedicated Purpose Fund                   | \$ 14,886,021    | \$ 19,886,021    | 135843 |
|             | Group                                    |                  |                  |        |
|             | Bond Research and Development Fund Group |                  |                  | 135844 |

|           |        |                        |    |               |    |               |        |
|-----------|--------|------------------------|----|---------------|----|---------------|--------|
| 7011      | 235634 | Research Incentive     | \$ | 8,000,000     | \$ | 8,000,000     | 135845 |
|           |        | Third Frontier         |    |               |    |               |        |
| TOTAL BRD |        | Bond Research and      | \$ | 8,000,000     | \$ | 8,000,000     | 135846 |
|           |        | Development Fund Group |    |               |    |               |        |
|           |        | Federal Fund Group     |    |               |    |               | 135847 |
| 3120      | 235611 | Gear-up Grant          | \$ | 2,000,000     | \$ | 2,000,000     | 135848 |
| 3120      | 235612 | Carl D. Perkins        | \$ | 1,350,000     | \$ | 1,350,000     | 135849 |
|           |        | Grant/Plan             |    |               |    |               |        |
|           |        | Administration         |    |               |    |               |        |
| 3120      | 235617 | Improving Teacher      | \$ | 2,800,000     | \$ | 2,800,000     | 135850 |
|           |        | Quality Grant          |    |               |    |               |        |
| 3120      | 235641 | Adult Basic and        | \$ | 16,400,000    | \$ | 16,600,000    | 135851 |
|           |        | Literacy Education -   |    |               |    |               |        |
|           |        | Federal                |    |               |    |               |        |
| 3BG0      | 235651 | Gear Up Grant          | \$ | 1,250,000     | \$ | 1,250,000     | 135852 |
|           |        | Scholarships           |    |               |    |               |        |
| 3H20      | 235608 | Human Services         | \$ | 375,000       | \$ | 375,000       | 135853 |
|           |        | Project                |    |               |    |               |        |
| 3N60      | 235658 | John R. Justice        | \$ | 60,000        | \$ | 60,000        | 135854 |
|           |        | Student Loan           |    |               |    |               |        |
|           |        | Repayment Program      |    |               |    |               |        |
| TOTAL FED |        | Federal Fund Group     | \$ | 24,235,000    | \$ | 24,435,000    | 135855 |
| TOTAL ALL |        | BUDGET FUND GROUPS     | \$ | 2,625,024,718 | \$ | 2,655,029,740 | 135856 |

**Section 381.20. SEA GRANTS** 135858

The foregoing appropriation item 235402, Sea Grants, shall be 135859  
used to match federal dollars and leverage additional support by 135860  
The Ohio State University's Sea Grant program, including Stone 135861  
Laboratory, for research, education, and outreach to enhance the 135862  
economic value, public utilization, and responsible management of 135863  
Lake Erie and Ohio's coastal resources. 135864

**Section 381.30. ARTICULATION AND TRANSFER** 135865

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

**Section 381.40. MIDWEST HIGHER EDUCATION COMPACT** 135875

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

**Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION** 135879

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

**Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS** 135889

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education.

The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH). 135895  
135896

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other priorities of the Chancellor of Higher Education. 135897  
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Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year shall be used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH. 135910  
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TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT LINE ITEM TRANSFER 135916  
135917

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management, upon request by the Chancellor of Higher Education, shall cancel any existing encumbrances against appropriation item 235483, Technology Integration and Professional Development, and re-establish them against appropriation item 235417, Technology Maintenance and Operations. The re-established encumbrance amounts are hereby appropriated. 135918  
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**Section 381.80.** CHOOSE OHIO FIRST SCHOLARSHIP 135925

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

**Section 381.90. ADULT BASIC AND LITERACY EDUCATION**

The foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the adult basic and literacy education instructional grant program and state leadership program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

**Section 381.100. OHIO TECHNICAL CENTERS FUNDING**

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the

Chancellor. 135956

(a) In defining the number of full-time equivalent students 135957  
for state subsidy purposes, the Chancellor shall exclude all 135958  
students who are not residents of Ohio. 135959

(b) A full-time equivalent student shall be defined as a 135960  
student who completes 450 hours. Those students that complete some 135961  
portion of 450 hours shall be counted as a partial full-time 135962  
equivalent for funding purposes, while students that complete more 135963  
than 450 hours shall be counted as proportionally greater than one 135964  
full-time equivalent. 135965

(c) In calculating each Ohio Technical Center's full-time 135966  
equivalent students, the Chancellor shall use a three-year 135967  
average. 135968

(d) After June 30, 2019, Ohio Technical Centers shall operate 135969  
with, or be an active candidate for, accreditation by an 135970  
accreditor authorized by the United States Department of Education 135971  
to be eligible to receive subsidies from the foregoing 135972  
appropriation item 235444, Ohio Technical Centers. 135973

(2) In each fiscal year, twenty-five per cent of the 135974  
allocation for Ohio Technical Centers shall be distributed based 135975  
on the proportion of each Center's full-time equivalent students 135976  
to the total full-time equivalent students who complete a 135977  
post-secondary technical workforce training program approved by 135978  
the Chancellor with a grade of C or better or a grade of pass if 135979  
the program is evaluated on a pass/fail basis. 135980

(3) In each fiscal year, twenty per cent of the allocation 135981  
for Ohio Technical Centers shall be distributed based on the 135982  
proportion of each Center's full-time equivalent students to the 135983  
total full-time equivalent students who complete 50 per cent of a 135984  
program of study as a measure of student retention. 135985

(4) In each fiscal year, fifty per cent of the allocation for 135986

Ohio Technical Centers shall be distributed based on the 135987  
proportion of each Center's full-time equivalent students to the 135988  
total full-time equivalent students who have found employment, 135989  
entered military service, or enrolled in additional post-secondary 135990  
education and training in accordance with the placement 135991  
definitions of the Carl D. Perkins Career and Technical Education 135992  
Act of 2006 (Perkins). The calculation for eligible full-time 135993  
equivalent students shall be based on the per cent of Perkins 135994  
placements for students who have completed at least 50 per cent of 135995  
a program of study. 135996

(5) In each fiscal year, five per cent of the allocation for 135997  
Ohio Technical Centers shall be distributed based on the 135998  
proportion of each Center's full-time equivalent students to the 135999  
total full-time equivalent students who have earned a credential 136000  
from an industry-recognized third party. 136001

(B) Of the foregoing appropriation item 235444, Ohio 136002  
Technical Centers, up to 2.38 per cent in each fiscal year may be 136003  
distributed by the Chancellor to the Ohio Central School System, 136004  
up to \$48,000 in each fiscal year may be utilized for assistance 136005  
for Ohio Technical Centers, and up to \$1,300,000 in each fiscal 136006  
year may be distributed by the Chancellor to Ohio Technical 136007  
Centers that provide business consultation with matching local 136008  
dollars, with preference to industries on the in-demand jobs list 136009  
created under section 6301.11 of the Revised Code or in regionally 136010  
emerging fields. Centers meeting this requirement shall receive an 136011  
amount not to exceed \$25,000 per center. 136012

(C) The remainder of the foregoing appropriation item 235444, 136013  
Ohio Technical Centers, in each fiscal year shall be distributed 136014  
in accordance with division (A) of this section. 136015

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 136016  
CENTERS 136017

(1) In fiscal year 2018, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 95 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

In fiscal year 2019, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 94 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

(2) In order to ensure that no Center receives less than the amounts identified for each fiscal year in accordance with division (D)(1) of this section, funds shall be made available to support the phase-in allocation by proportionally reducing formula earnings from each Center not receiving phase-in funding.

**Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM SUPPORT**

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of Higher Education to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

**Section 381.120. CAMPUS SAFETY AND TRAINING**

The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and



responding to sexual violence on campus. The Chancellor, in 136048  
consultation with state institutions of higher education as 136049  
defined in section 3345.011 of the Revised Code and private 136050  
nonprofit institutions of higher education holding certificates of 136051  
authorization under Chapter 1713. of the Revised Code, shall 136052  
continue to develop model best practices in line with emerging 136053  
trends, research, and evidence-based training for preventing and 136054  
responding to sexual violence and protecting students and staff 136055  
who are victims of sexual violence on campus. The Chancellor shall 136056  
convene state institutions of higher education and private 136057  
nonprofit institutions of higher education in the training and 136058  
implementation of best practices regarding campus sexual violence. 136059

**Section 381.140.** STATE SHARE OF INSTRUCTION FORMULAS 136060

The Chancellor of Higher Education shall establish procedures 136061  
to allocate the foregoing appropriation item 235501, State Share 136062  
of Instruction, based on the formulas detailed in this section 136063  
that utilize the enrollment, course completion, degree attainment, 136064  
and student achievement factors reported annually by each state 136065  
institution of higher education participating in the Higher 136066  
Education Information (HEI) system. 136067

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 136068  
COMPLETIONS 136069

(1) As soon as possible during each fiscal year of the 136070  
biennium ending June 30, 2019, in accordance with instructions of 136071  
the Department of Higher Education, each state institution of 136072  
higher education shall report its actual data, consistent with the 136073  
definitions in the Higher Education Information (HEI) system's 136074  
enrollment files, to the Chancellor of Higher Education. 136075

(2) In defining the number of full-time equivalent students 136076  
for state subsidy instructional cost purposes, the Chancellor 136077  
shall exclude all undergraduate students who are not residents of 136078

Ohio or who do not meet the definition of residency for state 136079  
subsidy and tuition surcharge purposes, except those charged 136080  
in-state fees in accordance with reciprocity agreements made under 136081  
section 3333.17 of the Revised Code or employer contracts entered 136082  
into under section 3333.32 of the Revised Code. 136083

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 136084

For purposes of calculating state share of instruction 136085  
allocations, the total instructional costs per full-time 136086  
equivalent student shall be: 136087

| Model                                             | Fiscal Year 2018 | Fiscal Year 2019 |        |
|---------------------------------------------------|------------------|------------------|--------|
| ARTS AND HUMANITIES 1                             | \$8,678          | \$8,837          | 136089 |
| ARTS AND HUMANITIES 2                             | \$12,238         | \$12,463         | 136090 |
| ARTS AND HUMANITIES 3                             | \$15,530         | \$15,814         | 136091 |
| ARTS AND HUMANITIES 4                             | \$24,455         | \$24,903         | 136092 |
| ARTS AND HUMANITIES 5                             | \$39,092         | \$39,809         | 136093 |
| ARTS AND HUMANITIES 6                             | \$40,081         | \$40,815         | 136094 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 1        | \$8,258          | \$8,409          | 136095 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 2        | \$9,278          | \$9,448          | 136096 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 3        | \$11,903         | \$12,121         | 136097 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 4        | \$13,855         | \$14,109         | 136098 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 5        | \$22,149         | \$22,555         | 136099 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 6        | \$23,377         | \$23,805         | 136100 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 7        | \$34,909         | \$35,549         | 136101 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS, | \$8,059          | \$8,206          | 136102 |

|                                                              |          |          |        |
|--------------------------------------------------------------|----------|----------|--------|
| MEDICINE 1                                                   |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$10,889 | \$11,088 | 136103 |
| ENGINEERING, MATHEMATICS,                                    |          |          |        |
| MEDICINE 2                                                   |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$12,615 | \$12,846 | 136104 |
| ENGINEERING, MATHEMATICS,                                    |          |          |        |
| MEDICINE 3                                                   |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$14,845 | \$15,117 | 136105 |
| ENGINEERING, MATHEMATICS,                                    |          |          |        |
| MEDICINE 4                                                   |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$19,560 | \$19,918 | 136106 |
| ENGINEERING, MATHEMATICS,                                    |          |          |        |
| MEDICINE 5                                                   |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$20,673 | \$21,052 | 136107 |
| ENGINEERING, MATHEMATICS,                                    |          |          |        |
| MEDICINE 6                                                   |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$23,500 | \$23,930 | 136108 |
| ENGINEERING, MATHEMATICS,                                    |          |          |        |
| MEDICINE 7                                                   |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$38,870 | \$39,582 | 136109 |
| ENGINEERING, MATHEMATICS,                                    |          |          |        |
| MEDICINE 8                                                   |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$54,329 | \$55,324 | 136110 |
| ENGINEERING, MATHEMATICS,                                    |          |          |        |
| MEDICINE 9                                                   |          |          |        |
| Doctoral I and Doctoral II models shall be allocated in      |          |          | 136111 |
| accordance with division (D)(2) of this section.             |          |          | 136112 |
| Medical I and Medical II models shall be allocated in        |          |          | 136113 |
| accordance with divisions (D)(3) and (D)(4) of this section. |          |          | 136114 |
| (C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,  |          |          | 136115 |
| AND GRADUATE WEIGHTS                                         |          |          | 136116 |
| For the purpose of implementing the recommendations of the   |          |          | 136117 |

2006 State Share of Instruction Consultation and the Higher 136118  
 Education Funding Study Council that priority be given to 136119  
 maintaining state support for science, technology, engineering, 136120  
 mathematics, medicine, and graduate programs, the costs in 136121  
 division (B) of this section shall be weighted by the amounts 136122  
 provided below: 136123

| Model                                                           | Fiscal Year 2018 | Fiscal Year 2019 |        |
|-----------------------------------------------------------------|------------------|------------------|--------|
| ARTS AND HUMANITIES 1                                           | 1.0000           | 1.0000           | 136124 |
| ARTS AND HUMANITIES 2                                           | 1.0000           | 1.0000           | 136125 |
| ARTS AND HUMANITIES 3                                           | 1.0000           | 1.0000           | 136126 |
| ARTS AND HUMANITIES 4                                           | 1.0000           | 1.0000           | 136127 |
| ARTS AND HUMANITIES 5                                           | 1.0425           | 1.0425           | 136128 |
| ARTS AND HUMANITIES 6                                           | 1.0425           | 1.0425           | 136129 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 1                      | 1.0000           | 1.0000           | 136130 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 2                      | 1.0000           | 1.0000           | 136131 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 3                      | 1.0000           | 1.0000           | 136132 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 4                      | 1.0000           | 1.0000           | 136133 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 5                      | 1.0425           | 1.0425           | 136134 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 6                      | 1.0425           | 1.0425           | 136135 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 7                      | 1.0425           | 1.0425           | 136136 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 1 | 1.0000           | 1.0000           | 136137 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 2 | 1.0017           | 1.0017           | 136138 |
|                                                                 |                  |                  | 136139 |

|                                                                    |        |        |        |
|--------------------------------------------------------------------|--------|--------|--------|
| SCIENCE, TECHNOLOGY,                                               | 1.6150 | 1.6150 | 136140 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 3                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.6920 | 1.6920 | 136141 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 4                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.4222 | 1.4222 | 136142 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 5                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.8798 | 1.8798 | 136143 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 6                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.4380 | 1.4380 | 136144 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 7                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.5675 | 1.5675 | 136145 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 8                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.1361 | 1.1361 | 136146 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 9                                                         |        |        |        |
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA              |        |        | 136147 |
| ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES                      |        |        | 136148 |
| (1) Of the foregoing appropriation item 235501, State Share        |        |        | 136149 |
| of Instruction, 50 per cent of the appropriation for universities, |        |        | 136150 |
| as established in division (A)(2) of the section of this act       |        |        | 136151 |
| entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND     |        |        | 136152 |
| 2019," in each fiscal year shall be reserved for support of        |        |        | 136153 |
| associate, baccalaureate, master's, and professional level degree  |        |        | 136154 |
| attainment.                                                        |        |        | 136155 |
| The degree attainment funding shall be allocated to                |        |        | 136156 |
| universities in proportion to each campus's share of the total     |        |        | 136157 |

statewide degrees granted, weighted by the cost of the degree 136158  
programs. The degree cost calculations shall include the model 136159  
cost weights for the science, technology, engineering, 136160  
mathematics, and medicine models as established in division (C) of 136161  
this section. 136162

For degrees including credits earned at multiple 136163  
institutions, degree attainment funding shall be allocated to 136164  
universities in proportion to each campus's share of the 136165  
student-specific cost of earned credits for the degree. Each 136166  
institution shall receive its prorated share of degree funding for 136167  
credits earned at that institution. Cost of credits not earned at 136168  
a university main or regional campus shall be credited to the 136169  
degree-granting institution for the first degree earned by a 136170  
student at each degree level. The cost credited to the 136171  
degree-granting institution shall not be eligible for at-risk 136172  
weights and shall be limited to 12.5 per cent of the 136173  
student-specific degree costs. However, the 12.5 per cent 136174  
limitation shall not apply if the student transferred 12 or fewer 136175  
credits into the degree granting institution. 136176

In calculating the subsidy entitlements for degree attainment 136177  
for universities, the Chancellor shall use the following count of 136178  
degrees and degree costs: 136179

(a) The subsidy eligible undergraduate degrees shall be 136180  
defined as follows: 136181

(i) The subsidy eligible degrees conferred to students 136182  
identified as residents of the state of Ohio in any term of their 136183  
studies, as reported through the Higher Education Information 136184  
(HEI) system student enrollment file, shall be weighted by a 136185  
factor of 1. 136186

(ii) The subsidy eligible degrees conferred to students 136187  
identified as out-of-state residents during all terms of their 136188

studies, as reported through the Higher Education Information 136189  
(HEI) system student enrollment file, who remain in the state of 136190  
Ohio at least one year after graduation, as calculated based on 136191  
the three-year average in-state residency rate using the 136192  
Unemployment Wage data for out-of-state graduates at each 136193  
institution, shall be weighted by a factor of 50 per cent. 136194

(iii) Subsidy eligible associate degrees are defined as those 136195  
earned by students attending any state-supported university main 136196  
or regional campus. 136197

(b) In calculating each campus's count of degrees, the 136198  
Chancellor shall use the three-year average associate, 136199  
baccalaureate, master's, and professional degrees awarded for the 136200  
three-year period ending in the prior year. 136201

(i) If a student is awarded an associate degree and, 136202  
subsequently, is awarded a baccalaureate degree, the amount funded 136203  
for the baccalaureate degree shall be limited to either the 136204  
difference in cost between the cost of the baccalaureate degree 136205  
and the cost of the associate degree paid previously, or if the 136206  
associate degree has a higher cost than the baccalaureate degree, 136207  
the cost of the credits earned by the student after the associate 136208  
degree was awarded. 136209

(ii) If a student earns an associate degree then, 136210  
subsequently, earns a baccalaureate degree, the associate degree 136211  
granting institution shall only receive the prorated share of the 136212  
baccalaureate degree funding for the credits earned at that 136213  
institution after the associate degree is awarded. 136214

(iii) If a student earns more than one degree at the same 136215  
institution at the same degree level in the same fiscal year, the 136216  
funding for the highest cost degree shall be prorated among 136217  
institutions based on where the credits were earned and additional 136218  
degrees shall be funded at 25 per cent of the cost of the degrees. 136219

(c) Associate degrees and baccalaureate degrees earned by a student defined as at-risk based on academic underpreparation, age, minority status, financial status, or first generation post-secondary status based on neither parent completing any education beyond high school, shall be defined as degrees earned by an at-risk student and shall be weighted by the following:

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 and 2019," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In fiscal year 2018, NEOMED shall receive \$250,000 and in fiscal year 2019 NEOMED shall receive \$275,000 of the doctoral set-aside funding allocation with the remaining doctoral set-aside allocated to universities as follows:

(a) 32.50 per cent of the remaining doctoral set-aside in fiscal year 2018 and 25 per cent of the remaining doctoral set-aside in fiscal year 2019 shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Doctoral I equivalent FTEs as calculated on an institutional basis using historical FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral



review and subsequent changes in Doctoral I equivalent 136252  
enrollments. For the purposes of this calculation, Doctoral I 136253  
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 136254  
times the sum of Doctoral II FTEs. 136255

(b) 45 per cent of the doctoral set-aside in fiscal year 2018 136256  
and 50 per cent of the doctoral set-aside in fiscal year 2019 136257  
shall be allocated to universities in proportion to each campus's 136258  
share of the total statewide doctoral degrees, weighted by the 136259  
cost of the doctoral discipline. In calculating each campus's 136260  
doctoral degrees the Chancellor shall use the three-year average 136261  
doctoral degrees awarded for the three-year period ending in the 136262  
prior year. 136263

(c) 22.5 per cent of the doctoral set-aside in fiscal year 136264  
2018 and 25 per cent of the doctoral set-aside in fiscal year 2019 136265  
shall be allocated to universities in proportion to their share of 136266  
research grant activity. Funding for this component shall be 136267  
allocated to eligible universities in proportion to their share of 136268  
research grant activity published by the National Science 136269  
Foundation. Grant awards from the Department of Health and Human 136270  
Services shall be weighted at 50 per cent. 136271

(3) Of the foregoing appropriation item 235501, State Share 136272  
of Instruction, 6.41 per cent of the appropriation for 136273  
universities, as established in division (A)(2) of the section of 136274  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 136275  
2018 AND 2019," in each fiscal year shall be reserved for support 136276  
of Medical II FTEs. The amount so reserved shall be referred to as 136277  
the medical II set-aside. 136278

The medical II set-aside shall be allocated to universities 136279  
in proportion to their share of the statewide total of each state 136280  
institution's three-year average Medical II FTEs as calculated in 136281  
division (A) of this section. 136282

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment. 136283  
136284  
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(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.48 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside. 136286  
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The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs as calculated in division (A) of this section. 136293  
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(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students: 136297  
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136299

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file; 136300  
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(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following: 136304  
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(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2014-2016 academic years; and 136309  
136310  
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(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk 136312  
136313

course completion weight shall be determined by calculating the 136314  
difference between the percentage of traditional students who 136315  
complete a course and the percentage of at-risk students who 136316  
complete the same course. 136317

(c) The course completion earnings shall be determined by 136318  
multiplying the amounts listed above in divisions (B) and (C) of 136319  
this section by the subsidy-eligible FTEs for the three-year 136320  
period ending in the prior year for all models except Medical I, 136321  
Medical II, Doctoral I, and Doctoral II. 136322

(d) For universities, the Chancellor shall compute the course 136323  
completion earnings by dividing the appropriation for 136324  
universities, established in division (A)(2) of the section of 136325  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 136326  
2018 AND 2019," less the degree attainment funding as calculated 136327  
in division (D)(1) of this section, less the doctoral set-aside, 136328  
less the medical I set-aside, and less the medical II set-aside, 136329  
by the sum of all campuses' instructional costs as calculated in 136330  
division (D)(5) of this section. 136331

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 136332  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 136333

(1) Of the foregoing appropriation item 235501, State Share 136334  
of Instruction, 50 per cent of the appropriation for 136335  
state-supported community colleges, state community colleges, and 136336  
technical colleges as established in division (A)(1) of the 136337  
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 136338  
YEARS 2018 AND 2019," in each fiscal year shall be reserved for 136339  
course completion FTEs as aggregated by the subsidy models defined 136340  
in division (B) of this section. 136341

The course completion funding shall be allocated to campuses 136342  
in proportion to each campus's share of the total sector's course 136343  
completions, weighted by the instructional cost of the subsidy 136344

models. 136345

To calculate the subsidy entitlements for course completions 136346  
at community colleges, state community colleges, and technical 136347  
colleges, the Chancellor shall use the following calculations: 136348

(a) In calculating each campus's count of FTE course 136349  
completions, the Chancellor shall use a three-year average for 136350  
course completions for the three year period ending in the prior 136351  
year. 136352

(b) The subsidy eligible enrollments by model shall equal 136353  
only those FTE students who successfully complete the course as 136354  
defined and reported through the Higher Education Information 136355  
(HEI) system course enrollment file. 136356

(c) Those students with successful course completions, that 136357  
are defined as access students based on financial status, minority 136358  
status, age, or academic under-preparation shall have their 136359  
eligible course completions weighted by a statewide access weight. 136360  
The weight given to any student that meets any access factor shall 136361  
be 15 per cent for all course completions. 136362

(d) The model costs as used in the calculation shall be 136363  
augmented by the model weights for science, technology, 136364  
engineering, mathematics, and medicine models as established in 136365  
division (C) of this section. 136366

(2) Of the foregoing appropriation item 235501, State Share 136367  
of Instruction, 25 per cent of the appropriation for 136368  
state-supported community colleges, state community colleges, and 136369  
technical colleges as established in division (A)(1) of the 136370  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 136371  
FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved 136372  
for colleges in proportion to their share of college student 136373  
success factors. 136374

Student success factors shall be awarded at the institutional 136375

level for each student that successfully: 136376

(a) Completes a developmental math course and, within the 136377  
next year, enrolls in a college-level math course. 136378

(b) Completes a developmental English course and, within the 136379  
next year, enrolls in a college-level English course. 136380

(c) Completes 12 semester credit hours of college-level 136381  
coursework. 136382

(d) Completes 24 semester credit hours of college-level 136383  
coursework. 136384

(e) Completes 36 semester credit hours of college-level 136385  
coursework. 136386

(3) Of the foregoing appropriation item 235501, State Share 136387  
of Instruction, 25 per cent of the appropriation for 136388  
state-supported community colleges, state community colleges, and 136389  
technical colleges shall be reserved for completion milestones. 136390

Completion milestones shall include associate degrees, 136391  
technical certificates over 30 credit hours as designated by the 136392  
Department of Higher Education, and students transferring to any 136393  
four-year institution with at least 12 credit hours of 136394  
college-level coursework earned at that community college, state 136395  
community college, or technical college. 136396

The completion milestone funding shall be allocated to 136397  
colleges in proportion to each institution's share of the sector's 136398  
total completion milestones, weighted by the instructional cost of 136399  
the associate degree, certificate, or transfer models. Costs for 136400  
technical certificates over 30 hours shall be weighted at one-half 136401  
of the associate degree model costs and transfers with at least 12 136402  
credit hours of college-level coursework shall be weighted at 136403  
one-fourth of the average cost for all associate degree model 136404  
costs. 136405

(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion metrics.

(b) The subsidy eligible completions by model shall equal only those students who successfully complete an associate degree or technical certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.

(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional associate degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (3) of this section.

(F) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of

instruction earnings shall be reduced for each campus by the 136437  
amount, if any, by which debt service charged in Am. H.B. 748 of 136438  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 136439  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 136440  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 136441  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 136442  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 136443  
562 of the 127th General Assembly for that campus exceeds that 136444  
campus's capital component earnings. The sum of the amounts 136445  
deducted shall be transferred to appropriation item 235552, 136446  
Capital Component, in each fiscal year. 136447

(G) EXCEPTIONAL CIRCUMSTANCES 136448

Adjustments may be made to the state share of instruction 136449  
payments and other subsidies distributed by the Chancellor of 136450  
Higher Education to state colleges and universities for 136451  
exceptional circumstances. No adjustments for exceptional 136452  
circumstances may be made without the recommendation of the 136453  
Chancellor and the approval of the Controlling Board. 136454

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 136455  
INSTRUCTION 136456

The standard provisions of the state share of instruction 136457  
calculation as described in the preceding sections of temporary 136458  
law shall apply to any reductions made to appropriation item 136459  
235501, State Share of Instruction, before the Chancellor has 136460  
formally approved the final allocation of the state share of 136461  
instruction funds for any fiscal year. 136462

Any reductions made to appropriation item 235501, State Share 136463  
of Instruction, after the Chancellor has formally approved the 136464  
final allocation of the state share of instruction funds for any 136465  
fiscal year, shall be uniformly applied to each campus in 136466  
proportion to its share of the final allocation. 136467

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 136468

The state share of instruction payments to the institutions 136469  
shall be in substantially equal monthly amounts during the fiscal 136470  
year, unless otherwise determined by the Director of Budget and 136471  
Management pursuant to section 126.09 of the Revised Code. 136472  
Payments during the first six months of the fiscal year shall be 136473  
based upon the state share of instruction appropriation estimates 136474  
made for the various institutions of higher education and payments 136475  
during the last six months of the fiscal year shall be based on 136476  
the final data from the Chancellor. 136477

(J) STUDY ON THE USE OF SCIENCE, TECHNOLOGY, ENGINEERING, 136478  
MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 136479

The presidents of public institutions of higher education as 136480  
defined in section 3345.011 of the Revised Code, or their 136481  
designees, in consultation with the Chancellor of Higher 136482  
Education, shall study the effectiveness of the science, 136483  
technology, engineering, mathematics, medicine, and graduate 136484  
weights as originally recommended by the 2006 State Share of 136485  
Instruction Consultation and the Higher Education Funding Study 136486  
Council and as implemented in division (C) of this section. The 136487  
study shall identify the extent to which STEMM and graduate 136488  
weights re-allocate resources among institutions within the State 136489  
Share of Instruction line item, the extent to which the resource 136490  
re-allocation affects institutional production of STEMM and 136491  
graduate completions, and the extent to which the weights are 136492  
appropriate given current workforce data associated with emerging 136493  
and in-demand fields. The study shall be completed by October 15, 136494  
2017. Notwithstanding any provision of law to the contrary, the 136495  
presidents of public institutions of higher education as defined 136496  
in section 3345.011 of the Revised Code, or their designees, in 136497  
consultation with the Chancellor, shall use the results of the 136498  
study to recommend changes in the science, technology, 136499



engineering, mathematics, medicine, and graduate weights as 136500  
originally recommended by the 2006 State Share of Instruction 136501  
Consultation and the Higher Education Funding Study Council and as 136502  
implemented in division (C) of this section. Not later than 136503  
December 1, 2017, the members shall report any changes to the 136504  
Governor, the General Assembly, and the Office of Budget and 136505  
Management. 136506

**Section 381.150.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 136507  
2018 AND 2019 136508

(A) The foregoing appropriation item 235501, State Share of 136509  
Instruction, shall be distributed according to the section of this 136510  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 136511

(1) Of the foregoing appropriation item 235501, State Share 136512  
of Instruction, \$456,256,006 in each fiscal year shall be 136513  
distributed to state-supported community colleges, state community 136514  
colleges, and technical colleges. 136515

(2) Of the foregoing appropriation item 235501, State Share 136516  
of Instruction, \$1,523,160,544 in each fiscal year shall be 136517  
distributed to state-supported university main and regional 136518  
campuses. 136519

**Section 381.160.** RESTRICTION ON FEE INCREASES 136520

(A) In fiscal years 2018 and 2019, the boards of trustees of 136521  
state institutions of higher education shall restrain increases in 136522  
in-state undergraduate instructional and general fees. 136523

(1) For the 2017-2018 academic year, each state university or 136524  
college, as defined in section 3345.12 and university branches 136525  
established under Chapter 3355. of the Revised Code may increase 136526  
its in-state undergraduate instructional and general fees by not 136527  
more than \$10 per credit hour over what the institution charged 136528  
for the previous academic year. 136529

(2) For the 2018-2019 academic year, each state university or college, as defined in section 3345.12 and university branches established under Chapter 3355. of the Revised Code may increase its in-state undergraduate instructional and general fees over what the institution charged for the 2017-2018 academic year by an amount that is not more than the rate of inflation, as measured by the consumer price index prepared by the Bureau of Labor Statistics of the United States Department of Labor (all urban consumers, all items), for the previous year or by 2.0 per cent, whichever is lower.

Any fee increase under divisions (A)(1) and (2) of this section shall be used to support quality academic programming, need-based financial aid, or career services.

(3) For the 2017-2018 and 2018-2019 academic years, each community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code may increase its in-state undergraduate instructional and general fees by not more than \$10 per credit hour over what the institution charged for the previous academic year to support quality academic programming.

(4) The limitations under divisions (A)(1) to (3) of this section do not apply to room and board, student health insurance, fees for auxiliary goods or services provided to students at the cost incurred to the institution, fees assessed to students as a pass-through for licensure and certification examinations, fees in elective courses associated with travel experiences, elective service charges, fines, voluntary sales transactions, career services, and fees, which may appear directly on a student's tuition bill as assessed by the institution's bursar, to offset the cost of providing textbooks to students.

(5) For the 2017-2018 and 2018-2019 academic years, the

Chancellor of Higher Education may permit a state institution of higher education to increase noninstructional program fees if the Chancellor determines the fee increase is necessary to provide quality service to students. A state institution of higher education shall submit a formal request to increase any noninstructional program fee to the Chancellor.

(6) Any institution that increases any fee under division (A)(4) or (5) of this section shall demonstrate, upon request of the Chancellor, that revenue derived from the fee is dedicated for the purposes for which the fee is assessed.

(B) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor of Higher Education to the Controlling Board. These limitations may also be modified by the Chancellor, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor.

(C) These limitations shall not apply to institutions participating in an undergraduate tuition guarantee program pursuant to section 3345.48 of the Revised Code.

**Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES**

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of Higher Education.

(B) In providing instructional and other services to students, boards of trustees of state institutions of higher education shall supplement state subsidies with income from charges to students. Except as otherwise provided in this act, each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service charges shall be for services or benefits furnished individual students or specific categories of students and shall not be applied uniformly to all enrolled students. A tuition surcharge shall be paid by all students who are not residents of Ohio.

The board of trustees of a state institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees.

Each state institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be

an integral part of the state government financing program in 136625  
support of higher educational opportunity for students. 136626

(C) The boards of trustees of state institutions of higher 136627  
education shall ensure that faculty members devote a proper and 136628  
judicious part of their work week to the actual instruction of 136629  
students. Total class credit hours of production per academic term 136630  
per full-time faculty member is expected to meet the standards set 136631  
forth in the budget data submitted by the Chancellor of Higher 136632  
Education. 136633

(D) The authority of government vested by law in the boards 136634  
of trustees of state institutions of higher education shall in 136635  
fact be exercised by those boards. Boards of trustees may consult 136636  
extensively with appropriate student and faculty groups. 136637  
Administrative decisions about the utilization of available 136638  
resources, about organizational structure, about disciplinary 136639  
procedure, about the operation and staffing of all auxiliary 136640  
facilities, and about administrative personnel shall be the 136641  
exclusive prerogative of boards of trustees. Any delegation of 136642  
authority by a board of trustees in other areas of responsibility 136643  
shall be accompanied by appropriate standards of guidance 136644  
concerning expected objectives in the exercise of such delegated 136645  
authority and shall be accompanied by periodic review of the 136646  
exercise of this delegated authority to the end that the public 136647  
interest, in contrast to any institutional or special interest, 136648  
shall be served. 136649

**Section 381.180. STUDENT SUPPORT SERVICES** 136650

The foregoing appropriation item 235502, Student Support 136651  
Services, shall be distributed by the Chancellor of Higher 136652  
Education to Ohio's state colleges and universities that incur 136653  
disproportionate costs in the provision of support services to 136654  
disabled students. 136655

**Section 381.190. WAR ORPHANS SCHOLARSHIPS** 136656

The foregoing appropriation item 235504, War Orphans 136657  
Scholarships, shall be used to reimburse state institutions of 136658  
higher education for waivers of instructional fees and general 136659  
fees provided by them, to provide grants to institutions that have 136660  
received a certificate of authorization from the Chancellor of 136661  
Higher Education under Chapter 1713. of the Revised Code, in 136662  
accordance with the provisions of section 5910.04 of the Revised 136663  
Code, and to fund additional scholarship benefits provided by 136664  
section 5910.032 of the Revised Code. 136665

During each fiscal year, the Chancellor, as soon as possible 136666  
after cancellation, may certify to the Director of Budget and 136667  
Management the amount of canceled prior-year encumbrances in 136668  
appropriation item 235504, War Orphans Scholarships. Upon receipt 136669  
of the certification, the Director of Budget and Management may 136670  
transfer cash, up to the certified amount, from the General 136671  
Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 136672  
5PW0). 136673

**Section 381.200. OHIOLINK** 136674

The foregoing appropriation item 235507, OhioLINK, shall be 136675  
used by the Chancellor of Higher Education to support OhioLINK, a 136676  
consortium organized under division (T) of section 3333.04 of the 136677  
Revised Code to serve as the state's electronic library 136678  
information and retrieval system, which provides access statewide 136679  
to an extensive set of electronic databases and resources, the 136680  
library holdings of Ohio's public and participating private 136681  
nonprofit colleges and universities, and the State Library of 136682  
Ohio. 136683

**Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY** 136684

The foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Dayton Area Graduate Studies Institute, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

**Section 381.220. OHIO SUPERCOMPUTER CENTER** 136693

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support AweSim, the Ohio Supercomputer Center's industrial outreach program. The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

**Section 381.230. COOPERATIVE EXTENSION SERVICE** 136709

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

**Section 381.240.** CENTRAL STATE SUPPLEMENT 136715

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred. 136716  
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The Chancellor shall monitor the implementation of the plan and the use of funds. Central State University shall provide any information requested by the Chancellor related to the implementation of the plan. If the Chancellor determines that Central State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired effect, the Chancellor may notify Central State University that the plan is suspended. Upon receiving such notice, Central State University shall avoid all unnecessary expenditures under the plan. The Chancellor shall notify the Controlling Board of the suspension of the plan and within sixty days prepare a new plan for the use of any remaining funds. 136724  
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**Section 381.250.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 136736  
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The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 136738  
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**Section 381.260.** FAMILY PRACTICE 136745

The Chancellor of Higher Education shall develop plans 136746  
consistent with existing criteria and guidelines as may be 136747  
required for the distribution of appropriation item 235519, Family 136748  
Practice. 136749

**Section 381.270.** SHAWNEE STATE SUPPLEMENT 136750

The foregoing appropriation item 235520, Shawnee State 136751  
Supplement, shall be disbursed by the Chancellor of Higher 136752  
Education to Shawnee State University in accordance with the plan 136753  
developed by the Chancellor and submitted to the Governor and the 136754  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 136755  
General Assembly. Funds shall be used in a manner consistent with 136756  
the goals of improving course completion, increasing the number of 136757  
degrees conferred, and furthering the university's mission of 136758  
service to the Appalachian region. 136759

The Chancellor shall monitor the implementation of the plan 136760  
and the use of funds. Shawnee State University shall provide any 136761  
information requested by the Chancellor related to the 136762  
implementation of the plan. If the Chancellor determines that 136763  
Shawnee State University's use of supplemental funds is not in 136764  
accordance with the plan or if the plan is not having the desired 136765  
effect, the Chancellor may notify Shawnee State University that 136766  
the plan is suspended. Upon receiving such notice, Shawnee State 136767  
University shall avoid all unnecessary expenditures under the 136768  
plan. The Chancellor shall notify the Controlling Board of the 136769  
suspension of the plan and within sixty days prepare a new plan 136770  
for the use of any remaining funds. 136771

**Section 381.280.** GERIATRIC MEDICINE 136772

The Chancellor of Higher Education shall develop plans 136773

consistent with existing criteria and guidelines as may be 136774  
required for the distribution of appropriation item 235525, 136775  
Geriatric Medicine. 136776

**Section 381.281. PRIMARY CARE RESIDENCIES** 136777

The Chancellor of Higher Education shall develop plans 136778  
consistent with existing criteria and guidelines as may be 136779  
required for the distribution of appropriation item 235526, 136780  
Primary Care Residencies. 136781

The foregoing appropriation item 235526, Primary Care 136782  
Residencies, shall be distributed in each fiscal year of the 136783  
biennium, based on whether or not the institution has submitted 136784  
and gained approval for a plan. If the institution does not have 136785  
an approved plan, it shall receive five per cent less funding per 136786  
student than it would have received from its annual allocation. 136787  
The remaining funding shall be distributed among those 136788  
institutions that meet or exceed their targets. 136789

**Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT** 136790  
**CENTER** 136791

The foregoing appropriation item 235535, Ohio Agricultural 136792  
Research and Development Center, shall be disbursed through the 136793  
Chancellor of Higher Education to The Ohio State University in 136794  
monthly payments, unless otherwise determined by the Director of 136795  
Budget and Management under section 126.09 of the Revised Code. 136796  
The Ohio Agricultural Research and Development Center shall not be 136797  
required to remit payment to The Ohio State University during the 136798  
biennium ending June 30, 2019, for cost reallocation assessments. 136799  
The cost reallocation assessments include, but are not limited to, 136800  
any assessment on state appropriations to the Center. 136801

The Ohio Agricultural Research and Development Center, an 136802  
entity of the College of Food, Agricultural, and Environmental 136803

Sciences of The Ohio State University, shall further its mission 136804  
of enhancing Ohio's economic development and job creation by 136805  
continuing to internally allocate on a competitive basis 136806  
appropriated funding of programs based on demonstrated 136807  
performance. Academic units, faculty, and faculty-driven programs 136808  
shall be evaluated and rewarded consistent with agreed-upon 136809  
performance expectations as called for in the College's 136810  
Expectations and Criteria for Performance Assessment. 136811

**Section 381.300. STATE UNIVERSITY CLINICAL TEACHING** 136812

The foregoing appropriation items 235536, The Ohio State 136813  
University Clinical Teaching; 235537, University of Cincinnati 136814  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 136815  
235539, Wright State University Clinical Teaching; 235540, Ohio 136816  
University Clinical Teaching; and 235541, Northeast Ohio Medical 136817  
University Clinical Teaching, shall be distributed through the 136818  
Chancellor of Higher Education. 136819

**Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND** 136820  
**DEVELOPMENT** 136821

The foregoing appropriation item 235546, Central State 136822  
Agricultural Research and Development, shall be used in 136823  
conjunction with appropriation item 235548, Central State 136824  
Cooperative Extension Services, by Central State University for 136825  
its state match requirement as an 1890 land grant university. 136826

**Section 381.320. CAPITAL COMPONENT** 136827

The foregoing appropriation item 235552, Capital Component, 136828  
shall be used by the Chancellor of Higher Education to provide 136829  
funding for prior commitments made pursuant to the state's former 136830  
capital funding policy for state colleges and universities that 136831  
was originally established in Am. H.B. 748 of the 121st General 136832

Assembly. Appropriations from this item shall be distributed to 136833  
all campuses for which the estimated campus debt service 136834  
attributable to qualifying capital projects was less than the 136835  
campus's formula-determined capital component allocation. Campus 136836  
allocations shall be determined by subtracting the estimated 136837  
campus debt service attributable to qualifying capital projects 136838  
from the campus's formula-determined capital component allocation. 136839  
Moneys distributed from this appropriation item shall be 136840  
restricted to capital-related purposes. 136841

Any campus for which the estimated campus debt service 136842  
attributable to qualifying capital projects is greater than the 136843  
campus's formula-determined capital component allocation shall 136844  
have the difference subtracted from its State Share of Instruction 136845  
allocation in each fiscal year. Appropriation equal to the sum of 136846  
all such amounts except that of the Ohio Agricultural Research and 136847  
Development Center shall be transferred from appropriation item 136848  
235501, State Share of Instruction, to appropriation item 235552, 136849  
Capital Component. Appropriation equal to any estimated Ohio 136850  
Agricultural Research and Development Center debt service 136851  
attributable to qualifying capital projects that is greater than 136852  
the Center's formula-determined capital component allocation shall 136853  
be transferred from appropriation item 235535, Ohio Agricultural 136854  
Research and Development Center, to appropriation item 235552, 136855  
Capital Component. 136856

**Section 381.330. LIBRARY DEPOSITORIES** 136857

The foregoing appropriation item 235555, Library 136858  
Depositories, shall be distributed to the state's five regional 136859  
depository libraries for the cost-effective storage of and access 136860  
to lesser-used materials in university library collections. The 136861  
depositories shall be administrated by the Chancellor of Higher 136862  
Education, or by OhioLINK at the discretion of the Chancellor. 136863

**Section 381.340.** OHIO ACADEMIC RESOURCES NETWORK (OARNET) 136864

The foregoing appropriation item 235556, Ohio Academic 136865  
Resources Network, shall be used by the Chancellor of Higher 136866  
Education to support the operations of the Ohio Academic Resources 136867  
Network, a consortium organized under division (T) of section 136868  
3333.04 of the Revised Code, which shall include support for 136869  
Ohio's colleges and universities in maintaining and enhancing 136870  
network connections, using new network technologies to improve 136871  
research, education, and economic development programs, and 136872  
sharing information technology services. To the extent network 136873  
capacity is available, OARnet shall support allocating bandwidth 136874  
to eligible programs directly supporting Ohio's economic 136875  
development. 136876

**Section 381.350.** LONG-TERM CARE RESEARCH 136877

The foregoing appropriation item 235558, Long-term Care 136878  
Research, shall be disbursed to Miami University for long-term 136879  
care research. 136880

**Section 381.360.** OHIO COLLEGE OPPORTUNITY GRANT 136881

(A) Except as provided in division (C) of this section: 136882

Of the foregoing appropriation item 235563, Ohio College 136883  
Opportunity Grant, at least \$97,792,598 in fiscal year 2018 and at 136884  
least \$99,132,084 in fiscal year 2019 shall be used by the 136885  
Chancellor of Higher Education to award need-based financial aid 136886  
to students enrolled in eligible public and private nonprofit 136887  
institutions of higher education, excluding early college high 136888  
school and post-secondary enrollment option participants. 136889

The remainder of the foregoing appropriation item 235563, 136890  
Ohio College Opportunity Grant, shall be used by the Chancellor to 136891  
award needs-based financial aid to students enrolled in eligible 136892

private for-profit career colleges and schools. 136893

(B)(1) As used in this section: 136894

(a) "Eligible institution" means any institution described in 136895  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 136896  
Code. 136897

(b) The three "sectors" of institutions of higher education 136898  
consist of the following: 136899

(i) State colleges and universities, community colleges, 136900  
state community colleges, university branches, and technical 136901  
colleges; 136902

(ii) Eligible private nonprofit institutions of higher 136903  
education; 136904

(iii) Eligible private for-profit career colleges and 136905  
schools. 136906

(2) Awards for students attending eligible private nonprofit 136907  
institutions of higher education shall be determined at twice the 136908  
rate of the awards for students attending eligible public 136909  
institutions of higher education. 136910

(3) For students attending an eligible institution 136911  
year-round, awards may be distributed on an annual basis, once 136912  
Pell grants have been exhausted. 136913

(4) If the Chancellor determines that the amounts 136914  
appropriated for support of the Ohio College Opportunity Grant 136915  
program are inadequate to provide grants to all eligible students 136916  
as calculated under division (D) of section 3333.122 of the 136917  
Revised Code, the Chancellor may create a distribution formula for 136918  
fiscal year 2018 and fiscal year 2019 based on the formula used in 136919  
fiscal year 2017, or may follow methods established in division 136920  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 136921  
Chancellor shall notify the Controlling Board of the distribution 136922

method. Any formula calculated under this division shall be 136923  
complete and established to coincide with the start of the 136924  
2017-2018 academic year. 136925

(C) Prior to determining the amount of funds available to 136926  
award under this section and section 3333.122 of the Revised Code, 136927  
the Chancellor shall use the foregoing appropriation item 235563, 136928  
Ohio College Opportunity Grant, to pay for renewals or partial 136929  
renewals of scholarships students receive under the Ohio Academic 136930  
Scholarship Program under sections 3333.21 and 3333.22 of the 136931  
Revised Code. In paying for scholarships under this division, the 136932  
Chancellor shall deduct funds from the allocations made under 136933  
division (A) of this section. Deductions shall be proportionate to 136934  
the amounts allocated to each sector from the total amounts 136935  
appropriated for each sector under the foregoing appropriation 136936  
item 235563, Ohio College Opportunity Grant. 136937

In each fiscal year, with the exception of sections 3333.121 136938  
and 3333.124 of the Revised Code and the section of this act 136939  
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 136940  
shall not distribute or obligate or commit to be distributed an 136941  
amount greater than what is appropriated under the foregoing 136942  
appropriation item 235563, Ohio College Opportunity Grant. 136943

(D) The Chancellor shall establish, and post on the 136944  
Department of Higher Education's web site, award tables based on 136945  
any formulas created under division (B) of this section. The 136946  
Chancellor shall notify students and institutions of any 136947  
reductions in awards under this section. 136948

(E) Notwithstanding section 3333.122 of the Revised Code, no 136949  
student shall be eligible to receive an Ohio College Opportunity 136950  
Grant for more than ten semesters, fifteen quarters, or the 136951  
equivalent of five academic years, less the number of semesters or 136952  
quarters in which the student received an Ohio Instructional 136953  
Grant. 136954

(F) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

**Section 381.370.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

**Section 381.371.** CO-OP INTERNSHIP PROGRAM

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of Ohio University's Voinovich School.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.

Of the foregoing appropriation item 235591, Co-op Internship



Program, \$150,000 in each fiscal year shall be used to support 136984  
students who attend institutions of higher education in Ohio and 136985  
are participating in the Washington Center Internship Program. 136986

Of the foregoing appropriation item 235591, Co-op Internship 136987  
Program, \$50,000 in each fiscal year shall be used to support the 136988  
Ohio Center for the Advancement of Women in Public Service at the 136989  
Maxine Goodman Levin College of Urban Affairs at Cleveland State 136990  
University. 136991

Of the foregoing appropriation item 235591, Co-op Internship 136992  
Program, \$50,000 in each fiscal year shall be used to support the 136993  
University of Cincinnati Internship Program. 136994

Of the foregoing appropriation item 235591, Co-op Internship 136995  
Program, \$50,000 in each fiscal year shall be used to support the 136996  
operations of the Center for Regional Development at Bowling Green 136997  
State University. 136998

Of the foregoing appropriation item 235591, Co-op Internship 136999  
Program, \$50,000 in each fiscal year shall be used to support the 137000  
operations of the Center for Liberal Arts Student Success at 137001  
Wright State University. 137002

Of the foregoing appropriation item 235591, Co-op Internship 137003  
Program, \$50,000 in each fiscal year shall be used to support the 137004  
Kent State University Columbus Program. 137005

Of the foregoing appropriation item 235591, Co-op Internship 137006  
Program, \$50,000 in each fiscal year shall be used to support the 137007  
University of Toledo Urban Affairs Center. 137008

Of the foregoing appropriation item 235591, Co-op Internship 137009  
Program, \$50,000 in each fiscal year shall be used to support the 137010  
Center for Urban and Regional Studies at Youngstown State 137011  
University. 137012

**Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 137013**

The Chancellor of Higher Education shall disburse funds from 137014  
appropriation item 235599, National Guard Scholarship Program. 137015  
During each fiscal year, the Chancellor, as soon as possible after 137016  
cancellation, may certify to the Director of Budget and Management 137017  
the amount of canceled prior-year encumbrances in appropriation 137018  
item 235599, National Guard Scholarship Program. Upon receipt of 137019  
the certification, the Director of Budget and Management may 137020  
transfer cash, up to the certified amount, from the General 137021  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 137022  
5BM0). 137023

**Section 381.390. PLEDGE OF FEES** 137024

Any new pledge of fees, or new agreement for adjustment of 137025  
fees, made in the biennium ending June 30, 2019, to secure bonds 137026  
or notes of a state institution of higher education for a project 137027  
for which bonds or notes were not outstanding on the effective 137028  
date of this section shall be effective only after approval by the 137029  
Chancellor of Higher Education, unless approved in a previous 137030  
biennium. 137031

**Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND** 137032  
**DEBT SERVICE** 137033

The foregoing appropriation item 235909, Higher Education 137034  
General Obligation Bond Debt Service, shall be used to pay all 137035  
debt service and related financing costs during the period from 137036  
July 1, 2017, through June 30, 2019, for obligations issued under 137037  
sections 151.01 and 151.04 of the Revised Code. 137038

**Section 381.410. SALES AND SERVICES** 137039

The Chancellor of Higher Education is authorized to charge 137040  
and accept payment for the provision of goods and services. Such 137041  
charges shall be reasonably related to the cost of producing the 137042

goods and services. Except as otherwise provided by law, no 137043  
charges may be levied for goods or services that are produced as 137044  
part of the routine responsibilities or duties of the Chancellor. 137045  
All revenues received by the Chancellor shall be deposited into 137046  
Fund 4560, and may be used by the Chancellor to pay for the costs 137047  
of producing the goods and services. 137048

**Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 137049**  
ADMINISTRATION 137050

The foregoing appropriation item 235602, Higher Educational 137051  
Facility Commission Administration, shall be used by the 137052  
Chancellor of Higher Education for operating expenses related to 137053  
the Chancellor's support of the activities of the Ohio Higher 137054  
Educational Facility Commission. Upon the request of the 137055  
Chancellor, the Director of Budget and Management may transfer up 137056  
to \$50,000 cash in each fiscal year from the HEFC Operating 137057  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 137058  
4E80). 137059

**Section 381.431. APPALACHIAN NEW ECONOMY WORKFORCE 137060**  
PARTNERSHIP 137061

The foregoing appropriation item 235407, Appalachian New 137062  
Economy Workforce Partnership, shall be distributed to Ohio 137063  
University to continue a multi-campus and multi-agency coordinated 137064  
effort to link Appalachia to the new economy. Ohio University 137065  
shall use these funds to provide leadership in the development and 137066  
implementation of initiatives in the areas of entrepreneurship, 137067  
management, education, and technology. 137068

**Section 381.440. FEDERAL RESEARCH NETWORK 137069**

The foregoing appropriation item 235654, Federal Research 137070  
Network, shall be allocated to The Ohio State University to 137071

collaborate with federal installations in Ohio, state institutions 137072  
of higher education as defined in section 3345.011 of the Revised 137073  
Code, private nonprofit institutions of higher education holding 137074  
certificates of authorization under Chapter 1713. of the Revised 137075  
Code, and the private sector to align the state's research assets 137076  
with emerging missions and job growth opportunities emanating from 137077  
federal installations, strengthen related workforce development 137078  
and technology commercialization programs, and better position the 137079  
state's university system to directly impact new job creation in 137080  
Ohio. A portion of the foregoing appropriation item 235654, 137081  
Federal Research Network, shall be used to support the growth of 137082  
small business federal contractors in the state and to expand the 137083  
participation of Ohio businesses in the federal Small Business 137084  
Innovation Research Program and related federal programs. 137085

**Section 381.443. SHORT-TERM CERTIFICATES** 137086

The foregoing appropriation item 235517, Short-Term 137087  
Certificates, shall be used by the Chancellor to award need-based 137088  
financial aid to students who are enrolled in a state institution 137089  
of higher education in a program that may be completed in less 137090  
than one year and for which a certificate or industry-recognized 137091  
credential is awarded in an in-demand job. 137092

**Section 381.450. OHIOMEANSJOBS WORKFORCE DEVELOPMENT** 137093  
REVOLVING LOAN PROGRAM 137094

The foregoing appropriation item 235684, OhioMeansJobs 137095  
Workforce Development Revolving Loan Program, shall be used by the 137096  
Chancellor of Higher Education to provide administrative support 137097  
for the OhioMeansJobs Workforce Development Revolving Loan 137098  
Program. 137099

**Section 381.510. STATE FINANCIAL AID RECONCILIATION** 137100

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).

**Section 381.513. NURSING LOAN PROGRAM**

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program.

**Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER**

The foregoing appropriation item 235634, Research Incentive Third Frontier, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation item 235634, Research Incentive Third Frontier, up to \$2,000,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to \$1,000,000 in each fiscal year may be allocated toward research regarding the reduction of infant mortality, up to \$1,000,000 in each fiscal year may be allocated toward research regarding opiate addiction issues in Ohio, up to \$750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, and up to \$500,000 in each fiscal year may be allocated toward the I-Corps@Ohio program.

**Section 381.530. VETERANS PREFERENCES**

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans

preference guidelines for higher education institutions. These 137130  
guidelines shall ensure that the institutions' hiring practices 137131  
are in accordance with the intent of Ohio's veterans preference 137132  
laws. 137133

**Section 381.540.** (A) As used in this section: 137134

(1) "Board of trustees" includes the managing authority of a 137135  
university branch district. 137136

(2) "State institution of higher education" has the same 137137  
meaning as in section 3345.011 of the Revised Code. 137138

(B) The board of trustees of any state institution of higher 137139  
education, notwithstanding any rule of the institution to the 137140  
contrary, may adopt a policy providing for mandatory furloughs of 137141  
employees, including faculty, to achieve spending reductions 137142  
necessitated by institutional budget deficits. 137143

**Section 381.550.** EFFICIENCY REPORTS 137144

In each fiscal year, the board of trustees of each public 137145  
institution of higher education shall approve the institution's 137146  
efficiency report submitted to the Chancellor of Higher Education 137147  
under section 3333.95 of the Revised Code. Each institution's 137148  
report shall be based on the recommendations of the Ohio Task 137149  
Force on Affordability and Efficiency in Higher Education, as 137150  
established by the Governor's executive order, and shall benchmark 137151  
and document institutional progress towards implementing the 137152  
recommendations of the Task Force as compared to the institution's 137153  
prior fiscal year efficiency report. 137154

**Section 381.570.** Not later than June 30, 2018, the Chancellor 137155  
of Higher Education, in consultation with representatives from the 137156  
Inter-University Council of Ohio and the Ohio Association of 137157  
Community Colleges, shall develop a model for "3+1" baccalaureate 137158

degree programs for state universities and state community colleges, community colleges, and technical colleges. The model shall outline how a student may complete the equivalent of three academic years, or ninety semester credit hours, at a state community college, community college, or technical college and then transfer to a state university to complete the final academic year, or thirty semester credit hours, or the remainder of the student's baccalaureate degree program.

In developing the model, the Chancellor shall seek input from administrators of state institutions of higher education currently participating in such a program, as well as faculty leaders in the academic fields or disciplines under consideration for the program.

Further, the Chancellor shall evaluate existing "3+1" baccalaureate degree programs for their cost effectiveness for students.

As used in this section, "state institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.

**Section 381.580.** The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange for the purpose of showcasing the research expertise of Ohio's university and college faculty in a variety of fields, including, but not limited to, engineering, biomedicine, and information technology, and to identify institutional research equipment available in the state.

**Section 381.590.** The Chancellor of Higher Education shall work with state institutions of higher education, as defined by section 3345.011 of the Revised Code, Ohio Technical Centers, as recognized by the Chancellor, and industry partners to develop

program models that include project-based learning to increase 137189  
continuing education and non-credit program offerings that lead to 137190  
a credential in order to meet the state's in-demand job needs. 137191

**Section 381.601.** TRANSFERS FROM THE GRF TO THE ECONOMIC 137192  
DEVELOPMENT PROGRAMS FUND (FUND 5JC0) 137193

On July 1 of each fiscal year, or as soon as possible 137194  
thereafter, the Director of Budget and Management shall transfer 137195  
\$1,750,000 cash from the General Revenue Fund to the Economic 137196  
Development Programs Fund (Fund 5JC0) to support the 137197  
appropriations made for the Federal Research Network. 137198

**Section 381.617.** TRANSFER FROM THE OHIO COLLEGE OPPORTUNITY 137199  
GRANT PROGRAM RESERVE FUND (FUND 5PU0) TO THE GRF 137200

On July 1, 2017, or as soon as possible thereafter, the 137201  
Director of Budget and Management shall transfer \$8,000,000 cash 137202  
from the Ohio College Opportunity Grant Program Reserve Fund (Fund 137203  
5PU0) to the General Revenue Fund for purposes of the Ohio College 137204  
Opportunity Grant Program created in section 3333.122 of the 137205  
Revised Code. 137206

**Section 381.620.** FUND NAME CHANGES 137207

On July 1, 2017, or as soon as possible thereafter, the 137208  
Director of Budget and Management shall rename the Star Schools 137209  
Fund (Fund 3BG0) the GEAR-UP Grant Scholarships Fund (Fund 3BG0). 137210

On July 1, 2017, or as soon as possible thereafter, the 137211  
Director of Budget and Management shall rename the Joyce 137212  
Foundation Grant Fund (Fund 5FR0) the State and Non-Federal Grants 137213  
and Awards Fund (Fund 5FR0). 137214

On July 1, 2017, or as soon as possible thereafter, the 137215  
Director of Budget and Management shall rename the Federal Grants 137216



|                                                                  |                       |                  |                  |        |
|------------------------------------------------------------------|-----------------------|------------------|------------------|--------|
| Fund (Fund 3N60) the John R. Justice Student Loan Repayment Fund |                       |                  |                  | 137217 |
| (Fund 3N60).                                                     |                       |                  |                  | 137218 |
| <b>Section 383.10. DRC DEPARTMENT OF REHABILITATION AND</b>      |                       |                  |                  | 137219 |
| CORRECTION                                                       |                       |                  |                  | 137220 |
| General Revenue Fund                                             |                       |                  |                  | 137221 |
| GRF 501321                                                       | Institutional         | \$ 1,046,933,997 | \$ 1,047,161,916 | 137222 |
|                                                                  | Operations            |                  |                  |        |
| GRF 501405                                                       | Halfway House         | \$ 66,770,618    | \$ 66,770,618    | 137223 |
| GRF 501406                                                       | Adult Correctional    | \$ 78,505,000    | \$ 78,540,400    | 137224 |
|                                                                  | Facilities Lease      |                  |                  |        |
|                                                                  | Rental Bond Payments  |                  |                  |        |
| GRF 501407                                                       | Community             | \$ 56,578,573    | \$ 73,161,958    | 137225 |
|                                                                  | Nonresidential        |                  |                  |        |
|                                                                  | Programs              |                  |                  |        |
| GRF 501408                                                       | Community Misdemeanor | \$ 9,356,800     | \$ 9,356,800     | 137226 |
|                                                                  | Programs              |                  |                  |        |
| GRF 501501                                                       | Community Residential | \$ 78,531,698    | \$ 78,531,698    | 137227 |
|                                                                  | Programs - Community  |                  |                  |        |
|                                                                  | Based Correctional    |                  |                  |        |
|                                                                  | Facilities            |                  |                  |        |
| GRF 503321                                                       | Parole and Community  | \$ 80,883,748    | \$ 82,807,332    | 137228 |
|                                                                  | Operations            |                  |                  |        |
| GRF 504321                                                       | Administrative        | \$ 24,034,553    | \$ 24,611,945    | 137229 |
|                                                                  | Operations            |                  |                  |        |
| GRF 505321                                                       | Institution Medical   | \$ 267,206,462   | \$ 272,013,566   | 137230 |
|                                                                  | Services              |                  |                  |        |
| GRF 506321                                                       | Institution Education | \$ 32,581,211    | \$ 33,372,312    | 137231 |
|                                                                  | Services              |                  |                  |        |
| TOTAL GRF General Revenue Fund                                   |                       | \$ 1,741,382,660 | \$ 1,766,328,545 | 137232 |
| Dedicated Purpose Fund Group                                     |                       |                  |                  | 137233 |
| 4B00 501601                                                      | Sewer Treatment       | \$ 2,230,000     | \$ 2,230,000     | 137234 |

|            |                        |                                      |    |            |    |                   |
|------------|------------------------|--------------------------------------|----|------------|----|-------------------|
|            |                        | Services                             |    |            |    |                   |
| 4D40       | 501603                 | Prisoner Programs                    | \$ | 1,300,000  | \$ | 1,300,000 137235  |
| 4L40       | 501604                 | Transitional Control                 | \$ | 1,950,000  | \$ | 1,950,000 137236  |
| 4S50       | 501608                 | Education Services                   | \$ | 4,725,000  | \$ | 4,725,000 137237  |
| 5AF0       | 501609                 | State and Non-Federal                | \$ | 875,000    | \$ | 875,000 137238    |
|            |                        | Awards                               |    |            |    |                   |
| 5H80       | 501617                 | Offender Financial                   | \$ | 2,500,000  | \$ | 3,110,000 137239  |
|            |                        | Responsibility                       |    |            |    |                   |
| 5TZ0       | 501610                 | Probation Improvement                | \$ | 10,000,000 | \$ | 10,000,000 137240 |
|            |                        | and Incentive Grants                 |    |            |    |                   |
| 5UB0       | 501612                 | Institution Addiction                | \$ | 1,000,000  | \$ | 1,000,000 137241  |
|            |                        | Treatment Services                   |    |            |    |                   |
| TOTAL DPF  | Dedicated Purpose Fund |                                      | \$ | 24,580,000 | \$ | 25,190,000 137242 |
|            | Group                  |                                      |    |            |    |                   |
|            |                        | Internal Service Activity Fund Group |    |            |    | 137243            |
| 1480       | 501602                 | Institutional                        | \$ | 2,925,000  | \$ | 2,925,000 137244  |
|            |                        | Services                             |    |            |    |                   |
| 2000       | 501607                 | Ohio Penal Industries                | \$ | 52,900,000 | \$ | 52,900,000 137245 |
| 4830       | 501605                 | Leased Property                      | \$ | 2,000,000  | \$ | 2,000,000 137246  |
|            |                        | Maintenance &<br>Operating           |    |            |    |                   |
| 5710       | 501606                 | Corrections Training                 | \$ | 480,000    | \$ | 480,000 137247    |
|            |                        | Maintenance &<br>Operating           |    |            |    |                   |
| 5L60       | 501611                 | Information                          | \$ | 1,300,000  | \$ | 1,300,000 137248  |
|            |                        | Technology Services                  |    |            |    |                   |
| TOTAL ISA  | Internal Activity      |                                      |    |            |    | 137249            |
| Fund Group |                        |                                      | \$ | 59,605,000 | \$ | 59,605,000 137250 |
|            |                        | Federal Fund Group                   |    |            |    | 137251            |
| 3230       | 501619                 | Federal Grants                       | \$ | 1,985,000  | \$ | 1,985,000 137252  |
| 3CW0       | 501622                 | Federal Equitable                    | \$ | 455,000    | \$ | 455,000 137253    |
|            |                        | Sharing                              |    |            |    |                   |

|                                                                    |                  |                  |        |
|--------------------------------------------------------------------|------------------|------------------|--------|
| TOTAL FED Federal                                                  |                  |                  | 137254 |
| Fund Group                                                         | \$ 2,440,000     | \$ 2,440,000     | 137255 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ 1,828,007,660 | \$ 1,853,563,545 | 137256 |
| ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS           |                  |                  | 137257 |
| The foregoing appropriation item 501406, Adult Correctional        |                  |                  | 137258 |
| Facilities Lease Rental Bond Payments, shall be used to meet all   |                  |                  | 137259 |
| payments during the period from July 1, 2017, through June 30,     |                  |                  | 137260 |
| 2019, by the Department of Rehabilitation and Correction under the |                  |                  | 137261 |
| primary leases and agreements for those buildings made under       |                  |                  | 137262 |
| Chapters 152. and 154. of the Revised Code. These appropriations   |                  |                  | 137263 |
| are the source of funds pledged for bond service charges on        |                  |                  | 137264 |
| related obligations issued under Chapters 152. and 154. of the     |                  |                  | 137265 |
| Revised Code.                                                      |                  |                  | 137266 |
| PROBATION IMPROVEMENT AND INCENTIVE GRANTS                         |                  |                  | 137267 |
| The foregoing appropriation item 501610, Probation                 |                  |                  | 137268 |
| Improvement and Incentive Grants, shall be allocated by the        |                  |                  | 137269 |
| Department of Rehabilitation and Correction to municipalities as   |                  |                  | 137270 |
| Probation Improvement and Incentive Grants in accordance with      |                  |                  | 137271 |
| division (G)(2) of section 757.20 of this act with an emphasis on: |                  |                  | 137272 |
| (1) providing services to those addicted to opiates and other      |                  |                  | 137273 |
| illegal substances, and (2) supplementing the programs and         |                  |                  | 137274 |
| services funded by grants distributed from the foregoing           |                  |                  | 137275 |
| appropriation item 501407, Community Nonresidential Programs.      |                  |                  | 137276 |
| CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT          |                  |                  | 137277 |
| FUND TO THE INSTITUTION ADDICTION TREATMENT SERVICES FUND          |                  |                  | 137278 |
| Notwithstanding any provision of law to the contrary, on July      |                  |                  | 137279 |
| 1 of each fiscal year, or as soon as possible thereafter, the      |                  |                  | 137280 |
| Director of Budget and Management shall transfer \$1,000,000 cash  |                  |                  | 137281 |
| from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to    |                  |                  | 137282 |
| the Institution Addiction Treatment Services Fund (Fund 5UB0),     |                  |                  | 137283 |
| which is hereby created in the state treasury.                     |                  |                  | 137284 |

The foregoing appropriation item 501612, Institution 137285  
Addiction Treatment Services, shall be used to pay for the costs 137286  
of providing substance abuse treatment services to offenders 137287  
incarcerated in institutions operated by the Department of 137288  
Rehabilitation and Correction. 137289

OSU MEDICAL CHARGES 137290

Notwithstanding section 341.192 of the Revised Code, at the 137291  
request of the Department of Rehabilitation and Correction, The 137292  
Ohio State University Medical Center, including the Arthur G. 137293  
James Cancer Hospital and Richard J. Solove Research Institute and 137294  
the Richard M. Ross Heart Hospital, shall provide necessary care 137295  
to persons who are confined in state adult correctional 137296  
facilities. The provision of necessary inpatient care billed to 137297  
the Department shall be reimbursed at a rate not to exceed the 137298  
authorized reimbursement rate for the same service established by 137299  
the Department of Medicaid under the Medicaid Program. 137300

**Section 385.10. RCB RESPIRATORY CARE BOARD** 137301

Dedicated Purpose Fund Group 137302  
4K90 872609 Operating Expenses \$ 363,106 \$ 0 137303  
TOTAL DPF Dedicated Purpose 137304  
Fund Group \$ 363,106 \$ 0 137305  
TOTAL ALL BUDGET FUND GROUPS \$ 363,106 \$ 0 137306

**Section 387.10. RDF STATE REVENUE DISTRIBUTIONS** 137308

General Revenue Fund Group 137309  
GRF 110908 Property Tax \$ 641,015,200 \$ 645,785,000 137310  
Reimbursement - Local  
Government  
GRF 200903 Property Tax \$ 1,180,084,800 \$ 1,199,315,000 137311  
Reimbursement -  
Education

|                                   |                  |                  |        |
|-----------------------------------|------------------|------------------|--------|
| TOTAL GRF General Revenue Fund    | \$ 1,821,100,000 | \$ 1,845,100,000 | 137312 |
| Group                             |                  |                  |        |
| Revenue Distribution Fund Group   |                  |                  | 137313 |
| 5JG0 110633 Gross Casino Revenue  | \$ 128,400,000   | \$ 126,500,000   | 137314 |
| Payments-County                   |                  |                  |        |
| 5JH0 110634 Gross Casino Revenue  | \$ 85,600,000    | \$ 84,300,000    | 137315 |
| Payments- School                  |                  |                  |        |
| Districts                         |                  |                  |        |
| 5JJ0 110636 Gross Casino Revenue  | \$ 12,500,000    | \$ 12,400,000    | 137316 |
| - Host City                       |                  |                  |        |
| 7047 200902 Property Tax          | \$ 207,311,667   | \$ 165,229,141   | 137317 |
| Replacement Phase                 |                  |                  |        |
| Out-Education                     |                  |                  |        |
| 7049 336900 Indigent Drivers      | \$ 2,250,000     | \$ 2,250,000     | 137318 |
| Alcohol Treatment                 |                  |                  |        |
| 7050 762900 International         | \$ 22,000,000    | \$ 22,000,000    | 137319 |
| Registration Plan                 |                  |                  |        |
| Distribution                      |                  |                  |        |
| 7051 762901 Auto Registration     | \$ 325,000,000   | \$ 325,000,000   | 137320 |
| Distribution                      |                  |                  |        |
| 7060 110960 Gasoline Excise Tax   | \$ 375,000,000   | \$ 375,000,000   | 137321 |
| Fund                              |                  |                  |        |
| 7065 110965 Public Library Fund   | \$ 386,300,000   | \$ 398,100,000   | 137322 |
| 7066 800966 Undivided Liquor      | \$ 14,600,000    | \$ 14,600,000    | 137323 |
| Permits                           |                  |                  |        |
| 7068 110968 State and Local       | \$ 196,000,000   | \$ 196,000,000   | 137324 |
| Government Highway                |                  |                  |        |
| Distributions                     |                  |                  |        |
| 7069 110969 Local Government Fund | \$ 381,800,000   | \$ 393,500,000   | 137325 |
| 7081 110907 Property Tax          | \$ 30,844,526    | \$ 16,700,147    | 137326 |
| Replacement Phase                 |                  |                  |        |
| Out-Local Government              |                  |                  |        |
| 7082 110982 Horse Racing Tax      | \$ 60,000        | \$ 60,000        | 137327 |

|                                |        |                       |    |               |    |               |        |
|--------------------------------|--------|-----------------------|----|---------------|----|---------------|--------|
| 7083                           | 700900 | Ohio Fairs Fund       | \$ | 1,000,000     | \$ | 1,000,000     | 137328 |
| 7104                           | 110997 | Medicaid Local Sales  | \$ | 207,000,000   | \$ | 0             | 137329 |
|                                |        | Tax Transition Fund   |    |               |    |               |        |
| TOTAL RDF Revenue Distribution |        |                       |    |               |    |               | 137330 |
| Fund Group                     |        |                       | \$ | 2,375,666,193 | \$ | 2,132,639,288 | 137331 |
| Fiduciary Fund Group           |        |                       |    |               |    |               | 137332 |
| 4P80                           | 001698 | Cash Management       | \$ | 3,100,000     | \$ | 3,100,000     | 137333 |
|                                |        | Improvement Fund      |    |               |    |               |        |
| 6080                           | 001699 | Investment Earnings   | \$ | 120,000,000   | \$ | 125,000,000   | 137334 |
| 7001                           | 110996 | Horse Racing Tax      | \$ | 240,000       | \$ | 240,000       | 137335 |
|                                |        | Local Government      |    |               |    |               |        |
|                                |        | Payments              |    |               |    |               |        |
| 7062                           | 110962 | Resort Area Excise    | \$ | 1,200,000     | \$ | 1,200,000     | 137336 |
|                                |        | Tax Distribution      |    |               |    |               |        |
| 7063                           | 110963 | Permissive Sales Tax  | \$ | 2,577,800,000 | \$ | 2,653,900,000 | 137337 |
|                                |        | Distribution          |    |               |    |               |        |
| 7067                           | 110967 | School District       | \$ | 435,200,000   | \$ | 451,200,000   | 137338 |
|                                |        | Income Tax            |    |               |    |               |        |
|                                |        | Distribution          |    |               |    |               |        |
| 7085                           | 800985 | Volunteer Firemen's   | \$ | 300,000       | \$ | 300,000       | 137339 |
|                                |        | Dependents Fund       |    |               |    |               |        |
| 7093                           | 110640 | Next Generation 9-1-1 | \$ | 1,000,000     | \$ | 1,000,000     | 137340 |
| 7094                           | 110641 | Wireless 9-1-1        | \$ | 25,700,000    | \$ | 25,700,000    | 137341 |
|                                |        | Government Assistance |    |               |    |               |        |
| 7095                           | 110995 | Municipal Income Tax  | \$ | 8,000,000     | \$ | 8,000,000     | 137342 |
| 7099                           | 762902 | Permissive Tax        | \$ | 180,000,000   | \$ | 180,000,000   | 137343 |
|                                |        | Distribution - Auto   |    |               |    |               |        |
|                                |        | Registration          |    |               |    |               |        |
| TOTAL FID Fiduciary Fund Group |        |                       | \$ | 3,352,540,000 | \$ | 3,449,640,000 | 137344 |
| Holding Account Fund Group     |        |                       |    |               |    |               | 137345 |
| R045                           | 110617 | International Fuel    | \$ | 36,100,000    | \$ | 36,100,000    | 137346 |
|                                |        | Tax Distribution      |    |               |    |               |        |

|                                |    |               |    |               |        |
|--------------------------------|----|---------------|----|---------------|--------|
| TOTAL HLD Holding Account Fund | \$ | 36,100,000    | \$ | 36,100,000    | 137347 |
| Group                          |    |               |    |               |        |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 7,585,406,193 | \$ | 7,463,479,288 | 137348 |

**Section 387.20.** ADDITIONAL APPROPRIATIONS 137350

Appropriation items in this section shall be used for the 137351  
purpose of administering and distributing the designated revenue 137352  
distribution funds according to the Revised Code. If it is 137353  
determined that additional appropriations are necessary for this 137354  
purpose, such amounts are hereby appropriated. 137355

GENERAL REVENUE FUND TRANSFERS 137356

Notwithstanding any provision of law to the contrary, in 137357  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 137358  
Management may transfer from the General Revenue Fund to the Local 137359  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 137360  
the School District Tangible Property Tax Replacement Fund (Fund 137361  
7047) in the Revenue Distribution Fund Group, those amounts 137362  
necessary to reimburse local taxing units and school districts 137363  
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 137364  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 137365  
Management may make temporary transfers from the General Revenue 137366  
Fund to ensure sufficient balances in the Local Government 137367  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 137368  
District Tangible Property Tax Replacement Fund (Fund 7047) and to 137369  
replenish the General Revenue Fund for such transfers. 137370

MUNICIPAL INCOME NET PROFITS TAX 137371

The foregoing appropriation item 110995, Municipal Income Net 137372  
Profits Tax, shall be used to make payments to municipal 137373  
corporations under section 5745.05 of the Revised Code. If it is 137374  
determined that additional appropriations are necessary to make 137375  
such payments, such amounts are hereby appropriated. 137376

PROPERTY TAX REIMBURSEMENT - EDUCATION 137377

The foregoing appropriation item 200903, Property Tax 137378  
Reimbursement - Education, is appropriated to pay for the state's 137379  
costs incurred because of the homestead exemption, the property 137380  
tax rollback, and payments required under division (C) of section 137381  
5705.2110 of the Revised Code. In cooperation with the Department 137382  
of Taxation, the Department of Education shall distribute these 137383  
funds directly to the appropriate school districts of the state, 137384  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 137385  
which provide for payment of the homestead exemption and property 137386  
tax rollback by the Tax Commissioner to the appropriate county 137387  
treasurer and the subsequent redistribution of these funds to the 137388  
appropriate local taxing districts by the county auditor. 137389

Upon receipt of these amounts, each school district shall 137390  
distribute the amount among the proper funds as if it had been 137391  
paid as real or tangible personal property taxes. Payments for the 137392  
costs of administration shall continue to be paid to the county 137393  
treasurer and county auditor as provided for in sections 319.54, 137394  
321.26, and 323.156 of the Revised Code. 137395

Any sums, in addition to the amount specifically appropriated 137396  
in appropriation item 200903, Property Tax Reimbursement - 137397  
Education, for the homestead exemption and the property tax 137398  
rollback payments, and payments required under division (C) of 137399  
section 5705.2110 of the Revised Code, which are determined to be 137400  
necessary for these purposes, are hereby appropriated. 137401

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 137402

The foregoing appropriation item 110908, Property Tax 137403  
Reimbursement-Local Government, is hereby appropriated to pay for 137404  
the state's costs incurred due to the Homestead Exemption, the 137405  
Manufactured Home Property Tax Rollback, and the Property Tax 137406  
Rollback. The Tax Commissioner shall distribute these funds 137407



directly to the appropriate local taxing districts, except for 137408  
school districts, notwithstanding the provisions in sections 137409  
321.24 and 323.156 of the Revised Code, which provide for payment 137410  
of the Homestead Exemption, the Manufactured Home Property Tax 137411  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 137412  
appropriate county treasurer and the subsequent redistribution of 137413  
these funds to the appropriate local taxing districts by the 137414  
county auditor. 137415

Upon receipt of these amounts, each local taxing district 137416  
shall distribute the amount among the proper funds as if it had 137417  
been paid as real property taxes. Payments for the costs of 137418  
administration shall continue to be paid to the county treasurer 137419  
and county auditor as provided for in sections 319.54, 321.26, and 137420  
323.156 of the Revised Code. 137421

Any sums, in addition to the amounts specifically 137422  
appropriated in appropriation item 110908, Property Tax Allocation 137423  
- Local Government, for the Homestead Exemption, the Manufactured 137424  
Home Property Tax Rollback, and the Property Tax Rollback 137425  
payments, which are determined to be necessary for these purposes, 137426  
are hereby appropriated. 137427

PUBLIC LIBRARY FUND 137428

Notwithstanding the requirement in division (B) of section 137429  
131.51 of the Revised Code that the Director of Budget and 137430  
Management shall credit to the Public Library Fund one and 137431  
sixty-six one-hundredths per cent of the total tax revenue 137432  
credited to the General Revenue Fund during the preceding month, 137433  
the Director shall instead calculate these amounts during fiscal 137434  
year 2018 and fiscal year 2019 using one and sixty-eight 137435  
one-hundredths as the percentage. 137436

MEDICAID LOCAL SALES TAX TRANSITION FUND 137437

(A) There is hereby created in the state treasury the 137438

Medicaid Local Sales Tax Transition Fund. The fund shall consist 137439  
of money transferred to it. The fund shall be used to mitigate the 137440  
effects of, and assist in the adjustment to, the reduced sales tax 137441  
revenues of counties and affected transit authorities caused by 137442  
the repeal of sales tax collected by Medicaid health insuring 137443  
corporations on health care service transactions. 137444

Amounts provided to counties and transit authorities under 137445  
this section from the Medicaid Local Sales Tax Transition Fund use 137446  
the jurisdictions' annualized Medicaid sales tax revenues during 137447  
the calendar year 2015 and 2016 periods. Based on these figures, 137448  
the payments provided in this section provide full replacement of 137449  
the calculated forgone Medicaid sales tax revenues in calendar 137450  
year 2017, which will occur during the October 2017 through 137451  
December 2017 period. The payments under this section also reflect 137452  
a computation of the ability of the counties and transit 137453  
authorities to reasonably adjust to the effects of forgone 137454  
Medicaid sales tax revenues. Over time, each jurisdiction will be 137455  
able to absorb an increasing portion of its forgone Medicaid sales 137456  
tax revenue until it has adjusted to the full forgone revenue. 137457  
Before such full adjustment to the Medicaid sales tax change 137458  
finally occurs, for each year in which the jurisdiction's 137459  
annualized Medicaid sales tax revenue exceeds the amount it is 137460  
computed as being able to reasonably absorb in that year, such 137461  
difference becomes part of the overall distribution provided under 137462  
this section. The amount the jurisdiction is able to absorb in a 137463  
given year is the product derived from multiplying the 137464  
jurisdiction's annualized total sales tax revenues for calendar 137465  
years 2015 and 2016 by the total absorption rate assigned to the 137466  
jurisdiction. The absorption rate, which grows by the same 137467  
increment each year, is initially established at a level that 137468  
takes into account the relative sales tax capacity of a 137469  
jurisdiction; the assigned initial absorption rate is four percent 137470  
but is a smaller amount to the extent the jurisdiction's sales tax 137471

capacity is below statewide average sales tax capacity. 137472

(B) If the Tax Commissioner orders the cessation of 137473  
collection of sales and use taxes pursuant to division (B)(11)(b) 137474  
of section 5739.01 of the Revised Code, the Commissioner shall 137475  
certify such result to the Director of Budget and Management. 137476  
After receipt of this certification by the Director, the 137477  
requirements in divisions (C), (D), and (E) of this section shall 137478  
take effect. 137479

(C) On or before October 15, 2017, each county and transit 137480  
authority that as of January 1, 2017, levies any tax under 137481  
sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 137482  
5741.023 of the Revised Code shall establish a County and Transit 137483  
Authority Medicaid Sales Tax Transition Fund. The fund shall 137484  
consist of money distributed to it under this section. Money 137485  
provided to such fund shall be transferred to the general fund or 137486  
other fund that receives a lawful portion of the county's or 137487  
transit authority's sales tax revenue in accordance with a 137488  
resolution adopted by the board of county commissioners, the 137489  
county transit board, or trustees of a regional transit authority, 137490  
as appropriate. Money may be transferred from the County and 137491  
Transit Authority Medicaid Sales Tax Transition Fund at any time 137492  
and in any quantity as indicated by the resolution. 137493

(D) On or before November 1, 2017, the Tax Commissioner shall 137494  
provide for payment to each county and transit authority in the 137495  
amounts provided in division (E) of this section. The county 137496  
treasurer or transit authority fiscal officer shall deposit such 137497  
amount into the County and Transit Authority Medicaid Sales Tax 137498  
Transition Fund within five business days of its receipt. 137499

(E) Distributions made to counties and transit authorities 137500  
under this section shall equal the following amounts: 137501

Counties: 137502

|            |              |        |
|------------|--------------|--------|
| Adams      | \$2,338,462  | 137503 |
| Allen      | \$499,518    | 137504 |
| Ashland    | \$247,665    | 137505 |
| Ashtabula  | \$1,953,705  | 137506 |
| Athens     | \$1,361,470  | 137507 |
| Auglaize   | \$164,879    | 137508 |
| Belmont    | \$513,695    | 137509 |
| Brown      | \$2,608,692  | 137510 |
| Butler     | \$2,131,220  | 137511 |
| Carroll    | \$222,196    | 137512 |
| Champaign  | \$696,332    | 137513 |
| Clark      | \$6,072,014  | 137514 |
| Clermont   | \$1,385,155  | 137515 |
| Clinton    | \$648,501    | 137516 |
| Columbiana | \$4,912,012  | 137517 |
| Coshocton  | \$1,095,382  | 137518 |
| Crawford   | \$1,747,652  | 137519 |
| Cuyahoga   | \$25,041,192 | 137520 |
| Darke      | \$394,752    | 137521 |
| Defiance   | \$142,872    | 137522 |
| Delaware   | \$223,143    | 137523 |
| Erie       | \$152,337    | 137524 |
| Fairfield  | \$868,591    | 137525 |
| Fayette    | \$392,342    | 137526 |
| Franklin   | \$14,101,763 | 137527 |
| Fulton     | \$368,374    | 137528 |
| Gallia     | \$950,776    | 137529 |
| Geauga     | \$104,067    | 137530 |
| Greene     | \$681,774    | 137531 |
| Guernsey   | \$550,466    | 137532 |
| Hamilton   | \$9,611,825  | 137533 |
| Hancock    | \$116,906    | 137534 |
| Hardin     | \$662,553    | 137535 |

|            |              |        |
|------------|--------------|--------|
| Harrison   | \$122,629    | 137536 |
| Henry      | \$216,876    | 137537 |
| Highland   | \$1,802,649  | 137538 |
| Hocking    | \$982,451    | 137539 |
| Holmes     | \$35,327     | 137540 |
| Huron      | \$781,761    | 137541 |
| Jackson    | \$1,628,743  | 137542 |
| Jefferson  | \$1,717,858  | 137543 |
| Knox       | \$472,792    | 137544 |
| Lake       | \$640,963    | 137545 |
| Lawrence   | \$4,457,248  | 137546 |
| Licking    | \$1,325,897  | 137547 |
| Logan      | \$404,753    | 137548 |
| Lorain     | \$2,425,083  | 137549 |
| Lucas      | \$12,058,600 | 137550 |
| Madison    | \$534,899    | 137551 |
| Mahoning   | \$5,235,592  | 137552 |
| Marion     | \$1,688,310  | 137553 |
| Medina     | \$240,830    | 137554 |
| Meigs      | \$3,504,185  | 137555 |
| Mercer     | \$70,711     | 137556 |
| Miami      | \$426,061    | 137557 |
| Monroe     | \$162,021    | 137558 |
| Montgomery | \$9,198,720  | 137559 |
| Morgan     | \$1,165,475  | 137560 |
| Morrow     | \$1,497,739  | 137561 |
| Muskingum  | \$1,580,290  | 137562 |
| Noble      | \$268,375    | 137563 |
| Ottawa     | \$226,182    | 137564 |
| Paulding   | \$651,361    | 137565 |
| Perry      | \$3,014,204  | 137566 |
| Pickaway   | \$2,027,117  | 137567 |
| Pike       | \$2,030,999  | 137568 |

|                                                 |              |        |
|-------------------------------------------------|--------------|--------|
| Portage                                         | \$1,168,359  | 137569 |
| Preble                                          | \$1,050,742  | 137570 |
| Putnam                                          | \$126,494    | 137571 |
| Richland                                        | \$955,179    | 137572 |
| Ross                                            | \$1,903,651  | 137573 |
| Sandusky                                        | \$558,488    | 137574 |
| Scioto                                          | \$6,331,880  | 137575 |
| Seneca                                          | \$904,551    | 137576 |
| Shelby                                          | \$201,342    | 137577 |
| Stark                                           | \$1,471,853  | 137578 |
| Summit                                          | \$2,309,202  | 137579 |
| Trumbull                                        | \$3,958,878  | 137580 |
| Tuscarawas                                      | \$353,741    | 137581 |
| Union                                           | \$111,287    | 137582 |
| Van Wert                                        | \$300,928    | 137583 |
| Vinton                                          | \$2,803,310  | 137584 |
| Warren                                          | \$317,939    | 137585 |
| Washington                                      | \$521,996    | 137586 |
| Wayne                                           | \$585,869    | 137587 |
| Williams                                        | \$496,855    | 137588 |
| Wood                                            | \$237,910    | 137589 |
| Wyandot                                         | \$121,144    | 137590 |
| Transit Authorities:                            |              | 137591 |
| Greater Cleveland Regional<br>Transit Authority | \$20,068,166 | 137592 |
| Central Ohio Regional Transit<br>Authority      | \$5,273,867  | 137593 |
| Laketran Transit Authority                      | \$160,420    | 137594 |
| Western Reserve Transit<br>Authority            | \$1,055,799  | 137595 |
| Greater Dayton Regional Transit<br>Authority    | \$4,605,453  | 137596 |
| Portage Area Regional Transit                   | \$234,905    | 137597 |

|                                                             |    |             |               |        |
|-------------------------------------------------------------|----|-------------|---------------|--------|
| Authority                                                   |    |             |               |        |
| Stark Area Regional Transit                                 |    | \$735,589   |               | 137598 |
| Authority                                                   |    |             |               |        |
| Metro Regional Transit Authority                            |    | \$2,315,641 |               | 137599 |
| <b>Section 389.10. SAN BOARD OF SANITARIAN REGISTRATION</b> |    |             |               | 137600 |
| Dedicated Purpose Fund Group                                |    |             |               | 137601 |
| 4K90 893609 Operating Expenses                              | \$ | 43,633      | \$ 0          | 137602 |
| TOTAL DPF Dedicated Purpose                                 |    |             |               | 137603 |
| Fund Group                                                  | \$ | 43,633      | \$ 0          | 137604 |
| TOTAL ALL BUDGET FUND GROUPS                                | \$ | 43,633      | \$ 0          | 137605 |
| <b>Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND</b>  |    |             |               | 137607 |
| General Revenue Fund                                        |    |             |               | 137608 |
| GRF 226321 Operations                                       | \$ | 10,147,767  | \$ 10,385,938 | 137609 |
| TOTAL GRF General Revenue Fund                              | \$ | 10,147,767  | \$ 10,385,938 | 137610 |
| Dedicated Purpose Fund Group                                |    |             |               | 137611 |
| 4H80 226602 Education Reform                                | \$ | 354,000     | \$ 354,000    | 137612 |
| Grants                                                      |    |             |               |        |
| 4M50 226601 Work Study and                                  | \$ | 461,521     | \$ 461,521    | 137613 |
| Technology Investment                                       |    |             |               |        |
| 5NJ0 226622 Food Service Program                            | \$ | 9,500       | \$ 9,500      | 137614 |
| TOTAL DPF Dedicated Purpose                                 |    |             |               | 137615 |
| Fund Group                                                  | \$ | 825,021     | \$ 825,021    | 137616 |
| Federal Fund Group                                          |    |             |               | 137617 |
| 3100 226626 Federal Grants                                  | \$ | 183,000     | \$ 183,000    | 137618 |
| 3DT0 226621 Ohio Transition                                 | \$ | 650,000     | \$ 650,000    | 137619 |
| Collaborative                                               |    |             |               |        |
| 3P50 226643 Medicaid Professional                           | \$ | 100,000     | \$ 100,000    | 137620 |
| Services                                                    |    |             |               |        |
| Reimbursement                                               |    |             |               |        |
| TOTAL FED Federal Fund Group                                | \$ | 933,000     | \$ 933,000    | 137621 |

|                              |    |                              |    |            |                      |
|------------------------------|----|------------------------------|----|------------|----------------------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 11,905,788                   | \$ | 12,143,959 | 137622               |
| <br>                         |    |                              |    |            |                      |
| <b>Section 393.10.</b>       |    | OSD OHIO SCHOOL FOR THE DEAF |    |            | 137624               |
| <br>                         |    |                              |    |            |                      |
| General Revenue Fund         |    |                              |    |            | 137625               |
| GRF 221321                   |    | Operations                   | \$ | 10,856,987 | \$ 11,079,816 137626 |
| TOTAL GRF                    |    | General Revenue Fund         | \$ | 10,856,987 | \$ 11,079,816 137627 |
| <br>                         |    |                              |    |            |                      |
| Dedicated Purpose Fund Group |    |                              |    |            | 137628               |
| 4M00 221601                  |    | Educational Program          | \$ | 105,000    | \$ 105,000 137629    |
|                              |    | Expenses                     |    |            |                      |
| 4M10 221602                  |    | Education Reform             | \$ | 370,000    | \$ 370,000 137630    |
|                              |    | Grants                       |    |            |                      |
| 5H60 221609                  |    | Even Start Fees and          | \$ | 62,999     | \$ 63,000 137631     |
|                              |    | Gifts                        |    |            |                      |
| 5NK0 221610                  |    | Food Service Program         | \$ | 9,500      | \$ 9,500 137632      |
| TOTAL DPF                    |    | Dedicated Purpose            |    |            | 137633               |
| Fund Group                   | \$ |                              | \$ | 547,499    | \$ 547,500 137634    |
| <br>                         |    |                              |    |            |                      |
| Federal Fund Group           |    |                              |    |            | 137635               |
| 3110 221625                  |    | Federal Grants               | \$ | 385,000    | \$ 385,000 137636    |
| 3R00 221684                  |    | Medicaid Professional        | \$ | 206,000    | \$ 206,000 137637    |
|                              |    | Services                     |    |            |                      |
|                              |    | Reimbursement                |    |            |                      |
| TOTAL FED                    |    | Federal Fund Group           | \$ | 591,000    | \$ 591,000 137638    |
| TOTAL ALL BUDGET FUND GROUPS | \$ |                              | \$ | 11,995,486 | \$ 12,218,316 137639 |
| <br>                         |    |                              |    |            |                      |
| <b>Section 395.10.</b>       |    | SOS SECRETARY OF STATE       |    |            | 137641               |
| <br>                         |    |                              |    |            |                      |
| Dedicated Purpose Fund Group |    |                              |    |            | 137642               |
| 4120 050609                  |    | Notary Commission            | \$ | 475,000    | \$ 475,000 137643    |
| 4S80 050610                  |    | Board of Voting              | \$ | 7,200      | \$ 7,200 137644      |
|                              |    | Machine Examiners            |    |            |                      |
| 5990 050603                  |    | Business Services            | \$ | 14,385,400 | \$ 14,385,400 137645 |
|                              |    | Operating Expenses           |    |            |                      |
| 5990 050629                  |    | Statewide Voter              | \$ | 700,000    | \$ 700,000 137646    |



|                              |        |                            |    |            |    |                   |
|------------------------------|--------|----------------------------|----|------------|----|-------------------|
|                              |        | Registration Database      |    |            |    |                   |
| 5990                         | 050630 | Elections Support          | \$ | 2,144,030  | \$ | 2,144,030 137647  |
|                              |        | Supplement                 |    |            |    |                   |
| 5990                         | 050631 | Precinct Election          | \$ | 234,196    | \$ | 234,196 137648    |
|                              |        | Officials Training         |    |            |    |                   |
| 5FG0                         | 050620 | BOE Reimbursement and      | \$ | 80,000     | \$ | 80,000 137649     |
|                              |        | Education                  |    |            |    |                   |
| 5SN0                         | 050626 | Address                    | \$ | 100,000    | \$ | 100,000 137650    |
|                              |        | Confidentiality            |    |            |    |                   |
| TOTAL DPF                    |        | Dedicated Purpose Fund     | \$ | 18,125,826 | \$ | 18,125,826 137651 |
|                              |        | Group                      |    |            |    |                   |
|                              |        | Holding Account Fund Group |    |            |    | 137652            |
| R001                         | 050605 | Uniform Commercial         | \$ | 30,000     | \$ | 30,000 137653     |
|                              |        | Code Refunds               |    |            |    |                   |
| R002                         | 050606 | Corporate/Business         | \$ | 85,000     | \$ | 85,000 137654     |
|                              |        | Filing Refunds             |    |            |    |                   |
| TOTAL HLD                    |        | Holding Account Fund       | \$ | 115,000    | \$ | 115,000 137655    |
|                              |        | Group                      |    |            |    |                   |
|                              |        | Federal Fund Group         |    |            |    | 137656            |
| 3AS0                         | 050616 | Help America Vote Act      | \$ | 16,000     | \$ | 0 137657          |
|                              |        | (HAVA)                     |    |            |    |                   |
| 3FM0                         | 050624 | Miscellaneous Federal      | \$ | 8,600      | \$ | 4,400 137658      |
|                              |        | Grants                     |    |            |    |                   |
| TOTAL FED                    |        | Federal Fund Group         | \$ | 24,600     | \$ | 4,400 137659      |
| TOTAL ALL BUDGET FUND GROUPS |        |                            | \$ | 18,265,426 | \$ | 18,245,226 137660 |

**Section 395.20.** CITIZEN EDUCATION PRECINCT ELECTION OFFICIAL TRAINING 137662  
137663

At the end of FY 2017, an amount equal to the unexpended, 137664  
unencumbered portion of appropriation item 050602, Citizen 137665  
Education (Fund 4140) is hereby reappropriated in fiscal year 2018 137666  
for the same purpose. 137667

The foregoing appropriation item 050631, Precinct Election Official Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. At the end of fiscal year 2018, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050631, Precinct Election Official Training, is hereby reappropriated in fiscal year 2019 for the same purpose.

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.

HOLDING ACCOUNT FUND GROUP

The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.

MISCELLANEOUS FEDERAL GRANTS

Appropriation item 050624, Miscellaneous Federal Grants,

shall be used to support programs that are supported by federal grants deposited into the Miscellaneous Federal Grants Fund (Fund 3FM0) pursuant to Section 111.28 of the Revised Code.

ADDRESS CONFIDENTIALITY PROGRAM

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).

LITIGATION RELATED EXPENSES

Upon the request of the Secretary of State, the Director of Budget and Management may transfer cash and appropriation from any fund and appropriation item used by the Secretary of State to Litigation Related Expenses Fund (Fund 5QE0) appropriation item 050625, Litigation Related Expenses, or Business Services Operating Expenses Fund (Fund 5990) appropriation item 050628, Litigation Related Expenses. The amounts transferred shall be used to pay for any expenses related to lawsuits or legal proceedings against the Secretary of State.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding Division (B) of Section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board shall approve cash transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2018. Such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS

Notwithstanding Division (G) of Section 3501.17 of the

Revised Code, upon requests submitted by the Secretary of State, 137729  
the Controlling Board may approve transfers from the Controlling 137730  
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 137731  
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 137732  
the cost of public notices associated with statewide ballot 137733  
initiatives. 137734

**Section 397.10. SEN THE OHIO SENATE** 137735

General Revenue Fund 137736

GRF 020321 Operating Expenses \$ 15,023,367 \$ 15,023,367 137737

TOTAL GRF General Revenue Fund \$ 15,023,367 \$ 15,023,367 137738

Internal Service Activity Fund Group 137739

1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800 137740

4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497 137741

TOTAL ISA Internal Service Activity 137742

Fund Group \$ 460,297 \$ 460,297 137743

TOTAL ALL BUDGET FUND GROUPS \$ 15,483,664 \$ 15,483,664 137744

**OPERATING EXPENSES** 137745

On July 1, 2017, or as soon as possible thereafter, the Clerk 137746

of the Senate may certify to the Director of Budget and Management 137747

an amount up to the unexpended, unencumbered balance of the 137748

foregoing appropriation item 020321, Operating Expenses, at the 137749

end of fiscal year 2017 to be reappropriated to fiscal year 2018. 137750

The amount certified is hereby reappropriated to the same 137751

appropriation item for fiscal year 2018. 137752

On July 1, 2018, or as soon as possible thereafter, the Clerk 137753

of the Senate may certify to the Director of Budget and Management 137754

an amount up to the unexpended, unencumbered balance of the 137755

foregoing appropriation item 020321, Operating Expenses, at the 137756

end of fiscal year 2018 to be reappropriated to fiscal year 2019. 137757

The amount certified is hereby reappropriated to the same 137758

appropriation item for fiscal year 2019. 137759

**Section 399.20.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 137760

General Revenue Fund 137761

GRF 866321 CSV Operations \$ 300,000 \$ 300,000 137762

TOTAL GRF General Revenue Fund \$ 300,000 \$ 300,000 137763

Dedicated Purpose Fund Group 137764

5GN0 866605 Serve Ohio Support \$ 7,594 \$ 0 137765

TOTAL DPF Dedicated Purpose Fund \$ 7,594 \$ 0 137766

Group

Federal Fund Group 137767

3R70 866617 AmeriCorps Programs \$ 8,000,000 \$ 8,000,000 137768

TOTAL FED Federal Fund Group \$ 8,000,000 \$ 8,000,000 137769

TOTAL ALL BUDGET FUND GROUPS \$ 8,307,594 \$ 8,300,000 137770

**Section 401.10.** CSF COMMISSIONERS OF THE SINKING FUND 137772

Debt Service Fund Group 137773

7070 155905 Third Frontier \$ 86,015,000 \$ 93,539,900 137774

Research and  
Development Bond  
Retirement Fund

7072 155902 Highway Capital \$ 117,606,700 \$ 135,589,800 137775

Improvement Bond  
Retirement Fund

7073 155903 Natural Resources Bond \$ 25,450,300 \$ 19,317,800 137776

Retirement Fund

7074 155904 Conservation Projects \$ 39,367,200 \$ 44,001,700 137777

Bond Retirement Fund

7076 155906 Coal Research and \$ 6,319,500 \$ 7,820,600 137778

Development Bond  
Retirement Fund

7077 155907 State Capital \$ 230,880,100 \$ 228,392,200 137779

|       |                        |                                                                     |    |               |    |                      |
|-------|------------------------|---------------------------------------------------------------------|----|---------------|----|----------------------|
|       |                        | Improvement Bond                                                    |    |               |    |                      |
|       |                        | Retirement Fund                                                     |    |               |    |                      |
| 7078  | 155908                 | Common Schools Bond                                                 | \$ | 375,134,900   | \$ | 404,025,700 137780   |
|       |                        | Retirement Fund                                                     |    |               |    |                      |
| 7079  | 155909                 | Higher Education Bond                                               | \$ | 267,425,600   | \$ | 295,094,600 137781   |
|       |                        | Retirement Fund                                                     |    |               |    |                      |
| 7080  | 155901                 | Persian Gulf,                                                       | \$ | 7,118,300     | \$ | 5,090,700 137782     |
|       |                        | Afghanistan, and Iraq                                               |    |               |    |                      |
|       |                        | Conflict Bond                                                       |    |               |    |                      |
|       |                        | Retirement Fund                                                     |    |               |    |                      |
| 7090  | 155912                 | Job Ready Site                                                      | \$ | 15,657,175    | \$ | 15,591,200 137783    |
|       |                        | Development Bond                                                    |    |               |    |                      |
|       |                        | Retirement Fund                                                     |    |               |    |                      |
| TOTAL | DSF                    | Debt Service Fund Group                                             | \$ | 1,170,974,775 | \$ | 1,248,464,200 137784 |
| TOTAL | ALL BUDGET FUND GROUPS |                                                                     | \$ | 1,170,974,775 | \$ | 1,248,464,200 137785 |
|       |                        | ADDITIONAL APPROPRIATIONS                                           |    |               |    | 137786               |
|       |                        | Appropriation items in this section are for the purpose of          |    |               |    | 137787               |
|       |                        | paying debt service and financing costs during the period from      |    |               |    | 137788               |
|       |                        | July 1, 2017 through June 30, 2019 on bonds or notes of the state   |    |               |    | 137789               |
|       |                        | issued under the Ohio Constitution and acts of the General          |    |               |    | 137790               |
|       |                        | Assembly. If it is determined that additional amounts are           |    |               |    | 137791               |
|       |                        | necessary for this purpose, such amounts are hereby appropriated.   |    |               |    | 137792               |
|       |                        | <b>Section 403.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY |    |               |    | 137793               |
|       |                        | DEVELOPMENT FOUNDATION                                              |    |               |    | 137794               |
|       |                        | Dedicated Purpose Fund Group                                        |    |               |    | 137795               |
| 5M90  | 945601                 | Operating Expenses                                                  | \$ | 352,930       | \$ | 352,930 137796       |
| TOTAL | DPF                    | Dedicated Purpose Fund                                              | \$ | 352,930       | \$ | 352,930 137797       |
|       |                        | Group                                                               |    |               |    |                      |
| TOTAL | ALL BUDGET FUND GROUPS |                                                                     | \$ | 352,930       | \$ | 352,930 137798       |
|       |                        | <b>Section 404.10.</b> SHP STATE SPEECH AND HEARING PROFESSIONALS   |    |               |    | 137800               |

|                                        |    |         |            |        |
|----------------------------------------|----|---------|------------|--------|
| BOARD                                  |    |         |            | 137801 |
| Dedicated Purpose Fund Group           |    |         |            | 137802 |
| 4K90 123609 Operating Expenses         | \$ | 279,708 | \$ 615,704 | 137803 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 279,708 | \$ 615,704 | 137804 |
| TOTAL ALL BUDGET FUND GROUPS           | \$ | 279,708 | \$ 615,704 | 137805 |

|                                                                           |    |         |      |        |
|---------------------------------------------------------------------------|----|---------|------|--------|
| <b>Section 405.10.</b> SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY |    |         |      | 137807 |
| Dedicated Purpose Fund Group                                              |    |         |      | 137808 |
| 4K90 886609 Operating Expenses                                            | \$ | 333,269 | \$ 0 | 137810 |
| TOTAL DPF Dedicated Purpose Fund Group                                    | \$ | 333,269 | \$ 0 | 137811 |
| TOTAL ALL BUDGET FUND GROUPS                                              | \$ | 333,269 | \$ 0 | 137812 |

|                                                 |    |           |              |        |
|-------------------------------------------------|----|-----------|--------------|--------|
| <b>Section 407.10.</b> BTA BOARD OF TAX APPEALS |    |           |              | 137814 |
| General Revenue Fund                            |    |           |              | 137815 |
| GRF 116321 Operating Expenses                   | \$ | 1,822,552 | \$ 1,857,751 | 137816 |
| TOTAL GRF General Revenue Fund                  | \$ | 1,822,552 | \$ 1,857,751 | 137817 |
| TOTAL ALL BUDGET FUND GROUPS                    | \$ | 1,822,552 | \$ 1,857,751 | 137818 |

|                                                   |    |            |               |        |
|---------------------------------------------------|----|------------|---------------|--------|
| <b>Section 409.10.</b> TAX DEPARTMENT OF TAXATION |    |            |               | 137820 |
| General Revenue Fund                              |    |            |               | 137821 |
| GRF 110321 Operating Expenses                     | \$ | 67,260,978 | \$ 69,735,978 | 137822 |
| GRF 110404 Tobacco Settlement Enforcement         | \$ | 0          | \$ 167,567    | 137823 |
| TOTAL GRF General Revenue Fund                    | \$ | 67,260,978 | \$ 69,903,545 | 137824 |
| Dedicated Purpose Fund Group                      |    |            |               | 137825 |
| 2280 110628 CAT Administration                    | \$ | 17,496,584 | \$ 14,996,584 | 137826 |
| 4330 110602 Municipal Data Exchange               | \$ | 178,156    | \$ 178,156    | 137827 |

|      |        |                       |    |            |    |            |        |
|------|--------|-----------------------|----|------------|----|------------|--------|
|      |        | Administration        |    |            |    |            |        |
| 4350 | 110607 | Local Tax             | \$ | 21,000,000 | \$ | 21,000,000 | 137828 |
|      |        | Administration        |    |            |    |            |        |
| 4360 | 110608 | Motor Vehicle Audit   | \$ | 1,523,113  | \$ | 1,523,113  | 137829 |
|      |        | Administration        |    |            |    |            |        |
| 4370 | 110606 | Income Tax Refund     | \$ | 38,800     | \$ | 38,800     | 137830 |
|      |        | Contribution          |    |            |    |            |        |
|      |        | Administration        |    |            |    |            |        |
| 4380 | 110609 | School District       | \$ | 6,427,960  | \$ | 6,427,960  | 137831 |
|      |        | Income Tax            |    |            |    |            |        |
|      |        | Administration        |    |            |    |            |        |
| 4C60 | 110616 | International         | \$ | 705,869    | \$ | 705,869    | 137832 |
|      |        | Registration Plan     |    |            |    |            |        |
|      |        | Administration        |    |            |    |            |        |
| 4R60 | 110610 | Tire Tax              | \$ | 255,836    | \$ | 255,836    | 137833 |
|      |        | Administration        |    |            |    |            |        |
| 5BP0 | 110639 | Wireless 9-1-1        | \$ | 298,794    | \$ | 298,794    | 137834 |
|      |        | Administration        |    |            |    |            |        |
| 5BW0 | 110630 | Tax Amnesty Promotion | \$ | 2,500,000  | \$ | 0          | 137835 |
|      |        | and Administration    |    |            |    |            |        |
| 5JM0 | 110637 | Casino Tax            | \$ | 75,000     | \$ | 75,000     | 137836 |
|      |        | Administration        |    |            |    |            |        |
| 5MN0 | 110638 | STARS Development and | \$ | 3,000,000  | \$ | 3,000,000  | 137837 |
|      |        | Implementation        |    |            |    |            |        |
| 5N50 | 110605 | Municipal Income Tax  | \$ | 2,400,000  | \$ | 5,150,000  | 137838 |
|      |        | Administration        |    |            |    |            |        |
| 5N60 | 110618 | Kilowatt Hour Tax     | \$ | 100,000    | \$ | 100,000    | 137839 |
|      |        | Administration        |    |            |    |            |        |
| 5NY0 | 110643 | Petroleum Activity    | \$ | 1,000,000  | \$ | 1,000,000  | 137840 |
|      |        | Tax Administration    |    |            |    |            |        |
| 5V70 | 110622 | Motor Fuel Tax        | \$ | 5,175,897  | \$ | 5,175,897  | 137841 |
|      |        | Administration        |    |            |    |            |        |
| 5V80 | 110623 | Property Tax          | \$ | 6,000,000  | \$ | 6,000,000  | 137842 |



|                              |        |                            |    |               |    |                      |
|------------------------------|--------|----------------------------|----|---------------|----|----------------------|
|                              |        | Administration             |    |               |    |                      |
| 5W70                         | 110627 | Exempt Facility            | \$ | 49,500        | \$ | 49,500 137843        |
|                              |        | Administration             |    |               |    |                      |
| 6390                         | 110614 | Cigarette Tax              | \$ | 1,965,511     | \$ | 1,797,944 137844     |
|                              |        | Enforcement                |    |               |    |                      |
| 6880                         | 110615 | Local Excise Tax           | \$ | 500,000       | \$ | 500,000 137845       |
|                              |        | Administration             |    |               |    |                      |
| TOTAL DPF                    |        | Dedicated Purpose Fund     | \$ | 70,691,020    | \$ | 68,273,453 137846    |
|                              |        | Group                      |    |               |    |                      |
|                              |        | Fiduciary Fund Group       |    |               |    | 137847               |
| 4250                         | 110635 | Tax Refunds                | \$ | 1,911,472,500 | \$ | 1,876,628,500 137848 |
| 5CZ0                         | 110631 | Vendor's License           | \$ | 380,000       | \$ | 380,000 137849       |
|                              |        | Application                |    |               |    |                      |
| 6420                         | 110613 | Ohio Political Party       | \$ | 180,000       | \$ | 180,000 137850       |
|                              |        | Distributions              |    |               |    |                      |
| TOTAL FID                    |        | Fiduciary Fund Group       | \$ | 1,912,032,500 | \$ | 1,877,188,500 137851 |
|                              |        | Holding Account Fund Group |    |               |    | 137852               |
| R010                         | 110611 | Tax Distributions          | \$ | 25,000        | \$ | 25,000 137853        |
| R011                         | 110612 | Miscellaneous Income       | \$ | 500           | \$ | 500 137854           |
|                              |        | Tax Receipts               |    |               |    |                      |
| TOTAL HLD                    |        | Holding Account Fund       | \$ | 25,500        | \$ | 25,500 137855        |
|                              |        | Group                      |    |               |    |                      |
| TOTAL ALL BUDGET FUND GROUPS |        |                            | \$ | 2,050,009,998 | \$ | 2,015,390,998 137856 |

**Section 409.20. TAX REFUNDS** 137858

The foregoing appropriation item 110635, Tax Refunds, shall 137859  
be used to pay refunds under section 5703.052 of the Revised Code. 137860  
If it is determined that additional appropriations are necessary 137861  
for this purpose, such amounts are hereby appropriated. 137862

**VENDOR'S LICENSE PAYMENTS** 137863

The foregoing appropriation item 110631, Vendor's License 137864  
Application, shall be used to make payments to county auditors 137865

under section 5739.17 of the Revised Code. If it is determined 137866  
that additional appropriations are necessary to make such 137867  
payments, such amounts are hereby appropriated. 137868

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 137869

The foregoing appropriation item 110616, International 137870  
Registration Plan Administration, shall be used under section 137871  
5703.12 of the Revised Code for audits of persons with vehicles 137872  
registered under the International Registration Plan. 137873

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 137874

Of the foregoing appropriation item 110607, Local Tax 137875  
Administration, the Tax Commissioner may disburse funds, if 137876  
available, for the purposes of paying travel expenses incurred by 137877  
members of Ohio's delegation to the Streamlined Sales Tax Project, 137878  
as appointed under section 5740.02 of the Revised Code. Any travel 137879  
expense reimbursement paid for by the Department of Taxation shall 137880  
be done in accordance with applicable state laws and guidelines. 137881

TOBACCO SETTLEMENT ENFORCEMENT 137882

The foregoing appropriation item 110404, Tobacco Settlement 137883  
Enforcement, shall be used by the Tax Commissioner to pay costs 137884  
incurred in the enforcement of divisions (F) and (G) of section 137885  
5743.03 of the Revised Code. In fiscal year 2018, expenses 137886  
associated with these enforcement activities will be covered by 137887  
appropriation item 110614, Cigarette Tax Enforcement. 137888

STARS DEVELOPMENT AND IMPLEMENTATION FUND 137889

The foregoing appropriation item 110638, STARS Development 137890  
and Implementation, shall be used to pay costs incurred in the 137891  
development and implementation of the department's State Tax 137892  
Accounting and Revenue System. The Director of Budget and 137893  
Management, under a plan submitted by the Tax Commissioner, or as 137894  
otherwise determined by the Director of Budget and Management, 137895

shall set a schedule to transfer cash from the Revenue Enhancement Fund, Local Sales Tax Administrative Fund, General School District Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, Property Tax Administration Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$6,000,000 in the biennium.

APPROPRIATION INCREASE AND CASH TRANSFER TO THE MUNICIPAL INCOME TAX ADMINISTRATION FUND

(A) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) created in section 5745.03 of the Revised Code has insufficient cash balances to pay expenses required by administering the new tax duties imposed by sections 718.80 to 718.95 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional cash necessary to carry out the duties imposed by sections 718.80 to 718.95 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in the General Revenue Fund, the Director shall transfer cash from the General Revenue Fund to Fund 5N50 in an amount that will enable the Commissioner to carry out the duties imposed by sections 718.80 to 718.95 of the Revised Code.

(B) If a cash transfer is made from the General Revenue Fund to the Municipal Income Tax Administration Fund under division (A) of this section, the Director of Budget and Management and the Tax Commissioner shall jointly develop a plan to repay the General Revenue Fund as soon as is deemed practical.

(C) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) has insufficient appropriations

due to the new tax administration obligations imposed by sections 137928  
718.80 to 718.95 of the Revised Code, the Tax Commissioner shall 137929  
certify to the Director of Budget and Management the additional 137930  
appropriations necessary to carry out the duties imposed by 137931  
sections 718.80 to 718.95 of the Revised Code. After receiving the 137932  
certification from the Commissioner and if the Director determines 137933  
that sufficient funds are available in Fund 5N50, the Director 137934  
shall approve the certified appropriation increase. Any approved 137935  
appropriation increase is hereby appropriated. 137936

**TAX AMNESTY PROMOTION AND ADMINISTRATION** 137937

The foregoing appropriation item 110630, Tax Amnesty 137938  
Promotion and Administration, shall be used to pay expenses 137939  
incurred to promote and administer the tax amnesty program to be 137940  
conducted from January 1, 2018, to February 15, 2018, by the 137941  
Department of Taxation. The Department of Taxation and Attorney 137942  
General's Office shall work in close collaboration on promotion 137943  
activities in relation to the Tax Amnesty Promotion and 137944  
Administration program. 137945

**Section 411.10. DOT DEPARTMENT OF TRANSPORTATION** 137946

General Revenue Fund 137947

GRF 775451 Public Transportation \$ 6,500,000 \$ 6,500,000 137948  
- State

GRF 776465 Rail Development \$ 985,000 \$ 1,000,000 137949

GRF 777471 Airport Improvements \$ 6,455,000 \$ 5,910,000 137950  
- State

TOTAL GRF General Revenue Fund \$ 13,940,000 \$ 13,410,000 137951

Dedicated Purpose Fund Group 137952

5QT0 776670 Ohio Maritime \$ 2,000,000 \$ 2,000,000 137953  
Assistance Program

TOTAL DPF Dedicated Purpose Fund \$ 2,000,000 \$ 2,000,000 137954

TOTAL ALL BUDGET FUND GROUPS \$ 15,940,000 \$ 15,410,000 137955

**Section 411.20.** AIRPORT IMPROVEMENTS - STATE 137957

The foregoing appropriation item 777471, Airport Improvements 137958  
- State, shall be used by the Department of Transportation to 137959  
continue the Ohio Airport Grant Program in supporting capital 137960  
improvements, maintaining infrastructure, and ensuring safety at 137961  
publicly owned, public use airports in the state, provided that 137962  
the airports receive neither Federal Aviation Administration Air 137963  
Carrier Enplanement Funds nor Air Cargo Entitlements. 137964

Of the foregoing appropriation item 777471, Airport 137965  
Improvements - State, \$455,000 in fiscal year 2018 shall be 137966  
allocated to the Columbus Regional Airport Authority to support 137967  
expenses related to the renaming of the Port Columbus 137968  
International Airport, as enacted in Am. Sub. S.B. 159 of the 137969  
131st General Assembly. Use of the allocated funds may include the 137970  
cost of replacing signage or other related expenses that have been 137971  
incurred subsequent to the enactment of Am. Sub. S.B. 159 of the 137972  
131st General Assembly, or future expenses associated with the 137973  
name change from Port Columbus International Airport to the John 137974  
Glenn International Airport. 137975

Of the foregoing appropriation item 777471, Airport 137976  
Improvements - State, \$100,000 in fiscal year 2018 shall be 137977  
allocated to support the installation of four new airline gates at 137978  
the Akron-Canton Airport. 137979

**Section 411.30.** OHIO MARITIME ASSISTANCE PROGRAM 137980

The foregoing appropriation item 776670, Ohio Maritime 137981  
Assistance Program, shall be used for the Ohio Maritime Assistance 137982  
Program established in section 5501.91 of the Revised Code. 137983

Notwithstanding anything to the contrary in Chapter 166. of 137984  
the Revised Code, at the request of the Director of 137985

Transportation, the Director of Budget and Management shall 137986  
transfer \$2,000,000 cash in each fiscal year from the Facilities 137987  
Establishment Fund (Fund 7037) to the Ohio Maritime Assistance 137988  
Fund (Fund 5QT0), which is hereby created in the state treasury. 137989  
The Ohio Maritime Assistance Fund shall consist of state and 137990  
federal dollars allocated to it as permitted by law. 137991

**Section 413.10.** TOS TREASURER OF STATE 137992

General Revenue Fund 137993

GRF 090321 Operating Expenses \$ 8,119,779 \$ 8,119,029 137994

GRF 090401 Office of the Sinking Fund \$ 476,836 \$ 476,836 137995

GRF 090402 Continuing Education \$ 175,000 \$ 175,000 137996

GRF 090406 Treasury Management System Lease Rental Payments \$ 1,113,900 \$ 1,114,700 137997

GRF 090613 ABLE Account Administration \$ 1,660,000 \$ 1,660,000 137998

TOTAL GRF General Revenue Fund \$ 11,545,515 \$ 11,545,565 137999

Dedicated Purpose Fund Group 138000

4E90 090603 Securities Lending Income \$ 5,290,000 \$ 5,290,000 138001

5770 090605 Investment Pool Reimbursement \$ 1,050,000 \$ 1,050,000 138002

5C50 090602 County Treasurer Education \$ 320,057 \$ 320,057 138003

5NH0 090610 OhioMeansJobs Workforce Development \$ 16,250,000 \$ 0 138004

6050 090609 Treasurer of State Administrative Fund \$ 700,000 \$ 700,000 138005

TOTAL DPF Dedicated Purpose Fund Group 138006

\$ 23,610,057 \$ 7,360,057 138007

|                                |    |            |    |            |        |
|--------------------------------|----|------------|----|------------|--------|
| Fiduciary Fund Group           |    |            |    | 138008     |        |
| 4250 090635 Tax Refunds        | \$ | 12,000,000 | \$ | 12,000,000 | 138009 |
| TOTAL FID Fiduciary Fund Group | \$ | 12,000,000 | \$ | 12,000,000 | 138010 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 47,155,572 | \$ | 30,905,622 | 138011 |

**Section 413.20.** OFFICE OF THE SINKING FUND 138013

The foregoing appropriation item 090401, Office of the 138014  
Sinking Fund, shall be used for costs incurred by or on behalf of 138015  
the Commissioners of the Sinking Fund and the Ohio Public 138016  
Facilities Commission with respect to State of Ohio general 138017  
obligation bonds or notes, and the Treasurer of State with respect 138018  
to State of Ohio general obligation and special obligation bonds 138019  
or notes, including, but not limited to, printing, advertising, 138020  
delivery, rating fees and the procurement of ratings, professional 138021  
publications, membership in professional organizations, and other 138022  
services referred to in division (D) of section 151.01 of the 138023  
Revised Code. The General Revenue Fund shall be reimbursed for 138024  
such costs relating to the issuance and administration of Highway 138025  
Capital Improvement bonds or notes authorized under Ohio 138026  
Constitution, Article VIII, Section 2m and Chapter 151. of the 138027  
Revised Code. That reimbursement shall be made from appropriation 138028  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 138029  
intrastate transfer voucher pursuant to a certification by the 138030  
Office of the Sinking Fund of the actual amounts used. The amounts 138031  
necessary to make such a reimbursement are hereby appropriated 138032  
from the Highway Capital Improvement Bond Retirement Fund created 138033  
in section 151.06 of the Revised Code. 138034

ABLE ACCOUNT ADMINISTRATION 138035

The foregoing appropriation item 090613, ABLE Account 138036  
Administration, shall be used for administration of an Achieve a 138037  
Better Living Experience (ABLE) account program. 138038

TAX REFUNDS 138039

The foregoing appropriation item 090635, Tax Refunds, shall 138040  
be used to pay refunds under section 5703.052 of the Revised Code. 138041  
If the Director of Budget and Management determines that 138042  
additional amounts are necessary for this purpose, such amounts 138043  
are hereby appropriated. 138044

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 138045  
PAYMENTS 138046

The foregoing appropriation item 090406, Treasury Management 138047  
System Lease Rental Payments, shall be used for payments during 138048  
the period from July 1, 2017, through June 30, 2019, pursuant to 138049  
leases and agreements entered into under Section 701.20 of Am. 138050  
Sub. H.B. 497 of the 130th General Assembly with respect to 138051  
financing the costs associated with the acquisition and 138052  
implementation of the Treasury Management System. If it is 138053  
determined that additional appropriations are necessary for this 138054  
purpose, the amounts are hereby appropriated. 138055

**Section 413.40.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 138056  
LOAN PROGRAM 138057

The foregoing appropriation item 090610, OhioMeansJobs 138058  
Workforce Development, shall be used for the OhioMeansJobs 138059  
Workforce Development Revolving Loan Program to provide loans to 138060  
individuals for workforce training. 138061

Of the foregoing appropriation item 090610, OhioMeansJobs 138062  
Workforce Development, up to \$250,000 in fiscal year 2018 may be 138063  
used by the Treasurer of State to administer the program. 138064

Any unexpended and unencumbered portion of the foregoing 138065  
appropriation item 090610, OhioMeansJobs Workforce Development, at 138066  
the end of fiscal year 2018 is hereby reappropriated for the same 138067  
purpose in fiscal year 2019. To the extent that reappropriated 138068  
funds are available, of the foregoing appropriation item 090610, 138069



OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 138070  
2019 may be used by the Treasurer of State to administer the 138071  
program. 138072

**Section 413.50. VTO VETERANS' ORGANIZATIONS** 138073

General Revenue Fund 138074

VAP AMERICAN EX-PRISONERS OF WAR 138075

GRF 743501 State Support \$ 28,910 \$ 28,910 138076

VAN ARMY AND NAVY UNION, USA, INC. 138077

GRF 746501 State Support \$ 63,539 \$ 63,539 138078

VKW KOREAN WAR VETERANS 138079

GRF 747501 State Support \$ 57,118 \$ 57,118 138080

VJW JEWISH WAR VETERANS 138081

GRF 748501 State Support \$ 34,321 \$ 34,321 138082

VCW CATHOLIC WAR VETERANS 138083

GRF 749501 State Support \$ 66,978 \$ 66,978 138084

VPH MILITARY ORDER OF THE PURPLE HEART 138085

GRF 750501 State Support \$ 65,116 \$ 65,116 138086

VVV VIETNAM VETERANS OF AMERICA 138087

GRF 751501 State Support \$ 214,776 \$ 214,776 138088

VAL AMERICAN LEGION OF OHIO 138089

GRF 752501 State Support \$ 349,189 \$ 349,189 138090

VII AMVETS 138091

GRF 753501 State Support \$ 332,547 \$ 332,547 138092

VAV DISABLED AMERICAN VETERANS 138093

GRF 754501 State Support \$ 249,836 \$ 249,836 138094

VMC MARINE CORPS LEAGUE 138095

GRF 756501 State Support \$ 133,947 \$ 133,947 138096

V37 37TH DIVISION VETERANS' ASSOCIATION 138097

GRF 757501 State Support \$ 6,868 \$ 6,868 138098

VFW VETERANS OF FOREIGN WARS 138099

GRF 758501 State Support \$ 284,841 \$ 284,841 138100

|                                                                 |    |            |    |            |        |
|-----------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund                                  | \$ | 1,887,986  | \$ | 1,887,986  | 138101 |
| TOTAL ALL BUDGET FUND GROUPS                                    | \$ | 1,887,986  | \$ | 1,887,986  | 138102 |
| RELEASE OF FUNDS                                                |    |            |    |            | 138103 |
| The Director of Budget and Management may release the           |    |            |    |            | 138104 |
| foregoing appropriation items 743501, 746501, 747501, 748501,   |    |            |    |            | 138105 |
| 749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501, |    |            |    |            | 138106 |
| and 758501, State Support.                                      |    |            |    |            | 138107 |
| <b>Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES</b>      |    |            |    |            | 138108 |
| General Revenue Fund                                            |    |            |    |            | 138109 |
| GRF 900321 Veterans' Homes                                      | \$ | 27,017,986 | \$ | 27,017,986 | 138110 |
| GRF 900402 Hall of Fame                                         | \$ | 112,106    | \$ | 112,106    | 138111 |
| GRF 900408 Department of                                        | \$ | 2,757,269  | \$ | 2,757,269  | 138112 |
| Veterans Services                                               |    |            |    |            |        |
| GRF 900901 Veterans Compensation                                | \$ | 7,118,300  | \$ | 5,090,700  | 138113 |
| General Obligation                                              |    |            |    |            |        |
| Bond Debt Service                                               |    |            |    |            |        |
| TOTAL GRF General Revenue Fund                                  | \$ | 37,005,661 | \$ | 34,978,061 | 138114 |
| Dedicated Purpose Fund Group                                    |    |            |    |            | 138115 |
| 4840 900603 Veterans' Homes                                     | \$ | 990,000    | \$ | 995,000    | 138116 |
| Services                                                        |    |            |    |            |        |
| 4E20 900602 Veterans' Homes                                     | \$ | 13,389,605 | \$ | 13,400,000 | 138117 |
| Operating                                                       |    |            |    |            |        |
| 5DB0 900643 Military Injury                                     | \$ | 1,000,000  | \$ | 1,000,000  | 138118 |
| Relief Program                                                  |    |            |    |            |        |
| 5PH0 900642 Veterans Initiatives                                | \$ | 70,000     | \$ | 70,000     | 138119 |
| 6040 900604 Veterans' Homes                                     | \$ | 500,000    | \$ | 500,000    | 138120 |
| Improvement                                                     |    |            |    |            |        |
| TOTAL DPF Dedicated Purpose Fund                                | \$ | 15,949,605 | \$ | 15,965,000 | 138121 |
| Group                                                           |    |            |    |            |        |
| Debt Service Fund Group                                         |    |            |    |            | 138122 |

|                                                                     |                       |    |            |    |            |        |
|---------------------------------------------------------------------|-----------------------|----|------------|----|------------|--------|
| 7041 900615                                                         | Veteran Bonus Program | \$ | 330,163    | \$ | 272,687    | 138123 |
|                                                                     | - Administration      |    |            |    |            |        |
| 7041 900641                                                         | Persian Gulf,         | \$ | 1,132,362  | \$ | 1,132,706  | 138124 |
|                                                                     | Afghanistan, and Iraq |    |            |    |            |        |
|                                                                     | Compensation          |    |            |    |            |        |
| TOTAL DSF Debt Service                                              |                       |    |            |    |            | 138125 |
| Fund Group                                                          |                       | \$ | 1,462,525  | \$ | 1,405,393  | 138126 |
| Federal Fund Group                                                  |                       |    |            |    |            | 138127 |
| 3680 900614                                                         | Veterans Training     | \$ | 782,898    | \$ | 805,851    | 138128 |
| 3740 900606                                                         | Troops to Teachers    | \$ | 125,002    | \$ | 130,001    | 138129 |
| 3BX0 900609                                                         | Medicare Services     | \$ | 3,352,135  | \$ | 3,578,278  | 138130 |
| 3L20 900601                                                         | Veterans' Homes       | \$ | 32,021,561 | \$ | 33,378,119 | 138131 |
|                                                                     | Operations - Federal  |    |            |    |            |        |
| TOTAL FED Federal Fund Group                                        |                       |    |            |    |            | 138132 |
| TOTAL ALL BUDGET FUND GROUPS                                        |                       |    |            |    |            | 138133 |
| VETERANS ORGANIZATIONS' RENT                                        |                       |    |            |    |            | 138134 |
| The foregoing appropriation item 900408, Department of              |                       |    |            |    |            | 138135 |
| Veterans Services, shall be used to pay veterans organizations'     |                       |    |            |    |            | 138136 |
| rent in buildings managed by the Department of Administrative       |                       |    |            |    |            | 138137 |
| Services.                                                           |                       |    |            |    |            | 138138 |
| VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE          |                       |    |            |    |            | 138139 |
| The foregoing appropriation item 900901, Veterans                   |                       |    |            |    |            | 138140 |
| Compensation General Obligation Bond Debt Service, shall be used    |                       |    |            |    |            | 138141 |
| to pay all debt service and related financing costs during the      |                       |    |            |    |            | 138142 |
| period from July 1, 2017, through June 30, 2019, on obligations     |                       |    |            |    |            | 138143 |
| issued under sections 151.01 and 151.12 of the Revised Code.        |                       |    |            |    |            | 138144 |
| <b>Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD</b> |                       |    |            |    |            | 138145 |
| Dedicated Purpose Fund Group                                        |                       |    |            |    |            | 138146 |
| 4K90 888609                                                         | Operating Expenses    | \$ | 396,369    | \$ | 439,369    | 138147 |
| TOTAL DPF Dedicated Purpose                                         |                       |    |            |    |            | 138148 |

|                                                             |                       |    |             |    |             |        |
|-------------------------------------------------------------|-----------------------|----|-------------|----|-------------|--------|
| Fund Group                                                  |                       | \$ | 396,369     | \$ | 439,369     | 138149 |
| Internal Service Activity Fund Group                        |                       |    |             |    |             | 138150 |
| 5BU0 888602                                                 | Veterinary Student    | \$ | 30,000      | \$ | 30,000      | 138151 |
|                                                             | Loan Program          |    |             |    |             |        |
| TOTAL ISA Internal Service Activity                         |                       |    |             |    |             | 138152 |
| Fund Group                                                  |                       | \$ | 30,000      | \$ | 30,000      | 138153 |
| TOTAL ALL BUDGET FUND GROUPS                                |                       | \$ | 426,369     | \$ | 469,369     | 138154 |
| <br>                                                        |                       |    |             |    |             |        |
| <b>Section 419.10. VPB STATE VISION PROFESSIONALS BOARD</b> |                       |    |             |    |             | 138156 |
| <br>                                                        |                       |    |             |    |             |        |
| Dedicated Purpose Fund Group                                |                       |    |             |    |             | 138157 |
| 4K90 129609                                                 | Operating Expenses    | \$ | 400,809     | \$ | 650,607     | 138158 |
| TOTAL DPF Dedicated Purpose Fund                            |                       | \$ | 400,809     | \$ | 650,607     | 138159 |
| Group                                                       |                       |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS                                |                       | \$ | 400,809     | \$ | 650,607     | 138160 |
| <br>                                                        |                       |    |             |    |             |        |
| <b>Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES</b>     |                       |    |             |    |             | 138162 |
| <br>                                                        |                       |    |             |    |             |        |
| General Revenue Fund                                        |                       |    |             |    |             | 138163 |
| GRF 470401                                                  | RECLAIM Ohio          | \$ | 155,590,859 | \$ | 159,227,635 | 138164 |
| GRF 470412                                                  | Juvenile Correctional | \$ | 17,515,369  | \$ | 17,086,697  | 138165 |
|                                                             | Facilities Lease      |    |             |    |             |        |
|                                                             | Rental Bond Payments  |    |             |    |             |        |
| GRF 470510                                                  | Youth Services        | \$ | 16,285,160  | \$ | 16,285,160  | 138166 |
| GRF 472321                                                  | Parole Operations     | \$ | 10,330,877  | \$ | 10,481,781  | 138167 |
| GRF 477321                                                  | Administrative        | \$ | 11,285,391  | \$ | 11,574,760  | 138168 |
|                                                             | Operations            |    |             |    |             |        |
| TOTAL GRF General Revenue Fund                              |                       | \$ | 211,007,656 | \$ | 214,656,033 | 138169 |
| <br>                                                        |                       |    |             |    |             |        |
| Dedicated Purpose Fund Group                                |                       |    |             |    |             | 138170 |
| 1470 470612                                                 | Vocational Education  | \$ | 1,690,000   | \$ | 1,463,162   | 138171 |
| 1750 470613                                                 | Education Services    | \$ | 3,385,248   | \$ | 3,492,983   | 138172 |
| 4790 470609                                                 | Employee Food Service | \$ | 60,273      | \$ | 44,107      | 138173 |
| 4A20 470602                                                 | Child Support         | \$ | 187,998     | \$ | 153,968     | 138174 |
| 4G60 470605                                                 | Juvenile Special      | \$ | 115,000     | \$ | 115,000     | 138175 |

|                                                                   |        |                  |               |                                      |
|-------------------------------------------------------------------|--------|------------------|---------------|--------------------------------------|
| Revenue - Non-Federal                                             |        |                  |               |                                      |
| 5BN0                                                              | 470629 | E-Rate Program   | \$ 75,000     | \$ 75,000 138176                     |
| TOTAL DPF Dedicated Purpose                                       |        |                  |               | 138177                               |
| Fund Group                                                        |        |                  | \$ 5,513,519  | \$ 5,344,220 138178                  |
| Federal Fund Group                                                |        |                  |               | 138179                               |
| 3210                                                              | 470601 | Education        | \$ 947,275    | \$ 961,519 138180                    |
| 3210                                                              | 470603 | Juvenile Justice | \$ 2,144,540  | \$ 2,232,533 138181                  |
| Prevention                                                        |        |                  |               |                                      |
| 3210                                                              | 470606 | Nutrition        | \$ 930,000    | \$ 930,000 138182                    |
| 3210                                                              | 470614 | Title IV-E       | \$ 5,766,624  | \$ 5,766,624 138183                  |
| Reimbursements                                                    |        |                  |               |                                      |
| 3FC0                                                              | 470642 | Federal Juvenile | \$ 1,000      | \$ 0 138184                          |
| Programs FFY 12                                                   |        |                  |               |                                      |
| 3GB0                                                              | 470643 | Federal Juvenile | \$ 16,352     | \$ 200 138185                        |
| Programs FFY 13                                                   |        |                  |               |                                      |
| 3V50                                                              | 470604 | Juvenile         | \$ 1,720,000  | \$ 1,720,000 138186                  |
| Justice/Delinquency                                               |        |                  |               |                                      |
| Prevention                                                        |        |                  |               |                                      |
| TOTAL FED Federal                                                 |        |                  |               | 138187                               |
| Fund Group                                                        |        |                  | \$ 11,525,791 | \$ 11,610,876 138188                 |
| TOTAL ALL BUDGET FUND GROUPS                                      |        |                  |               | \$ 228,046,966 \$ 231,611,129 138189 |
| JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS       |        |                  |               | 138190                               |
| The foregoing appropriation item 470412, Juvenile                 |        |                  |               | 138191                               |
| Correctional Facilities Lease Rental Bond Payments, shall be used |        |                  |               | 138192                               |
| to meet all payments during the period from July 1, 2017, through |        |                  |               | 138193                               |
| June 30, 2019, by the Department of Youth Services under the      |        |                  |               | 138194                               |
| leases and agreements for facilities made under Chapters 152. and |        |                  |               | 138195                               |
| 154. of the Revised Code. This appropriation is the source of     |        |                  |               | 138196                               |
| funds pledged for bond service charges on related obligations     |        |                  |               | 138197                               |
| issued under Chapters 152. and 154. of the Revised Code.          |        |                  |               | 138198                               |
| EDUCATION SERVICES                                                |        |                  |               | 138199                               |
| The foregoing appropriation item 470613, Education Services,      |        |                  |               | 138200                               |

shall be used to fund the operating expenses of providing 138201  
educational services to youth supervised by the Department of 138202  
Youth Services. Operating expenses include, but are not limited 138203  
to, teachers' salaries, maintenance costs, and educational 138204  
equipment. 138205

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 138206

In collaboration with the county family and children first 138207  
council, the juvenile court of that county that receives 138208  
allocations from one or both of the foregoing appropriation items 138209  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 138210  
portions of those allocations to a flexible funding pool as 138211  
authorized by the section of this act titled "FAMILY AND CHILDREN 138212  
FIRST FLEXIBLE FUNDING POOL." 138213

**Section 503.10.** PERSONAL SERVICE EXPENSES 138214

Unless otherwise prohibited by law, any appropriation from 138215  
which personal service expenses are paid shall bear the employer's 138216  
share of public employees' retirement, workers' compensation, 138217  
disabled workers' relief, and insurance programs; and the costs of 138218  
centralized financial services, centralized payroll processing, 138219  
and related reports and services; centralized human resources 138220  
services, including affirmative action and equal employment 138221  
opportunity programs; the Office of Collective Bargaining; 138222  
centralized information technology management services; 138223  
administering the enterprise resource planning system; and 138224  
administering the state employee merit system as required by 138225  
section 124.07 of the Revised Code. These costs shall be 138226  
determined in conformity with the appropriate sections of law and 138227  
paid in accordance with procedures specified by the Office of 138228  
Budget and Management. Expenditures from appropriation item 138229  
070601, Public Audit Expense - Intra-State, may be exempted from 138230  
the requirements of this section. 138231

**Section 503.20.** SATISFACTION OF JUDGMENTS AND SETTLEMENTS 138232  
AGAINST THE STATE 138233

Except as otherwise provided in this section, an 138234  
appropriation in this act or any other act may be used for the 138235  
purpose of satisfying judgments, settlements, or administrative 138236  
awards ordered or approved by the Court of Claims or by any other 138237  
court of competent jurisdiction in connection with civil actions 138238  
against the state. This authorization does not apply to 138239  
appropriations to be applied to or used for payment of guarantees 138240  
by or on behalf of the state, or for payments under lease 138241  
agreements relating to, or debt service on, bonds, notes, or other 138242  
obligations of the state. Notwithstanding any other statute to the 138243  
contrary, this authorization includes appropriations from funds 138244  
into which proceeds of direct obligations of the state are 138245  
deposited only to the extent that the judgment, settlement, or 138246  
administrative award is for, or represents, capital costs for 138247  
which the appropriation may otherwise be used and is consistent 138248  
with the purpose for which any related obligations were issued or 138249  
entered into. Nothing contained in this section is intended to 138250  
subject the state to suit in any forum in which it is not 138251  
otherwise subject to suit, and is not intended to waive or 138252  
compromise any defense or right available to the state in any suit 138253  
against it. 138254

**Section 503.30.** CAPITAL PROJECT SETTLEMENTS 138255

This section specifies an additional and supplemental 138256  
procedure to provide for payments of judgments and settlements if 138257  
the Director of Budget and Management determines, pursuant to 138258  
division (C)(4) of section 2743.19 of the Revised Code, that 138259  
sufficient unencumbered moneys do not exist in the fund to support 138260  
a particular appropriation to pay the amount of a final judgment 138261  
rendered against the state or a state agency, including the 138262

settlement of a claim approved by a court, in an action upon and 138263  
arising out of a contractual obligation for the construction or 138264  
improvement of a capital facility if the costs under the contract 138265  
were payable in whole or in part from a state capital projects 138266  
appropriation. In such a case, the Director may either proceed 138267  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 138268  
or apply to the Controlling Board to increase an appropriation or 138269  
create an appropriation out of any unencumbered moneys in the 138270  
state treasury to the credit of the capital projects fund from 138271  
which the initial state appropriation was made. The amount of an 138272  
increase in appropriation or new appropriation approved by the 138273  
Controlling Board is hereby appropriated from the applicable 138274  
capital projects fund and made available for the payment of the 138275  
judgment or settlement. 138276

If the Director does not make the application authorized by 138277  
this section or the Controlling Board disapproves the application, 138278  
and the Director does not make application under division (C)(4) 138279  
of section 2743.19 of the Revised Code, the Director shall for the 138280  
purpose of making that payment make a request to the General 138281  
Assembly as provided for in division (C)(5) of that section. 138282

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 138283

In order to provide funds for the reissuance of voided 138284  
warrants under section 126.37 of the Revised Code, there is hereby 138285  
appropriated, out of moneys in the state treasury from the fund 138286  
credited as provided in section 126.37 of the Revised Code, that 138287  
amount sufficient to pay such warrants when approved by the Office 138288  
of Budget and Management. 138289

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 138290  
**BALANCES OF OPERATING APPROPRIATIONS** 138291

(A) Notwithstanding the original year of appropriation or 138292



encumbrance the unexpended balance of an operating appropriation 138293  
or reappropriation that a state agency lawfully encumbered prior 138294  
to the close of fiscal year 2017 or fiscal year 2018 is hereby 138295  
reappropriated on the first day of July of the following fiscal 138296  
year from the fund from which it was originally appropriated or 138297  
reappropriated for the period of time listed in this section and 138298  
shall remain available only for the purpose of discharging the 138299  
encumbrance: 138300

(1) For an encumbrance for personal services, maintenance, 138301  
equipment, or items for resale not otherwise identified in this 138302  
section for a period of not more than five months from the end of 138303  
the fiscal year; 138304

(2) For an encumbrance for an item of special order 138305  
manufacture not available on state contract or in the open market, 138306  
for a period of not more than five months from the end of the 138307  
fiscal year or, with the written approval of the Director of 138308  
Budget and Management, for a period of not more than twelve months 138309  
from the end of the fiscal year; 138310

(3) For an encumbrance for reclamation of land or oil and gas 138311  
wells, for a period ending when the encumbered appropriation is 138312  
expended provided such period does not extend beyond the FY 2018 - 138313  
FY 2019 biennium; 138314

(4) For an encumbrance for any other expense not otherwise 138315  
identified in this section, for such period as the Director 138316  
approves, provided such period does not extend beyond the FY 2018 138317  
- FY 2019 biennium. 138318

(B) Any operating appropriations for which unexpended 138319  
balances are reappropriated in fiscal year 2018 or fiscal year 138320  
2019 pursuant to division (A)(2) of this section shall be reported 138321  
to the Controlling Board by the Director of Budget and Management 138322  
by the thirty-first day of December of each year. The report shall 138323

include the item, the cost of the item, and the name of the 138324  
vendor. The report shall be updated on a quarterly basis for 138325  
encumbrances remaining open. 138326

(C) Upon the expiration of the reappropriation period set out 138327  
in division (A) of this section, a reappropriation made by this 138328  
section lapses, and the Director of Budget and Management shall 138329  
cancel the encumbrance of the unexpended reappropriation not later 138330  
than the end of the weekend following the expiration of the 138331  
reappropriation period. 138332

(D) If the Controlling Board approved a purchase, that 138333  
approval remains in effect so long as the appropriation used to 138334  
make that purchase remains encumbered. 138335

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 138336

(A) The Director of Budget and Management may correct 138337  
accounting errors committed by the staff of the Office of Budget 138338  
and Management, such as reestablishing encumbrances or 138339  
appropriations canceled in error, during the cancellation of 138340  
operating encumbrances in November and of non-operating 138341  
encumbrances in December. 138342

(B) The Director of Budget and Management may at any time 138343  
correct accounting errors committed by staff or a state agency or 138344  
state institution of higher education, as defined in section 138345  
3345.011 of the Revised Code, such as reestablishing prior year 138346  
non-operating encumbrances canceled or modified in error. The 138347  
reestablished encumbrance amounts are hereby appropriated. 138348

**Section 503.70. TEMPORARY REVENUE HOLDING** 138349

The Director of Budget and Management may create funds in the 138350  
state treasury solely for the purpose of temporarily holding 138351  
revenue required to be credited to a fund in the state treasury, 138352  
whose disposition is not immediately known at the time of receipt. 138353

Once identified, the Director shall credit the revenue to the 138354  
appropriate fund in the state treasury. 138355

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 138356  
RE-ESTABLISHMENT OF ENCUMBRANCES 138357

Any cash transferred by the Director of Budget and Management 138358  
under section 126.15 of the Revised Code is hereby appropriated. 138359  
Any amounts necessary to re-establish appropriations or 138360  
encumbrances under section 126.15 of the Revised Code are hereby 138361  
appropriated. 138362

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 138363

The Director of Budget and Management may transfer 138364  
appropriations between the Third Frontier Research and Development 138365  
Fund (Fund 7011) and the Third Frontier Research and Development 138366  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 138367  
exclusion from the calculation of gross income for federal income 138368  
taxation purposes under the "Internal Revenue Code of 1986," 100 138369  
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 138370  
issued to fund projects appropriated from the Third Frontier 138371  
Research and Development Fund (Fund 7011). 138372

The Director may also create new appropriation items within 138373  
the Third Frontier Research and Development Taxable Bond Fund 138374  
(Fund 7014) and make transfers of appropriations to them for 138375  
projects originally funded from appropriations made from the Third 138376  
Frontier Research and Development Fund (Fund 7011). 138377

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 138378

There are hereby appropriated out of any moneys in the state 138379  
treasury to the credit of the General Revenue Fund, which are not 138380  
otherwise appropriated, funds sufficient to make any payment 138381  
required by division (B)(2) of section 5747.03 of the Revised 138382

Code. 138383

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 138384  
APPROVED BY THE CONTROLLING BOARD 138385

Any money that the Controlling Board approves for expenditure 138386  
or any increase in appropriation that the Controlling Board 138387  
approves under sections 127.14, 131.35, and 131.39 of the Revised 138388  
Code or any other provision of law is hereby appropriated for the 138389  
period ending June 30, 2019. 138390

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 138391  
RESIDENCE 138392

If the Governor's Residence Fund (Fund 4H20) receives payment 138393  
for use of the residence pursuant to section 107.40 of the Revised 138394  
Code, the amounts so received are hereby appropriated to 138395  
appropriation item 100604, Governor's Residence Gift. 138396

**Section 506.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 138397

Unless the agency and nuclear electric utility mutually agree 138398  
to a higher amount by contract, the maximum amounts that may be 138399  
assessed against nuclear electric utilities under division (B)(2) 138400  
of section 4937.05 of the Revised Code and deposited into the 138401  
specified funds are as follows: 138402

| <u>Fund</u>   | <u>User</u>   | <u>FY 2018</u> | <u>FY 2019</u> |        |
|---------------|---------------|----------------|----------------|--------|
| Utility       | Department of | \$ 140,176     | \$ 140,176     | 138403 |
| Radiological  | Agriculture   |                |                |        |
| Safety Fund   |               |                |                |        |
| (Fund 4E40)   |               |                |                |        |
| Radiation     | Department of | \$1,210,000    | \$ 1,300,000   | 138405 |
| Emergency     | Health        |                |                |        |
| Response Fund |               |                |                |        |
| (Fund 6100)   |               |                |                |        |

|                  |                   |             |    |           |        |
|------------------|-------------------|-------------|----|-----------|--------|
| ER Radiological  | Environmental     | \$ 332,403  | \$ | 352,430   | 138406 |
| Safety Fund      | Protection Agency |             |    |           |        |
| (Fund 6440)      |                   |             |    |           |        |
| Emergency        | Department of     | \$1,258,624 | \$ | 1,258,624 | 138407 |
| Response Plan    | Public Safety     |             |    |           |        |
| Fund (Fund 6570) |                   |             |    |           |        |

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 138408  
138409

Notwithstanding any provision of law to the contrary, the 138410  
Director of Budget and Management, through June 30, 2019, may 138411  
transfer interest earned by any state fund to the General Revenue 138412  
Fund. This section does not apply to funds whose source of revenue 138413  
is restricted or protected by the Ohio Constitution, federal tax 138414  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 138415  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 138416

**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 138417  
138418

Notwithstanding any provision of law to the contrary, the 138419  
Director of Budget and Management may transfer up to \$200,000,000 138420  
in cash, during the biennium ending June 30, 2019, from 138421  
non-General Revenue Funds that are not constitutionally restricted 138422  
to the General Revenue Fund. 138423

**Section 512.25.** TRANSFER FROM THE CASINO OPERATOR SETTLEMENT FUND (FUND 5KT0) TO THE GENERAL REVENUE FUND 138424  
138425

On July 1, 2017, or as soon as possible thereafter, the 138426  
Director of Budget and Management shall transfer \$10,000,000 from 138427  
the Casino Operator Settlement Fund (Fund 5KT0) to the General 138428  
Revenue Fund. 138429

**Section 512.26.** TRANSFER FROM THE OHIOMEANSJOBS WORKFORCE 138430

DEVELOPMENT REVOLVING LOAN FUND (FUND 5NH0) TO THE GRF 138431

On July 1, 2017, or as soon as possible thereafter, the 138432  
Director of Budget and Management shall transfer \$2,000,000 cash 138433  
from the OhioMeansJobs Workforce Development Revolving Loan Fund 138434  
(Fund 5NH0) to the General Revenue Fund. 138435

**Section 512.30. RACETRACK RELOCATION FUND** 138436

On July 1, 2017, or as soon as possible thereafter, the 138437  
Director of Budget and Management shall transfer the cash balance 138438  
of the Racetrack Relocation Fund (Fund 5MG0) to the General 138439  
Revenue Fund. Upon completion of the transfer, the Racetrack 138440  
Relocation Fund is hereby abolished. On and after July 1, 2017, 138441  
any payment that is otherwise required to be credited to the 138442  
Racetrack Relocation Fund shall be credited to the General Revenue 138443  
Fund. 138444

**Section 512.40. UNCLAIMED FUND REMITTANCE** 138445

Notwithstanding division (A) of section 169.05 of the Revised 138446  
Code, during the biennium ending June 30, 2019, the Director of 138447  
Budget and Management may request the Director of Commerce to 138448  
remit to the General Revenue Fund, up to \$200,000,000 of unclaimed 138449  
funds that have been reported by holders of unclaimed funds under 138450  
section 169.05 of the Revised Code, irrespective of the allocation 138451  
of the unclaimed funds under that section. The Director of 138452  
Commerce shall remit the funds at the time requested by the 138453  
Director of Budget and Management. 138454

**Section 512.50. FISCAL YEAR 2017 GENERAL REVENUE FUND ENDING** 138455  
**BALANCE** 138456

Notwithstanding divisions (B) and (C) of section 131.44 of 138457  
the Revised Code, the Director of Budget and Management shall 138458

determine the surplus General Revenue Fund revenue that existed on 138459  
June 30, 2017, in excess of the amount required under division 138460  
(A)(3) of section 131.44 of the Revised Code, and allocate that 138461  
amount, to the extent of the amount so determined, as follows: 138462

(A) First, the Director of Budget and Management shall 138463  
transfer a cash amount of up to \$207,000,000 to the Medicaid Local 138464  
Sales Tax Transition Fund; 138465

(B) Second, the Director shall transfer a cash amount of up 138466  
to \$273,415 to the Lake Erie Protection Fund. 138467

**Section 512.60. GENERAL REVENUE FUND TRANSFER TO TOURISM FUND** 138468

Not later than October 20, 2018, the Tax Commissioner shall 138469  
calculate the growth in fiscal year 2017 revenue relative to the 138470  
prior fiscal year from the sales tax imposed under section 5739.02 138471  
of the Revised Code on categories that have been determined to be 138472  
related to tourism and certify that amount to the Director of 138473  
Budget and Management. On or before the last day of October 2018, 138474  
the Director of Budget and Management may transfer from the 138475  
General Revenue Fund to the Tourism Fund (Fund 5MJ0) the amount 138476  
certified by the Commissioner under this division, except that the 138477  
transfer shall not exceed the amount transferred from the General 138478  
Revenue Fund to the Tourism Fund in fiscal year 2018. 138479

**Section 512.70. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS** 138480

On October 1, 2017, or as soon as possible thereafter, the 138481  
Director of Commerce and the Executive Director of the Board of 138482  
Pharmacy shall consult with the Director of Budget and Management 138483  
to determine a repayment schedule for the biennium ending June 30, 138484  
2019, to fully repay the fiscal year 2017 transfer on behalf of 138485  
each agency from the Emergency Purposes/Contingency Fund (Fund 138486  
5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0). 138487  
Payments made by the Department of Commerce and the Board of 138488

Pharmacy in accordance with this repayment schedule shall be 138489  
credited to the General Revenue Fund. 138490

**Section 512.80.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM 138491

There is hereby established in the Highway Operating Fund 138492  
(Fund 7002), used by the Department of Transportation, a Diesel 138493  
Emissions Reduction Grant Program. The Director of Environmental 138494  
Protection shall administer the program and shall solicit, 138495  
evaluate, score, and select projects submitted by public and 138496  
private entities that are eligible for the federal Congestion 138497  
Mitigation and Air Quality (CMAQ) Program. The Director of 138498  
Transportation shall process Federal Highway 138499  
Administration-approved projects as recommended by the Director of 138500  
Environmental Protection. 138501

In addition to the allowable expenditures set forth in 138502  
section 122.861 of the Revised Code, Diesel Emissions Reduction 138503  
Grant Program funds also may be used to fund projects involving 138504  
the purchase or use of hybrid and alternative fuel vehicles that 138505  
are allowed under guidance developed by the Federal Highway 138506  
Administration for the CMAQ Program. 138507

Public entities eligible to receive funds under section 138508  
122.861 of the Revised Code and CMAQ shall be reimbursed from 138509  
moneys in Fund 7002 designated for the Department of 138510  
Transportation's Diesel Emissions Reduction Grant Program. 138511

Private entities eligible to receive funds under section 138512  
122.861 of the Revised Code and CMAQ shall be reimbursed at the 138513  
direction of the local public agency sponsor and upon approval of 138514  
the Department of Transportation, through direct payments. These 138515  
reimbursements shall be made from moneys in Fund 7002 designated 138516  
for the Department of Transportation's Diesel Emissions Reduction 138517  
Grant Program. Total expenditures from Fund 7002 for the Diesel 138518  
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 138519



both fiscal year 2018 and fiscal year 2019. 138520

Any allocations under this section represent CMAQ program 138521  
moneys within the Department of Transportation for use by the 138522  
Diesel Emissions Reduction Grant Program by the Environmental 138523  
Protection Agency. These allocations shall not reduce the amount 138524  
of such moneys designated for metropolitan planning organizations. 138525

The Director of Environmental Protection, in consultation 138526  
with the Director of Transportation, shall develop guidance for 138527  
the distribution of funds and for the administration of the Diesel 138528  
Emissions Reduction Grant Program. The guidance shall include a 138529  
method of prioritization for projects, acceptable technologies, 138530  
and procedures for awarding grants. 138531

**Section 512.90. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 138532

(A) On July 1, 2017, or as soon as possible thereafter, the 138533  
Director of Budget and Management shall transfer the cash balance 138534  
from each of the funds as indicated in the table below to the fund 138535  
also indicated in the table below. Upon completion of each 138536  
transfer and on the effective date of its repeal by this act, 138537  
where applicable, the fund from which the cash balance was 138538  
transferred is hereby abolished. 138539

|        |                |                    |              |                       |        |
|--------|----------------|--------------------|--------------|-----------------------|--------|
| User   | Transfer from: |                    | Transfer to: |                       | 138540 |
| Agency | Fund           |                    | Fund         |                       | 138541 |
| Code   | Code           | Fund Name          | Code         | Fund Name             | 138542 |
| AGE    | 4J40           | Passport/Preferred | GRF          | General Revenue Fund  | 138543 |
|        |                | Choices            |              |                       |        |
| AGE    | 5AA0           | Ohio's Best Rx     | GRF          | General Revenue Fund  | 138544 |
|        |                | Administration     |              |                       |        |
| AGE    | 5R50           | Ohio Reads/Stars   | GRF          | General Revenue Fund  | 138545 |
| AGR    | 5880           | Brand Registration | 6520         | Animal and Consumer   | 138546 |
|        |                |                    |              | Protection Laboratory |        |
|        |                |                    |              | Fund                  |        |

|     |      |                                        |      |      |                                   |        |
|-----|------|----------------------------------------|------|------|-----------------------------------|--------|
| AGR | 5CP0 | Ohio Agriculture License Scholarship   | 4900 | AGRO | Ohio Fund                         | 138547 |
| BOR | 3BE0 | AEFLA Incentive Grant                  | GRF  |      | General Revenue Fund              | 138548 |
| BOR | 3T00 | Ohio Loan Repayment                    | GRF  |      | General Revenue Fund              | 138549 |
| BOR | 5FN0 | College Access Challenge Grant         | GRF  |      | General Revenue Fund              | 138550 |
| BOR | 5HZ0 | Distance Learning Clearinghouse        | GRF  |      | General Revenue Fund              | 138551 |
| BOR | HJT0 | Health Care Assessment Fee             | GRF  |      | General Revenue Fund              | 138552 |
| BOR | 5JV0 | Ohio Articulation and Transfer Network | GRF  |      | General Revenue Fund              | 138553 |
| BOR | 5QF0 | Student Debt Reduction                 | GRF  |      | General Revenue Fund              | 138554 |
| BOR | 5SF0 | STEM Degree Loan Repayment             | GRF  |      | General Revenue Fund              | 138555 |
| BOR | 5X20 | STEM and Foreign Language Academy      | GRF  |      | General Revenue Fund              | 138556 |
| COM | 7043 | Liquor Control                         | GRF  |      | General Revenue Fund              | 138557 |
| COM | 5450 | Savings Institution                    | 5440 |      | Banks                             | 138558 |
| DAS | 5RT0 | Electronic Pollbook                    | GRF  |      | General Revenue Fund              | 138559 |
| DAS | 5C30 | Minor Construction Project Management  | 1320 |      | Building Management               | 138560 |
| DDD | 5CT0 | Intensive Behavioral Needs             | 5GE0 |      | Operating and Services            | 138561 |
| DDD | 3M70 | Community Alternative Funding Source   | 3A40 |      | Medicaid-Medicare                 | 138562 |
| DDD | 3G60 | Medicaid Waiver                        | 3A40 |      | Medicaid-Medicare                 | 138563 |
| DEV | 5Y60 | Economic Development Contingency       | GRF  |      | General Revenue Fund              | 138564 |
| DNR | 5EN0 | Watercraft Law Enforcement             | 5EM0 |      | Natural Resources Law Enforcement | 138565 |
| DNR | 2070 | Real Estate                            | 1550 |      | Departmental Projects             | 138566 |
| DNR | 5260 | Coal Mining                            | 5290 |      | Mining Regulation and             | 138567 |

|     |      |                                           |      |                                             |        |
|-----|------|-------------------------------------------|------|---------------------------------------------|--------|
|     |      | Administration and<br>Reclamation Reserve |      | Safety                                      |        |
| DNR | 5270 | Surface Mining                            | 5290 | Mining Regulation and<br>Safety             | 138568 |
| DNR | 5B30 | Mining Regulation                         | 5290 | Mining Regulation and<br>Safety             | 138569 |
| DNR | 4J20 | Injection Well Review                     | 5110 | Geological Mapping                          | 138570 |
| DNR | 4M70 | Wildfire Suppression                      | 5090 | State Forest                                | 138571 |
| EPA | 3F50 | Nonpoint Source<br>Pollution Management   | 3BU0 | Water Quality<br>Protection                 | 138572 |
| EPA | 3540 | Federal Hazardous Waste<br>Management     | 3F30 | Federally Supported<br>Cleanup and Response | 138573 |
| LEC | 5D80 | Lake Erie Resources                       | 4C00 | Lake Erie Protection                        | 138574 |
| MCD | 5KW0 | Managed Care Performance<br>Payment       | GRF  | General Revenue Fund                        | 138575 |
| MCD | 5U30 | Health Care Services<br>Administration    | 5DL0 | Medicaid Support and<br>Recoveries          | 138576 |
| MHA | 5CH0 | Residential State<br>Supplement           | 4750 | Statewide Treatment and<br>Prevention       | 138577 |

(B) On July 1, 2017, or as soon as possible thereafter, the  
Director of Budget and Management shall cancel any existing  
encumbrances against each appropriation item as indicated in the  
table below and reestablish them against the appropriation item  
also indicated in the table below. In addition, if any other  
existing encumbrances must be cancelled and reestablished to  
properly close out the funds identified in division (A) of this  
section, the Director is hereby authorized to carry out those  
necessary transactions. These amounts are hereby appropriated.

|                              |                           |        |
|------------------------------|---------------------------|--------|
| Cancel existing encumbrances | Reestablish encumbrances  |        |
| against:                     | against:                  |        |
| Fund                         | Fund                      | 138588 |
| Code Appropriation Item      | Code Appropriation Item   | 138589 |
| 5CT0 653607 - Intensive      | 5GE0 653606 - ICF/IID and | 138590 |

|      |                                               |      |                                                             |        |
|------|-----------------------------------------------|------|-------------------------------------------------------------|--------|
|      | Behavioral Needs                              |      | Waiver Match                                                |        |
| 3M70 | 653650 - CAFS Medicaid                        | 3A40 | 653605 - DC and Residential Facilities Services and Support | 138591 |
| 3G60 | 653639 - Medicaid Waiver Program Support      | 3A40 | 653605 - DC and Residential Facilities Services and Support | 138592 |
| 2070 | 725690 - Real Estate Services                 | 1550 | 725601 - Departmental Projects                              | 138593 |
| 5EN0 | 725614 - Watercraft Law Enforcement           | 5EM0 | 725613 - Natural Resources Law Enforcement                  | 138594 |
| 4J20 | 725628 - Injection Well Review                | 5110 | 725646 - Ohio Geological Mapping                            | 138595 |
| 5260 | 725610 - Strip Mining Administration Fee      | 5290 | 725639 - Mining Regulation and Safety                       | 138596 |
| 5270 | 725637 - Surface Mining Administration        | 5290 | 725639 - Mining Regulation and Safety                       | 138597 |
| 5B30 | 725674 - Mining Reclamation                   | 5290 | 725639 - Mining Regulation and Safety                       | 138598 |
| 4M70 | 725686 - Wildfire Suppression                 | 5090 | 725602 - State Forest                                       | 138599 |
| 3F50 | 715641 - Nonpoint Source Pollution Management | 3F30 | 715632 - Federally Supported Cleanup and Response           | 138600 |
| 3540 | 715614 - Hazardous Waste Management - Federal | 3F30 | 715632 - Federally Supported Cleanup and Response           | 138601 |
| 5D80 | 780602 - Lake Erie Resources                  | 4C00 | 780601 - Lake Erie Protection                               | 138602 |
| 5KW0 | 651612 - Managed Care Performance Payments    | GRF  | 651525 - Medicaid/Health Care Services                      | 138603 |
| 5U30 | 651654 - Medicaid Program Support             | 5DL0 | 651685 - Medicaid Recoveries - Program                      | 138604 |

Support

(C) The following funds, used by the Department of Aging, 138605  
shall be abolished on the effective date of their repeal by this 138606  
act: the General Operations Fund (Fund 4H10) and the Special 138607  
Projects Fund (Fund 5CE0). 138608

(D) The following fund, used by the Facility Construction 138609  
Commission shall be abolished on the effective date of its repeal 138610  
by this act: the Cultural Facilities Commission Administration 138611  
Fund (Fund 4T80). 138612

(E) The following fund, used by the Environmental Protection 138613  
Agency, shall be abolished on the effective date of its repeal by 138614  
this act: the Clean Diesel School Bus Fund (Fund 5CD0). 138615

(F) The following fund, used by the Department of Natural 138616  
Resources, shall be abolished on the effective date of their 138617  
repeal by this act: the Water Resources Council Fund (Fund 4X80). 138618

**Section 512.100.** CASH TRANSFER FROM THE SMALL BUSINESS 138619  
ASSISTANCE FUND TO THE TITLE V CLEAN AIR FUND 138620

On July 1, 2017, or as soon as possible thereafter, the 138621  
Director of Budget and Management may transfer up to \$1,500,000 138622  
cash from the Small Business Assistance Fund (Fund 5A00) used by 138623  
the Air Quality Development Authority to the Title V Clean Air 138624  
Fund (Fund 4T30) used by the Environmental Protection Agency. 138625

**Section 512.120.** CASH TRANSFER FROM SAVINGS INSTITUTION FUND 138626

On the effective date of section 1121.30 of the Revised Code, 138627  
as amended by this act, or as soon as possible thereafter, the 138628  
Director of Budget and Management, upon the written request of the 138629  
Director of the Department of Commerce, may transfer the cash 138630  
balance in the Savings Institution Fund (Fund 5450) to the Banks 138631  
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 138632  
hereby abolished. 138633

**Section 512.130.** CASH TRANSFER FROM THE CONTROLLING BOARD 138634  
EMERGENCY PURPOSES/CONTINGENCIES FUND 138635

On July 1, 2017, or as soon as possible thereafter, the 138636  
Director of Budget and Management shall transfer \$7,500,000 cash 138637  
from the Controlling Board Emergency Purposes/Contingencies Fund 138638  
(Fund 5KM0) to the GRF. 138639

**Section 512.140.** Notwithstanding any provision of law to the 138640  
contrary, not later than thirty days following the effective date 138641  
of this section, the Director of Budget and Management shall 138642  
transfer \$2,500,000 in cash from the Budget Stabilization Fund 138643  
(Fund 7013) to the Tax Amnesty Promotion and Administration Fund 138644  
(Fund 5BW0), which is hereby created in the state treasury. The 138645  
money shall be used by the Department of Taxation to pay expenses 138646  
incurred in promoting and administering the tax amnesty program 138647  
that is to be conducted from January 1, 2018, to February 15, 138648  
2018, pursuant to Section 757.110 of this act. 138649

After receiving the revenue receipts from the tax amnesty 138650  
program, the Director of Budget and Management shall transfer the 138651  
first \$2,500,000 in payments from the amnesty program to the 138652  
Budget Stabilization Fund as repayment, the next \$12,500,000 to 138653  
the General Revenue Fund, and the remaining excess fund balance to 138654  
the Budget Stabilization Fund. 138655

**Section 512.150.** TRANSFER FROM THE WORKFORCE AND HIGHER 138656  
EDUCATION PROGRAMS FUND (FUND 5RA0) TO THE GENERAL REVENUE FUND 138657

On July 1, 2017, or as soon as possible thereafter, the 138658  
Director of Budget and Management shall transfer the unexpended, 138659  
unencumbered cash balance in the Workforce and Higher Education 138660  
Programs Fund (Fund 5RA0) to the General Revenue Fund. 138661

**Section 512.160.** TRANSFER FROM THE LOCAL GOVERNMENT 138662

INNOVATION FUND (FUND 5KN0) TO THE GENERAL REVENUE FUND 138663

On July 1, 2017, or as soon as possible thereafter, the 138664  
Director of Budget and Management shall transfer the unexpended, 138665  
unencumbered cash balance in the Local Government Innovation Fund 138666  
(Fund 5KN0) to the General Revenue Fund. 138667

**Section 515.10.** (A) On the effective date of this section, 138668  
the Ohio School Facilities Commission is hereby abolished and all 138669  
of its functions, assets, and liabilities are transferred to the 138670  
Ohio Facilities Construction Commission. The Ohio Facilities 138671  
Construction Commission is successor to, assumes the power and 138672  
obligations and authority of, and otherwise constitutes the 138673  
continuation of the Ohio School Facilities Commission as if 138674  
completed by the Ohio School Facilities Commission. Whenever the 138675  
Ohio School Facilities Commission is referred to in any law, 138676  
contract, or other document, the reference shall be deemed to 138677  
refer to the Ohio Facilities Construction Commission. 138678

(B) Any business commenced but not completed by the Ohio 138679  
School Facilities Commission shall be completed by the Ohio 138680  
Facilities Construction Commission in the same manner and with the 138681  
same effect as if completed by the Ohio School Facilities 138682  
Commission. No validation, cure, right, privilege, remedy, 138683  
obligation, or liability is lost or impaired by reason of the 138684  
transfer and shall be recognized, administered, performed, or 138685  
enforced by the Ohio Facilities Construction Commission. All 138686  
rules, orders, resolutions, and determinations of the Ohio School 138687  
Facilities Commission continue in effect as rules, orders, 138688  
resolutions, and determinations of the Ohio Facilities 138689  
Construction Commission until modified or rescinded by the Ohio 138690  
Facilities Construction Commission. If necessary to ensure the 138691  
integrity of the numbering system of the Ohio Administrative Code, 138692  
the Director of the Legislative Service Commission shall renumber 138693

the Ohio School Facilities Commission's rules to reflect their 138694  
transfer to the Ohio Facilities Construction Commission. 138695

(C) No judicial or administrative action or proceeding to 138696  
which the Ohio School Facilities Commission or an authorized 138697  
officer of the Ohio School Facilities Commission is a party that 138698  
is pending on the effective date of this section, or on such later 138699  
date as may be established by an authorized officer of the Ohio 138700  
Facilities Construction Commission, is affected by the 138701  
abolishment. Any such action or proceeding shall be prosecuted or 138702  
defended in the name of the Ohio Facilities Construction 138703  
Commission. On application to the court or agency, the Ohio 138704  
Facilities Construction Commission or an authorized officer of the 138705  
Ohio Facilities Construction Commission may be substituted for the 138706  
Ohio School Facilities Commission or an authorized officer of the 138707  
Ohio School Facilities Commission as a party to the action or 138708  
proceeding. 138709

(D) Notwithstanding any provision of the law to the contrary, 138710  
on or after the effective date of this section, the Director of 138711  
Budget and Management shall make budget and accounting changes 138712  
made necessary by the abolishment, if any, including 138713  
administrative organization, program transfers, the renaming of 138714  
funds, the creation of new funds, the transfer of state funds, and 138715  
the consolidation of funds as authorized by this section. The 138716  
Director may, if necessary, cancel or establish encumbrances or 138717  
parts of encumbrances in fiscal years 2018 and 2019 in the 138718  
appropriate fund and appropriation items for the same purpose and 138719  
for payment to the same vendor. The established encumbrances are 138720  
hereby appropriated. 138721

(E) All records, documents, files, equipment, assets, and 138722  
other materials of the Ohio School Facilities Commission are 138723  
transferred to the Ohio Facilities Construction Commission. 138724



**Section 515.13.** (A) The State Board of Sanitarian 138725  
Registration is abolished beginning on the effective date of this 138726  
section. 138727

(B) Any business commenced but not completed by the effective 138728  
date of this section by the State Board of Sanitarian Registration 138729  
shall be completed by the Department of Health or by the Director 138730  
of Health in the same manner, and with the same effect, as if 138731  
completed by the State Board of Sanitarian Registration. 138732

(C)(1) All rules, orders, and determinations of the State 138733  
Board of Sanitarian Registration shall continue in effect as 138734  
rules, orders, and determinations of the Director of Health, until 138735  
modified or rescinded by the Director. 138736

(2) Any certificates, registrations, or continuing education 138737  
credit issued before the effective date of this section by the 138738  
State Board of Sanitarian Registration shall continue in effect as 138739  
if issued by the Director. 138740

(D) Beginning on the effective date of this section, whenever 138741  
the term "State Board of Sanitarian Registration" is used in any 138742  
statute, rule, contract, or other document, the use shall be 138743  
construed to mean the "Department of Health" or the "Director of 138744  
Health," as appropriate. 138745

Whenever the Chairperson or Vice-chairperson of the State 138746  
Board of Sanitarian Registration is used in any statute, rule, 138747  
contract, or other document, the use shall be construed to mean 138748  
the Director of Health. 138749

(E) No validation, cure, right, privilege, remedy, 138750  
obligation, or liability is lost or impaired by reason of the 138751  
transfer required by this section and shall be administered by the 138752  
Director of Health. No action or proceeding pending on the 138753  
effective date of this section is affected by the transfer, and 138754

shall be prosecuted or defended in the name of the Department of 138755  
Health or the Director of Health, as appropriate. In all such 138756  
actions and proceedings, the Department of Health or the Director 138757  
shall be substituted as a party. 138758

(F) On the effective date of this section, all records, 138759  
documents, files, equipment, assets, and other materials of the 138760  
State Board of Sanitarian Registration are transferred to the 138761  
Department of Health. 138762

**Section 515.15.** BOARD OF SANITARIAN REGISTRATION TRANSFER TO 138763  
THE DEPARTMENT OF HEALTH 138764

On or before October 30, 2017, the Director of Health shall 138765  
certify to the Director of Budget and Management the amount of 138766  
cash in the Occupational Licensing and Regulatory Fund (Fund 4K90) 138767  
representing the amount of remaining receipts deposited into the 138768  
fund by the Board of Sanitarian Registration. The Director of 138769  
Budget and Management may transfer up to this amount to the 138770  
General Operations Fund (Fund 4700). The Director of Budget and 138771  
Management shall cancel any existing encumbrances against 138772  
appropriation item 893609, Operating Expenses, and re-establish 138773  
them against appropriation item 440647, Fee Supported Programs. 138774  
The re-established amounts are hereby appropriated. Any business 138775  
commenced but not completed under appropriation item 893609, 138776  
Operating Expenses, shall be completed under appropriation item 138777  
440647, Fee Supported Programs. 138778

Notwithstanding any provision of law to the contrary, on and 138779  
after the effective date of this section, the Director of Budget 138780  
and Management may make any budget changes necessary as a result 138781  
of the transfer to the Department of Health. 138782

**Section 515.30.** (A) Effective January 21, 2018, the State 138783  
Board of Optometry and the Ohio Optical Dispensers Board are 138784

abolished. 138785

(B) Any business commenced but not completed by January 21, 138786  
2018, by the State Board of Optometry and the Ohio Optical 138787  
Dispensers Board or by the executive director or executive 138788  
secretary-treasurer of those boards, as applicable, shall be 138789  
completed by the State Vision Professionals Board or the Executive 138790  
Director of the State Vision Professionals Board in the same 138791  
manner, and with the same effect, as if completed by the State 138792  
Board of Optometry or the Ohio Optical Dispensers Board or by the 138793  
executive director or executive secretary-treasurer of those 138794  
boards, as applicable. 138795

(C) All rules, orders, and determinations of the State Board 138796  
of Optometry and the Ohio Optical Dispensers Board or by the 138797  
executive director or executive secretary-treasurer of those 138798  
boards, as applicable, shall continue in effect as rules, orders, 138799  
and determinations of the State Vision Professionals Board until 138800  
modified or rescinded by the State Vision Professionals Board. If 138801  
necessary to ensure the integrity of the numbering of the 138802  
Administrative Code, the Director of the Legislative Service 138803  
Commission shall renumber any rule to reflect its transfer to the 138804  
State Vision Professionals Board. 138805

Any licenses, certificates, permits, registrations, or 138806  
endorsements issued before January 21, 2018, by the State Board of 138807  
Optometry or the Ohio Optical Dispensers Board shall continue in 138808  
effect as if issued by the State Vision Professionals Board. 138809

(D) Effective January 21, 2018, whenever the term "State 138810  
Board of Optometry" or "Ohio Optical Dispensers Board" is used in 138811  
any statute, rule, contract, or other document, the use shall be 138812  
construed to mean the "State Vision Professionals Board." 138813

Whenever the term "Executive Director of the State Board of 138814  
Optometry" or "Executive Secretary-Treasurer of the Ohio Optical 138815

Dispensers Board" is used in a statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Vision Professionals Board.

(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all employees of the State Board of Optometry and the Ohio Optical Dispensers Board are transferred to the State Vision Professionals Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the State Vision Professionals Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the State Board of Optometry and the Ohio Optical Dispensers Board may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Vision Professionals Board. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Vision Professionals Board or the Board's Executive Director, as appropriate. In all such actions and proceedings, the State Vision Professionals Board or the Board's Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the State Board of Optometry and the Ohio Optical Dispensers Board are transferred to the State Vision Professionals Board.

**Section 515.31.** (A) Effective January 21, 2018, the Ohio Board of Dietetics is abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Ohio Board of Dietetics, or by the Executive Secretary of the Board, shall be completed by the State Medical Board or the Executive Director of the State Medical Board in the same manner, and with the same effect, as if completed by the Ohio Board of Dietetics, or by the Executive Secretary of the Board.

(C) All rules, orders, and determinations of the Ohio Board

of Dietetics, or by the Executive Secretary of the Board shall 138879  
continue in effect as rules, orders, and determinations of the 138880  
State Medical Board until modified or rescinded by the State 138881  
Medical Board. If necessary to ensure the integrity of the 138882  
numbering of the Administrative Code, the Director of the 138883  
Legislative Service Commission shall renumber any rule to reflect 138884  
its transfer to the State Medical Board. 138885

Any licenses, certificates, permits, registrations, or 138886  
endorsements issued before January 21, 2018, by the Ohio Board of 138887  
Dietetics shall continue in effect as if issued by the State 138888  
Medical Board. 138889

(D) Effective January 21, 2018, whenever the term "Ohio Board 138890  
of Dietetics" is used in any statute, rule, contract, or other 138891  
document, the use shall be construed to mean the "State Medical 138892  
Board." 138893

Whenever the Executive Secretary of the Ohio Board of 138894  
Dietetics is used in any statute, rule, contract, or other 138895  
document, the use shall be construed to mean the Executive 138896  
Director of the State Medical Board. 138897

(E)(1) Subject to the lay-off provisions of sections 124.321 138898  
to 124.328 of the Revised Code, all employees of the Ohio Board of 138899  
Dietetics are transferred to the State Medical Board. The 138900  
employees shall retain their positions and benefits. 138901

(2) During the period beginning January 21, 2018, and ending 138902  
June 30, 2019, the Executive Director of the State Medical Board 138903  
may establish, change, and abolish positions on the Board and 138904  
assign, reassign, classify, reclassify, transfer, reduce, promote, 138905  
or demote all employees transferred to the Board under this 138906  
section who are not subject to Chapter 4117. of the Revised Code. 138907

(3) The authority granted to the Executive Director of the 138908  
Board under division (E)(2) of this section includes assigning or 138909

reassigning an exempt employee, as defined in section 124.152 of 138910  
the Revised Code, to a bargaining unit classification that the 138911  
Executive Director determines is the proper classification for 138912  
that employee. If an employee in the E-1 pay range is to be 138913  
assigned, reassigned, classified, reclassified, transferred, 138914  
reduced, or demoted to a position in a lower classification during 138915  
the period specified in this section, the Executive Director, or 138916  
in the case of a transfer to a position outside the Board, the 138917  
Director of Administrative Services, shall assign the employee to 138918  
the appropriate classification and place the employee in Step X. 138919  
The employee shall not receive any increase in compensation until 138920  
the maximum rate of pay for that classification exceeds the 138921  
employee's compensation. 138922

(4) Actions taken by the Executive Director pursuant to 138923  
division (E) of this section are not subject to appeal to the 138924  
State Personnel Board of Review. 138925

(F) Notwithstanding section 145.297 of the Revised Code, the 138926  
Ohio Board of Dietetics may, at that Board's discretion and with 138927  
approval from the Office of Budget and Management, establish a 138928  
retirement incentive plan for eligible employees of the Board who 138929  
are members of the Public Employees Retirement System. Any 138930  
retirement incentive plan established pursuant to this section 138931  
shall remain in effect until January 20, 2018. 138932

(G) No validation, cure, right, privilege, remedy, 138933  
obligation, or liability is lost or impaired by reason of the 138934  
transfer required by this section and shall be administered by the 138935  
State Medical Board. No action or proceeding pending on the 138936  
effective date of this act is affected by the transfer, and shall 138937  
be prosecuted or defended in the name of the State Medical Board 138938  
or the Board's Executive Director, as appropriate. In all such 138939  
actions and proceedings, the State Medical Board or the Board's 138940  
Executive Director shall be substituted as a party. 138941

(H) Effective January 21, 2018, all records, documents, 138942  
files, equipment, assets, and other materials of the Ohio Board of 138943  
Dietetics are transferred to the State Medical Board. 138944

**Section 515.32.** (A) Effective January 21, 2018, the Ohio 138945  
Occupational Therapy, Physical Therapy, and Athletic Trainers 138946  
Board and the State Board of Orthotics, Prosthetics, and 138947  
Pedorthics are abolished. 138948

(B) Any business commenced but not completed by January 21, 138949  
2018, by the Ohio Occupational Therapy, Physical Therapy, and 138950  
Athletic Trainers Board and the State Board of Orthotics, 138951  
Prosthetics, and Pedorthics, or by the executive directors of 138952  
those boards shall be completed by the State Physical Health 138953  
Services Board or the Executive Director of the State Physical 138954  
Health Services Board in the same manner, and with the same 138955  
effect, as if completed by the Ohio Occupational Therapy, Physical 138956  
Therapy, and Athletic Trainers Board or the State Board of 138957  
Orthotics, Prosthetics, and Pedorthics, or by the executive 138958  
directors of those boards. 138959

(C) All rules, orders, and determinations of the Ohio 138960  
Occupational Therapy, Physical Therapy, and Athletic Trainers 138961  
Board and the State Board of Orthotics, Prosthetics, and 138962  
Pedorthics, or by the executive directors of those boards continue 138963  
in effect as rules, orders, and determinations of the State 138964  
Physical Health Services Board until modified or rescinded by the 138965  
State Physical Health Services Board. If necessary to ensure the 138966  
integrity of the numbering of the Administrative Code, the 138967  
Director of the Legislative Service Commission shall renumber any 138968  
rule to reflect its transfer to the State Physical Health Services 138969  
Board. 138970

Any licenses, certificates, permits, registrations, or 138971  
endorsements issued before January 21, 2018, by the Ohio 138972



Occupational Therapy, Physical Therapy, and Athletic Trainers 138973  
Board or the State Board of Orthotics, Prosthetics, and Pedorthics 138974  
shall continue in effect as if issued by the State Physical Health 138975  
Services Board. 138976

(D) Effective January 21, 2018, whenever the term "Ohio 138977  
Occupational Therapy, Physical Therapy, and Athletic Trainers 138978  
Board" or "State Board of Orthotics, Prosthetics, and Pedorthics" 138979  
is used in any statute, rule, contract, or other document, the use 138980  
shall be construed to mean the "State Physical Health Services 138981  
Board." 138982

Whenever the Executive Director of the "Ohio Occupational 138983  
Therapy, Physical Therapy, and Athletic Trainers Board" or "State 138984  
Board of Orthotics, Prosthetics, and Pedorthics" is used in any 138985  
statute, rule, contract, or other document, the use shall be 138986  
construed to mean the Executive Director of the State Physical 138987  
Health Services Board. 138988

(E)(1) Subject to the lay-off provisions of sections 124.321 138989  
to 124.328 of the Revised Code, all employees of the Ohio 138990  
Occupational Therapy, Physical Therapy, and Athletic Trainers 138991  
Board and the State Board of Orthotics, Prosthetics, and 138992  
Pedorthics are transferred to the State Physical Health Services 138993  
Board. The employees shall retain their positions and benefits. 138994

(2) During the period beginning January 21, 2018, and ending 138995  
June 30, 2019, the Executive Director of the State Physical Health 138996  
Services Board may establish, change, and abolish positions on the 138997  
Board and assign, reassign, classify, reclassify, transfer, 138998  
reduce, promote, or demote all employees of the Board who are not 138999  
subject to Chapter 4117. of the Revised Code. 139000

(3) The authority granted to the Executive Director of the 139001  
Board under division (E)(2) of this section includes assigning or 139002  
reassigning an exempt employee, as defined in section 124.152 of 139003

the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding section 145.297 of the Revised Code, the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until January 20, 2018.

(G) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the State Physical Health Services Board. No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Physical Health Services Board or the Board's Executive Director, as appropriate. In all such actions and proceedings, the

State Physical Health Services Board or the Board's Executive Director shall be substituted as a party. 139036  
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(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics are transferred to the State Physical Health Services Board. 139038  
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**Section 515.33.** (A) Effective January 21, 2018, the Hearing Aid Dealers and Fitters Licensing Board and the Board of Speech-Language Pathology and Audiology are abolished. 139044  
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(B) Any business commenced but not completed by January 21, 2018, by the Hearing Aid Dealers and Fitters Licensing Board and the Board of Speech-Language Pathology and Audiology or by the executive director or secretary of those boards, as applicable, shall be completed by the State Speech and Hearing Professionals Board or the Executive Director of the State Speech and Hearing Professionals Board in the same manner, and with the same effect, as if completed by the Hearing Aid Dealers and Fitters Licensing Board or the Board of Speech-Language Pathology and Audiology or by the executive director or secretary of those boards, as applicable. 139047  
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(C) All rules, orders, and determinations of the Hearing Aid Dealers and Fitters Licensing Board and the Board of Speech-Language Pathology and Audiology or by the executive director or secretary of those boards, as applicable, shall continue in effect as rules, orders, and determinations of the State Speech and Hearing Professionals Board until modified or rescinded by the State Speech and Hearing Professionals Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service 139058  
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Commission shall renumber any rule to reflect its transfer to the 139067  
State Speech and Hearing Professionals Board. 139068

Any licenses, certificates, permits, registrations, or 139069  
endorsements issued before January 21, 2018, by the Hearing Aid 139070  
Dealers and Fitters Licensing Board, or the Board of 139071  
Speech-Language Pathology and Audiology shall continue in effect 139072  
as if issued by the State Speech and Hearing Professionals Board. 139073

(D) Effective January 21, 2018, whenever the term "Hearing 139074  
Aid Dealers and Fitters Licensing Board" or "Board of 139075  
Speech-Language Pathology and Audiology" is used in any statute, 139076  
rule, contract, or other document, the use shall be construed to 139077  
mean the "State Speech and Hearing Professionals Board." 139078

Whenever the term "Secretary of the Hearing Aid Dealers and 139079  
Fitters Licensing Board" or "Executive Director of the Board of 139080  
Speech-Language Pathology and Audiology" is used in a statute, 139081  
rule, contract, or other document, the use shall be construed to 139082  
mean the Executive Director of the State Speech and Hearing 139083  
Professionals Board. 139084

(E)(1) Subject to the lay-off provisions of sections 124.321 139085  
to 124.328 of the Revised Code, all employees of the Hearing Aid 139086  
Dealers and Fitters Licensing Board and the Board of 139087  
Speech-Language Pathology and Audiology are transferred to the 139088  
State Speech and Hearing Professionals Board. The employees shall 139089  
retain their positions and benefits. 139090

(2) During the period beginning January 21, 2018, and ending 139091  
June 30, 2019, the Executive Director of the State Speech and 139092  
Hearing Professionals Board may establish, change, and abolish 139093  
positions on the Board and assign, reassign, classify, reclassify, 139094  
transfer, reduce, promote, or demote all employees of the Board 139095  
who are not subject to Chapter 4117. of the Revised Code. 139096

(3) The authority granted to the Executive Director of the 139097

Board under division (E)(2) of this section includes assigning or 139098  
reassigning an exempt employee, as defined in section 124.152 of 139099  
the Revised Code, to a bargaining unit classification that the 139100  
Executive Director determines is the proper classification for 139101  
that employee. If an employee in the E-1 pay range is to be 139102  
assigned, reassigned, classified, reclassified, transferred, 139103  
reduced, or demoted to a position in a lower classification during 139104  
the period specified in this section, the Executive Director, or 139105  
in the case of a transfer to a position outside the Board, the 139106  
Director of Administrative Services, shall assign the employee to 139107  
the appropriate classification and place the employee in Step X. 139108  
The employee shall not receive any increase in compensation until 139109  
the maximum rate of pay for that classification exceeds the 139110  
employee's compensation. 139111

(4) Actions taken by the Executive Director pursuant to 139112  
division (E) of this section are not subject to appeal to the 139113  
State Personnel Board of Review. 139114

(F) Notwithstanding section 145.297 of the Revised Code, the 139115  
Hearing Aid Dealers and Fitters Licensing Board and the Board of 139116  
Speech-Language Pathology and Audiology may, at that board's 139117  
discretion and with approval from the Office of Budget and 139118  
Management, establish a retirement incentive plan for eligible 139119  
employees of those boards who are members of the Public Employees 139120  
Retirement System. Any retirement incentive plan established 139121  
pursuant to this section shall remain in effect until January 20, 139122  
2018. 139123

(G) No validation, cure, right, privilege, remedy, 139124  
obligation, or liability is lost or impaired by reason of the 139125  
transfer required by this section and shall be administered by the 139126  
State Speech and Hearing Professionals Board. No action or 139127  
proceeding pending on the effective date of this act is affected 139128  
by the transfer, and shall be prosecuted or defended in the name 139129

of the State Speech and Hearing Professionals Board or the Board's Executive Director, as appropriate. In all such actions and proceedings, the State Speech and Hearing Professionals Board or the Board's Executive Director shall be substituted as a party.

(H) Effective January 21, 2018, all records, documents, files, equipment, assets, and other materials of the Hearing Aid Dealers and Fitters Licensing Board and the Board of Speech-Language Pathology and Audiology are transferred to the State Speech and Hearing Professionals Board.

**Section 515.34.** (A) Effective January 21, 2018, the Ohio Respiratory Care Board is abolished.

(B) Any business commenced but not completed by January 21, 2018, by the Ohio Respiratory Care Board, or by the Executive Director of the Board, shall be completed by the State Board of Pharmacy, with respect to implementing Chapter 4752. of the Revised Code, and the State Medical Board, with respect to implementing Chapter 4761. of the Revised Code, or by the executive directors of those boards in the same manner, and with the same effect, as if completed by the Ohio Respiratory Care Board, or by the Executive Director of the Board.

(C) All rules, orders, and determinations of the Ohio Respiratory Care Board, or by the Executive Director of the Board shall continue in effect as rules, orders, and determinations of the State Board of Pharmacy, with respect to implementing Chapter 4752. of the Revised Code, and the State Medical Board, with respect to implementing Chapter 4761. of the Revised Code, until modified or rescinded by the State Board of Pharmacy or the State Medical Board. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber any rule to reflect its transfer to the State Board of Pharmacy or the State Medical

Board. 139161

Any licenses, certificates, permits, registrations, or 139162  
endorsements issued before January 21, 2018, by the Ohio 139163  
Respiratory Care Board shall continue in effect as if issued by 139164  
the State Board of Pharmacy, with respect to implementing Chapter 139165  
4752. of the Revised Code, and the State Medical Board, with 139166  
respect to implementing Chapter 4761. of the Revised Code. 139167

(D) Effective January 21, 2018, whenever the term "Ohio 139168  
Respiratory Care Board" is used in any statute, rule, contract, or 139169  
other document, the use shall be construed to mean the "State 139170  
Board of Pharmacy," with respect to implementing Chapter 4752. of 139171  
the Revised Code, or the "State Medical Board," with respect to 139172  
implementing Chapter 4761. of the Revised Code. 139173

Whenever the Executive Director of the Ohio Respiratory Care 139174  
Board is used in any statute, rule, contract, or other document, 139175  
the use shall be construed to mean the Executive Director of the 139176  
State Board of Pharmacy, with respect to implementing Chapter 139177  
4752. of the Revised Code, or the Executive Director of the State 139178  
Medical Board, with respect to implementing Chapter 4761. of the 139179  
Revised Code. 139180

(E)(1) Subject to the lay-off provisions of sections 124.321 139181  
to 124.328 of the Revised Code, all employees of the Ohio 139182  
Respiratory Care Board are transferred to the State Board of 139183  
Pharmacy, with respect to implementing Chapter 4752. of the 139184  
Revised Code, or the State Medical Board, with respect to 139185  
implementing Chapter 4761. of the Revised Code. The employees 139186  
shall retain their positions and benefits. 139187

(2) During the period beginning January 21, 2018, and ending 139188  
June 30, 2019, the executive directors of the State Board of 139189  
Pharmacy and the State Medical Board may establish, change, and 139190  
abolish positions on those boards and assign, reassign, classify, 139191

reclassify, transfer, reduce, promote, or demote all employees 139192  
transferred to those boards under this section who are not subject 139193  
to Chapter 4117. of the Revised Code. 139194

(3) The authority granted to the executive directors of the 139195  
State Board of Pharmacy and the State Medical Board under division 139196  
(E)(2) of this section includes assigning or reassigning an exempt 139197  
employee, as defined in section 124.152 of the Revised Code, to a 139198  
bargaining unit classification that the executive directors 139199  
determine is the proper classification for that employee. If an 139200  
employee in the E-1 pay range is to be assigned, reassigned, 139201  
classified, reclassified, transferred, reduced, or demoted to a 139202  
position in a lower classification during the period specified in 139203  
this section, the executive directors, or in the case of a 139204  
transfer to a position outside those boards, the Director of 139205  
Administrative Services, shall assign the employee to the 139206  
appropriate classification and place the employee in Step X. The 139207  
employee shall not receive any increase in compensation until the 139208  
maximum rate of pay for that classification exceeds the employee's 139209  
compensation. 139210

(4) Actions taken by the executive directors pursuant to 139211  
division (E) of this section are not subject to appeal to the 139212  
State Personnel Board of Review. 139213

(F) Notwithstanding section 145.297 of the Revised Code, the 139214  
Ohio Respiratory Care Board may, at the Board's discretion and 139215  
with approval from the Office of Budget and Management, establish 139216  
a retirement incentive plan for eligible employees of the Board 139217  
who are members of the Public Employees Retirement System. Any 139218  
retirement incentive plan established pursuant to this section 139219  
shall remain in effect until January 20, 2018. 139220

(G) No validation, cure, right, privilege, remedy, 139221  
obligation, or liability is lost or impaired by reason of the 139222  
transfer required by this section and shall be administered by the 139223



State Board of Pharmacy, with respect to implementing Chapter 139224  
4752. of the Revised Code, and the State Medical Board, with 139225  
respect to implementing Chapter 4761. of the Revised Code. No 139226  
action or proceeding pending on the effective date of this act is 139227  
affected by the transfer, and shall be prosecuted or defended in 139228  
the name of the State Board of Pharmacy or the State Medical 139229  
Board, as applicable, or that board's executive director, as 139230  
appropriate. In all such actions and proceedings, the State Board 139231  
of Pharmacy or the State Medical Board, as applicable, or that 139232  
board's executive director shall be substituted as a party. 139233

(H) Effective January 21, 2018, all records, documents, 139234  
files, equipment, assets, and other materials of the Ohio 139235  
Respiratory Care Board are transferred to the State Board of 139236  
Pharmacy, with respect to implementing Chapter 4752. of the 139237  
Revised Code and the State Medical Board, with respect to 139238  
implementing Chapter 4761. of the Revised Code. 139239

**Section 515.35.** Notwithstanding any provision of the law to 139240  
the contrary, on or after the effective date of this section, the 139241  
Director of Budget and Management shall make any accounting 139242  
changes made necessary by the transfers and consolidations 139243  
contained in Sections 515.30 to 515.34 of this act. 139244

On or after January 21, 2018, the Director of Budget and 139245  
Management may cancel any existing encumbrances of any agency 139246  
abolished in Sections 515.30 to 515.34 of this act and reestablish 139247  
those encumbrances to the State Vision Professionals Board, the 139248  
State Speech and Hearing Professionals Board, the State Physical 139249  
Health Services Board, the State Pharmacy Board, or the State 139250  
Medical Board as necessary. The reestablished encumbrance amounts 139251  
are hereby appropriated. 139252

**Section 515.40.** (A) On January 21, 2018, the Barber Board is 139253

abolished. The State Cosmetology and Barber Board is successor to, 139254  
assumes the obligations, and authority of the Barber Board. Any 139255  
business commenced but not completed by the Barber Board shall be 139256  
completed by the State Cosmetology and Barber Board. Any 139257  
validation, right, cure, privilege, remedy, obligation, or 139258  
liability is not lost or impaired solely by this abolishment and 139259  
shall be administered by the State Cosmetology and Barber Board. 139260  
Any action or proceeding pending on January 21, 2018, that is not 139261  
affected by the abolishment of the Barber Board and shall be 139262  
prosecuted or defended in the name of the State Cosmetology and 139263  
Barber Board. In all such actions and proceedings, the State 139264  
Cosmetology and Barber Board may be substituted as a party upon 139265  
application to the court or other tribunal. 139266

(B)(1) Subject to the layoff provisions of sections 124.321 139267  
to 124.328 of the Revised Code, on January 21, 2018, all employees 139268  
of the Barber Board are transferred to the State Cosmetology and 139269  
Barber Board. The employees shall retain their positions and 139270  
benefits. 139271

(2) During the period beginning January 21, 2018, and ending 139272  
June 30, 2019, the Executive Director of the State Cosmetology and 139273  
Barber Board may establish, change, and abolish positions of the 139274  
State Cosmetology and Barber Board and assign, reassign, classify, 139275  
reclassify, transfer, reduce, promote, or demote all employees of 139276  
the Board who are not subject to Chapter 4117. of the Revised 139277  
Code. 139278

(3) The authority granted under division (B)(2) of this 139279  
section includes assigning or reassigning an exempt employee, as 139280  
defined in section 124.152 of the Revised Code, to a bargaining 139281  
unit classification if the Executive Director determines that the 139282  
bargaining unit classification is the proper classification for 139283  
that employee. If an employee in the E-1 pay range is to be 139284

assigned, reassigned, classified, reclassified, transferred, 139285  
reduced, or demoted to a position in a lower classification during 139286  
the period specified in division (B)(2) of this section, the 139287  
Executive Director, or in the case of a transfer outside the Board 139288  
the Director of Administrative Services, shall assign the employee 139289  
to the appropriate classification and place the employee in Step 139290  
X. The employee shall not receive any increase in compensation 139291  
until the maximum rate of pay for that classification exceeds the 139292  
employee's compensation. 139293

(4) Actions taken by the Executive Director pursuant to 139294  
division (B) of this section are not subject to appeal to the 139295  
State Personnel Board of Review. 139296

(C) Notwithstanding section 145.297 of the Revised Code, the 139297  
Barber Board may at the Board's discretion and with approval from 139298  
the Office of Budget and Management, establish a retirement 139299  
incentive plan for eligible employees of the Barber Board who are 139300  
members of the Public Employees Retirement System. Any retirement 139301  
incentive plan established pursuant to this section shall remain 139302  
in effect until January 20, 2018. 139303

(D) On January 21, 2018, all equipment, assets, supplies, 139304  
records, and other property of the Barber Board is transferred to 139305  
the State Cosmetology and Barber Board. 139306

(E) All rules, orders, and determinations made or undertaken 139307  
by the Barber Board shall continue in effect as the rules, orders, 139308  
and determinations of the State Cosmetology and Barber Board until 139309  
modified, rescinded, or replaced. If necessary to ensure the 139310  
integrity of the Administrative Code, the Director of the 139311  
Legislative Service Commission shall renumber the rules relating 139312  
to the Barber Board to reflect its abolishment pursuant to this 139313  
provision and transfer of duties to the State Cosmetology and 139314  
Barber Board pursuant to the provisions contained within this act. 139315  
Within one hundred eighty days after the effective date of this 139316

section, the State Cosmetology and Barber Board shall submit 139317  
proposed rules to the Joint Committee on Agency Rule Review 139318  
addressing fees and fines previously assessed by the Barber Board 139319  
pursuant to Chapter 4709. of the Revised Code, and where 139320  
reasonably possible, shall reduce the amount and frequency of 139321  
collection and assessment. 139322

(F) Any licenses, certificates, permits, registrations, or 139323  
endorsements issued before January 21, 2018, by the Barber Board 139324  
shall continue in effect as if issued by the State Cosmetology and 139325  
Barber Board. 139326

(G) On or after January 21, 2018, notwithstanding any 139327  
provision of law to the contrary, the Director of Budget and 139328  
Management may make budget changes made necessary by this section, 139329  
including cancelling encumbrances of the Barber Board and 139330  
reestablishing them as encumbrances of the State Cosmetology and 139331  
Barber Board. Any reestablished encumbrances are hereby 139332  
appropriated. 139333

**Section 515.50.** An amount up to \$100,000 of the unexpended, 139334  
unencumbered balance of appropriation item 047321, Operating 139335  
Expenses, at the end of fiscal year 2017 is hereby reappropriated 139336  
to the same appropriation item for fiscal year 2018. Of that 139337  
amount, up to \$75,000 shall be used for the Joint Education 139338  
Oversight Committee's operating expenses for that fiscal year, and 139339  
up to \$25,000 shall be used to pay obligations associated with the 139340  
closure of the Joint Education Oversight Committee, including any 139341  
final payroll expenses occurring after the closure of the 139342  
Committee. 139343

**Section 518.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 139344

Certain appropriations are in this act for the purpose of 139345  
paying debt service and financing costs on general obligation 139346

bonds or notes of the state issued pursuant to the Ohio  
Constitution and acts of the General Assembly. If it is determined  
that additional appropriations are necessary for this purpose,  
such amounts are hereby appropriated.

**Section 518.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE

Certain appropriations are in this act for the purpose of  
making lease rental payments pursuant to leases and agreements  
relating to bonds or notes issued by the Treasurer of State, or  
previously by the Ohio Building Authority, pursuant to the Ohio  
Constitution and acts of the General Assembly. If it is determined  
that additional appropriations are necessary for this purpose,  
such amounts are hereby appropriated.

**Section 518.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS

The Office of Budget and Management shall process payments  
from general obligation and lease rental payment appropriation  
items during the period from July 1, 2017, through June 30, 2019,  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m,  
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution,  
and Chapters 151., 152., and 154. of the Revised Code. Payments  
shall be made upon certification by the Treasurer of State of the  
dates and the amounts due on those dates.

**Section 521.10.** STATE AND LOCAL REBATE AUTHORIZATION

If it is determined that a payment is necessary in the amount  
computed at the time to represent the portion of investment income  
to be rebated or amounts in lieu of or in addition to any rebate  
amount to be paid to the federal government in order to maintain  
the exclusion from gross income for federal income tax purposes of  
interest on those state obligations under section 148(f) of the

Internal Revenue Code, such an amount is hereby appropriated from 139376  
those funds designated by or pursuant to the applicable 139377  
proceedings authorizing the issuance of state obligations. 139378

Payments for this purpose shall be approved and vouchered by 139379  
the Office of Budget and Management. 139380

**Section 521.20.** STATEWIDE INDIRECT COST RECOVERY 139381

Whenever the Director of Budget and Management determines 139382  
that an appropriation made to a state agency from a fund of the 139383  
state is insufficient to provide for the recovery of statewide 139384  
indirect costs under section 126.12 of the Revised Code, the 139385  
amount required for such purpose is hereby appropriated from the 139386  
available receipts of such fund. 139387

**Section 521.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 139388  
COST ALLOCATION PLAN 139389

The total transfers made from the General Revenue Fund by the 139390  
Director of Budget and Management under this section shall not 139391  
exceed the amounts transferred into the General Revenue Fund under 139392  
section 126.12 of the Revised Code. 139393

The director of an agency may certify to the Director of 139394  
Budget and Management the amount of expenses not allowed to be 139395  
included in the Statewide Indirect Cost Allocation Plan under 139396  
federal regulations, from any fund included in the Statewide 139397  
Indirect Cost Allocation Plan, prepared as required by section 139398  
126.12 of the Revised Code. 139399

Upon determining that no alternative source of funding is 139400  
available to pay for such expenses, the Director of Budget and 139401  
Management may transfer cash from the General Revenue Fund into 139402  
the fund for which the certification is made, up to the amount of 139403  
the certification. The director of the agency receiving such funds 139404  
shall include, as part of the next budget submission prepared 139405

under section 126.02 of the Revised Code, a request for funding 139406  
for such activities from an alternative source such that further 139407  
federal disallowances would not be required. 139408

The director of an agency may certify to the Director of 139409  
Budget and Management the amount of expenses paid in error from a 139410  
fund included in the Statewide Indirect Cost Allocation Plan. The 139411  
Director of Budget and Management may transfer cash from the fund 139412  
from which the expenditure should have been made into the fund 139413  
from which the expenses were erroneously paid, up to the amount of 139414  
the certification. 139415

The director of an agency may certify to the Director of 139416  
Budget and Management the amount of expenses or revenues not 139417  
allowed to be included in the Statewide Indirect Cost Allocation 139418  
Plan under federal regulations, for any fund included in the 139419  
Statewide Indirect Cost Allocation Plan, for which the federal 139420  
government requires payment. If the Director of Budget and 139421  
Management determines that an appropriation made to a state agency 139422  
from a fund of the state is insufficient to pay the amount 139423  
required by the federal government, the amount required for such 139424  
purpose is hereby appropriated from the available receipts of such 139425  
fund, up to the amount of the certification. 139426

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 139427

Notwithstanding any provision of law to the contrary, on or 139428  
before the first day of September of each fiscal year, the 139429  
Director of Budget and Management, in order to reduce the payment 139430  
of adjustments to the federal government, as determined by the 139431  
plan prepared under division (A) of section 126.12 of the Revised 139432  
Code, may designate such funds as the Director considers necessary 139433  
to retain their own interest earnings. 139434

**Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 139435

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

**Section 610.10.** That Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly be amended and that Section 369.540 of Am. Sub. H.B. 64 of the 131st General Assembly be amended to codify it as section 3333.95 of the Revised Code to read as follows:

**Sec. ~~369.540~~ 3333.95. ~~EFFICIENCY ADVISORY COMMITTEE~~**

The ~~Chancellor~~ chancellor of ~~Higher Education~~ higher education shall maintain an efficiency advisory committee for the purpose of generating ~~optimal~~ institutional efficiency ~~plans~~ reports for campuses, identifying shared services opportunities, streamlining administrative operations, and sharing best practices in efficiencies among public institutions of higher education. The committee shall meet at the call of the ~~Chancellor~~ chancellor or the ~~Chancellor's~~ chancellor's designee. Each state institution of higher education shall designate an employee to serve as its efficiency officer responsible for the evaluation and improvement of operational efficiencies on campus. Each efficiency officer shall serve on the efficiency advisory committee.

By the thirty-first day of December ~~31~~ of each year, the ~~Chancellor~~ chancellor of ~~Higher Education~~ higher education shall provide a report to the ~~Office~~ office of ~~Budget~~ budget and ~~Management~~ management, the ~~Governor~~ governor, and the ~~General Assembly~~ president of the senate, and the speaker of the house of representatives compiling efficiency reports from all public



institutions of higher education and benchmarking efficiency gains 139466  
realized over the preceding year. The reports from each 139467  
institution shall identify efficiencies at each public institution 139468  
of higher education, and quantify revenue enhancements, 139469  
reallocation of resources, expense reductions, and cost avoidance 139470  
where possible in the areas of general operational functions, 139471  
academic program delivery, energy usage, and information 139472  
technology and procurement reforms. The reports shall particularly 139473  
emphasize areas where these reforms are demonstrating savings or 139474  
cost avoidance to students. The report shall also be made 139475  
available to the public on the ~~Department~~ department of ~~Higher~~ 139476  
Education's higher education's web site. 139477

**Section 610.11.** That existing Section 369.540 of Am. Sub. 139478  
H.B. 64 of the 131st General Assembly is hereby repealed. 139479

**Section 610.20.** That Section 529.10 of S.B. 310 of the 131st 139480  
General Assembly be amended and that Section 529.10 of S.B. 310 of 139481  
the 131st General Assembly be amended to codify it as section 139482  
123.211 of the Revised Code to read as follows: 139483

**Sec. ~~529.10~~ 123.211.** ~~AGENCY ADMINISTRATION OF CAPITAL~~ 139484  
~~FACILITIES PROJECTS~~ 139485

(A) Notwithstanding any contrary provision of section 123.21 139486  
of the Revised Code, the ~~Executive Director~~ executive director of 139487  
the Ohio ~~Facilities Construction Commission~~ facilities 139488  
construction commission may authorize any of the ~~Departments of~~ 139489  
~~Mental Health and Addiction Services, Developmental Disabilities,~~ 139490  
~~Agriculture, Job and Family Services, Rehabilitation and~~ 139491  
~~Correction, Youth Services, Public Safety, Transportation,~~ 139492  
~~Veterans Services, and the Bureau of Workers' Compensation~~ 139493  
following agencies to administer any capital facilities ~~projects~~ 139494  
project, the estimated cost of which, including design fees, 139495

|                                                                                               |        |
|-----------------------------------------------------------------------------------------------|--------|
| construction, equipment, and contingency amounts, is less than                                | 139496 |
| <u>\$1,500,000 one million five hundred thousand dollars:</u>                                 | 139497 |
| <u>(1) The department of mental health and addiction services;</u>                            | 139498 |
| <u>(2) The department of developmental disabilities;</u>                                      | 139499 |
| <u>(3) The department of agriculture;</u>                                                     | 139500 |
| <u>(4) The department of job and family services;</u>                                         | 139501 |
| <u>(5) The department of rehabilitation and correction;</u>                                   | 139502 |
| <u>(6) The department of youth services;</u>                                                  | 139503 |
| <u>(7) The department of public safety;</u>                                                   | 139504 |
| <u>(8) The department of transportation;</u>                                                  | 139505 |
| <u>(9) The department of veterans services;</u>                                               | 139506 |
| <u>(10) The bureau of workers' compensation;</u>                                              | 139507 |
| <u>(11) The department of administrative services;</u>                                        | 139508 |
| <u>(12) The state school for the deaf;</u>                                                    | 139509 |
| <u>(13) The state school for the blind. Requests</u>                                          | 139510 |
| <u>(B) A state agency that wishes to administer a project under</u>                           | 139511 |
| <u>division (A) of this section shall submit a request for</u>                                | 139512 |
| <u>authorization to administer capital facilities projects shall be</u>                       | 139513 |
| <u>made through the OAKS-CI Ohio administrative knowledge system</u>                          | 139514 |
| <u>capital improvements application by the applicable state agency.</u>                       | 139515 |
| <u>Upon the release of funds for the projects by the Controlling</u>                          | 139516 |
| <u>Board <u>controlling board</u> or the Director <u>director</u> of Budget <u>budget</u></u> | 139517 |
| <u>and Management <u>management</u>, the agency may administer the capital</u>                | 139518 |
| <u>project or projects for which agency administration has been</u>                           | 139519 |
| <u>authorized without the supervision, control, or approval of the</u>                        | 139520 |
| <u>Executive Director <u>executive director</u> of the Ohio Facilities</u>                    | 139521 |
| <u>Construction Commission <u>facilities construction commission</u>.</u>                     | 139522 |
| <u>(C) A state agency authorized by the Executive Director</u>                                | 139523 |

~~executive director~~ of the Ohio ~~Facilities Construction Commission~~ 139524  
~~facilities construction commission~~ to administer capital 139525  
 facilities projects pursuant to this section shall comply with the 139526  
 applicable procedures and guidelines established in Chapter 153. 139527  
 of the Revised Code and shall track all project information in 139528  
~~OAKS-CI~~ ~~the Ohio administrative knowledge system capital~~ 139529  
~~improvements application~~ pursuant to Ohio ~~Facilities Construction~~ 139530  
~~Commission~~ ~~facilities construction commission~~ guidelines. 139531

**Section 610.21.** That existing Section 529.10 of S.B. 310 of 139532  
 the 131st General Assembly is hereby repealed. 139533

**Section 610.23.** That Sections 213.10, 213.20, and 217.10 of 139534  
 S.B. 310 of the 131st General Assembly be amended to read as 139535  
 follows: 139536

**Sec. 213.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 139537

|                                                 |                                      |                          |        |
|-------------------------------------------------|--------------------------------------|--------------------------|--------|
| Building Improvement Fund (Fund 5KZ0)           |                                      |                          | 139538 |
| C10035                                          | Building Improvement                 | \$ 10,693,000            | 139539 |
|                                                 | TOTAL Building Improvement Fund      | \$ 10,693,000            | 139540 |
| Administrative Building Fund (Fund 7026) 139541 |                                      |                          |        |
| C10011                                          | Statewide Communications System      | \$ 3,900,000             | 139542 |
| C10015                                          | SOCC Facility Renovations            | \$ 15,884,371            | 139543 |
| C10020                                          | North High Street Complex Renovation | \$ 18,075,000            | 139544 |
| C10034                                          | Aronoff Center - Systems/Capital     | \$ 750,000               | 139545 |
|                                                 | Replacement                          |                          |        |
| C10036                                          | Rhodes Tower Renovations             | \$ 19,250,000            | 139546 |
| <u>C10037</u>                                   | <u>Voting Machine Reimbursement</u>  | <u>\$ 1,000,000</u>      | 139547 |
|                                                 | TOTAL Administrative Building Fund   | \$ <del>57,859,371</del> | 139548 |
|                                                 |                                      | <u>58,859,371</u>        |        |
|                                                 | TOTAL ALL FUNDS                      | \$ <del>68,552,371</del> | 139549 |
|                                                 |                                      | <u>69,552,371</u>        |        |

VOTING MACHINE REIMBURSEMENT 139550

The foregoing appropriation item C10037, Voting Machine Reimbursement, shall be used to reimburse counties that have entered into agreements for new voting machines and associated services and equipment on or after January 1, 2014, for up to 50% of their acquisition costs. Counties shall notify the Office of Procurement Services of the agreement to be reimbursed, and provide all necessary information to the Office before reimbursement can be issued. All reimbursements are not to exceed \$250,000, and shall be paid to the county's general fund.

The Director of Administrative Services, in consultation with the Secretary of State, on the effective date of this section, shall issue a request for proposal (RFP) and select not more than three vendors certified under section 3506.05 of the Revised Code, for the purpose of creating a unified statewide purchasing or leasing plan for voting and tabulation equipment.

It is the intent of the General Assembly to provide additional funding to counties for voting machine and associated services and equipment purchases, leases, or reimbursements by FY 2019 in the manner provided under this section.

**Sec. 213.20.** The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~\$102,000,000~~ \$103,500,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Administrative Building Fund (Fund 7026) to pay costs associated with previously authorized capital facilities and the appropriations in this act made from Fund 7026.

|                     |                                                    |                                             |        |
|---------------------|----------------------------------------------------|---------------------------------------------|--------|
| <b>Sec. 217.10.</b> | COM DEPARTMENT OF COMMERCE                         |                                             | 139582 |
|                     | State Fire Marshal Fund (Fund 5460)                |                                             | 139583 |
| C80009              | Forensic Laboratory Equipment                      | \$ 110,000                                  | 139584 |
| C80023              | SFM Renovations and Improvements                   | \$ 1,900,000                                | 139585 |
| C80026              | Forensic Evidence Storage/Maintenance<br>Structure | \$ 2,187,500                                | 139586 |
|                     | TOTAL State Fire Marshal Fund                      | \$ 4,197,500                                | 139587 |
|                     | Administrative Building Fund (Fund 7026)           |                                             | 139588 |
| C80032              | Wellston Burn Building                             | \$ 300,000                                  | 139589 |
| <u>C80033</u>       | <u>Wayne County Regional Training Facility</u>     | <u>\$ 500,000</u>                           | 139590 |
|                     | TOTAL Administrative Building Fund                 | \$ <del>300,000</del><br><u>800,000</u>     | 139591 |
|                     | TOTAL ALL FUNDS                                    | \$ <del>4,497,500</del><br><u>4,997,500</u> | 139592 |

**Section 610.24.** That existing Sections 213.10, 213.20, and 217.10 of S.B. 310 of the 131st General Assembly are hereby repealed.

**Section 610.25.** That Section 253.330 of Am. Sub. S.B. 260 of the 131st General Assembly be amended to read as follows:

Reappropriations

|                      |                                                       |           |        |
|----------------------|-------------------------------------------------------|-----------|--------|
| <b>Sec. 253.330.</b> | UCN UNIVERSITY OF CINCINNATI                          |           | 139599 |
|                      | Higher Education Improvement Taxable Fund (Fund 7024) |           | 139600 |
| C26690               | Hamilton County Fairgrounds Improvements<br>- Taxable | \$ 27,567 | 139601 |
|                      | TOTAL Higher Education Improvement Taxable Fund       | \$ 27,567 | 139602 |
|                      | Higher Education Improvement Fund (Fund 7034)         |           | 139603 |
| C26502               | Raymond Walters Renovations                           | \$ 1,112  | 139604 |
| C26503               | Institutional and Data Processing<br>Equipment        | \$ 59,883 | 139605 |

|                                         |                                                          |               |                                            |        |
|-----------------------------------------|----------------------------------------------------------|---------------|--------------------------------------------|--------|
| C26553                                  | Developmental Neurobiology                               | \$            | 303,750                                    | 139606 |
| C26604                                  | Barrett Cancer Center                                    | \$            | 27,594                                     | 139607 |
| C26606                                  | Hebrew Union College                                     | \$            | 119,167                                    | 139608 |
| C26615                                  | Beech Acres                                              | \$            | 1,790                                      | 139609 |
| C26666                                  | Snyder Building Roof Replacement -<br>Clermont           | \$            | 472,048                                    | 139610 |
| C26669                                  | General Electric Aviation Research<br>Center             | \$            | 1,023,199                                  | 139611 |
| C26671                                  | Muntz Hall Renovations, 100 Level                        | \$            | 42,791                                     | 139612 |
| C26673                                  | MRI Pilot Microfactory                                   | \$            | 50,976                                     | 139613 |
| C26676                                  | Wherry and Health Professions Building<br>Rehabilitation | \$            | 7,323,893                                  | 139614 |
| C26677                                  | Roof Repair and Replacement - Blue Ash                   | \$            | 742,072                                    | 139615 |
| C26678                                  | Muntz Hall - Blue Ash                                    | \$            | 1,000,000                                  | 139616 |
| C26679                                  | HVAC Repair and Replacements - Clermont                  | \$            | 1,750,000                                  | 139617 |
| C26681                                  | Institutional Roof Replacement                           | \$            | 1,170,157                                  | 139618 |
| <del>C26682</del>                       | <del>Boys and Girls Club</del>                           | <del>\$</del> | <del>250,000</del>                         | 139619 |
| C26684                                  | Whole Home Modifications                                 | \$            | 215,000                                    | 139620 |
| C26685                                  | Clermont County Airport Improvements                     | \$            | 500,000                                    | 139621 |
| C26688                                  | Angle X-Ray Scattering System                            | \$            | 60,000                                     | 139622 |
| TOTAL Higher Education Improvement Fund |                                                          | \$            | <del>15,113,432</del><br><u>14,863,432</u> | 139623 |
| TOTAL ALL FUNDS                         |                                                          | \$            | <del>15,140,999</del><br><u>14,890,999</u> | 139624 |

BASIC RENOVATIONS 139625

The amount reappropriated for the foregoing appropriation 139626  
item C26500, Basic Renovations, is the unencumbered and unallotted 139627  
balance as of June 30, 2016, in appropriation item C26500, Basic 139628  
Renovations, plus \$81,117, plus the unencumbered and unallotted 139629  
balance as of June 30, 2016, in appropriation items C26628, 139630  
Rieveschl 500 Teaching Lab, and C26675, Kettering Lab - Mechanical 139631  
and Electrical Renovation. Prior to the expenditure of this 139632  
appropriation, the University of Cincinnati shall certify to the 139633

Director of Budget and Management canceled encumbrances in the amount of at least \$81,117.

WHERRY AND HEALTH PROFESSIONS BUILDING RENOVATION AND EXPANSION

The amount reappropriated for the foregoing appropriation item C26676, Wherry and Health Professions Building Rehabilitation, is the unencumbered and unallotted balance as of June 30, 2016, in appropriation item C26676, Wherry and Health Professions Building Rehabilitation, plus the unencumbered and unallotted balance as of June 30, 2016, in appropriation item C26530, Medical Sciences Building Renovation and Expansion.

MUNTZ HALL - BLUE ASH

The amount reappropriated for the foregoing appropriation item C26678, Muntz Hall - Blue Ash, is the unencumbered and unallotted balance as of June 30, 2016, in appropriation item C26678, Muntz Hall - Blue Ash, plus the unencumbered and unallotted balance as of June 30, 2016, in appropriation items C26680, Muntz Hall Rehabilitation - Phase 1, and C26689, UCBA Walters Hall Roof.

**Section 610.26.** That existing Section 253.330 of Am. Sub. S.B. 260 of the 131st General Assembly is hereby repealed.

**Section 610.30.** That Sections 203.10 and 207.290 of S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 390 of the 131st General Assembly, be amended to read as follows:

**Sec. 203.10.** ADJ ADJUTANT GENERAL

Army National Guard Service Contract Fund (Fund 3420)  
C74537 Renovation Projects - Federal Share \$ 7,100,000  
C74539 Renovations and Improvements - Federal \$ 15,000,000

|                                                 |    |            |        |
|-------------------------------------------------|----|------------|--------|
| TOTAL Army National Guard Service Contract Fund | \$ | 22,100,000 | 139662 |
| Administrative Building Fund (Fund 7026)        |    |            | 139663 |
| C74528 Camp Perry Improvements                  | \$ | 2,250,000  | 139664 |
| C74535 Renovations and Improvements             | \$ | 5,100,000  | 139665 |
| C74540 Aerial Port of Embarkation/Debarkation   | \$ | 250,000    | 139666 |
| TOTAL Administrative Building Fund              | \$ | 7,600,000  | 139667 |
| TOTAL ALL FUNDS                                 | \$ | 29,700,000 | 139668 |

RENOVATIONS AND IMPROVEMENTS - FEDERAL 139669

The foregoing appropriation item C74539, Renovations and 139670  
Improvements - Federal, shall be used to fund capital projects 139671  
that are coded as receiving one hundred per cent federal support 139672  
pursuant to the agreement support code identified in the 139673  
Facilities Inventory and Support Plan between the Office of the 139674  
Adjutant General and the Army National Guard. Notwithstanding 139675  
section 131.35 of the Revised Code, if after the effective date of 139676  
this section, additional federal funds are made available to the 139677  
Adjutant General to carry out the Facilities Inventory Support 139678  
Plan, the Adjutant General may request that the Director of Budget 139679  
and Management authorize expenditures in excess of the amounts 139680  
appropriated to appropriation item C74539, Renovations and 139681  
Improvements - Federal. Upon approval of the Director of Budget 139682  
and Management the additional amounts are hereby appropriated. 139683  
Notwithstanding section 126.14 of the Revised Code, if the 139684  
Adjutant General is approved by the federal government to complete 139685  
additional, unanticipated one hundred per cent federally funded 139686  
projects after July 1, 2017, and before October 1, 2017, the 139687  
appropriations for these additional projects may be released upon 139688  
written approval of the Director of Budget and Management. 139689

AERIAL PORT OF EMBARKATION/DEBARKATION 139690

The foregoing appropriation item C74540, Aerial Port of 139691  
Embarkation/Debarkation, shall be used to acquire a cargo 139692  
facility, tarmac, and the surrounding property from the Western 139693



Reserve Port Authority. 139694

**Sec. 207.290.** SOC SOUTHERN STATE COMMUNITY COLLEGE 139695

Higher Education Improvement Fund (Fund 7034) 139696

C32206 Adams County Satellite Campus \$ ~~2,000,000~~ 139697  
3,000,000

C32208 Southern Gateway Economic Innovation \$ 1,000,000 139698  
Development Center

C32212 Clarksville Fire Training Center \$ 850,000 139699

C32213 Wilmington College Center for the \$ 1,500,000 139700  
Sciences and Agriculture

C32214 Hillsboro Hi-Tech Center \$ 25,000 139701

C32215 Hobart/Southern State Project \$ 35,000 139702

C32216 Wilmington Air Park Aviation \$ 3,000,000 139703  
Infrastructure Improvements

TOTAL Higher Education Improvement Fund \$ ~~8,410,000~~ 139704  
9,410,000

TOTAL ALL FUNDS \$ ~~8,410,000~~ 139705  
9,410,000

~~WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS~~ 139706

~~Of the foregoing appropriation item C32216, Wilmington Air~~ 139707

~~Park Aviation Infrastructure Improvements, \$450,000 shall be used~~ 139708

~~to replace antenna equipment, \$1,274,800 shall be used for crack~~ 139709

~~sealing, and \$1,275,200 shall be used for concrete repairs.~~ 139710

**Section 610.31.** That existing Sections 203.10 and 207.290 of 139711

S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 139712

390 of the 131st General Assembly, are hereby repealed. 139713

**Section 610.32.** That Section 221.10 of S.B. 310 of the 131st 139714

General Assembly, as most recently amended by Am. Sub. H.B. 384 of 139715

the 131st General Assembly, be amended to read as follows: 139716

|        |                                                                   |                                                       |                       |        |
|--------|-------------------------------------------------------------------|-------------------------------------------------------|-----------------------|--------|
|        | <b>Sec. 221.10.</b>                                               | MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION         |                       | 139717 |
|        |                                                                   | SERVICES                                              |                       | 139718 |
|        |                                                                   | Mental Health Facilities Improvement Fund (Fund 7033) |                       | 139719 |
| C58001 | Community Assistance Projects                                     | \$                                                    | <del>12,000,000</del> | 139720 |
|        |                                                                   |                                                       | <u>32,000,000</u>     |        |
| C58007 | Infrastructure Renovations                                        | \$                                                    | 21,310,000            | 139721 |
| C58021 | Providence House                                                  | \$                                                    | 100,000               | 139722 |
| C58024 | Bellefaire Jewish Children's Home                                 | \$                                                    | 550,000               | 139723 |
| C58026 | Cocoon Emergency Shelter                                          | \$                                                    | 800,000               | 139724 |
| C58028 | Child Focus, Inc.                                                 | \$                                                    | 415,000               | 139725 |
| C58029 | CHOICES for Victims of Domestic Violence Campaign                 | \$                                                    | 500,000               | 139726 |
| C58030 | Family Services of Northwest Ohio Adult Crisis Stabilization Unit | \$                                                    | 100,000               | 139727 |
| C58031 | Glenbeigh Hospital Multipurpose Building                          | \$                                                    | 400,000               | 139728 |
| C58032 | OhioGuidestone Residential Treatment Building Renovation          | \$                                                    | 350,000               | 139729 |
| C58033 | Salvation Army of Greater Cleveland Harbor Light Complex          | \$                                                    | 350,000               | 139730 |
| C58034 | Greenville East Main Street Recovery Center                       | \$                                                    | 25,000                | 139731 |
| C58035 | Columbus Briggsdale Apartments - Phase II                         | \$                                                    | 250,000               | 139732 |
| C58036 | The Buckeye Ranch, Inc.                                           | \$                                                    | 100,000               | 139733 |
| C58037 | Expansion of Lettuce Work                                         | \$                                                    | 250,000               | 139734 |
| C58038 | Ravenwood Mental Health Facility Expansion                        | \$                                                    | 500,000               | 139735 |
| C58039 | Cincinnati Center for Addiction Treatment Expansion               | \$                                                    | 2,000,000             | 139736 |
| C58040 | Painesville Mental Health Services Agency                         | \$                                                    | 200,000               | 139737 |
| C58041 | Tri-County Board of Recovery and Mental Health Services           | \$                                                    | 500,000               | 139738 |
| C58042 | McKinley Hall Renovation                                          | \$                                                    | 75,000                | 139739 |

|                                                 |                                                 |    |                                            |        |
|-------------------------------------------------|-------------------------------------------------|----|--------------------------------------------|--------|
| C58043                                          | Glenway Outpatient Opiate Facility              | \$ | 200,000                                    | 139740 |
| C58044                                          | Alvis Women Community Reentry Project           | \$ | 50,000                                     | 139741 |
| C58045                                          | Daybreak Youth Shelter and Employment Center    | \$ | 250,000                                    | 139742 |
| C58046                                          | Summer Entrepreneurial Experience and Knowledge | \$ | 100,000                                    | 139743 |
| TOTAL Mental Health Facilities Improvement Fund |                                                 | \$ | <del>41,375,000</del><br><u>61,375,000</u> | 139744 |
| TOTAL ALL FUNDS                                 |                                                 | \$ | <del>41,375,000</del><br><u>61,375,000</u> | 139745 |

COMMUNITY ASSISTANCE PROJECTS 139746

The foregoing appropriation for the Department of Mental Health and Addiction Services, C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and that section and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval.

Of the foregoing appropriation item C58001, Community Assistance Projects, \$20,000,000 shall be used to expand recovery housing as defined in section 340.01 of the Revised Code.

**Section 610.33.** That existing Section 221.10 of S.B. 310 of the 131st General Assembly, as most recently amended by Am. Sub. H.B. 384 of the 131st General Assembly, is hereby repealed.

**Section 610.34.** That Section 223.10 of S.B. 310 of the 131st General Assembly, as amended by Am. Sub. H.B. 384 of the 131st General Assembly, be amended to read as follows:

**Sec. 223.10.** DNR DEPARTMENT OF NATURAL RESOURCES 139765

|                                                   |                                                   |                           |        |
|---------------------------------------------------|---------------------------------------------------|---------------------------|--------|
| Wildlife Fund (Fund 7015)                         |                                                   |                           | 139766 |
| C725B0                                            | Access Development                                | \$ 13,600,000             | 139767 |
| C725K9                                            | Wildlife Area Building<br>Development/Renovations | \$ 8,150,000              | 139768 |
| C725W0                                            | MARCS Equipment                                   | \$ 1,866,087              | 139769 |
| TOTAL Wildlife Fund                               |                                                   | \$ 23,616,087             | 139770 |
| Administrative Building Fund (Fund 7026)          |                                                   |                           | 139771 |
| C725D7                                            | MARCS Equipment                                   | \$ 5,996,598              | 139772 |
| C725N7                                            | District Office Renovations                       | \$ 3,000,000              | 139773 |
| TOTAL Administrative Building Fund                |                                                   | \$ 8,996,598              | 139774 |
| Ohio Parks and Natural Resources Fund (Fund 7031) |                                                   |                           | 139775 |
| C72512                                            | Land Acquisition                                  | \$ 475,000                | 139776 |
| C72549                                            | DNR Facilities Development                        | \$ 1,500,000              | 139777 |
| C725E1                                            | Local Parks Projects Statewide                    | \$ 5,108,985              | 139778 |
| C725E5                                            | Project Planning                                  | \$ 1,100,938              | 139779 |
| C725K0                                            | State Park Renovations/Upgrading                  | \$ 11,060,000             | 139780 |
| C725M0                                            | Dam Rehabilitation                                | \$ 2,550,000              | 139781 |
| C725N5                                            | Wastewater/Water Systems Upgrades                 | \$ 2,750,000              | 139782 |
| C725N8                                            | Operations Facilities Development                 | \$ 1,000,000              | 139783 |
| TOTAL Ohio Parks and Natural Resources Fund       |                                                   | \$ 25,544,923             | 139784 |
| Parks and Recreation Improvement Fund (Fund 7035) |                                                   |                           | 139785 |
| C725A0                                            | State Parks, Campgrounds, Lodges, Cabins          | \$ 23,910,514             | 139786 |
| C725B5                                            | Buckeye Lake Dam Rehabilitation                   | \$ 61,546,960             | 139787 |
| C725C4                                            | Muskingum River Lock and Dam                      | \$ 3,750,000              | 139788 |
| C725E2                                            | Local Parks Projects                              | <del>\$ 46,383,500</del>  | 139789 |
|                                                   |                                                   | \$ <u>46,733,500</u>      | 139790 |
| C725E6                                            | Project Planning                                  | \$ 6,070,285              | 139791 |
| C725R4                                            | Dam Rehabilitation - Parks                        | \$ 55,425,000             | 139792 |
| C725R5                                            | Lake White State Park - Dam<br>Rehabilitation     | \$ 27,376,761             | 139793 |
| C725U4                                            | Water Quality Equipment and Projects              | \$ 7,400,000              | 139794 |
| TOTAL Parks and Recreation Improvement Fund       |                                                   | <del>\$ 231,863,020</del> | 139795 |

|                                                                     |    |                        |        |
|---------------------------------------------------------------------|----|------------------------|--------|
|                                                                     | \$ | <u>232,213,020</u>     | 139796 |
| Clean Ohio Trail Fund (Fund 7061)                                   |    |                        | 139797 |
| C72514 Clean Ohio Trail Fund                                        | \$ | 12,500,000             | 139798 |
| TOTAL Clean Ohio Trail Fund                                         | \$ | 12,500,000             | 139799 |
| Waterways Safety Fund (Fund 7086)                                   |    |                        | 139800 |
| C725A7 Cooperative Funding for Boating<br>Facilities                | \$ | 16,750,000             | 139801 |
| C725N9 Operations Facilities Development                            | \$ | 2,300,000              | 139802 |
| C725Z0 MARCS Equipment                                              | \$ | 1,511,165              | 139803 |
| TOTAL Waterways Safety Fund                                         | \$ | 20,561,165             | 139804 |
| TOTAL ALL FUNDS                                                     | \$ | <del>323,081,793</del> | 139805 |
|                                                                     | \$ | <u>323,431,793</u>     | 139806 |
| FEDERAL REIMBURSEMENT                                               |    |                        | 139807 |
| All reimbursements received from the federal government for         |    |                        | 139808 |
| any expenditures made pursuant to this section shall be deposited   |    |                        | 139809 |
| in the state treasury to the credit of the fund from which the      |    |                        | 139810 |
| expenditure originated.                                             |    |                        | 139811 |
| LOCAL PARKS PROJECTS                                                |    |                        | 139812 |
| Of the foregoing appropriation item C725E2, Local Parks             |    |                        | 139813 |
| Projects, an amount equal to two per cent of the projects listed    |    |                        | 139814 |
| may be used by the Department of Natural Resources for the          |    |                        | 139815 |
| administration of local projects, \$4,025,000 shall be used for the |    |                        | 139816 |
| Scioto Peninsula Park and Parking Garage, \$3,500,000 shall be used |    |                        | 139817 |
| for the Lakefront Pedestrian Bridge, \$2,500,000 shall be used for  |    |                        | 139818 |
| the Cuyahoga River Franklin Hill Stabilization, \$2,000,000 shall   |    |                        | 139819 |
| be used for the Flats East Development, \$1,200,000 shall be used   |    |                        | 139820 |
| for the Harley Jones Rotary Memorial Amphitheater in Bryson Park,   |    |                        | 139821 |
| \$1,000,000 shall be used for the South Point Community Pool,       |    |                        | 139822 |
| \$1,000,000 shall be used for the Champion Mill Sports Complex      |    |                        | 139823 |
| Improvements, \$1,000,000 shall be used for the Bridge to Wendy     |    |                        | 139824 |
| Park, \$1,000,000 shall be used for the Franklin Park Conservatory, |    |                        | 139825 |

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| \$1,000,000 shall be used for the Worthington Pools Renovation,      | 139826 |
| \$1,000,000 shall be used for the Lorain County Mill Creek           | 139827 |
| Conservation and Flood Control, \$1,000,000 shall be used for the    | 139828 |
| Promenade Park and ProMedica Parking Facility, \$1,000,000 shall be  | 139829 |
| used for the City of Canton Market Square Enhancement Project,       | 139830 |
| \$1,000,000 shall be used for The Magnolia Flowering Mills/Stark     | 139831 |
| County Park district, \$750,000 shall be used for the Gorge Dam      | 139832 |
| Removal, \$700,000 shall be used for the Todds Fork Trail, \$600,000 | 139833 |
| shall be used for the St. Henry Swimming Pool, \$500,000 shall be    | 139834 |
| used for the Kuenning-Dicke Natural Area Preserve, \$500,000 shall   | 139835 |
| be used for the West Chester Soccer Complex, \$500,000 shall be      | 139836 |
| used for the Van Aken District Bicycle and Pedestrian Connections,   | 139837 |
| \$500,000 shall be used for the Galloway Sports Complex, \$500,000   | 139838 |
| shall be used for the Scioto Audubon Metro Park Pedestrian Bridge,   | 139839 |
| \$500,000 shall be used for the Scioto River Park Development,       | 139840 |
| \$500,000 shall be used for the Dream Field at Windsor Park          | 139841 |
| Playground, \$500,000 shall be used for the Columbus Crew Practice   | 139842 |
| Facility, \$500,000 shall be used for the Holmes County              | 139843 |
| Agricultural Facility Improvements, \$500,000 shall be used for the  | 139844 |
| City of Sylvania SOMO Project, \$500,000 shall be used for The       | 139845 |
| White Rhinoceros Barn, \$500,000 shall be used for the Thornport     | 139846 |
| Buckeye Lake Public Access and Park, \$500,000 shall be used for     | 139847 |
| the Redskin Memorial Park Development, \$500,000 shall be used for   | 139848 |
| the Warren County Sports Complex, \$406,000 shall be used for the    | 139849 |
| Bryson Pool Improvements Splash Park, \$400,000 shall be used for    | 139850 |
| the Cadiz Bike Trail/Public Infrastructure Connectivity Project,     | 139851 |
| \$400,000 shall be used for the Cave Lake Dam Safety Modifications,  | 139852 |
| \$400,000 shall be used for the Preble County Agricultural Facility  | 139853 |
| Improvements, \$400,000 shall be used for the Nimisila Spillway and  | 139854 |
| Bridge Demolition and Replacement, \$400,000 shall be used for the   | 139855 |
| Green Central Park, \$350,000 shall be used for the Rocky River      | 139856 |
| Bradstreets Landing Park, \$350,000 shall be used for the Little     | 139857 |
| Miami Scenic Trail, \$350,000 shall be used for the East View Park   | 139858 |

Ball Diamonds and Field Improvements, \$300,000 shall be used for 139859  
the Schoonover Lake Dam Restoration, \$300,000 shall be used for 139860  
the Columbiana County Agricultural Facility Improvements, \$300,000 139861  
shall be used for the Bill Stanton Community Park Shoreline 139862  
Enhancement, \$300,000 shall be used for the Chesapeake Community 139863  
Building, \$300,000 shall be used for the Glenford Earthworks Phase 139864  
III, \$300,000 shall be used for the Wilderness Center's Facility 139865  
Enhancement Project, \$250,000 shall be used for the Carroll County 139866  
Ohio FFA Camp Muskingum, \$250,000 shall be used for the Clinton 139867  
County Agricultural Facility Improvements, \$250,000 shall be used 139868  
for the Greenville Downtown Park, \$250,000 shall be used for the 139869  
Greenville Harmon Field, \$250,000 shall be used for the McCutcheon 139870  
Road Park, \$250,000 shall be used for the Heritage Rail Trail 139871  
Extension, \$250,000 shall be used for the Upper Arlington 139872  
Shared-Use Path Expansion Projects, \$250,000 shall be used for the 139873  
Tremont Road-Zollinger Road Shared-Use Path Connector, \$250,000 139874  
shall be used for the Hobson Freedom Park: Phase II, \$250,000 139875  
shall be used for the Blue Ash Summit Park, \$250,000 shall be used 139876  
for the Pro Football Hall of Fame Comprehensive Master Study, 139877  
\$250,000 shall be used for the Cascade Plaza Phase II, \$250,000 139878  
shall be used for the Richwood Lake Trail, \$250,000 shall be used 139879  
for the Wren Community Building Shelter and Pavilion, \$250,000 139880  
shall be used for the Massillon Reservoir Dam Project in Stark 139881  
County, \$250,000 shall be used for the Union Township Recreational 139882  
Facility, \$200,000 shall be used for the J.W. Denver Memorial 139883  
Park, \$200,000 shall be used for the Chippewa Creek Headwater 139884  
Park, \$200,000 shall be used for the City of Strongsville 139885  
Recreation Center, \$200,000 shall be used for the Brewing Heritage 139886  
Trail Segment 1, \$200,000 shall be used for the Cincinnati Mill 139887  
Creek Flood Mitigation/Mill Creek Barrier Dam, \$200,000 shall be 139888  
used for the Southern State Community College Pathway, \$200,000 139889  
shall be used for the Ernsthansen Recreation Center Splash Pad, 139890  
\$200,000 shall be used for the Ohio University Proctorville 139891

Walking Path, \$200,000 shall be used for the Coldwater Recreation 139892  
Space and Amphitheatre, \$200,000 shall be used for the Perry 139893  
County Home Farm, \$200,000 shall be used for the Coppel Soccer 139894  
Complex Improvements, \$200,000 shall be used for the Jungle 139895  
Junction Indoor Playground, \$200,000 shall be used for the Shelby 139896  
County Agricultural Facility Improvements, \$200,000 shall be used 139897  
for the Middle Point Ballpark Improvements, \$175,000 shall be used 139898  
for the Fairfield Township Metro Parks, \$170,000 shall be used for 139899  
the Chamberlin Park Bike/Pedestrian Access Improvements, \$150,000 139900  
shall be used for the Columbus Topiary Park Improvements, \$150,000 139901  
shall be used for the Gallipolis City Park, \$150,000 shall be used 139902  
for the Cincinnati Ault Park, \$150,000 shall be used for the Green 139903  
Township Hike/Bike Trail, \$150,000 shall be used for the Kenton 139904  
Baseball Park Lighting Improvements, \$150,000 shall be used for 139905  
the Kamp Dovetail, \$150,000 shall be used for the Avon Lake 139906  
Veterans Park, \$150,000 shall be used for the Marion Tallgrass 139907  
Trail, \$149,000 shall be used for the Ohio City Recreation 139908  
Facility, \$125,000 shall be used for the Cleveland Cultural 139909  
Gardens, \$125,000 shall be used for the Village of Fort Recovery 139910  
Community Park, \$125,000 shall be used for the Delphos Community 139911  
Pool and Splash Park, \$100,000 shall be used for the Auglaize 139912  
County Agricultural Facility Improvements, \$100,000 shall be used 139913  
for the Clarksville Upground Reservoir Safety Upgrades, \$100,000 139914  
shall be used to support the Grand River Park construction project 139915  
in the Village of Grand River, \$100,000 shall be used for the 139916  
Little Hearts Big Smiles All Children's Playground, \$100,000 shall 139917  
be used for The Wilds Educational Animal Display, \$80,000 shall be 139918  
used for the Rockford Shane's Park Playground Equipment, \$75,000 139919  
shall be used for the City of Parma Park Improvements, \$75,000 139920  
shall be used for the Deerasic Park Whitetail Deer Museum and 139921  
Educational Center, \$75,000 shall be used for the Stoll Lane Park 139922  
Redevelopment, \$75,000 shall be used for the Montpelier Park Barn 139923  
Roof Replacement, \$67,500 shall be used for the Waddell Park 139924



Public Swimming Pool Renovation, \$60,000 shall be used for the 139925  
Loveland McCoy Park Improvements, \$55,000 shall be used for the 139926  
Columbia Township Community Natural Park, \$50,000 shall be used 139927  
for the Columbiana County Beaver Creek Wildlife Education Center, 139928  
\$50,000 shall be used for the Hicksville Splash Pad, \$50,000 shall 139929  
be used for the City of Marion Ball Field Complex, \$50,000 shall 139930  
be used for the City of Fremont Basketball Court Upgrades (Roger 139931  
Young Park), \$50,000 shall be used for the Upper Sandusky 139932  
Bicentennial Park Project, \$45,000 shall be used for the Noble 139933  
County Happy Time Pool, \$45,000 shall be used for the Lebanon Bike 139934  
Park, \$40,000 shall be used for the Blanchester Playground, 139935  
\$40,000 shall be used for the Beaver Park Sports Field, \$40,000 139936  
shall be used for the City of Tiffin City Park Upgrades, \$30,000 139937  
shall be used for the London Municipal Pool, \$20,000 shall be used 139938  
for the Waverly Canal Park, and \$11,000 shall be used for the 139939  
Washington Township Lake Stabilization Project. 139940

**Section 610.35.** That existing Section 223.10 of S.B. 310 of 139941  
the 131st General Assembly, as amended by Am. Sub. H.B. 384 of the 139942  
131st General Assembly, is hereby repealed. 139943

**Section 610.36.** That Section 239.10 of S.B. 310 of the 131st 139944  
General Assembly, as amended by Sub. H.B. 26 of the 132nd General 139945  
Assembly, be amended to read as follows: 139946

**Sec. 239.10.** FCC FACILITIES CONSTRUCTION COMMISSION 139947

Lottery Profits Education Fund (Fund 7017) 139948

C23014 Classroom Facilities Assistance Program \$ 50,000,000 139949  
- Lottery Profits

TOTAL Lottery Profits Education Fund \$ 50,000,000 139950

Public School Building Fund (Fund 7021) 139951

C23001 Public School Buildings \$ 100,000,000 139952

|                                                          |    |             |        |
|----------------------------------------------------------|----|-------------|--------|
| TOTAL Public School Building Fund                        | \$ | 100,000,000 | 139953 |
| Administrative Building Fund (Fund 7026)                 |    |             | 139954 |
| C23016 Energy Conservation Projects                      | \$ | 2,000,000   | 139955 |
| C230E5 State Agency Planning/Assessment                  | \$ | 1,500,000   | 139956 |
| TOTAL Administrative Building Fund                       | \$ | 3,500,000   | 139957 |
| Cultural and Sports Facilities Building Fund (Fund 7030) |    |             | 139958 |
| C23023 OHS - Ohio History Center Exhibit<br>Replacement  | \$ | 1,000,000   | 139959 |
| C23024 OHS - Statewide Site Exhibit<br>Renovation        | \$ | 750,000     | 139960 |
| C23025 OHS - Statewide Site Repairs                      | \$ | 1,050,410   | 139961 |
| C23028 OHS - Basic Renovations and<br>Emergency Repairs  | \$ | 1,000,000   | 139962 |
| C23030 OHS - Rankin House State Memorial                 | \$ | 393,250     | 139963 |
| C23031 OHS - Harding Home State Memorial                 | \$ | 1,354,559   | 139964 |
| C23032 OHS - Ohio Historical Center<br>Rehabilitation    | \$ | 1,007,370   | 139965 |
| C23033 OHS - Stowe House State Memorial                  | \$ | 1,028,500   | 139966 |
| C23045 OHS - Lockington Locks<br>Stabilization           | \$ | 513,521     | 139967 |
| C23051 Tecumseh Theater Opera House<br>Restoration       | \$ | 50,000      | 139968 |
| C23057 OHS - Online Portal to Ohio's<br>Heritage         | \$ | 850,000     | 139969 |
| C23083 Stan Hywet Hall and Gardens Manor<br>House        | \$ | 250,000     | 139970 |
| C23098 Twin City Opera House                             | \$ | 100,000     | 139971 |
| C230AA Cleveland Grays Armory Museum                     | \$ | 350,000     | 139972 |
| C230AB Cleveland Music Hall                              | \$ | 400,000     | 139973 |
| C230AC Cleveland Zoological Society                      | \$ | 200,000     | 139974 |
| C230AD Saint Luke's Pointe                               | \$ | 200,000     | 139975 |
| C230AE Variety Theatre                                   | \$ | 250,000     | 139976 |

|        |                                                             |    |           |        |
|--------|-------------------------------------------------------------|----|-----------|--------|
| C230AF | Fairview Park Bain Park Cabin                               | \$ | 70,000    | 139977 |
| C230AG | Darke County Historical Society<br>Garst Museum Parking Lot | \$ | 150,000   | 139978 |
| C230AH | Longtown Clemens Farmstead Museum                           | \$ | 90,000    | 139979 |
| C230AJ | Auglaize Village Mansfield Museum<br>and Train Depot        | \$ | 125,000   | 139980 |
| C230AK | Sandusky State Theatre                                      | \$ | 750,000   | 139981 |
| C230AL | Fairfield Decorative Arts Center                            | \$ | 60,000    | 139982 |
| C230AM | General Sherman House Museum                                | \$ | 100,000   | 139983 |
| C230AN | Villages of Millersport and Buckeye<br>Lake                 | \$ | 250,000   | 139984 |
| C230AP | Fayette County Museum                                       | \$ | 25,000    | 139985 |
| C230AQ | Aminah Robinson Cultural Arts and<br>Community Center       | \$ | 150,000   | 139986 |
| C230AR | COSI Building Exhibit Expansion                             | \$ | 5,000,000 | 139987 |
| C230AS | Renovations of the Lincoln Theatre                          | \$ | 300,000   | 139988 |
| C230AT | Motts Military Museum and 9-11<br>Memorial                  | \$ | 50,000    | 139989 |
| C230AU | Charleen and Charles Hinson<br>Amphitheater                 | \$ | 1,000,000 | 139990 |
| C230AV | Veterans Memorial for Senecaville                           | \$ | 15,000    | 139991 |
| C230AW | Carnegie Center of Columbia -<br>Tusculum Renovation        | \$ | 131,000   | 139992 |
| C230AX | Cincinnati Shakespeare Company                              | \$ | 750,000   | 139993 |
| C230AY | Ensemble Theatre Cincinnati                                 | \$ | 100,000   | 139994 |
| C230AZ | Madcap Productions - New Madcap<br>Puppet Theater           | \$ | 200,000   | 139995 |
| C230B1 | Karamu House 2.0                                            | \$ | 800,000   | 139996 |
| C230BA | Riverbend and Taft Theater                                  | \$ | 85,000    | 139997 |
| C230BB | Golf Manor Volunteer Park Outdoor<br>Amphitheater           | \$ | 45,000    | 139998 |
| C230BC | Native American Museum of Mariemont                         | \$ | 400,000   | 139999 |
| C230BD | Hancock County Sports Hall of Fame                          | \$ | 15,000    | 140000 |

|        |                                                          |    |           |        |
|--------|----------------------------------------------------------|----|-----------|--------|
| C230BE | Four Corners Heritage Center<br>Historic Structure       | \$ | 100,000   | 140001 |
| C230BF | Malinta Ohio Historical Site<br>Rehabilitation           | \$ | 19,000    | 140002 |
| C230BG | William Scott House                                      | \$ | 110,000   | 140003 |
| C230BH | Loudonville Opera House Renovations                      | \$ | 250,000   | 140004 |
| C230BJ | Oak Hill Liberty Theatre                                 | \$ | 100,000   | 140005 |
| C230BK | Knox County Memorial Theatre                             | \$ | 150,000   | 140006 |
| C230BL | Fairport Harbor Lighthouse Project                       | \$ | 200,000   | 140007 |
| C230BM | Lake County History Center Rehab<br>Project              | \$ | 250,000   | 140008 |
| C230BN | Ro-Na Theater Performing Arts<br>Center                  | \$ | 200,000   | 140009 |
| C230BP | Weathervane Playhouse Renovations                        | \$ | 50,000    | 140010 |
| C230BQ | Logan County Veterans Memorial Hall<br>Restoration       | \$ | 300,000   | 140011 |
| C230BR | Amherst Historical Water Tower<br>Project                | \$ | 40,000    | 140012 |
| C230BS | Elyria Pioneer Plaza                                     | \$ | 75,000    | 140013 |
| C230BT | LaGrange Township Historic Fire<br>Station               | \$ | 32,000    | 140014 |
| C230BU | Lorain Palace Theatre and Civic<br>Center Rehabilitation | \$ | 150,000   | 140015 |
| C230BV | Downtown Toledo Music Hall                               | \$ | 400,000   | 140016 |
| C230BW | Toledo Museum of Art Polishing the<br>Gem Project        | \$ | 1,500,000 | 140017 |
| C230BX | Plain City Restoration of Historic<br>Clock Tower        | \$ | 30,000    | 140018 |
| C230BY | Homerville Community Center<br>Expansion                 | \$ | 100,000   | 140019 |
| C230BZ | Medina County Historical Society                         | \$ | 100,000   | 140020 |
| C230CA | Fort Recovery Historical Society                         | \$ | 75,000    | 140021 |
| C230CB | Boonshoft Museum of Discovery                            | \$ | 1,000,000 | 140022 |

|        |                                                          |              |        |
|--------|----------------------------------------------------------|--------------|--------|
| C230CC | Dayton History Heritage Center of<br>Regional Leadership | \$ 1,500,000 | 140023 |
| C230CD | Dayton Project M & M                                     | \$ 550,000   | 140024 |
| C230CE | Trotwood Community Center                                | \$ 250,000   | 140025 |
| C230CF | Zanesville Community Theater                             | \$ 75,000    | 140026 |
| C230CG | John Paulding Historical Museum<br>Expansion             | \$ 30,000    | 140027 |
| C230CH | Mt. Perry Scenic Railroad Structure<br>Renovations       | \$ 125,000   | 140028 |
| C230CJ | Perry County Opera House /<br>Community Center           | \$ 50,000    | 140029 |
| C230CK | Circleville Memorial Hall                                | \$ 150,000   | 140030 |
| C230CL | Everts Community & Arts Center                           | \$ 200,000   | 140031 |
| C230CM | Waverly Old Children's Home<br>Renovation                | \$ 20,000    | 140032 |
| C230CN | Garrettsville Buckeye Block<br>Community Theatre         | \$ 700,000   | 140033 |
| C230CP | Historic Hiram Hayden Auditorium                         | \$ 375,000   | 140034 |
| C230CR | Kent Stage Theater Restoration<br>Project                | \$ 450,000   | 140035 |
| C230CS | Mantua Township Historic Bell Tower                      | \$ 140,000   | 140036 |
| C230CT | Windham Veterans Memorial Plaque                         | \$ 12,000    | 140037 |
| C230CV | Majestic Theatre Renovation Project<br>Phase II          | \$ 750,000   | 140038 |
| C230CW | Seneca County Museum                                     | \$ 50,000    | 140039 |
| C230CX | Arts In Stark                                            | \$ 355,000   | 140040 |
| C230CY | City of Canton Central Plaza<br>Memorial Statues         | \$ 100,000   | 140041 |
| C230CZ | McKinley Presidential Museum                             | \$ 135,000   | 140042 |
| C230DA | Jackson North Park Amphitheater                          | \$ 1,000,000 | 140043 |
| C230DB | Five Oaks Historic Home                                  | \$ 350,000   | 140044 |
| C230DC | Massillon Museum                                         | \$ 1,500,000 | 140045 |
| C230DD | 1893 Genoa Schoolhouse Restoration                       | \$ 57,000    | 140046 |

|        |                                                                |    |           |        |
|--------|----------------------------------------------------------------|----|-----------|--------|
| C230DE | Melscheimer Schoolhouse Restoration                            | \$ | 15,000    | 140047 |
| C230DF | Bud and Susie Rogers Garden                                    | \$ | 400,000   | 140048 |
| C230DG | The Courtyard at East Woods                                    | \$ | 90,000    | 140049 |
| C230DH | W.D. Packard Music Hall Elevator                               | \$ | 200,000   | 140050 |
| C230DJ | Tuscarawas County Cultural Arts<br>Center                      | \$ | 500,000   | 140051 |
| C230DK | Zoar Bicentennial Village                                      | \$ | 12,000    | 140052 |
| C230DL | Marysville Avalon Theatre<br>Renovations                       | \$ | 300,000   | 140053 |
| C230DM | Convoy Opera House                                             | \$ | 60,000    | 140054 |
| C230DN | Van Wert Historical Society Museum                             | \$ | 112,000   | 140055 |
| C230DP | Wassenberg Art Center                                          | \$ | 175,000   | 140056 |
| C230DR | Warren County Historical Society<br>Handicap Entrance Project  | \$ | 190,000   | 140057 |
| C230DS | Smithville Community Historical<br>Society                     | \$ | 50,000    | 140058 |
| C230DT | Wayne County Buckeye Agricultural<br>Museum & Education Center | \$ | 400,000   | 140059 |
| C230DU | Kister Water Mill and Education<br>Center                      | \$ | 200,000   | 140060 |
| C230DV | Wayne Center for the Arts                                      | \$ | 150,000   | 140061 |
| C230DW | West Liberty Town Hall Opera House                             | \$ | 150,000   | 140062 |
| C230DX | Medina City Parking Deck                                       | \$ | 1,000,000 | 140063 |
| C230DY | Cincinnati Zoo Cheetah Run &<br>Encounter                      | \$ | 250,000   | 140064 |
| C230DZ | Columbus Zoo - Asia Quest                                      | \$ | 250,000   | 140065 |
| C230EA | Cleveland Museum of Art                                        | \$ | 1,100,000 | 140066 |
| C230EB | Unionville Tavern Rehabilitation -<br>Phase I Exterior         | \$ | 160,000   | 140067 |
| C230EC | Triumph of Flight                                              | \$ | 250,000   | 140068 |
| C230ED | OHS - Historical Center/Ohio<br>Village Buildings              | \$ | 300,000   | 140069 |
| C230EG | Parma Heights Cassidy Theatre                                  | \$ | 50,000    | 140070 |

|               |                                           |           |                       |
|---------------|-------------------------------------------|-----------|-----------------------|
|               | Cultural Center                           |           |                       |
| C230EH        | Warren County Historical Society          | \$        | 116,000 140071        |
| <u>C230EJ</u> | <u>James A. Garfield Monument</u>         | <u>\$</u> | <u>500,000</u> 140072 |
|               | <u>Maintenance</u>                        |           |                       |
| <u>C230EK</u> | <u>Ohio Soldiers and Sailors Orphans</u>  | <u>\$</u> | <u>150,000</u> 140073 |
|               | <u>Home/Ohio Veterans Children's Home</u> |           |                       |
|               | <u>Chapel Restoration</u>                 |           |                       |
| C230H2        | Cozad Bates House                         | \$        | 70,000 140074         |
| C230J4        | Cleveland Museum of Natural History       | \$        | 3,300,000 140075      |
| C230K1        | Historic Strand Theatre Renovation        | \$        | 175,000 140076        |
| C230K9        | Washington Court House Auditorium         | \$        | 100,000 140077        |
| C230L5        | CAPA's Renovations of the Palace          | \$        | 250,000 140078        |
|               | Theatre                                   |           |                       |
| C230L7        | Sauder Village Experience                 | \$        | 500,000 140079        |
| C230L9        | Ariel Theatre                             | \$        | 200,000 140080        |
| C230M3        | Geauga Lyric Theater Guild                | \$        | 200,000 140081        |
| C230M6        | Cincinnati Art Museum                     | \$        | 750,000 140082        |
| C230M8        | Cincinnati Zoo                            | \$        | 1,750,000 140083      |
| C230N1        | Cincinnati Music Hall                     | \$        | 500,000 140084        |
| C230N8        | Steubenville Grand Theatre                | \$        | 75,000 140085         |
|               | Restoration Project                       |           |                       |
| C230N9        | South Leroy Meeting House                 | \$        | 50,000 140086         |
|               | Restoration                               |           |                       |
| C230P1        | Fine Arts Association Facility            | \$        | 650,000 140087        |
|               | Expansion/Renovation                      |           |                       |
| C230Q1        | Imagination Station                       | \$        | 200,000 140088        |
| C230Q3        | Columbus Zoo - Entry Village Guest        | \$        | 500,000 140089        |
|               | Services Improvements                     |           |                       |
| C230Q7        | Butler Institute of American Art          | \$        | 500,000 140090        |
| C230Q8        | Henry H. Stambaugh Auditorium             | \$        | 500,000 140091        |
| C230Q9        | Marion Palace Theatre                     | \$        | 100,000 140092        |
| C230R1        | Bradford Railway Museum                   | \$        | 75,000 140093         |
| C230R7        | Dayton Art Institute's Centennial -       | \$        | 1,000,000 140094      |

|        |                                                             |    |           |        |
|--------|-------------------------------------------------------------|----|-----------|--------|
|        | Preservation & Accessibility                                |    |           |        |
| C230T2 | John Brown House and Grounds<br>Restoration                 | \$ | 250,000   | 140095 |
| C230T3 | Hale Farm & Village Capital<br>Improvement Project          | \$ | 100,000   | 140096 |
| C230U2 | Folger Home of Avon Lake                                    | \$ | 75,000    | 140097 |
| C230U3 | DeYor Performing Arts Center<br>Heating and Cooling         | \$ | 1,250,000 | 140098 |
| C230W7 | OHS - Lundy House Restoration                               | \$ | 409,370   | 140099 |
| C230W8 | OHS - Cedar Bog Improvements                                | \$ | 193,600   | 140100 |
| C230W9 | OHS - Hayes Center Improvements                             | \$ | 290,400   | 140101 |
| C230X1 | OHS - Site Energy Conservation                              | \$ | 239,580   | 140102 |
| C230X2 | OHS - Collections Storage Facility<br>Object Evaluation     | \$ | 400,000   | 140103 |
| C230X5 | OHS - State Archives Shelving                               | \$ | 3,000,000 | 140104 |
| C230X6 | OHS - Fort Ancient Earthworks                               | \$ | 219,440   | 140105 |
| C230Y1 | Meigs Township Veterans Monument                            | \$ | 5,000     | 140106 |
| C230Y2 | Serpent Mound                                               | \$ | 50,000    | 140107 |
| C230Y3 | Allen County Museum                                         | \$ | 100,000   | 140108 |
| C230Y4 | Schine's Theater Restoration                                | \$ | 300,000   | 140109 |
| C230Y5 | Hayesville Opera House                                      | \$ | 20,000    | 140110 |
| C230Y6 | Ashtabula Maritime and Surface<br>Transportation Museum     | \$ | 100,000   | 140111 |
| C230Y7 | Ashtabula Covered Bridge Festival<br>Entertainment Pavilion | \$ | 100,000   | 140112 |
| C230Y8 | Armstrong Air and Space Museum and<br>STEM Education Center | \$ | 900,000   | 140113 |
| C230Y9 | Gaslight Theatre Building<br>Renovation Project             | \$ | 300,000   | 140114 |
| C230Z1 | Caroline Scott Harrison Statue                              | \$ | 75,000    | 140115 |
| C230Z2 | City of Trenton Amphitheatre Cover                          | \$ | 50,000    | 140116 |
| C230Z3 | Historic Batavia Armory                                     | \$ | 300,000   | 140117 |
| C230Z4 | Columbiana County Bowstring Arch                            | \$ | 200,000   | 140118 |



|                                                     |                                         |    |                                                     |
|-----------------------------------------------------|-----------------------------------------|----|-----------------------------------------------------|
|                                                     | Bridge Rehabilitation                   |    |                                                     |
| C230Z5                                              | Coshocton Planetarium                   | \$ | 75,000 140119                                       |
| C230Z6                                              | Bedford Historical Society              | \$ | 100,000 140120                                      |
| C230Z7                                              | Historical Society of Broadview Heights | \$ | 150,000 140121                                      |
| C230Z8                                              | Brooklyn John Frey Park                 | \$ | 90,000 140122                                       |
| C230Z9                                              | Chagrin Falls Center Community Arts     | \$ | 600,000 140123                                      |
| TOTAL Cultural and Sports Facilities Building Fund  |                                         | \$ | <del>63,431,000</del> 140124<br><u>64,081,000</u>   |
| School Building Program Assistance Fund (Fund 7032) |                                         |    | 140125                                              |
| C23002                                              | School Building Program Assistance      | \$ | 500,000,000 140126                                  |
| TOTAL School Building Program Assistance Fund       |                                         | \$ | 500,000,000 140127                                  |
| TOTAL ALL FUNDS                                     |                                         | \$ | <del>716,931,000</del> 140128<br><u>717,581,000</u> |

STATE AGENCY PLANNING/ASSESSMENT 140129

The foregoing appropriation item C230E5, State Agency Planning/Assessment, shall be used by the Facilities Construction Commission to provide assistance to any state agency for assessment, capital planning, and maintenance management. 140130  
140131  
140132  
140133

SCHOOL BUILDING PROGRAM ASSISTANCE 140134

The foregoing appropriation item C23002, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code. 140135  
140136  
140137  
140138  
140139

**Section 610.37.** That existing Section 239.10 of S.B. 310 of the 131st General Assembly, as amended by Sub. H.B. 26 of the 132nd General Assembly, is hereby repealed. 140140  
140141  
140142

**Section 610.38.** That Sections 125.13 and 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly be amended to read as 140143  
140144

|                                                                                      |        |
|--------------------------------------------------------------------------------------|--------|
| follows:                                                                             | 140145 |
| <b>Sec. 125.13.</b> Sections 125.10, 125.11, and 125.12 of <del>this act</del>       | 140146 |
| <u>Am. Sub. H.B. 64 of the 131st General Assembly</u> take effect <del>January</del> | 140147 |
| <del>1, 2018</del> <u>July 1, 2017.</u>                                              | 140148 |
| <b>Sec. 327.270.</b> NURSING FACILITY DEMONSTRATION PROJECT                          | 140149 |
| (A) As used in this section:                                                         | 140150 |
| (1) "Freestanding long-term care hospital" means a hospital                          | 140151 |
| to which all of the following apply:                                                 | 140152 |
| (a) It is a freestanding long-term care hospital as defined                          | 140153 |
| in 42 C.F.R. 412.23(e)(5).                                                           | 140154 |
| (b) It has a Medicaid provider agreement to provide inpatient                        | 140155 |
| hospital services.                                                                   | 140156 |
| (c) Pursuant to rules adopted under section 5164.02 of the                           | 140157 |
| Revised Code, it is exempt from the all patient refined diagnosis                    | 140158 |
| related groups (APR-DRG) and prospective payment methodology the                     | 140159 |
| Department of Medicaid uses to determine Medicaid payment rates                      | 140160 |
| for inpatient services provided by other types of hospitals not                      | 140161 |
| also excluded from the methodology.                                                  | 140162 |
| (2) "Nursing facility," "nursing facility services," "nursing                        | 140163 |
| home," and "provider" have the same meanings as in section 5165.01                   | 140164 |
| of the Revised Code.                                                                 | 140165 |
| (B) <del>Not later than thirty days after the effective date of</del>                | 140166 |
| <del>this section, the</del> <u>The</u> Department of Medicaid shall submit to the   | 140167 |
| United States Secretary of Health and Human Services a request <del>for</del>        | 140168 |
| <del>a Medicaid Waiver to operate, beginning January 1, 2016, a</del>                | 140169 |
| <del>two year</del> <u>to extend until June 30, 2019, and modify the operation</u>   | 140170 |
| <u>of the demonstration project authorized by this section</u> under                 | 140171 |
| which Medicaid recipients receive nursing facility services in                       | 140172 |
| participating nursing facilities in lieu of hospital inpatient                       | 140173 |

services in freestanding long-term care hospitals. 140174

(1) The Department shall select ~~four~~ six nursing facilities 140175  
to participate in the demonstration project. To be selected for 140176  
participation, a nursing facility must meet all of the following 140177  
requirements: 140178

(a) The nursing facility's provider must hold the nursing 140179  
facility out to the public as providing short-term rehabilitation 140180  
services. 140181

(b) The nursing facility must have a hydrotherapy pool. 140182

(c) The nursing facility's Medicaid-certified capacity must 140183  
include at least ten single-occupancy sleeping rooms that will be 140184  
used for Medicaid recipients admitted to the nursing facility 140185  
under the demonstration project. 140186

~~(d) The nursing facility must have been initially 140187  
constructed, licensed as a nursing home, and certified as a 140188  
nursing facility on or after January 1, 2010. 140189~~

(2) In selecting ~~four~~ six nursing facilities to participate 140190  
in the demonstration project, the Department shall select one 140191  
nursing facility located in Brown County, one located in Cuyahoga 140192  
county County, one located in Franklin county County, one located 140193  
in Hamilton county County, and one located in Lucas county County, 140194  
and one located in Sandusky County. However, the Department may 140195  
select a nursing facility located in another county if necessary 140196  
to find ~~four~~ six nursing facilities that meet the requirements 140197  
specified in division (B)(1) of this section. 140198

(C)(1) The provider of each participating nursing facility 140199  
shall develop admission criteria that Medicaid recipients must 140200  
meet to be admitted to the nursing facility under the 140201  
demonstration project. The provider shall give the criteria to 140202  
each hospital that is located within fifty miles of the nursing 140203  
facility and routinely refers Medicaid patients to freestanding 140204

long-term care hospitals. A hospital that receives the criteria 140205  
shall consider the criteria when determining where to refer a 140206  
Medicaid recipient who needs the types of services freestanding 140207  
long-term care hospitals provide. 140208

(2) A Medicaid recipient may refuse a referral to a 140209  
participating nursing facility and instead seek admission to a 140210  
freestanding long-term care hospital. If a Medicaid recipient 140211  
seeks admission to a participating nursing facility under the 140212  
demonstration project, the nursing facility's staff shall ensure 140213  
that the recipient meets the nursing facility's criteria before 140214  
admitting the recipient. 140215

(3) A participating nursing facility shall notify the 140216  
Department each time it admits a Medicaid recipient under the 140217  
demonstration project. A Medicaid recipient's admission to a 140218  
participating nursing facility under the demonstration project is 140219  
not subject to prior authorization from the Department or a 140220  
designee of the Department. 140221

(D) Notwithstanding Chapter 5165. of the Revised Code, the 140222  
Medicaid payment rate for nursing facility services that a 140223  
Medicaid recipient receives from a participating nursing facility 140224  
under the demonstration project shall not exceed the Medicaid 140225  
payment rate for comparable hospital inpatient services provided 140226  
by freestanding long-term care hospitals in effect at the time the 140227  
nursing facility services are provided. 140228

(E) Not later than thirty days after the end of each quarter 140229  
of the demonstration project, the provider of each participating 140230  
nursing facility shall report to the Department all of the 140231  
following information about each Medicaid recipient residing in 140232  
the nursing facility under the demonstration project during the 140233  
quarter: 140234

(1) The cost of the nursing facility services that the 140235

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| nursing facility provided to the recipient that quarter;                                                                                                                                                                                                                                                                                                                                                                                                                                     | 140236                                                                       |
| (2) The number of days the recipient resided in the nursing facility that quarter;                                                                                                                                                                                                                                                                                                                                                                                                           | 140237<br>140238                                                             |
| (3) The recipient's health outcomes;                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 140239                                                                       |
| (4) The recipient's satisfaction with the nursing facility as reported to the nursing facility's staff;                                                                                                                                                                                                                                                                                                                                                                                      | 140240<br>140241                                                             |
| (5) All other information that the Department requires the providers to include in the reports.                                                                                                                                                                                                                                                                                                                                                                                              | 140242<br>140243                                                             |
| (F) Not later than three months after the demonstration project ends, the Department shall complete a report about it. The report shall include an analysis of the information submitted to the Department under division (E) of this section. The report also shall include recommendations about resuming operation of the demonstration project and selecting nursing facilities from additional counties to participate. The Department shall submit the report to all of the following: | 140244<br>140245<br>140246<br>140247<br>140248<br>140249<br>140250<br>140251 |
| (1) The Governor;                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 140252                                                                       |
| (2) In accordance with section 101.68 of the Revised Code, the General Assembly;                                                                                                                                                                                                                                                                                                                                                                                                             | 140253<br>140254                                                             |
| (3) The Joint Medicaid Oversight Committee.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 140255                                                                       |
| <b>Section 610.39.</b> That existing Sections 125.13 and 327.270 of Am. Sub. H.B. 64 of the 131st General Assembly are hereby repealed.                                                                                                                                                                                                                                                                                                                                                      | 140256<br>140257<br>140258                                                   |
| <b>Section 610.40.</b> That Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:                                                                                                                                                                                                                                                                                       | 140259<br>140260<br>140261                                                   |
| <b>Sec. 125.10.</b> <del>(A)</del> Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11,                                                                                                                                                                                                                                                                                                                                               | 140262<br>140263                                                             |

5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 140264  
repealed, effective October 16, ~~2017~~ 2019. 140265

~~(B) Notwithstanding the repeal by this act of section 5168.12 140266  
of the Revised Code, any money remaining in the Legislative Budget 140267  
Services Fund on the effective date of the repeal of that section 140268  
shall be used solely for the purposes stated in then former 140269  
section 5168.12 of the Revised Code. When all money in the 140270  
Legislative Budget Services Fund has been spent after then former 140271  
section 5168.12 of the Revised Code is repealed, the fund shall 140272  
cease to exist. 140273~~

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 140274  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 140275  
Code are hereby repealed, effective October 1, ~~2017~~ 2019. 140276

**Section 610.41.** That existing Sections 125.10 and 125.11 of 140277  
Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. 140278  
Sub. H.B. 64 of the 131st General Assembly, are hereby repealed. 140279

**Section 610.50.** That Section 2 of Am. Sub. S.B. 1 of the 140280  
130th General Assembly, as amended by Am. Sub. H.B. 64 of the 140281  
131st General Assembly, be amended to read as follows: 140282

**Sec. 2.** (A) As used in this section: 140283

(1) "Institution" means any of the following: 140284

(a) A state institution of higher education, as defined in 140285  
section 3345.011 of the Revised Code; 140286

(b) A private career school, as defined in section 3332.01 of 140287  
the Revised Code; 140288

(c) A private, nonprofit institution in this state holding a 140289  
certificate of authorization pursuant to Chapter 1713. of the 140290

|                                                                       |        |
|-----------------------------------------------------------------------|--------|
| Revised Code;                                                         | 140291 |
| (d) A private institution exempt from regulation under                | 140292 |
| Chapter 3332. of the Revised Code as prescribed in section            | 140293 |
| 3333.046 of the Revised Code, if the program has a certificate of     | 140294 |
| authorization pursuant to Chapter 1713. of the Revised Code;          | 140295 |
| (e) A career-technical center, joint vocational school                | 140296 |
| district, comprehensive career-technical center, or compact           | 140297 |
| career-technical center offering adult training.                      | 140298 |
| (2) "Workforce training program" includes any of the                  | 140299 |
| following:                                                            | 140300 |
| (a) Courses, programs, or a degree from an institution;               | 140301 |
| (b) Vocational education classes offered to adult learners;           | 140302 |
| (c) <u>Non-Credit certificate programs that align with the</u>        | 140303 |
| <u>state's in-demand jobs, as determined by the list of in-demand</u> | 140304 |
| <u>jobs posted to the web site of OhioMeansJobs.</u>                  | 140305 |
| (d) Any other training program designed to meet the special           | 140306 |
| requirements of a particular employer.                                | 140307 |
| (B)(1) The OhioMeansJobs Workforce Development Revolving Loan         | 140308 |
| Program is hereby established for the purpose of assisting with       | 140309 |
| job growth and advancement through training and retraining. The       | 140310 |
| Chancellor of Higher Education shall award funds to an institution    | 140311 |
| that the institution shall use to award loans to participants in a    | 140312 |
| workforce training program that is approved by the Chancellor and     | 140313 |
| that is administered by the institution.                              | 140314 |
| (2) In awarding funds under this section, the Chancellor              | 140315 |
| shall give a preference to an institution for a workforce training    | 140316 |
| program in which the institution partners with a business that is     | 140317 |
| willing to repay all or part of the loan on behalf of a program       | 140318 |
| participant or with a business that also provides funding for the     | 140319 |
| program, in comparison to a program that does not have such a         | 140320 |

partnership. The Chancellor shall consider a program that has 140321  
employment opportunities in areas that are in demand, including, 140322  
but not limited to, energy exploration. 140323

(3) The Chancellor also shall consider all of the following 140324  
factors when determining whether to award funds under this section 140325  
to an institution for a workforce training program, to the extent 140326  
that these factors apply to the program: 140327

(a) The success rate of the workforce training program 140328  
offered by the institution; 140329

(b) The cost of the workforce training program based upon a 140330  
comparison of similar workforce training programs offered in this 140331  
state; 140332

(c) The rate that the workforce training program participants 140333  
obtain employment in the field in which they receive training 140334  
under the program; 140335

(d) The willingness of the institution to assist a 140336  
participant in paying for the costs of participating in the 140337  
workforce training program; 140338

(e) The extent to which the program has demonstrated support 140339  
from business partners. 140340

(4) After the initial funds are awarded to institutions under 140341  
this section, the Chancellor, in awarding subsequent funds under 140342  
this section, shall give greater weight to the factors listed in 140343  
division (B)(3)(a) of this section in comparison to the other 140344  
factors listed in division (B)(3) of this section, but shall not 140345  
give that factor greater weight than the preference given in 140346  
division (B)(2) of this section. 140347

(C) Funds shall be disbursed to successful applicants using 140348  
moneys from the OhioMeansJobs Workforce Development Revolving Loan 140349  
Fund established in section 6301.14 of the Revised Code. The 140350



Chancellor shall not award to an institution more than ~~one~~ two 140351  
hundred fifty thousand dollars per workforce training program per 140352  
year under this section. An institution receiving funds under this 140353  
section shall establish, in consultation with the Department of 140354  
Higher Education, eligibility requirements that a participant in 140355  
the workforce training program for which the institution received 140356  
the funds shall satisfy to receive a loan under this section, and 140357  
the institution shall apply the loan proceeds to program costs for 140358  
those participants who satisfy those requirements. A loan applied 140359  
by an institution to program costs for a participant under this 140360  
section shall not exceed ten thousand dollars per program in which 140361  
the participant participates. 140362

(D) Except as provided in the rules adopted by the Treasurer 140363  
of State pursuant to division (G) of this section, a loan to a 140364  
program participant shall remain interest-free until six months 140365  
after the date the participant successfully completes the 140366  
workforce training program, if the participant also continues to 140367  
reside in this state. Beginning on the earlier of the date that is 140368  
six months after the individual completes the workforce training 140369  
program for which the participant received a loan under this 140370  
section, the date the individual terminates enrollment in the 140371  
workforce training program without completion, or the date the 140372  
participant ceases to reside in this state, the Treasurer of State 140373  
shall assess a rate of interest of not more than four per cent per 140374  
annum on any outstanding principal balance of that loan. The 140375  
Treasurer of State shall not assess a zero per cent interest rate. 140376  
The Treasurer of State shall establish a payment schedule not to 140377  
exceed seven years after the date a participant successfully 140378  
completes the workforce training program. 140379

(E) The Chancellor shall prescribe, by rule adopted in 140380  
accordance with Chapter 119. of the Revised Code, procedures 140381  
necessary to carry out this section, including all of the 140382

following: 140383

(1) Application procedures for funds under this section, 140384  
which shall require an applicant to include a description of the 140385  
workforce training program for which the institution intends to 140386  
award loans and the number of individuals who will be 140387  
participating in that program; 140388

(2) A method to determine the amount of funds awarded to an 140389  
institution based on the costs of the workforce training program 140390  
for which a program participant receives a loan and the number of 140391  
individuals the institution estimates will participate in the 140392  
program; 140393

(3) The process by which the Chancellor approves workforce 140394  
training programs for which loans are granted under this section. 140395

(F) The Treasurer of State shall be responsible for making 140396  
deposits and withdrawals and maintaining records pertaining to the 140397  
OhioMeansJobs Workforce Development Revolving Loan Fund. 140398

(G) The Treasurer of State shall service the loans described 140399  
in this section and may designate a third party to serve as an 140400  
agent of the Treasurer of State in servicing the loans. A third 140401  
party designated by the Treasurer of State is authorized to take 140402  
such actions, to enter into such contracts, and to execute all 140403  
instruments necessary or appropriate to service those loans. The 140404  
Treasurer of State shall adopt rules pursuant to section 111.15 of 140405  
the Revised Code to do all of the following: 140406

(1) Establish a fee to be charged to a loan recipient to 140407  
offset the cost of servicing the loan; 140408

(2) Establish terms of repayment for a loan; 140409

(3) Assess interest on loans for a participant who fails to 140410  
comply with continuing eligibility requirements, who fails to 140411  
complete the workforce training program for which the participant 140412

received the loan, or whose participation in the program is on a 140413  
staggered basis; 140414

(4) Disburse funds to an institution. 140415

(H) The Treasurer of State may adopt any additional rules 140416  
pursuant to section 111.15 of the Revised Code that the Treasurer 140417  
of State considers necessary to implement division (G) of this 140418  
section. 140419

(I) The loan servicing fee established pursuant to division 140420  
(G)(1) of this section shall not exceed the actual cost of 140421  
servicing the loan. 140422

(J)(1) The Chancellor shall prepare a report outlining the 140423  
amount each institution received under this section during the 140424  
previous year, including the amount awarded to each individual 140425  
workforce training program. 140426

(2) Beginning on July 1, 2014, and continuing every year 140427  
thereafter for so long as the Chancellor awards funds under the 140428  
Program, the Chancellor shall submit the report prepared in 140429  
division (J)(1) of this section to the Governor, the Speaker and 140430  
Minority Leader of the House of Representatives, and the President 140431  
and Minority Leader of the Senate. 140432

**Section 610.51.** That existing Section 2 of Am. Sub. S.B. 1 of 140433  
the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the 140434  
131st General Assembly, is hereby repealed. 140435

**Section 610.53.** That Section 3 of Sub. S.B. 9 of the 130th 140436  
General Assembly be amended to read as follows: 140437

**Sec. 3.** (A) During the period beginning on January 1, 2014, 140438  
and expiring January 1, ~~2018~~ 2022, the operation of sections 140439  
1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 140440  
3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 140441

3924.12, 3924.13, and 3924.14 of the Revised Code are suspended. 140442  
The suspension shall take effect in accordance with the following: 140443

(1) Carriers shall not be required to offer open enrollment 140444  
coverage under the Ohio Open Enrollment Program on or after 140445  
January 1, 2014. In addition, carriers shall not reinsure any 140446  
insurance policies with the Ohio Health Reinsurance Program during 140447  
the suspension of the Program on or after January 1, 2014. 140448

(2) Notwithstanding this section, the Board of Directors of 140449  
the Ohio Health Reinsurance Program shall continue to have all of 140450  
the authority and protection provided by sections 3924.07 to 140451  
3924.14 of the Revised Code during the period beginning January 1, 140452  
2014, and ending December 31, 2014, in order to wind up the 140453  
affairs of the Ohio Health Reinsurance Program. This shall 140454  
include, but is not limited to, the receipt, processing, and 140455  
payment of all claims incurred on or before January 1, 2014, 140456  
assessments needed to fund the wind up of the Program, the refund 140457  
of any excess assessments, and the preparation of final audited 140458  
financial statements and tax returns. 140459

(3) With respect to an open enrollment or conversion policy 140460  
or contract issued prior to January 1, 2014, a carrier may 140461  
terminate such policy or contract on or after January 1, 2014, if 140462  
the carrier does both of the following: 140463

(a) Provides notice of termination to the policy or contract 140464  
holder at the time the policy is issued or at least ninety days 140465  
prior to the termination; 140466

(b) Offers the policy or contract holder the option to 140467  
purchase other coverage offered by the insurer to be effective at 140468  
the time of the termination. 140469

(4) Carriers shall not be required to include any option to 140470  
convert coverage as required by sections 1751.16, 1751.17, and 140471

3923.122 of the Revised Code in any policy or contract issued on 140472  
or after January 1, 2014. 140473

(B) If the amendments made by 42 U.S.C. 300gg-1 and 300gg-6, 140474  
regarding the requirements related to health insurance coverage, 140475  
~~do not take effect January 1, 2014, or~~ become ineffective prior to 140476  
the expiration of the suspension on January 1, ~~2018~~ 2022, then 140477  
sections 1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 140478  
3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 140479  
3924.111, 3924.12, 3924.13, and 3924.14 of the Revised Code, in 140480  
either their present form or as they are later amended, again 140481  
become operational. 140482

**Section 610.54.** That existing Section 3 of Sub. S.B. 9 of the 140483  
130th General Assembly is hereby repealed. 140484

**Section 610.60.** That Section 7 of Sub. H.B. 532 of the 129th 140485  
General Assembly, as amended by Am. Sub. H.B. 64 of the 131st 140486  
General Assembly, be amended to read as follows: 140487

**Sec. 7.** (A) This section applies only to a city school 140488  
district that currently leases an athletic field to the governing 140489  
authority of a chartered nonpublic school. 140490

(B) Notwithstanding sections 3313.41 and 3313.413 of the 140491  
Revised Code, the board of education of a school district to which 140492  
this section applies may offer for sale an athletic field that it 140493  
owns in its corporate capacity to the chartered nonpublic school 140494  
that is the current leaseholder of that property prior to offering 140495  
that property for sale under the provisions of sections 3313.41 140496  
and 3313.413 of the Revised Code. 140497

(C) This section shall expire on December 31, ~~2017~~ 2019. 140498

**Section 610.61.** That existing Section 7 of Sub. H.B. 532 of 140499

the 129th General Assembly, as amended by Am. Sub. H.B. 64 of the 140500  
 131st General Assembly, is hereby repealed. 140501

**Section 610.70.** That Section 227.10 of S.B. 310 of the 131st 140502  
 General Assembly be amended to read as follows: 140503

**Sec. 227.10.** DPS DEPARTMENT OF PUBLIC SAFETY 140504

Administrative Building Fund (Fund 7026) 140505

C76034 EMA Building System and Equipment \$ 300,000 140506

C76049 EMA Building Renovations and \$ 250,000 140507  
 Improvements

C76051 Fayette County MARCS Tower Project \$ 1,385,941 140508

C76052 Reading Flood Plain Study/Remediation \$ 200,000 140509

C76053 Summit Law Enforcement Training Center \$ 200,000 140510  
 and Indoor Firing Range

C76054 Wayne County MARCS EMS Phase II \$ 600,000 140511

C76055 Highland County MARCS Tower Project \$ 300,000 140512

TOTAL Administrative Building Fund \$ ~~2,935,941~~ 140513  
3,235,941

Highway Safety Fund (Fund 7036) 140514

C76035 Alum Creek Facility Renovations and \$ 1,200,000 140515  
 Upgrades

C76036 Shipley Building Renovations and \$ 1,500,000 140516  
 Improvements

C76043 Minor Capital Projects \$ 2,500,000 140517

C76044 OSHP Headquarters/Post Renovations and \$ 2,250,000 140518  
 Improvements

C76045 OSHP Academy Renovations and \$ 1,250,000 140519  
 Improvements

C76046 OSHP - K-9 Training Facility \$ 1,250,000 140520

TOTAL Highway Safety Fund \$ 9,950,000 140521

TOTAL ALL FUNDS \$ ~~12,885,941~~ 140522

13,185,941

|                                                                        |                           |  |        |
|------------------------------------------------------------------------|---------------------------|--|--------|
| <u>HIGHLAND COUNTY MARCS TOWER PROJECT</u>                             |                           |  | 140523 |
| <u>The foregoing appropriation item C76055, Highland County</u>        |                           |  | 140524 |
| <u>MARCS Tower Project, shall be used for the purpose of providing</u> |                           |  | 140525 |
| <u>end user radios for the Highland County MARCS Tower Project.</u>    |                           |  | 140526 |
| <b>Section 610.71.</b> That existing Section 227.10 of S.B. 310 of     |                           |  | 140527 |
| the 131st General Assembly is hereby repealed.                         |                           |  | 140528 |
| <b>Section 610.80.</b> That Sections 229.10 and 229.30 of S.B. 310     |                           |  | 140529 |
| of the 131st General Assembly be amended to read as follows:           |                           |  | 140530 |
| <b>Sec. 229.10.</b> DRC DEPARTMENT OF REHABILITATION AND CORRECTION    |                           |  | 140531 |
| Adult Correctional Building Fund (Fund 7027)                           |                           |  | 140532 |
| C50101 Community-Based Correctional Facilities                         | \$ 20,287,590             |  | 140533 |
| C50105 Water System/Plant Improvements                                 | \$ 7,500,000              |  | 140534 |
| C50106 Industrial Equipment - Statewide                                | \$ 4,602,109              |  | 140535 |
| C50114 Community Residential Program                                   | \$ 2,000,000              |  | 140536 |
| C50136 General Building Renovations                                    | \$ 116,461,868            |  | 140537 |
| <u>C501HE Ohio River Valley Jail Facility</u>                          | <u>\$ 1,250,000</u>       |  | 140538 |
| TOTAL Adult Correctional Building Fund                                 | \$ <del>150,851,567</del> |  | 140539 |
|                                                                        | <u>152,101,567</u>        |  |        |
| TOTAL ALL FUNDS                                                        | \$ <del>150,851,567</del> |  | 140540 |
|                                                                        | <u>152,101,567</u>        |  |        |
| <b>Sec. 229.30.</b> COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS          |                           |  | 140542 |
| The foregoing appropriation item C50114, Community                     |                           |  | 140543 |
| Residential Program, may be used by the Department of                  |                           |  | 140544 |
| Rehabilitation and Correction, pursuant to sections 5120.103 to        |                           |  | 140545 |
| 5120.105 of the Revised Code, to provide for the construction or       |                           |  | 140546 |
| renovation of halfway house facilities for offenders eligible for      |                           |  | 140547 |
| community supervision by the Department of Rehabilitation and          |                           |  | 140548 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Correction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 140549                                                                                                                         |
| <u>OHIO RIVER VALLEY JAIL FACILITY</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 140550                                                                                                                         |
| <u>The foregoing appropriation item C501HE, Ohio River Valley Jail Facility, shall be used for the development of the Ohio River Valley Jail Facility to be located in Scioto county, including, but not limited to, the costs of construction, renovations, site development, capital equipment, and planning.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 140551<br>140552<br>140553<br>140554<br>140555                                                                                 |
| <b>Section 610.81.</b> That existing Sections 229.10 and 229.30 of S.B. 310 of the 131st General Assembly are hereby repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 140556<br>140557                                                                                                               |
| <b>Section 610.90.</b> That Section 221.20 of S.B. 310 of the 131st General Assembly be amended to read as follows:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 140558<br>140559                                                                                                               |
| <b>Sec. 221.20.</b> The Treasurer of State is hereby authorized to issue and sell in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.20 of the Revised Code, original obligations in an aggregate principal amount not to exceed <del>\$54,000,000</del> <u>74,000,000</u> in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Mental Health Facilities Improvement Fund (Fund 7033) to pay costs of capital facilities as defined in section 154.01 of the Revised Code for mental hygiene and retardation. | 140560<br>140561<br>140562<br>140563<br>140564<br>140565<br>140566<br>140567<br>140568<br>140569<br>140570<br>140571<br>140572 |
| <b>Section 610.91.</b> That existing Section 221.20 of S.B. 310 of the 131st General Assembly is hereby repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 140573<br>140574                                                                                                               |
| <b>Section 610.100.</b> That Section 207.440 of S.B. 310 of the 131st General Assembly be amended to read as follows:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 140575<br>140576                                                                                                               |



**Sec. 207.440.** The Ohio Public Facilities Commission is hereby 140577  
authorized to issue and sell, in accordance with Section 2n of 140578  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 140579  
sections 151.01 and 151.04 of the Revised Code, original 140580  
obligations in an aggregate principal amount not to exceed 140581  
~~\$480,000,000~~ \$481,000,000, in addition to the original issuance of 140582  
obligations heretofore authorized by prior acts of the General 140583  
Assembly. These authorized obligations shall be issued, subject to 140584  
applicable constitutional and statutory limitations, as needed to 140585  
provide sufficient moneys to the credit of the Higher Education 140586  
Improvement Fund (Fund 7034) and the Higher Education Improvement 140587  
Taxable Fund (Fund 7024) to pay costs of capital facilities as 140588  
defined in sections 151.01 and 151.04 of the Revised Code for 140589  
state-supported and state-assisted institutions of higher 140590  
education. 140591

**Section 610.101.** That existing Section 207.440 of S.B. 310 of 140592  
the 131st General Assembly is hereby repealed. 140593

**Section 610.110.** That Sections 205.10, 205.20, and 812.50 of 140594  
Sub. H.B. 26 of the 132nd General Assembly be amended to read as 140595  
follows: 140596

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 140597

Highway Safety Fund Group 140598

|             |                      |    |             |    |             |        |
|-------------|----------------------|----|-------------|----|-------------|--------|
| 5TM0 761401 | Public Safety        | \$ | 2,437,200   | \$ | 2,441,300   | 140599 |
|             | Facilities Lease     |    |             |    |             |        |
|             | Rental Bond Payments |    |             |    |             |        |
| 5TM0 762321 | Operating Expense -  | \$ | 102,654,677 | \$ | 101,709,677 | 140600 |
|             | BMV                  |    |             |    |             |        |
| 5TM0 762636 | Financial            | \$ | 4,914,824   | \$ | 4,914,824   | 140601 |
|             | Responsibility       |    |             |    |             |        |

|       |                               |                                                  |    |                                              |    |             |        |
|-------|-------------------------------|--------------------------------------------------|----|----------------------------------------------|----|-------------|--------|
|       |                               | Compliance                                       |    |                                              |    |             |        |
| 5TM0  | 762637                        | Local Immobilization                             | \$ | 200,000                                      | \$ | 200,000     | 140602 |
|       |                               | Reimbursement                                    |    |                                              |    |             |        |
| 5TM0  | 764321                        | Operating Expense -<br>Highway Patrol            | \$ | <del>303,297,721</del><br><u>303,797,721</u> | \$ | 311,395,776 | 140603 |
| 5TM0  | 764605                        | Motor Carrier<br>Enforcement Expenses            | \$ | 2,981,040                                    | \$ | 2,981,040   | 140604 |
| 5TM0  | 769636                        | Administrative<br>Expenses - Highway<br>Purposes | \$ | 43,133,359                                   | \$ | 44,546,921  | 140605 |
| 8370  | 764602                        | Turnpike Policing                                | \$ | 11,905,872                                   | \$ | 11,905,872  | 140606 |
| 83C0  | 764630                        | Contraband,<br>Forfeiture, and Other             | \$ | 1,122,894                                    | \$ | 1,122,894   | 140607 |
| 83F0  | 764657                        | Law Enforcement<br>Automated Data System         | \$ | 8,665,152                                    | \$ | 8,665,152   | 140608 |
| 83G0  | 764633                        | OMVI<br>Enforcement/Education                    | \$ | 641,927                                      | \$ | 641,927     | 140609 |
| 83M0  | 765624                        | Operating - EMS                                  | \$ | 4,035,127                                    | \$ | 4,135,074   | 140610 |
| 83M0  | 765640                        | EMS - Grants                                     | \$ | 2,900,000                                    | \$ | 2,900,000   | 140611 |
| 8400  | 764607                        | State Fair Security                              | \$ | 1,356,354                                    | \$ | 1,356,354   | 140612 |
| 8400  | 764617                        | Security and<br>Investigations                   | \$ | 12,155,202                                   | \$ | 12,505,202  | 140613 |
| 8400  | 764626                        | State Fairgrounds<br>Police Force                | \$ | 1,109,770                                    | \$ | 1,109,770   | 140614 |
| 8460  | 761625                        | Motorcycle Safety<br>Education                   | \$ | 3,504,741                                    | \$ | 3,544,104   | 140615 |
| 8490  | 762627                        | Automated Title<br>Processing Board              | \$ | 16,446,027                                   | \$ | 16,446,027  | 140616 |
| 8490  | 762630                        | Electronic Liens and<br>Titles                   | \$ | 2,900,000                                    | \$ | 2,900,000   | 140617 |
| TOTAL | HSF Highway Safety Fund Group |                                                  | \$ | <del>526,361,887</del><br><u>526,861,887</u> | \$ | 535,421,914 | 140618 |
|       | Dedicated Purpose Fund Group  |                                                  |    |                                              |    |             | 140619 |

|                                           |        |                                                             |    |           |    |           |        |
|-------------------------------------------|--------|-------------------------------------------------------------|----|-----------|----|-----------|--------|
| 5390                                      | 762614 | Motor Vehicle Dealers<br>Board                              | \$ | 140,000   | \$ | 140,000   | 140620 |
| 5B90                                      | 766632 | Private Investigator<br>and Security Guard<br>Provider      | \$ | 1,722,610 | \$ | 1,794,295 | 140621 |
| 5FF0                                      | 762621 | Indigent Interlock<br>and Alcohol<br>Monitoring             | \$ | 2,000,000 | \$ | 2,000,000 | 140622 |
| 5Y10                                      | 764695 | State Highway Patrol<br>Continuing<br>Professional Training | \$ | 134,000   | \$ | 134,000   | 140623 |
| TOTAL DPF Dedicated Purpose Fund<br>Group |        |                                                             | \$ | 3,996,610 | \$ | 4,068,295 | 140624 |
| Fiduciary Fund Group                      |        |                                                             |    |           |    |           | 140625 |
| 5J90                                      | 761678 | Federal Salvage/GSA                                         | \$ | 1,500,000 | \$ | 1,500,000 | 140626 |
| 5V10                                      | 762682 | License Plate<br>Contributions                              | \$ | 2,700,000 | \$ | 2,700,000 | 140627 |
| TOTAL FID Fiduciary Fund Group            |        |                                                             | \$ | 4,200,000 | \$ | 4,200,000 | 140628 |
| Holding Account Fund Group                |        |                                                             |    |           |    |           | 140629 |
| R024                                      | 762619 | Unidentified Motor<br>Vehicle Receipts                      | \$ | 1,885,000 | \$ | 1,885,000 | 140630 |
| R052                                      | 762623 | Security Deposits                                           | \$ | 350,000   | \$ | 350,000   | 140631 |
| TOTAL HLD Holding Account Fund<br>Group   |        |                                                             | \$ | 2,235,000 | \$ | 2,235,000 | 140632 |
| Federal Fund Group                        |        |                                                             |    |           |    |           | 140633 |
| 3DU0                                      | 762628 | BMV Grants                                                  | \$ | 250,000   | \$ | 0         | 140634 |
| 3GR0                                      | 764693 | Highway Patrol<br>Justice Contraband                        | \$ | 2,223,000 | \$ | 2,232,000 | 140635 |
| 3GS0                                      | 764694 | Highway Patrol<br>Treasury Contraband                       | \$ | 21,000    | \$ | 21,000    | 140636 |
| 3GU0                                      | 761610 | Information and<br>Education Grant                          | \$ | 300,000   | \$ | 300,000   | 140637 |

|                              |                                                     |                           |                |        |
|------------------------------|-----------------------------------------------------|---------------------------|----------------|--------|
| 3GU0 764608                  | Fatality Analysis<br>Report System Grant            | \$ 175,000                | \$ 175,000     | 140638 |
| 3GU0 764610                  | Highway Safety<br>Programs Grant                    | \$ 3,776,000              | \$ 3,850,000   | 140639 |
| 3GU0 764659                  | Motor Carrier Safety<br>Assistance Program<br>Grant | \$ 5,571,000              | \$ 5,710,000   | 140640 |
| 3GU0 765610                  | EMS Grants                                          | \$ 225,000                | \$ 225,000     | 140641 |
| 3GV0 761612                  | Traffic Safety Action<br>Plan Grants                | \$ 30,200,000             | \$ 30,200,000  | 140642 |
| TOTAL FED                    | Federal Fund Group                                  | \$ 42,741,000             | \$ 42,713,000  | 140643 |
| TOTAL ALL BUDGET FUND GROUPS |                                                     | \$ <del>579,534,497</del> | \$ 588,638,209 | 140644 |
|                              |                                                     | <u>580,034,497</u>        |                |        |

**Sec. 205.20. MOTOR VEHICLE REGISTRATION** 140646

The Director of Public Safety may deposit revenues to meet 140647  
the cash needs of the Public Safety - Highway Purposes Fund (Fund 140648  
5TM0) established in section 4501.06 of the Revised Code, obtained 140649  
under section 4503.02 of the Revised Code, less all other 140650  
available cash. Revenue deposited pursuant to this paragraph shall 140651  
support in part appropriations for the administration and 140652  
enforcement of laws relative to the operation and registration of 140653  
motor vehicles, for payment of highway obligations and other 140654  
statutory highway purposes. Notwithstanding section 4501.03 of the 140655  
Revised Code, the revenues shall be paid into Fund 5TM0 before any 140656  
revenues obtained pursuant to section 4503.02 of the Revised Code 140657  
are paid into any other fund. The deposit of revenues to meet the 140658  
aforementioned cash needs shall be in approximately equal amounts 140659  
on a monthly basis or as otherwise approved by the Director of 140660  
Budget and Management. Prior to July 1 of each fiscal year, the 140661  
Director of Public Safety shall submit a plan to the Director of 140662  
Budget and Management requesting approval of the anticipated 140663  
revenue amounts to be deposited into Fund 5TM0 pursuant to this 140664

paragraph. If during the fiscal year changes to the plan as 140665  
approved by the Director of Budget and Management are necessary, 140666  
the Director of Public Safety shall submit a revised plan to the 140667  
Director of Budget and Management for approval prior to any change 140668  
in the deposit of revenues. 140669

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 140670

The foregoing appropriation item 761401, Public Safety 140671  
Facilities Lease Rental Bond Payments, shall be used to meet all 140672  
payments during the period July 1, 2017, through June 30, 2019, by 140673  
the Department of Public Safety under the leases and agreements 140674  
for facilities under Chapters 152. and 154. of the Revised Code. 140675  
The appropriations are the source of funds pledged for bond 140676  
service charges on related obligations issued under Chapters 152. 140677  
and 154. of the Revised Code. 140678

CASH TRANSFERS - HIGHWAY PATROL 140679

Upon written request of the Director of Public Safety, the 140680  
Director of Budget and Management may transfer cash from the State 140681  
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) 140682  
to the Security, Investigations and Policing Fund (Fund 8400). 140683

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 140684  
SHIPLEY UPGRADES 140685

Pursuant to a plan submitted by the Director of Public 140686  
Safety, or as otherwise determined by the Director of Budget and 140687  
Management, the Director of Budget and Management may make 140688  
appropriate cash transfers on a pro-rata basis as approved by the 140689  
Director of Budget and Management from other funds used by the 140690  
Department of Public Safety, excluding the Public Safety Building 140691  
Fund (Fund 7025), to the Public Safety - Highway Purposes Fund 140692  
(Fund 5TM0) in order to reimburse expenditures for capital 140693  
upgrades to the Shipley Building. 140694

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 140695

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>PURPOSES/CONTINGENCIES FUND TO THE PUBLIC SAFETY - HIGHWAY</u>         | 140696 |
| <u>PURPOSES FUND</u>                                                      | 140697 |
| <u>On July 1, 2017, or as soon as possible thereafter, the</u>            | 140698 |
| <u>Director of Budget and Management shall transfer \$500,000 cash</u>    | 140699 |
| <u>from the Controlling Board Emergency Purposes/Contingencies Fund</u>   | 140700 |
| <u>(Fund 5KM0) to the Public Safety - Highway Purposes Fund (Fund</u>     | 140701 |
| <u>5TM0).</u>                                                             | 140702 |
| <u>OPERATING EXPENSE - HIGHWAY PATROL</u>                                 | 140703 |
| <u>Of the foregoing appropriation item 764321, Operating Expense</u>      | 140704 |
| <u>- Highway Patrol, \$500,000 in fiscal year 2018 shall be used by</u>   | 140705 |
| <u>the Department of Public Safety to fund criminal laboratory case</u>   | 140706 |
| <u>work primarily related to opioid or other criminal cases submitted</u> | 140707 |
| <u>to the Department of Public Safety.</u>                                | 140708 |
| <u>COLLECTIVE BARGAINING INCREASES</u>                                    | 140709 |
| <u>Notwithstanding division (D) of section 127.14 and division</u>        | 140710 |
| <u>(B) of section 131.35 of the Revised Code, except for the General</u>  | 140711 |
| <u>Revenue Fund, the Controlling Board may, upon the request of</u>       | 140712 |
| <u>either the Director of Budget and Management, or the Department of</u> | 140713 |
| <u>Public Safety with the approval of the Director of Budget and</u>      | 140714 |
| <u>Management, authorize expenditures in excess of appropriations and</u> | 140715 |
| <u>transfer appropriations, as necessary, for any fund used by the</u>    | 140716 |
| <u>Department of Public Safety, to assist in paying the costs of</u>      | 140717 |
| <u>increases in employee compensation that have occurred pursuant to</u>  | 140718 |
| <u>collective bargaining agreements under Chapter 4117. of the</u>        | 140719 |
| <u>Revised Code and, for exempt employees, under section 124.152 of</u>   | 140720 |
| <u>the Revised Code. Any money approved for expenditure under this</u>    | 140721 |
| <u>paragraph is hereby appropriated.</u>                                  | 140722 |
| <u>CASH BALANCE FUND REVIEW</u>                                           | 140723 |
| <u>The Director of Public Safety shall review the cash balances</u>       | 140724 |
| <u>for each fund in the State Highway Safety Fund Group, and may</u>      | 140725 |
| <u>submit a request in writing to the Director of Budget and</u>          | 140726 |

Management to transfer amounts from any fund in the State Highway Safety Fund Group to the credit of the Public Safety - Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a request, the Director of Budget and Management may make appropriate transfers as requested by the Director of Public Safety or as otherwise determined by the Director of Budget and Management.

CASH TRANSFER - SECURITY, POLICE, AND INVESTIGATIONS 140734

Upon written request of the Director of Public Safety, the Director of Budget and Management may transfer up to \$2,000,000 cash in each fiscal year from the Trauma and Emergency Medical Services Fund (Fund 83M0) to the Security, Investigations, and Policing Fund (Fund 8400).

CASH TRANSFER - TRAUMA AND EMERGENCY MEDICAL SERVICES GRANT FUND 140740  
140741

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Trauma and Emergency Medical Services Grants Fund (Fund 83P0) to the Trauma and Emergency Medical Services Fund (Fund 83M0). Upon completion of the transfer, Fund 83P0 is abolished.

**Sec. 812.50.** Section 755.30 of this act is hereby repealed ~~one year~~ two years after the effective date of that section.

**Section 610.111.** That existing Sections 205.10, 205.20, and 812.50 of Sub. H.B. 26 of the 132nd General Assembly are hereby repealed.

**Section 620.10.** That Section 7 of Am. Sub. H.B. 52 of the 131st General Assembly is hereby repealed.

**Section 620.20.** That section 745.20 of Sub. H.B. 26 of the

132nd General Assembly is hereby repealed. 140755

**Section 701.10.** The following agencies are retained under 140756  
division (D) of section 101.83 of the Revised Code and expire at 140757  
the end of December 31, 2020: 140758

ABLE Account Program Advisory Board R.C. 113.56 140759

Ohio Healthier Buckeye Advisory Council R.C. 5101.91 140760

Underground Technical Committee R.C. 3781.34 140761

**Section 701.20.** The Ohio Constitutional Modernization 140762  
Commission shall cease operations on or before July 1, 2017. 140763  
Notwithstanding section 126.29 of the Revised Code, the Director 140764  
of the Legislative Service Commission shall attend to any matters 140765  
associated with winding up the affairs of the Ohio Constitutional 140766  
Modernization Commission. 140767

**Section 715.10.** For all applications for which a hearing has 140768  
been held under section 1509.28 of the Revised Code prior to 140769  
January 1, 2018, and for which the chief of the division of oil 140770  
and gas resources management issues an order providing for the 140771  
unit operation of a pool or part thereof, the applicant shall not 140772  
be required to commence any unit operations sooner than 140773  
twenty-four months from the effective date of such order. 140774

**Section 733.10.** Notwithstanding division (O)(6)(a) of section 140775  
3301.0711 of the Revised Code, as amended by this act, in 2017, 140776  
the Department of Education shall not release as public records 140777  
any questions and corresponding preferred answers from the English 140778  
language arts and mathematics assessments prescribed under 140779  
division (A) of section 3301.0710 of the Revised Code that were 140780  
administered in the 2015-2016 school year. 140781



**Section 733.13.** The Department of Education shall prepare a report of the information maintained in the Education Management Information System that relates to persons at whom violent student behavior resulting in reported disciplinary actions was directed as required by division (B)(1)(o) of section 3301.0714 of the Revised Code, as amended by this act, for the first two school years following the effective date of this section. Not later than the first day of October that next succeeds the final day of the second school year following the effective date of this section, the Department shall submit the report prepared under this section to the President and Minority Leader of the Senate, Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking minority members of the standing committees on education of the Senate and House of Representatives.

**Section 733.20.** The revisions by this act to section 3365.03 of the Revised Code shall first apply to students seeking to participate in the College Credit Plus program during the 2018-2019 school year. For participation during the 2017-2018 school year, students shall meet the eligibility requirements prescribed by section 3365.03 of the Revised Code, as it existed prior to the effective date of this section.

**Section 733.40.** Not later than July 1, 2018, the Department of Education, in consultation with the Department of Higher Education and the Governor's Office of Workforce Transformation, shall develop both of the following:

(A) A plan that permits and encourages school districts and chartered nonpublic schools to integrate academic content in subject areas for which the State Board of Education adopts standards under section 3301.079 of the Revised Code into other

coursework so that students may earn simultaneous credit in 140812  
accordance with division (I) of section 3313.603 of the Revised 140813  
Code; 140814

(B) Guidance to assist school districts and schools that 140815  
choose to implement integrated coursework under division (I) of 140816  
section 3313.603 of the Revised Code that includes guidance on 140817  
appropriate licensure teachers must have to teach integrated 140818  
coursework and guidance on appropriately integrating subject area 140819  
content into course curriculum to ensure that students receive 140820  
instruction in the academic content necessary to meet graduation 140821  
requirements. 140822

**Section 733.50.** The Chancellor of Higher Education, in 140823  
consultation with the Director of the Governor's Office of 140824  
Workforce Transformation and the Superintendent of Public 140825  
Instruction, shall work with the business community and higher 140826  
education institutions to develop a program targeted at increasing 140827  
the number of high school students in Ohio who pursue certificates 140828  
or degrees in the field of advanced technology and cyber security. 140829

**Section 733.60.** Beginning with the 2017-2018 school year, the 140830  
Ohio Teacher Residency Program established under section 3319.223 140831  
of the Revised Code, as it existed prior to the effective date of 140832  
this section, shall cease to exist. Any individual who is 140833  
currently participating in the program shall not be required to 140834  
complete the program or any component of the program. 140835  
Additionally, the State Board of Education shall not require any 140836  
applicant for a new educator license, or for renewal of any 140837  
educator license, under section 3319.22 or 3319.26 of the Revised 140838  
Code to complete the program or any component of the program as a 140839  
condition for issuance of an educator license. 140840

**Section 733.63.** The General Assembly finds that the Ohio FFA 140841

Association is an integral part of the organized instructional 140842  
programs in career-technical agricultural education that prepare 140843  
students for a wide range of careers in agriculture, agribusiness, 140844  
and other agriculture-related occupations. 140845

**Section 733.65.** (A) The Superintendent of Public Instruction 140846  
shall establish a workgroup on related services personnel. The 140847  
purpose of the workgroup shall be to improve the coordination of 140848  
state, school, and provider efforts to address the related 140849  
services needs of students with disabilities. 140850

(B) The workgroup shall include the following members: 140851

(1) Employees of the Department of Education, the Department 140852  
of Higher Education, and other state agencies that have a role in 140853  
addressing the related services needs of students with 140854  
disabilities; 140855

(2) Representatives of interested parties, which shall 140856  
include at least the following: 140857

(a) The Ohio Speech-Language-Hearing Association; 140858

(b) The Ohio School Psychologists Association; 140859

(c) The Ohio Educational Service Center Association. 140860

(3) Representatives of school district superintendents, 140861  
treasurers or business managers, and other school business 140862  
officials. 140863

(C) The workgroup shall do all of the following: 140864

(1) Identify and evaluate causes and solutions for the 140865  
shortage of related services personnel in the school setting, 140866  
including evaluating the long-term sustainability of potential 140867  
solutions; 140868

(2) Establish short-term, medium-term, and long-term goals to 140869  
address the shortage of related services personnel in the state 140870

and monitor progress on those goals; 140871

(3) Report, as needed, on the work and findings of the 140872  
workgroup. 140873

(D) The Department of Education shall provide administrative 140874  
support to the workgroup. 140875

(E) The workgroup shall cease to exist on June 30, 2019, 140876  
unless the General Assembly authorizes its continuation. 140877

(F) As used in this section, "related services" has the same 140878  
meaning as in section 3323.01 of the Revised Code. 140879

**Section 737.10.** All money received by the Director of 140880  
Environmental Protection under section 3751.05 of the Revised Code 140881  
as that section existed prior to its amendment by this act shall 140882  
remain in the Toxic Chemical Release Reporting Fund, to be used 140883  
exclusively for purposes of implementing, administering, and 140884  
enforcing Chapter 3751. of the Revised Code and rules adopted and 140885  
orders issued under it. In addition, any money received by the 140886  
Director after the act's effective date under section 3751.05 of 140887  
the Revised Code for filing fees or late fees required to be paid 140888  
under that section prior to the act's effective date shall be 140889  
deposited in the Fund and used for those purposes. 140890

**Section 737.21.** (A) There is hereby created the Ohio Lead 140891  
Legislative Study Group to study lead poisoning treatment and 140892  
control issues and propose a plan to address those issues. The 140893  
Study Group shall include all of the following participants: 140894

(1) The chairs of the committees of the House of 140895  
Representatives and the Senate with a primary responsibility over 140896  
health and education issues. Each chair may appoint a designee to 140897  
serve in place of the chair at meetings of the Study Group. 140898

(2) The ranking minority members of the committees of the 140899

House of Representatives and the Senate with a primary responsibility over health and education issues. Each ranking minority member may appoint a designee to serve in place of the member at meetings of the Study Group.

(3) A representative from each of the following organizations, appointed by the Governor:

- (a) Coalition on Homelessness and Housing in Ohio;
- (b) Cleveland Lead Safe Network;
- (c) Marion County Public Health;
- (d) Ohio Association of Realtors;
- (e) Ohio Children's Hospital Association;
- (f) Ohio Conference on Community Development;
- (g) Ohio Healthy Homes Network;
- (h) Ohio Poverty Law Center;
- (i) People Working Cooperatively;
- (j) Toledo Lead Poisoning Prevention Coalition;
- (k) A representative of the Ohio Department of Health.

(B) The Governor shall make appointments to the Study Group not later than thirty days after the effective date of this section. The chair of the committee of the Senate with primary responsibility for education issues, or the chair's designee, shall serve as the initial chair of the Study Group. Not later than ninety days after the Group's first meeting, the Study Group shall elect a chair to serve for the remainder of the Study Group's mandate, and shall appoint ten additional members to the Study Group representing interested agencies and advocacy groups.

(C) Not later than eighteen months after the effective date of this section, the Ohio Lead Legislative Study Group shall submit a report of its findings and recommendations to the Speaker

and Minority Leader of the House of Representatives and the 140929  
President and Minority Leader of the Senate. 140930

(D) Upon submission of the report, the Group shall cease to 140931  
exist. 140932

**Section 737.23.** The Legislative Committee on Public Health 140933  
Futures is re-established effective January 1, 2018. The Committee 140934  
shall review relevant reports previously produced by similar 140935  
public health futures committees in this state. The Legislative 140936  
Committee shall review the effectiveness of recommendations from 140937  
those reports that are being or that have been implemented. And, 140938  
based on the knowledge and insight gained from its reviews, the 140939  
Legislative Committee shall make legislative and fiscal policy 140940  
recommendations that it believes would improve local public health 140941  
services in Ohio. 140942

The Legislative Committee, not later than January 31, 2019, 140943  
shall prepare a report that describes its review of the reports 140944  
and its review of the recommendations that are being or that have 140945  
been implemented, and that states and provides explanations of the 140946  
Committee's new policy recommendations. 140947

The Legislative Committee shall transmit a copy of its report 140948  
to the Governor, the President and Minority Leader of the Senate, 140949  
and the Speaker and Minority Leader of the House of 140950  
Representatives. Upon transmitting its report, the Legislative 140951  
Committee ceases to exist. 140952

Each of the following associations shall appoint one 140953  
individual to the Legislative Committee: the County Commissioners 140954  
Association of Ohio, the Ohio Township Association, the Department 140955  
of Health, the Ohio Public Health Association, the Ohio 140956  
Environmental Health Association, the Ohio Boards of Health 140957  
Association, the Ohio Municipal League, and the Ohio Hospital 140958  
Association. The Association of Ohio Health Commissioners shall 140959

appoint two individuals to the Legislative Committee. The 140960  
President and Minority Leader of the Senate each shall appoint two 140961  
members to the Legislative Committee. The Speaker and Minority 140962  
Leader of the House of Representatives shall appoint two members 140963  
to the Legislative Committee. Of the two appointments made by each 140964  
legislative leader, one shall be a member of the General Assembly 140965  
from the appointing member's chamber. Appointments shall be made 140966  
as soon as possible but not later than January 31, 2018. Vacancies 140967  
on the Legislative Committee shall be filled in the same manner as 140968  
the original appointment. 140969

As soon as all members have been appointed to the Legislative 140970  
Committee, the President of the Senate shall fix a time and place 140971  
for the Legislative Committee to hold its first meeting. At that 140972  
meeting, the Legislative Committee shall elect from among its 140973  
membership a chairperson, a vice-chairperson, and a secretary. The 140974  
Director of Health shall provide the Legislative Committee with 140975  
meeting and office space, equipment, and professional, technical, 140976  
and clerical staff as are necessary to enable the Legislative 140977  
Committee successfully to complete its work. 140978

**Section 749.10.** (A) The Public Utilities Commission shall 140979  
explore, in whatever format it considers appropriate, the latest 140980  
technological and regulatory innovations for the electric 140981  
distribution system, which may include researching the following: 140982

- (1) Distributed energy resources, including battery storage; 140983
- (2) Advanced metering infrastructure; 140984
- (3) Electric distribution automation, sensors, controls, and 140985  
data exchange and use; 140986
- (4) Associated electric rate design; 140987
- (5) Any other available technological and regulatory 140988  
innovations, including those that may be developed in the future. 140989

(B) Upon completion of the research under division (A) of this section, and if the Commission finds it necessary, the Commission may examine any resulting work product and issue a report that summarizes the major findings and recommends a course of action to implement cost-effective distribution system innovations.

**Section 749.20.** (A) As used in this section:

(1) "Communications services" means any of the following:

(a) Telecommunications service, as defined in 47 U.S.C. 153(53);

(b) Cable service, as defined in 47 U.S.C. 522(6);

(c) Information service, as defined in 47 U.S.C. 153(24);

(d) Wireless service;

(e) Any other one-way or two-way communication service, including internet access service.

(2) "University" means the Ohio State University, Columbus, Ohio campus.

(3) "Utility agreement" means the agreement between the university and a special purpose vehicle selected pursuant to this section to operate, develop, equip, maintain, improve, control and increase the energy efficiency of the utility system.

(4) "Utility system" means the university-owned system for producing, transforming, or distributing any one or more of the following in order to serve the university's Columbus, Ohio campus and intended solely for consumption by that campus or the university's lessees: power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity. "Utility system" includes any building, structure, facility, in whole or in



part, owned or leased by the university on real property; 141019

(a) Owned or leased by the university; and 141020

(b) Behind the meter of the public utility service provider 141021  
serving the Columbus, Ohio campus of the university. 141022

(B) Beginning in calendar year 2017, the university, 141023  
notwithstanding any law to the contrary, may enter into a utility 141024  
agreement with a special purpose vehicle to operate, develop, 141025  
equip, maintain, improve, control and increase the energy 141026  
efficiency of the university's utility system. The utility 141027  
agreement shall not permit the special purpose vehicle to take 141028  
ownership of electricity or natural gas delivered by a public 141029  
utility. The utility system shall not be used to provide or offer 141030  
communications services. 141031

(C) The university shall issue a request for proposals for 141032  
the management, maintenance, and improvement of the utility system 141033  
and meeting certain energy use and sustainability requirements for 141034  
the utility system. The request shall include any and all relevant 141035  
information, including a general description of the project, the 141036  
date by which proposals shall be submitted, information that shall 141037  
be included in the proposal, selection criteria, and a timeline 141038  
for selection. 141039

(D) In evaluating proposals, the university may consider any 141040  
criteria that it considers appropriate, including, but not limited 141041  
to, the following: 141042

(1) The technical ability of the special purpose vehicle 141043  
based on its key personnel, corporate structure, organization, and 141044  
staffing plan; 141045

(2) The financial ability of the special purpose vehicle 141046  
based on its approach to financing, sources and uses of funds, and 141047  
debt structuring; 141048

(3) The energy conservation measures proposed by the special purpose vehicle. 141049  
141050

(E) The university may evaluate and select a proposal, with or without negotiations, based on qualifications, best value, or both. 141051  
141052  
141053

(F) After selection of the proposal, the university may enter into a utility agreement with the selected special purpose vehicle for a duration determined by the university, in exchange for fees or other consideration as determined by the university, and on other terms and conditions that the university determines are necessary or appropriate. 141054  
141055  
141056  
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(G) Nothing in this section affects the university's right to accept or reject any or all proposals in whole or in part. 141060  
141061

(H) Property owned by the university that is leased to the special purpose vehicle shall continue to be exempt from taxation so long as such property is used for the purpose of operating the utility system for the benefit of the Columbus, Ohio campus of the university and the university's lessees pursuant to the utility agreement. For purposes of any sales or use tax permitted to be levied under the Revised Code, the following shall be deemed sold to the university if, pursuant to the utility agreement, they are: 141062  
141063  
141064  
141065  
141066  
141067  
141068  
141069

(1) Building and construction materials to be incorporated into the utility system; 141070  
141071

(2) Materials related to energy conservation measures to be developed by the special purpose vehicle. 141072  
141073

(I) To the extent the utility system serves only buildings, structures, and facilities located on property owned or leased by the university, the special purpose vehicle shall not be considered any of the following: 141074  
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141076  
141077

(1) A "public utility" for purposes of Chapter 4905. of the 141078

|                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                     | 141079                                                             |
| (2) An "electric services company" for purposes of Chapter 4928. of the Revised Code;                                                                                                                                                                                                                                                                                                                             | 141080<br>141081                                                   |
| (3) A "retail natural gas supplier" for purposes of Chapter 4929. of the Revised Code;                                                                                                                                                                                                                                                                                                                            | 141082<br>141083                                                   |
| (4) An "electric supplier" for purposes of Chapter 4933. of the Revised Code.                                                                                                                                                                                                                                                                                                                                     | 141084<br>141085                                                   |
| (J) To the extent the utility system serves only the Columbus, Ohio campus of the university or the university's lessees, section 4928.08 of the Revised Code shall not apply to the university or the special purpose vehicle.                                                                                                                                                                                   | 141086<br>141087<br>141088<br>141089                               |
| (K) The university shall not be considered a "public utility property lessor" for purposes of Chapter 5727. of the Revised Code.                                                                                                                                                                                                                                                                                  | 141090<br>141091<br>141092                                         |
| (L) Sections 9.331 to 9.335 of the Revised Code, Chapter 153. of the Revised Code, and sections 3345.61 to 3345.66 of the Revised Code shall not apply to the following:                                                                                                                                                                                                                                          | 141093<br>141094<br>141095                                         |
| (1) The university's evaluation or selection of, or contracting with, a special purpose vehicle;                                                                                                                                                                                                                                                                                                                  | 141096<br>141097                                                   |
| (2) Performance of any of the following activities pursuant to the utility agreement, provided that the special purpose vehicle uses a best value or competitive selection process to identify the provider: design, demolition, project management, construction, repair, replacement, remodeling, renovation, reconstruction, enlargement, addition, alteration, painting, or structural or other improvements; | 141098<br>141099<br>141100<br>141101<br>141102<br>141103<br>141104 |
| (3) Heating, cooling, or ventilating plants and other equipment installed or materials supplied for any of the activities specified in division (L)(2) of this section.                                                                                                                                                                                                                                           | 141105<br>141106<br>141107                                         |
| Notwithstanding the foregoing, the special purpose vehicle is                                                                                                                                                                                                                                                                                                                                                     | 141108                                                             |

not required to engage in a best value or competitive selection of 141109  
the energy conservation measure provider named in the utility 141110  
agreement. 141111

(M) Notwithstanding division (Q) of section 3345.12 of the 141112  
Revised Code, the university shall not be required to hold, 141113  
invest, or use the proceeds of the utility agreement for the same 141114  
purposes for which proceeds may be used under sections 3345.07, 141115  
3345.11, and 3345.36 of the Revised Code. 141116

(N) For the sole purpose of determining the applicability of 141117  
section 125.13 of the Revised Code, personal property related to 141118  
the utility system that is sold or leased to a special purpose 141119  
vehicle pursuant to a utility agreement shall not be considered 141120  
excess or surplus supplies. Personal property to be sold to the 141121  
special purpose vehicle does not include any installed components, 141122  
in whole or in part, of the utility system. 141123

(O) The authority provided under this section shall terminate 141124  
on the date that all obligations under a utility agreement between 141125  
a special purpose vehicle and the university have been completed. 141126

(P) Nothing in this section shall be construed to permit: 141127

(1) The special purpose vehicle to take ownership of any 141128  
utility services delivered to the Columbus, Ohio campus of the 141129  
university by a public utility; or 141130

(2) The university or special purpose vehicle to sell 141131  
electricity generated by the utility system to any customer 141132  
outside of the utility system unless the university or the special 141133  
purpose vehicle, as applicable, complies with state and federal 141134  
laws and rules of the Public Utilities Commission of Ohio. 141135

(Q) Nothing in this section shall exempt the university from 141136  
complying with all of the following: 141137

(1) Any applicable tariffs of the public utilities from which 141138

the Columbus, Ohio campus of the university receives utility services; 141139  
141140

(2) Any applicable rules of the Public Utilities Commission of Ohio; 141141  
141142

(3) Any other applicable state or federal laws. 141143

(R) At all times during the utility agreement, the university shall be the customer of record for any public utility providing utility service to the Columbus, Ohio campus of the university. 141144  
141145  
141146

**Section 751.10.** (A) There is hereby created in the Department of Job and Family Services the Foster Care Advisory Group to advise and assist the Department in identifying and implementing best practices to recruit, retain, and support foster caregivers. 141147  
141148  
141149  
141150

(B) The Group shall consist of at least twelve members. The members shall include, at a minimum: 141151  
141152

(1) The Director of Job and Family Services, or the Director's designee; 141153  
141154

(2) All of the following, to be appointed by the Director: 141155

(a) Four foster caregivers who each hold a valid foster home certificate issued under section 5103.03 of the Revised Code; 141156  
141157

(b) Two representatives of two different public children services agencies; 141158  
141159

(c) Two representatives of two different private child placing agencies or private noncustodial agencies; 141160  
141161

(d) A representative of the Ohio Family Care Association; 141162

(e) A representative of the Ohio Association of Child Caring Agencies; 141163  
141164

(f) A representative of the Public Children Services Association of Ohio. 141165  
141166

|                                                                                                                                                                                                                                |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (C) Appointments under division (B)(2) of this section shall be made not later than September 1, 2017.                                                                                                                         | 141167<br>141168                     |
| (D) There shall be two co-chairpersons of the Group. One co-chairperson shall be the Director, or the Director's designee, and one co-chairperson shall be appointed by members of the group.                                  | 141169<br>141170<br>141171           |
| (E) The Group shall determine the frequency of meetings and any other administrative matters needed to perform its duties.                                                                                                     | 141172<br>141173                     |
| (F) Members shall serve without compensation, but shall be reimbursed for necessary expenses.                                                                                                                                  | 141174<br>141175                     |
| (G) The Group shall advise the Director on matters affecting foster caregivers. These matters include:                                                                                                                         | 141176<br>141177                     |
| (1) Current certification requirements;                                                                                                                                                                                        | 141178                               |
| (2) Options to streamline the certification requirements and process while maintaining quality, safety, and accountability;                                                                                                    | 141179<br>141180                     |
| (3) Additional supports foster caregivers need in order to best respond to children affected by parental drug use and how to deliver and sustain those supports;                                                               | 141181<br>141182<br>141183           |
| (4) Best practices for identifying and recruiting foster caregivers.                                                                                                                                                           | 141184<br>141185                     |
| (H) Not later than May 1, 2018, the Group shall issue a report that addresses and makes recommendations regarding the matters in division (G) of this section. Copies of the report shall be provided to all of the following: | 141186<br>141187<br>141188<br>141189 |
| (1) The Director;                                                                                                                                                                                                              | 141190                               |
| (2) The Governor;                                                                                                                                                                                                              | 141191                               |
| (3) The Speaker and Minority Leader of the House of Representatives;                                                                                                                                                           | 141192<br>141193                     |
| (4) The President and Minority Leader of the Senate.                                                                                                                                                                           | 141194                               |
| (I) Upon submission of the report, the group shall cease to                                                                                                                                                                    | 141195                               |

exist. 141196

**Section 753.20.** (A) The Governor may execute a deed in the 141197  
name of the state conveying to one or more purchasers, and to the 141198  
purchaser or purchaser's heirs and assigns or successors and 141199  
assigns, all of the state's and University's right, title, and 141200  
interest in any or all parcels of real estate, held for the use 141201  
and benefit of the University of Akron, described as follows: 141202

Situated in the City of Akron, County of Summit and State of 141203  
Ohio and being all of Lot Number 36 and Lot Number 37 of the 141204  
FAIRWAY ESTATES ALLOTMENT as the same is numbered and delineated 141205  
upon the recorded plat thereof, of record in Plat Book 48, Pages 6 141206  
through 9, Summit County Records. 141207

Also known as 465 Burning Tree Drive. 141208

Parcel Numbers: Lot 36: 6715076 (01-01669-04-005.000) and 141209  
Loft 37: 6751600 (01-01669-04-004.000) 141210

Prior Instrument Reference: Inst. # 54252035 (Lot 36) and 141211  
Inst. # 24252036 (Lot 37) 141212

The foregoing legal description may be corrected or modified 141213  
by the Department of Administrative Services as necessary in order 141214  
to facilitate the recording of the deed or deeds. 141215

(B) The real estate described in division (A) of this section 141216  
shall be sold as an entire tract and not in parcels. The 141217  
conveyance shall include the improvements and chattels situated on 141218  
the real estate, and shall be subject to all easements, covenants, 141219  
conditions, and restrictions of record; all legal highways and 141220  
public rights-of-way; zoning, building, and other laws, 141221  
ordinances, restrictions, and regulations; and real estate taxes 141222  
and assessments not yet due and payable. The real estate shall be 141223  
conveyed in an "as-is, where-is, with all faults" condition. 141224

(C) The University of Akron may use a sale process acceptable 141225

to the Board of Trustees of the University of Akron, including, 141226  
but not limited to, a sale by sealed bid auction or public 141227  
auction, or through contracting for the services of a real estate 141228  
broker selected by the University using the University's normal 141229  
competitive selection process for vendors. 141230

(D) Consideration for conveyance of the real estate shall be 141231  
a purchase price and any terms and conditions acceptable to the 141232  
Board of Trustees of the University of Akron. 141233

(E) The purchaser or purchasers shall pay the costs of the 141234  
conveyance, including recordation costs of the deed or deeds, 141235  
closing and conveyance fees, including any surveys, title 141236  
evidence, title insurance, transfer costs and fees, recording 141237  
costs and fees, any taxes and other fees, assessments, and costs 141238  
that may be imposed. 141239

(F) Upon adoption of a resolution by the Board of Trustees of 141240  
the University of Akron specifically describing the parcel or 141241  
parcels of real estate to be conveyed, the purchaser or purchasers 141242  
of the real estate, the consideration paid or to be paid, and any 141243  
terms and conditions, the Auditor of State, with the assistance of 141244  
the Attorney General, shall prepare a deed or deeds to the real 141245  
estate described in the resolution. The deed or deeds also shall 141246  
contain any exceptions, reservations, or conditions and any right 141247  
of reentry or reverter specified in the resolution. The deed or 141248  
deeds shall be executed by the Governor in the name of the state, 141249  
countersigned by the Secretary of State, sealed with the Great 141250  
Seal of the State, presented in Office of the Auditor of State for 141251  
recording, and delivered to the purchaser or purchasers. The 141252  
purchaser or purchasers shall present the deed or deeds for 141253  
recording in the Office of the Summit County Recorder. 141254

(G) The net proceeds of the sale of the real estate shall be 141255  
paid to the University of Akron and deposited in the University of 141256  
Akron's endowment account for purposes to be determined by the 141257



Board of Trustees of the University of Akron. 141258

(H) The Board of Trustees of the University of Akron may 141259  
release any exceptions, reservations, or conditions or any right 141260  
of reentry or reverter contained in any deed authorized under 141261  
division (A) of this section without further need for legislation. 141262

(I) This section expires three years after its effective 141263  
date. 141264

**Section 753.30.** (A) The Governor may execute a deed in the 141265  
name of the state conveying to Cincinnati Center City Development 141266  
Corporation, an Ohio nonprofit corporation, or a wholly owned 141267  
subsidiary thereof, and to its successors and assigns, or to an 141268  
alternate grantee or grantees as set forth below in division (C) 141269  
of this section, all of the state's right, title, and interest in 141270  
the following described real estate: 141271

A 0.9565 acre parcel known as Hamilton County Parcel No. 141272  
075-0004-0162-00 located at 1112 Walnut Street, Cincinnati, Ohio, 141273  
and further described as; 141274

All that lot of ground commencing at the northeast corner of 141275  
North Canal and Walnut Streets in the City of Cincinnati, County 141276  
of Hamilton and State of Ohio, running thence north on the east 141277  
line of Walnut Street two hundred and thirty-two (232) feet more 141278  
or less to Wilkymacky Alley; thence east in the south line of said 141279  
Alley one hundred and eighty (180) feet more or less to Clay 141280  
Street; thence south on the west side of Clay Street two hundred 141281  
and thirty two feet, more or less to North Canal Street; thence 141282  
west on North Canal Street one hundred and eighty (180) feet to 141283  
Walnut Street, the place of beginning. 141284

Prior Instrument: Deed Book 4125, Page 696. 141285

The foregoing legal description may be corrected or modified 141286  
by the Department of Administrative Services as necessary in order 141287

to facilitate the recording of the deed. 141288

(B)(1) The conveyance shall include the state's right, title, 141289  
and interest in and to the improvements and chattels situated on 141290  
the real estate, and is subject to all easements, covenants, 141291  
conditions, and restrictions of record; all legal highways and 141292  
public rights-of-way; zoning, building, and other laws, 141293  
ordinances, restrictions, and regulations; and real estate taxes 141294  
and assessments not yet due and payable. The real estate shall be 141295  
conveyed in an "as-is, where-is, with all faults" condition. 141296

(2) The real estate shall be conveyed as an entire tract and 141297  
not in parcels. 141298

(3) The deed or deeds may contain restrictions, exceptions, 141299  
reservations, reversionary interests, or other terms and 141300  
conditions the Board of Trustees of the University of Cincinnati 141301  
determine to be in the best interest of the state. 141302

(4) Subsequent to the conveyance, any restrictions, 141303  
exceptions, reservations, reversionary interests, or other terms 141304  
and conditions contained in the deed may be released by the state 141305  
or the Board of Trustees of the University of Cincinnati without 141306  
the necessity of further legislation. 141307

(C) The terms of the conveyance of the state's interest in 141308  
the real estate shall be as set forth in a real estate purchase 141309  
agreement to be prepared by the Board of Trustees of the 141310  
University of Cincinnati. If Cincinnati Center City Development 141311  
Corporation, an Ohio nonprofit corporation, or a wholly owned 141312  
subsidiary thereof, does not complete the purchase of the real 141313  
estate within the time period provided in the real estate purchase 141314  
agreement to be prepared by the Board of Trustees of the 141315  
University of Cincinnati, the Board of Trustees of the University 141316  
of Cincinnati may use any reasonable method of sale considered 141317  
acceptable by the Board of Trustees of the University of 141318

Cincinnati to select an alternate grantee or grantees to complete 141319  
the purchase not later than three years after the effective date 141320  
of this section. All advertising costs, additional fees, and other 141321  
costs incidental to the sale of the real estate to an alternate 141322  
grantee or grantees shall be negotiated by the University of 141323  
Cincinnati as specified in a real estate purchase agreement with 141324  
the alternate grantee or grantees. 141325

(D) Consideration for conveyance of the real estate shall be 141326  
an amount acceptable to the Board of Trustees of the University of 141327  
Cincinnati. 141328

(E) Except as otherwise specified in this section, the 141329  
grantee shall pay all costs associated with the purchase, closing, 141330  
and conveyance, including surveys, title evidence, title 141331  
insurance, transfer costs and fees, recording costs and fees, 141332  
taxes, and any other fees, assessments, and costs that may be 141333  
imposed. 141334

(F) The net proceeds of the sale of the state's interest 141335  
shall be deposited into university accounts for purposes to be 141336  
determined by the Board of Trustees of the University of 141337  
Cincinnati. 141338

(G) Upon payment of the purchase price set forth in the real 141339  
estate purchase agreement to be prepared by the Board of Trustees 141340  
of the University of Cincinnati, the Auditor of State, with the 141341  
assistance of the Attorney General, shall prepare a deed to the 141342  
real estate. The deed shall state the consideration and shall be 141343  
executed by the Governor in the name of the state, countersigned 141344  
by the Secretary of State, sealed with the Great Seal of the 141345  
State, presented in the Office of the Auditor of State for 141346  
recording, and delivered to the grantee. The grantee shall present 141347  
the deed for recording in the Office of the Hamilton County 141348  
Recorder. 141349

(H) This section expires three years after its effective date. 141350  
141351

**Section 757.20.** (A) Notwithstanding the requirements of 141352  
division (C)(2) of section 5747.50 of the Revised Code, the Tax 141353  
Commissioner shall reduce the total amount available for 141354  
distribution to municipal corporations during the current month, 141355  
as defined in that division, by one million dollars in each month 141356  
of the period beginning with July 2017, and ending with December 141357  
2017, before calculating the amount to be distributed to each 141358  
municipal corporation. 141359

(B) On or before the tenth day of each month in the period 141360  
beginning with July 2017 and ending with December 2017, the tax 141361  
commissioner shall provide for payment to each county undivided 141362  
local government fund of a supplement for townships. The 141363  
commissioner shall determine the amounts paid to each fund as 141364  
follows: 141365

(1) An amount equal to forty-one and sixty-seven 141366  
one-hundredths per cent of one million dollars shall be divided 141367  
among every county fund so that each township in the state 141368  
receives an equal amount. 141369

(2) An amount equal to forty-one and sixty-seven 141370  
one-hundredths per cent of one million dollars shall be divided 141371  
among every county fund so that each township receives a 141372  
proportionate share based on the proportion that the total 141373  
township road miles in the township is of the total township road 141374  
miles in all townships in the state. 141375

(C)(1) As used in this division, "qualifying village" means a 141376  
village with a population of less than one thousand according to 141377  
the most recent federal decennial census. 141378

(2) On or before the tenth day of each month in the period 141379

beginning with July 2017, and ending with December 2017, the tax 141380  
commissioner shall provide for payment to each county undivided 141381  
local government fund of a supplement for qualifying villages. The 141382  
commissioner shall determine the amounts paid to each fund as 141383  
follows: 141384

(a) An amount equal to eight and thirty-three one-hundredths 141385  
per cent of one million dollars shall be divided among every 141386  
county fund so that each qualifying village in the state receives 141387  
an equal amount. 141388

(b) An amount equal to eight and thirty-three one-hundredths 141389  
per cent of one million dollars shall be divided among every 141390  
county fund so that each qualifying village receives a 141391  
proportionate share based on the proportion that the total village 141392  
road miles in the qualifying village is of the total village road 141393  
miles in all qualifying villages in the state. 141394

(D) The tax commissioner shall separately identify to the 141395  
county treasurer the amounts to be allocated to each township 141396  
under divisions (B)(1) and (2) of this section and to each 141397  
qualifying village under divisions (C)(2)(a) and (b) of this 141398  
section. The treasurer shall transfer those amounts to townships 141399  
and qualifying villages from the undivided local government fund. 141400

(E) There is hereby created in the state treasury the 141401  
Targeting Addiction Assistance Fund. 141402

(F) Notwithstanding the requirement in division (C)(2) of 141403  
section 5747.50 of the Revised Code, the amounts that would 141404  
otherwise be distributed to municipal corporations pursuant to 141405  
that division during each month of fiscal years 2018 and 2019 141406  
shall be deposited in the state treasury to the credit of the 141407  
Targeting Addiction Assistance Fund (Fund 5TZ0). The amounts 141408  
credited to Fund 5TZ0 shall be after any other reductions required 141409  
by law to the amounts distributed to municipal corporations from 141410

the Local Government Fund under division (C) of section 5747.50 of 141411  
the Revised Code and after the payments specified in divisions (A) 141412  
to (D) of this section. 141413

(G) The Targeting Addiction Assistance Fund shall be used as 141414  
follows: 141415

(1) In each fiscal year, \$1,000,000 shall be used by the 141416  
Department of Health to reimburse county coroners in counties in 141417  
which the coroner has performed toxicology screenings on victims 141418  
of a drug overdose. The Director of Health shall transfer the 141419  
funds to the counties in proportion to the numbers of toxicology 141420  
screenings performed per county. 141421

(2) In each fiscal year, \$10,000,000 shall be allocated by 141422  
the Department of Rehabilitation and Correction as Probation 141423  
Improvement and Incentive Grants to municipalities with an 141424  
emphasis on: (1) providing services to those addicted to opiates 141425  
and other illegal substances, and (2) supplementing the programs 141426  
and services funded by grants distributed from GRF appropriation 141427  
item 501407, Community Nonresidential Programs. 141428

(3) In each fiscal year, \$6,000,000 shall be allocated by the 141429  
Department of Mental Health and Addiction Services to boards of 141430  
alcohol, drug addiction, and mental health services. The boards 141431  
shall use their allocations to establish and administer, in 141432  
collaboration with the other boards that serve the same state 141433  
psychiatric hospital region, acute substance use disorder 141434  
stabilization centers. There shall be one center located in each 141435  
state psychiatric hospital region. The Department of Mental Health 141436  
and Addiction Services shall conduct an analysis of each acute 141437  
substance use disorder stabilization center. Not later than June 141438  
30, 2019, the Department shall submit the findings of the analysis 141439  
to the Governor and the General Assembly, in accordance with 141440  
section 101.68 of the Revised Code. 141441

(4) In each fiscal year, \$150,000 shall be allocated by the Department of Job and Family Services to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds based on the number of children at each facility. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code.

(5) In each fiscal year, \$500,000 shall be used by the Department of Medicaid, in consultation with the Department of Job and Family Services and the Department of Health, to develop a pilot program under which newborns who have neonatal abstinence syndrome are, after being medically stabilized at a hospital, transferred to a nonhospital, community facility that is located in Montgomery County and provides the newborns medical, pharmacological, and therapeutic services specified by the Department of Medicaid, the Department of Job and Family Services, and the Department of Health. The departments shall begin operation of the pilot program not later than ninety days after the effective date of this section and shall cease operation of the pilot program on July 1, 2018. Not later than ninety days after the date the pilot program ends, the Department of Medicaid, the Department of Job and Family Services, and the Department of Health shall jointly complete a report about the pilot program. The report shall include recommendations for making the pilot program statewide and part of the Medicaid program. The Department of Medicaid, the Department of Job and Family Services, and the Department of Health jointly shall submit the report to the General Assembly in accordance with section 101.68 of the Revised Code.

|                                                                                                                                                                                                                                                   |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (H) Boards of alcohol, drug addiction, and mental health services shall ensure that each acute substance use disorder stabilization center established and administered under division (G)(3) of this section complies with all of the following: | 141474<br>141475<br>141476<br>141477 |
| (1) It admits individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.                                                                                    | 141478<br>141479<br>141480           |
| (2) It admits individuals before and after the individuals are confined in state or local correctional facilities.                                                                                                                                | 141481<br>141482                     |
| (3) It has a Medicaid provider agreement.                                                                                                                                                                                                         | 141483                               |
| (4) It is located in a building constructed for another purpose before the effective date of this section.                                                                                                                                        | 141484<br>141485                     |
| (5) It admits individuals who have been identified as needing the stabilization services provided by the center.                                                                                                                                  | 141486<br>141487                     |
| (6) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.                                                            | 141488<br>141489<br>141490           |
| (I) As used in this section:                                                                                                                                                                                                                      | 141491                               |
| (1) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.                                                                                                                                                                    | 141492<br>141493                     |
| (2) "State or local correctional facility" means any of the following:                                                                                                                                                                            | 141494<br>141495                     |
| (a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;                                                                                                                                                        | 141496<br>141497                     |
| (b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;                                                                                                                                                           | 141498<br>141499                     |
| (c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.                                                                                                                                  | 141500<br>141501                     |
| (3) "State psychiatric hospital regions" means the six                                                                                                                                                                                            | 141502                               |



districts into which the Department of Mental Health and Addiction 141503  
Services has divided the state pursuant to division (B)(2) of 141504  
section 5119.14 of the Revised Code. 141505

**Section 757.40.** In order to facilitate an understanding of 141506  
business incentive tax credits, as defined in section 107.036 of 141507  
the Revised Code, the following table provides an estimate of the 141508  
amount of credits that may be authorized in each fiscal year of 141509  
the 2018-2019 biennium, an estimate of the credits expected to be 141510  
claimed in each fiscal year of that biennium, and an estimate of 141511  
the amount of credits authorized that will remain outstanding at 141512  
the end of that biennium. In totality, this table provides an 141513  
estimate of the state revenue forgone due to business incentive 141514  
tax credits in the 2018-2019 biennium and future biennia. 141515

Biennial Business Incentive Tax Credit Estimates 141516  
141517

|                         |                        |             |        |
|-------------------------|------------------------|-------------|--------|
| Estimate of total value | Estimate of tax        | Expected    | 141518 |
| of tax credits          | credits issued/claimed | Outstanding |        |
| authorized              |                        | credits     |        |

(All figures in 141519  
thousands of dollars)

|        |         |         |         |         |          |        |
|--------|---------|---------|---------|---------|----------|--------|
|        |         |         |         |         |          | 141520 |
| Tax    | FY 2018 | FY 2019 | FY 2018 | FY 2019 | End of   | 141521 |
| Credit |         |         |         |         | Biennium |        |

|     |           |           |           |           |           |        |
|-----|-----------|-----------|-----------|-----------|-----------|--------|
|     |           |           |           |           |           | 141522 |
| Job | \$100,000 | \$100,000 | \$105,000 | \$100,000 | \$885,000 | 141523 |

Creation  
Tax  
Credit\* 141524

|     |      |      |          |          |           |        |
|-----|------|------|----------|----------|-----------|--------|
| Job | \$ 0 | \$ 0 | \$55,000 | \$55,000 | \$290,000 | 141525 |
|-----|------|------|----------|----------|-----------|--------|

Retention  
Tax

Credit

141526

|          |          |          |           |          |           |        |
|----------|----------|----------|-----------|----------|-----------|--------|
| Historic | \$60,000 | \$60,000 | \$120,000 | \$90,000 | \$190,000 | 141527 |
|----------|----------|----------|-----------|----------|-----------|--------|

Preservation

Tax

Credit

141528

|        |          |          |          |          |          |        |
|--------|----------|----------|----------|----------|----------|--------|
| Motion | \$40,000 | \$40,000 | \$50,000 | \$50,000 | \$35,000 | 141529 |
|--------|----------|----------|----------|----------|----------|--------|

Picture

Tax

Credit

141530

|     |          |          |         |          |          |        |
|-----|----------|----------|---------|----------|----------|--------|
| New | \$10,000 | \$10,000 | \$9,795 | \$10,000 | \$38,205 | 141531 |
|-----|----------|----------|---------|----------|----------|--------|

Markets

Tax

Credit

141532

|          |         |         |         |         |          |        |
|----------|---------|---------|---------|---------|----------|--------|
| R&D Loan | \$4,500 | \$4,500 | \$4,500 | \$4,000 | \$30,000 | 141533 |
|----------|---------|---------|---------|---------|----------|--------|

Tax

Credit

141534

|            |          |          |          |          |          |        |
|------------|----------|----------|----------|----------|----------|--------|
| InvestOhio | \$12,500 | \$12,500 | \$18,000 | \$15,000 | \$42,000 | 141535 |
|------------|----------|----------|----------|----------|----------|--------|

Tax

Credit

141536

|          |           |           |           |           |             |        |
|----------|-----------|-----------|-----------|-----------|-------------|--------|
| Estimate | \$227,000 | \$227,000 | \$362,295 | \$324,000 | \$1,510,205 | 141537 |
|----------|-----------|-----------|-----------|-----------|-------------|--------|

Total

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| *The Job Creation Tax Credit (JCTC) estimate of credits            | 141538 |
| outstanding is not just for tax credit certificates already        | 141539 |
| issued, but also for the estimated potential value of certificates | 141540 |
| to be issued under the program through 2035 when looking at the    | 141541 |
| existing portfolio of approved and active incentives. The estimate | 141542 |
| assumes that the companies receiving credits will continue to meet | 141543 |

the performance objectives required to continue receiving the 141544  
credit. 141545

**Section 757.50.** (A) The amendment by this act of section 141546  
5713.051 of the Revised Code clarifies the intent of the General 141547  
Assembly that the method described in section 5713.051 of the 141548  
Revised Code for determining the true value in money of oil and 141549  
gas reserves for property tax purposes continues to represent the 141550  
only method for valuing oil and gas reserves for property tax 141551  
purposes. 141552

(B) The amendment by this act of section 5713.051 of the 141553  
Revised Code applies to any addition of oil and gas reserves to 141554  
the tax list and duplicate on or after the effective date of that 141555  
amendment, including oil and gas reserves added to the tax list 141556  
pursuant to section 319.35, 319.36, or 5713.20 of the Revised 141557  
Code. The amendment by this act of section 5713.051 of the Revised 141558  
Code applies to any taxes for oil and gas reserves charged by a 141559  
county auditor or county treasurer, including taxes for oil and 141560  
gas reserves charged under section 319.40 or 5713.20 of the 141561  
Revised Code on or after the effective date of that amendment. 141562

(C) Division (B) of this section applies without regard to 141563  
the tax year or tax years to which the addition or charged taxes 141564  
relate. 141565

**Section 757.60.** The Department of Taxation shall study the 141566  
feasibility of allowing taxpayers to file municipal income tax 141567  
returns through the joint federal and state Modernized e-File 141568  
(MeF) program. In conducting the study, the Department shall do 141569  
both of the following: 141570

(A) Estimate the cost to the state and to municipal 141571  
corporations of accepting municipal income tax returns through the 141572  
MeF program; 141573

(B) Establish a timeline for the incorporation of municipal income tax filing into the MeF program. 141574  
141575

Upon completion of the study, and not later than December 31, 2017, the Department shall submit copies of the study to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons of the House and Senate Ways and Means committees. 141576  
141577  
141578  
141579  
141580

**Section 757.70.** (A) As used in this section: 141581

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code. 141582  
141583  
141584

(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code. 141585  
141586  
141587

(3) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 141588  
141589

(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2019, provided that the taxpayer is unable to claim the credit under section 5725.151, 5725.34, 5726.52, 5729.17, or 5747.76 of the Revised Code. 141590  
141591  
141592  
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141594  
141595  
141596

The credit shall equal the lesser of twenty-five per cent of the dollar amount of the qualified rehabilitation expenditures indicated on the certificate or five million dollars. The credit shall be claimed for the calendar year specified in the certificate and after the credits authorized in divisions (A)(1) to (4) of section 5751.98 of the Revised Code, but before the credits authorized in divisions (A)(5) to (7) of that section. 141597  
141598  
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141601  
141602  
141603

If the credit allowed for any calendar year exceeds the tax otherwise due under section 5751.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by this section, the excess shall be refunded to the taxpayer. However, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due for that year shall not exceed three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed for that year for not more than five calendar years after the calendar year specified in the certificate, and shall deduct any amount claimed in any such year from the amount claimed in an ensuing year.

A person that is an excluded person may file a return under section 5751.051 of the Revised Code for the purpose of claiming the credit authorized in this section.

If the certificate owner is a pass-through entity, the credit may not be allocated among the entity's owners in proportions or amounts as the owners mutually agree unless either the owners are part of the same combined or consolidated elected taxpayer as the pass-through entity or the director of development services issued the certificate in the name of the pass-through entity's owners in the agreed-upon proportions or amounts. If the credit is allocated among those owners, an owner may claim the credit authorized in this section only if that owner is a corporation or an association taxed as a corporation for federal income tax purposes and is not a corporation that has made an election under Subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code.

The credit authorized in this section may be claimed only on the basis of a rehabilitation tax credit certificate with an effective date after December 31, 2013, but before June 30, 2019.

A person claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following

the end of the latest calendar year in which the credit was 141636  
applied, and shall make the certificate available for inspection 141637  
by the tax commissioner upon request. 141638

**Section 757.80.** One or more resolutions adopted by a board of 141639  
county commissioners on or after the date this act becomes law and 141640  
before the effective date of the enactment by this act of section 141641  
5705.233 of the Revised Code are hereby ratified and shall be 141642  
treated as though the resolution or resolutions were adopted after 141643  
that date so long as the resolutions otherwise conform to the 141644  
requirements of that section. Notwithstanding division (C) of 141645  
section 5705.233 of the Revised Code, the board of elections of 141646  
such a county shall accept such a resolution and make arrangements 141647  
for the submission of the question proposed therein to the 141648  
electors of the county at the general election to be held November 141649  
7, 2017, if the resolution is certified by the board of county 141650  
commissioners to the board of elections not later than seven days 141651  
after the effective date of the enactment of that section. 141652

**Section 757.90.** The amendment by this act of section 5709.12 141653  
of the Revised Code applies to tax year 2017 and thereafter and 141654  
the tax years at issue in any application for exemption from 141655  
taxation or any appeal from such an application pending before the 141656  
Tax Commissioner, the Board of Tax Appeals, any Court of Appeals, 141657  
or the Supreme Court on the effective date of this section and to 141658  
the property that is the subject of any such application or 141659  
appeal. 141660

**Section 757.100.** The legislative authority of a county or 141661  
transit authority shall not impose a tax levied under, or increase 141662  
or decrease the rate of a tax levied under section 5739.021, 141663  
5739.023, 5739.026, 5741.021, 5741.022, or 5741.023 of the Revised 141664  
Code at or according to the one-tenth of one per cent rate 141665

increment authorized by the amendment by this act of sections 141666  
5739.021, 5739.023, and 5739.026 of the Revised Code until July 1, 141667  
2018, or the first day of any following calendar quarter. The rate 141668  
at which such a tax may be imposed, increased, or decreased before 141669  
July 1, 2018, shall be in the increments authorized under those 141670  
sections as those sections existed before the effective date of 141671  
that amendment. 141672

**Section 757.110.** (A) As used in this section: 141673

(1) "Qualifying delinquent taxes" means any tax levied under 141674  
Title LVII of the Revised Code, including the taxes required to be 141675  
withheld under Chapters 5747. and 5748. of the Revised Code, which 141676  
were due and payable from any person as of May 1, 2017, were 141677  
unreported or underreported, and remain unpaid. 141678

(2) "Qualifying delinquent personal property taxes" means a 141679  
tax for which a return was required to be filed under section 141680  
5711.02 of the Revised Code. 141681

(3) "Qualifying delinquent taxes" and "qualifying delinquent 141682  
personal property taxes" do not include any tax for which a notice 141683  
of assessment or audit has been issued, for which a bill has been 141684  
issued, which relates to a tax period that ends after the 141685  
effective date of this section, or for which an audit has been 141686  
conducted or is currently being conducted. 141687

(B) The Tax Commissioner shall establish and administer a tax 141688  
amnesty program with respect to qualifying delinquent taxes and 141689  
qualifying delinquent personal property taxes. The program shall 141690  
commence on January 1, 2018, and shall conclude on February 15, 141691  
2018. The Tax Commissioner shall issue forms and instructions and 141692  
take other actions necessary to implement the program. The Tax 141693  
Commissioner shall publicize the program so as to maximize public 141694  
awareness and participation in the program. 141695

(C)(1) During the program, if a person pays the full amount 141696  
of qualifying delinquent taxes owed by that person and one-half of 141697  
any interest that has accrued as a result of the person failing to 141698  
pay those taxes in a timely fashion, the Tax Commissioner shall 141699  
waive or abate all applicable penalties and one-half of any 141700  
interest that accrued on the qualifying delinquent taxes. 141701

(2) During the program, if a person who owes qualifying 141702  
delinquent personal property taxes files a return with the Tax 141703  
Commissioner, in the form and manner prescribed by the Tax 141704  
Commissioner, listing all taxable property that was required to be 141705  
listed on the return required to be filed under section 5711.02 of 141706  
the Revised Code, the Tax Commissioner shall issue a preliminary 141707  
assessment certificate to the appropriate county auditor. Upon 141708  
receiving a preliminary assessment certificate issued by the Tax 141709  
Commissioner pursuant to this division, the county auditor shall 141710  
compute the amount of qualifying delinquent personal property 141711  
taxes owed by the person and shall add to that amount one-half of 141712  
the interest prescribed under sections 5711.32 and 5719.041 of the 141713  
Revised Code. The county treasurer shall collect the amount of tax 141714  
and interest computed by the county auditor under this division by 141715  
preparing and mailing a tax bill to the person as prescribed in 141716  
section 5711.32 of the Revised Code. If the person pays the full 141717  
amount of tax and interest thereon on or before the date shown on 141718  
the tax bill all applicable penalties and one-half of any interest 141719  
that accrued on the qualifying delinquent personal property taxes 141720  
shall be waived. 141721

(3) No payment required under division (G) of section 321.24 141722  
of the Revised Code shall be made with respect to any person who 141723  
pays qualifying delinquent personal property taxes under division 141724  
(C)(2) of this section. 141725

(4) Notwithstanding any contrary provision of the Revised 141726  
Code, the Tax Commissioner shall not furnish to the county auditor 141727



any information pertaining to the exemption from taxation under 141728  
division (C)(3) of section 5709.01 of the Revised Code insofar as 141729  
that information pertains to any person who pays qualifying 141730  
delinquent personal property taxes under division (C)(2) of this 141731  
section. 141732

(D) The Tax Commissioner may require a person participating 141733  
in the program to file returns or reports, including amended 141734  
returns and reports, in connection with the person's payment of 141735  
qualifying delinquent taxes or qualifying delinquent personal 141736  
property taxes. 141737

(E) A person who participates in the program and pays in full 141738  
any outstanding qualifying delinquent tax or qualifying delinquent 141739  
personal property tax and the interest payable on such tax in 141740  
accordance with this section shall not be subject to any criminal 141741  
prosecution or any civil action with respect to that tax, and no 141742  
assessment shall thereafter be issued against that person with 141743  
respect to that tax. 141744

(F) Taxes and interest collected under the program shall be 141745  
considered as revenue arising from the tax to which the payment 141746  
relates, and shall be distributed in accordance with Section 141747  
512.140 of this act. 141748

**Section 757.120.** (A) All terms used in this section have the 141749  
same meanings as in sections 5739.01 and 5741.01 of the Revised 141750  
Code. As used in this section: 141751

(1) "Clothing" means all human wearing apparel suitable for 141752  
general use. "Clothing" includes, but is not limited to, aprons, 141753  
household and shop; athletic supporters; baby receiving blankets; 141754  
bathing suits and caps; beach capes and coats; belts and 141755  
suspenders; boots; coats and jackets; costumes; diapers, children 141756  
and adult, including disposable diapers; ear muffs; footlets; 141757  
formal wear; garters and garter belts; girdles; gloves and mittens 141758

for general use; hats and caps; hosiery; insoles for shoes; lab 141759  
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 141760  
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 141761  
and stockings; steel-toed shoes; underwear; uniforms, athletic and 141762  
nonathletic; and wedding apparel. "Clothing" does not include 141763  
items purchased for use in a trade or business; clothing 141764  
accessories or equipment; protective equipment; sports or 141765  
recreational equipment; belt buckles sold separately; costume 141766  
masks sold separately; patches and emblems sold separately; sewing 141767  
equipment and supplies including, but not limited to, knitting 141768  
needles, patterns, pins, scissors, sewing machines, sewing 141769  
needles, tape measures, and thimbles; and sewing materials that 141770  
become part of "clothing" including, but not limited to, buttons, 141771  
fabric, lace, thread, yarn, and zippers. 141772

(2) "School supplies" means items commonly used by a student 141773  
in a course of study. "School supplies" includes only the 141774  
following items: binders; book bags; calculators; cellophane tape; 141775  
blackboard chalk; compasses; composition books; crayons; erasers; 141776  
folders, expandable, pocket, plastic, and manila; glue, paste, and 141777  
paste sticks; highlighters; index cards; index card boxes; legal 141778  
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 141779  
notebook paper, copy paper, graph paper, tracing paper, manila 141780  
paper, colored paper, poster board, and construction paper; pencil 141781  
boxes and other school supply boxes; pencil sharpeners; pencils; 141782  
pens; protractors; rulers; scissors; and writing tablets. "School 141783  
supplies" does not include any item purchased for use in a trade 141784  
or business. 141785

(3) "School instructional material" means written material 141786  
commonly used by a student in a course of study as a reference and 141787  
to learn the subject being taught. "School instructional material" 141788  
includes only the following items: reference books, reference maps 141789  
and globes, textbooks, and workbooks. "School instructional 141790

material" does not include any material purchased for use in a trade or business.

(B) Taxes levied by or under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code do not apply to the sale or storage, use, or other consumption of any of the following if the sale or purchase occurs on August 3, 4, or 5, 2018:

(1) An item of clothing, the price of which is seventy-five dollars or less;

(2) An item of school supplies, the price of which is twenty dollars or less;

(3) An item of school instructional material, the price of which is twenty dollars or less.

(C) This section is repealed effective August 10, 2018.

**Section 757.130.** (A) There is hereby created the Joint Committee on Ohio College Affordability composed of the following members:

(1) Five members of the Senate, appointed by the President of the Senate, not more than three of whom may be members of the same political party;

(2) Five members of the House of Representatives, appointed by the Speaker of the House of Representatives, not more than three of whom may be members of the same political party.

(B) The President of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee within thirty days after the effective date of this act. The committee shall hold an initial meeting within sixty days after the effective date of this act and shall meet thereafter at the discretion of the committee members.

(C) The committee shall study and develop strategies to reduce the cost of attending colleges and universities in this state. As part of this process, the committee shall consult with the Chancellor of Higher Education and persons or organizations representing institutions of higher education.

(D) The committee shall compile a report of its activities, findings, and recommendations and shall furnish a copy of the report to the Governor, President of the Senate, and Speaker of the House of Representatives not later than one year after the effective date of this act, at which time the committee shall dissolve by operation of law.

**Section 763.10.** Not later than June 30, 2019, the governor's office of workforce transformation, in conjunction with the Ohio library council or its successor organization, may develop a brand for public libraries as "continuous learning centers" that serve as hubs for information about local in-demand jobs and relevant education and job training resources.

Not later than June 30, 2019, the state library of Ohio shall strengthen the online education resources of the Ohio digital library to provide more accessible job training materials to adult learners.

**Section 803.10.** (A) The member of the Ohio Facilities Construction Commission appointed by the Governor under division (B) of section 123.20 of the Revised Code as it existed prior to the amendments to that section made by this act shall serve the remainder of the member's term. Upon the expiration of the term, the Governor shall appoint a member to the Commission in the manner provided by section 123.20 of the Revised Code as amended by this act.

(B) If the member serving the unexpired term under division

(A) of this section is unable to fulfill the term, the Governor 141850  
shall appoint a member to fill the vacancy in the manner provided 141851  
by section 123.20 of the Revised Code as amended by this act. 141852

**Section 803.20. EXCHANGE OF CERTAIN INFORMATION BETWEEN 141853**  
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 141854

Until the amendments to sections 191.04 and 191.06 of the 141855  
Revised Code made by this act take effect in accordance with 141856  
section 101.01 of this act, and notwithstanding any provision of 141857  
the Revised Code to the contrary, the provisions in sections 141858  
191.04 and 191.06 of the Revised Code apply for fiscal years 2013 141859  
through 2019. 141860

A portion of the foregoing appropriation items 651425, 141861  
Medicaid Program Support-State, 651525, Medicaid/Health Care 141862  
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 141863  
Services-Payment Withholding, 651624, Medicaid Program 141864  
Support-Federal, 651680, Health Care Grants-Federal, 651655, 141865  
Medicaid Interagency Pass-Through, 651605, Resident Protection 141866  
Fund, 651631, Money Follows the Person, 651656, Medicaid 141867  
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 141868  
Medicaid Services-Long Term Care, 651654, Medicaid Program 141869  
Support, and 651649, Medicaid Services-HCAP, may be used to pay 141870  
for services and costs associated with operating protocols adopted 141871  
under sections 191.04 and 191.06 of the Revised Code. 141872

**Section 803.30. Notwithstanding section 1123.01 of the 141873**  
Revised Code, as amended by this act, both of the following apply: 141874

(A) The appointed members who are serving on the Banking 141875  
Commission as of the effective date of this section shall serve 141876  
until the end of the term for which the member was appointed. The 141877  
terms of office set forth in division (B) of that section and the 141878  
qualifications for membership set forth in division (D) of that 141879

section shall first apply to the members appointed on or after the 141880  
effective date of this section. 141881

(B) The Banking Commission shall, on the effective date of 141882  
this section, additionally consist of the six members appointed to 141883  
the Savings and Loan Associations and Savings Banks Board under 141884  
section 1181.16 of the Revised Code. Each such member shall serve 141885  
until the end of the term for which the member was appointed. 141886

**Section 803.40.** A certificate to practice medicine and 141887  
surgery, osteopathic medicine and surgery, or podiatric medicine 141888  
and surgery issued under Chapter 4731. of the Revised Code, as 141889  
that chapter existed immediately prior to the effective date of 141890  
this section, satisfies the requirements for licensure created by 141891  
this act until the certificate is required to be renewed. Any 141892  
renewal shall be in the form of a license issued under Chapter 141893  
4731. of the Revised Code. 141894

**Section 803.50.** The amendment by this act of section 3517.17 141895  
of the Revised Code applies to the first distribution to be made 141896  
under that section after designations under section 5747.081 of 141897  
the Revised Code for taxable years beginning in 2017 are available 141898  
to the Tax Commissioner, and to every distribution thereafter. 141899

**Section 803.100.** (A) The amendment or enactment by this act 141900  
of sections 113.061, 718.01, 718.02, 718.06, 718.60, 718.80, 141901  
718.81, 718.82, 718.83, 718.84, 718.85, 718.851, 718.86, 718.87, 141902  
718.88, 718.89, 718.90, 718.91, 718.92, 718.93, 718.94, 718.95, 141903  
5703.052, 5703.053, 5703.054, 5703.056, 5703.19, 5703.21, 141904  
5703.371, 5703.50, 5703.57, 5703.70, and 5703.75 applies to 141905  
taxable years beginning on or after January 1, 2018. 141906

(B) In accordance with division (A) of section 718.04 of the 141907  
Revised Code, each municipal corporation shall adopt, by ordinance 141908  
or resolution, the provisions of sections 718.80, 718.81, 718.82, 141909

718.83, 718.84, 718.85, 718.851, 718.86, 718.87, 718.88, 718.89, 141910  
718.90, 718.91, 718.92, 718.93, 718.94, and 718.95 of the Revised 141911  
Code on or before January 31, 2018. Such resolution or ordinance 141912  
shall specify that the enactment of those provisions applies to 141913  
taxable years beginning on or after January 1, 2018. 141914

(C) The amendment by this act of section 718.08 of the 141915  
Revised Code applies to taxable years beginning on or after 141916  
January 1, 2018. 141917

(D) The amendment by this act of section 718.27 of the 141918  
Revised Code applies on and after the effective date of this 141919  
section. 141920

**Section 803.110.** The amendment by this act of sections 141921  
319.54, 321.27, 5731.46, and 5731.49 of the Revised Code applies 141922  
to all settlements required under section 5731.46 of the Revised 141923  
Code on and after the effective date of this section. 141924

**Section 803.120.** The amendment by this act of sections 141925  
3734.9011, 5735.02, 5743.15, and 5743.61 of the Revised Code 141926  
applies on and after January 1, 2018. 141927

**Section 803.140.** The amendment by this act of sections 141928  
5739.01, 5739.02, 5739.033, 5739.10, and 5741.02 of the Revised 141929  
Code, except for division (C) of section 5739.01 and division 141930  
(B)(55) of section 5739.02 of the Revised Code, applies on and 141931  
after October 1, 2017. 141932

**Section 803.150.** The amendment by this act of section 5739.30 141933  
of the Revised Code applies on and after January 1, 2018. 141934

**Section 803.180.** The amendment by this act of sections 141935  
5743.03 and 5743.081 of the Revised Code applies on and after July 141936  
1, 2017. 141937

**Section 803.210.** The amendment or enactment by this act of sections 131.44, 131.51, 5747.50, 5747.502, 5747.503, 5747.504, 5747.51, and 5747.53 of the Revised Code applies to distributions made from the Local Government Fund on or after January 1, 2018.

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**Section 803.220.** The amendment by this act of sections 5749.01, 5749.03, 5749.04, 5749.06, and 5749.17 shall apply on and after October 1, 2017.

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**Section 803.260.** The amendment by this act of divisions (B)(3)(e), (Y), and (LLL) of section 5739.01 of the Revised Code is intended to be remedial in nature and to clarify existing law. Such amendments shall apply retrospectively to all cases pending on or transactions occurring on or after the effective date of the amendment of that section by Sub. H.B. 157 of the 127th General Assembly.

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**Section 803.270.** The amendment by this act of divisions (A), (C), (D), and (I) of section 122.17 of the Revised Code concerning qualifying work-from-home employees applies to applications submitted under division (C)(1) of that section on or after the effective date of this section.

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**Section 803.280.** The amendment by this act of sections 307.283 and 5739.026 of the Revised Code applies to all grant revenue derived from tax levies approved on and after the effective date of this section and to grant revenue derived from tax levies approved before that date if the act's amendments concerning the use of such revenue are not inconsistent with the board of county commissioners' resolution levying the tax or the ballot language approved by the electors of the county. For the purposes of this section:

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(A) A tax levied under section 5739.026 of the Revised Code 141966  
is "approved" on the date of the election at which the resolution 141967  
is submitted to and approved by the electors of the county 141968  
pursuant to division (D) of that section. 141969

(B) A tax levied under section 5741.023 of the Revised Code 141970  
is "approved" on the same date as the corresponding tax levied 141971  
under section 5739.026 of the Revised Code. 141972

(C) "Grant revenue" has the same meaning as in section 141973  
307.283 of the Revised Code. 141974

**Section 803.290.** The amendment by this act of section 307.678 141975  
and division (J) and the third paragraph of division (A)(1) of 141976  
section 5739.09 of the Revised Code is intended to promote 141977  
development of sites and facilities for and in support of 141978  
industry, commerce, distribution, and research and development 141979  
within tourism development districts established in this state, in 141980  
furtherance of the public purposes established under section 2p of 141981  
Article VIII, Ohio Constitution, and thereby to create and 141982  
preserve jobs, enhance employment and educational opportunities, 141983  
and improve the quality of life and the general and economic 141984  
well-being of the people and businesses of this state, all to 141985  
better ensure the public health, safety, and welfare of the people 141986  
of this state, through cooperative efforts and activities by 141987  
political subdivisions, port authorities, and other persons in 141988  
furtherance of these purposes, including funding, financing, and 141989  
construction activities consistent with the procedures authorized 141990  
and established in that amendment pursuant to division (F) of 141991  
section 2p of Article VIII, Ohio Constitution. Therefore, the 141992  
amendment applies to projects and related work, including funding, 141993  
financing, and construction activities or proceedings with respect 141994  
to projects, commenced or to be commenced, as well as all work, 141995  
activities, and proceedings with respect to projects occurring or 141996

to occur, after the effective date of that amendment. The 141997  
amendment shall also apply, insofar as those amendments are 141998  
applicable, to support or facilitate any project or related work, 141999  
including funding, financing, and construction activities, or 142000  
proceedings with respect to any project that is pending, in 142001  
progress, or completed on such effective date, also to all such 142002  
projects, work, activities, and proceedings, to any contracts or 142003  
agreements made or performed, and to any securities or other 142004  
obligations, to any credit enhancement facilities or related 142005  
reimbursement obligations authorized or issued pursuant to those 142006  
proceedings, and any such projects, work, activities, or 142007  
proceedings pending, in progress or completed, any contracts or 142008  
agreements made or performed, any credit enhancement facilities or 142009  
related reimbursement obligations authorized, issued, or agreed, 142010  
and any securities or other obligations authorized, sold, issued, 142011  
delivered, or validated pursuant to those proceedings, all of 142012  
which projects, work, activities, or proceedings shall be 142013  
considered to have been taken, made or performed, authorized, 142014  
issued and agreed, or authorized, sold, issued, delivered, and 142015  
validated, in conformity with that amendment pursuant to section 142016  
2p of Article VIII, Ohio Constitution, and other applicable 142017  
provisions of the Ohio Constitution and the Revised Code. 142018

**Section 803.300.** (A) The amendment by this act of sections 142019  
5595.03, 5595.06, and 5595.13 applies to regional transportation 142020  
improvement projects to which any of the following applies: 142021

(1) The effective date of the cooperative agreement for the 142022  
project is on or after the effective date of this section. 142023

(2) The cooperative agreement for the project is amended by 142024  
the participating counties on or after the effective date of this 142025  
section. 142026

(3) The governing board of the project receives revenue from 142027  
the state, a political subdivision, or a taxing district under 142028  
section 5595.06 of the Revised Code on or after the effective date 142029  
of this section. 142030

(B) If the act's amendment of sections 5595.03, 5595.06, and 142031  
5595.13 of the Revised Code conflicts with the cooperative 142032  
agreement of a regional transportation improvement project 142033  
described by division (A) of this section, the participating 142034  
counties shall amend the cooperative agreement in the manner 142035  
prescribed by division (D) of section 5595.03 of the Revised Code 142036  
to comply with the act's amendment of those sections. 142037

**Section 803.330.** The amendment by this act of section 142038  
4503.066 of the Revised Code shall apply to applications and forms 142039  
due to the county auditor in tax year 2017 and thereafter. 142040

**Section 803.340.** The amendment by this act of section 5709.92 142041  
of the Revised Code applies to payments to be made under that 142042  
section in fiscal year 2018 and thereafter. 142043

**Section 803.350.** For each county, the amendment by this act 142044  
of sections 5713.31, 5713.34, and 5715.01 of the Revised Code 142045  
shall apply to the first tax year after tax year 2016 in which a 142046  
sexennial appraisal or triennial update is performed for the 142047  
county. 142048

**Section 803.360.** The amendment by this act of section 5747.70 142049  
of the Revised Code applies to taxable years ending on or after 142050  
the effective date of this act. 142051

**Section 803.370.** The amendment by this act of sections 142052  
5743.01, 5743.51, 5743.62, and 5743.63 of the Revised Code applies 142053  
to invoices dated on or after July 1, 2017. 142054

**Section 806.10.** The items of law contained in this act, and 142055  
their applications, are severable. If any item of law contained in 142056  
this act, or if any application of any item of law contained in 142057  
this act, is held invalid, the invalidity does not affect other 142058  
items of law contained in this act and their applications that can 142059  
be given effect without the invalid item of law or application. 142060

**Section 809.10.** An item of law, other than an amending, 142061  
enacting, or repealing clause, that composes the whole or part of 142062  
an uncodified section contained in this act has no effect after 142063  
June 30, 2019, unless its context clearly indicates otherwise. 142064

**Section 812.10.** Except as otherwise provided in this act, the 142065  
amendment, enactment, or repeal by this act of a section is 142066  
subject to the referendum under Ohio Constitution, Article II, 142067  
section 1c and therefore takes effect on the ninety-first day 142068  
after this act is filed with the Secretary of State or, if a later 142069  
effective date is specified below, on that date. 142070

Sections 3701.83, 3704.035, 3710.01, 3710.02, 3710.04, 142071  
3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 142072  
3710.11, 3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, and 142073  
3710.99 of the Revised Code take effect January 1, 2018. 142074

Sections 107.56, 125.22, 4709.02, 4709.04, 4709.05, 4709.06, 142075  
4709.07, 4709.08, 4709.09, 4709.10, 4709.12, 4709.13, 4709.14, 142076  
4709.23, 4709.26, 4709.27, 4713.01, 4713.02, 4713.03, 4713.04, 142077  
4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.082, 142078  
4713.09, 4713.11, 4713.13, 4713.141, 4713.17, 4713.20, 4713.22, 142079  
4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 4713.31, 4713.32, 142080  
4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.44, 4713.45, 142081  
4713.48, 4713.50, 4713.51, 4713.55, 4713.57, 4713.58, 4713.59, 142082  
4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 142083  
4713.68, 4713.69, and 4723.05 of the Revised Code take effect on 142084

January 21, 2018. 142085

**Section 812.20.** The amendment, enactment, or repeal by this 142086  
act of the sections listed below is exempt from the referendum 142087  
under Ohio Constitution, Article II, section 1d and therefore 142088  
takes effect immediately when this act becomes law or, if a later 142089  
effective date is specified below, on that date. 142090

Sections 3301.0715, 4301.43, 5168.75, 5168.76, 5168.77, 142091  
5168.78, 5168.79, 5168.80, 5168.81, 5168.82, 5168.83, 5168.84, 142092  
5168.85, 5168.86, 5743.01, 5743.03, 5743.081, 5743.51, 5743.62, 142093  
and 5743.63 of the Revised Code. 142094

The amendment by this act of section 5164.753 of the Revised 142095  
Code takes effect on July 1, 2017. 142096

The amendment by this act of section 5751.02 of the Revised 142097  
Code takes effect July 1, 2017. 142098

Sections of this act prefixed with section numbers in the 142099  
200s, 300s, and 400s. 142100

Sections 610.20, 610.21, 610.30, 610.31, 610.38, 610.39, 142101  
610.50, and 610.51 of this act. 142102

Section 701.20 of this act. 142103

Section 757.20 of this act. 142104

Sections 803.180, 803.210, and 803.370 of this act. 142105

Sections or parts of sections that state that referenced 142106  
sections in whole or in part are exempt from the referendum. 142107

**Section 812.40.** (A) The repeal of sections 5115.01, 5115.02, 142108  
5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, and 142109  
5115.23 and the amendment of sections 126.35, 131.23, 323.01, 142110  
323.32, 329.03, 329.051, 2151.43, 2151.49, 3111.04, 3113.06, 142111  
3113.07, 3119.05, 5101.16, 5101.17, 5101.18, 5101.181, 5101.184, 142112

5101.26, 5101.27, 5101.28, 5101.33, 5101.35, 5101.36, 5117.10, 142113  
5123.01, 5168.02, 5168.09, 5168.14, 5168.26, 5502.13, 5709.64, and 142114  
5747.122 of the Revised Code take effect on December 31, 2017. 142115

(B) Notwithstanding the provisions of Chapter 5115. of the 142116  
Revised Code, on and after the effective date of this section and 142117  
until December 31, 2017, all of the following apply to the 142118  
Disability Financial Assistance Program: 142119

(1) Beginning July 1, 2017, the Department of Job and Family 142120  
Services shall not accept any new application for disability 142121  
financial assistance. 142122

(2) Before July 31, 2017, the Department shall notify the 142123  
following individuals that benefits shall terminate on July 31, 142124  
2017: 142125

(a) Recipients who have applications for Supplemental 142126  
Security Income or Social Security Disability Insurance benefits 142127  
pending before the federal Social Security Administration and who 142128  
have received a denial of reconsideration from the Administration 142129  
on or before July 1, 2017; 142130

(b) Recipients who do not have applications for Supplemental 142131  
Security Income or Social Security Disability Insurance benefits 142132  
pending before the Social Security Administration and who have 142133  
received from the Administration on or before July 1, 2017, an 142134  
initial denial of benefits or denial of reconsideration. 142135

(3) Beginning on July 1, 2017, and ending on October 1, 2017, 142136  
the Department shall provide disability financial assistance 142137  
benefits only to recipients who have not received a denial of 142138  
reconsideration from the Social Security Administration. 142139

(4) After October 1, 2017, the Department shall provide 142140  
disability financial assistance benefits only to recipients who 142141  
have applications for Supplemental Security Income or Social 142142

Security Disability Insurance benefits pending before the Social Security Administration and have not received a denial of reconsideration from the Administration.

(C) Until July 1, 2019, the Department, or the county department of job and family services at the request of the Department, may take any action described in former section 5115.23 of the Revised Code to recover erroneous payments, including instituting a civil action.

(D) Beginning December 31, 2017, the Executive Director of the Governor's Office of Health Transformation, in cooperation with the Directors of the Departments of Job and Family Services and Mental Health and Addiction Services, the Medicaid Director, and the Executive Director of the Opportunities for Ohioans with Disabilities Agency, shall ensure the establishment of a program to do both of the following:

(1) Refer adult Medicaid recipients who have been assessed to have health conditions to employment readiness or vocational rehabilitation services;

(2) Assist adult Medicaid recipients who have been assessed to have disabling health conditions to expedite applications for Supplemental Security Income or Social Security Disability Insurance benefits.

**Section 815.10.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

|                                                                                                                                             |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Section 105.41 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly.                      | 142173<br>142174           |
| Section 109.572 of the Revised Code as amended by both Sub. H.B. 523 and Am. Sub. S.B. 227 of the 131st General Assembly.                   | 142175<br>142176           |
| Section 135.143 of the Revised Code as amended by both Sub. H.B. 471 and Sub. H.B. 476 of the 131st General Assembly.                       | 142177<br>142178           |
| Section 135.63 of the Revised Code as amended by both Sub. H.B. 545 and Am. Sub. H.B. 562 of the 127th General Assembly.                    | 142179<br>142180           |
| Section 2151.353 of the Revised Code as amended by both Sub. H.B. 50 and Sub. H.B. 158 of the 131st General Assembly.                       | 142181<br>142182           |
| Section 2151.417 of the Revised Code as amended by both Am. Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.              | 142183<br>142184           |
| Section 2329.66 of the Revised Code as amended by both H.B. 155 and Sub. S.B. 11 of the 131st General Assembly.                             | 142185<br>142186           |
| Section 2929.20 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. S.B. 97 of the 131st General Assembly.                 | 142187<br>142188           |
| Section 3302.03 of the Revised Code as amended by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly.                  | 142189<br>142190           |
| Section 3313.372 of the Revised Code as amended by both Am. Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.              | 142191<br>142192           |
| Section 3314.03 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st General Assembly. | 142193<br>142194<br>142195 |
| Section 3318.37 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.               | 142196<br>142197           |
| Section 3326.11 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st General Assembly. | 142198<br>142199<br>142200 |
| Section 3734.42 of the Revised Code as amended by both Sub.                                                                                 | 142201                     |



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| S.B. 294 and Sub. S.B. 302 of the 129th General Assembly.          | 142202 |
| Section 3742.01 of the Revised Code as amended by both Am.         | 142203 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. | 142204 |
| Section 3781.06 of the Revised Code as amended by both Sub.        | 142205 |
| H.B. 276 and Am. Sub. H.B. 487 of the 129th General Assembly.      | 142206 |
| Section 4301.62 of the Revised Code as amended by Sub. H.B.        | 142207 |
| 37, Sub. H.B. 47, Sub. H.B. 178, and Sub. H.B. 342, all of the     | 142208 |
| 131st General Assembly.                                            | 142209 |
| Section 4725.09 of the Revised Code as amended by both Am.         | 142210 |
| Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.     | 142211 |
| Section 4729.01 of the Revised Code as amended by Sub. H.B.        | 142212 |
| 216, Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 332, all of the   | 142213 |
| 131st General Assembly.                                            | 142214 |
| Section 4729.51 of the Revised Code as amended by both Sub.        | 142215 |
| H.B. 290 and Sub. S.B. 319 of the 131st General Assembly.          | 142216 |
| Section 4731.07 of the Revised Code as amended by both Am.         | 142217 |
| Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.      | 142218 |
| Section 4731.22 of the Revised Code as amended by Sub. H.B.        | 142219 |
| 290, Sub. S.B. 127, and Sub. S.B. 319, all of the 131st General    | 142220 |
| Assembly.                                                          | 142221 |
| Section 4731.295 of the Revised Code as amended by both Sub.       | 142222 |
| H.B. 320 of the 130th General Assembly and Am. Sub. H.B. 64 of the | 142223 |
| 131st General Assembly.                                            | 142224 |
| Section 5123.47 of the Revised Code as amended by both Sub.        | 142225 |
| H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.      | 142226 |
| Section 5149.311 of the Revised Code as amended by both Am.        | 142227 |
| Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. | 142228 |
| Section 5165.01 of the Revised Code as amended by both Sub.        | 142229 |
| H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.      | 142230 |

|                                                                   |        |
|-------------------------------------------------------------------|--------|
| Section 5703.57 of the Revised Code as amended by both Sub.       | 142231 |
| H.B. 5 and Am. Sub. S.B. 243 of the 130th General Assembly.       | 142232 |
| Section 5709.12 of the Revised Code as amended by Sub. H.B.       | 142233 |
| 166, Sub. H.B. 182, and Am. Sub. H.B. 233, all of the 131st       | 142234 |
| General Assembly.                                                 | 142235 |
| Section 5739.01 of the Revised Code as amended by both Sub.       | 142236 |
| H.B. 390 and H.B. 466 of the 131st General Assembly.              | 142237 |
| Section 5747.02 of the Revised Code as amended by both Sub.       | 142238 |
| H.B. 182 and Sub. S.B. 208 of the 131st General Assembly.         | 142239 |
| <b>Section 815.20.</b> Several sections of law in this act are    | 142240 |
| amended more than once by this act. If the amendments are without | 142241 |
| reference to one another, they are to be harmonized and effect    | 142242 |
| given to each amendment under division (B) of section 1.52 of the | 142243 |
| Revised Code. If, however, the amendments are irreconcilable and  | 142244 |
| cannot be harmonized, they are to be construed under section 1.51 | 142245 |
| of the Revised Code.                                              | 142246 |